

FILED

AUG 25 2014

DALE WILLIAMS  
CLERK  
JUSTICE OF THE PEACE  
LEWIS & CLARK COUNTY, MT

IN THE JUSTICE COURT OF RECORD  
CITY OF HELENA, LEWIS AND CLARK COUNTY, MONTANA  
Before MICHAEL SWINGLEY, Justice of the Peace

STATE OF MONTANA,	)	
	)	Cause No. CR-2014- 563
Plaintiff,	)	HP142906
- vs -	)	
	)	
	)	<b>AFFIDAVIT OF PROBABLE</b>
HOWARD GORDON CHILCOTE,	)	<b>CAUSE</b>
	)	
Defendant.	)	

STATE OF MONTANA     )  
                                     :  
County of Lewis & Clark     )

Helena Police Department Detective Chad Lawrence, based on information and belief, affirms that probable cause exists to support filing a Complaint charging the above-named Defendant with the offenses of:

**COUNTS I - VII: SEXUAL ABUSE OF CHILDREN, a felony**, in violation of Mont. Code Ann. § 45-5-625(1)(a)(e).

alleged to have occurred between on or about May 1, 2014, and on or about July 9, 2014, based upon the following:

On May 30, 2014, Detective Lawrence was working as a detective with the Helena Police Department assigned to the Montana Internet Crimes Against Children Task Force (MTICTACTF). Detective Lawrence initiated an investigation into users of the ARES peer-to-

ORIGINAL

1 peer (P2P) file sharing network in an attempt to identify users who were in possession of child  
2 pornography. Detective Lawrence is familiar with Peer to Peer (P2P) file sharing, specifically  
3 the operation of the ARES network. ARES is a P2P network used to exchange files between  
4 computers. The ARES network, like other P2P file sharing networks, uses file hashing to  
5 uniquely identify files on the network and users typically locate files with keyword searches.

6 Det. Lawrence identified a computer with a specific IP address as a potential source for  
7 at least 6 file(s) of investigative interest. Detective Lawrence directed his investigation to this  
8 computer as it had been associated with investigative files of interest by investigator(s)  
9 conducting keyword searches or hash value searches for files related to child abuse material  
10 including child pornography on the ARES network.

11 During the investigation the ARES client P2P program on the target computer reported  
12 its ARES nickname as: SI13NT@Ares. Det. Lawrence learned through the American Registry  
13 for Internet Numbers (ARIN) that the specific IP address 69.145.223.207 is registered to  
14 Charter Communications. Detective Lawrence was able to obtain five partial downloads from  
15 this user. Downloads 1 – 4 and 6 depicted pre-pubescent females engaging in sexual conduct  
16 with adult males. Download 5 depicted a pre-pubescent male engaged in sexual conduct with  
17 an adult male.

18 FBI Special Agent Damuth had also conducted an investigation into the ARES client  
19 user name "SI13NT". SA Damuth identified additional IP addresses associated with this user.  
20 SA Damuth obtained a total of six (6) partial files from this user. Five of the files matched the  
21 files Detective Lawrence had obtained. The files were named the same and a review indicated  
22 the files the same. SA Damuth reviewed a six file that contained images of a pre-pubescent  
23 female engaged in sexual conduct with an adult male.

24 On July 8, 2014, Det. Lawrence received the results of a subpoena issued to Charter  
25 Communications for subscriber information on several IP addresses. The subpoena results

1 indicated the IP addresses had been issued to a single subscriber, Patricia Guajardo, at an  
2 address on North Montana Avenue. Det. Lawrence attempted to locate Guajardo in the  
3 Records Management System (RMS) at the Helena Police Department. Guajardo was not  
4 associated with any reports but a Call For Service (CFS) was located that Guajardo was  
5 associated with. Based on the CFS, Det. Lawrence was able to determine Guajardo's son,  
6 Howard Chilcote, was possibly residing at her residence. Det. Lawrence learned Chilcote was  
7 currently on state probation and his probation officer was Christin Thennis.

8 Detective Lawrence contacted P.O. Thennis and met with her at her office. P.O.  
9 Thennis confirmed Chilcote was residing with his mother but was currently in violation of his  
10 probation. P.O. Thennis indicated she had sent paperwork in to start the process of revoking  
11 Chilcote.

12 Det. Lawrence obtained a cover sheet with Chilcote's picture associated with it. The  
13 sheet also contained a brief description of Chilcote's tattoos. Det. Lawrence noticed Chilcote  
14 had "SILENT" tattooed on his chest and the number "13" on two parts of his body. Det.  
15 Lawrence believed the tattoos were similar to the moniker seen on ARES, "SI13NT". P.O.  
16 Thennis advised she was actively looking for Chilcote and would advise if he was located.

17 On July 7, 2014, Detective Lawrence learned Chilcote had been arrested for his  
18 probation violation as well as new felony charges. P.O. Thennis advised she would be  
19 searching Chilcote's cellular telephone as this is a condition in his probation. Det. Lawrence  
20 met with P.O. Thennis later the same day. P.O. Thennis obtained Chilcote's phone and began  
21 searching the text messages. According to P.O. Thennis, was using the nickname "ese SI13NT"  
22 to sign his text messages.

23 On July 9, 2014, Detective Lawrence obtained a search warrant to search the North  
24 Montana residence. Officers went to the residence at 7:00 a.m. on July 10, 2014. Federal  
25 Bureau of Investigations (FBI) Special Agent Mandala Fellenz, Homeland Security

1 Investigations (HSI) Special Agent Aaron Reller, Lewis and Clark County Sheriff's Office  
2 (LCSO) Detective Mike Hayes, LCSO Sergeant Shane Hildenstab, LSCO Deputy Matt  
3 Reighard, FBI IOA (Investigative Operations Analyst) Brenda Steward and FBI OST  
4 (Operational Support Technician) Candy MacDonald assisted with the search.

5 Guajardo was leaving the residence as officers arrived. She gave officers her key and  
6 left to attend a previously scheduled dental appointment. The residence is a two bedroom, one  
7 bath mobile home. The main entry door faces east. Through the main door, one enters the  
8 dining area. The kitchen is to the right (north) and the living room conjoins with the dining area  
9 (south). There is a hallway on the west wall which leads to the two bedrooms and bathroom.  
10 The first room was being utilized as a computer room. The next room was the bathroom. The  
11 washer and dryer were off the hallway and then the second bedroom was at the end of the  
12 hallway.


13 Detectives interviewed Guajardo when she returned to the residence. Guajardo stated  
14 Chilcote, had been staying with her off and on over the past few months. He recently moved in  
15 with her and had been staying at the residence for approximately two weeks prior to his arrest.  
16 Guajardo stated she purchased the computer approximately three to four years ago. Guajardo  
17 said Chilcote was the primary user of the computer and she claimed to have trouble turning it  
18 on. Guajardo described Chilcote as being extremely knowledgeable about computers.  
19 According to Guajardo, Chilcote attended ITT Tech in Portland, Oregon and apparently  
20 completed the course.

21 SA Fellenz and Det. Lawrence contacted Chilcote at the Lewis and Clark County  
22 Detention Center. Det. Lawrence advised Chilcote of the investigation involving suspicious  
23 internet activity. Chilcote agreed to meet with investigators in an interview room. Once in the  
24 interview room, Det. Lawrence again advised Chilcote of the nature of the investigation and  
25 asked if he was willing to speak with investigators. Chilcote agreed and SA Fellenz advised

1 Chilcote of his Miranda rights. Chilcote agreed to speak with officers without an attorney  
2 present. During the interview, Chilcote admitted to utilizing the ARES file sharing network to  
3 access child pornography. Chilcote indicated he had approximately thirty (30) files containing  
4 child pornography on an external hard drive. Chilcote indicated he had used search terms like  
5 "teen porn" and "kid porn" to search for files on ARES. Chilcote admitted that he was the only  
6 one accessing ARES at his mother's residence and that he used the moniker "SI13NT".

7 Pursuant to the search warrant obtained by Det. Lawrence, Agent in Charge Jimmy  
8 Weg of the Montana Department of Justice Computer Crime Unit examined the computer  
9 seized from the North Montana residence. During his analysis, AIC Weg located 32 existing  
10 videos depicting children engaged in sexual conduct. Six of these videos were those previously  
11 located by Det. Lawrence and SA Damuth.

12 Further Affiant sayeth naught.

13   
14 Affiant.

15 Subscribed and sworn to before me this \_\_\_\_ day of August, 2014.

16   
17 NOTARY  
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