

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
SAN JOSE FACILITY
COMPLAINT FOR ARREST WARRANT(S)
PATRICIA DUNN DWS978
RONALD R. DELIA DWS979
MATTHEW DEPANTE DWS981
KEVIN TROY HUNSAKER DWS983
BRYAN C. WAGNER DWS985

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

FELONY COMPLAINT

vs.

DA NO: 061027481

CEN

- * PD WARR *
- * RD WARR *
- * MD WARR *
- * KH WARR *
- * BW WARR *

PATRICIA DUNN (3/27/1953),
aka PATRICIA DUNN JAHNKE,
8 CAMINO DEL DIABLO, ORINDA, CA 94563
RONALD R. DELIA (9/4/1950),
32 WEATHER VANE LANE, EAST SANDWICH, MA
02537
MATTHEW DEPANTE (5/20/1979),
2263 W. NEW HAVEN AVE., WEST MELBOURNE, FL
32904
KEVIN TROY HUNSAKER (3/22/1965),
1014 OLIVE STREET, MENLO PARK, CA 94025
BRYAN C. WAGNER (3/17/1977),
6423 BEECH CIRCLE, LITTLETON, CO
Defendant(s)

The undersigned is informed and believes that:

COUNT 1

On or about and between April 1, 2005 and April 30, 2006, in the County of Santa Clara, State of California, the crime of CONSPIRACY TO COMMIT CRIME, in violation of PENAL CODE SECTION 182(a)(1), a Felony, was committed by PATRICIA DUNN, RONALD R. DELIA, MATTHEW DEPANTE, KEVIN TROY HUNSAKER, AND BRYAN C. WAGNER who did conspire together to commit a crime, a violation of section 538.5, 530.5(a) and 502(c)(2) of the Penal Code of the State of California.

OVERT ACT 1

(OA) That thereafter, at and in the County of Santa Clara, State of California and in the furtherance of the conspiracy and to effect its object, Patricia Dunn on or about April 2005, gave Ron Delia home, cellular, and office telephone numbers for Hewlett-Packard Board Members.

OVERT ACT 2

(OA) That thereafter, at and in the County of Santa Clara, State of California and in the furtherance of the conspiracy and to effect its object, Ron Delia on or about April 2005, engaged the services of Action Research Group, Inc. to obtain customer records from telephone and cellular carriers.

OVERT ACT 3

(OA) That thereafter, at and in the County of Santa Clara, State of California and in the furtherance of the conspiracy and to effect its object, Ron Delia on or about June 15, 2005, told Patricia Dunn and Ann Baskins that the telephone records were obtained by ruse from the telecommunication carrier.

OVERT ACT 4

(OA) That thereafter, at and in the County of Santa Clara, State of California and in the furtherance of the conspiracy and to effect its object, Kevin Troy Hunsaker on or about January 23, 2006, is asked to oversee the investigation in order to protect the attorney-client privilege in the event there is litigation or a governmental inquiry.

OVERT ACT 5

(OA) That thereafter, at and in the County of Santa Clara, State of California and in the furtherance of the conspiracy and to effect its object, Patricia Dunn on or about January 31, 2006, confirms a meeting with Kevin Hunsaker concerning the investigation.

OVERT ACT 6

(OA) That thereafter, at and in the County of Santa Clara, State of California and in the furtherance of the conspiracy and to effect its object, Anthony Gentilucci on or about January 30, 2006, told Kevin Troy Hunsaker that the telephone records were obtained by ruse from the telecommunication carrier.

OVERT ACT 7

(OA) That thereafter, at and in the County of Santa Clara, State of California and in the furtherance of the conspiracy and to effect its object, Kevin Troy Hunsaker on or about January 31, 2006, gave Vince Nye, Fred Adler, Anthony Gentilucci, and Ron Delia the home, cellular, and office telephone numbers for all the Hewlett-Packard Executive Council members and all the Senior Vice Presidents.

OVERT ACT 8

(OA) That thereafter, at and in the County of Santa Clara, State of California and in the furtherance of the conspiracy and to effect its object, Ron Delia on or about February 21, 2006, gave Kevin Troy Hunsaker telephone and cellular records for the following customers: Hackborn, Kawamoto, Keyworth, Moeller, and Tam.

OVERT ACT 9

(OA) That thereafter, at and in the County of Santa Clara, State of California and in the furtherance of the conspiracy and to effect its object, Patricia Dunn on or about February 24, 2006, requested a comprehensive summary of the resources and techniques used in the investigation.

OVERT ACT 10

(OA) That thereafter, at and in the County of Santa Clara, State of California and in the furtherance of the conspiracy and to effect its object, Ron Delia on or about March 3, 2006, gave Kevin Troy Hunsaker telephone records for Thomas Perkins' home and fax and Pui-Wing Tam's cellular number.

OVERT ACT 11

(OA) That thereafter, at and in the County of Santa Clara, State of California and in the furtherance of the conspiracy and to effect its object, Kevin Troy Hunsaker on or about March 3, 2006, sent an email to Ron Delia asking whether the incoming calls on Keyworth's cellular phone for December to mid-January had been obtained.

OVERT ACT 12

(OA) That thereafter, at and in the County of Santa Clara, State of California and in the furtherance of the conspiracy and to effect its object, Kevin Troy Hunsaker on or about March 3, 2006, sent an email to Ron Delia asking if the incoming calls on Pui-Wing Tam's cellular phone for December and January had been obtained.

OVERT ACT 13

(OA) That thereafter, at and in the County of Santa Clara, State of California and in the furtherance of the conspiracy and to effect its object, Ron Delia on or about March 4, 2006, gave Kevin Troy Hunsaker telephone and cellular records for the following customers: Keyworth, Kawamoto, Krazit, and Thoke.

OVERT ACT 14

(OA) That thereafter, at and in the County of Santa Clara, State of California and in the furtherance of the conspiracy and to effect its object, Kevin Troy Hunsaker on or about March 5, 2006, gave Vince Nye, Fred Adler, Anthony Gentilucci, and Ron Delia a list of Hewlett-Packard related calls made from George Keyworth's cellular phone between January 17, 2006 and February 10, 2006.

OVERT ACT 15

(OA) That thereafter, at and in the County of Santa Clara, State of California and in the furtherance of the conspiracy and to effect its object, Ron Delia on or about March 10, 2006, gave Kevin Troy Hunsaker notice that the telephone records for January 2006 for Thomas Perkins' home and fax telephone numbers and Pui-Wing Tam's home and cellular number have been obtained.

OVERT ACT 16

(OA) That thereafter, at and in the County of Santa Clara, State of California and in the furtherance of the conspiracy and to effect its object, Kevin Troy Hunsaker on or about March 10, 2006, asked Ron Delia to get the telephone records for Shane Robinson.

OVERT ACT 17

(OA) That thereafter, at and in the County of Santa Clara, State of California and in the furtherance of the conspiracy and to effect its object, Kevin Troy Hunsaker on or about April 14, 2006, sent Patricia Dunn an email updating her on the investigation.

COUNT 2

On or about and between April 1, 2005 and April 16, 2006, in the County of Santa Clara, State of California, the crime of FRAUDULENT USE OF WIRE, RADIO OR TELEVISION TRANSMISSIONS, in violation of PENAL CODE SECTION 538.5, a Felony, was committed by PATRICIA DUNN, RONALD R. DELIA, MATTHEW DEPANTE, KEVIN TROY HUNSAKER, AND BRYAN C. WAGNER who did transmit and cause to be transmitted by means of wire, radio and television communication, words, sounds, writings, signs and signals, and pictures for the purpose of furthering and executing a scheme and artifice to obtain, from a public utility, A T & T, customer records, by means of false and fraudulent pretenses, representations, personations, and promises.

COUNT 3

On or about and between April 1, 2005 and April 16, 2006, in the County of Santa Clara, State of California, the crime of TAKING, COPYING, AND USING COMPUTER DATA, in violation of PENAL CODE SECTION 502(c)(2), a Felony, was committed by PATRICIA DUNN, RONALD R. DELIA, MATTHEW DEPANTE, KEVIN TROY HUNSAKER, AND BRYAN C. WAGNER who did knowingly access and without permission take, copy, and make use of data from a computer, computer system, and computer network, and take and copy supporting documentation which existed and resided internal and external to a computer, computer system, and computer network.

COUNT 4

On or about and between April 1, 2005 and April 16, 2006, in the County of Santa Clara, State of California, the crime of USING PERSONAL IDENTIFYING INFORMATION WITHOUT AUTHORIZATION, in violation of PENAL CODE SECTION 530.5(a), a Felony, was committed by PATRICIA DUNN, RONALD R. DELIA, MATTHEW DEPANTE, KEVIN TROY HUNSAKER, AND BRYAN C. WAGNER who did willfully obtain personal identifying information, the phone records of George Keyworth, Tom Perkins, Lucie Salhany, Marion Keyworth, John Hackborn, Dawn Kawamoto, Tom Krazit, Pui-Wing Tam, Michael Moeller, Brigida Begkamp, Stephen Shankland, and Tom Shankland, and used the information for an unlawful purpose, including to obtain, and attempt to obtain, credit, goods, services, and medical information, in the name of 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 without his or her consent.

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the arrest of defendant PATRICIA DUNN, for the above-listed crimes. Wherefore, A WARRANT OF ARREST IS REQUESTED.

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the arrest of defendant RONALD R. DELIA, for the above-listed crimes. Wherefore, A WARRANT OF ARREST IS REQUESTED.

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the arrest of defendant MATTHEW DEPANTE, for the above-listed crimes. Wherefore, A WARRANT OF ARREST IS REQUESTED.

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the arrest of defendant KEVIN TROY HUNSAKER, for the above-listed crimes. Wherefore, A WARRANT OF ARREST IS REQUESTED.

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the arrest of defendant BRYAN C. WAGNER, for the above-listed crimes. Wherefore, A WARRANT OF ARREST IS REQUESTED.

Complainant therefore requests that the defendant(s) be dealt with according to law.

I certify under penalty of perjury that the above is true and correct.

Executed on October 4, 2006, in SANTA CLARA County, California.

Warrant received for service by:

on _____
Cash or Bond \$ _____

Morgester 01NP-0228
(Morgester 01NP-0228)
DOJ (408) 452-7360 AGSCU1006
GENERAL/ D1000/ FELONY/ lc

JUDGE OF THE SUPERIOR COURT