

Bjorn E. Boyer, Deputy County Attorney
Gallatin County Attorney's Office
1709 West College Street, Suite 200
Bozeman, Montana 59715
Telephone (406) 582-3745

MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT, GALLATIN COUNTY

* * * * *

STATE OF MONTANA,

Plaintiff,

v.

TIMOTHY JOHNSON,

Defendant.

) Case No.: DC-20-252A
)
) AFFIDAVIT OF PROBABLE CAUSE AND
) MOTION FOR LEAVE TO FILE
) INFORMATION
)
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COMES NOW, the State of Montana by Bjorn E. Boyer, Deputy Gallatin County Attorney, and being first duly sworn upon oath, deposes and says as follows:

1. Your Affiant is a Deputy Gallatin County Attorney and by law one of the attorneys to prosecute criminal matters in the State of Montana.

2. Pursuant to a report of investigation compiled by the Bozeman Police Department ("BPD"), your Affiant is aware of the following information:

3. On or about May 29, 2020, BPD Detective Scott McCormick was contacted by Ravalli County Sheriff's Office Sergeant Matt Cashell. Sergeant Cashell informed Detective McCormick that he and Missoula County Sheriff's Office Detective Kenneth White were investigating an adult male named Artyom Barrett. Sergeant Cashell

reported Barrett had been contacting juvenile females using the Snapchat application and requesting that the juvenile females send him nude images. Detective White served a search warrant to Snapchat for Barrett's account with the username rare_russian101.

4. Upon receiving the requested information from Snapchat, Detective White observed that Barrett was communicating with another Snapchat user with the username timmy35d. Detective White observed that timmy35d was sending nude images and videos of juvenile females engaged in sexually explicit conduct, including the lascivious exhibition of the genitals or pubic area. Barrett told Sergeant Cashell that the timmy35d was an adult male named Timothy Johnson (the "Defendant") and that he lived in Bozeman.

5. Sergeant Cashall informed Detective McCormick that Barrett and the Defendant sent nude images and videos of juvenile females back and forth and discussed having sexual contact with them. Sergeant Cashall sent portions of the Snapchat conversations between Barrett and the Defendant. Detective McCormick observed the following conversation from March 20, 2020.

Defendant: Yeah me and her are planing on doing something on the first and I also got ahold of a 9 year old :p ;)

Barrett: Oh?

Defendant: Yea it was entertaining lol

Barrett: Pic?

Defendant: Sure

Barrett: Is she open

Defendant: (photo "721704b3-4492-ec55-ee9e-39a4805dfcc8" which depicts a nude white female child with small breasts from the waist up laying on her back with a face appearing to be less than 10 years old)

Barrett: Oh damn

Defendant: Lol she got fucked up

Barrett: What did you do to her

Defendant: Raped her lol in the ass and pussy and mouth multiple times lol

Barrett: Ngl I know I said I wouldn't go Younger than 10...But damn I want her

Defendant: Lol she was Soo tight lol and I made her pass out lol

Barrett: Fuck where does she live

Defendant: Bozeman brb bud

6. Detective McCormick observed the following conversation between the Defendant and Barrett from March 21, 2020:

Defendant: Lol so you been talking to anybody recently??

Barrett: yeah

Barrett: A couple

Barrett: (photo "f620cd2d-8c48-9ff5-227b-12d5cddbbae92" which appears self-produced and depicts a white female wearing a black bra and underwear but does not show her face)

Barrett: She is 16

Defendant: Ooof damn she has a body wait..lol was that the other girl your talking to haha?

Barrett: Yeah sorry two different girls
Defendant: Ooooo so ones 16 and the other is older?
Barrett: Yes
Defendant: Mmm nice haha
Barrett: I am also talking to a 13
Defendant: Lol mm leading anywhere..fun ;)
Barrett: The 13 yes she wants me bad
Defendant: Where she from is she close at least cause
get it!!! Lol
Barrett: (2 photos "1749b326-2ef7-ef4f-9e84-
6f4280e6e7d9" and "e44f0566-fa54-2302-7d2d-
be94ad3e2888" which depict self-produced
photos of a young white teen girl in a
mirror wearing a black bra and underwear)
Barrett: Plains mt

7. Detective McCormick observed the following conversation
between the Defendant and Barrett, also from March 21, 2020:

Defendant: Lol gay so did you get any nudes fr that 13
year old tho?
Barrett: Absolutely
Defendant: K lol but did you get any?
Barrett: (video "32d5213f-9579-cc17-12c9-
24fd7b1c20ec" which depicts a self-produced
close up video of a female masturbating)
Barrett: It's sending hold on
Defendant: Damn who's pussy is that haha
Barrett: The 13
Defendant: Damn she has a big pussy
Barrett: Yeah haha

8. Missoula County Detectives determined that the photos of the above referenced 13 year-old girl were originally sent to Barrett from a girl with the Snapchat username [REDACTED]. In that conversation, [REDACTED] sent Barrett several explicit photos and videos upon his request. During the conversation, [REDACTED] identified herself by name and stated that she was 13 years old multiple times.

9. In another portion of the conversation between the Defendant and Barrett, the Defendant sent additional photos and videos of child pornography to Barrett with the following dialogue:

Defendant: (Video "b08a0315-6d25-8ff9-5d83-190182fadleb" which depicts an adult white male's penis ejaculating onto the face of a sleeping female that appears to be between the ages of 8-11 years old sleeping on a Disney princess bed set. Another clip within the same video depicts the child awake in the same location and performing oral sex on the same adult male's erect penis. It is unknown if this video was produced by timmy35d or acquired from the internet and disseminated.)

Defendant: And enjoy

Barrett: I don't like that one

Defendant: Really? Oh ok my bad

Barrett: It's good

Defendant: (Photo "6817c16b-9ef9-df52-bc73-b8c12dc98e3e" which depicts what appears to be a nude white teenage girl in pigtails laying on her stomach with her feet up and her butt exposed but does not show her breasts or vagina.)

Defendant: This one?

Barrett: Absolutely

10. Near the end of the data provided by Snapchat, Detective McCormick observed that the Defendant sent Barrett one last video, which depicted three nude white females that appeared to be between the ages of 12-14 years old. The females were kissing and fondling one another's breasts and vaginas.

11. Sergeant Cashall interviewed Barrett on May 27, 2020. Barrett reported that he and the Defendant were friends and that the Defendant had moved to Bozeman a year earlier. Barrett reported that the Defendant would locate images of child pornography using the online application KIK Messenger and that he would then share the images with him using Snapchat.

12. Barrett reported that the Defendant liked having sex with underage girls. Barrett stated that Johnson admitted to him that he did "sexual things" that were "wrong" to girls at their church in the Bitterroot Valley. Barrett reported that the Defendant admitted to him that he had "pretty much raped" a girl from their church. Barrett identified the girl the Defendant had "raped" by name. Barrett further claimed that, one month prior, the Defendant told him he was going to visit and that he was going to meet an unidentified girl in Missoula, rape her, and leave her in the woods. Barrett stated the Defendant did not visit him and

he did not know if the Defendant actually met any girls in Missoula.

13. Sergeant Cashall asked Barrett about a message he had sent the Defendant on March 20, 2020 where Barrett stated he wanted a girl under the age of 10. Barrett stated the message was in regards to pictures of a young girl (age 8) that the Defendant was looking at. Barrett stated the Defendant sent him pictures of nude children to him. Barrett stated he also sent images of nude children to the Defendant.

14. On May 29, 2020, Sergeant Cashell contacted Detective McCormick to express concern that the Defendant might be generating child pornography with young females. Sergeant Cashell stated he located three short videos that the Defendant sent to Barrett. Sergeant Cashell stated the videos showed a male penis ejaculating onto a prepubescent female. Sergeant Cashell was unable to confirm if the video was something the Defendant had downloaded off the internet or something he had filmed himself.

15. Later on May 29, 2020, Detective McCormick attempted to locate the Defendant without success. Detective McCormick was able to contact his girlfriend, Elizabeth Guerra via telephone. Guerra stated that she and the Defendant were in Billings for the weekend, but would return sometime on May 31, 2020.

16. On June 1, 2020, Detective McCormick and Homeland Security Agent Aaron Reller made contact with the Defendant at his

residence. Detective McCormick advised the Defendant of his rights pursuant to *Miranda*. The Defendant agreed to speak with Detective McCormick and Agent Reller. During the interview, the Defendant admitted that he had downloaded images and videos of child pornography and distributed those images and videos to other people over the internet. The Defendant stated he had never touched any under-aged females in a sexual nature and that all the communication regarding sexual contact with children was make believe. The Defendant claimed he sent the images and videos to Barrett to take his mind off an ex-girlfriend and that he just wanted to help Barrett out.

17. The Defendant stated he located the child pornography online using the mobile phone application KIK Messenger and often shared the images he found with others using Snapchat. The Defendant estimated that he shared "hundreds" of images with Barrett in this manner. The Defendant admitted that his user profile on Snapchat was timmy35d.


18. Toward the end of the interview, Detective McCormick seized the Defendant's cell phone pursuant to a search warrant Detective McCormick had obtained in advance of the interview. The Defendant provided consent to search the device. Detective McCormick conducted a preliminary search of the phone and discovered images of child pornography on the phone. On June 1, 2020, Forensic Analyst Mike Gurzi completed a forensic search of

the Defendant's cell phone and located several images of children engaged in sexual conduct.

19. Based on the foregoing facts, the undersigned moves the Court to find that probable cause exists to file an information charging the defendant with the crime(s) of: Count 1: Sexual Abuse of Children, a Felony, in violation of § 45-5-625(1)(d), MCA and Count 2: Sexual Abuse of Children, a Felony, in violation of § 45-5-625(1)(e), MCA.

I declare under the penalty of perjury that the foregoing is true and correct, to the best of my knowledge.

Dated this 15th day of June, 2020.



Björn E. Boyer
Deputy County Attorney