AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America
v.
Brian D. Hamilton

Case No. 6:23-mj- 2112

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 July 22, 2023 in the county of Orange in the Middle District of Florida, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 2252A(a)(2)	Receipt of child pornography

This criminal complaint is based on these facts:

See affidavit

☑ Continued on the attached sheet.

Complainant's signature

SA Kevin Kaufman, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 10/11/23

Judge's signature

City and state: Orlando, FL

Daniel C. Irick, U.S. Magistrate Judge
Printed name and title

STATE OF FLORIDA **CASE NO. 6:23-mj-**

COUNTY OF ORANGE

AFFIDAVIT

I, Kevin Kaufman, being duly sworn, do hereby depose and state as follows:

This affidavit is submitted in support of a criminal complaint against Brian D. Hamilton (Hamilton) for a violation of 18 U.S.C. § 2252A(a)(2). As set forth in more detail below, I believe there is probable cause that on or about July 22, 2023, in the Middle District of Florida, Hamilton knowingly received child pornography using any means or facility of interstate or foreign commerce, in violation of 18 U.S.C. § 2252A(a)(2).

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since 2004. I am currently assigned to the FBI Crimes Against Children/Innocent Images Unit in Orlando, Florida. While assigned to the FBI Innocent Images Task Force, my responsibilities include investigating possible criminal violations of Title 18 of the United States Code.

2. I have received specialized training in the investigations of sex crimes, child exploitation, child pornography, and computer crimes. I have participated in investigations of persons suspected of violating federal child pornography laws, including 18 U.S.C. §§ 2251 and 2252A. I have also

participated in investigations of persons suspected of enticing minors, in violation of 18 U.S.C. § 2422(b).

3. I have participated in various training courses for the investigation and enforcement of federal child pornography laws in which computers are used as the means for producing, receiving, transmitting, and storing child pornography. Additionally, I have been involved in authoring and have participated in the execution of search warrants involving searches and seizures of computers, computer equipment, software, and electronically stored information.

4. I make this affidavit based on my experience and background as a law enforcement officer, including my experience with the FBI, my personal participation in the investigation, and information provided by other law enforcement officers and agency personnel. As set forth in more detail below, I have probable cause to believe that a crime has taken place, that is, the receipt of child pornography, in violation of 18 U.S.C. § 2252A(a)(2).

STATUTORY AUTHORITY

6. It is a violation of 18 U.S.C. § 2252A(a)(2) to knowingly receive child pornography, as defined in 18 U.S.C. § 2256(8), using any means or facility of interstate commerce, or in or affecting interstate commerce.

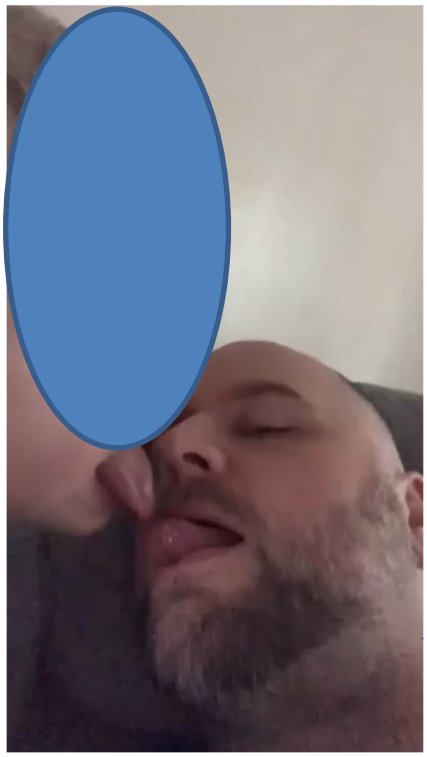
PROBABLE CAUSE

7. On October 3, 2023, I received a lead from the FBI Headquarters (HQ) Child Exploitation Operational Unit (CEOU); this unit is responsible for Operation Rescue Me (ORM). ORM is a strategic partnership between FBIHQ and the National Center for Missing and Exploited Children (NCMEC). ORM focuses strictly on determining the identity of child victims who are depicted in child exploitation material. Various techniques are used to exploit clues and or information that can be observed in the background of child exploitation images or videos, with the hope of first identifying and rescuing the child victim(s), and second, developing information that leads to the capture the suspected perpetrator.

8. The CEOU, which is part of the FBI Criminal Investigative Division's (CID) Violent Crime Section (VCS), currently maintains responsibility for the ORM initiative. The CEOU's ORM team works with field offices once specific information is developed that is actionable.

9. On August 31, 2023, a reliable foreign partner contacted ORM and referred a series of child sexual abuse material (CSAM) that was first seen in Cybertip -120736412. This Cybertip was submitted by an electronic service provider based on a user on their platform distributing multiple images and videos on or about March 22, 2023. Within these CSAM videos was one eleven

(11) second video of an adult male tongue-kissing a prepubescent male. A still image (redacted to protect the child's identification) from that video is depicted below.

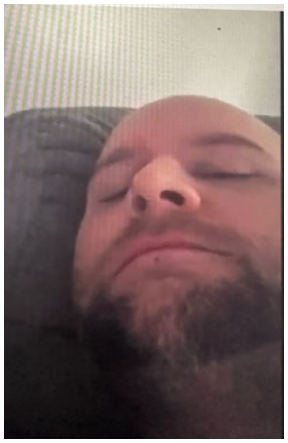


10. The video was distributed with the following caption "Love when boys and daddy kiss 😈😈 you think they will let me join??? #gayincest". The adult male's face is clearly visible in the video as he is sitting on a gray colored, textured fabric couch. The FBI utilized an open-source image repository to analyze the images closely and compare them to all images in the repository. This resulted in the identification of a male on Instagram, with the following account name, instagram.com/harzakthebear. It also identified Facebook

pages from the account, facebook.com/harzak.metallum81. Both these accounts belong to Brian D. Hamilton of Orlando, Florida.

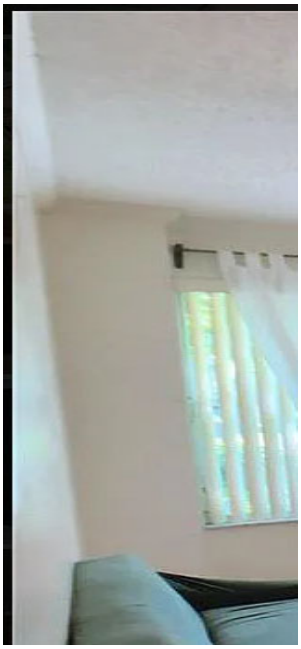
11. After receiving Hamilton's name and personal identifiers, I reviewed his information on the state of Florida Drivers and Vehicle Information Database (DAVID). I compared the male depicted in the video with the DAVID photograph, and based on my training and experience, I believe the two individuals to be the same. The images are set out below. I base my conclusion on the relative size of both individuals, the shape of the face, particularly the mouth, the eyebrows, the shaping of the facial hair-beard and its coloration, as well as the visible forehead based on the receding hairline.

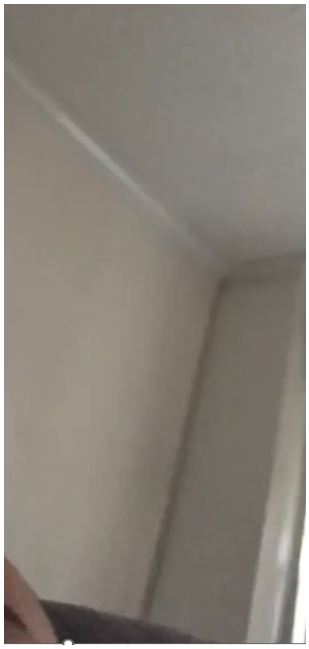




12. DAVID records identify Hamilton's residence as 4856 Spring Run Avenue, Orlando, Florida. I conducted an open-source check on that address and located several images of the inside the residence, online. These images were part of the residence listing for the Subject Residence on the property site

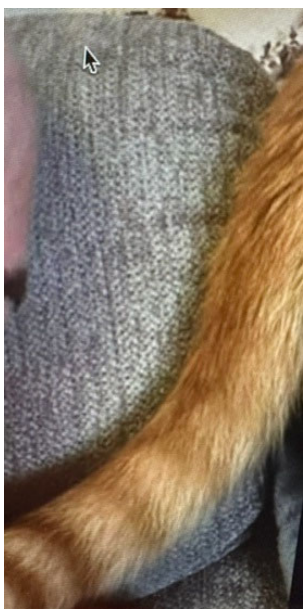
Zillow. I then compared the background in the video to the detailed images that are contained in the property listing. Based on my training and experience, and my observation, one of the rooms in the Zillow listing was very similar to the visible part of the room in the CSAM video in which the individual believed to be Hamilton is tongue-kissing the child victim. The two images are depicted below. Based on my training and experience, the room color, the color and visible texture of the fabric on the couch, the location of the window and the crown-molding that is visible, it is my belief that the CSAM was recorded in this room of the subject property.





13. Open-source checks identified that Hamilton utilized a Facebook page under the name of "Balfre Green". I reviewed all the posted images on this account. I identified one image of Hamilton sitting on a gray couch. That image

is depicted below. Scrutinizing this image very closely, and based on my training and experience, the couch that Hamilton is sitting on is very similar to the couch observed in the video of the adult male believed to be Hamilton kissing the unknown child victim. This conclusion is based on the fabric and color visible in the moving images; I do note that the screen capture does alter the color slightly, making the color of the couch appear darker than on the moving image. Both images are depicted side by side below.



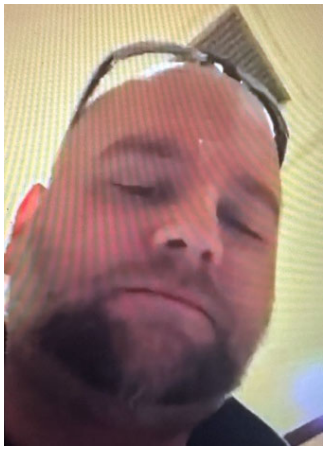


14. CEOU also located another Cybertip-162713839 in which several CSAM images and videos were distributed. Within the CSAM distributed was another video of a person that is believed to be Hamilton kissing the same child victim in a very distinct yellow colored room. I went back Zillow to review the residential images and found an image of a yellow room in the Subject

Residence. Based on my training and experience, and my observation, the room color is very similar if not identical, to include the location of a celling air vent.

15. I then did another screen capture from this second video to get another image of the man believed to be Hamilton's face to compare to the DAVID image. These images are depicted below. Based on my training and experience, and my comparison of the two images, it is my belief that they depict the same individual. I base my conclusion on the following factors: the shape of the face; the visible skin color; the size and shape of the ears; the shape and color of the eyebrows; the shape and color of the facial hair, which includes a gap in the middle of the chin, and with skin under the lower lip visible.





16. Based on the information gathered above, the FBI conducted further searches on Hamilton's social media user account identifiers. During the search, the FBI located three separate Cybertip reports. These Cybertip

reports are identified by their respective numbers and are as follows, numbers 124025570, 53442587, and 50759333.

17. I reviewed Cybertip -124025570 and discovered this report was made anonymously to NCMEC on May 5, 2022. The person who made the report stated that Hamilton sent explicit images of children over a Telegram chat and admitted to molesting multiple children. Hamilton was alleged to have utilized the Telegram account name @HarzakTheBear. I can confirm that this is Hamilton's listed Telegram account.

18. I reviewed Cybertip- 53442587 and discovered that a user in a Facebook group distributed several images and videos of CSAM. More specifically, on August 4, 2019, Hamilton was allegedly in a group in which a Facebook user distributed multiple images and videos of CSAM. Hamilton's Facebook account in this tip was identified as harzak.metallum81, with a date of birth of XX/XX/1981 and a verified confirmed email of harzak.metallum@gmail.com. I can also confirm that harzak.metallum81 is Hamilton's Facebook account/address. In addition, Hamilton's driver's license lists XX/XX/1981, as his date of birth.

19. I reviewed Cybertip- 50759333 and discovered another user reported several Twitter accounts for trading CSAM. The person who reported the tip wrote the following: "The following 150 Twitter accounts were all

reported on 06-19-19 for having Adult, Graphic, and Hateful content by MANY concerned Twitter users. These accounts were selected because they ALL Retweeted and/or Liked one of the following child porn pics. These are all OBVIOUS CHILD PORN!!!" I reviewed the usernames of the Twitter accounts that were reported and identified Hamilton's Twitter account as being part of the group that was alleged to be trading CSAM.

20. Based on the above investigation, a search and seizure warrant was sought for Hamilton's residence, 4856 Spring Run Avenue, Orlando, Florida 32819. On October 10, 2023, the Honorable Magistrate Judge Irick signed the search and seizure warrant, 6:23-mj-2106, which was executed o October 11, 2023.

21. Hamilton was present and after FBI agents secured the residence a non-custodial, recorded interview was conducted of Hamilton. The interview took place outside his residence and inside an FBI vehicle. Hamilton told agents that he had utilized "harzakthebear" and "harzakmettalum81" on several social media platforms to include Telegram, Facebook, Twitter, and Instagram. During the interview, Hamilton was shown many images taken from various social media platforms. Hamilton identified himself in the images and also identified the specific platform they were taken from.

22. Hamilton was shown an image that was clipped from the kissing video described previously. Initially, Hamilton stated the adult male in the image was his brother. However, when asked follow up questions, Hamilton admitted that the image was of him; he was then shown an image of him kissing the young male child. Hamilton identified the child as A.T. and stated that the child was his grandnephew. Hamilton stated A.T. was approximately 5 years old when the video was taken.

23. Hamilton was asked if he touched A.T. during the production of the kissing videos. Hamilton stated that he masturbated A.T.'s penis to arousal on three separate occasions and A.T. touched his (Hamilton's) penis on one occasion. Hamilton stated the incidents occurred in his living room and bathroom of his current residence, as well as in the restroom of a local restaurant. Hamilton stated he utilized an iPhone to record all the encounters at is residence.

24. Hamilton was asked if he viewed CSAM. Hamilton admitted he viewed CSAM and masturbated to CSAM. Hamilton has been viewing CSAM since he was a teenager. Hamilton has tried to stop viewing CSAM but could not. Hamilton stated he last viewed CSAM in March of 2023.

25. Hamilton stated he distributed A.T.'s videos which he produced, to establish bona fides that he is a "hands on with offender" to receive CSAM

in exchange. Hamilton stated that he obtained the CSAM from the platform Telegram. Hamilton told agents that he moved the CSAM he received onto a hard drive stored in a desk drawer in his bedroom on the same day that he received it. Hamilton stated he distributed A.T.'s videos multiple times in order to get CSAM in return.

26. Hamilton stated that he is a pedophile and that he liked children. He also explained that he abused A.T. because he liked children and he was trying to "get even" with his niece because of how she had treated him in the past. Hamilton identified multiple users to whom he sent the videos of A.T.'s abuse. Hamilton last sent the videos of A.T. out in March 2022.

27. During the search of Hamilton's room investigators found boys underwear under the bed. Hamilton recorded himself utilizing the underwear to masturbate and fantasize about sexually interacting with children. Hamilton sent these videos to other people interested in molesting children.

FORENSIC PREVIEW OF BRIAN HAMILTON

28. During the search of the residence, the FBI located multiple devices that were in Hamilton's bedroom and belonged to Hamilton. In particular, the FBI located a Western Digital external hard drive. Agents conducted an initial forensic preview of the device and located numerous videos of CSAM. The CSAM videos were located in a folder titled "Dark Desires"

Sub folder 7336, which Hamilton explained "that those numbers on a telephone keypad spell Pedo".

29. Image file titled Img_2984.: was found on the hard drive; this video is approximately 20 seconds in length. The video depicts an adult male placing his erect penis in an infant's mouth. Preliminary analysis confirms that this file was received by Hamilton on or about July 22, 2023.

CONCLUSION

30. Based on the above, there is probable cause that on or about July 22, 2023, in the Middle District of Florida, Brian D. Hamilton knowingly received child pornography, in violation of 18 U.S.C. § 2252A(a)(2).

Kevin Kaufman
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me
this 11 day of October 2023.

DANIEL C. IRICK
United States Magistrate Judge