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AO91 (Rev. 12/03) Criminal Complaint

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

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OHIO

UNITED STATES OF AMERICA
V.
LINDA L. CASE

CRIMINAL COMPLAINT

Case Number:

2:10-mj-104

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST DIV. COLUMBUS

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about January 25, 2010 in Franklin County, in the Southern District of Ohio defendant(s) did,

(Track Statutory Language of Offense)

make false statements, conceal material facts and obstruct justice. See Attachment A.

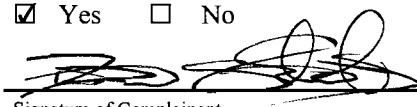
in violation of Title 18 United States Code, Section(s) 1001 and 1503.

I further state that I am a(n) Deputy U.S. Marshal and that this complaint is based on the following facts:

Official Title

See Attached Affidavit.

Continued on the attached sheet and made a part of this complaint: Yes No



Signature of Complainant

Andrew Shadwick

Printed Name of Complainant

Sworn to before me and signed in my presence,

February 11, 2010
Date

at

Columbus Ohio
City State

Mark R. Abel, U.S. Magistrate
Name and Title of Judge

Mark R. Abel
Signature of Judge

**AFFIDAVIT
IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Andrew Shadwick, being duly sworn, depose and state as the Affiant:

1. I am a Supervising Deputy United States Marshal ("DUSM") with the United States Marshals Service ("USMS") in Columbus, Ohio and have been employed by the USMS since 1998. I am an "investigative or law enforcement officer" of the United States within the meaning of Section 2510(7) of Title 18, United States Code, in that I am empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516. I am currently assigned as a supervisor in the Columbus, Ohio office of the USMS. I have specialized training and experience in investigating various types of criminal investigation, including searching for fugitives and bail jumping. I have participated in at least 100 investigations; and have participated in all aspects of investigations, including conducting surveillance, debriefing defendants and informants, interviewing witnesses, analyzing information obtained from court-ordered pen register/trap and trace intercepts, and analyzing electronic communication toll information. During the course of these investigations, I have served as the lead investigator in the investigation and prosecution of persons involved in fugitive related crimes such as escape and bail jumping.

I. THE INVESTIGATION

2. The investigation has revealed that Linda L. CASE ("CASE"), through false statements to law enforcement and concealment of communications with her fugitive sister Rebecca PARRETT ("PARRETT"), has obstructed justice by preventing PARRETT's custody and presence at sentencing and later remand to serve a twenty-

five (25) year term of imprisonment. CASE, located in Ohio, and PARRETT, located in Mexico, have regularly communicated using an e-mail system and exchanged news, information and results of tasks completed by CASE for PARRETT. When interviewed by law enforcement on multiple occasions, CASE denied any contact with her fugitive sister PARRETT, CASE denied knowing PARRETT's location or condition and CASE provided false and misleading information to law enforcement.

3. This Affidavit contains facts necessary to demonstrate probable cause that a crime has been committed as well as certain background facts which aid in understanding the facts at issue. It does not include all facts uncovered during the USMS investigation, but only summarizes certain pertinent portions of recorded communications, information and documents reviewed as part of the ongoing investigation.

4. In the course of the investigation described below, various investigative techniques requiring judicial authorization have been utilized including pen registers and related investigative processes, intercepted communications using a draft e-mail system and search warrants. In addition, your Affiant and other federal agents have reviewed documents and other materials and have interviewed witnesses with firsthand knowledge of the events described herein.

II. RELEVANT PERSONS

5. **Rebecca Sue PARRETT** ("PARRETT") is a fugitive from justice.

Born: September 1, 1948; Birth Name Rebecca Sue Mayes

Description: White female, 5'0", 120 pounds, blue eyes, light brown hair

Last Known Address: 37801 N. Stirrup Circle, Carefree, AZ 85377

Previous Married Names: Kunzi, House, Robinson, Ayers (currently married as Green)

a. On July 10, 2007, PARRETT was indicted, along with her co-defendants Lance K. Poulsen, Donald H. Ayers, Randolph H. Speer, Roger S. Faulkenberry, James E. Dierker, Jon A. Beacham and James K. Happ, and charged in a 27-count superseding indictment with conspiracy to commit securities and wire fraud (Ct. 1), substantive securities and wire fraud violations (Cts. 2-7 and 16), conspiracy to commit money laundering (Ct. 17), and related forfeiture provisions (Ct. 27). (Doc. No. 257).

b. On March 13, 2008, PARRETT was convicted by a jury of all counts against her. Following conviction, PARRETT was subjected to special conditions to assure her appearance at sentencing which included electronic monitoring and home detention. (Doc. No. 533). PARRETT was directed to contact the U.S. Pretrial Services ("Pretrial Services") Office for the Southern District of Ohio on March 14, 2008, which PARRETT failed to do. (Doc. No. 572). On March 14, 2008, Pretrial Services notified its correspondent office in Arizona of the terms of Defendant's release. *Id.* Almost two weeks later, PARRETT still had not reported to Pretrial Services or been fitted for an electronic monitoring device, as she was required to do. *Id.* Accordingly, on March 28, 2008, the Court found that PARRETT had violated the conditions of her release and issued a warrant for her arrest. *Id.* Since that time, PARRETT has remained a fugitive. (Doc. No. 919 - finding that PARRETT has breached the terms of her release, ordering her bond to be forfeited and finding that PARRETT remains a fugitive).

c. On March 27, 2009, PARRETT was sentenced *in absentia* to a term of twenty-five (25) years prison.

6. **Linda Lou CASE** is PARRETT's sister and was born on September 22, 1943.

CASE maintains a residence at 4954 Demorest Drive in Grove City, Ohio.

III. THE EVIDENCE

7. Following PARRETT's bail jump, CASE was interviewed numerous times by federal law enforcement. Your Affiant interviewed CASE on March 28, 2008; April 1, 2008; March 26, 2009; March 30, 2009; and again on January 25, 2010. During each interview, CASE denied any contact with PARRETT, CASE denied knowing PARRETT's location or condition and CASE provided false and misleading information.

a. On January 25, 2010, your Affiant interviewed case at her residence. CASE noted that she was aware PARRETT had jumped bail, that other co-defendants in PARRETT's fraud case were serving prison sentences, and that PARRETT was sentenced to serve a twenty-five (25) year sentence in prison. CASE specifically said she had not received any e-mails from PARRETT since her flight. CASE said it was unlikely that her sister, PARRETT, was dead and that PARRETT may be living in the countries of Nicaragua or Costa Rica. When questioned about a large recreational vehicle ("RV") parked in front of the residence, CASE indicated that she was planning to move to Veracruz, Mexico in the RV with her daughter and son-in-law. CASE also said she later planned to return to Ohio to move her mother to Mexico.

8. CASE has corruptly obstructed and impeded the efforts of the U.S Marshals Service to secure PARRETT's appearance at sentencing and subsequent remand to serve a twenty-five (25) year term of imprisonment.

9. The investigation has revealed the following facts:

a. Evidence indicates that PARRETT is located in the country of Mexico and has used e-mail communication facilities in and about the Guadalajara area.

b. Since at least September 2008 to the present time, PARRETT and CASE have been in regular e-mail communication often using code words and phrases.

1. Your Affiant has obtained judicially approved processes for the interception of e-mail communications and has reviewed the content of each e-mail summarized in this Affidavit. The USMS has been able to obtain each e-mail through a shadow account and has been able to read each e-mail in nearly real-time in relation to the date and time of creation. Based on information and evidence obtained by your Affiant, your Affiant is informed and believes that PARRETT created the e-mail account from the country of Mexico and that CASE accesses the e-mail account from her residence in Ohio as well as other nearby locations.

2. Code words and phrases have been employed, for example, on September 28, 2009, PARRETT wrote CASE in an attempt to change e-mail accounts for communication, "new email is the name of your old bridge partner from S.C. followed by the date that we last got together with all of mom's sisters to a girl's weekend....six digits....2 digits for month, day, year. The password is the location that we all got together (city only) and the name of my last animal that died....no numbers. No caps." On October 5th CASE replied that she attempted to follow PARRETT's coded instructions but that she, "[c]ouldn't figure it out!" and that she had "forgotten the password for the other email we were using. I remember the user name but not the password..." Your Affiant believes that the above attempts at coded communications

reveal CASE and PARRETT's intent to use countermeasures to avoid detection.

c. CASE provided instructions at least one other person on how to contact PARRETT using e-mail communications and how to conceal and prevent detection of such communications. Your Affiant has personally interviewed the source of the information who said he received such instructions from CASE on how to contact PARRETT. While this person was initially uncooperative, once legal issues were determined to quiet concerns of the source that such communications may be privileged, the source provided information that was corroborated by the investigation. Specifically, computer forensics confirmed that the source was correct about the dates, times of limited communications with PARRETT and that such communications ceased after a short period of time.

d. CASE and PARRETT have plans to meet in Mexico, and a face-to-face is planned to take place some time after CASE moves to Mexico. On September 21, 2009, PARRETT advised CASE, "I won't try to see you for a while even after you are here just for fear that they may follow you."

e. PARRETT provided CASE instructions on how to conceal and prevent detection of their communications. On June 22, 2009, PARRETT directed CASE, "don't use your home computer or laptop just for extra precaution." On October 7, 2009, PARRETT advised CASE, "Good thing is once you leave, maybe you will have another computer access and we can actually email each other back and forth instead of doing this. I worry about the computer ID, however, and if you will be using the same laptop that you have been using for a long time. I usually go to an internet store and sign on there instead of using my laptop. I'm going to buy a used laptop soon just for internet

use....you might want to consider that as well.” PARRETT also warned CASE about use of telephonic communications which my reveal their scheme to obstruct justice. On February 12, 2009, during a monitored telephone call in which CASE and Robert Parrett, PARRETT’s son, were discussing PARRETT, CASE asked, “Well, uh, so you’re not calling from your home phone or cell phone?” To which Robert Parrett replied, “No, no, no.”

f. CASE has provided PARRETT with news and information to assist PARRETT in concealing PARRETT’s identity and location. Specifically:

1. On June 22, 2009, PARRETT cautioned CASE about concealing their e-mail communications and use of computers by noting, “[t]hey would have surely used it against you when they interviewed you if they had known about it, but I still think you should take every precaution possible.” Your Affiant believes that “they” refers to your Affiant’s interviews of CASE and indicates that CASE passed facts to PARRETT about an interview before the June 22nd e-mail.

2. PARRETT requested CASE check into possible national television coverage about PARRETT’s flight and report results back to PARRETT. On May 27, 2009, your Affiant met with ABC news producer Miguel Sancho regarding the possibility of a “20/20” news program about PARRETT and your Affiant is aware that Sancho spoke with CASE about PARRETT’s flight. On June 22, 2009, PARRETT asked CASE, “[h]ave you heard anything from the ABC guy?” On September 4, 2009, PARRETT directed CASE to “please keep me informed because it is very important to know if something is going to be on tv.....living anywhere is always a risk if they have something on tv. All the stations are available here through satellite....I can’t talk to

people or get to know them for fear of someone recognizing me..." On September 4th, PARRETT urged CASE, "[p]lease tell me what you know about that guy whether he's going to do something or not. I really need to know if something is going to be on tv or not." On September 7th, PARRETT again urged CASE, "[p]lease try to find out if that guy is going to do anything or not, and if so, what would the date be. I was hoping you'd get a chance to talk more with him." On September 18th, PARRETT wrote, "It has been over two weeks since you have checked drafts. I had to move again and don't have regular access to internet, but I usually check it once a day or every 2-3 days. Please try to give me some answers regarding Santos." On Sept 20th CASE replied, "Everybody fine...I've just been really busy....Finally got a response to my e-mail from Santos. His EXACT reply was...'Dear Ms. Case: I hope you and mother are well. For now, 20/20 has decided to delay production of the story and assign me to other projects they want to air first. Frustrating, I know. I will call you as soon as I have more news. Apologies, Miguel.' I will let you know if I hear from him." On September 21st PARRETT replied, "Happy Birthday....sorry to hear about Santos....I have moved twice because of fear of someone recognizing me."

g. Both PARRETT and CASE have discussed how to obtain funds through spurious means and CASE has engaged in such efforts.

1. As noted above, CASE has plans to move her mother into Mexico at some point. On June 22, 2009, PARRETT wrote CASE, "[i]f you and mom could get into Mex soon it creates more opportunities and you should try to keep control of her ss check." Your Affiant believes that "ss" refers to social security benefit payments for the mother of CASE and PARRETT.

2. Your Affiant is aware that CASE is attempting to sell her residence in Grove City, Ohio. On September 4, 2009, PARRETT advised CASE that, "I had a thought about your house. Why don't you try to get a second mortgage for as much as you possibly can...then just walk away from it....you could try getting another vehicle through a loan and do the same thing. Anything you can get on credit now and walk away from later...just don't let people know where you are going and what you are doing."

3. On September 14, 2009, CASE used cash to purchase a cashier's check from a Columbus area bank in the amount of \$19,000. That same day, the \$19,000 cashier's check was endorsed by the seller of an RV. Official transaction records indicate that CASE certified that she was the buyer of the RV for a purchase price of \$9,000. Your Affiant believes the purchase price was under-reported by CASE in an effort to illegitimately avoid her tax liability for the transaction.

4. On September 20th CASE replied to PARRETT, "[m]y credit is no good anymore. I have very little income and lots of debt." On December 7, 2009, CASE informed PARRETT that she had not been paying the mortgage on her residence, "for the last 5 months" and wrote, "Speaking of selling everything, are those DeMott Indian pictures (2, 8x10s that you left here) worth anything?" On December 10, 2009, PARRETT replied, "the 8x10 are probably just prints....not really worth much."

h. PARRETT suggested that CASE assist her in obtaining travel documents by noting on September 21st, "Have you applied for a passport and fm card from Mexico? I would love to be able to get a dup of the fm card because I don't have any ID here. People lose them all the time. Maybe you can keep that in mind. I've

gotten by all this time without ever using an ID, amazing. Hope it continues that way. The thing I cannot do is travel and there is a particular place I would really like to go further south but I will explain more later.”

i. PARRETT expressed concern to CASE about people who may reveal PARRETT's location and condition if questioned by law enforcement. CASE has provided false information as to PARRETT's location and condition to others, including close relatives.

1. On September 21, 2009, PARRETT expressed concerns to CASE about limiting information by noting, “Presume you just told ‘S’ about me, or has she known for a while? I know you know, but remind her not to talk on phone or e-mail to anyone. She may be off the radar screen. Hopefully, you are as well.” Your Affiant believes that “S” is Sherri Kent, CASE's daughter who also has plans to move to Mexico along with her husband, Alberto Contreras.

2. Your Affiant has conducted several interviews with Robert Parrett, the son of PARRETT, who appeared cooperative regarding the investigation. Facts supplied by Robert Parrett have been corroborated by facts developed during the investigation and are consistent with facts know to your Affiant. Your Affiant believes that PARRETT warned CASE to limit information to Robert Parrett, when on January 20, 2010, PARRETT wrote in an e-mail about “BP” or Bobby Parrett, “Please don't tell BP anything about our communication or with GG. He still goes in and out of his crazy periods and as much as I would like to communicate with him, all it takes is one bad day for him to tell the wrong people something he shouldn't.” Your Affiant believes that “GG” is Gary Green, PARRETT's current husband.

a. On February 21, 2009, Robert Parrett agreed with law enforcement to place a consensually monitored telephone conversation with his aunt, Linda CASE. During the February 21st recorded conversation, Robert Parrett pleaded with CASE, his aunt, "I mean does anybody know where she is, dead, alive, I mean she was very sick, that's what worries me. I mean it sounded like this was a very serious illness, I mean, it's just..." CASE replied, "No Bobby, nobody's heard from her, that I know of, nobody's heard from her..."

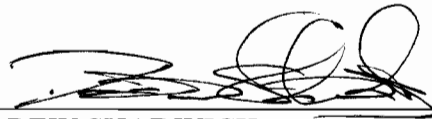
b. On, February 6, 2010, your Affiant was contacted by Robert Parrett to report that he had a face-to-face meeting with CASE in Ohio the night before on February 5, 2010. Robert Parrett reported that he and CASE met over dinner and that CASE pulled Robert aside and asked him if he had his cellular telephone on his person and Robert replied, "no." :Your Affiant believes this was an attempt by CASE to use a countermeasure to prevent the conversation from being detected or recorded. CASE then advised Robert Parrett "your mom is OK." Robert replied, "you know Mom's OK?" To which CASE answered, "yes I do." CASE then admitted, "I will be seeing your mother again," and CASE further said that Robert would be seeing his mother again as well. CASE also advised Robert that she felt the government would follow her to Mexico.

j. CASE has cared for PARRETT's pets since her flight, including one of PARRETT's cats named "Sammy" and with plans to reunite PARRETT with her cat. CASE often reported back to PARRETT regarding the condition of Sammy the cat. On September 14, 2009, as noted above, public records reveal that CASE purchased a cream and blue colored 1996 Ford RV. On September 21, 2009, PARRETT wrote

CASE, "...glad to hear Sammy is ok....travel will not be easy and coming into Mexico will not be easy with that many animals. You may want to think about crossing the border....staying in a local town and going back and forth to get all your things and all the animals into the country. Most large vehicles are searched from what I hear." On October 7, 2009, PARRETT wrote CASE, "How are you going to handle all the animals when you move? That will certainly be a job, but if you have an rv that would help. Make sure you have vet records for all of them." On January 11, 2010, PARRETT reminded CASE, "keep me posted of your plans, I want so much to see you again but I know it will take some time. Do you have all the paper work ready and for the animals? I know they will not let animals pass without vaccination records, etc. . That will be a hard trip but I'm sure you are planning the best way possible. How is Sammy? I hope he is doing ok. How about mom? Is she planning on coming with you?" On January 18th CASE replied, "Our goal is still the same and with Sheri and Albert's help, we're going to be pretty close. Valentines Day is our goal. It all depends on how soon I can wrap up all my tax clients. We will be going down the east coast of Mexico to Vera Cruz....crossing the border at McAllen, Tx. We have this all worked out. There's no way that Mom could make this trip with me in the RV. It's not going to be easy with 7 cats and a dog in the RV with me . I'm so excited though, and I'm sure everything's going to be just fine. As soon as I get settled down here, wherever that may be, and rent an apartment, I plan to fly back up here and take Mom back down with me. That's the plan." On January 20, 2010, PARRETT replied, "I hope all works out as you have planned....I sure hope all the animals make it ok."

IV. CONCLUSION

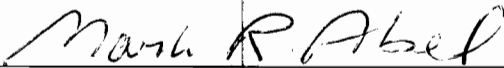
10. Based on the foregoing, I submit that there is probable cause to believe that Linda Lou CASE has provided false statements to law enforcement and concealed of communications with her fugitive sister Rebecca PARRETT, in violation of 18 U.S.C. § 1001, and has obstructed justice by preventing PARRETT's custody and presence at sentencing and later remand to serve a twenty-five (25) year term of imprisonment in violation 18 U.S.C. § 1503.



ANDREW SHADWICK
Supervising Deputy U.S. Marshal
U.S. Marshals Service
Columbus, Ohio

Sworn to before me this 11th day of February, 2010.

Time: _____



MARK R. ABLE
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF OHIO