

The Honorable J. KELLY ARNOLD

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL CHRISTOPHER LEONARD,

Defendant.

CASE NO. *MTJ10-5086*

COMPLAINT for VIOLATION
Title 18, United States Code,
Section 875(c) and

Title 47, United States Code,
Section 223(a)(1)(C).

BEFORE. J. KELLY ARNOLD, United States Magistrate Judge, U.S. Courthouse,
Tacoma, Washington.

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COUNT 1

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**(Use of Telecommunications Device
in Interstate Communications with Intent to Harass)**

19 On or about November 29, 2009, at Olympia, within the Western District of
20 Washington, and elsewhere, DANIEL CHRISTOPHER LEONARD utilized a
21 telecommunications device to knowingly transmit in interstate communications a
22 communication to a person, without disclosing his identity and with intent thereby to
23 annoy, abuse, threaten and harass the person who received the communication; in that
24 DANIEL CHRISTOPHER LEONARD used a telephone and an Internet telephone
25 "spoofing service" to place a telephone call to A.D., during which call he willfully
26 concealed his true identity by electronically altering his voice, and during which call he
27 told A.D., "I'm going to grab your tits."

28 All in violation of Title 47, United States Code, Section 223(a)(1)(C).

1 **COUNT 2**

2 **(Interstate Communications with Threat to Injure Person)**

3 On or about November 29, 2009, at Olympia, within the Western District of
4 Washington, and elsewhere, DANIEL CHRISTOPHER LEONARD knowingly and
5 willfully did transmit in interstate and foreign commerce a communication containing a
6 threat to injure the person of another, in that he used a telephone and an Internet
7 telephone "spoofing service" to place a telephone call to A.D., during which telephone
8 call he said to A.D. that "I'm going to stick my dick inside of you."

9 All in violation of Title 18, United States Code, Section 875(c).

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11 I, Ryan W. Bruett, being first duly sworn on oath, depose and say:

12 1. I am a Special Agent with the Federal Bureau of Investigation and have
13 been so employed since April 2006. As part of my duties, I investigate a wide variety of
14 federal criminal violations to include financial crime, violent crime and computer crimes.
15 During my tenure as a Special Agent, I have received training and gained experience in
16 interviewing and interrogation techniques, arrest procedures, search warrant applications,
17 the execution of searches and seizures, computer crimes, white collar crimes, and various
18 other criminal laws and procedures.

19 2. This affidavit is based upon my investigation as well as investigations
20 performed by local law enforcement officials. Because this affidavit is made for the
21 limited purpose of establishing probable cause, I have not listed each and every fact
22 known to me concerning this investigation.

23 3. On August 27, 2009, M.M. reported to the Monterey (California) Police
24 Department that she had received harassing phone calls of a sexual nature to her cellular
25 phone from an unknown person. She received a total of six calls in ten minutes that day.
26 Although the phone numbers registering on her caller ID differed on some of those calls,
27 it was the same male voice each time.

28 4. In December 2009 and on January 27, 2010, M.M. received more of these

1 | calls, which she had then started to receive at her place of employment. M.M. reported
2 | these calls, as well, to the Monterey Police Dept. M.M. reported that the caller ID also
3 | registered different phone numbers for these calls. M.M. believed the caller's voice was
4 | electronically altered, but it sounded like he was breathing heavily and masturbating.
5 | During one call, he said "I want you to know I'm jerking off to you." In another, he said
6 | "I'll have my hands all over you soon." These calls greatly upset M.M. as she felt the
7 | caller threatened her personal safety. M.M. continued to receive like calls in February,
8 | March and April, 2010, and continued to make reports to the Monterey Police Dept.

9 | 5. Since the caller's voice sounded electronically altered and since the calls
10 | seemed to come from a random variety of phone numbers, several of which were
11 | nonexistent, detectives of the Monterey Police Department suspected the caller might be
12 | using an Internet "phone spoofing" service. Detective Bruno of the MPD searched the
13 | Internet and identified www.SpoofCard.com, operated by TelTech Systems, Inc., as one
14 | company that offered such a "phone spoofing" service. Detective Aaron Delgado, MPD,
15 | contacted www.SpoofCard.com and asked if it had any record of a customer calling
16 | M.M.'s phone numbers. The Legal Department of TelTech Systems, Inc. advised that
17 | M.M.'s phone number, 831-***-****, was in its system but requested a search warrant
18 | before it provided more information.

19 | 6. On March 30, 2010, the Honorable Mark E. Hood, Superior Court Judge,
20 | Monterey County, California, authorized a search warrant for records, including call
21 | recordings, from TelTech Systems, Inc. for any records relating to the victim's phone
22 | number of 831-***-****. Call detail records were requested for August 27, 2009 and
23 | from December 1, 2009 through March 23, 2010.

24 | 7. Upon receipt of the warrant, TelTech, Inc. identified its customer whose
25 | account was used to call M.M. The customer was DANIEL CHRISTOPHER
26 | LEONARD. TelTech records indicated further that DANIEL CHRISTOPHER
27 | LEONARD opened the account online in September 2007 and then purchased minutes
28 | over the phone using a credit card. Minutes were last purchased for his account on April

1 1, 2010. When purchasing minutes, the caller needs only to confirm the number of his
2 address and his zip code. The numbers used on April 1, 2010 were "2323" and "98502."
3 Teltech reported that LEONARD now lived in Olympia, WA. Per DANIEL
4 CHRISTOPHER LEONARD's Washington State driver license, last updated on February
5 26, 2010, he resided at 2323 9th Ave SW, Apartment 24-201, Olympia, Washington
6 98502.

7 8. TelTech, Inc. provided Det. Delgado with a CD containing information
8 regarding every phone call placed with DANIEL CHRISTOPHER LEONARD's account.
9 Per its policy, TelTech, Inc. records every call placed using its service. Thus, audio
10 recordings of every call placed using DANIEL CHRISTOPHER LEONARD's account,
11 during the time period of the warrant, were on the CD. Also included on the CD was a
12 spreadsheet detailing every call placed. For each call, the following information was
13 noted: the caller's phone number, the phone number the caller wanted to dial, the phone
14 number the caller wanted to appear on the recipient's caller ID, and whether the caller
15 chose to alter his voice as either a male or a female.

16 9. The calls logs detailed a total of 1,566 calls made using DANIEL
17 CHRISTOPHER LEONARD's account. After reviewing the logs, Det. Delgado
18 identified multiple other recipients of LEONARD's calls, in multiple states. It appeared
19 that approximately 177 calls were made to a particular number in Washington, 360 - ***-
20 ****. Det. Delgado ran that number through a secure law enforcement search site and
21 learned that it belonged to the Cambridge Court Apartments, in Olympia, Washington.
22 On April 6, 2010, Det. Delgado called that number, and spoke with a woman, A.D. A.D.
23 reported to Det. Delgado that she had been the target of the phone calls, and that they
24 were harassing/threatening calls of a sexual nature. A.D. had filed multiple reports with
25 the Olympia Police Department regarding those sexually threatening phone calls. Det.
26 Delgado asked A.D. if she knew DANIEL CHRISTOPHER LEONARD, and she said
27 that she did; that LEONARD was a resident of her apartment complex. She had issued
28 his apartment to him, and had multiple routine contacts with him thereafter. Det. Delgado

1 played an unaltered audio recording of one of DANIEL CHRISTOPHER LEONARD's
2 recorded phone calls from the TelTech CD, and A.D. immediately confirmed that it was
3 DANIEL CHRISTOPHER LEONARD's voice on the recording. Det. Delgado
4 contacted the Olympia Police Department and shared his investigative findings.

5 10. Since becoming involved in this investigation, I have contacted Det.
6 Rebecca Fayette, of the Olympia Police Dept. I learned from her that A.D. had reported
7 the receipt of threatening calls from an unidentified male during the period from
8 September 2009 through April of 2010, and that she reported receiving as many as nine
9 calls in one day alone. Just as with M.M., the individual calling A.D. appeared to be
10 calling from different phone numbers, and electronically altering his voice.


11 11. A.D. reported that the caller described to her things he wanted to do to her
12 sexually. He said things like "I'm going to grab your tits," "I'm going to stick my dick
13 inside of you" and "why are you shaking?" He breathed heavily and it sounded to A.D. as
14 if he was masturbating. He usually called A.D. when she was working alone on the
15 weekends and she became convinced that he could see her. On at least one occasion
16 when Olympia police responded, she locked herself in her office and closed the blinds.
17 The calls affected A.D.'s ability to continue in her job.

18 12. On April 7, 2010, the Honorable Russell D. Scott, Superior Court Judge,
19 Monterey County, issued an arrest warrant for DANIEL CHRISTOPHER LEONARD.
20 Officers with the Olympia, WA Police Dept. arrested DANIEL CHRISTOPHER
21 LEONARD on April 27, 2010. On April 28, 2010, Olympia Police Department
22 Detectives interviewed DANIEL CHRISTOPHER LEONARD. He confessed to using
23 "spoof cards" to make "sexually driven phone calls" to multiple women. He estimated he
24 began doing so in August 2009. He stated that he used random, fictitious phone numbers
25 to mask his number and, when calling women with whom he had interacted, he masked
26 his voice using the electronic voice alteration offered by the spoofing service. He
27 specifically targeted some women he knew but then also randomly called women working
28 at businesses such as tanning salons or coffee stands. He did not bother to electronically

1 alter his voice when calling those women since they would not know him.

2 13. DANIEL CHRISTOPHER LEONARD admitted to calling A.D., who he
3 knew from his apartment complex. He would notice her working in the management
4 office when he drove by and then would call her shortly thereafter and comment on what
5 she was wearing and such. He estimated he called her over one hundred times from
6 January 2010 through April 2010. He said he often masturbated while calling women
7 using the spoofing service.

8 14. Based on the above facts, I respectfully submit that there is probable cause
9 to believe that DANIEL CHRISTOPHER LEONARD transmitted in interstate commerce
10 a communication containing a threat to injure the person of another; and utilized a
11 telecommunications device to knowingly transmit in interstate communications a
12 communication to a person, without disclosing his identity and with intent thereby to
13 annoy, abuse, threaten and harass the person who received the communication; in
14 violation of Title 18, United States Code, Section 875(c) and Title 47, United States
15 Code, Section 223(a)(1)(C), respectively.

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18 RYAN W. BRUETT, Complainant
19 Special Agent
Federal Bureau of Investigation

20 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
21 presence, the Court hereby finds that there is probable cause to believe the defendant
22 committed the offenses set forth in the Complaint.

23 DATED this 13th day of May, 2010.

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26 J. KELLY ARNOLD
27 United States Magistrate Judge
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