

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Court
Southern District of Texas
FILED

MAY 18 2017

David J. Bradley, Clerk of Court

United States of America
v.
Kevin Ray McMillan

Case No.

2:17mj-499

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 April 15, 2017 in the county of Nueces in the Southern District of Texas, the defendant(s) violated:

Code Section	Offense Description
Title 18 United States Code, Section 2251	employing, using, persuading, inducing, enticing, or coercing any minor to engage in, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer

This criminal complaint is based on these facts:

PLEASE SEE ATTACHED AFFIDAVIT

Continued on the attached sheet.

Complainant's signature

Clay Odom, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/18/2017

Judge's signature

City and state: Corpus Christi, Texas

B. Janice Ellington, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

AFFIDAVIT OF PROBABLE CAUSE

I, Clay Odom, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with United States Department of Homeland Security, Homeland Security Investigations, and I have been employed in this position since October 2001. My responsibilities include investigating criminal violations relating to offenses committed against the United States including but not limited to, immigration violations, controlled substances violations, financial crimes, fraud, and child exploitation.

2. This affidavit is intended to show only that there is sufficient probable cause for the requested criminal complaint and arrest warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

3. On May 15, 2017, Corpus Christi Police Officers were contacted by the parents of a 13-year old female residing in Corpus Christi. The parents contacted the police department to report that their 13-year old daughter had been receiving inappropriate text messages from a 37-year old male identified as Kevin MCMILLAN. Officers discovered that MCMILLAN was a former Program Specialist at the Boys & Girls Clubs of America, and the founder of Texas Youth Entrepreneurs in Corpus Christi. The girl's father provided his daughter's cell phone to the officers and showed them the text messages sent to the device by MCMILLAN. The text messages were sexual in nature, and the 13-year old girl identified another minor female that MCMILLAN communicates with (hereinafter referred to as Jane Doe). Jane Doe was identified as a 14-year old female residing in Corpus Christi. Patrol Officers filed a report and notified detectives assigned to the Internet Crimes Against Children (ICAC) Task Force.

4. On May 16, 2017, ICAC Detectives met with Jane Doe's parents to discuss any communication Jane Doe was having with MCMILLAN. Jane Doe's parents provided detectives

with Jane Doe's cell phone, an Apple iPhone, model A1660, manufactured in China. Jane Doe's parents granted detectives consent to search their daughter's cell phone and agreed to allow detectives to interview her. During the interview, Jane Doe admitted to texting with MCMILLAN and stated she had sent him nude photos of herself in the past.

5. On May 16, 2017, Jane Doe was forensically interviewed at the Children's Advocacy Center, where she disclosed engaging in sex acts with MCMILLAN at a recording studio he uses for his business, Texas Youth Entrepreneurs. She stated she also sent MCMILLAN nude photographs of herself at his request.

6. Jane Doe's cell phone was forensically examined and large numbers of text messages exchanged between Jane Doe and MCMILLAN were discovered on the device. Investigators also discovered photographs stored on an application on Jane Doe's cell phone. The images depicted Jane Doe nude, and one image depicted a male performing oral sex on a female. The images were shown to Jane Doe and she confirmed they were pictures she shared with MCMILLAN. In addition, she stated the individuals in the photograph of the sex act were her and MCMILLAN. She stated the photograph was taken inside of his recording studio in Corpus Christi, and she stated she took the picture using her cell phone at the request of MCMILLAN. The date associated with the uploading of the image into the cell phone application was April 15, 2017.

7. Detectives obtained a Texas Driver's License image of Kevin Ray MCMILLAN and presented it to Jane Doe. She identified MCMILLAN as the individual she had been texting with and the individual she had engaged in sex acts with in the Texas Youth Entrepreneurs recording studio.

8. Corpus Christi Police Detectives contacted United States Department of Homeland Security, Homeland Security Investigations (HSI) Special Agents for assistance in the investigation.

9. On May 17, 2017, Corpus Christi Police Detectives obtained an arrest warrant for MCMILLAN for Sexual Assault of a Child. Detectives also obtained search warrants for MCMILLAN'S residence, as well as the Texas Youth Entrepreneurs recording studio. Detectives

learned that MCMILLAN was traveling to meet Jane Doe in order to engage in sexual activity. Officers located MCMILLAN in Corpus Christi before he could meet with Jane Doe, and he was taken into custody. At the time of his arrest, officers discovered and seized a Samsung cell phone, model SGH-I537, manufactured in Korea, which MCMILLAN had in his possession.

10. MCMILLAN was read his Miranda Warnings and he agreed to speak with investigators. During the interview MCMILLAN stated he had been texting with Jane Doe, and he stated he was aware of the fact she was only 14 years old. MCMILLAN stated he met Jane Doe approximately four months ago in his neighborhood. He stated they talked, and eventually began exchanging text messages on their cell phones. He stated the conversations became flirtatious and eventually became sexual in nature. MCMILLAN stated he asked Jane Doe to take and send him sexually explicit photographs of her using her cell phone. He stated she agreed and sent the photos to his cell phone via text messages. He denied ever having any physical contact with Jane Doe beyond hugging.

11. Investigators then presented MCMILLAN with the image found in Jane Doe's cell phone, depicting a male performing oral sex on a female. He identified the male in the photo as himself, and the female as Jane Doe. He stated the sex act shown in the image occurred approximately one month prior in the studio he uses for his business. He denied taking the photograph, and denied knowing that Jane Doe had taken the picture. He stated they were alone in the studio when the sex act occurred.

12. MCMILLAN also admitted performing oral sex on Jane Doe in the recording studio on one other occasion. MCMILLAN stated he had asked Jane Doe to engage in three-way sex acts with other minors.

13. HSI Special Agents then contacted Assistant United States Attorney (AUSA) Hugo Martinez and advised him of these facts. AUSA Martinez accepted prosecution of Kevin Ray MCMILLAN for a violation of Title 18 USC 2251, Production of Child Pornography. AUSA Martinez also approved the filing of this complaint in the Southern District of Texas.

CONCLUSION

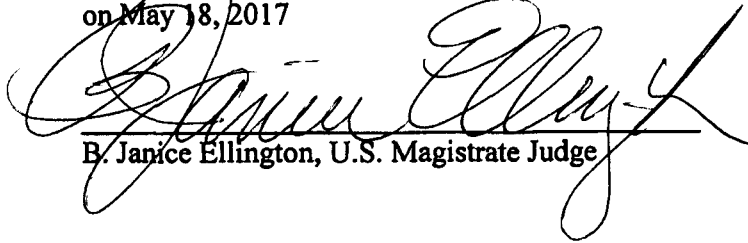
14. I submit that this affidavit supports probable cause for an arrest warrant in this matter for a violation of Title 18 United States Code, Section 2251.

Respectfully submitted,



Clay Odom
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me
on May 18, 2017



B. Janice Ellington, U.S. Magistrate Judge