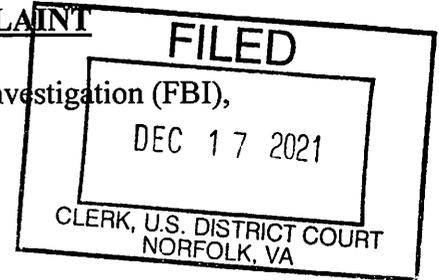


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**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**



I, Amanda Krugler, a Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

**INTRODUCTION**

1. I have been employed as a Special Agent with the FBI since September 2018. I am currently assigned to Norfolk Field Office's Joint Terrorism Task Force and operate as a Special Agent Bomb Technician. While employed by the FBI, I have investigated federal criminal violations related to Weapons of Mass Destruction, including violations related to biological weapons, as defined by 18 U.S.C. § 175(a), and to the possession and manufacturing of destructive devices, as defined by 18 U.S.C. § 921(a)(4). I have participated in investigations involving child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media, including computer media. I have conducted investigations involving multiple peer-to-peer networks, including Freenet, the Darkweb, The Onion Router (TOR), and other online methods of distributing and receiving child pornography. I am authorized by law to conduct investigations, execute warrants issued under the authority of the United States, and make arrests pursuant to violations of United States law.

2. This affidavit is submitted in support of a criminal complaint charging KIM JOSEPH HABIT with knowingly shipping, transporting, and receiving any explosive without being a licensee or permittee, in violation of 18 U.S.C. § 842(a)(3)(A); and possessing child pornography, in violation of 18 U.S.C. § 2252(a)(4)(B).

3. The statements in this affidavit are based in part on my investigation of this matter and on information provided by other law enforcement agents. Since this affidavit is being

submitted for the limited purpose of securing a complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to support the stated charge.

### **STATUTORY AUTHORITY**

4. Title 18, United States Code, Section 842(a)(3)(A) makes it unlawful for any person other than a licensee or permittee knowingly to transport, ship, cause to be transported, or receive any explosive materials.

5. Title 18, United States Code, Section 841(c) states that “‘explosive materials’ means explosives, blasting agents, and detonators.”

6. Title 18, United States Code, Section 841(d) provides that, in relevant part, the term “‘explosives’ means any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion; the term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters.”

7. Title 18, United States Code, Section 2252(a)(4)(B) prohibits any person from knowingly possessing or accessing with the intent to view, or attempting or conspiring to possess or access with the intent to view, 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction that has been mailed, or has been shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer, if the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct.

**PROBABLE CAUSE**

8. The Federal Bureau of Investigation has been investigating KIM JOSEPH HABIT, who resides in Chesapeake, Virginia, which is in the Eastern District of Virginia. The investigation showed that between January 2020 and December 2021, HABIT purchased from several retailers significant quantities of chemicals, lab equipment, and other components, which could be used to create a destructive device or are consistent with items used in the manufacturing of improvised explosives.

9. Additionally, the investigation revealed that an internet user at what was determined to be HABIT's residence was making images of child pornography available to others for downloading via a peer-to-peer file sharing network.

10. A check of publicly available databases revealed that KIM JOSEPH HABIT, a 48-year-old male, lives with his 73-year-old mother at the Chesapeake residence.

11. On December 9, 2021, the FBI obtained a federal search warrant to search the premises in and around HABIT's residence. The search warrant authorized federal agents to seize explosive chemicals, chemical compounds that may be used to produce a destructive device, unlicensed destructive devices, and weapons designed to propel projectiles by the action of an explosive or other propellant, among other things. The search warrant also authorized law enforcement officers to seize computers and any storage media, among other things, and to search those computers and storage media for images of child pornography.

12. On December 14, 2021, agents executed the search warrant for the premises. As a result of that search, law enforcement agents found the following items, among other things:

- One box suspected of containing improvised initiator components, including:

- Grenade fuzing mechanism (striker) which can be cocked back and a primer placed inside;
  - A large quantity of primers;
  - Empty rifle cases/cartridges, which can be used as the casing for an improvised initiator; and
  - Handwritten notes and diagram on how to assemble the device.
- Another box contained components that could be used in combination to create an improvised explosive device, including black powder, what appears to be aluminum powder, cardboard tubing, and cord and hobby fuse, among other items.
- Numerous firearms:
- Silver and black Kahr handgun
  - Russian M44 Mosin-Nagant
  - Ruger 10-22
  - Norinco SKS
  - Kimber handgun
  - Glock 17 handgun
  - Ithaca shotgun
  - Anderson AM-15
- Chemicals in the approximate amounts listed below:
- 100g barium chloride
  - One 1 lb bag and one 12 oz bag of sulfur powder
  - 1 liter of nitric acid
  - 1 liter of hydrochloric acid
  - 1.5 liters of sulfuric acid
- One (1) CS gas grenade.

13. On December 14, 2021, law enforcement agents received information that HABIT used a storage unit at a facility in Chesapeake. A family member paid for the use of the unit and had a key to the unit. Some items of the relative's deceased spouse were stored in the unit. The family member was contacted about the storage unit on December 15, after HABIT was hospitalized. After receiving consent from the relative to search the storage unit, law enforcement agents found the following items, among other things:

- Two (2) spools of military-grade detonating cord, which field tested positive for Pentaerythritol tetranitrate (PETN), an explosive. One spool weighed approximately 3 lbs, including the spool; the other spool weighed approximately 1.4 lbs, not including the spool. Detonating cord is defined in 29 CFR § 1926.914 as a flexible cord containing a center core of high explosives which when detonated, will have sufficient strength to detonate other cap-sensitive explosives with which it is in contact.
- TATP. TATP is a homemade explosive compound that can function as a main charge or as a booster in an improvised explosive device. TATP's sensitivity makes it extremely dangerous, and even small quantities of less than a gram can cause injury and damage if detonated.
- Hexamine tablets. Hexamine tablets are used to make Hexamethylene Triperoxide Diamine (HMTD). HMTD is also a homemade explosive compound; it can function as a main charge in an improvised explosive device. HMTD and TATP, both of which can be produced using chemical ingredients that can be purchased legally, do not have military or commercial purposes.

14. Detonating cord is an explosive listed in the ATF's Annual List of Explosive Materials, as published in the Federal Register, 27 CFR § 555.23, and qualifies as an explosive as defined in 18 U.S.C. § 841.

15. As of December 16, 2021, HABIT had not applied for or received a license or permit to receive or transport explosives from the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

16. On or about December 14, 2021, law enforcement agents received information from the spouse of Person-1. The information received was that Person-1 had access to detonating cord and that Person-1 provided detonating cord to HABIT within the last three to five years. On a recorded phone call, Person-1 stated that Person-1 gave detonating cord to HABIT years ago when HABIT lived in Suffolk.

17. Subpoenaed records received from the storage unit facility indicate that the unit was rented to HABIT beginning on or about February 7, 2019.

18. As stated above, the investigation also showed that a user at HABIT's residence was engaged in downloading, and making available for downloading, images of child

pornography. Between September 4 and September 19, 2021, a user from HABIT's residence shared nine BitTorrent files showing pre-pubescent females engaged in sex acts and showing the penetration of a female victim assessed to be less than 10 years of age. For example, one video, approximately two minutes and eighteen seconds in length, showed a white female child approximately eight to ten years of age. She is shown lying on her back, and an adult male has his penis inside her vagina. The male is wearing a condom. The female child has no breast development or pubic hair.

19. During the course of the search warrant, agents found a box inside a gun safe labeled "Joey Drive + Burners."<sup>1</sup> The box contained multiple thumb drives and mobile phones.

20. One thumb drive, manufactured outside the Commonwealth of Virginia, and further described as a black Survivor Stealth thumb drive, contained a video of child pornography with file name: 2early2play.mp4. Within the file structure of the thumb drive, the video file was located at "Survivor>Too early>toearly pics vids>vids>2early2play.mp4." The video file, 1:37:44 in length, depicts two young girls, one of whom is prepubescent and approximately 10–12 years old. The two girls are initially clothed as they kiss and fondle each other. They then fully undress and take out an orange dildo, which they use orally. They take a bath and continue to fondle each other's genitalia. They then move to a bed and perform oral sex on each other. They use a teal vibrator and orange dildo on each other's genitalia. The younger girl uses a whip or flail to strike the older girl on her buttocks.

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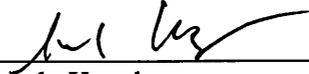
<sup>1</sup> The defendant's middle name is Joseph.

**CONCLUSION**

21. Based on the foregoing, I submit that there is probable cause to believe that on or after February 7, 2019, in the Eastern District of Virginia, KIM JOSEPH HABIT, not being a licensee or permittee under the provisions of Chapter 40 of Title 18 of the United States Code, knowingly transported, shipped, caused to be shipped, and received explosive material, namely detonating cord, in violation of Title 18, United States Code, Section 842(a)(3)(A).

22. Based on the foregoing, I submit that there is probable cause to believe that on or about December 14, 2021, in Chesapeake, within the Eastern District of Virginia, the defendant, KIM JOSEPH HABIT, knowingly possessed at least one matter containing one or more visual depictions that had been shipped and transported using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, and which visual depictions were produced using materials which had been mailed and so shipped and transported, by any means, including by computer; and the production of such visual depictions were of such conduct, to wit: digital videos and images depicting involving the use of a minor engaging in sexually explicit conduct, in violation of Title 18, United States Code, Section 2252(a)(4)(B).

41. Accordingly, I request that a complaint and arrest warrant be issued charging KIM JOSEPH HABIT with such offenses.

  
\_\_\_\_\_  
Amanda Krugler  
Special Agent  
Federal Bureau of Investigation

Sworn and subscribed before me this 17th day of December, 2021.

  
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UNITED STATES MAGISTRATE JUDGE