

NARRATIVE FOR DET KEVIN P HARRIS

Ref: 13-2019-OF

Entered: 01/30/2014 @ 1050	Entry ID: KPH
Modified: 02/04/2014 @ 1458	Modified ID: JSM
Approved: 02/04/2014 @ 1458	Approval ID: JSM

On 12/23/2013 Detective Sergeant Nolan assigned this case to me for further review. After reviewing the case I contacted Representative Scott Guthrie via the telephone. While speaking to Representative Guthrie he advised me that the fraudulent Facebook page was registered as scott.guthrie.1297@facebook.com. Representative Guthrie advised that the comments posted on the page were not posted by him nor did they express his views and or opinions. Representative Guthrie stated that most of the comments were opposite views and opinions of his. This detective reviewed the fraudulent page and noted that several of the postings were regarding political issues within the Town of Coventry. Representative Guthrie advised that as a direct result of these postings he has been contacted, on multiple occasions, by different individuals. Representative Guthrie stated that he believes the page was created for the sole reason to "slander him personally and professionally". Representative Guthrie stated that he believes the person responsible for the creation and postings is harassing him and that he wished to press charges.

While speaking to Representative Guthrie I informed him that under Rhode Island General Law 22-52-4.2 titled "Cyberstalking and cyberharassment prohibited". Whoever transmits any communication by computer or other electronic device to any person or causes any person to be contacted for the sole purpose of harassing that person or his or her family is guilty of a misdemeanor. The statute also references that, "harassing" means any knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or bothers the person, and which serves no legitimate purpose. The course of conduct must be of a kind that would cause a reasonable person to suffer substantial emotional distress, or be in fear of bodily injury. The statute also defines "Course of conduct" as a pattern of conduct composed of a series of acts over a period of time, evidencing a continuity of purpose. The final line in this section of the statute read "Constitutionally protected activity is not included within the meaning of course of conduct. I explained to Representative Guthrie that some of the comments may fall under the 1st Amendment. Representative Guthrie stated that he believes that this incident fulfills the requirements and was adamant about prosecuting the individual or individuals responsible.

After speaking to Representative Guthrie this detective logged onto Facebook and reviewed the page titled "Scott Guthrie State Representative" that is associated with "scott.guthrie.1297". This detective observed multiple postings from November 07, 2013 thru December 25, 2013. This detective noted that in addition to the postings the page contained multiple "online friends" some of which are also political officials in Rhode Island. This detective knows that if you are a "friend" on a FaceBook page that any postings are automatically displayed on your "friends" page. This detective noted that several of the postings were political; however, I also noted postings not related to politics and could be assumed to come from Representative Scott Guthrie. This detective also noted that the page contained what is referred to as a "profile picture". The profile picture depicts the letter I followed by a "red Heart" and underlined with an image of a mustache. It should be noted that Representative Guthrie has a unique style "handlebar" mustache. This detective believes that the Facebook page created was a direct representation of Representative Scott Guthrie.

After reviewing the page this detective secured an Administrative Subpoena through the Rhode Island State Police that was served to Facebook requesting IP Address information for account "scott.guthrie.1297" beginning November 07, 2013 thru December 25, 2013. This subpoena requested on January 02, 2014.

This detective received the requested results from FaceBook that subsequently resulted in addition administrative subpoenas being served to Verizon Online Services. Below is a summary of the results from all subpoenas served. This detective changed the results to reflect Eastern Standard Dates and Times. Results received

NARRATIVE FOR DET KEVIN P HARRIS

Ref: 13-2019-OF

Entered: 01/30/2014 @ 1050 Entry ID: KPH
Modified: 02/04/2014 @ 1458 Modified ID: JSM
Approved: 02/04/2014 @ 1458 Approval ID: JSM

from FaceBook were in UTC format. All subpoena results have been printed out and logged in as evidence.

Facebook results

Registered: scott.guthrie.1297@facebook.com

Email: stache816@gmail.com

Vanity Name: scott.guthrie.1297

Values are represented in UTC Time. To convert to Eastern Standard Time you need to subtract 5 hours.

Registration Date: 2013-11-07 @ 19:51:39 UTC 7:51:39 PM UTC 2:51:39 PM EST

The registration date and time provided by FaceBook show that the account was created on November 07, 2013 at 2:51:39 pm. Below is a list of dates and times that the account was accessed. This report also shows the IP Address where the account was logged on from. As a result of the findings obtained from FaceBook multiple administrative subpoenas were issued. Below is a summary of those results. Refer to original results secured in evidence attached to this report.

IP Address: 198.115.170.66

November 07, 2013 @ 2:51:42pm. Subpoena Results: "RI General Assembly"

IP Address: 198.115.170.66

November 07, 2013 @ 2:59:06pm. Subpoena Results: "RI General Assembly"

IP Address: 108.34.211.155

November 07, 2013 @ 4:05:00pm. Subpoena Results: "Matthew Kettle, 5 Autumn Ridge Rd. Coventry"

IP Address: 198.115.170.66

November 07, 2013 @ 4:47:18pm. Subpoena Results: "RI General Assembly"

IP Address: 198.115.170.66

November 07, 2013 @ 4:47:44pm. Subpoena Results: "RI General Assembly"

IP Address: 108.34.211.155

November 07, 2013 @ 5:05:01pm. Subpoena Results: "Matthew Kettle "

IP Address: 108.34.211.155

November 07, 2013 @ 9:58:12pm. Subpoena Results: "Matthew Kettle"

NARRATIVE FOR DET KEVIN P HARRIS

Ref: 13-2019-OF

Entered: 01/30/2014 @ 1050 Entry ID: KPH
Modified: 02/04/2014 @ 1458 Modified ID: JSM
Approved: 02/04/2014 @ 1458 Approval ID: JSM

IP Address: 108.34.211.155

November 08, 2013 @ 8:34:39am. Subpoena Results: "Matthew Kettle

IP Address: 198.115.170.66

November 08, 2013 @ 11:16:09pm. Subpoena Results: "RI General Assembly"

IP Address: 108.34.211.155

November 08, 2013 @ 3:06:31pm. Subpoena Results: "Matthew Kettle

IP Address: 74.103.205.228

November 10, 2013 @ 8:45:39am. Subpoena Results: "Barry Gorton, 250 Chaplin Dr., Coventry"

IP Address: 74.103.205.228

November 10, 2013 @ 5:14:54pm. Subpoena Results: "Barry Gorton"

IP Address: 74.103.205.228

November 12, 2013 @ 8:10:00pm. Subpoena Results: "Barry Gorton"

IP Address: 96.253.54.31

November 20, 2013 @ 9:52:12am. Subpoena Results: "Matthew Kettle"

IP Address: 96.253.54.31

November 20, 2013 @ 11:23:25am. Subpoena Results: "Matthew Kettle"

IP Address: 96.253.54.31

November 20, 2013 @ 7:05:00pm. Subpoena Results: "Matthew Kettle

IP Address: 96.253.54.31

November 20, 2013 @ 7:51:29pm. Subpoena Results: "Matthew Kettle

IP Address: 96.253.54.31

November 20, 2013 @ 9:02:08pm. Subpoena Results: "Matthew Kettle

IP Address: 96.253.54.31

November 21, 2013 @ 9:10:03am. Subpoena Results: "Matthew Kettle"

Ref: 13-2019-OF

Entered: 01/30/2014 @ 1050	Entry ID: KPH
Modified: 02/04/2014 @ 1458	Modified ID: JSM
Approved: 02/04/2014 @ 1458	Approval ID: JSM

IP Address: 74.103.204.55

November 22, 2013 @ 10:37:39pm. Subpoena Results: "David Kettle, 22 Johnson Rd, Foster"

IP Address: 96.253.54.31

November 27, 2013 @ 5:08:52pm. Subpoena Results: "Matthew Kettle "

IP Address: 96.253.54.31

November 28, 2013 @ 5:47:14pm. Subpoena Results: "Matthew Kettle"

IP Address: 96.253.54.31

November 29, 2013 @ 11:29:27am. Subpoena Results: "Matthew Kettle"

IP Address: 96.253.54.31

November 29, 2013 @ 3:37:48pm. Subpoena Results: "Matthew Kettle"

IP Address: 96.253.54.31

December 04, 2013 @ 10:04:06am. Subpoena Results: "Matthew Kettle"

IP Address: 96.253.54.31

December 12, 2013 @ 10:13:06am. Subpoena Results: "Matthew Kettle"

IP Address: 96.253.54.31

December 25, 2013 @ 5:36:45pm. Subpoena Results: "Matthew Kettle"

Summary of subpoena results.

After reviewing the results this detective noted the account was listed as created on November 07, 2013 at 07:51:39 hrs. According to the results the account was created from an IP Address assigned to the Rhode Island General Assembly and access a total of 5 times.

The results then indicate that after the account was created the next IP address to access the account was 108.34.211.155. Subpoena results show IP address was owned by Verizon Online Services and leased out to "Matthew Kettle, 5 Autumn Ridge Road, Coventry RI. Further review showed this IP address accessed the account 5 times.

The results also show that IP address 96.253.54.31 owned by Verizon Online Services was leased out to Matthew Kettle, 5 Autumn Ridge Road, Coventry, RI. This IP address accessed the FaceBook account 18 times.

The results also revealed the IP address 74.103.204.55 owned by Verizon Online Services was leased out to David Kettle, 22 Johnson Road, Foster RI. Review showed this IP address accessed the account once.

Ref: 13-2019-OF

Entered: 01/30/2014 @ 1050 Entry ID: KPH
Modified: 02/04/2014 @ 1458 Modified ID: JSM
Approved: 02/04/2014 @ 1458 Approval ID: JSM

The final results of the subpoena's show that IP address 74.103.205.228 owned by Verizon Online Service was leased out to Barry Gorton, 250 Chaplin Drive, Coventry RI and access the account 3 times.

After reviewing the subpoena results this detective conducted additional checks of the subscribers who Verizon reported as being assigned the IP address between November 07, 2013 thru December 24, 2013. This detective noted that although these IP addresses were associated with logging onto the fraudulent account, this detective noted that all postings made on the account came back to Matthew Kettle. This detective conducted an in-house computer check for subjects residing at 5 Autumn Ridge Road and noted that Senator Nicholas Kettle currently resided there with his father, Matthew Kettle.

On January 24, 2014 at approx. 1300 hrs. this detective made contact with Senator Nicholas Kettle via the telephone and requested that he respond to the Coventry Police Department regarding this case. This detective had reason to believe that Senator Kettle may possess information as to who was responsible for the creating and postings on the fraudulent account. While speaking to Senator Kettle he advised that he would respond within fifteen minutes. Approximately 5 minutes later this detective received a call from Attorney Robert Watson who advised he was representing Senator Kettle and requested information regarding the case. I advised Attorney Watson that I could not provide him any information without authorization and in the presence of Senator Kettle. Attorney Watson stated that he would contact Senator Kettle and advise if they would be responding. At 1500hrs. I received a call from Attorney Watson asking if we could postpone and meetings until Monday, January 27 2014. I agreed and requested that he contact me on January 27, 2014.

On January 27, 2014 I contacted Attorney Watson who informed me that he advised Senator Kettle not to respond. I informed Attorney Watson that the case regarding postings on the internet and that Senator Kettle and that Senator Kettle cooperation would assist in the investigation. Attorney Watson was concerned that if Senator Kettle responded to a police department that it could result in negative media publicity. I advised Attorney Watson that at this point it was an ongoing investigation and that at this time there is insufficient evidence to proceed forward without speaking to the Senator. Attorney Watson stated that he has advised Senator Kettle not to respond.

After comparing the FaceBook page, FaceBook subpoena results, and Verizon subpoena results this detective believes that that page does impersonate the likeness of Representative Guthrie and also believed that one individual may be responsible for repeatedly making the postings that were causing the harassment. Based on the fact that several posts were made on various dates and times this detective feels that they constituted a series of events that fulfill another element of cyberharassment. In an effort to move forward with this case I contacted Assistant Attorney General Ronald Gendron to review the case to see if the postings fulfilled an element of Cyberharrasment. After reviewing the case I was informed that a majority of the posts were constitutionally protected activity and cannot be used as a course of conduct to fulfill the crime. A further review showed that the additional, non-constitutionally protected posts were not directed solely at Representative Guthrie and that those postings could not have caused substantial emotional distress which is antoher required element of the crime. After speaking to Attorney Gendron it has been determined that there is insufficient evidence to go forward with charges at this time.

Coventry Police Department

NARRATIVE FOR DET KEVIN P HARRIS

Ref: 13-2019-OF

Entered: 01/30/2014 @ 1050	Entry ID: KPH
Modified: 02/04/2014 @ 1458	Modified ID: JSM
Approved: 02/04/2014 @ 1458	Approval ID: JSM

On January 28, 2014, I contacted Representative Guthrie who responded to the Coventry Police Station. I advised Representative Guthrie that there was insufficient evidence to fulfill the elements of the crime at this time. Representative Guthrie was informed that the case was reviewed by the Attorney General's Office and that no charges could be filed.

Base on the aforementioned, this case is closed pending any additional evidence.

Detective K. Harris

Coventry Police