

Wisconsin Department of Justice DCI

ACISS Case Master Report 11-816

Date Initiated 03/03/2011

Primary Information

Agency: WI Department of Justice
Division: Div. of Criminal Investigation (DCI)
Sensitive Cases: Div. of Criminal Investigation (DCI)
Bureau: DCI Investigative Services
Section: ICAC & Computer Crimes DCI
Lead LEO: Montgomery, Brad R (ICAC & Computer Crimes DCI / Wisconsin Department of Justice DCI)
Type Of Case: Computer Crimes
Case Description: Email threat to WI Senators from tpatdat@charter.net

Case Status

Case Status: Closed
Case Status Date: 05/03/2011
Disposition Code: Crime Not Substantiated
Disposition Date: 05/03/2011

Wisconsin DOJ Division of Criminal Investigation

ACISS Initiating Case Report Report 11-816

Report Date: 03/03/2011

Primary Information

Report Number: 11-816
 Report Date: 03/03/2011
 Type Of Report: Initiating Case Report
 Description: tpatdat@charter.net
 Dissemination Code: Agency
 Reporting LEO: Montgomery, Brad R (ICAC & Computer Crimes DCI / Wisconsin Department of Justice DCI)
 Approval Status: Approved
 Approved Date: 04/05/2011
 Approved By: Drazkowski, Dennis L (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)

Synopsis

On Saturday, 02/26/2011, Director Dave Spakowicz forwarded two emails to S/A Brad Montgomery. Both of these emails had been sent from the email address tpatdat@charter.net. One of the emails had been sent to Wisconsin Senator Julie Laundrie on Wednesday 02/23/2011, and the other had been sent to Wisconsin Senator Tim Carpenter on Tuesday 02/22/2011.

S/A Montgomery and AAG Mike Schaefer reviewed the email content of the emails. During this review it was determined that the email sent to Senator Tim Carpenter met the definition under Wisconsin State Statute 947.0125(2) of a threatening or intimidating email.

Related Addresses

Address	Relationship
tpatdat@charter.net, Wisconsin , United States of America	IP or WEB Address

Record Status Information

Record Origination Operator: Montgomery, Brad R (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)
 Record Origination Date: 03/03/2011 12:01
 Last Update Operator: Drazkowski, Dennis L (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)
 Last Update Date: 04/05/2011 12:20

Reporting LEO	Date	Supervisor	Date
Montgomery, Brad R (ICAC & Computer Crimes DCI / Wisconsin Department of Justice DCI)		Drazkowski, Dennis L (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)	4/22/2011

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number:

On Saturday, 02/26/2011, Director Dave Spakowicz forwarded two emails to S/A Brad Montgomery. Both of these emails had been sent from the email address tpatdat@charter.net. One of the emails had been sent to Wisconsin Senator Julie Laundrie on Wednesday 02/23/2011, and the other had been sent to Wisconsin Senator Tim Carpenter on Tuesday 02/22/2011.

The email sent to Senator Laundrie stated the following:

Hey Julie
I know Scott comes from a good Wisconsin family, Check it out!!!!
Now! I have no clue where Sen. Erpenbach comes from but, from a source
I heard from, (Lena Taylor) that he is a derelict who likes to cross dress and screw
you over and over cause you have no idea what is going on??
So much of thinking you are a religious person!!

Dave Lets Save Wisconsin

The email sent to Senator Carpenter stated the following:

I HEAR THERE IS A BOUNTY OUT FOR YOUR LOW LIFE ASS
AND THE OTHER 13 THAT ARE SCREWING THEIR CONSTITUENTS.

IM COMING LOOKING FOR YOU DUDE AND THE OTHERS!

Duane "Dog" Chapman

S/A Montgomery and AAG Mike Schaefer reviewed the email content of the emails. During this review it was determined that the email sent to Senator Tim Carpenter met the definition under Wisconsin State Statute 947.0125(2) of a threatening or intimidating email.

Narrative Page

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Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative Report 11-816/1

Report Date: 05/03/2011

Primary Information

Report Number: 11-816/1
 Report Date: 05/03/2011
 Type Of Report: Investigative
 Description: Receipt of Information
 Dissemination Code: Agency
 Reporting LEO: Montgomery, Brad R (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)
 Approval Status: Approved
 Approved Date: 05/03/2011
 Approved By: Matthews, David S (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)

Synopsis

On Saturday, 02/26/2011, Director Dave Spakowicz forwarded two emails to S/A Brad Montgomery. Both of these emails had been sent from the email address tpatdat@charter.net. One of the emails had been sent to Wisconsin Senator Julie Laundrie on Wednesday 02/23/2011, and the other had been sent to Wisconsin Senator Tim Carpenter on Tuesday 02/22/2011.

S/A Montgomery and AAG Mike Schaefer reviewed the email content of the emails. During this review it was determined that the email sent to Senator Tim Carpenter met the definition under Wisconsin State Statute 947.0125(2) of a threatening or intimidating email.

Related Addresses

Address	Relationship
tpatdat@charter.net, Wisconsin , United States of America	IP or WEB Address

Record Status Information

Record Origination Operator: Montgomery, Brad R (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)
 Record Origination Date: 05/03/2011 10:14
 Last Update Operator: Matthews, David S (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)
 Last Update Date: 05/03/2011 16:37

Reporting LEO	Date	Supervisor	Date
Montgomery, Brad R (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)		Matthews, David S (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)	5/4/2011

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number:

On Saturday, 02/26/2011, Director Dave Spakowicz forwarded two emails to S/A Brad Montgomery. Both of these emails had been sent from the email address tpatdat@charter.net. One of the emails had been sent to Wisconsin Senator Julie Laundrie on Wednesday 02/23/2011, and the other had been sent to Wisconsin Senator Tim Carpenter on Tuesday 02/22/2011.

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IM COMING LOOKING FOR YOU DUDE AND THE OTHERS!

Duane "Dog" Chapman

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Narrative Page

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From: Dave [mailto:tpatdat@charter.net]
Sent: Wednesday, February 23, 2011 7:43 PM
To: Sen.Carpenter
Subject: BOUNTY

**I HEAR THERE IS A BOUNTY OUT FOR YOUR LOW LIFE ASS
AND THE OTHER 13 THAT ARE SCREWING THEIR CONSTITUENTS.**

IM COMING LOOKING FOR YOU DUDE AND THE OTHERS!

Duane "Dog" Chapman

Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative Report 11-816/2

Report Date: 05/03/2011

Primary Information

Report Number:	11-816/2
Report Date:	05/03/2011
Type Of Report:	Investigative
Description:	Subpoena for records
Dissemination Code:	Agency
Reporting LEO:	Montgomery, Brad R (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)
Approval Status:	Approved
Approved Date:	05/03/2011
Approved By:	Matthews, David S (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)

Synopsis

On Friday 03/04/2011, S/A Brad Montgomery applied for and received a subpoena for records for the email account "tpatdat@charter.net". The subpoena for records was signed by Dane County Judge Daniel R. Moeser, Circuit Court Branch 11.

On 03/17/2010 SAIC Dennis Drazkowski completed the subpoena return and filed the return to the Dane County Clerk of Courts/Court Records Office.

Related Addresses

Address	Relationship
tpatdat@charter.net, Wisconsin, United States of America	IP or WEB Address

Related Subjects

Name	Type	Sex	Race	DOB	Relationship
Toshner, David A	Person	Male	White	1953	Person of Interest

Record Status Information

Record Origination Operator:	Montgomery, Brad R (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)
Record Origination Date:	05/03/2011 10:19
Last Update Operator:	Matthews, David S (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)
Last Update Date:	05/03/2011 16:39

Reporting LEO	Date	Supervisor	Date
Montgomery, Brad R (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)		Matthews, David S (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)	5/4/2011

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number:

On Friday 03/04/2011, S/A Brad Montgomery applied for and received a subpoena for records for the email account "tpatdat@charter.net". The subpoena for records was signed by Dane County Judge Daniel R. Moeser, Circuit Court Branch 11.

On 03/04/2011, S/A Montgomery faxed a copy of the subpoena for records to Charter Communications at the fax number 314-909-0609.

On 03/15/2011, Charter Communications faxed the account holder information for the account "tpatdat@charter.net" to DCI. Charter had identified the account holder as follows:

Pat & David A Toshner

Fond du Lac, WI 54937-9611

On 03/17/2010 SAIC Dennis Drazkowski completed the subpoena return and filed the return with the Dane County Clerk of Courts/Court Records Office.

Narrative Page

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STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 11

DANE COUNTY

IN THE MATTER OF A SUBPOENA
FOR RECORDS OF:

Charter Communications Inc.
ATTN: Legal Department – Subpoena Service
12405 Powerscourt Drive
St. Louis, MO. 63131

FILED
2011 MAR 17 AM 9:05
CIRCUIT COURT
DANE COUNTY WI

ATTORNEY GENERAL'S REQUEST FOR A SUBPOENA FOR RECORDS OR OTHER
INFORMATION OF A PROVIDER OF ELECTRONIC COMMUNICATIONS SERVICES AND
REMOTE COMPUTING SERVICES WIS. STAT. § 968.375

REQUEST

NOW COMES J.B. Van Hollen, Attorney General, and Michael Schaefer, Assistant Attorney General, to request that this Court issue a subpoena for records pursuant to the provisions of Wis. Stat. § 968.375, upon the following grounds:

1. Attached and incorporated herein is the Affidavit of Special Agent Brad Montgomery, a special agent for the Wisconsin Department of Justice, Division of Criminal Investigation, setting forth the facts prompting this request and establishing probable cause for the issuance of the requested subpoena.

2. As shown in the affidavit, there is probable cause to believe that there are documents presently located at Charter Communications Inc., 12405 Powerscourt Drive, St. Louis, MO. 63131, a person/business subject to the jurisdiction of this court under Wis. Stat. § 968.375(2), which documents constitute evidence of the crime(s) of COMPUTER CRIMES, contrary to Wis. Stat. § 947.0125(2)(a), (b) and (c).

3. The requested information as stated in the subpoena includes, but is not limited to:

Subscriber, member, and account information, and IP assignment logs for the user account maintaining the email account "tpatdat@charter.net".

4. WHEREFORE, this assistant attorney general requests, pursuant to § 968.375, that this Court issue a subpoena for the above-identified documents directed to the custodian of records for Charter Communications Inc., 12405 Powerscourt Drive, St. Louis, MO. 63131.

5. For the reasons stated in the supporting affidavit of Special Agent Brad Montgomery, the records are being sought in connection with an ongoing investigation and premature disclosure of the existence of the subpoena or its contents could hinder this investigation.

The Attorney General requests that the Court order that

- a. Charter Communications Inc., 12405 Powerscourt Drive, St. Louis, MO. 63131. be prohibited from disclosing the existence of the subpoena to customer or subscriber without prior authorization of the Court;
- b. upon return of the subpoena, that the Clerk of the Circuit Court receive, file and maintain **UNDER SEAL** all documents pertaining to the requested subpoena, including but not limited to including but not limited to this order, the subpoena, the return, the request, and any other supporting documents, until [DATE], subject to any additional motions or orders extending this time period.

Dated at Madison, Wisconsin, this 4th day of March, 2011.

J.B. VAN HOLLEN
Attorney General



Michael Schaefer
Assistant Attorney General
State Bar #1010877
Attorneys for State of Wisconsin

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 267-2070

IN THE MATTER OF A SUBPOENA
FOR RECORDS OF:

Charter Communications Inc.
ATTN: Legal Department – Subpoena Service
12405 Powerscourt Drive
St. Louis, MO. 63131

FILED
2011 MAR 17 AM 8:05
COURT CLERK

AFFIDAVIT OF SPECIAL AGENT BRAD MONTGOMERY IN SUPPORT OF A
SUBPOENA FOR RECORDS PURSUANT TO WIS. STAT. § 968.375

STATE OF WISCONSIN)
) SS
COUNTY OF DANE)

Affiant, being duly sworn on oath, states as follows:

1. I am currently employed as a Special Agent for the Wisconsin Department of Justice. I have been employed as a law enforcement officer for the past 17 years.

- a) S/A Montgomery is a certified Wisconsin police officer employed as a sworn special agent with the Wisconsin Division of Criminal Investigation. S/A Montgomery has been a police officer since 1994.
- b) S/A Montgomery has received more than 200 hours training in the investigation of computer and internet crimes, and methods of forensic analysis of computers used in criminal activity.
- c) S/A Montgomery has provided more than 400 hours of training related to computer and internet crime investigations, and methods of forensic analysis of computers used in criminal activity to local, state and federal law enforcement personnel, as well military personnel and individuals employed with private corporations.
- d) Since 1998 S/A Montgomery has been assigned by the Administrator of the Wisconsin Division of Criminal Investigation to investigate complaints of computer related crimes and Internet crimes and to conduct forensic examinations of computers used in criminal activity.
- e) Since 2003 S/A Montgomery has been employed as a part-time instructor for a

company called Guidance Software. In this capacity affiant instructs local, state, and federal law enforcement employees, military and government intelligence agency employees, foreign government employees, and private corporate employees computer forensics and computer crime investigations including computer network incident response.

2. S/A Montgomery is seeking records that he has reason to believe are currently in the possession of Charter Communications Inc., 12405 Powerscourt Drive, St. Louis, MO. 63131. These records are more particularly described as follows:

Subscriber, member, and account information, and IP assignment logs for the user account maintaining the email account "tpatdat@charter.net".

3. S/A Montgomery believes that the records described in paragraph 2 above constitute evidence of the crime(s) of COMPUTER CRIMES, contrary to Wis. Stats. §§ 947.0125(2)(a), (b) and (c).

4. S/A Montgomery believes the records requested will identify the account holder for the email account "tpatdat@charter.net".

5. S/A Montgomery knows through training and experience that Charter Communications, Inc. is a provider of an electronic communications service as provided as defined in Wis. Stat. §968.27(5) or remote computing service as defined in Wis. Stat. §968.27(14g) because Charter Communications, Inc. is an internet service provider in the State of Wisconsin.

6. S/A Montgomery knows through previous experience that Charter Communications is an internet service provider that provides internet services within the State of Wisconsin, and also maintains office space as well as technical communications equipment within the State of Wisconsin.

7. S/A Montgomery is conducting a criminal investigation regarding the transmission of a harassing and/or threatening e-mail message to Wisconsin State Senator Tim Carpenter.

- a) S/A Montgomery reviewed the harassing and/or threatening email and observed that the email was sent on 02/23/2011 at 7:43 pm, using the email address "tpatdat@charter.net", was sent to Wisconsin State Senator Tim Carpenter at his email address of "Sen.Carpenter@legis.wisconsin.gov", and that the email message contained the following content message:

"I HEAR THERE IS A BOUNTY OUT FOR YOUR LOW LIFE ASS
AND THE OTHER 13 THAT ARE SCREWING THEIR
CONSTITUENTS.

IM COMING LOOKING FOR YOU DUDE AND THE OTHERS!

Duane "Dog" Chapman

b) S/A Montgomery observed that the e-mail contained profane language as well as being intimidating or threatening overall.

8. S/A Montgomery knows through previous experience that the email servers used by the Wisconsin legislators are maintained within the city of Madison, Dane County, Wisconsin.

9. S/A Montgomery has used computers in the use of his/her work and has personally used Internet Browsers and e-mails services. He is aware that individuals using e-mail services must use an Internet Provider Service (ISP) such as Hotmail.com, Yahoo.com, or AOL.com to access the Internet. He is also aware that the ISP's computer servers can and do keep logs of customer activities such as: access logs of Internet Protocol (IP) information, billing information which includes the customer name, address, telephone number and length of time connected to the Internet Service Provider.

10. S/A Montgomery knows that an email address contains a email sender name that would be registered with a specific domain, followed by the "@" symbol, followed by a domain name. In the case of the email used to send the emails in this case "tpatdat@charter.net", the user would be "tpatdat", and the domain would be "charter.net". Charter.net is the domain that the email sender sent the email from.

11. S/A Montgomery recognizes the domain charter.net from his training and experience with previous investigations as belonging to Charter Communications Inc. S/A Montgomery knows from experience that Charter Communications, Inc. has and will comply with Wisconsin legal process (including subpoenas for documents) served upon it by telefax or mail. S/A Montgomery reviewed the Charter Communications Inc. website and observed that the company receives legal service at the following address:

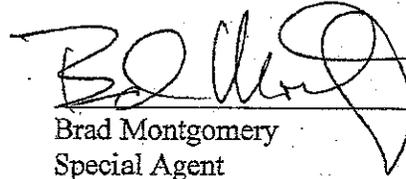
Charter Communications Inc.
ATTN: Legal Department – Subpoena Service
12405 Powerscourt Drive
St. Louis, MO. 63131
FAX: 314-909-0609

12. Within five (5) business days following receipt, I will prepare and submit to the clerk of courts a return accompanied by a written inventory of the documents received. In addition, I will also return this affidavit, the court's findings and orders, the subpoena, the Attorney General's or District Attorney's request for subpoena, the above described return, and any other documents submitted in support of the request for the subpoena.

13. The investigation continues and is on-going. I believe that secrecy at this time of the request and affidavit in support, the issuance of, all orders, returns and other related information concerning the requested subpoena is appropriate in order to prevent premature disclosure of the status, progress or details of the investigation, as reflected in this affidavit; avoid the disclosure of possible sources of evidence, including sources over which one or more targets may have access or control; keep knowledge of the investigation from an unarrested target who might be tempted to flee or avoid apprehension; avoid those interested in thwarting the investigation from tampering with, concealing or destroying investigative evidence; and to protect against the inadvertent disclosure of personally identifiable information and data.

14. I base this belief on my experience in investigating other crimes of this type and the nature of the crime(s) being investigated.

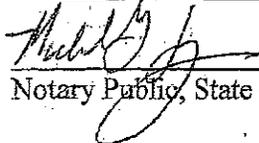
15. I estimate that further investigation of this matter may take an additional 1 month.

 3/4/2011

Brad Montgomery
Special Agent
Wisconsin Department of Justice
2445 Darwin Road
Madison, WI 53704

Subscribed and sworn to before me

this 4th day of March, 2011.


Notary Public, State of Wisconsin

My commission: is permanent.

IN THE MATTER OF A SUBPOENA
FOR RECORDS OF:

Charter Communications Inc.
ATTN: Legal Department – Subpoena Service
12405 Powerscourt Drive
St. Louis, MO. 63131

FILED
2011 MAR 17 AM 8:05
CLERK OF COURT
DANE COUNTY WISCONSIN

ORDER GRANTING SUBPOENA FOR RECORDS OR OTHER INFORMATION OF A
PROVIDER OF ELECTRONIC COMMUNICATIONS SERVICES AND REMOTE
COMPUTING SERVICES WIS. STAT. § 968.375

FINDINGS AND ORDERS

1. Pursuant to Wis. Stat. §968.375, the State of Wisconsin, by Assistant Attorney General Michael Schaefer, has filed a Request for a Subpoena for Records and Other Information now under the custody and control of the custodian of records for Charter Communications Inc., 12405 Powerscourt Drive, St. Louis, MO. 63131.

2. The Request is supported by an affidavit of Brad Montgomery, a special agent for the Wisconsin Department of Justice, Division of Criminal Investigation (“DCI”).

3. Based upon its review of the Attorney General’s request and the supporting affidavit, the Dane County Circuit Court, the Honorable David R. Moesa, finds probable cause to believe that the records or other information identified in the accompanying subpoena may constitute evidence of the crime(s) of COMPUTER CRIMES, contrary to Wis. Stat. §§ 947.0125(2)(a), (b) and (c).

4. The Court also finds probable cause to believe that the records named in the accompanying subpoena are now under the custody and control of the custodian of records for

Charter Communications Inc., which is a provider of electronic communications services or remote computing services subject to this Court's jurisdiction pursuant to Wis. Stat. § 968.375(2).

5. The Court finds that this is an ongoing investigation and that secrecy is required in order to keep knowledge of the investigation from an unarrested target who might be tempted to flee or avoid apprehension, and to avoid those interested in thwarting the investigation from tampering with, concealing or destroying investigative evidence.

6. NOW, THEREFORE, on the request of the Attorney General pursuant to Wis. Stat. § 968.375, IT IS HEREBY ORDERED that the accompanying subpoena shall be issued, pursuant to Wis. Stat. § 968.375.

7. THE COURT HEREBY ORDERS that the DCI serve the subpoena within 5 days of the date of this order. Service may be through any means authorized under Wis. Stat. §968.375(6).

8. THE COURT HEREBY ORDERS that the DCI return the subpoena not later than 5 days after the DCI receives the records or information described in the subpoena.

9. Based upon the finding set forth in para. 5. above, THE COURT FURTHER ORDERS that:

- a. Charter Communications is prohibited from disclosing the existence of the subpoena to the customer or subscriber without prior authorization of the Court; AND
- b. The clerk seal all documents related to this subpoena, including but not limited to this order, the subpoena, the return, the request, and any other supporting documents.
- c. The documents previously described shall remain under seal until 6/4/2011, subject to any additional motions or orders extending this time period.

Dated at Madison, Wisconsin, this 4th day of March, 2011.

D. Moeser

The Hon. Daniel R. Moeser

Dane County Circuit Court Judge

Branch XI

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 11

DANE COUNTY

IN THE MATTER OF A SUBPOENA
FOR RECORDS OF:

Charter Communications Inc.
ATTN: Legal Department – Subpoena Service
12405 Powerscourt Drive
St. Louis, MO. 63131

FILED
2011 MAR 17 AM 8:05
CIRCUIT COURT
DANE COUNTY
MADISON, WISCONSIN

SUBPOENA FOR RECORDS PURSUANT TO WIS. STAT. § 968.375

TO: Custodian of records of:

Charter Communications Inc.
ATTN: Legal Department – Subpoena Service
12405 Powerscourt Drive
St. Louis, MO. 63131

You are hereby required to appear on March 18th, 2011, at 8³⁰ a.m./p.m., before the Honorable Daniel R. Moese, Circuit Court Judge for Branch XI of the Dane County Circuit Court, at the Room 8D of the Dane County Courthouse, Madison, Dane County, Wisconsin. You are required to bring with you any and all of the following documents:

Subscriber, member, and account information, and IP assignment logs for the user account maintaining the email account "tpatdat@charter.net".

Records include but are not limited to books, papers, records, recordings, tapes, photographs, films or computer or electronic data.

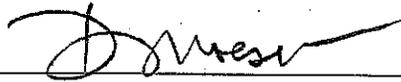
In lieu of appearing on the aforementioned date and time, you are hereby authorized to deliver these documents to Brad Montgomery, a special agent for the Wisconsin Department of

Justice, Division of Criminal Investigation, located at 2445 Darwin Road, Madison, Wisconsin 53704, by fax at 608-242-5388, or by email at montgomerybr@doj.state.wi.us, or his/her designee before the ordered appearance date.

You are further ordered not to disclose the nature or contents of this subpoena to anyone, including the customer or subscriber of the subpoenaed records, other than your legal counsel, except upon order of the Court.

Failure to comply with this subpoena may result in punishment for contempt.

Dated at Madison, Wisconsin, this 4th day of March, 2011.



THE HONORABLE Daniel R. Moser

Dane County Circuit Court Judge

Branch IV

CERTIFICATE OF SERVICE

I certify and admit that I have received this subpoena as provided in Wis. Stat. §968.375(6).

Signed: _____
(All persons who receive subpoenas by mail must sign here)

Name: _____
(Type or handwrite name here)

Dated: _____

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 11

DANE COUNTY

IN THE MATTER OF A WARRANT
FOR DOCUMENTS OF:

Charter Communications Inc.
ATTN: Legal Department – Subpoena Service
12405 Powerscourt Drive
St. Louis, MO. 63131

2011 MAR 17 AM 8:05
CIRCUIT COURT
DANE COUNTY, WI

RETURN OF SUBPOENA FOR RECORDS ISSUED UNDER WIS. STATS. 968.375

I hereby certify that, pursuant to a subpoena for records issued pursuant to Wis. Stats. § 968.375(4) in the above matter on September 3, 2010, which authorized the party to which the subpoena was directed to comply with the subpoena by responding directly to the Special Agent Brad Montgomery, the following is a summary/inventory of the documents received on 03/15/2011 in response to the subpoena:

Account information provided by Charter Communications Inc. for the email account "tpatdat@charter.net".

The above-described documents remain in the possession of Special Agent Brad Montgomery subject to the disposition of the court. A copy of the subpoena and supporting documents are attached hereto. This "return" and its attachments are filed subject to any existing court orders for sealing of records related to this warrant.

Dated this 17th day of March, 2011.

Dennis Drazkowski
Dennis Drazkowski
Special Agent in Charge



Law Enforcement Paralegal
 Charter Communications, Inc.
 12405 Powerscourt Dr.
 St. Louis, MO 63131
 FAX: 314-909-0609

CONFIDENTIAL

March 15, 2011

VIA FACSIMILE - 608-242-5388

RE: Charter Case No. 11-0924
 Subpoena dated 3/4/11 for email address tpatdat@charter.net
 Request Type: IP Address
 Dear SA Brad Montgomery:

Charter Communications, Inc. ("Charter") acknowledges receipt of the above referenced request for subscriber information associated with the information that you provided in your request.

Pursuant to your request, Charter investigated and was able to identify the following subscriber information:

Account No.:
 Accountholder: PAT&DAVID A TOSHNER
 Service Address: FOND DU LAC, WI 54937-9611
 Service Number(s):
 Type of Service: Internet, Video and Telephone
 Length of Service: 08/20/99 - Present
 Additional Info: IP Logs: See Attached

Please be aware that Charter's billing records, from which the above information is obtained, are subject to human error and Charter cannot always guarantee the accuracy of such records. You should not rely solely on this information and should always independently corroborate the information Charter provides you with other information you have concerning the identity of the individual.

If you have any questions about this correspondence, please fax your questions to (314) 909-0609. In any correspondence, please reference the Charter case number that is printed above.

Sincerely,

Moudine Armstrong
 Law Enforcement Paralegal
 Charter Communications - Legal Dept

CONTACT INFORMATION

All subpoenas, warrants, court orders or other requests for the disclosure of subscriber information, including but not limited to identifications made by name, telephone number or IP address, must be faxed or mailed to Charter's Law Enforcement Paralegal at:

By Facsimile: *Preferred*

ATTN: Law Enforcement Paralegal
Charter Communications, Inc.
(f) 314-909-0609

OR

By Mail:

ATTN: Law Enforcement Paralegal
Charter Communications, Inc.
12405 Powerscourt Drive
Saint Louis, Missouri 63131-3660
(p) 314-543-2408
(f) 314-909-0609

Charter does not accept service at any other fax number and does not accept service at any of our local offices or facilities.

EMERGENCY REQUESTS: All emergency information requests, i.e., involving immediate danger of death or serious physical injury, must be phoned to Charter's Law Enforcement Response Team at:

1-866-894-0103

For more information about Charter's law enforcement disclosure process please visit <http://www.charter.com/lea>.

RECORDS RETENTION

This response and any associated documentation will only be retained for a period of **TWO (2) YEARS** after the date of this response. If you would like for Charter to preserve any information for a longer period of time, please submit a written request to Charter's Law Enforcement Paralegal by facsimile at 314-909-0609. Please include a copy of the response or Charter's case number (e.g., 09-0000) with your request so that the appropriate files may be identified. You must specify a reasonable period of time the information should be retained; preservation requests with an undefined retention period will not be accepted.

COST RECOVERY

Charter reserves the right to recover any expenses permitted or otherwise authorized by law. In the event that a charge is being assessed, an invoice will be attached hereto.

(06/09)

CATS:-DHCP Query

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CATS::DHCP Query



Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative Report 11-816/3

Report Date: 05/03/2011

Primary Information

Report Number: 11-816/3
 Report Date: 05/03/2011
 Type Of Report: Investigative
 Description: Interview - David A Toshner
 Dissemination Code: Agency
 Reporting LEO: Montgomery, Brad R (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)
 Approval Status: Approved
 Approved Date: 05/03/2011
 Approved By: Matthews, David S (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)

Synopsis

On 03/21/2011, S/As Brad Montgomery and Sodora Orn interviewed DAVID A TOSHNER, W/M, DOB: at his residence located at Fond du Lac, WI 54937-9611.

Related Addresses

Address	Relationship
tpatdat@charter.net, Wisconsin , United States of America	IP or WEB Address

Related Subjects

Name	Type	Sex	Race	DOB	Relationship
Toshner, David A	Person	Male	White	1953	Person of Interest

Record Status Information

Record Origination Operator: Montgomery, Brad R (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)
 Record Origination Date: 05/03/2011 10:56
 Last Update Operator: Matthews, David S (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)
 Last Update Date: 05/03/2011 16:41

Reporting LEO	Date	Supervisor	Date
Montgomery, Brad R (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)		Matthews, David S (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)	5/4/2011

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number:

On 03/21/2011, S/As Brad Montgomery and Sodora Orn interviewed DAVID A TOSHNER, W/M, DOB: 1953 at his residence located at , Fond du Lac, WI 54937-9611.

S/A Montgomery knocked on the door to the residence. When TOSHNER answered S/A Montgomery identified himself and Orn as S/As with the Wisconsin Department of Justice. S/As Montgomery and Orn showed TOSHNER our issued credentials and badges. S/A Montgomery asked TOSHNER if he was willing to speak to S/As Montgomery and Orn. TOSHNER agreed but would not allow S/As Montgomery or Orn into his residence.

S/A Montgomery asked TOSHNER about the email sent to WI Senator Tim Carpenter on 02/23/2011, and whether he had sent any emails to any Wisconsin Legislators. TOSHNER provided the following information:

TOSHNER has sent emails to WI Legislators in the past and will continue to send emails. TOSHNER has never sent a threatening email to any Wisconsin Legislator.

S/A Montgomery showed TOSHER the email sent to WI Senator Tim Carpenter on 02/23/2011. TOSHNER denied having sent the email.

TOSHNER had no further information to provide. S/As Montgomery and Orn terminated the interview.

Narrative Page

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