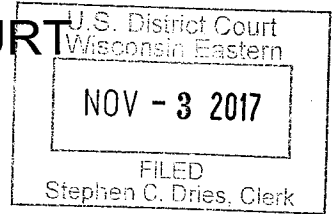


UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN



UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

CASE NUMBER: 17-M- 710

BASIL L. O'KIMOSH, JR.
(d.o.b. XX/XX/1978)

I, Sarah Deamron, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

Count One: That on approximately November 1, 2017, in the State and Eastern District of Wisconsin, Basil L. O'Kimosh, Jr., knowingly attempted to employ, use, persuade, induce, entice or coerce Female A, a minor under the age of 18, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, to wit: attempting to obtain a visual depiction of Female A, a minor under the age of 18, engaged in the lascivious exhibition of her genitals, which visual depiction the defendant knew or had reason to know would be mailed or transported across state lines or in foreign commerce, in violation of Title 18, United States Code, Section 2251(a);

Count Two: That on approximately November 1, 2017, in the State and Eastern District of Wisconsin, Basil L. O'Kimosh, Jr., did, by means of interstate commerce, knowingly attempt to transfer obscene matter to another individual who had not attained the age of 16 years, knowing that the other individual had not attained the age of 16 years, in violation of Title 18, United States Code, Section 1470; and

Count Three: That between approximately November 1, 2017 and November 2, 2017, in the State and Eastern District of Wisconsin, Basil L. O'Kimosh, Jr., did use any facility of interstate and foreign commerce, to knowingly attempt to persuade, induce, entice and coerce any individual who had not attained the age of 18 years to engage in sexual activity under such circumstances as would constitute a criminal offense under Title 18, United States Code, Sections 2243(a) and 1153; all of this in violation of Title 18, United States Code, Section 2422(b);

I further state that I am a Special Agent with the United States Federal Bureau of Investigation, and this complaint is based on the following facts:

Please see the attached affidavit.

Continued on the attached sheet and made a part hereof: X Yes ___ No

Signature of Complainant SARAH DEAMRON

Sworn to before me and subscribed in my presence,

November 3, 2017
Date

at Green Bay, Wisconsin
City and State
Signature of Judicial Officer

The Honorable James R. Sickel
United States Magistrate Judge
Name & Title of Judicial Officer

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), so employed by the FBI since June 2015. Upon graduation from the FBI Academy in Quantico, Virginia, I was assigned to the Milwaukee Division, Green Bay Resident Agency. While at this duty station I was assigned to work cases involving violent crimes and the trafficking and sales of illicit drugs. As a Special Agent of the Federal Bureau of Investigation, I am authorized to investigate violations of the criminal laws of the United States, and am a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

2. As a law enforcement officer for the United States, I am empowered by law to conduct investigations of, and to make arrests for, federal felony offenses.

3. This affidavit is being submitted for the limited purpose of a criminal complaint for Basil L. O'Kimosh (DOB: 06/08/1978) (hereinafter referred to as "O'Kimosh"). Because this affidavit is being submitted for the limited purpose of establishing probable cause for a criminal complaint, I have not included every detail of this investigation. Rather, I have set forth only those facts necessary to establish probable cause. The information contained in this affidavit is based upon my personal knowledge, my review of documents and other evidence, and my conversations with other law enforcement officers.

4. I respectfully submit that there is probable cause to believe that Basil L. O'Kimosh has committed the crimes of: Attempted Sexual Exploitation of a Child, in violation of Title 18, United States Code, Section 2251(a); Attempted Transfer of Obscene Material to a Child, in violation of Title 18, United States Code, Section 1470; and Attempted Enticement of a Minor, in violation of Title 18, United States Code, Section 2422(b).

CRIMES REFERENCED

5. I am aware that Title 18, United States Code, Section 2251(a) makes it a crime for anyone to knowingly attempt to employ, use, persuade, induce, entice or coerce a minor under the age of 18, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, which visual depiction the defendant knew or had reason to know would be mailed or transported across state lines or in foreign commerce. The punishment for this offense is imprisonment from a mandatory minimum of 15 years to life in prison; a fine of up to \$250,000; between 5 years and a lifetime on supervised release; and a \$5000 special assessment.

6. I am aware that Title 18, United States Code, Section 1470 makes it a crime for anyone, by means of interstate commerce, to knowingly attempt to transfer obscene matter to another individual who had not attained the age of 16 years, knowing that the other individual had not attained the age of 16. The punishment for this offense is imprisonment of up to 10 years; a fine of up to \$250,000; between 5 years and a lifetime on supervised release; and a \$5000 special assessment.

7. I am aware that Title 18, United States Code, Section 2422(a) makes it a crime for anyone to use any facility of interstate and foreign commerce, to knowingly attempt to persuade, induce, entice and coerce any individual who had not attained the age of 18 years to engage in sexual activity under such circumstances as would constitute a criminal offense. The punishment for this offense is imprisonment from a mandatory minimum of 10 years to life in prison; a fine of up to \$250,000; between 5 years and a lifetime on supervised release; and a \$5000 special assessment.

8. I am aware that the Menominee Indian Reservation is wholly contained within the State and Eastern District of Wisconsin.

PROBABLE CAUSE

9. Female A, a minor under the age of 16, was interviewed as part of an investigation into internet-based communication between O'Kimosh and her. Female A indicated that, starting in approximately January 2017, O'Kimosh began communicating with her using Facebook Messenger. Female A stated that in April 2017 O'Kimosh, who she was familiar with prior to the communications, asked her to begin communicating using a smartphone application called Snapchat. I am aware that Snapchat utilizes an internet connection and permits users to communicate with text, photos, or video, with such communication disappearing after a short period of time. Communication involves the text, photo, or video being transmitted from the sender's phone through the internet, to Snapchat servers in California, and then through the internet to the receiver's phone. Female A stated she and O'Kimosh communicated quite often, mostly between the hours of 8pm and 6am, which corresponded to O'Kimosh's regular work hours. Female A stated all communication between the two occurred with both within the exterior borders of the Menominee Indian Reservation in the State and Eastern District of Wisconsin.

10. Female A indicated that O'Kimosh regularly requested that she meet with him in order to engage in sex acts, and regularly wanted to communicate about sexual topics. Female A stated on one occasion in the summer of 2017 she delivered a soft drink to him while he was parked near her house during his work hours. Female A stated during the in-person interaction, O'Kimosh asked her how old she was and she replied that she was 15 years old. O'Kimosh replied that he believed she was older. Female A stated O'Kimosh continued to communicate with her in a sexually charged manner even after this, repeatedly requesting through the Snapchat application that she meet him in order to perform oral sex on him.

11. On November 1, 2017, with the consent and permission of Female A and her mother, investigators with the Menominee Tribal Police Department assumed Female A's identity.

During the evening hours of November 1, 2017, O'Kimosh, while on duty as a patrol officer with the Menominee Tribal Police Department, and an undercover investigator with the Tribal Police Department communicated through the Snapchat application. During the time the two were communicating, O'Kimosh believed the investigator to be Female A. O'Kimosh requested that Female A send him pictures of her "pussy" and "tits," while requesting Female A meet with him in order to receive fellatio from Female A. I am aware that O'Kimosh used the phrase "SMD," which Female A earlier explained referred to "Suck my dick," having received such requests in the past.

12. During the November 1, 2017, communication, O'Kimosh utilized the Snapchat application to send a picture of the lascivious exhibition of his genitalia to what he believed to be Female A.

13. O'Kimosh continued to communicate with the investigator, and ultimately requested that Female A meet him at a baseball diamond in order to have Female A perform oral sex on him. I am aware that the baseball diamond is in the area of Go Around Road, Chief Little Wave Road, and Library Road in Keshena. O'Kimosh drove to a parking lot adjacent to the baseball diamond. O'Kimosh was then summoned away from the baseball diamond, and when the undercover investigator sent him a message inquiring about why he was leaving, O'Kimosh replied that he got a call, but would be back. O'Kimosh was subsequently taken into custody by tribal investigators.

14. In a Mirandized statement provided to myself and a special agent with the Wisconsin Department of Justice – Division of Criminal Investigation, O'Kimosh admitted using Snapchat on his phone to communicate with who he believed to be Female A, admitted sending the photo of his genitals to a minor who he believed to be Female A, and admitted requesting that

Female A meet him at the baseball diamond. O'Kimosh denied an intent to have Female A perform a sex act on him, stating he just wanted to talk with her.

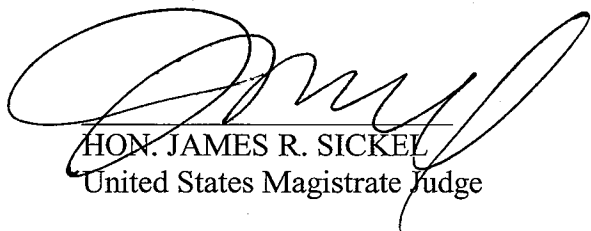
15. Basil L. O'Kimosh and Female A are both members of the Menominee Indian Tribe of Wisconsin. The locations described above are all within the exterior boundaries of the Menominee Indian Reservation, which is within the State and Eastern District of Wisconsin.

16. Based on the foregoing, I submit that there is probable cause to issue a criminal complaint and arrest warrant for Basil L. O'Kimosh, charging him with violations of Attempted Sexual Exploitation of a Child, in violation of Title 18, United States Code, Section 2251(a); Attempted Transfer of Obscene Material to a Child, in violation of Title 18, United States Code, Section 1470; and Attempted Enticement of a Minor, in violation of Title 18, United States Code, Section 2422(b).



SARAH DEAMRON
Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me this 3rd day of November, 2017 in Green Bay, Wisconsin



HON. JAMES R. SICKEL
United States Magistrate Judge