

How we have an old file for Linda Kerr

Commonwealth of Pennsylvania



APPLICATION FOR SEARCH WARRANT AND AUTHORIZATION

COUNTY OF CAMBRIA

Docket Number (Issuing Authority):

Police Incident Number: A1-1320879

Warrant Control Number: A1-1320879

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Tpr. Glenn K. Bard

Pa State Police

724-832-3288

4/23/03

AFFIANT NAME AGENCY PHONE NUMBER DATE OF APPLICATION

IDENTIFY ITEMS TO BE SEARCHED FOR AND SEIZED (Be as specific as possible):

All computer hardware, including, but not limited to, any equipment which can collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, optical or similar computer impulses or data. Any computer processing units, internal and peripheral storage devices, (such as fixed disks, external hard disks, floppy disk drives, and diskettes, tape drives, tapes, and optical storage devices), peripheral input / output devices (such as keyboards, printers, scanners, plotters, video display monitors, CONTINUED

SPECIFIC DESCRIPTION OF PREMISES AND/OR PERSON TO BE SEARCHED (Street and No., Apt No., Vehicle, Safe Deposit Box, etc.):

A residence, commonly known as 49 F Oakhurst Commons, Daniels Street, Johnstown Pa. 15906, which is believed to be occupied by Linda Kerr, AKA, Linda Fernichio.

P.P. 535 4692

Handwritten notes: "Dish" and "11/11/11"

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NAME OF OWNER, OCCUPANT OR POSSESSOR OF SAID PREMISES TO BE SEARCHED (If proper name is unknown, give alias and/or description):

Linda Kerr, AKA Linda Fernichio, W/N-F

VIOLATION OF (Describe conduct or specify statute):

Title 18, Section 3922 Theft by Deception

DATE(S) OF VIOLATION:

varied

Warrant Application Approved by District Attorney - DA File No. ADA PA/16 KALTENBEINER

Additional Pages Attached (Other than Affidavit of Probable Cause)

Probable Cause Affidavit(s) MUST be attached (unless sealed below) Total number of pages: 5

TOTAL NUMBER OF PAGES IS SUM OF ALL APPLICATION, PROBABLE CAUSE AND CONTINUATION PAGES EVEN IF ANY OF THE PAGES ARE SEALED

The below named Affiant, being duly sworn (or affirmed) before the Issuing Authority according to law, deposes and says that there is probable cause to believe that certain property is evidence of or the fruit of a crime or is contraband or is unlawfully possessed or is otherwise subject to seizure, and is located at the particular premises or in the possession of the particular person as described above.

Signature of Affiant: [Signature] Pennsylvania State Police Agency or Address if private Affiant: 7546 Badge Number

Sworn to and subscribed before me this 23 day of April 2003. Mag. Dist. No. 47-1-03

Signature of Issuing Authority: [Signature] Office Address: 1340 FRANKLIN ST., JOHNSTOWN, PA 15905 (SEAL)

SEARCH WARRANT TO LAW ENFORCEMENT OFFICER:

WHEREAS, facts have been sworn to or affirmed before me by written affidavit(s) attached hereto from which I have found probable cause, I do authorize you to search the premises or person described, and to seize, secure, inventory and make return according to the Pennsylvania Rules of Criminal Procedure.

This Warrant shall be served as soon as practicable and shall be served only between the hours of 6AM to 10PM but in no event later than: \*

This Warrant shall be served as soon as practicable and may be served any time during the day or night but in no event later than: \*\*

M, o'clock 19

\* The issuing authority should specify a date not later than two (2) days after issuance. Pa.R.Crim.P. 2005(d).

\*\* If the issuing authority finds reasonable cause for issuing a nighttime warrant on the basis of additional reasonable cause set forth in the accompanying affidavit(s) and wishes to issue a nighttime warrant, then this block shall be checked. Pa.R.Crim.P. 2006(g).

Issued under my hand this 23 day of April 2003 at 11:00 A. M, o'clock.

Signature of Issuing Authority: [Signature] Mag. Dist. or Judicial Dist. No. 47-1-03 Date Commission Expires: 1-5-04 (SEAL)

Title of Issuing Authority: [X] District Justice [ ] Common Pleas Judge [ ]

For good cause stated in the affidavits(s) the Search Warrant Affidavit(s) are sealed for 1 days by my certification and signature. (Pa.R.Crim.P. 2011)

Signature of Issuing Authority: [Signature] (Date) (SEAL) 4-28-03

TO BE COMPLETED BY THE ISSUING AUTHORITY

Commonwealth of Pennsylvania



AFFIDAVIT OF PROBABLE CAUSE

COUNTY OF CAMBRIA

Docket Number  
(Issuing Authority):

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Warrant Control  
Number: A1-1320879

PROBABLE CAUSE BELIEF IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:

Your affiant has been employed as a Pennsylvania State Trooper for a period of over eight years. For the past three years, I have been assigned as a computer investigative specialist at the Troop A headquarters in Greensburg, Pennsylvania. During my tenure as a computer investigator, I have investigated hundreds of incidents in which computer and/or internet technology was involved. The types of crimes ranged from the distribution of child pornography to child luring to homicides. I have also successfully prosecuted and convicted numerous individuals from a wide range of crimes in which computer technology played a role. I have also attended numerous training classes focusing on computer and/or internet technology, including schools sponsored by the National Center for missing and exploited children, the national white collar crime center, the national cybercrime training partnership, PA State Police, PA Attorney General, Ohio Attorney General, Federal Trade Commission, The regional computer forensics group at George Mason University, Mid Atlantic Great Lakes organized crime law enforcement network, municipal police officers education and training commission, International association of computer investigative specialists, high technology criminal investigators association, and the international association of financial crime investigators. I have also been a guest speaker and/or instructor at the Indiana University of Pennsylvania, the PA State Police Southwest training center, the National District Attorneys association, Duquesne Law School, as well as numerous others. I have also been trained, and am very familiar with the use of numerous computer forensic software packages, including ILook, Encase, Ghost, IFist, and many more.

This affidavit of probable cause is based on information received during the course of this investigation.

This officer became aware of this investigation after Jeff Colella, of the Westmoreland County Area Agency on the Aging, contacted this officer and asked for this officer's assistance. Colella related that had had begun an investigation through his agency in which Thomas Butler had been victimized by the suspect. Colella continued to relate that the victim is an elderly man who resides at a nursing facility. Colella continued to state that over the past several months the suspect has acquired numerous credit cards in the victims name. Colella then informed this officer that the victim has an attorney, Byron King, who has a power of attorney for the victim, and is handling all of the victims finances. Colella also supplied this officer with several online transactions that he has obtained records for.

A careful review of the records supplied by Colella revealed dozens of charges made on the internet, in which the billing name and address would be that of the victim Thomas Butler, however, the recipient and shipping address would be that of the suspect Linda Kerr.

On 4/21/2003 at 0900 hours, this officer contacted attorney Byron King via telephone. At that time he related that the victim had been diagnosed with Dementia, and was currently in a nursing facility in Ligonier Pennsylvania. King continued to relate that he was handling all of the victim's finances, and knows of several forms of credit that have been obtained by Linda Kerr, in the name of the victim Thomas Butler. King related that on several occasions, as recently as the previous week, King has spoken with Kerr, who stated that she had gotten the credit in Butler's name, but only did it out of necessity.

During the course of this investigation, this officer was able to obtain correspondence from Attorney Byron King, which included a power of attorney for the victim, dated January 2<sup>nd</sup>, 2001.

I, Trooper Glenn K. Bard, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Affiant Signature: [Signature] Date: 4/23/03 Issuing Authority Signature: [Signature] Date: 4-23-03 (SEAL)



COUNTY OF CAMBRIA

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PROBABLE CAUSE BELIEF IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:

Also during the course of this investigation, this officer was able to identify National City as one of the institutions which issued credit in the name of Thomas Butler. After speaking with the fraud department, an investigator named Christine, informed this officer that they had initiated an investigation into this matter, and were able to determine that the suspect was using the victim's credit card, and had made purchases of over 10,000 dollars. The fraud department then contacted Kerr, who admitted to having used the credit card to make purchases for herself.

During a check of the suspect's criminal history, this officer found that the suspect has a lengthy criminal history, for numerous offenses, including similar charges such as theft, and forgery. This officer was also able to speak with one of the victims from a previous incident similar to this, in which the suspect obtained numerous credit cards in his name.

This officer requests this search warrant to identify how many forms of credit the suspect has obtained in the victim's name, as well as an attempt to identify any other victims of the suspect, that have not yet become known to police investigators. This officer requests that the computer, and it's intellectual content also be included in this warrant due to it being used to commit several of the crimes. This officer also knows through training and experience that the computer can be used to store thousands of files that can be important in this case, such as the credit card numbers, financial institutions, and identities of any other possible victims. It is also believed that the computer may have been used to apply for the credit cards online, and there will be evidence remaining on the computer hard drive that can be recovered and used to further substantiate this crime. This officer also believes that there will be paper documentation, such as credit card bills, applications, and receipts located within the house that can tie the suspect to the use of the credit cards, and in that belief also requests that this officer be able to seize any paper documentation believed to be related to this investigation.

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2654

I, Tpr. Glenn K. Bard, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

*[Signature]*  
Affiant Signature

4/23/03  
Date

*[Signature]*  
Issuing Authority Signature

4-23-03  
Date

(SEAL)



COUNTY OF CAMBRIA

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PROBABLE CAUSE BELIEF IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:

1. The volume of evidence - Computer storage devices, like hard disks, diskettes, tapes, laser disks can store the equivalent of thousands of pages of information. Additionally a suspect may try to conceal criminal evidence he or she might store it in random order with deceptive file names. This may require searching authorities to examine all the stored data to determine which particular files are evidence or instrumentality's of crime. The sorting process can take weeks or months, depending on the volume of data stored, and it would be impractical to attempt this kind of data search on site

2. Technical Requirements - Searching a computer system for criminal evidence is a highly technical process requiring expert skill and a properly controlled environment. The vast array of computer hardware and software available requires even computer experts to specialize in some systems and application, so it is difficult to know before a search which expert is qualified to analyze the system and its data. In any event, however, data search protocols are exacting scientific procedures designed to protect the integrity of the evidence and to recover even "hidden", erased, compressed, password-protected, or encrypted files. Since computer evidence is extremely vulnerable to inadvertent or intentional modification or destruction (both from external sources or from destructive code imbedded in the system, as a "booby trap"), a controlled environment is essential to a complete and accurate analysis.

Based upon this officers knowledge, training and experience, this officer knows that searching computerized information for evidence or instrumentality's of crime commonly requires officers to seize most or all of a computers system's input / output peripheral devices, related software, documentation, and data security devices (including passwords) so that a qualified computer expert can accurately retrieve the system's data in a laboratory or other controlled environment.

The peripheral devices which allow users to enter or retrieve data from the storage devices vary widely in compatibility with other hardware and software. Many system storage devices require particular input / output (or I/O) devices in order to read the data on the system. It is important that the analyst be able to properly reconfigure the system as it now operates in order to accurately retrieve the evidence listed above. In addition, the analyst needs the relevant system software (operating systems, interfaces, and hardware drivers) and any applications software which may have been used to create the data (whether stored on hard drives or on external media), as well as all related instruction manuals or other documentation and data security devices.

COMPUTERS: Your Affiant knows from training and experience that computer systems commonly consist of central processing units (CPU's), hard disk drives, floppy disk drives, tape drives, and other forms of magnetic media containing computer information, display screens, keyboards, printers, modems, electronic cables, cassette tapes. In addition, the specific transmission of computerized imagery indicates the possible use of CD-Rom drives, image scanning devices, still cameras, video cameras, and VCRs.

This officer knows from training and experience that such computers and magnetic media are used to store information. In addition to the above mentioned image files, that information often includes data files of other persons engaged in similar activities.

I, Tpr. Glenn K. Bard, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

*[Signature]*  
Affiant Signature

4/23/03  
Date

*[Signature]*  
Issuing Authority Signature

4-23-03  
Date

(SEAL)



COUNTY OF CAMBRIA

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Continuation of:

- Items to be searched and seized
- Description of premises/person(s) to be searched
- Owner/ Occupant
- Violations

and optical readers), and related communication devices such as modems, cables, and connections, recording equipment, as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware.

SOFTWARE: Software is digital information which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical, or other digital form. It commonly includes programs to run operating systems, applications (like word processing, graphics, or spread sheet programs ), utilities, compilers, and communications programs.

DOCUMENTATION: Computer related documentation consists of written, recorded, printed, or electronically stored material which explains or illustrates how to configure or use computer hardware, software, or other related items.

PASSWORDS AND DATA SECURITY DEVICES: Computer passwords and other data security devices are designed to restrict access to or hide computer software, documentation or data. Data security devices may consist of hardware, software, or other programming code. A password (string of alpha-numeric characters) usually operates as a sort of digital key to unlock particular data security devices.

Documents: Documents of any nature, printed, or hand written which may relate to passwords, accomplices or co-conspirators. Any documents that shows ownership or who resides at the place to be searched

Also, any documentation which relates to the acquisition, use or application for any credit cards relating the the name of Thomas Butler, as well as any and all other applications, or uses of credit in the name of another person besides the suspect, Linda Kerr., as well as the credit cards themselves, billing statements, or other materials associated with the credit card account.

Also, any itmes delivered by the U.S. Postal service, Federal Express, UPS or any other carrier that was shipped to the suspect, Linda Kerr, but paid for by the victim Thomas Butler.

Any proof of residency for the suspect, including any articles of inditia



## COUNTY OF CAMBRIA

Docket Number  
(Issuing Authority):Police Incident  
Number: A1-1320879Warrant Control  
Number: A1-1320879Date of Search:  
4/23/03Time of Search:  
1140

Property Seized as result of Search (Y/N): YES

Date of Return:

Time of Return:

Officer making Return:

Signature of Person Seizing Property:

Other Officers Participating in Search:

*Pa.R.Crim.P. Chapter 2000. SEARCH WARRANTS**Rule 2002A. Approval of Search Warrant Applications by Attorney for the Commonwealth – Local Option.*

- (a) The District Attorney of any county may require that search warrant applications filed in the county have the approval of an attorney for the Commonwealth prior to filing.

*Rule 2004. Person To Serve Warrant.*

A search warrant shall be served by a law enforcement officer.

*Rule 2005. Contents of Search Warrant.*

Each search warrant shall be signed by the issuing authority and shall:

- specify the date and time of issuance;
- identify specifically the property to be seized;
- name or describe with particularity the person or place to be searched;
- direct that the search be executed within a specified period of time, not to exceed 2 days from the time of issuance;
- direct that the warrant be served in the daytime unless otherwise authorized on the warrant, PROVIDED THAT, for purposes of the Rules of Chapter 2000, the term "daytime" shall be used to mean the hours of 6 a.m. to 10 p.m.;
- designate by title the judicial officer to whom the warrant shall be returned;
- certify that the issuing authority has found probable cause based upon the facts sworn to or affirmed before the issuing authority by written affidavit(s) attached to the warrant; and
- when applicable, certify on the face of the warrant that for good cause shown the affidavit(s) is sealed pursuant to Rule 2011 and state the length of time the affidavit(s) will be sealed.

*Rule 2006. Contents of Application for Search Warrant.*

Each application for a search warrant shall be supported by written affidavit(s) signed and sworn to or affirmed before an issuing authority, which affidavit(s) shall:

- state the name and department, agency, or address of the affiant;
- identify specifically the items or property to be searched for and seized;
- name or describe with particularity the person or place to be searched;
- identify the owner, occupant, or possessor of the place to be searched;
- specify or describe the crime which has been or is being committed;
- set forth specifically the facts and circumstances which form the basis for the affiant's conclusion that there is probable cause to believe the items or property identified are evidence or the fruit of a crime, or are contraband, or are otherwise unlawfully possessed or subject to seizure, and that these items or property are located on the particular person or at the particular place described;
- if a "nighttime" search is requested (i.e., 10 p.m. to 6 a.m.), state additional reasonable cause for seeking permission to search in the nighttime; and
- when the attorney for the Commonwealth is requesting that the affidavit(s) be sealed pursuant to Rule 2011, state the facts and circumstances which are alleged to establish good cause for the sealing of the affidavit(s).

*Rule 2008. Copy of Warrant; Receipt for Seized Property.*

- A law enforcement officer, upon taking property pursuant to a search warrant, shall leave with the person from whom or from whose premises the property was taken a copy of the warrant and affidavit(s) in support thereof, and a receipt for the property seized. A copy of the warrant and affidavit(s) must be left whether or not any property is seized.
- If no one is present on the premises when the warrant is executed, the officer shall leave the documents specified in paragraph (a) at a conspicuous location in the said premises. A copy of the warrant and affidavit(s) must be left whether or not any property is seized.
- Notwithstanding the requirements in paragraphs (a) and (b), the officer shall not leave a copy of an affidavit that has been sealed pursuant to Rule 2011.

*Rule 2009. Return with Inventory.*

- An inventory of items seized shall be made by the law enforcement officer serving a search warrant. The inventory shall be made in the presence of the person from whose possession or premises the property was taken, when feasible, or otherwise in the presence of at least one witness. The officer shall sign a statement on the inventory that it is a true and correct listing of all items seized, and that the signer is subject to the penalties and provisions of 18 Pa.C.S. Section 4904(b) - Unsworn Falsification To Authorities. The inventory shall be returned to and filed with the issuing authority.
- The judicial officer to whom the return was made shall upon request cause a copy of the inventory to be delivered to the applicant for the warrant and to the person from whom, or from whose premises, the property was taken.
- When the search warrant affidavit(s) is sealed pursuant to Rule 2011, the return shall be made to the justice or judge who issued the warrant.

**THE LAW ENFORCEMENT OFFICER SHALL MAKE ALL RETURNS TO THE ISSUING AUTHORITY DESIGNATED ON THE SEARCH WARRANT.**

