

UNITED STATES DISTRICT COURT

for the
District of New Mexico



United States of America)

v.)

NOLIN LEUPP)
(YOB 1998))

Case No. 24MJ1854 LF)
)
)
)
)
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 27 in the county of McKinley in the
 District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. §§ 2252A(a)(2)	activities relating to material constituting or containing child pornography
18 U.S.C. §§ 2252A(b)(1)	activities relating to material constituting or containing child pornography
18 U.S.C. §§ 2256	SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

Michael Dalpini

Complainant's signature

Michael Dalpini, Special Agent

Printed name and title

Telephonically sworn and electronically signed.

Date: 12/20/2024

City and state: Albuquerque, New Mexico

Laura Fashing

Judge's signature

Hon. Laura Fashing, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT AND ARREST WARRANT

I, Michael Dalpini, being duly sworn, state as follows:

1. This affidavit is made in support of a Criminal Complaint for NOLIN LEUPP, (hereinafter referred to as LEUPP), date of birth January 2, 1998.

2. I am a Special Agent with the FBI and have been so employed since July 2022. As such, I am a law enforcement officer of the United States within the meaning Federal Rule of Criminal Procedure 41(a)(2)(c), and I am empowered by law to conduct investigations and to make arrests for criminal offenses, to include those enumerated in Title 18 of the United States Code. I am currently assigned to the Los Angeles Field Office, on temporary assignment to the Albuquerque Field Office, Gallup Resident Agency. My primary duties as a Special Agent with the FBI in Los Angeles include investigating International and Domestic Terrorism and have previous experience investigating cases involving child sexual abuse material. While on assignment to the Gallup Resident Agency, my primary duties as a Special Agent with the FBI include investigating crimes occurring in Indian Country. I have gained experience in the conduct of such investigations through previous case investigations, formal training, and in consultation with law enforcement partners in local, state, tribal, and federal law enforcement agencies. As a Federal Agent, I am authorized to investigate violations of the laws of the United States and have authority to execute criminal complaints and search warrants issued under the authority of the United States.

3. This affidavit is based upon my personal investigation, as well as information reported to me by other federal, state, tribal, and local law enforcement officers during the course of their official duties. Throughout this affidavit, reference will be made to law enforcement officers. Law enforcement officers are those federal, state, tribal, and local law enforcement officers who have directly participated in this investigation. This affidavit is also based upon information gained from interviews with cooperating citizen witnesses, whose reliability is established separately herein.

4. Based on my training, experience, and the facts set forth in this affidavit, I believe there is probable cause that violations of 18 U.S.C. §§ 2252A(a)(2), 2252A(b)(1), and 2256, that being Receipt of Child Pornography, have been committed by LEUPP.

5. Because this affidavit is submitted for the limited purpose of securing

authorization for the proposed warrant, I have not included each and every fact known to me concerning this investigation. This affidavit is intended to show that there is sufficient probable cause for the requested arrest warrant.

RELEVANT STATUTES

6. This investigation concerns an alleged violation of certain activities relating to the sexual exploitation of minors:

a. Title 18 U.S.C. §§ 2252A(a)(2) and 2252A(b)(1) make it a federal crime for “[a]ny person who knowingly receives or attempts to receive any child pornography as defined in 18 U.S.C. § 2256(8), that has been mailed, and has been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and that has been shipped and transported using any means and facility of interstate and foreign commerce.”

RELEVANT LEGAL DEFINITIONS

7. The following terms are relevant to this affidavit in support of this application for an arrest warrant:

a. *Child Pornography*: The term “child pornography” is defined at 18 U.S.C. § 2256(8). It consists of any visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct.

b. *Minor*: The term “minor” means any person under the age of eighteen years. *See* 18 U.S.C. § 2256(1).

c. *Sexually Explicit Conduct*: The term “sexually explicit conduct” means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any persons. *See* 18 U.S.C. § 2256(2).

BACKGROUND ON SNAPCHAT

8. Snapchat is a multimedia messaging application made by Snap Inc. (Snap) that

can consist of a short video photo that can be edited to include filters and effects, text, captions, and drawings. These messages are called “snaps” and are then shared with others via an internet connection. Snaps can be saved digitally, and can be encrypted by putting them in a “for my eyes only” directory.

9. Snapchat users can also use a “chat” feature, which enables users to type messages and send photos, videos, audio notes, and video notes to friends within the Snapchat application. Once a chat message is viewed by both the sender and recipient, and both parties swipe away from the chat screen, the message will be cleared. Within the Snapchat application itself, a user can opt to save part of the chat by tapping on the message that they want to keep. The user can clear the message by tapping it a second time.

10. Snapchat and its servers are distributed worldwide, while the headquarters are in Santa Monica, California. Registration to Snapchat requires a digital device.

BACKGROUND ON DISCORD

11. Discord is a messaging platform created by Discord, Inc. Users can connect with each other through chat, voice, and video. Discord has both a desktop and mobile application, and the service can be accessed directly from the website at <https://www.discord.com>. Based on my training and experience, I am familiar with the social media platform called Discord, and I have engaged in child pornography investigations involving this platform. I have spoken with other experienced law enforcement agents who have investigated criminal conduct occurring on this platform, and I have researched the platform and its capabilities on the Internet. Based on this experience, I know the following information about Discord:

12. Discord owns and operates a free access all-in-one voice and text chat application and website of the same name that can be accessed at <https://www.discord.com>.

13. To use Discord, a user creates an account and uses the account to communicate with other Discord users. When signing up for a Discord account, the user must agree to Discord’s Terms of Service, which state, among other things: “you must comply with...all applicable laws, rules, and regulations, and you must only use [Discord] for authorized and acceptable purposes,” and, “don’t use [Discord] to do anything else that’s illegal.”

14. There are different features that a user can access on Discord. Discord users can exchange private messages between users (messages that do not appear in any text channel, but which are revealed only to the users participating in the private communication), participate in

text chat communications.

PROBABLE CAUSE

15. On December 08, 2024, the FBI Albuquerque, Gallup Resident Agency, was notified by a private citizen, TJ, year of birth 2005 (hereinafter referred to as WITNESS 1), of a suspected child sex assault by LEUPP near his property located at 15B Rodeo Road, Vanderwagen, New Mexico 87326 (hereinafter referred to as “the residence”). WITNESS 1 was contacted by a childhood friend, LB, year of birth 2003 (hereinafter referred to as WITNESS 2), who disclosed that her half-sister, MB, year of birth 2013 (hereinafter referred to as JANE DOE), was sneaking out of the house late at night to meet up with LEUPP. WITNESS 2 was shown Snapchat messages by GB, year of birth 2008 (hereinafter referred to as WITNESS 3) that were between JANE DOE and LEUPP. According to WITNESS 2, the Snapchat messages between JANE DOE and LEUPP were of a sexual nature and involved plans to meet in person late at night. WITNESS 3 had knowledge of the Snapchat messages because WITNESS 3 lives with JANE DOE.

16. On December 08, 2024, FBI Agents interviewed WITNESS 3 at their residence. WITNESS 3 provided the following information: On or about November 15, 2024, WITNESS 3 was awoken around 2:15 AM to JANE DOE leaving the house. WITNESS 3 thought it was weird that JANE DOE was leaving the house in the middle of the night and looked through her messages on her tablet. In JANE DOE’s tablet, WITNESS 3 found messages on Snapchat between JANE DOE and LEUPP that were of a sexual nature and included plans to meet in person that night. WITNESS 3 took a video of the messages on Snapchat and provided it to the FBI. JANE DOE returned to the house around 3:15 AM and deleted all of her Snapchat messages. JANE DOE and LEUPP are related to one another, and LEUPP lives next door to JANE DOE.

17. Agents have reviewed the video taken by WITNESS 3, which does depict a conversation between JANE DOE and LEUPP where sex acts and plans to meet in person were discussed.

18. On December 18, 2024, WITNESS 2 was interviewed at the FBI Albuquerque, Gallup Resident Agency. WITNESS 2 provided the following information: JANE DOE is WITNESS 2’s younger sister. WITNESS 3 showed WITNESS 2 the Snapchat messages between JANE DOE and LEUPP. Based on the messages, WITNESS 2 was concerned that LEUPP was

having a sexual relationship with JANE DOE.

19. On December 19, 2024, FBI Agents interviewed LEUPP at his residence located at 15B Rodeo Road, Vanderwagen, New Mexico, 87326. LEUPP provided the following information: LEUPP was in a romantic relationship with JANE DOE. Their relationship started in 2023 and ended in November 2024. LEUPP kissed JANE DOE for the first time in May 2024 near his residence. In May 2024, JANE DOE touched LEUPP's penis for the first time near his residence. In October 2024, JANE DOE touched LEUPP's penis a second time near his residence. Between August 2024 and November 2024, LEUPP sent JANE DOE two pictures of his penis on Snapchat. LEUPP asked JANE DOE to send him naked photos via Snapchat on multiple occasions, but JANE DOE never did.

20. On December 19, 2024, LEUPP provided written consent for FBI Agents to search his phone. Agents audio recorded LEUPP consenting to and signing a consent form for the search of his phone. Upon a preliminary consent manual search of LEUPP's phone, Agents found four videos of suspected child sexual abuse material located in a saved videos folder. Video 1 and video 2 were of different suspected minors performing oral sex on an unknown adult male from a first-person point of view from the unknown male. Video 1 and video 2 were downloaded from Discord on November 27, 2024. Video 3 and video 4 were of one suspected minor undressing and masturbating in a mirror. Video 3 and video 4 were likely downloaded from Snapchat on November 27, 2024, as the suspected minor's Snapchat username was featured in the video.

21. Based on my training and experience, I believe the age of the minor females to be approximately between the ages of 12 to 16 based on their appearance.

22. I am aware that Snapchat and Discord require the use of the Internet, which is a channel of interstate and foreign commerce.

23. I am also aware that iPhone cellular phones are manufactured primarily in China as well as other countries in Asia. iPhones are therefore manufactured outside of the District of New Mexico, which affected interstate and foreign commerce was in the commission of this offense.


CONCLUSION

24. Based on the information set forth in this affidavit, I believe there is probable cause to charge LEUPP with a violation of 18 U.S.C. § 2252A(a)(2), 2252A(b)(1), and 2256,

that being Possession of Child Pornography, on or about December 19, 2024, in the District of New Mexico. Therefore, I respectfully request that the Court approve the criminal complaint and arrest warrant.

25. This complaint was reviewed and approved by Assistant United States Attorney Jesse Pecoraro.

I swear that this information is true and correct to the best of my knowledge.



Michael Dalpini
Special Agent
Federal Bureau of Investigation

Electronically signed to and telephonically sworn to before me
this 20 day of December, 2024.



LAURA FASHING
UNITED STATES MAGISTRATE JUDGE