



## AFFIDAVIT

I, Daniel A. Garrabrant, being duly sworn, depose and say:

1. I have been an Special Agent with the Federal Bureau of Investigation ("FBI") for approximately twelve years. While employed at the FBI, I have received training in the investigation of federal crimes. My duties include the investigation of the sexual exploitation of children. During the course of my career, I have been involved in numerous investigations and prosecutions, including those involving violent crime, crimes against children, money laundering, narcotics offenses and firearms trafficking, among others. I am aware of the facts contained herein based upon my review of available documents, my own investigation, as well as my discussions with other law enforcement officers having knowledge of the case from their participation in the investigation. I have not included all of the facts known to me in this affidavit, just those facts which I believe necessary to establish probable cause to support the instant Complaint.
2. On June 29, 2010 the Burlington County Prosecutor's Office was notified by a New Jersey Park Ranger that the victim, N.C. (year of birth 1999) reported that he was sexually assaulted by a family friend on June 27, 2010. N.C.'s mother was identified as K.C., and N.C.'s father was identified as M.C. The alleged assault reportedly occurred at the Bass River State Forest, Bass River Township, Burlington County New Jersey. As a result, the Burlington County Prosecutor's Office and the New Jersey State Police opened an investigation.
3. On July 2, 2010, trained law enforcement personnel interviewed N.C. at the Child

Advocacy Center (CAC) located in Mt. Holly, New Jersey. During the interview, N.C. reported that between June 25, 2010 and June 27, 2010, he was camping in the Bass River State Forest with another juvenile male friend identified as E.O. (year of birth 1998) and BRIAN KILLION, an adult male (DOB - 11/21/1972). Investigation revealed that a New Jersey Department of Environmental Protection Division of Parks and Forestry State Park permit/receipt indicates Brian Killion checked into site number 159 in Bass River State Forest on June 25, 2010. Brian Killion paid \$40.00 for the rental period (1:00 am June 25, 2010 to 12:00 p.m. June 27, 2010). The permit notes that three individuals were in Brian Killion's party.

4. N.C. explained that on the morning of June 27, 2010, Brian Killion attempted to wake him. N.C. advised Brian Killion that he did not wish to wake up because he was tired. In response, Brian Killion stated, "If you don't wake up, I'm going to do something to you." N.C. advised that Brian Killion removed N.C.'s pants and performed oral sex on N.C. until N.C. ejaculated. N.C. noted that Brian Killion masturbated while performing oral sex on N.C. and advised that Brian Killion ejaculated into a tissue that was later discarded with the trash. N.C. indicated that he ejaculated into his shorts that were placed nearby by Brian Killion. N.C. described his shorts as black with a red stripe. According to N.C., the incident was witnessed by E.O. N.C. stated that Brian Killion apologized to him after the incident. N.C. advised that Brian Killion, N.C. and E.O. all slept on sleeping bags that were provided by Brian Killion. N.C. described the sleeping bags that he and E.O. slept on as being black on the outside and tan and plaid on the inside. Brian Killion's sleeping bag was described as black on the inside and outside. N.C. stated that he knows

the sleeping bags to be stored in a closet in Brian Killion's bedroom.

5. N.C. described Brian Killion as a "family friend." N.C. stated that Brian Killion has taken N.C. on several overnight trips and N.C. has spent numerous nights over Brian Killion's house with N.C.'s parent's permission. N.C. noted that on several occasions, Brian Killion has masturbated in front of N.C. during these overnight stays. N.C. also stated that during the overnight stays, Brian Killion has shown him "toys," including a "Flip-A-Sista" fake vagina that Brian Killion placed on his penis and "used it" in N.C.'s presence. N.C. further described the fake vagina as having a "butt on the other side with a hole." N.C. knows Brian Killion to hide the fake vagina "under some coats" located on the floor to the right of the door entering his bedroom. N.C. stated that Brian Killion used a lubricant with the words "Feel the Zing" written on the container when he masturbated. The lubricant was in a bottle shaped like a "cylinder" with a top that looked like a "half-sphere." The bottle is "blue and pink with a butterfly on it" and N.C. knows it to be stored on the computer tower located under Brian Killion's bed. N.C. noted that Brian Killion has asked N.C. if he would "masturbate him" or "hold his penis" when he ejaculated on numerous occasions, but N.C. stated that he refused.
6. N.C. reported that Brian Killion has shown him pornography on numerous occasions. He explained that the pornography is "guys and girls", specifically a website named "Bang Bros." N.C. advised that he has viewed the pornography on Brian Killion's personal computer, which is located in Killion's bedroom under the bunk bed. N.C. explained that Brian Killion sleeps on the top bunk, and the computer is located under the top bunk where the bottom bunk would normally be.

7. K.C., N.C.'s mother, advised that she retained N.C.'s pants, anticipating that the police may want them as evidence. On July 2, 2010, law enforcement personnel took custody of one (1) brown paper bag that contained the pair of black shorts with a red stripe and two (2) pillow cases used by N.C. during the camping trip. The items were secured into evidence at the Burlington County Prosecutor's Office, the county of residence of N.C.
8. On July 6, 2010, a consensual intercept was performed at N.C.'s residence. K.C. contacted Brian Killion via cellular telephone. In sum and substance, Brian Killion admitted to K.C. that he performed oral sex upon N.C. Brian Killion explained to K.C. that he did not know why he committed the act, but scheduled an appointment with a psycho-therapist as a result of the incident.
9. There are open charges in Burlington County, New Jersey against Brian Killion for the alleged criminal activity involving N.C.
10. On July 14, 2010, Investigators from the New Jersey State Police and the Burlington County Prosecutors Office responded to 629 N. Shore Road, Absecon City, Atlantic County, New Jersey and executed a search warrant issued by the Superior Court of New Jersey, Burlington County.
11. The following items were removed from Killion's residence:
  - (1) Thermaltake Custom Computer, red and black in color, bearing no serial number, located in Killion's bedroom;
  - (2) WD400 Hard Drive S/N: WCAMC1425055, located in Killion's bedroom;
  - (3) Gateway Laptop Computer Model W34OUI, S/N: N1974A1005956, located in Killion's bedroom;

- (4) Brown case and its contents, namely a Yashika FX-3 camera and film, located in Killion's bedroom;
- (5) Floppy disks found in a wicker basket, located in Killion's bedroom;
- (6) Hard Drive S/N: 05016354, located in Killion's bedroom;
- (7) Intel Pentium Computer, S/N A504BW7C, located in Killion's bedroom;
- (8) Multiple electronic cords found in a black backpack, located in Killion's bedroom;
- (9) Five (5) hard drives, including: (a) Maxtor, Model #90644D3, S/N A30QNN0C; (b) Seagate, Model #FT31082A, S/N FNAGL2Y; © Seagate Model #FT31082A, S/N FNAQX3V; (d) Western Digital, Model #WDAC31600-08H, Part # 99-004169007 (e) IBM, Model# H3256-A3, Part #5368793; located in Killion's bedroom;
- (10) Tungsten Palm Pilot, bearing S/N 00V5A8L32FRX, located in Killion's bedroom;
- (11) CD-R labeled "Christine Simmons," located in Killion's bedroom;
- (12) 4 compact disks labeled "photos;"
- (13) Kodak Easy Share digital camera, bearing S/N KOKC132604836, located in Killion's bedroom;
- (14) Miscellaneous computer disks, located in Killion's bedroom;
- (15) 15 miscellaneous backup disks, located in Killion's bedroom;
- (16) Hewlett Packard Computer S/N: 0393EC1TAA7PA03839, located in the living room of the residence and provided to the Atlantic County

Prosecutor's Office by consent of defendant's mother, Jean Killion;

- (17) Data Traveler 2GB thumb drive, located in Killion's bedroom; and
- (18) Verizon Blackberry cellular telephone, Model 9530, PIN 307880D0, located in Killion's bedroom;
- (19) "Flip-A-Sista" sex toy, located in Killion's bedroom;
- (20) "Feel The Zing" personal lubricant, located in Killion's bedroom;
- (21) Two (2) black sleeping bags with tan plaid interior;
- (22) Two camping tents;
- (23) Photograph of W.J. fishing; and
- (24) Napkin with a telephone number and a note from W.J.

12. On July 23, 2010, after the execution of a search warrant of Brian Killion's residence, another minor child, identified as W.J. (year of birth 1993), responded to the Atlantic County Prosecutors Office to be interviewed regarding his contact with Brian Killion.

W.J. provided the following information;

- a. W.J. met Killion when W.J. was approximately 11 years old. Killion was in a string band, and the victim was in the same string band. W.J. and Killion developed a friendship.
- b. Killion began transporting W.J. to Killion's residence in Absecon, New Jersey. At the residence, Killion showed W.J. both adult pornography, and child pornography.
- c. Killion took W.J. to Broadway shows, to see historic places, and on camping trips. Killion and W.J. traveled to Pennsylvania, New York, Virginia, and Florida.

During those trips, Killion touched W.J.'s penis, masturbated him, and performed oral sex upon him. Killion also exposed his own penis and masturbated in front of W.J. W.J. stated that there were more than 50 incidents where Killion masturbated W.J. W.J. described camping with Killion in a green tent owned by Killion during some of the trips.

- d. W.J. stated that Killion documented his growth on a chart. Killion measured W.J.'s body parts, including his penis with a brown wooden ruler, and kept track of the measurements in a log. Killion also took photos of W.J.'s penis with a small silver camera that was kept in a black case by the computer.
  - e. Killion masturbated W.J. in Killion's pick up truck at various locations, including New York.
  - f. Killion photographed W.J. nude and with an erect penis. W.J. observed Killion load these images onto Killion's computer located in Killion's bedroom.
  - g. W.J. advised that Killion bought W.J. gifts and presents every time he traveled with Killion. Killion also gave W.J.'s mother money to help her pay bills. W.J. recalled Killion using a credit card on multiple occasions to pay for things when W.J. traveled with Killion.
  - h. W.J. advised that he often saw Killion with other boys younger than W.J. at Killion's residence, including a boy named "Noah" and a boy named "John."
13. State law enforcement contacted Your Affiant to join this investigation due to the alleged interstate travel involving W.J. and the potential for additional victims.
14. Your Affiant performed a check of New Jersey Department of Motor Vehicles records

indicates that Brian Killion's address of record is listed as 629 North Shore Road, Absecon, New Jersey. Killion's vehicle, a 2004 white Dodge Ram pickup truck, bearing New Jersey registration EF5-76Z and VIN No. 1D7HA18N94S735842 is also registered to that residence.

15. Atlantic County Tax records indicate that the residence at 629 N. Shore Road, Absecon City, Atlantic County, New Jersey is owned by Mary Jean Killion.
16. The New Jersey State Police and local law enforcement did not have the benefit of the information provided by W.J. at the time of the initial search of Killion's residence on July 14, 2010. The information provided by W.J. includes (a) allegations of interstate travel in connection with the sexual exploitation of W.J., (b) production of child pornography where, at a minimum, W.J. was the subject, (c) the specific use of a computer as it relates to manufacture, possession, and possible distribution of child pornography, (d) use of Killion's vehicle in furtherance of the sexual exploitation of W.J., and (e) records and instrumentalities (including a log or growth chart and brown wooden ruler referenced by W.J. in his interview) relating to the travel, grooming process (gifts purchased by Killion for W.J. and payment records of Killion to W.J.'s mother for bills), and exploitation of W.J. As a result, Your Affiant applied for, and received, a court-authorized search warrant of Killion's residence, as well as Killion's vehicle identified in paragraph 14 above.
17. On or about August 13, 2010 Your Affiant, along with federal and state law enforcement, executed the federal search warrant on Killion's residence. Law enforcement seized numerous items from Killion's bedroom, including:

- (1) a diagram detailing what appeared to be a child's growth chart;
- (2) photographs of children;
- (3) discarded tissues in a trash can in Killion's bedroom;
- (4) brochures for Medieval Times and Kennedy Space Center; and
- (5) numerous receipts and other business records.

18. On the same date, federal and state law enforcement executed a search warrant on Killion's vehicle. In pertinent party, law enforcement seized:

- (1) camping equipment including 3 sleeping bags and a green tent;
- (2) maps and travel documents; and
- (3) brown ruler with an apparent hair stuck to the ruler.

19. During the course of this investigation, Your Affiant reviewed the computer evidence from the computers seized from Killion's residence by state law enforcement on July 14, 2010. Your Affiant located images of child pornography, including images of child pornography involving W.J.

20. Your Affiant interviewed W.J. who confirmed that certain images seized from Killion's computer were of him. Furthermore, W.J. confirmed that the images were taken by Killion, in Killion's bedroom, using a silver digital camera. The images depict W.J.'s penis. In addition, W.J. confirmed that the growth chart seized from Killion's bedroom was a growth chart used by Killion to detail W.J.'s growth, including measurements of W.J.'s erect penis. The dates on the growth chart, June 3, 2006, October 1, 2006, October 22, 2006 and April 15, 2007, indicate dates when W.J. was between 12 and 13 years of age.