

STATE OF MINNESOTA COUNTY OF DAKOTA DISTRICT COURT

CCT	List Charge Statute Only	MOC	GOC	City Atty File No.	Controlling Agency	Control No.
1	609.891 Subd. 1; 609.891 Subd. 3(c)	P2H89	N	66-11272	0191000	10002142
2	609.891 Subd. 1; 609.891 Subd. 4	P3H89	N			

☐ Domestic Assault

COURT CASE NO.

DATE FILED

19HA-CR-10-3788

State of Minnesota, Plaintiff vs. Leah Michelle Ayers [REDACTED] Apple Valley, MN 55124 DOB: 5/22/91; Female Height: 5'6; Weight: 150 lbs Eyes: Blue	[X]	Amended Serious Felony Felony Gross Misd DWI Gross Misdemeanor	[X]	Tab Charge Previously Filed Summons Warrant Order of Detention
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COMPLAINT

The Complainant, being duly sworn to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s). The complainant states that the following facts establish PROBABLE CAUSE:

I am a Police Officer for the Apple Valley Police Department and based on my investigation and review of the pertinent police reports, I have learned of the following:

On March 26, 2010, Detective Sean McKnight of the Apple Valley Police Department received reports from the Los Angeles County Sheriff's Department regarding a report of unauthorized access to a personal e-mail account. B.N.B. had reported that an unknown person had accessed her personal e-mail account, changed the passwords, and accessed personal data, specifically e-mail correspondence and photographs. Some of the photographs stored on B.N.B.'s e-mail account were posted on multiple websites on the internet.

Through a series of subpoenas with Yahoo.com and Frontier Communications the Los Angeles Sheriff's Department was able to obtain the internet protocol (IP) address that was used to access B.N.B.'s e-mail account. Frontier Communication's records revealed that the IP address used to access B.N.B.'s e-mail account was assigned to D.B.A. of [REDACTED] Apple Valley, MN 55124. Yahoo.com records revealed that B.N.B.'s e-mail account was accessed on four separate occasions on August 19, 2009, and August 21, 2009. The Yahoo.com records revealed that the IP address assigned to D.B.A. was used to gain the access. Detective McKnight confirmed through DVS records and the apartment complex management that D.B.A. was currently living at the Apple Valley address.

On April 9, 2010, at approximately 7:00 a.m. Detective McKnight and other officers of the Apple Valley Police Department executed a search warrant at D.B.A.'s residence. Two computers, several DVD and CD discs, and other storage devices were seized as a part of the search warrant. Officers also conducted a consent search of D.B.A.'s work computer and found no related information.

On April 14, 2010, Detective McKnight met with D.B.A.'s daughter, LEAH MICHELLE AYERS (DOB: 5/22/91) of [REDACTED] Apple Valley, MN 55124 regarding the unauthorized e-mail access. Ms. Ayers admitted that she knew who B.N.B. was. Ms. Ayers admitted that her home's wireless internet account is password protected and that only people in her home would be able to access the internet. Ms. Ayers also stated that she was living at the Apple Valley residence at the time B.N.B.'s e-mail account was accessed. Ms. Ayers stated that she understood Yahoo.com e-mail accounts and was able to give Detective McKnight directions for changing a Yahoo.com password. Ms. Ayers also admitted that anyone knowing basic information about a person may be able to change a password to access an account. Ms. Ayers stated that Yahoo.com uses security questions to change passwords and one of the questions the site uses is knowing where a person's father was born. One of the security questions that was answered to change the password in B.N.B.'s account was knowing the city her father was born. Detective McKnight noted that anyone viewing B.N.B.'s Facebook account could have found that information. At the time B.N.B.'s e-mail account was accessed her Facebook account was also open.

On April 11, 2010, prior to meeting with Ms. Ayers, Detective McKnight had asked her to bring her laptop computer with her to the interview. Ms. Ayers stated that her computer was at the student help desk at the Miller Center at St. Cloud State University in Stearns County getting the fan repaired. Ms. Ayers did not bring her laptop computer with her to the interview on April 14, 2010, and stated twice during the interview that her computer was still getting the fan repaired. After the interview with Ms. Ayers on April 14, 2010, Detective McKnight went to Stearns County and obtained a search warrant to seize Ms. Ayers's laptop computer. When seizing the computer Detective McKnight learned that Ms. Ayers's computer was turned into the help desk on April 13, 2010, two days after Detective McKnight asked Ms. Ayers to bring her computer with her. Detective McKnight also learned that the computer was turned in to get the hard drive re-formatted and have Windows 7 installed. There was no request for the help desk fix the fan.

On April 22, 2010, Detective McKnight obtained a search warrant for searching the hard drives of Ms. Ayers's laptop computer and the computer taken from the Apple Valley Residence. Deputy Coreen Kulvich of the Dakota County Sheriff's Department conducted a forensic analysis search of Ms. Ayers's laptop computer. Deputy Kulvich found evidence on Mr. Ayers's computer that B.N.B.'s e-mail account had been accessed from Ms. Ayers's laptop computer. Deputy Kulvich's report indicates that the access to B.N.B.'s e-mail account was gained by answering two security questions with regard to B.N.B.'s father or her first car, or entering a password. Attempts to gain access to

B.N.B.'s e-mail account from Ms. Ayers's computer were made on August 19, 2009 and August 20, 2009. The search revealed that Ms. Ayers's computer had been used to view B.N.B.'s Facebook, Twitter, and MySpace accounts. Deputy Kulvich's analysis revealed that there were several photographs that were stored in B.N.B.'s e-mail account on Ms Ayers's computer.

Detective McKnight spoke with B.N.B. regarding the incident. B.N.B. stated that the pictures that were released on the internet were stored in her e-mail account and they could not have been found anywhere but her e-mail account or the cell phone they were taken with and sent from. B.N.B. also stated that she did not know Ms. Ayers's and that she has not sent her any e-mails or photographs, and that she did not allow Ms. Ayers's to access her e-mail account.

Based on the preceding, I have probable cause to believe the following offense(s) was committed:

COUNT 1.

CHARGE: UNAUTHORIZED COMPUTER ACCESS

In Violation of: **Minn. Stat. 609.891 Subd. 1; 609.891 Subd. 3(c)**

Gross Misdemeanor: 0 - 1 year and/or \$900.00 - \$3000.00

In that on or between August 19, 2009 and August 21, 2009, in the City of Apple Valley, County of Dakota, State of Minnesota, LEAH MICHELLE AYERS, the above-named defendant, did intentionally, and without authorization, attempt or did, penetrate a computer security system and, gained access to personal data in doing so.

COUNT 2.

CHARGE: UNAUTHORIZED COMPUTER ACCESS

In Violation of: **Minn. Stat. 609.891 Subd. 1; 609.891 Subd. 4**

Misdemeanor: 0 - 90 days and/or \$300.00 - \$1,000.00

In that on or between August 19, 2009 and August 21, 2009, in the City of Apple Valley, County of Dakota, State of Minnesota, LEAH MICHELLE AYERS, the above-named defendant, did intentionally, and without authorization, attempt or did, penetrate a computer security system.

Complainant requests that Defendant, subject to bail or conditions of release, be:

- (1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
- (2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME:

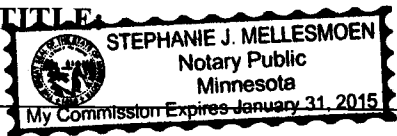
M. K. Luper

COMPLAINANT'S SIGNATURE:

[Signature]

Subscribed and sworn to before the undersigned this 5 day of November, 2010

NAME/TITLE:



SIGNATURE

Stephanie J. Mellesmoen

Being authorized to prosecute the offenses charged, I approve this complaint.

Dated: November 5, 2010

PROSECUTING ATTORNEY'S SIGNATURE:

Christine Cassell

Christine J. Cassellius, I.D. 305108
7300 West 147th Street; Suite 600
Apple Valley, Minnesota 55124
(952) 432-3136

FINDING OF PROBABLE CAUSE

From the above-sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

[] SUMMONS

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the _____ day of _____, 20____, at 8:30 a.m., before the above-named Court at 1560 Highway 55, Hastings, Minnesota 55033, to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

[] WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named court (if in session), and if not, before a Judge or Judicial Officer of such court without necessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

[] Execute in MN Only

[] Execute Nationwide

[] Execute in Border States

[] ORDER OF DETENTION

Since the above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

Bail: \$

Conditions of Release:

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this Nov Day of Nov, 2010.

Judicial Officer:

NAME:

TITLE: Judge of District Court

Sworn testimony has been given before the Judicial Officer by the following witnesses:

SIGNATURE:

STATE OF MINNESOTA

Plaintiff,

FILED

CAROLYN M. RENIN, Court Administrator

DAKOTA COUNTY

vs.

Leah Michelle Ayers
12645 Germane Avenue
Apple Valley, MN 55124

NOV 9 2010

Defendant.

Clerk's Signature or File Stamp:

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this Complaint Warrant/Summons upon the Defendant herein named.

Signature of Authorized Service Agent: