

23-MJ-5179-JGD

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A ARREST WARRANT**

I, Zachary Brune, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application for a criminal complaint and arrest warrant for Brandon D. KANE (“KANE”), a 27-year-old resident of Silver Springs, Maryland, for extortion by interstate threat of injury to reputation, in violation of Title 18, United States Code, Section 875(d) (the “Target Offense”). Based on the facts set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C. § 875 have been committed by KANE.

2. I am “an investigative or law enforcement officer” of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code. I am a Special Agent with the Federal Bureau of Investigation (FBI) and I have been so employed since 2020. I have training in the enforcement of laws of the United States, including training in the preparation, presentation, service, and execution of criminal complaints and arrest and search warrants. I completed a twenty-one-week training program at the FBI Academy, which included instruction in the investigation of various criminal offenses governed by federal law, and I have received advanced training in matters relating to criminal investigations. I am currently assigned to the FBI Boston Violent Crimes Task Force. I have previous experience in the investigation of federal crimes, including computer-facilitated crime, and I have participated in numerous investigations as both a case agent and as an assistant to other agents.

3. The facts in this affidavit come from my participation in this investigation, personal observations, my training and experience, and information obtained from other agents and witnesses. Because this affidavit is being submitted for the limited purpose of establishing probable cause for a complaint and arrest warrant, 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.

**PROBABLE CAUSE**

4. The investigation has identified at least two of KANE's victims: Victim 1, a 35-year-old resident of eastern Massachusetts, and Victim 2, a 39-year-old resident of eastern Massachusetts.

5. As set forth below, beginning in September 2021 and continuing until May 2022, KANE obtained a video of Victim 1 in possession of illicit drugs; threatened to share the recordings with Victim 1's employer and professional licensing board if Victim 1 did not send KANE payment, causing Victim 1 to send payments in response to the threats; repeatedly harassed and extorted Victim 1 for additional payments; and, when Victim 1 finally refused to send additional payments, followed through with the threat by sending the video of Victim 1 to Victim 1's employer and professional licensing board.

6. In May 2022, KANE claimed to have obtained a video of Victim 2 engaged in a sexual act; threatened to share the recordings with Victim 2's family and friends if Victim 2 did not send KANE payment, causing Victim 2 to send payments to KANE; and repeatedly harassed and extorted Victim 2 for additional payments.

*Victim 1*

7. On June 17, 2022, members of the Violent Crimes Task Force met with Victim 1<sup>1</sup> who reported that, since late October 2021, an individual identifying himself as “Tommy Fontaine” (hereinafter “Tommy”) had been threatening Victim 1 and demanding payment over CashApp, a mobile payment service that allows users to transfer money using a cellphone app.

8. Victim 1 first communicated with Tommy in September 2021.<sup>2</sup> Victim 1 used an online application to meet Tommy, who Victim 1 intended to pay for sex. Tommy visited Victim 1’s residence, specifically Victim 1’s home office. In the office, Victim 1’s academic degrees were displayed on the wall and cocaine was on a desk next to Victim 1. During the interaction between Tommy and Victim 1, Tommy surreptitiously recorded Victim 1 sitting near his degrees and the cocaine. Victim 1 was too intoxicated to have intercourse with Tommy. Victim 1 paid Tommy \$150 over CashApp for coming to Victim 1’s residence and ordered Tommy a ride via a ride-share app.<sup>3</sup>

9. On October 19, 2021, Victim 1 received a video clip of the night Victim 1 was with Tommy via message from the Gmail account, bdk081195@gmail.com. The video showed Victim 1 in his office with his academic degrees displayed on the wall and cocaine on the desk next to Victim 1. Further text messages from Tommy demanded Victim 1 make two CashApp payments, one for \$600 and one for \$150, for the video to be deleted. Victim 1 complied and paid Tommy

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<sup>1</sup> Victim 1’s identity is known to the FBI but Victim 1 is referred to only as Victim 1 for Victim 1’s privacy and protection.

<sup>2</sup> Victim 1 identified September 29, 2021 as the date Victim 1 met Tommy; however, Victim 1’s CashApp records show the payments were made on September 21, 2021.

<sup>3</sup> A review of Victim 1’s CashApp account records showed Victim 1 sent two payments on September 21, 2021 to a user with the display name of “Tommy.”

\$150 followed by an additional payment of \$300 and \$150. Following the initial payment of \$150, Tommy and Victim 1 exchanged the following messages:

Tommy: You didn't accept the correct one. It should be 600

Victim 1: I consider this done. Please do not contact me again. Also if that was ever exposed clearly I would take you done [sic] for blackmail and involvement as well as your contact would clearly be traceable. I will consider this the end of this convo and will go back to work now.

Tommy: Idc. & Since you want to threaten me. Send another 200 before I send this video to the entire staff at [Victim 1's Employer]

Victim 1: This deal is done I agreed please stop contacting me. This is concerning to me as clearly you did not trash it after asking for mere [sic]

Tommy: Ok. I guess I have to do what I have to do. I hate threats

Victim 1: Fine I paid the 200 I consider this done and over

10. On October 24, 2021, Tommy again contacted Victim 1 and demanded Victim 1 pay Tommy \$400. Tommy accused Victim 1 of having someone contact Tommy about the video. Tommy stated in part, "Ok so how about this. Since you couldn't respect the deal we made. We can try again. This is the last chance. You will NEVER have to worry about me again unless this situation is brought to me. Does that sound fair or should I go ahead, do what I have to do to protect myself?" Victim 1 complied, and paid Tommy \$400.

11. On November 5, 2021,<sup>4</sup> Tommy sent a message to Victim 1's cellphone from the Gmail Account, fontainesmith60@gmail.com. The message contained an attached Non-Disclosure Agreement (NDA). Tommy demanded a payment of \$1,250 and for Victim 1 to sign the NDA. Tommy stated in part, "If we can't agree to sign this NDA and put this in the past then

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<sup>4</sup> In a prior affidavit in support of a warrant to search Google email accounts, I mistakenly wrote "2022." That was a typographical error that has now been corrected here.

I will have no choice but to report you to the board of licensing and send this information to your colleagues and job. You doing drugs is very dangerous especially being as though you are a doctor and deal with patients regularly.” Victim 1 signed the NDA, returned it to Tommy, and paid \$1,250.

12. On February 25, 2022, Tommy sent a message to Victim 1 from the Gmail Account, b241318@gmail.com and attached a copy of the video of Victim 1 that Tommy had recorded.

Tommy and Victim 1 then exchanged the following text messages:

Tommy: We need to complete another NDA because someone breached the contract. Who is Esther?

Victim 1: Be very clear this is clear blackmail. As discussed all records of conversations, threats to livelihood and extortion, NDAs have been filed with lawyers for which she is one of them. Should you contact me one more time I will pursue you to full extent of both civil law and we’ll as go to police and file criminal charges with typical charges of 5 years in prison as typical minimum. There will be no second text

Tommy: I’m not worried about that. I will forward this video to [Victim 1’s Employers], and everyone else. How would you like to proceed? Would you like to make this disappear for some more time? Or would you like for your career to be over? You have until 4PM. That NDA was broken

13. Tommy went on to threaten Victim 1’s spouse and demanded an annual or semiannual payment from Victim 1, sending the following messages:

Tommy: If you’d like we could do an every 6 month or yearly payment to make this go away completely.

Tommy: A thousand or two every few months isn’t worth losing your career & I’ll attack your wife too. Don’t think I don’t have a video of her as well. I will send these complete videos to [Victim 1’s spouse’s employer] as well.

14. Victim 1 complied and paid Tommy a second payment of \$1,250.

15. Following the encounters in February, Victim 1 retained counsel. Tommy contacted Victim 1 again in March 2022, April 2022, and May 2022 threatening to release the video to Victim 1's employer, Victim 1's spouse's employer, the Massachusetts Board of Registration in Medicine, and the local news media. Victim 1 informed Tommy he had retained counsel and that all requests should be directed to Victim 1's counsel.

16. On April 5, 2022, an email was sent to the media inbox of Victim 1's employer from dontebutterball@gmail.com, stating in part, "I am very concerned for [Victim 1]. This surgeon/doctor that works at your institution has been abusing cocaine and crystal meth. It is troubling that this institution has allowed someone to operate on living humans and teach others while suffering from a drug addiction. Attached is video footage and proof of [Victim 1] drug usage." Attached to the email was the video Tommy surreptitiously recorded of Victim 1.

17. On April 6, 2022, a caller identifying himself as "Tommy D. Fontaine" called the Boston Public Health Commission and was forwarded to an Investigator for the Board of Registration in Medicine. "Fontaine" reported to the investigator that he was a friend of Victim 1. Fontaine stated he was at a party with Victim 1 at Victim 1's residence on March 25, 2022, and he observed Victim 1 using cocaine with other members of the party. Fontaine said he was concerned about Victim 1 practicing medicine. Fontaine wished to remain anonymous, but he emailed the investigator the surreptitious video footage recorded by Tommy from the Gmail account fontainesmith60@gmail.com.

***Victim 2***

18. On January 27, 2023, members of the Violent Crimes Task Force met with Victim

2, who reported that in May 2022 KANE threatened Victim 2<sup>5</sup> and demanded payment over various mobile payment applications, including CashApp.

19. Victim 2 first communicated with KANE in May 2022. Victim 2 used an online application or website to meet an individual who called himself “Eric,” who Victim 2 intended to meet for a drink. “Eric” provided Victim 2 with his phone number, xxx-xxx-9155. “Eric” invited Victim 2 to a hotel room in the Crowne Plaza in Woburn, Massachusetts. Victim 2 entered the hotel room, and “Eric” and Victim 2 began to have sex. Victim 2 was uncomfortable and decided to leave the room.

20. On May 16, 2022, “Eric” sent Victim 2 a text message from the cellphone number ending 9155 which read, “Remember seeing me in Woburn? I have video footage of you sucking my dick and bending over for me! If you don’t agree to sign this NDA I will be sending this video to all of your family, friends, and colleagues. You have until 2Pm to make a decision.” “Eric” went on to demand a \$2,000 payment from Victim 2 and for Victim 2 to sign a NDA. “Eric” demanded payment over CashApp to the CashTag “\$athleticguy27.”

21. Business records from the Crowne Plaze in Woburn, Massachusetts show that a guest using the name “C.H.”<sup>6</sup> rented a room in the hotel from May 10, 2023 until May 11, 2023.

22. Business records from Block Inc., the parent company of CashApp, for the CashApp account with the display name of “Tommy” and registered to KANE show “\$athleticguy27” as the CashTag for the account in May 2022. Additionally, the business records

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<sup>5</sup> Victim 2’s identity is known to the FBI but Victim 2 is referred to only as Victim 2 for Victim 2’s privacy and protection.

<sup>6</sup> The name is known to the government but referred to by initials only herein for C.H.’s privacy and security. As described below, C.H. is a person known to be associated with KANE.

from Block Inc. show multiple attempts on May 16, 2022, by Victim 2 to send money to the “Tommy” CashApp account.

23. According to Victim 2, he did not have either of the online payment applications CashApp or Zelle installed on any of his devices. KANE wanted Victim 2 to send the money via CashApp but when Victim 2 installed CashApp, Victim 2 was flagged for fraud. Ultimately Victim 2 was able to use Zelle and Victim 2 sent two payments on May 17, 2022, totaling \$1,300 through Zelle to an account with a display name of “C.H.”

24. On May 24, 2022, cellphone ending 9155 again contacted Victim 2 demanding Victim 2 call him. Victim 2 blocked “Eric’s” number, and Victim 2 was messaged by four separate numbers demanding additional payments.

***Identification of Tommy Fontaine and Eric as Brandon KANE<sup>7</sup>***

25. Business records from Block Inc., the parent company of CashApp, for the CashApp account with the display name of “Tommy” identifies the user as Brandon Kane with a birth date of xx/xx/1995, the last four of his Social Security Number (SSN) as 6856, an address in Chicago, Illinois, and a second address in Gwynn Oak, Maryland. The business records show multiple requests and payments between Victim 1’s account and KANE on the days Victim 1

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<sup>7</sup> A sequential-method photo array was conducted with Victim 1 on August 9, 2022. While Victim 1 could not make a singular, selective decision on only one photograph, Victim 1 identified a photograph of KANE as one of three possibilities based on hair type and face shape. On February 17, 2023, a sequential-method photo array was conducted with Victim 2. Victim 2 did not identify the photograph of KANE as the person he met in the Woburn hotel room in May 2022. Based on the circumstances of each victim’s single meeting with KANE, including the amount of time between those meetings and the dates of the identification procedures, the victims’ failure to positively identify a photograph of KANE does not undermine my belief that KANE is the person who committed the offenses described herein, especially given the volume of evidence of his identity outlined in the paragraphs that follow.



received messages demanding money. A query for the name Brandon KANE revealed a Maryland license issued to Brandon Darryl KANE with the same Gwynn Oak, Maryland address listed in the CashApp account for “Tommy” with a birth date of xx/xx/1995 and the last four of his SSN as 6856.

26. Business records from Google LLC for the Gmail account bdk081195@gmail.com, the account from which Victim 1 received a message in October 2021 with an attached a video of Victim 1 using cocaine, list the name of the user as “Brandon Kane.” Business records from Google LLC for the Gmail account b241318@gmail.com, the account from which Victim 1 received a message in February 2022 with an attached video of Victim 1 using cocaine, list the name of the user as “B K.” Additionally, business records from Comcast Communications LLC show an IP address, which accessed the Gmail account b241318@gmail.com, was registered to C.H., a 32-year-old, female resident of Illinois with the same Chicago, Illinois address listed in the CashApp account for “Tommy.” On June 27, 2022 Montgomery County Police Department in Maryland responded to a domestic violence call, and during the call, C.H. identified herself as KANE’s fiancé. C.H. was issued a protection order, protecting her from KANE on August 19, 2022, in New York.

27. Business records from T-Mobile identify the subscriber of cellphone ending 9155 as “C.H.” Business records from T-Mobile also show multiple outgoing calls from cellphone ending 9155 to Victim 2’s telephone number beginning on May 16, 2022. An email to the account b241318@gmail.com on July 8, 2022, lists an appointment with “Consignor Name: Brandon Kane, Consignor Phone: cellphone ending 9155, Consignor Email b241318@gmail.com.”

28. On October 22, 2022, in relation to a separate investigation, Montgomery County Maryland Police Department captured body camera footage of KANE at a Silver Springs,

Maryland address. After being identified by police officers, KANE gave the officers cellphone ending 9155 as his telephone number. On the footage, KANE can be seen making a call on his cellphone. Subsequently, a detective from Montgomery County Police Department in Maryland spoke with KANE on cellphone ending 9155. Business records from T-Mobile show a call between the detective's phone number and cellphone ending 9155 on January 23, 2023.

29. Uber Receipts sent to the Gmail Account dontebutterball@gmail.com, the same account from which KANE sent a video of Victim 1 to Victim 1's employer, show that in the summer of 2022, there were multiple Uber rides to the same Silver Springs, Maryland address where KANE was contacted by the police in October 2022.

30. Business records from Google for the Gmail account bdkane12@gmail.com list the cellphone ending 9155 as the recovery SMS for the account. The same records list the subscriber of the account as "Brandon Kane." The Gmail account bdkane12@gmail.com is linked by cookies to the Gmail accounts bdk081195@gmail.com (one of the accounts used to send a video of Victim 1 using cocaine to Victim 1), fontainesmith60@gmail.com (the account used to send a video of Victim 1 to Victim 1's employer), and dontebutterball@gmail.com (an account used to communicate with Victim 1's employer).

31. Business records from Varo Bank from an account registered to C.H. list the subscriber phone number ending 2513. Business records from T-Mobile show hundreds of transactions between cellphone ending 9155 and cellphone ending 2513. Thomson Reuters CLEAR<sup>8</sup> indicates that at one time telephone number cellphone ending 2513 was subscribed to by "C.H."

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<sup>8</sup> Thomson Reuters CLEAR is a commercially available information database that offers law enforcement access to records from publicly accessible sources for a fee.

32. Business records provided by T-Mobile for cellphone ending 9155 on March 10, 2023, indicate that cellphone ending 9155 completed ten transactions with a cell phone tower in Woburn, Massachusetts on May 10, 2022 and May 11, 2022. Additionally, the business records indicate cellphone ending 9155 completed several transactions with a cell phone tower in Silver Spring, Maryland on October 22, 2022 while officers were speaking with KANE. As described above, the police body camera captured KANE making a call on his cellphone.

*Interstate Nexus of Communications*

33. Based on my training and experience and my investigation of this case, I know that Google offers free email accounts to the public, such as the Gmail accounts referenced above. I further know, based on my training, experience, and information published by Google, that when users access Gmail, their communications are routed through one of Google's data centers. Google has data centers in several states in the United States, including Alabama, Georgia, Iowa, Nebraska, Nevada, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Virginia. Google has no data centers in Massachusetts.

34. Therefore, when the communications described above were sent via Gmail accounts to Victim 1 and Victim 2, those communications must have been routed through one of Google's data centers outside of Massachusetts and then sent, over state lines, into Massachusetts where the communications were ultimately received by the victims.

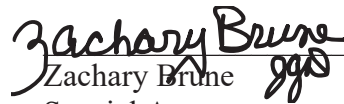
**CONCLUSION**

35. Based on the foregoing, I have probable cause to believe and do believe that, beginning on or about September 21, 2021, and continuing until on or about February 25, 2022, in the District of Massachusetts and elsewhere, the defendant, Brandon KANE, knowingly transmitted in interstate and foreign commerce, with intent to extort money from Victim 1, a series


of messages containing threats to injure Victim 1's reputation, in violation of Title 18, United States Code, Section 875(d).

36. I further I have probable cause to believe and do believe that, beginning on or about May 16, 2022, and continuing until on or about February 25, 2023, in the District of Massachusetts and elsewhere, the defendant, Brandon KANE, knowingly transmitted in interstate and foreign commerce, with intent to extort money from Victim 2, a series of messages containing threats to injure Victim 2's reputation, in violation of Title 18, United States Code, Section 875(d).

Respectfully submitted,

  
Zachary Brune  
Special Agent  
Federal Bureau of Investigation

Sworn to in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone on ~~March~~ **April 4, 2023**

  
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HON. JUDITH G. DEIN  
UNITED STATES MAGISTRATE JUDGE