

BJE BAVL@WTHR.COM

STATE OF INDIANA)
)
COUNTY OF TIPPECANOE)
)
IN THE MATTER OF THE)
SEARCH WARRANT FOR:)
)
2119 South Street,)
Lafayette, IN)

IN THE SUPERIOR)
SS: FILED)
SUPERIOR COURT NO. 1)
OF TIPPECANOE COU)
2011 APR -8 A 11: 11)

79D01-1104-MC-00009

AFFIDAVIT

The undersigned Affiant, Marcy A. Ralston, first being duly sworn upon oath or having affirmed, states and deposes that she is a Special Agent with the Social Security Administration (SSA), Office of the Inspector General (OIG), Office of Investigations (OI), with approximately 7 years experience as a Federal Agent, previously employed with the United States Postal Inspection Service. Affiant is currently assigned to the SSA/OIG Chicago Field Division, Indianapolis, Indiana office. Affiant's duties include investigating matters involving misuse of Social Security Numbers and fraudulent activities of individuals to circumvent laws and regulations administered by the Social Security Administration (SSA), which include crimes such as Welfare Fraud, Theft, Perjury, Forgery and Identity Deception. As such, Affiant states affirmatively that she believes and has good reason to believe the following:

This is a joint investigation conducted by the Affiant, Marcy A. Ralston, Special Agent, Social Security Administration, Office of the Inspector General, Office of Investigations, SSA/OIG/OI, Indianapolis, Indiana Domicile and the Lafayette Police Department.

Based on Affiant's training and experience, Affiant knows that whoever has any knowledge of the occurrence of any event affecting his/her initial or continued right to SSA benefits, and conceals or fails to disclose such event to the SSA with an intent to secure payment either in a greater amount than is due or when no payment is authorized, commits a Felony in violation of Welfare Fraud and Theft.

This affidavit is submitted in support of a search warrant for the premises located at 2119 South Street in Lafayette, Indiana. The information and facts set forth in the following paragraphs are personally known to Affiant or were told to Affiant by the persons identified in the following paragraphs.

In February 2011, Affiant read an article written by Bob Segall, WTHR Channel 13 Investigates about a fortune teller who was under investigation by the Lafayette Police Department for fraud. This article stated that a Patricia Johns had been paid several thousand dollars by individuals who were utilizing her services. Based on Affiant's training and experience, Affiant knows that there are individuals who receive public assistance who are self employed and may not report their income to those agencies from which they are receiving the assistance, so that they may continue to work and make wages and additionally collect public aid. Affiant contacted Detective B.T. Brown, Lafayette Police Department who is in charge of the Lafayette Police

Department investigation and requested identifying information for Patricia Johns so that Affiant could determine if she was receiving any type of Social Security benefits.

On March 8, 2011, Affiant conducted an initial inquiry into the SSA computer system and found that Patricia Johns has been a recipient of Supplemental Security Income (SSI) since on or about November 2001. Since Johns began receiving SSI, she has never reported any employment (work) or involvement in any business called "Astrology Gallery". According to SSA records Johns has never reported any income to the SSA that she has earned from her business. Had the SSA known about any income that Johns earned this would have affected her continued entitlement for SSI benefits from the Social Security Administration.

The SSI program is the first federally administered cash assistance program in this country available to the general public. It is designed to provide a floor of income for the aged, blind or disabled who have little or no income and resources. The program establishes that payment may be received as a right by those U.S. citizens or legally admitted aliens residing in this country who qualify as aged, blind or disabled and who meet income and resource criteria. No work credits are necessary for entitlement under this program. The eligibility of an individual who has attained age 65 or who is blind or disabled is determined on the basis of a monthly assessment of the individual's income and resources. The amount of the SSI check depends on how much other income an individual receives, living arrangements and other circumstances that affect an individual's financial needs. Eligibility for the SSI checks, based on blindness or disability depends on the severity of the applicant's condition. To be considered disabled, a person must be unable to engage in substantial gainful work because of a physical or mental impairment which has lasted (or is expected to last) for at least 12 months or which can be expected to result in death. SSI is not the same as Social Security, even though the program is run by SSA. The money for SSI checks comes from general funds of the United States Treasury. Social Security benefits are paid from contributions of workers, employers and self employed people. Social Security funds are not used for SSI payments.

SSA records obtained relating to Patricia Johns' SSI benefits reflected that Johns originally applied for SSI benefits on August 1, 2001. Johns was approved for benefits on a diagnosis of affective disorders and began receiving benefits in November 2001. On November 2, 2001, Patricia Johns signed an Advance Notice of Representative Payment which stated that SSA had determined on the basis of her diagnosis that she needed someone to manage her benefits. SSA selected Stacy John to be Patricia Johns' representative payee. On November 2, 2001, Stacy John signed a Request to be Selected as Payee stating that he was her cousin and that they lived together at 1153 S. Austin, Chicago, IL. The payee application states that the payee must comply with the conditions for reporting certain events, which are listed on an attached sheet given to all representative payees and includes reporting income and employment. Stacy John was Patricia's payee until March 2002. In April 2003, her father, Rickey Johns became her payee and remained so until March 28, 2006 when Patricia became her own payee.

On March 10, 2006, Patricia Johns completed a Request to be Selected as Payee requesting that she be paid her SSA benefits directly. On this form, it states that the claimant must report any changes in their situation, including if their income changes, their resources change or if they go to

work. Johns has been her own payee and has been receiving SSI via direct deposit into her bank account at Lafayette Bank & Trust since June 2006, to the present.

Between November 2001 to the present, Patricia Johns has received a total of approximately \$67,012.38 in Supplemental Security Income benefits. Affiant would also note that Johns reported a change of address to SSA in April 2009, to 2119 South Street, Lafayette, and that is still listed as her current address. Affiant believes the SSA records to be reliable and credible as they are kept in the ordinary course of business, and are normally relied upon by the SSA and law enforcement agencies in the performance of their duties as such.

According to the investigation conducted by Detective Brown, Lafayette Police Department, in May 2008, he investigated a fraud complaint from a client of Johns, L. M., who stated she had paid Patricia Johns with U.S. currency and other goods including a Rolex watch and silver coins for psychic services. L.M. estimated the total amount of money she paid Johns in goods and currency was \$60,300.00. L.M. reported meeting Johns where she had previously been doing business, which Det. Brown knew to be located on Main Street in Lafayette.

In September 2008, Detective Brown investigated another fraud complaint from a client, R. A., who stated she had paid Johns with U.S. currency, gold coins and one piece of large "gold." R.A. estimated the total amount of money she paid Johns in goods and currency was \$4,542.00. R.A. said she met with Johns at the Main Street address.

In April 2009, the Lafayette Police Department received a fraud complaint from another client, J.T., who stated that she had paid Johns an estimated \$30,000 for psychic services. J.T. reported paying Johns with U.S. currency and a Rolex watch. J.T. said she met with Johns at the Main Street location.

During November 2009, the Frankfort Police Department received a report from another client, G.B. who reported paying Johns in excess of \$86,590.00 for psychic services. G.B. reported she had paid Johns with U.S. currency and other goods including two crystals. G.B. reported going to the business at 2119 South Street, where Johns had moved.

In December 2010, Detective Brown advised that he had listened to a radio commercial on several occasions for "Patricia" of Astrology Gallery located at 2119 South Street, Lafayette, Indiana. In February 2011, Detective Brown contacted WASK/WKOA and requested a copy of the commercial and records for the Astrology Gallery account. On March 24, 2011, Affiant served a subpoena on WASK/WKOA requesting a digital copy of the commercial. The commercial states that Patricia is located at 2119 South Street, Lafayette, Indiana and that she has been doing psychic readings for 12 years. In addition, Detective Brown received documents from WASK/WKOA which indicate the commercial ran on their radio station from November 2007 through December 2010.

On February 16, 2011, Detective Brown and Detective Humphrey drove by 2119 South Street, Lafayette, Indiana and took photos of the house showing a neon red sign reading "Psychic Reader."

On March 8, 2011, Affiant went to <http://www.astrologygallery.com> and found a website advertising psychic/clairvoyant services for payment. The photo on the "about me" page for the website shows a photo of the owner and operator of Astrology Gallery, Patricia Johns. This photo is the same individual in the photo on Indiana ID card #0771-38-0674 identified as Patricia Ann Johns who is currently receiving SSI benefits. This website states that she works parties and corporate events and charges \$100 per hour for unlimited readings or \$30 person with each guest choosing from different types of readings, such as, palm, tarot and clairvoyant. The website states that Patricia will do readings by phone at 1-877-54TAROT and that her hours are 10am – 11pm EST, 7 days a week, except holidays. In addition, the website advertises that Patricia accepts PayPal, Visa, Mastercard, Discover, American Express and cash as payment.

Based upon the facts set forth above, and my training and experience, Affiant knows that individuals involved in conducting business frequently maintain in their possession either at their workplace or at their residence for substantial period of time, business and financial records such as those described below, for which this search warrant is being requested. Affiant also knows from her training and experience that many businesses use computers, computer systems, computer equipment, computer software and computer hardware, including various data storage devices, in conducting their businesses. Affiant would note that the use of a website advertizing said business would indicate that Johns would reasonably be expected to have a computer with access to the Internet.

Based upon Affiant's knowledge, training and experience, Affiant knows that searching and seizing information from computers often requires agents to seize most if not all electronic storage devices (along with related peripherals) to be forensically searched later by a qualified computer expert in a laboratory or other controlled environment. Affiant hereby requests the Court's permission to seize any computer hardware (and associated peripherals) that are believed to contain some or all of the evidence described in the warrant, and to conduct an off-site search of the hardware for the evidence described, if, upon arriving at the scene, the agents executing the search conclude that it would be impractical to search the computer hardware on-site for this evidence.

Affiant requests that a search warrant issue to search 2119 South Street, Lafayette, which is a two-story single-family dwelling, with a detached storage shed, for any of the items described as follows:

1. Business records including ledgers, journals, accounts payable, accounts receivable, checks, money orders, wire transfers, statements, correspondence, papers, faxes, receipts, bills, invoices, proposals, estimates, customer lists, customer files, address books, rolodexes, diaries, calendars and other documents which contain information relating to Patricia Johns, or any business entities controlled or participated in by her, including but not limited to Astrology Gallery; documents reflecting receipts or disbursements of funds and relationships with personnel, employees, contractors, customers, suppliers, and other persons and entities who conduct business or trade with Patricia Johns or any business entities controlled or participated in by her, including but not limited to Astrology Gallery or any other names, for the tax years 2001 to present. Any lists showing clients or customers, their contact information, and records identifying said persons.

2. Bank and brokerage account records, including account statements, deposit tickets, deposited items, withdrawal tickets, wire transfer records, canceled checks, check registers, financial statements, loan documents, safe deposit box records and keys, related to Patricia Johns or any business entities controlled or participated in by her, to include, but not limited to Astrology Gallery for the tax years 2001 to present.
3. Individual or joint, local, state, and/or federal tax records for Patricia Johns or any business entities controlled or participated in by her, including but not limited to Astrology Gallery for the tax years 2001 to present.
4. Payroll, corporate, and personal tax forms for Patricia Johns including personnel records to include Forms W-2, Forms 1099, Forms W-4, other tax forms; personnel rosters; time cards; and records of health insurance, unemployment insurance, worker's compensation and other employee benefits, related to Astrology Gallery or any business entities controlled or participated in by Patricia Johns for the tax years 2001 to present.
5. Local, state, and/or federal licenses, permits, and any other documents issued by any government agency pertaining to Patricia Johns or any business entities controlled or participated in by her, including but not limited to Astrology Gallery.
6. Any and all credit card transaction records including applications, purchase and payment records; and records of purchases made by cash, check, or money order related to Patricia Johns or any business entities controlled or participated in by her, including but not limited to Astrology Gallery for the tax years 2001 to present.
7. Any cell phones, answering machines, pagers or other communication devices, and to search said devices for any business records or client information. All telephone records, including bills and receipts, telephone answering machine tapes; telephone statements including long distance; facsimile machine reports; answering service messages; cellular telephone contracts, agreements, statements; and pager service records, contracts, and statements.
8. Any and all documents pertaining to the social security number of Patricia Johns in the name of Patricia Johns to include, but not limited to social security cards, social security card applications, Supplemental Security Income benefit applications, credit card applications, payroll receipts/check stubs and any and all other paperwork with the name Patricia Johns on it.
9. All records pertaining to the income for Patricia Johns including any evidence that Patricia Johns is the owner and president of Astrology Gallery.
10. All records pertaining to the application for, or receipt of, Supplemental Security Income Benefits, to include Social Security pamphlets, reporting instructions changes to report to the SSA while on SSI benefits, Food stamps, AFDC checks, Medicaid benefits, Unemployment Benefits, Veterans Administration Benefits, HUD assistance, or any other State or Federal government subsidy program, or other disability or welfare benefits for Patricia Johns, including but not limited to the above and the following: letters, envelopes, ID cards, applications, receipt for claim for benefits.
11. All computers, computer systems, computer software, computer-related documentation, computer hardware, printers, cables, software, software documentation, monitors, keyboards, scanners, disk drives, floppy disks or other peripheral devices needed to operate any computer and/or extract information concerning seizable items from storage in that and other computers, and

to forensically examine said items. Any and all information and/or data stored in the form of magnetic or electronic coding on computer media or with the aid of computer related equipment. This media includes floppy diskettes, fixed hard drives, removable hard disk cartridges, tapes, laser disks, video cassettes, and any other media which are capable of storing magnetic coding. Any and all electronic devices which are capable of analyzing, creating, displaying, converting, storing, or transmitting electronic or magnetic computer impulses or data. These devices include computers, computer components, computer peripherals, word processing equipment, modems, monitors, printers, plotters, encryption circuit boards, optical scanners, external hard drives and other computer related devices. Any and all instructions or programs stored in the form of electronic or magnetic media, which are capable of being interpreted by a computer, or related components. These include compilers, interpreters and other programs or software used to communicate with the computer hardware or peripherals, either directly or indirectly via telephone lines, radio or other means of transmission. Any and all written or printed material which provides instruction or examples concerning the operation of a computer system, computer hardware, computer software and/or any related devices.

Based upon the facts as set forth above, and my training and experience, Affiant believes that evidence of stated criminal violations including Welfare Fraud, IC-35-43-5-7 and Theft IC-35-43-4-2 may be obtained with this search warrant.

Affiant believes L.M., R.A., J.T., and G.B. to be reliable and credible as each spoke from personal knowledge, had no known reason to lie about paying Johns for her services, were corroborated in part by police investigation, and spoke as possible victims of a crime.

Your Affiant believes Detectives Brown and Humphrey to be reliable and credible as they spoke from personal knowledge gained in the course of their duties as law enforcement officers in Tippecanoe County.

Further Affiant saith not.

Affiant does swear or affirm under penalty for perjury as specified by Indiana Code 35-44-2-1 that the foregoing representations are true to the best of affiant's knowledge and belief.

Date: April 8, 2011


Affiant

STATE OF INDIANA)
)SS:
COUNTY OF TIPPECANOE)

IN THE *SUPERIOR* COURT
OF TIPPECANOE COUNTY

CAUSE NO. *79 P01-1104-MC-00009*

SEARCH WARRANT

To Any Police Officer of the

(Lafayette Police Department
(West Lafayette Police Department
(Tippecanoe County Sheriff's Department
(Indiana State Police
(Purdue University Police Department
(Indiana Excise Police
(Indiana Department of Natural Resources

Greetings:

Whereas there has been filed with me an affidavit, you are therefore commanded in the name of the State of Indiana with the necessary and proper assistance in the daytime or in the nighttime to enter into and upon the premises described in said affidavit, to wit:

2119 South Street, Lafayette, which is a two-story single-family dwelling, with a detached storage shed,

Tippecanoe County, in the State of Indiana, and there diligently search for:

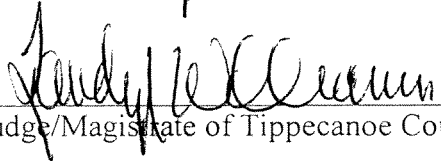
1. Business records including ledgers, journals, accounts payable, accounts receivable, checks, money orders, wire transfers, statements, correspondence, papers, faxes, receipts, bills, invoices, proposals, estimates, customer lists, customer files, address books, rolodexes, diaries, calendars and other documents which contain information relating to Patricia Johns, or any business entities controlled or participated in by her, including but not limited to Astrology Gallery; documents reflecting receipts or disbursements of funds and relationships with personnel, employees, contractors, customers, suppliers, and other persons and entities who conduct business or trade with Patricia Johns or any business entities controlled or participated in by her, including but not limited to Astrology Gallery or any other names, for the tax years 2001 to present. Any lists showing clients or customers, their contact information, and records identifying said persons.
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11. All computers, computer systems, computer software, computer-related documentation, computer hardware, printers, cables, software, software documentation, monitors, keyboards, scanners, disk drives, floppy disks or other peripheral devices needed to operate any computer and/or extract information concerning seizable items from storage in that and other computers, and to conduct forensic examinations of the same. Any and all information and/or data stored in the form of magnetic or electronic coding on computer media or with the aid of computer related equipment. This media includes floppy diskettes, fixed hard drives, removable hard disk cartridges, tapes, laser disks, video cassettes, and any other media which are capable of storing magnetic coding. Any and all electronic devices which are capable of analyzing, creating, displaying, converting, storing, or transmitting electronic or magnetic computer impulses or data. These devices include computers, computer components, computer peripherals, word processing equipment, modems, monitors, printers, plotters, encryption circuit boards, optical scanners, external hard drives and other computer related devices. Any and all instructions or programs stored in the form of electronic or magnetic media, which are capable of being interpreted

by a computer, or related components. These include compilers, interpreters and other programs or software used to communicate with the computer hardware or peripherals, either directly or indirectly via telephone lines, radio or other means of transmission. Any and all written or printed material which provides instruction or examples concerning the operation of a computer system, computer hardware, computer software and/or any related devices.

as described in the affidavit and that you bring the same, or any part thereof found on such search, forthwith before me to be disposed of according to law.

Given under my hand and seal this 8th day of April, 2011.



Judge/Magistrate of Tippecanoe County