

Declaration in Support of Felony Complaint and Arrest Warrant

I, Robert Morgester, am a Deputy Attorney General assigned to the Special Crimes Unit. In this capacity I have been working with investigators with the California Department of Justice, California Highway Patrol, and with investigators from AT&T on criminal "pretexting" practices – third parties falsely representing themselves as AT&T customers in order to obtain account access and/or information relating to legitimate customers without the customers' consent or knowledge in violation of California Penal Code Sections 538.5 (Fraudulent Wire Communications), 530.5 (Using Personal Identifying Information of Another to Obtain Credit, Goods, or Services in Other's Name), and 502(c)(2) (Wrongful Use of Computer Data). The following information is either personally known to me or from the statements or written reports from the California Department of Justice, California Highway Patrol, AT&T, Hewlett-Packard Corporation (HP) or witness statements submitted to the United States House of Representative Subcommittee on Oversight and Investigations.

SUMMARY:

Beginning in 2005 HP began an internal investigation to determine the identity of a HP Board of Director Member who was suspected of leaking confidential, non-public information to members of the media. During April 2005, HP Chairman Patricia DUNN authorized Ron DELIA, with Security Outsourcing Solutions, to continue this investigation. DUNN provided DELIA with personal identifying information (PII) of various HP Board Members. DELIA contracted with Action Research Group (ARG) to obtain the personal telephone records of HP Board of Director Members and the personal telephone records of individual members of the media. The telephone records were accessed by impersonating the legitimate customers without the customers consent or knowledge. DELIA and DUNN were aware of the techniques ARG used to obtain the records. This investigation was unsuccessful.

Beginning in 2006, DUNN authorized a second investigation into this matter. Kevin HUNSAKER, HP Senior Counsel, led the HP investigative team. DELIA, as part of this investigative team, contracted with Matthew DEPANTE of ARG, who in turn subcontracted with Bryan WAGNER, to obtain the personal telephone records of HP Board of Director Members and the personal telephone records of individual members of the media. The telephone records were accessed by impersonating the legitimate customers without the customer's consent or knowledge. DUNN, HUNSAKER, DELIA, DEPANTE and WAGNER were aware that the phone records were obtained under false pretenses from a public utility.

The pretexting in this case compromised over 24 different individuals' telephone, fax and cellular accounts. ARG reported in March of 2006 to DELIA that they had processed 33 total months worth of calls and that there was an approximate total of 1,750 calls combined between all the subjects numbers. From this information ARG obtained subscriber information on 590 landline, cellular and toll free numbers.

SUBJECTS:

Subject 1: Patricia DUNN
AKA Patricia Dunn Jahnke

Subject 2: Kevin Troy HUNSAKER

Subject 3: Ronald R. DELIA

Subject 4: Matthew DEPANTE

Subject 5: Bryan C. WAGNER

The relevant identifying information for each of the above subjects is contained in "Confidential Attachment" and is herein incorporated. Declarant requests that "Confidential Attachment" be ordered sealed pursuant to California Rule of Court Rule 243.1(d) in order to protect the confidential personal information of the above subjects. (See generally Pen. Code, § 964)

VIOLATION (S) ALLEGED:

Penal Code § 538.5, a felony - Fraudulent Wire Communication,

Penal Code § 530.5, a felony - Using Personal Identifying Information of Another to Obtain Credit, Goods, or Services in Other's Name,

Penal Code § 502 (c)(2), a felony - Wrongful Use of Computer Data.

Penal Code § 182, a felony - Conspiracy

NARRATIVE:

On August 16, 2006, I met with two executives from AT&T Investigations. The AT&T Investigators were identified as Executive Director of Asset Protection, Mark Ferrara, and Senior Business Manager of Fraud Management, Mark Toponce. The AT&T Investigators provided the following synopsis of events:

AT&T¹ has been conducting an internal review relating to "pretexting" practices - third parties falsely representing themselves as AT&T customers in order to obtain account

¹ AT&T is a Public Utility. California Public Utility Code Section 216 defines "Public utility" as including "every common carrier, toll bridge corporation, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, sewer system corporation, and heat corporation, where the service is performed for, or the commodity is delivered to, the public or any portion thereof."

access and/or information relating to legitimate customers without the customers consent or knowledge.

AT&T service allows a customer to create an optional on-line account to make bill payments and to review billing records. In creating an on-line account the customer is required to submit an e-mail address. Once opened, this account can be viewed by the customer from any computer with Internet access. During the time period in question an on-line account could be opened one of three ways. The "pretexting" practices are dependant on how the account was created.

First, an account can be created by the customer by using the telephone to which the account is tied to. AT&T has an automated system that recognizes the customer's telephone number (similar to caller I.D.) and will open an on-line account. "Pretexting" is accomplished by "spoofing" the telephone number. "Spoofing" is where the out-bound caller identity of a telephone (telephone number) is changed to reflect a different number. There are commercial "spoofing" services that allow a user to change their call out-bound caller identity. In this case the suspect would "spoof" the customer's telephone number thereby tricking AT&T into believing that the customer's telephone was being used to open the account.

Second, an account can be created by the customer on-line by providing the telephone number and the last four digits of the customer's social security number. "Pretexting" is accomplished by using the legitimate customer's information to gain access to the on-line account.

Finally, an account can also be created by using a multi-digit code that is found on the customer's "paper" billing statement. "Pretexting" here involves tricking AT&T service representatives to reveal this code. A common tactic employed is to pretend to be the customer who lost their billing statement and who needs to make an on-line payment.

HP Kona Investigation

HP has cooperated with this investigation to date and has produced over 5000 pages of internal records that have been reviewed. These records include e-mails and other business records that were provided to HP from Ron DELIA that pertain to this case.

The records in summary show that in 2005 an investigation titled "Kona" was initiated by Patricia DUNN (HP Chair) to determine the identity of individuals leaking confidential non-public HP information to media personnel. On April 19, 2005, DELIA sent an e-mail to Dunn which outlined the investigative activity required to identify the "persons responsible for the unauthorized dissemination of proprietary information to the press." The proposed investigative activity included "[e]lectronic surveillance of e-mail and/or other communication accounts, where applicable (To be discussed verbally)."

DUNN retained the services of DELIA to determine the source of the leak and provided relevant contact information on board members including telephone numbers.²

Pursuant to this investigation DELIA used Action Research Group (ARG) to obtain relevant telephone subscriber records. DELIA noted that he had numerous conversations with ARG in 2005 and 2006 about how they obtain telephone records. He stated that ARG pretexts the operators, and if one operator does not provide the information, then they call another operator. The information was "subject to error" because it was being recorded from an oral conversation.

DELIA instructed individuals at ARG to pull call records from a specific time frame for: Robert Knowling, George Keyworth, Tom Perkins and Carleton Fiorina of HP; Roger Crocket, Peter Burrow and Ben Elgin of Business Week; Pui-Wing Tam and George Anders of the Wall Street Journal; and John Markoff of the New York Times. ARG obtained information regarding both mobile and landlines. DELIA subsequently related that the decision as to whose telephone records were pulled was collaborative and that people in HP would have had ultimate authority as to what activity was conducted.

On June 15, 2005, DELIA, DUNN and Ann Baskins³ conducted a conference call in which DELIA went over the results of the investigation to date, including third party phone records. During the call, DELIA explained pretexting, telling DUNN and Baskins that it involved investigators requesting information from operators orally, over the phone, "pretending" to be someone else if necessary. DELIA informed DUNN and Baskins that pretexting had been used in connection with obtaining the reporters' telephone records.⁴ The majority of the pretexting had been completed by that date.

This investigation was unsuccessful in identifying the source of the leak.

Resumption of the Investigation (Kona II)

On Monday, January 23, 2006, CNET⁵ published an article written by Dawn Kawamoto and Tom Krazit. Stephen Shankland contributed to the article. The article contained a detailed, accurate summary of several issues discussed during the January 2006 HP Board meeting. In that the information contained in the article was clearly non-public, DUNN requested that a formal investigation into the information leak be resumed at the direction of the Legal Department. The Legal Department appointed HUNSAKER to head the investigative team.⁶

² According to Dunn's written testimony to the Committee on Energy and Commerce Delia was an outside supplier of investigative services for HP and had worked in this capacity for at least eight years.

³ Ann Baskins was the General Counsel for HP during this investigation.

⁴ Delia recalled that Baskins was curious about pretexting and concerned about its legality, and had asked DeLia whether it was lawful. DeLia replied that he was aware of no laws that made pretexting illegal, and was aware of no criminal prosecutions for such activities.

⁵ CNET is a computing and technology news service which presents original stories and investigative reports on-line.

⁶ In a January 20, 2006, e-mail Hunsaker ask Baskins "[i]n order to ensure that we can rely on privldge if anything cvcr comes of this, would you like me to oversee the invctigation . . . ?" In a January 23, 2006,

The Kona II team was led by HUNSAKER who was an attorney employed by HP. Members of the investigative team worked on the investigation at HP facilities in Roseville and Palo Alto, California. As part of this investigation HUNSAKER ordered that the team compare telephone records of members of the HP Board of Directors and reporters. Ron DELIA was retained as a member of the team and obtained the private telephone records of individuals in consultation with HUNSAKER. DELIA obtained the telephone records from ARG. These records were transmitted to HUNSAKER in Palo Alto, California.

In a January 30, 2006, e-mail HUNSAKER asked Tony Gentiluchi, who was a member of the investigative team, how DELIA obtained the cellular and home telephone records. Gentiluchi responded in part as follows:

“The methodology utilized is social engineering, he has investigators call operators under some ruse, to obtain the call record over the phone, its verbally communicated to the investigator, who has to write it down. In essence the Operator shouldn’t give it out, and that person is liable in some sense. Ron can describe the operation better, as well as the fact that this technique since he, and others, have been using it, has not been challenged. I think it is on the edge, but above board.”

HUNSAKER responded via e-mail “I shouldn’t have asked”

Following the January 30, 2006 e-mail, HUNSAKER continued to request and receive from DELIA cellular, fax and home telephone records. These records were requested and produced from January 2006 through April 2006 and obtained from public utilities (telephone companies) without the subscribers’ permission. These records included outbound and inbound call detail. HUNSAKER personally forwarded relevant telephone numbers⁷ of a number of individuals with the purpose that DELIA obtain their telephone records. In an April 28, 2006 e-mail HUNSAKER states “the only HP employee during the entire course of the KONA II investigation who had access to the phone records obtained was the attorney directing the investigation, Kevin Hunsaker.”

HP has admitted that the following 12 individuals’ telephone record information was obtained from third party phone carriers as part of the KONA II investigation: George Keyworth, Tom Perkins, Lucie Salhany, Marion Keyworth, John Hackborn, Dawn Kawamoto, Tom Krazit, Pui-Wing Tam, Michael Moeller, Brigida Bergkamp, Stephen Shankland, and Tom Shankland. These records were obtained without the subscribers consent.

e-mail Hunsaker further states “Ann Baskins has asked me to oversee the investigation into this in order to protect the attorney-client privilege in the event there is litigation or a governmental inquiry of some sort.”

⁷ The definition of personal identifying information in Penal Code section 530.5 includes telephone numbers. (Pen. Code, § 530.5(b).) In a January 26, 2006 e-mail to the investigative team Hunsaker states “I am still working to obtain Bergkamp’s DOB and SSN.”

A March 10, 2006 e-mail from DELIA to HUNSAKER provided an update of the "telephone research in [sic] completed and in progress" for the KONA II investigation. The e-mail lists 19 home, fax, or cellular numbers belonging to Keyworth, Perkins, Salhany, Hackborn, Kawamoto⁸, Krazit, Tam, and Moeller, where toll records (outbound or in-bound call detail) was obtained. The list includes seven additional accounts where telephone numbers were associated with a target of the investigation and five accounts still pending identification. The list also breaks down the telephone numbers in which subscriber information was obtained as follows: 413 separate landlines, 157 separate cellular lines, and 20 separate toll free lines

A March 11, 2006 e-mail from Matthew DEPANTE to DELIA provides an update to those numbers as follows:

"We ran 24 different subjects phone numbers some of which were for more than one month. Of the 33 total months worth of calls we ran (24 actual numbers) there was an approximate total of 1,750 calls combined total between all the subjects numbers. Once we deleted all the duplicate numbers we ended up obtaining subscriber info on 590 total numbers. 413 were landlines, 157 were cellular and 20 were toll free numbers."

E-mails from DELIA to HUNSAKER also show that Rachel Konrad⁹ and Shane Robinson¹⁰ were targeted. Other e-mails between DEPANTE and DELIA show that Patricia Dunn-Jahnke toll reports were obtained.¹¹

HUNSAKER provided updates of the investigation directly to DUNN in the form of conversations, e-mails, and weekly briefings.¹² HUNSAKER made DUNN aware that DELIA was part of the Kona II investigative team and that telephone records were being obtained.

A February 03, 2006, e-mail from DUNN to HUNSAKER states:

⁸ Dawn Kawamoto's Cingular cellular account was accessed by a unauthorized person. Specifically, the business records of Cingular for January 25, 2006 describes a person purporting to be a dealer representative called in, said they had validated the identity of the customer (Kawamoto), and asked for the passcode to be removed from the account. The Customer Service Representative removed the passcode from the account. An unknown person then logged into the on-line account and changed the on-line password. On January 30, 2006, call detail records were viewed for approximately nine minutes. They then viewed an associated account (Kawamoto's husband) for approximately one minute.

⁹ March 03, 2006 e-mail from Delia to Hunsaker states "RACHEL KONRAD - WORKING ON LOCATING CELL PHONE NUMBER AND OBTAINING JAN. 2006 CALLS."

¹⁰ March 10, 2006 e-mail from Delia to Hunsaker states that Shane Robinson cell phone calls for the month of January are still pending.

¹¹ May 17, 2006 e-mail from Actionresearch1@aol.com to Delia list a price break down for work completed. "JAHNKE CELL" is listed as a "TOLL REPORT RAN IN WHICH YOU PROVIDED US WITH THE NUMBERS."

¹² March 16, 2006, e-mail sent from Hunsaker to the Kona II investigative team states "[o]n this morning's call, I forgot to summarize my weekly briefing with Ann and Pattie, and there was one important thing they had to say. Both of them indicated they thought it would be a good idea if Ron [Delia] and Tony [Gentilucci] were also present in Los Angeles for the meeting with Mark -- both because of their familiarity with what we've done in this investigation and because of their familiarity with KONA."

“Kevin, I came away with a good sense of what you and the team are doing, and encouraged that this effort is on the right track. As discussed, this is an unusually sensitive matter and we need to tap into the necessary expertise wherever it resides I will count on you and the team to continue to do so.”

A February 24, 2006, e-mail from HUNSAKER to Vince Nye, Fred Adler, Anthony Gentilucci, and DELIA (Kona II investigative team) states:

“I just got off the phone with Pattie. She would like us to put a comprehensive summary of what we've done, what resources and techniques we've used, etc. It should include everything we've done on the EC folks, the Board members, and the other employees. It should also include things like our [unsuccessful] attempts to obtain the EC members' cell phone records, etc.”

An April 14, 2006, e-mail from HUNSAKER to DUNN notes “[t]here isn't much from a substantive standpoint that is new - - we've gotten a few more phone records, none of which contain anything significant.”

Action Research Group

Action Research Group's web page (<http://www.actionresearchgroup.com/>) lists the following contact information:

Action Research Group
2263 W. New Haven Ave., # 399,
Melbourne, FL 32904
Tel: 321-728-3700
Fax: 888-866-1234

Using the “contact us” section of the website creates an e-mail from the users account addressed to Actionresearch1@aol.com.

The web site lists Joseph DePante as the owner of Action Research Group and Matthew DEPANTE as the manager of Action Research Group. It states that Matthew DEPANTE has four years experience as a licensed investigator and is also a member of state investigation associations. It also states that Matthew DEPANTE is knowledgeable in all areas of telephone research as well as general skip tracing investigation techniques.

All of the telephone records in question were obtained by DELIA through Action Research Group. DELIA primarily communicated via e-mail to Action Research Group. Almost all of his communication relating to obtaining an individual's telephone records was conducted with “Matt” at the e-mail address of Actionresearch1@aol.com.¹³ The e-

¹³ Other e-mails or faxes from Action Research Group were identified as coming from different senders based upon the closing signatures.

mails from DELIA had the greeting "Matt." E-mails from Action Research Group closed with "Matt." A portion of the e-mails contain Matt's signature block of:

Matthew Depante
Action Research Group, Inc.
800-466-4779 Phone
888-866-1234 Fax
E-mail: Actionresearch1@aol.com
License # A9300021

Pretexting of Thomas Perkins and Richard Hackborn

Thomas Perkins was a member of the HP Board of Directors during this time period. Perkins did not authorize any access to his accounts. HP has admitted that Perkins' personal phone records were accessed as part of a HP internal investigation relating to press leaks. E-mails between HUNSAKER and DELIA and DELIA and DEPANTE confirm HP's admission.

AT&T provided information relating to the unlawful access of Thomas J. Perkins residential account which provides service at Belvedere, CA 94920.

An on-line account was established on Perkins' residential telephone account on January 30, 2006. It was created through the internet by the use of Perkins telephone number and the last four digits of his social security number. Perkins' bill for January 2006 was accessed. The e-mail account provided at registration was mike@yahoo.com and AT&T captured the IP address¹⁴ (68.99.17.80) associated with the account access.

A separate unlawful access was logged as to Perkins' long distance account. An attempt was made to register this account over the internet. The attempt failed because Perkins' Social Security Number was not associated with this on-line account. Subsequently, a call was made to an AT&T Customer Care Representative for assistance. The caller (WAGNER¹⁵) provided enough personal information to the service representative's satisfaction and an account was created. The account was accessed on February 2, 2006 and the bill for January 2006 was accessed. The e-mail account provided at registration was redsox9855@yahoo.com and AT&T captured the same IP address (68.99.17.80) associated with the account access.

When the on-line account was created in Perkins name, a "cookie"¹⁶ was placed upon the users' computer by AT&T. By tracking this AT&T "cookie," AT&T has been able to

¹⁴ An IP address is similar to a telephone number and is used to identify a specific computer on the Internet at a given time. IP addresses are assigned by Internet Service Provider's (ISP's) such as SBC Internet Services to their customers when they connect to the Internet. ISP's record the IP addresses assigned in log files and that information can associate an IP address to a specific customer account.

¹⁵ Wagner has been subsequently identified as the individual who obtained Perkins' records.

¹⁶ A "cookie" is a small text file of information that certain Web sites attach to a user's hard drive while the user is browsing the Web site. A "cookie" can contain information such as user ID, user preferences, archive shopping cart information, etc.

determine that the same computer accessed eight other on-line accounts in January and February of 2006. One of these accounts established on February 2, 2006 belonged to one of the other HP directors, Mr. Richard Hackborn. Further "cookie" comparison linked this computer to 14 other on-line accounts that were accessed in 2005. Although the pretexter used various e-mail addresses, they can all be linked together through the cookie.

AT&T was also able to capture the telephone number from which the call was placed to set up the Perkins' account. The number is 402-861-9092. Using this number, AT&T researched the history of calls made into AT&T's 800 number and corresponded those calls to the telephone number that was entered into the IVR system¹⁷ as the number that the caller was inquiring about. AT&T was able to further determine that calls that were placed from 402-861-9092 were associated with all of the other accounts for which on-line accounts were set up with the aforementioned cookie.

In examining their systems, AT&T was able to determine that during 2005 and through early 2006, approximately 200 calls were made to AT&T's 800 number from 402-861-9092.

A California search warrant was served on Qwest as to the identity of the subscriber of 402-861-9092. Qwest filed a return on September 15, 2006, identifying the subscriber of the account as Bryan WAGNER, with a service address in Omaha, Nebraska.

Pretexting of Pui-Win Tam

Ms. Tam is a reporter with the Wall Street Journal who has previously reported on HP. HP has admitted that Ms Tam's personal phone records were accessed as part of a HP internal investigation relating to press leaks. E-mails between HUNSAKER and DELIA confirm HP's admission.

AT&T provided information relating to the unlawful access of Pui-Win Tam's residential account which provides service at Piedmont, CA 94611. An AT&T on-line account was established related to Ms. Tam's AT&T local telephone service on March 8, 2006. The person registering the on-line account did so through the internet and provided Ms. Tam's telephone number and the last four digits of her Social Security Number to identify himself/herself as the authorized account holder. Ms. Tam did not authorize this access.

The e-mail address provided at the time of account registration was mike@yahoo.com. In addition, AT&T's computer servers captured the Internet Protocol ("IP") address associated with the person's computer browser on that date, which was 68.13.131.94.

¹⁷ In telephony, interactive voice response, or IVR, is a computerized system that allows a person, typically a telephone caller, to select an option from a voice menu and otherwise interface with a computer system. Generally the system plays pre-recorded voice prompts to which the person presses a number on a telephone keypad to select the option chosen, or speaks simple answers such as "yes", "no", or numbers in answer to the voice prompts.

A California search warrant was served on Cox Communication to identify the subscriber associated with this IP address. Cox Communication identified the subscriber as WAGNER, with a service address in Omaha, Nebraska. This service address was the same address identified in the Perkins' pretexting.

Interview of Bryan Wagner

A review of Bryan WAGNER's telephone records obtained from Qwest show that he called the main telephone number associated with Action Research Group in November 2005 (Tel: 321-728-3700).

On September 21, 2006, California Bureau of Investigation Special Agent (SA) Supervisor Michael Lillie, interviewed Bryan C. WAGNER at his residence, located in Littleton, Colorado.¹⁸ The interview centered around his involvement in pretexting, his employment at Action Research Group, located in Melbourne, Florida, and his involvement with Hewlett-Packard pretexting investigation. WAGNER answered the door and SA Lillie identified himself. WAGNER then spontaneously stated, "I was wondering when you guys would show up."

WAGNER stated that he had been employed by Action Research Group for the past four years, but does not work there anymore. WAGNER stated he discovered he was the pretexter who accessed employee phone records for Hewlett-Packard on September 19, 2006. WAGNER stated his uncle, James Rapp, called and told him the New York Times had information that Action Research Group was involved in the Hewlett-Packard pretexting case and there was a connection to Omaha, Nebraska. WAGNER read the article in the New York Times the same day and stated the information in the article confirmed his suspicion that he was the pretexter in the Hewlett-Packard investigation, due to the facts WAGNER worked for Action Research Group during the time frame as well as resided in Omaha, Nebraska during the time frame. WAGNER stated that he destroyed any evidence that linked him to the Hewlett-Packard investigation, including his computer, after talking to James Rapp and reading the article in the New York Times. WAGNER stated he destroyed the computer because it had incriminating evidence on it and he would not assist in locating it. WAGNER stated that he believed he was not breaking the law by pretexting, but was aware that ignorance of the law is not a defense.

WAGNER stated that he called Joe Dupante, who employed WAGNER at Action Research Group, on September 20, 2006, in order to inquire about the information he learned via James Rapp and the New York Times article. WAGNER only stated that Joe Dupante told him to have law enforcement contact his (Dupante's) attorney.

Jurisdiction

In this matter, both DUNN and HUNSAKER, while in Santa Clara County, entered into an agreement with DELIA to obtain telephone records from a public utility. Both DUNN

¹⁸ SA Lillie was able to confirm the Wagner lived in Omaha, Nebraska during the time period of the intrusion. Wagner had recently moved to Colorado.

and HUNSAKER were aware that the records were to be obtained by fraud or deceit. HUNSAKER provided continuous guidance to DELIA as to which telephone subscriber records were to be obtained. DELIA in turn contracted with DUPANTE to obtain those records. DUPANTE in turn contracted with WAGNER who obtained those records by impersonating the subscriber and using their PII to obtain the records. Once obtained the records were given by WAGNER to DUPANTE. DUPANTE in turn gave the records to DELIA, who in turn, gave the records to HUNSAKER in California. The cost related to the investigation and compensation for DELIA services was paid by HP.

This County has jurisdiction in that an act besides the agreement to commit the conspiracy occurred in Santa Clara County as outlined in the complaint. (*See Pen. Code, § 184.*) California also has jurisdiction over DELIA, DUPANTE, and WAGNER even though the underlying offense was consummated in a different jurisdiction because both the agreement to commit the offenses and acts in furtherance of the conspiracy occurred within this State. (*See Pen. Code, § 778a; People v. Morante (1999) 20 Cal.4th 403.*)

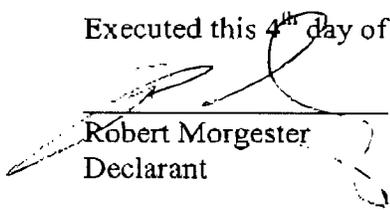
RECOMMENDATION:

In this case DUNN and HUNSAKER, from locations within California, directed the search for and obtained residential telephone, fax, and cellular records without the subscribers' permission from public utilities knowing that these records were obtained by means of fraudulent pretense. DELIA, DUPANTE, and WAGNER assisted in the production of or directly produced these telephone records. These acts constitute felony violations of California Penal Code Sections 538.5 (Fraudulent Wire Communications), 530.5 (Using Personal Identifying Information of Another to Obtain Credit, Goods, or Services in Other's Name), and 502(c)(2) (Wrongful Use of Computer Data). These acts also constitute a felony violation of Penal Code section 182 (conspiracy).

Therefore, I request that a warrant be issued pursuant to Penal Code sections 182, 538.5, 530.5, and 502 (c)(2), ordering the arrest of DUNN, HUNSAKER, DELIA, DUPANTE, and WAGNER for the relevant violations charged in the accompanying Complaint.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4th day of October, 2006


Robert Morgester
Declarant

ARREST WARRANT

DWS985 CII:
000000513261

FBI:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

THE PEOPLE OF THE STATE OF CALIFORNIA,

PLAINTIFF,

VS

BRYAN C WAGNER

6423 BEECH

LITTLETON CO

DEFENDANT

CEN: 06526908
DOCKET NO: CC644296
DRIVER'S LIC NO: NBH12179752
AGENCY CASE NO: AGSCU1006

DESCRIPTION

BIRTHDATE: 03/17/1977
HEIGHT: 510 WEIGHT: 205
HAIR: BK EYES: BR SEX: M
REMARKS:
RACE: WHITE
SERVICE AGENCY: 04300

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY PEACE OFFICER OF SAID STATE:
COMPLAINT UNDER OATH HAVING BEEN MADE BEFORE ME BY:

O1NP MORGESTER ALL OTHER AGENCIES

THAT THE OFFENSE OF:

(F) PC182(A)(1) PR: (F) PC538.5 PR:
(F) PC502(C)(2) PR: (F) PC530.5(A) PR:

A FELONY HAS BEEN COMMITTED, AND ACCUSING:
BRYAN C WAGNER THEREOF,

YOU ARE THEREFORE COMMANDED TO ARREST THE ABOVE NAMED DEFENDANT AND BRING SAID
DEFENDANT FORTHWITH BEFORE THE ENTITLED COURT.

THIS FELONY WARRANT MAY BE SERVED AT NIGHT PURSUANT TO SEC 840 PC.

DEFENDANT MAY BE ADMITTED TO BAIL IN THE SUM OF \$ *50,000*

WITNESS MY HAND AND SEAL,

DATE: 10/04/2006
HALL OF JUSTICE
190 WEST HEDDING STREET
SAN JOSE, CA 95110

MAILING ADDRESS IS:
191 N. FIRST STREET
SAN JOSE, CA 95113

Alfonso Fernandez
JUDGE OF THE SUPERIOR COURT
ALFONSO FERNANDEZ

COURT APPEARANCE TIMES AND DATES:
09:00 MONDAY THRU FRIDAY MISD
09:30 MONDAY THRU FRIDAY FEL
14:00 MONDAY THRU FRIDAY FEL

ARREST WARRANT

ARREST WARRANT

DWS979 CII:
000000513256

FBI:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

THE PEOPLE OF THE STATE OF CALIFORNIA,

PLAINTIFF,

VS

CEN: 06526904
DOCKET NO: CC644296
DRIVER'S LIC NO:
AGENCY CASE NO: AGSCU1006

RONALD R DELIA

32 WEATHER VANE

EAST SANDWICH MA 02537

DEFENDANT

DESCRIPTION

BIRTHDATE: 09/04/1950
LA HEIGHT: 603 WEIGHT:
HAIR: EYES: SEX: M
REMARKS:
RACE: UNKNOWN
SERVICE AGENCY: 04300

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY PEACE OFFICER OF SAID STATE:
COMPLAINT UNDER OATH HAVING BEEN MADE BEFORE ME BY:

Q1NP MORGESTER ALL OTHER AGENCIES

THAT THE OFFENSE OF:

(F) PC182(A)(1) PR: (F) PC538.5 PR:
(F) PC502(C)(2) PR: (F) PC530.5(A) PR:

A FELONY HAS BEEN COMMITTED, AND ACCUSING:
RONALD R DELIA THEREOF,

YOU ARE THEREFORE COMMANDED TO ARREST THE ABOVE NAMED DEFENDANT AND BRING SAID DEFENDANT FORTHWITH BEFORE THE ENTITLED COURT.

THIS FELDNY WARRANT MAY BE SERVED AT NIGHT PURSUANT TO SEC 840 PC.

DEFENDANT MAY BE ADMITTED TO BAIL IN THE SUM OF \$ ⁺50,000⁼⁼

WITNESS MY HAND AND SEAL,

DATE: 10/04/2006
HALL OF JUSTICE
190 WEST HEDDING STREET
SAN JOSE, CA 95110

MAILING ADDRESS IS:
191 N. FIRST STREET
SAN JOSE, CA 95113

Alfonso Fernandez
JUDGE OF THE SUPERIOR COURT
ALFONSO FERNANDEZ

COURT APPEARANCE TIMES AND DATES:
09:00 MONDAY THRU FRIDAY MISD
09:30 MONDAY THRU FRIDAY FEL
14:00 MONDAY THRU FRIDAY FEL

ARREST WARRANT

ARREST WARRANT

DWS978 CII:
000000513255

FBI:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

THE PEOPLE OF THE STATE OF CALIFORNIA,

PLAINTIFF,

VS

PATRICIA DUNN

8 CAMINO DEL DIABLO

ORINDA CA 94563

DEFENDANT

CEN: 06526903
DOCKET NO: CC644296
DRIVER'S LIC NO:
AGENCY CASE NO: AGSCU1006

DESCRIPTION

BIRTHDATE: 03/27/1953
HEIGHT: 506 WEIGHT: 135
HAIR: BR EYES: BR SEX: F
REMARKS:
RACE: WHITE
SERVICE AGENCY: 04300

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY PEACE OFFICER OF SAID STATE:
COMPLAINT UNDER OATH HAVING BEEN MADE BEFORE ME BY:

01NP MORGESTER ALL OTHER AGENCIES

THAT THE OFFENSE OF:

(F) PC182(A)(1)
(F) PC502(C)(2)

PR: (F) PC538.5
PR: (F) PC530.5(A)

PR:
PR:

A FELONY HAS BEEN COMMITTED, AND ACCUSING:
PATRICIA DUNN

THEREOF,

YOU ARE THEREFORE COMMANDED TO ARREST THE ABOVE NAMED DEFENDANT AND BRING SAID DEFENDANT FORTHWITH BEFORE THE ENTITLED COURT.

THIS FELONY WARRANT MAY BE SERVED AT NIGHT PURSUANT TO SEC 840 PC.

DEFENDANT MAY BE ADMITTED TO BAIL IN THE SUM OF \$^{*}5,000 OR. O.R. Release

WITNESS MY HAND AND SEAL,

DATE: 10/04/2006
HALL OF JUSTICE
190 WEST HEDDING STREET
SAN JOSE, CA 95110

MAILING ADDRESS IS:
191 N. FIRST STREET
SAN JOSE, CA 95113

Alfonso Fernandez
JUDGE OF THE SUPERIOR COURT
ALFONSO FERNANDEZ

COURT APPEARANCE TIMES AND DATES:
09:00 MONDAY THRU FRIDAY MISD
09:30 MONDAY THRU FRIDAY FEL
14:00 MONDAY THRU FRIDAY FEL

ARREST WARRANT

ARREST WARRANT

DWS983 CII:
00000513259

FBI:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

THE PEOPLE OF THE STATE OF CALIFORNIA,
PLAINTIFF,

VS

KEVIN TROY HUNSAKER
1014 OLIVE
MENLO PARK CA 94025

DEFENDANT

CEN: 06526907
DOCKET NO: 00644296
DRIVER'S LIC NO: CAC1334023
AGENCY CASE NO: AGSCU1006

DESCRIPTION

BIRTHDATE: 03/22/1965
ST. HEIGHT: 601 WEIGHT: 195
HAIR: BR EYES: HZ SEX: M
REMARKS:
RACE: WHITE
SERVICE AGENCY: 04300

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY PEACE OFFICER OF SAID STATE:
COMPLAINT UNDER OATH HAVING BEEN MADE BEFORE ME BY:

Q1NP MORGESTER ALL OTHER AGENCIES

THAT THE OFFENSE OF:

(F) PC182(A)(1) PR: (F) PC538.5 PR:
(F) PC502(C)(2) PR: (F) PC530.5(A) PR:

A FELDNY HAS BEEN COMMITTED, AND ACCUSING:
KEVIN TROY HUNSAKER THEREOF,

YOU ARE THEREFORE COMMANDED TO ARREST THE ABOVE NAMED DEFENDANT AND BRING SAID
DEFENDANT FORTHWITH BEFORE THE ENTITLED COURT.

THIS FELDNY WARRANT MAY BE SERVED AT NIGHT PURSUANT TO SEC 840 PC.

DEFENDANT MAY BE ADMITTED TO BAIL IN THE SUM OF \$ *5,000 = OR O.R. Release*

WITNESS MY HAND AND SEAL,

DATE: 10/04/2008
HALL OF JUSTICE
190 WEST HEDDING STREET
SAN JOSE, CA 95110

MAILING ADDRESS IS:
191 N. FIRST STREET
SAN JOSE, CA 95113

Alfonso Fernandez

JUDGE OF THE SUPERIOR COURT

ALFONSO FERNANDEZ

COURT APPEARANCE TIMES AND DATES:
09:00 MONDAY THRU FRIDAY MISD
09:30 MONDAY THRU FRIDAY FEL
14:00 MONDAY THRU FRIDAY FEL



ARREST WARRANT

ARREST WARRANT

DW5981 CII:
000000513258

FBI:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

THE PEOPLE OF THE STATE OF CALIFORNIA,

PLAINTIFF,

VS

MATTHEW DEPANTE

2263 W NEW HAVEN

WEST MELBOURNE FL 32904

DEFENDANT

CEN: 06526906
DOCKET NO: CC644296
DRIVER'S LIC NO:
AGENCY CASE NO: AGSCU1006

DESCRIPTION

BIRTHDATE: 05/20/1979
HEIGHT: 600 WEIGHT:
HAIR: EYES: SEX: M
REMARKS:
RACE: UNKNOWN
SERVICE AGENCY: 04300

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY PEACE OFFICER OF SAID STATE:
COMPLAINT UNDER OATH HAVING BEEN MADE BEFORE ME BY:

O1NP MORGESTER ALL OTHER AGENCIES

THAT THE OFFENSE OF:

(F) PC182(A)(1) PR: (F) PC538.5 PR:
(F) PC502(C)(2) PR: (F) PC530.5(A) PR:

A FELONY HAS BEEN COMMITTED, AND ACCUSING:
MATTHEW DEPANTE THEREOF,

YOU ARE THEREFORE COMMANDED TO ARREST THE ABOVE NAMED DEFENDANT AND BRING SAID
DEFENDANT FORTHWITH BEFORE THE ENTITLED COURT.

THIS FELONY WARRANT MAY BE SERVED AT NIGHT PURSUANT TO SEC 840 PC.

DEFENDANT MAY BE ADMITTED TO BAIL IN THE SUM OF \$ ⁺100,000 =

WITNESS MY HAND AND SEAL,

DATE: 10/04/2006
HALL OF JUSTICE
190 WEST HEDDING STREET
SAN JOSE, CA 95110

MAILING ADDRESS IS:
191 N. FIRST STREET
SAN JOSE, CA 95113

Alfonso Fernandez
JUDGE OF THE SUPERIOR COURT
ALFONSO FERNANDEZ

COURT APPEARANCE TIMES AND DATES:
09:00 MONDAY THRU FRIDAY MISD
09:30 MONDAY THRU FRIDAY FEL
14:00 MONDAY THRU FRIDAY FEL

ARREST WARRANT



ALFONSO FERNANDEZ

JUDGE

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

191 NORTH FIRST STREET, SAN JOSE, CA 95113

TEL: (408) 882-2700

afernandez@scscourt.org