

IN THE CRIMINAL COURT FOR ROANE COUNTY, TENNESSEE

STATE OF TENNESSEE

)

)

CASE NO. 2013-CR-197

v.

)

)

JUDGE WICKS

ROY COOK

)

EX-PARTE MOTION TO DISMISS INDICTMENT FOR PROSECUTORIAL MISCONDUCT

Filed 3-3-2017
ANN GOLDSTON Time 4:25pm
By Amy Brown D.C.

The following pages lists 7 instances of Prosecutorial Misconduct that include but are not limited to concealment of evidence, making false statements in court concerning the existence of evidence, tampering with evidence to aid in the concealment, and blatant refusal to obey a judge's order. Due to the actions of the prosecution in this case the defendant is unable to receive a fair trial as his ability to discredit the prosecutions assertion of the crime of extortion has been hampered by the actions of the prosecution.

The Rules of Criminal Procedure do allow for the court to dismiss an indictment. It may not be specifically mentioned but it does allow in such cases the judge to take whatever action is deemed just in cases where the prosecution has acted so egregious. In this case the other remedies such as not allowing evidence to be presented do not correct the issue of the misconduct for even if the prosecution was ordered to turn over the missing evidence, at this point there is no guarantee they will do so. They can afford to act with such impunity because they have nothing to lose. Nobody can be prosecuted for tampering with or concealing evidence because they have prosecutorial immunity.

In addition, if the prosecution was to finally produce the missing evidence, the elapsed time since the indictment makes it more difficult if not impossible for that evidence to be as useful to the defense as it would have been 3 years before. Witnesses memories are less accurate. Records of emails and phone calls that may have be obtainable to dispute the validity of the prosecution's evidence are likely no longer retrievable.

The only remedy for prosecutorial misconduct as ~~aggregates~~ as this is dismissal of the indictment.

aggregates

Instances of Prosecutorial Misconduct:

1. Prosecutor Edwards concealment of the forensic analysis: On 4/15/16 at a status hearing AG Edwards says twice there was no forensic analysis done. (EXHIBIT 23) Then when you read his letter to Jedidiah McKeenan dated 9/16/16 (EXHIBIT 13) he changes his story to say the forensic analysis was "related to me various times as not done or if done nothing was found in the computers of evidentiary value either inculpatory or exculpatory". If that truly was the case, then that should have been revealed because even if we are to believe that the lack of finding any emails on the defendant's computer is of evidentiary value because it can be used to discredit and challenge the validity of the emails provided by the plaintiff to the prosecution. The revelation of the existence of the forensic analysis also would have led to the discovery of other law enforcement agents the plaintiff made statements to. For example, Shane Harold who conducted the analysis had a 62 minute conversation with the plaintiff he can now not recall. This can be confirmed by the Vonage phone logs (EXHIBIT 19). When tracing the activity on that phone log it is also apparent Investigator Vittatoe knew of the forensic analysis and gave the plaintiff the phone number to call Shane Harold.
2. When the records of Shane Harold were subpoenaed AG Edwards obtained them the last week of June and did not turn them over to the court clerk but waited til 9/16/16 to finally turn them over the Jedidiah McKeenan 9/16/16 with his poor explanation. Shane Harold per the rules of criminal procedure should have answered the subpoena by sending the records of the forensic analysis to the court clerk. Instead, Lt. Dan Schneider drives to Madisonville to pick up evidence and delivers it to AG Edwards. Instead of faxing, emailing, or using US Mail, a law enforcement official travels about 100 miles to retrieve 3 pieces of paper. Then delivers them to AG Edwards who conceals them for an additional 10 weeks. (EXHIBIT 6)
3. AG Edwards also has concealed additional emails and lied about that too. In Exhibit 6 Edwards states "I have worked this question over and over with Josh Hedrick and I cannot produce any more email. Mr. Cook believes we have it but we do not and we do not intent to subpoena any additional email from any source." Edwards was ordered by Judge Eblen on 11/16/15 to turn over the non-redacted email. There was an outstanding subpoena that Hedrick had promised to follow up on with Earthlink and never did. If Edwards and Hedrick worked on this then why didn't they just call Demarkis Horton at Earthlink. He refused to speak to the defendant because he was represented by counsel at the time. Surely the 2 of them together could have made a phone call. AG Edwards defiantly refuses to obey a judge's order.
4. AG Edwards has also stated he has turned over ALL emails supplied by plaintiff. This is another obvious lie revealed by EXHIBIT 24, an email from the plaintiff to Investigator Vittatoe where he says "I will send you the emails I have received from Roy since February separately." This is a clear indication that were emails supplied to the prosecution prior to February. None of the emails supplied to the prosecution that have been turned over have a January or February date on them.
5. In addition, the AG have withheld phone records supplied by the plaintiff and lied about them. AG Edwards latest denial of the existence of additional phone records is contained in EXHIBIT 23 where he states "I guess I should at least point out, nothings been covered up. I've given everything in my file to the different attorneys who have asked for it. I don't think I have any

additional records for Vonage that hasn't been seen". AG Edwards has constantly denied the existence of other phone records during other hearings and email exchanges with prior attorneys. However, when reviewing EXHIBITS 22 and 22A it become obvious this is a lie. EXHIBIT 22 is an email from the plaintiff to Vittatoe where he states "The excel spread sheet shows calls to and from my office numbers. It also shows calls to and from my home number 901 347 0425." This statement clearly reveals the existence of call logs from at least 2 other numbers that are not the 901 347 0425. Where are they? EXHIBIT 22A also has calls numbered that I assume correspond with the recordings. Notice that calls number 1 4 6 7 and 8 are missing. In addition, this "log" is NOT a Vonage log but a log created by the plaintiff. Where are the actual logs these were created from? There should be something resembling EXHIBIT 9.

6. More evidence of prosecutorial misconduct concerns the conflicting evidence of the forensic analysis provided by Shane Harold. In his statement, he claims to have examined 6 items (EXHIBIT 6). The Monroe County Sheriff's Office Electronic Forensic Request Form (EXHIBIT 7) lists 4 items and is not signed or dated. In Vittatoe's handwritten notes he only mentions 2 laptops (EXHIBIT 8). In addition, it's highly unlikely Shane Harold's can remember exactly what he examined and exactly what he found but can't remember a 62 minute conversation with the plaintiff. Also, Shane Harold admits to lying in his own statement. In one sentence he says "As far as I can remember I did not find any of the information on the email accounts that was asked for...." The very next sentence he says "Roy Cook called me in May 2016 asking me about what was found which I told him I do not remember...." So one sentence he can recall not finding anything but the next sentence he admits to telling defendant he did not remember what he found. Then again why would Dan Schneider even be involved in retrieving subpoenaed records from Shane Harold. Add to that (EXHIBIT12); an email from Schneider to Edwards requesting guidance from AG Edwards the day after he had already answered his subpoena regarding the forensic analysis. We don't know what the "this" referred to in the email is.
7. Even more evidence of misconduct exists in the altered Property Receipt (EXHIBIT 1) Vittatoe's signature is a forgery. Compare that signature to EXHIBITS 2 2A 3 4 & 5. The signature on the Property Receipt is drastically different. One may ask why would someone do that. The answer is to conceal the results of the forensic analysis of the computers. EXHIBIT 2A, the Evidence Room Receipt Log makes it appear as if nothing left the evidence room or was ever returned. Shane Harold admits in his statement he gave the evidence back to Schneider around the end of 2013 but it was not returned to the defendant til a year after that. The results and existence of the forensic analysis should have been turned over to the defense with all the other evidence received in August of 2014. More proof that the Property Receipt is altered is in the handwritten statement on the Evidence Room Receipt Log (EXHIBIT 2A) by Vittatoe. It states "All items highlighted have been released (5-21-13) to Lt. Dan Schneider for forensic analysis". None of the items on the forged Property Receipt (EXHIBIT 1) are highlighted. From this one can only conclude that the Property Receipt supplied to the defense has been altered to conceal the forensic analysis.

In conclusion, the evidence presented with this motion clearly reveals evidence of prosecutorial misconduct. That misconduct includes making untrue statements to the court, defying a judge's order to supply evidence, tampering with evidence, and concealment of exculpatory evidence. Based on these facts this indictment should be dismissed.

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WARNINGS AS TO CONSTITUTIONAL RIGHTS

Before we ask you any questions, you must understand your constitutional rights:

You have the right to remain silent, and you need not answer any questions;

If you do answer questions, your answers can be used as evidence against you in court;

You have the right to consult with a lawyer before or during questioning;

If you cannot afford to hire a lawyer, one will be provided to you without cost;

If you decide to answer questions now, without a lawyer present, you will still have the right to stop answering questions at any time until you talk to a lawyer.

WAIVER

I have read, or have had read to me, my constitutional rights. I understand what my rights are, and I am willing to make a statement and answer questions without a lawyer being present.



Signature of Interviewee



Signature of Special Agent

Witness: _____

Witness: _____

DATE: 8-24-13 TIME: 9:30 am



Ninth Judicial District
Drug & Violent Crimes Task Force
 1008 Bradford Way
 Kingston, TN 37763
 (865) 376-2145 phone



Property Receipt

Roy Cook Search

Location: 191 Twin Oaks drive Case Number: _____

Date: 4-24-2013

Quantity	Description of Items	Location Found	Serial Number (if applicable)
1	Samsung flip phone	Basin of Roy Cook	unknown
1	HTC Smart phone AT&T RV-515	Sofa Downstairs	unknown
1	Samsung laptop computer	downstairs living area	4RAA916C70107E
1	notebook PC model -M5-1656	DOWNSTAIRS living area	16561-00580SK104900 294
1	HP Pavilion a1209N desktop	DOWNSTAIRS living area	MXE5480845
1	netgear think drive	downstairs living area	6091F55305
1	Sealed dog planet	downstairs living area	—
1	dell laptop computer	Thomas' Bedroom	removed
2	external hard drives	Thomas' Bedroom	—
	End		

Findings

2013-CR-197 R Cook 9/16/2016 -- Discovery 1

From: Roy Cook

To: [Signature]
 Drug Task Force Agent

Witness: [Signature]

Forged

SIGNATURE

04/24/13

[Handwritten mark]

RETURN
Came to hand state day issued. Executed as commanded by delivering a copy of the warrant to
ROCK COOK And by searching the within described residence and the defendant,
and by reason of such search I found the following described contraband: _____

This the 24 day of April, 2013



(Deputy) Sheriff / Agent



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District Attorney General
Ninth Judicial District
Evidence Room Receipt Log

02

Case Number 20130201-01 Case Agent J. VITALE
 Defendant Roy Cook Offense ATT. EXTORTION / HARBORING
 Shelf #: _____ Date Received: 9/25/13 Time Received: 9:40 am / pm
 Description of Evidence: See ATTACHED 2 page search warrant
related and inventory. All items identified above were
related (5-21-13) to 67 Dan Schreiner, Ex-Fernis
Analyst.
 Received By: J. Vitale Print Evidence Custodian Name _____ Evidence Custodian Signature _____
 Received From: _____ Print Submitting Agent Name _____ Submitting Agent Signature _____

Signature

Evidence Out
Chain of Custody Log

	Custodian Initials	Agent Initials	Date	Time	Purpose	Return Y/N
Out						
In						
Out						
In						
Out						
In						
Out						
In						

Final Disposition of Evidence

To Court - Docket No. _____
 To _____ Lab
 To Other Jurisdiction (Specify) _____
 To Be Destroyed - Destruction Order Attached Y / N
 Returned to Owner _____
 Other (Specify) _____

2013-CR-197 R. Cook 9/16/2016 -- Discovery 1

2A

[Handwritten signature]

3

WARNINGS AS TO CONSTITUTIONAL RIGHTS

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If you do answer questions, your answers can be used as evidence against you in court,

You have the right to consult with a lawyer before or during questioning,

If you cannot afford to hire a lawyer, one will be provided to you without cost,

If you decide to answer questions now, without a lawyer present, you will still have the right to stop answering questions at any time until you talk to a lawyer.

WAIVER

I have read, or have had read to me, my constitutional rights. I understand what my rights are, and I am willing to make a statement and answer questions without a lawyer being present.



Signature of Interviewee

Signature of Special Agent

Witness: _____

Witness: _____

DATE: 8-24-13 TIME: 9:30 AM

3

DK

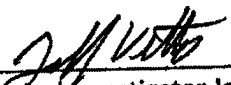
On April 24, 2013 I executed a search warrant on the residence of Roy Cook, located at 141 Twin Oaks Drive in Rockwood, TN. The purpose of the search was to seize and analyze the electronic communication devices owned and possessed by Roy Cook. Numerous items were seized including multiple computers, telephones, external hard drives and other items that will be forensically analyzed by a forensic expert looking for evidence of the extortion and harassment by Roy Cook.

At the time the search warrant was executed both Roy Cook and Thomas Cook were present at Roy Cook's home in Rockwood. Both Roy and Thomas Cook were Mirandized and neither wanted to speak about the investigation.

I am submitting this case file to the district attorney's office to be presented before the next Grand Jury in Roane County Criminal Court and seeking indictments against Roy Cook for attempted extortion and harassment. I have found no evidence to support Thomas Cook's involvement in the extortion except through the recorded calls with Roy and believe there is insufficient evidence to proceed with charges against Thomas at this time.

Andrew Cook later reported to me that he discovered the stolen items at his residence in Costa Rica but insisted that he had never taken them to his house. Andrew Cook maintains that Thomas had access to his house and schedule, and most likely returned the items while he was not at home to avoid prosecution. If the items were returned to Andrew Cook or even misplaced by Andrew Cook, the elements of the offense of attempted extortion and harassment are still present and valid against Roy Cook. Andrew Cook will be asked to come to Roane County, TN from Costa Rica and participate in the presentment of this case before a Grand Jury.

Existing evidence in this case is the emails, the recorded telephone calls, the telephone records and testimony of Andrew Cook. Additional evidence may be discovered as the items recovered from Roy Cook's home is analyzed and evaluated. The forensic analysis will not be completed by the time this case is presented before the Grand Jury.


Criminal Investigator Jeff Vittatoe
District Attorney General's Office
9th Judicial District

Roy Cook

In 2013 Jeff Vittatoe asked me to exam some electronic devices that he had in a case. Dan Schneider is the one that brought me the items. There were 6 items. 4 hard drives and 2 laptop computers. The information that was wanted was email from web email accounts (gmail). Unless the person is using a desktop version of the email programs most of the information stays on the web and possibly in the browser history. As far as I can remember I did not find any of the information on the email accounts that was asked for using Forensic Tool Kit by Access Data. Roy Cook called me in May 2016 asking me about what was found which I told him I do not remember and he also told me that I had a conversation with his brother Andrew Cook back in 2013 and I do not recall what was in that conversation. I gave the items back to Dan Schneider I believe around the end of 2013.

BOY
THIS ARE SURE HANNOLO 1799 ON COOK
TAKE A LOOK AND LET HIM KNOW
(422) 519-8715

TASHER
DAN

Shane Harold

6

MONROE COUNTY SHERIFF'S OFFICE
ELECTRONIC FORENSIC REQUEST

From: Investigator Jeff Vittatoe
 Agency: 9th DTF
 Address: 1008 Bradford Way
 Kingston TN
 Phone No: 865-376-2145

ORI No: _____
 Agency Case No: _____
 County of Offense: Roane
 Type of Offense: Extortion/Harassment
 Date of Offense: 2/14/2013

SUSPECT	SEX	RACE	DOB	VICTIM	SEX	RACE	DOB
Roy Cook	M	W		Andrew Cook			

(May be continued on back)
 Statement Of Facts: Suspect allegedly extorted monies from the business of the victim.

ITEM	DESCRIPTION OF EVIDENCE	LOCATION
1	200 gb HDD Seagate	Thomas Bedroom
2	3 X ICY DOCK	Bedroom
3	Notebook P/C MS 1556	Downstairs living room
4	Dell Laptop	Thomas Bedroom

Examination Request: See attached affidavits

Submit a copy of the consent to search and/or search warrant along with this request. Failure to do so will postpone the request until the items are received. If you don't have either contact Monroe County Sheriff's Office before submission.

I certify this evidence is associated with a criminal or death investigation.
 Signature: _____
 Submitted by: Detective Daniel Schneider HPD
 (Type or Print)

Account Number	From Number	To Number	Date Start	Date End	Duration (mm:ss)	Forwarded to Number	Device IP	Call Direction	Charge Type
1002596519	13039772226	19013470425	9/5/2013 16:23	9/5/2013 16:23	1m 01s				Domestic
1002596519	Anonymous	19013470425	9/5/2013 23:53	9/5/2013 23:53	1m 20s	19013470425	216.115.18.202	Inbound	Domestic
1002596519	Anonymous	19013470425	9/5/2013 23:54	9/5/2013 23:54	1m 01s	19013470425	69.59.230.106	Inbound	Domestic
1002596519	Anonymous	19013470425	9/5/2013 23:54	9/6/2013 0:00	7m 14s	19013470425	69.59.230.106	Inbound	Domestic
1002596519	19013470425	18653046779	9/6/2013 14:21	9/6/2013 14:21	1m 03s		186.4.58.122	Outbound	Domestic
1002596519	19013470425	18653046779	9/6/2013 14:58	9/6/2013 14:59	1m 08s		186.4.58.122	Outbound	Domestic
1002596519	19013470425	13032697370	9/6/2013 15:04	9/6/2013 15:05	1m 24s		186.4.58.122	Outbound	Domestic
1002596519	18653046779	19013470425	9/6/2013 15:09	9/6/2013 15:29	21m 42s	<i>Village</i>	186.4.58.122	Inbound	Domestic
1002596519	14087275218	19013470425	9/6/2013 15:22	9/6/2013 15:23	1m 52s	19013470425	216.115.28.202	Inbound	Domestic
1002596519	14087275218	19013470425	9/6/2013 15:23	9/6/2013 15:23	1m 01s				Domestic
1002596519	19013470425	14087275218	9/6/2013 15:30	9/6/2013 15:30	1m 08s		186.4.58.122	Outbound	Domestic
1002596519	19013470425	14234425002	9/6/2013 15:32	9/6/2013 15:33	1m 38s	nonroe county sher	186.4.58.122	Outbound	Domestic
1002596519	17195222811	19013470425	9/6/2013 16:24	9/6/2013 16:25	1m 17s	19013470425	69.59.230.106	Inbound	Domestic
1002596519	17195222811	19013470425	9/6/2013 16:25	9/6/2013 16:25	1m 11s	19013470425	216.115.18.202	Inbound	Domestic
1002596519	19013470425	17195222811	9/6/2013 16:28	9/6/2013 16:45	18m 25s		186.4.58.122	Outbound	Domestic
1002596519	13032697370	19013470425	9/6/2013 16:41	9/6/2013 16:41	1m 29s	19013470425	216.115.18.202	Inbound	Domestic
1002596519	13032697370	19013470425	9/6/2013 16:41	9/6/2013 16:41	1m 01s				Domestic
1002596519	19013470425	17195222811	9/6/2013 16:46	9/6/2013 16:46	1m 06s		186.4.58.122	Outbound	Domestic
1002596519	19013470425	13032697370	9/6/2013 16:48	9/6/2013 16:49	1m 56s		186.4.58.122	Outbound	Domestic
1002596519	19013470425	12564321116	9/6/2013 18:16	9/6/2013 18:19	3m 11s		186.4.58.122	Outbound	Domestic
1002596519	19013470425	13032697359	9/6/2013 21:02	9/6/2013 21:15	13m 59s		186.4.58.122	Outbound	Domestic
1002596519	19013470425	18659330411	9/7/2013 15:58	9/7/2013 16:45	46m 24s		186.4.58.122	Outbound	Domestic
1002596519	19013470425	14234425002	9/9/2013 16:27	9/9/2013 17:28	62m 32s	nonroe county sher	186.4.58.122	Outbound	Domestic
1002596519	13037994205	19013470425	9/9/2013 16:42	9/9/2013 16:43	1m 17s	19013470425	216.115.18.202	Inbound	Domestic
1002596519	13037994205	19013470425	9/9/2013 16:45	9/9/2013 16:46	1m 10s	19013470425	69.59.230.106	Inbound	Domestic
1002596519	13037990578	19013470425	9/9/2013 17:00	9/9/2013 17:00	1m 41s	19013470425	216.115.18.202	Inbound	Domestic
1002596519	13037990578	19013470425	9/9/2013 17:00	9/9/2013 17:00	1m 01s				Domestic
1002596519	14076948886	19013470425	9/9/2013 17:15	9/9/2013 17:15	1m 08s	19013470425	216.115.18.202	Inbound	Domestic
1002596519	19013470425	13037990578	9/9/2013 17:45	9/9/2013 17:50	5m 48s		186.4.58.122	Outbound	Domestic
1002596519	19013470425	14076948886	9/9/2013 18:03	9/9/2013 18:03	1m 06s		186.4.58.122	Outbound	Domestic
1002596519	19013470425	18642363093	9/9/2013 20:36	9/9/2013 20:36	1m 18s		186.4.58.122	Outbound	Domestic
1002596519	19013470425	18642363093	9/9/2013 20:36	9/9/2013 20:39	3m 32s		186.4.58.122	Outbound	Domestic

#12

Tina R. Jamagin

From: dschneider@cityofharriman.net on behalf of Dan Schneider
[dschneider@harrimanpolice.com]
Sent: Friday, May 27, 2016 11:06 AM
To: Tina R. Jamagin
Subject: Fwd: Copy Machine Scan/Fax
Attachments: Fax_001.pdf

Tina

can this make it's way to the General and get him to advise on what he would think needs to be done?

Thanks Dan

----- Forwarded message -----

From: <applecopymachine@cityofharriman.net>
Date: Thu, May 26, 2016 at 3:46 PM

Subject: Copy Machine Scan/Fax
To: "Schneider, Dan" <dschneider@cityofharriman.net>

FROM=865 354 1632
TO=8658820700
DATE=05/26/2016
TIME=14:44:09
TIMEZONE=-05:00
PCODE=

197 R. Cook
-
Detective Daniel Schneider

Harriman Police Department/Cyber Crimes
Tennessee Internet Crimes against Children Task Force
130 Pansy Hill Road
Harriman TN 37748

201 Office 865-882-3383 X110
Fax 865-882-0700
Cell 865-388-2120
E-Mail dschneider@harrimanpolice.com



~~13~~ 13

Office of the District Attorney General
Ninth Judicial District

Serving Loudon, Meigs, Morgan and Roane Counties
Russell Johnson, District Attorney General

September 16, 2016

Jedidiah McKeehan, Esq.
1111 Northshore Drive
Knoxville, TN 37919

Re: State vs. Roy Cook
2013-CR-197
Discovery Request

Dear Jed:

I have received your Motions for Discovery and enclosed is my response. There are two cd discs with this mailing. In light of the many controversies and accusations about discovery I would like to try and provide some history and explanation of various things. First of all the case began before I was with the district attorney's office. At that time discovery was done on an open file basis. Next thing to note is that there has been quite a succession of defense attorneys in the case. Having said all that I would like to give you a history of disclosure of evidence such as I can.

The file shows that open file discovery was provided to Will Wooten of the PD's office on February 5, 2014. At that time there was still apparently outstanding a forensic review of computers seized. That review was related to me various times as not done or if done nothing was found in the computers of evidentiary value either inculpatory or exculpatory. Until recently I never had anything but oral reports from HPD officer Dan Schneider that DA Investigator Jeff Vittatoe had given him some equipment to look at and Dan had asked Shane Harold of the McMinn County Sheriff's Office to look at it. When I first touched this file I was asked by then defense counsel, Walter Johnson, to consider returning the equipment. I located it and Mr. Johnson was told Mr. Cook could pick it up on December 5, 2014 and I am advised that Mr. Cook did pick it up thereafter. Recently, Mr. Cook had made his own inquiries about the forensic assessment and apparently rattled Det. Schneider's cage sufficiently to get him to obtain a written statement from Det. Harold that indicates nothing was found. This was made available

1008 Bradford Way
Kingston, TN 37763

Russell Johnson
www.9thdag.com

Phone: (865) 376-2145
Fax: (865) 376-2148

Forensic

D

Office of the District Attorney General
Ninth Judicial District

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Russell Johnson, District Attorney General

McKeehan
September 16, 2016
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to me recently but when I offered it to Alan Moore he suggested I wait until successor counsel was appointed so I am including it in this response.

Defy
Eckles
O'Neal

There are two categories of material that I know the defendant believes that the State has but we do not. One is additional email or unredacted copies of email. I have worked this question over and over with Josh Headrick and I cannot produce any more email. Mr. Cook believes we have it but we do not and we do not intend to subpoena any additional email from any source. Mr. Cook has the power to subpoena email if he wants to but the State has turned over all email in the custody of the State except for some items mentioned later in this letter. He questions whether a particular copy of a particular email was redacted to cover up the name of an FBI agent. He has a point in that the copy of the message does appear to have a blank where a name might appear. However, I know of no involvement by the FBI in this case and even if there was a name in the blank spot I am at a loss to explain how it might be relevant to the case or the defense of the charge. Andrew Cook denies redacting a name and Jeff Vittatoe knows nothing about it and did not retain his own copy of that message. The other category is telephone records. The phone records in the file appear to be copies of phone bills. The investigative report of Vittatoe mentions getting more records. However, this does not appear to have been done but once again I am at a loss to explain how the telephone records may be relevant to the prosecution or the defense. He may be able to issue his own subpoena to the telephone company or to the complaining witness for his phone records if he chooses. The State does not have any phone records that have been given to me from any source and I have asked my officers about them. As far as I can tell Det. Vittatoe decided not to follow up on that. The State does not have any records other than some furnished by Andrew Cook concerning harassing calls he says Roy Cook made to him.

Also in the package you will find copies of virtually all of the correspondence in the case that this office has had with anyone. I have omitted some personal comments made by Andrew Cook to me in email that are not pertinent to the case or more strategic in nature. They are not discovery material and contain nothing discoverable. They will be available to you after he testifies at trial under T.R.Cr.P. 26.2.

Office *of the* District Attorney General
Ninth Judicial District

Serving Loudon, Meigs, Morgan and Roane Counties
Russell Johnson, District Attorney General

McKeehan
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There is also a section including all pleadings in the file. This is furnished as a courtesy. Essentially, I am providing open file discovery in a formal form. You are also welcome to come and inspect my complete file at any time with the exception of the strategic emails. The defendant may be suspicious that I am concealing something but frankly that would be a lot more trouble to me to conceal anything than to simply turn it all over. Nonetheless please give me a call or file a motion if you think something has been omitted.

Lastly, I am providing a cd disc with recorded phone calls between the defendant and his brother. There are quite a few with some from 2013 and others from 2015. My understanding of the later group is that they represent harassment of Andrew Cook by the defendant and were accumulated by Andrew Cook in support of a motion to impose a no contact bond condition. The earlier group is documentation of the allegation of extortion.

Looking forward to getting this matter completed with you, I am,

Sincerely,

Robert Edwards
Senior Asst. District Attorney General
865/376-2145, ext. 114

Enc. Discovery and 2 cd discs

#22

Hi, Jeff

Search Mail Search Web

INBOX CONTACTS

CALENDAR RE: extortion attempt...

Compose

Delete

Move

Spam

Actions

Inbox

Conversations

Drafts

Sent

Spam

Trash (2)

FOLDERS

Do Not Delete

Notes

APPLICATIONS

GET YOUR DOMAIN FOR JUST \$10 A YEAR

RE: extortion attempt by Roy Cook from Andrew Cook to you + 1 more

Tue, 9:05 PM

I talked to Roy Cook to extort money from me in exchange for the return of my stolen property. Have you made any progress on the case?

He has recently started sending me harassing emails. He has also sent harassing emails to my son's school, my accountant, and my son's therapist. He is attempting to contact my customers and slander my company because I have refused to pay him any money.

To give you an idea of his rants, here is a sample from a recent email.

how's that hot piece of christian ass doing these days.....???? hear you say she dresses like a slut....is she yummy?? i heard you tried to tap that ass. actually the word is you claim to have tapped it but nobody believes you did. dont worry though. it wasn't her religion that made her say no. it was the fact that you're a disgusting pig.

did laura cut your bells off yet?? or is she pulling a Kay and locking herself in a room for 3 days??

tommorow is fuck up friday..... get ready for a big surprise.....

and on 4/2 its going to get real special.... 12 days and counting.....shall we do the 12 days of xmas.

I dont think you can handle 12 days of shit..... the over under on you is 7 days before you finally break.

did you wipe your ass today??/hahaha

and again.....why do you continue to not address what you did to Lorena and BAE ????? whatswrong??? self awareness is a terrible thing isn't it. HI MY NAME IS ANDREW AND I'M A FLAMING ASSHOLE!!!

I'm not sure what he meant by 'fuck up Friday', but I assume he attempted to harass some of my customers. I have not received any feedback from them yet. This particular rant was sent to my accountant and my son's therapist.

Any help you can give would be greatly appreciated. I have asked that he stop sending me emails but he persists.

Andrew Cook
Merlin Embedded
10415 Willow Ridge Loop
Orlando, FL 32825
Toll Free: (866) 700 7704
Direct: (650) 292 0887
www.merlinembedded.com

Original Message
From: Andrew Cook [mailto:andrew.cook@merlinembedded.com]
Sent: Wednesday, January 30, 2013 9:26 PM
To: 'jeffvittatoe@yahoo.com'
Subject: extortion attempt by Roy Cook

Roy's phone numbers:
Cell: (885) 322-0984
Home: (865) 631-4887

I'm not sure about the home phone. He normally calls from the cell phone.

Last phone call is attached. I have also provided a document describing each phone call with approximate date and time.

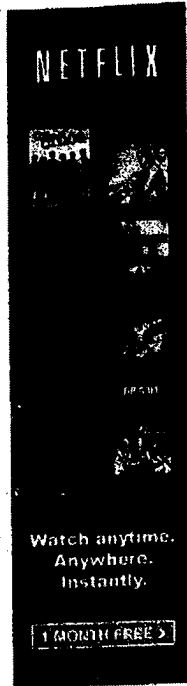
The excel spreadsheet shows calls to and from my office numbers. It also shows calls to and from my home number 901 347 0425. I have marked the significant calls in purple and yellow.

It appears that the time stamp on some of the voicemail logs is off. I think it is because they were forwarded through a skype number. The document showing the description of the phone calls is more accurate on the time stamps.

I recorded the calls on my iPad using an app called QuickVoice. The application records the date and time of each call.

Let me know if you need anything else.

Andrew Cook
Merlin Embedded
10415 Willow Ridge Loop
Orlando, FL 32825
Toll Free: (866) 700 7704
Direct: (650) 292 0887
www.merlinembedded.com



#22

22A

Vantage Phone Records From Andrew Cook - Victim

	From	To						
	19013470425	18653220984	0:18:00	\$0.00	\$0.00	5572698888		
Jan 18, 2013	07:55 AM	19013470425	0:02:00	\$0.00	\$0.00	55715373946		
Jan 18, 2013	07:52 AM	19013470425	0:03:00	\$0.00	\$0.00	55715347218		
Jan 18, 2013	07:50 AM	19013470425	0:01:00	\$0.00	\$0.00	55715328954		
Jan 18, 2013	07:48 AM	19013470425	0:03:00	\$0.00	\$0.00	55715312928		
		18653220984	0:17:00	\$0.00	\$0.00	55713540252		
		18653220984	0:02:00	\$0.00	\$0.00	55712760230		
Jan 17, 2013	08:09 PM	19013470425	0:01:00	\$0.00	\$0.00	55712724776		
		18653220984	0:02:00	\$0.00	\$0.00	55712712220		
		18653220984	0:09:00	\$0.00	\$0.00	55712688826		
		18653220984	0:03:00	\$0.00	\$0.00	55712575664		
Jan 17, 2013	07:54 PM	19013470425	0:01:00	\$0.00	\$0.00	55712541189		

MISSING 14678

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IN THE CRIMINAL COURT FOR ROANE COUNTY

AT KINGSTON, TENNESSEE

NINTH JUDICIAL DISTRICT

FD3

COPY

STATE OF TENNESSEE,	*	<u>CASE NO. 2013 CR 197</u>
Appellee,	*	
v.	*	
ROY COOK	*	<u>MOTION TO WITHDRAW ATTORNEY</u>
Appellant.	*	

April 15, 2016

THE HONORABLE JEFFERY WICKS, PRESIDING JUDGE

APPEARANCES

FOR THE APPELLEE:

Mr. Russell Johnson
 District Attorney General
 State of Tennessee
 Ninth Judicial District
 P.O. Box 703
 Kingston, Tennessee 37763-0703

Mr. Robert Edwards
 Asst. District Attorney General
 State of Tennessee
 Ninth Judicial District
 P.O. Box 703
 Kingston, Tennessee 37763-0703

FOR THE APPELLANT:

Alan R. Moore
 Attorney at Law
 501 Adesa Parkway, Suite B210
 Lenoir City, TN 37771

1 IN THE CRIMINAL COURT FOR ROANE COUNTY

2 AT KINGSTON, TENNESSEE

3 NINTH JUDICIAL DISTRICT

4
5 STATE OF TENNESSEE,

* CASE NO. 2013 CR 197

6
7 v.

*

8
9 ROY COOK.

* MOTION TO WITHDRAW ATTORNEY

10
11
12 This cause came on to be heard and was
13 heard on the 15th day of April, 2016, before the Honorable
14 Jeffery Wicks, presiding Judge, holding the Criminal Court
15 for Roane County at Kingston, Tennessee, and the following
16 proceedings were had:

17
18 ASST. GENERAL ROBERT EDWARDS: Your
19 Honor, Mr. Moore and I have a matter on today's docket.

20 This is the Roy Cook case. Mr. Cook is
21 present. It's item 24, 2013 CR 197. We are set for status
22 today.

23 Your Honor had recently replaced Mr.
24 Hedrick with Mr. Moore, at the insistence of Mr. Cook.

25 THE COURT: Okay.

1 ASST. GENERAL ROBERT EDWARDS: Mr. Moore
2 is before is before having filed a motion to withdraw as
3 counsel today.

4 THE COURT: What's the basis for your
5 motion?

6 ATTORNEY ALAN MOORE: Your Honor, if it
7 pleases the Court, in my motion I detailed several multiple
8 underlying conflicts, which I presented in that motion, that
9 in my opinion permits me from effectively representing Mr.
10 Cook.

11 Number one, we have material and
12 fundamental disagreement on the defense strategy in this
13 case. I tried to resolve it with Mr. Cook; I've been unable
14 to.

15 Number two, Mr. Cook has acted in direct
16 contravention to the legal advice that I have given him.

17 Number three, taking all of that into
18 account, I do believe that the attorney/client relationship
19 and communication at this point, has been damaged to a point
20 to where it cannot be repaired and I would not be able to
21 effectively represent him at this stage.

22 THE COURT: When did you file that?

23 ATTORNEY ALAN MOORE: (No audible
24 response)

25 THE COURT: When did you file that?

1 ATTORNEY ALAN MOORE: Oh, Wednesday,
2 Your Honor.

3 I apologize.

4 THE COURT: What do you have to say
5 about that Mr. Cook?

6 DEFENDANT ROY COOK: Your Honor, I - Mr.
7 Moore is my third attorney.

8 THE COURT: I understand that. We are
9 going to run out of them.

10 DEFENDANT ROY COOK: Every attorney I've
11 had refused to subpoena or investigate evidence. And it's
12 got to the point because they refused to, evidence has
13 disappeared; evidence that may not be able to get anymore.

14 THE COURT: What has disappeared?

15 DEFENDANT ROY COOK: Email records, you
16 can no longer subpoena because they are over four months
17 old.

18 Phone records.

19 I have evidence right here, dozens of
20 emails between me and Walter Johnson.

21 THE COURT: Walter Johnson is no longer
22 on your case. (Indiscernible - all talking at once) Mr.
23 Moore.

24 DEFENDANT ROY COOK: I know. He was my
25 first attorney.

1 Here's another dozen between me and Mr.
2 Hedrick where I've asked them - Mr. Hedrick served three
3 subpoenas and he put the wrong dates on them and I got
4 (indiscernible) requested the right dates. He never
5 followed up on them. I've got multiple emails here where he
6 said he would follow-up.

7 THE COURT: Mr. Hedrick's no longer your
8 attorney, let's get to Mr. Moore.

9 DEFENDANT ROY COOK: Okay.

10 Mr. Moore is refusing to subpoena a
11 statement from an F. B. I. agent in Knoxville, Tennessee.

12 ATTORNEY ALAN MOORE: And Your Honor, if
13 I may briefly be heard.

14 This is part of the motion that Mr. Cook
15 has filed on this case to dismiss and I was informed that if
16 I did not file it he would. And he would argue it, and I
17 would not. And that is the basis of partly my move to
18 withdraw from the case.

19 I apologize for interrupting.

20 DEFENDANT ROY COOK: The prosecution has
21 taken stuff to conceal information.

22 There was a forensic analysis done of
23 three computers that have never been turned over.

24 The plaintiff, my twin brother turned
25 over his Vonage records, Vonage phone records in an Excel

1 format to the prosecution. They've never turned those over
2 to me.

3 I don't know how I can prepare a defense
4 if there is evidence missing.

5 I've been told that the statement of an
6 F. B. I. - a statement made to an F. B. I. agent, that
7 contradict statements made to the Ninth District Prosecutor
8 are not relevant to my case. And I would like someone to
9 explain to me how that is possible because I don't get it.

10 I tracked the F. B. I. agent down, they
11 didn't. The way I tracked him down, I finally got the
12 Vonage records that have been concealed and there's
13 also - when I reveal the existence of the F. B. I. agent to
14 Josh Hedrick, my second attorney, we agreed that we would
15 not disclose that to the prosecution. But on a November
16 16th, hearing where Judge Eblen ordered the prosecution to
17 turn over the non-redacted emails where there is a name
18 whited out, evidence has been tampered with. Mr. Edwards
19 stood up here and said it didn't matter if the name that was
20 redacted was an F. B. I. agent, or some other law
21 enforcement agency. He didn't say T. B. I. I don't even
22 know where he got law enforcement agency. But the words
23 F. B. I. came out of his mouth and it didn't faze Josh
24 Hedrick one bit.

25 THE COURT: Josh Edwards is no longer

1 your attorney.

2 DEFENDANT ROY COOK: I know.

3 It's my belief and I have evidence here
4 that he divulged confidential information.

5 I originally requested in August of
6 2014, August 15th, of 2014-

7 THE COURT: Let me ask you something.
8 Are you going to represent yourself?

9 DEFENDANT ROY COOK: Sir, I don't have
10 the ability to represent myself.

11 THE COURT: We are running out of
12 attorneys. You've gone through three.

13 DEFENDANT ROY COOK: Well, could you
14 please order the attorney to subpoena pertinent information
15 evidence that would prove me innocent. Order the
16 prosecution to turn over the records. I got proof they have
17 the Vonage records.

18 Statements from Jeff Vittatoe; Vittatoe,
19 I finally got him on the phone August of last year, maybe it
20 was July, and he told me that the only reason that the
21 prosecution was proceeding with this case was because I did
22 an interview with an internet paper called the Post and
23 Email. I got an email from Josh Hedrick to me that confirms
24 that.

25 I would like to get a copy of any email

1 exchange between my attorney and the prosecutor on that.
2 But they botched that subpoena. They put the wrong dates on
3 it.

4 I tried to call EarthLink to get some of
5 those subpoenas - the email records. The
6 EarthLink - whatever they call him, the guy in charge of
7 that, won't speak to me. Josh Hedrick was supposed to call
8 him dozens of times but never did. I would like to know,
9 how am I supposed to have a competent defense if I'm not
10 allowed to subpoena emails and phone records when the only
11 evidence against me is email and phone records?

12 THE COURT: Is that a question or a
13 statement?

14 DEFENDANT ROY COOK: Both.

15 THE COURT: Are you saying you are not
16 receiving discovery?

17 DEFENDANT ROY COOK: Yes, Sir.

18 Lieutenant Dan Snyder did a forensic
19 analysis of the computers.

20 THE COURT: General where are we-

21 DEFENDANT ROY COOK: I got the computers
22 back, I can't access-

23 THE COURT: Just a moment, just a
24 moment, just a moment.

25 Have you turned over all discovery in

1 this?

2 ASST. GENERAL ROBERT EDWARDS: Your

3 Honor, this isn't the first time we've had this
4 conversation. It predates your ascension to the bench.

5 The discovery that I can tell the Court
6 that I dealt with personally is the email that Mr. Cook has
7 alluded to. I've given Mr. Cook, or his attorneys - I give
8 it to his attorneys. I'm not dealing with Mr. Cook while
9 he's represented - even though he continually tries to get
10 me to respond to emails directly to him, and I will not do
11 that.

12 But I've given him everything I have,
13 everything Mr. Vittatoe has, everything the victim in this
14 case, Andrew Cook, tells me he has. I understand that there
15 is a name that will appear in one of these emails
16 (indiscernible - someone coughing) not appear. I have no
17 explanation for that. I don't have an email that has that
18 name. Mr. Cook, Mr. Roy Cook, has everything I have in the
19 context of that email.

20 I'm hearing now about a forensic
21 examination of computers. There were computers that were
22 seized in this matter. They were subsequently returned, it
23 was quite a while before they were returned, no forensic
24 analysis was ever done that the State is aware of. So I
25 don't have anything to turn over with respect to those

1 computers, they were returned.

2 I know of no outstanding discovery that
3 Mr. Cook's entitled to. Frankly, as far as I'm concerned
4 I'm as ready to ~~try this case as I'm ever going to be and~~
5 I'd like to move forward with it.

6 And the only reason we're going slow is
7 because of this kind of situation that the Court's dealing
8 with this morning.

9 DEFENDANT ROY COOK: May I respond to
10 that, Your Honor?

11 THE COURT: (Indiscernible)

12 DEFENDANT ROY COOK: Here's an evidence
13 log. Nothing goes in, nothing goes out.

14 They seized this merchandise - the
15 computers from me on April 23rd.

16 Description of evidence - and I guess
17 this is written by Jeff Vittatoe, see attached to page. Uh,
18 search warrant, and it says all items highlighted have been
19 released May 21st, 2013, to Lieutenant Dan Snyder for
20 forensic analysis. A month they took the merchandise out of
21 my house and they gave it to Lieutenant Dan Snyder for
22 forensic analysis.

23 I can't get any of my attorneys to speak
24 to Lieutenant Dan Snyder, and he won't speak to me.

25 ATTORNEY ALAN MOORE: And-

1 DEFENDANT ROY COOK: Excuse me.

2 Mr. Moore did suggest one thing. He
3 suggested filing a motion to have you order the prosecution
4 to investigate finally. Well, they had their chance, they
5 hid evidence. It's like - what about the Vonage records,
6 there's plenty of evidence they had it. They doctored it,
7 they've hid it.

8 Why don't you explain to the Judge while
9 you refused to subpoena or call an F. B. I. agent?

10 ATTORNEY ALAN MOORE: And Your Honor, to
11 add to the State's statement that they will not speak to my
12 client while he's represented by Counsel, I had advised him
13 not to attempt to speak to Counsel, he has done so. He has
14 told me that he will continue to do so, Your Honor.

15 I think this is a good example of how
16 far down the communication has gone between my client and I.
17 I'm ordered not to speak on his behalf in a hearing.

18 DEFENDANT ROY COOK: Answer the
19 question, why would you not go interview the F. B. I. agent
20 and get the statement?

21 Why is that not pertinent?

22 I've got an email from Josh Hedrick that
23 said it's not important.

24 THE COURT: Mr. Moore, I will allow you
25 to withdraw.

1 Are you going to be able to hire your
2 own counsel?

3 DEFENDANT ROY COOK: No, Sir, I went out
4 and tried. Everyone I talked to wants anywhere from ten to
5 \$40,000.00. But almost everyone that I spoke to said that
6 there was more than enough reason to file a motion to
7 dismiss. I can't get anyone to do it.

8 THE COURT: Are you going to represent
9 yourself?

10 DEFENDANT ROY COOK: No, Sir, I can't.

11 THE COURT: What do you want me to do?

12 DEFENDANT ROY COOK: I'm not - I can't
13 get them to file a subpoena.

14 THE COURT: What do you want me to do?

15 DEFENDANT ROY COOK: I want you to - if
16 I can find my own attorney, will the State pay for it?

17 I've got them but they're not going to
18 work cheap. And I'm sorry, Your Honor, I didn't start this.
19 I'm entitled to this evidence, I'm entitled to discovery.
20 Nothing was done.

21 THE COURT: What are you saying you
22 don't have?

23 DEFENDANT ROY COOK: I don't have the
24 Vonage call logs that come in an Excel format that Andrew
25 Cook supplied to the prosecution. I don't have all the

1 emails. I don't have the F. B. I. - the statement that
2 Andrew Cook made to the F. B. I. agent where he contradicts
3 himself. I spoke to the F. B. I. agent, he has those
4 records. I don't have that.

5 I don't have the forensic analysis of
6 the computers and God knows what else they've covered up.

7 ASST. GENERAL ROBERT EDWARDS: Your
8 Honor, I guess I should at least point out, nothings been
9 covered up. I've given everything in my file to the
10 different attorneys who have asked for it.

11 I don't think I have any additional
12 records for Vonage that hasn't been seen.

13 Open filed discovery's been done on this
14 at least more than once. The files available for open file
15 discovery now. What I don't have in it, if it's not in the
16 (indiscernible) possession of the State, I can't produce and
17 I'm not required to produce.

18 There again, there's no forensic
19 assessment of these computers that I'm aware of. It's never
20 been done. Nothing was ever produced in these computers
21 that the State intends to offer as evidence. That's why
22 they were returned to Mr. Cook. So that's - that's a dead
23 horse as far as I'm concerned.

24 The Vonage records-

25 THE COURT: Were the attorneys - I mean

1 were the computers returned to you?

2 DEFENDANT ROY COOK: Yes, in December of
3 2014. I can't access to them because they are password
4 protected. And the person who knew the password died in
5 June of 2014.

6 The computers were given over to
7 Lieutenant Dan Snyder for forensic analysis.

8 THE COURT: So you're saying-

9 DEFENDANT ROY COOK: We have to believe
10 is that you turn them over and then they didn't do anything
11 with them. Why would you turn them over if he wasn't going
12 to forensically examine them? And what is missing in those
13 forensic analysis-

14 THE COURT: Whoa, whoa, whoa, whoa, we
15 are getting way off track here.

16 DEFENDANT ROY COOK: Okay.

17 THE COURT: This is about allowing Mr.
18 Moore to withdraw and appointing you another attorney.

19 But let me caution you; okay?

20 You have to cooperate with your
21 attorneys; all right? They're the ones that has been to law
22 school, passed the bar exam. Because you said you can't do
23 that on your own; is that correct?

24 DEFENDANT ROY COOK: Yes, Sir.

25 THE COURT: Okay, that's why we

1 appoint someone to represent you.

2 DEFENDANT ROY COOK: But what if
3 they are corrupt, Your Honor?

4 THE COURT: Who's corrupt?
5 Are you accusing some of the
6 attorneys in this court as being corrupt?

7 DEFENDANT ROY COOK: I have reason
8 to believe they are, yes, Sir.

9 ASST. GENERAL ROBERT EDWARDS: I think
10 that list includes the Public Defender's Office, Mr.
11 Hedrick, Mr. Moore, and myself and anyone who preceded me in
12 this case, Your Honor.

13 DEFENDANT ROY COOK: Why would-

14 THE COURT: Mr. Cook, this is what I'm
15 going to do. I'm going to think about appointing you
16 another attorney.

17 Do we have your address where we can
18 send you the information?

19 DEFENDANT ROY COOK: Yes, Sir.

20 THE COURT: And this-

21 DEFENDANT ROY COOK: Can I turn these
22 emails in?

23 THE COURT: No.

24 I will get in touch with you and send
25 you an order who your new attorney is going to be.

1 But I'm going to caution you, this is
2 probably going to be your last attorney. And if you can't
3 get along with this attorney, then you can represent
4 yourself.

5 DEFENDANT ROY COOK: Your Honor-

6 THE COURT: Do you understand that?

7 DEFENDANT ROY COOK: -it's my belief
8 that the reason that my attorney's will not subpoena the
9 evidence I'm asking them to subpoena is because it will - it
10 will expose the multiple Brady violations and the
11 concealment of evidence. That's why I think they are not
12 doing it.

13 Why would Josh Hedrick - well we can't
14 talk about that now.

15 THE COURT: All right, we will be in
16 touch with you Mr. Cook.

17 DEFENDANT ROY COOK: Can I ask one other
18 question?

19 THE COURT: No, Sir.

20 DEFENDANT ROY COOK: Okay.

21 ASST. GENERAL ROBERT EDWARDS: Do we
22 have any court dates in the future, Your Honor. Perhaps we
23 better make sure we have something on the docket.

24 Mr. Cook, we need to make sure we have
25 another date.

1 THE COURT: We are going to go ahead and
2 set a status date for your attorney.

3 What day do you want to set that for?

4 ASST. GENERAL ROBERT EDWARDS: Maybe
5 toward the end of next term, Your Honor.

6 Dealing with this case appeals to me,
7 and then again it doesn't quite frankly. Maybe we should
8 put it at the early part of the terms so if there's
9 something that has to be done we can get busy doing it.

10 THE COURT: How about - what's our
11 non-jury day the week of the fourth? Do we have one?

12 ASST. GENERAL ROBERT EDWARDS: July 5th.

13 THE COURT: July 5th.

14 Okay, July 5th, Mr. Cook.

15 ASST. GENERAL ROBERT EDWARDS: Thank
16 you, Judge.

17 ATTORNEY ALAN MOORE: Thank you, Your
18 Honor.

19

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- - - END OF REQUESTED PROCEEDINGS - - -

24

Search Mail Search Web

Hi Jeff

- INBOX
- CONTACTS
- CALENDAR
- Re: Extor...
- FW: fran...
- FW: laura
- FW: to L...
- FW: lorene
- FW: lets...
- FW: merl...

RE: Extor... Compose

Delete Move Spam Actions

- Inbox
- Conversations
- Drafts
- Sent
- Spam
- Trash
- FOLDERS
- Do Not Delete
- Notes
- MESSENGER
- APPLICATIONS

Wed, Apr 24, 2013 at 7:40 PM

RE: Extortion Case

From Andrew Cook
 To 'Jeff Vittatoc'

Roy's email addresses are:

- leky19@cs.com
- anonymous0040@gmail.com
- camm7@cs.com

Thomas Cook's email addresses are:

- thomascCook.merlinvme@gmail.com
- cookeredwarpl@gmail.com

There might have been a third person involved but I am not sure. His name is Athanasios Pagonis. He was a former sales manager that I terminated in January 2012. If he exchanged any emails with Roy or Tom his address would be tpagonis12@yahoo.com.

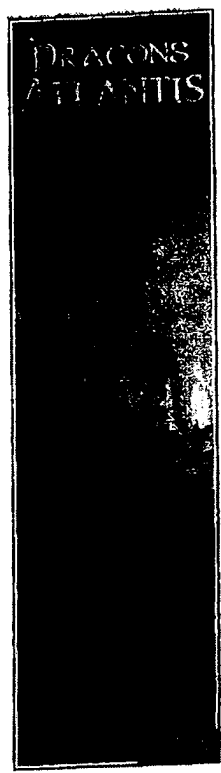
I will send you the emails that I have received from Roy since February separately.

Andrew Cook
 Merlin Embedded
 10415 Willow Ridge Loop
 Orlando, FL 32825
 Toll Free: (866) 700 7704
 Direct: (650) 292 0887
www.merlinembedded.com

-----Original Message-----
From: Jeff Vittatoc [mailto:jeffvittatoc@yahoo.com]
Sent: Wednesday, April 24, 2013 10:34 AM
To: andrew.cook@merlinembedded.com
Subject: Extortion Case

Mr. Cook,
 Just wanted to shoot you and email to keep you up to date. I executed a search warrant this morning at Roy's residence in Rockwood. To my surprise, your other brother Thomas was also present. I seized Roy's phone, his laptop, his desktop, some thumb drives, Thomas' laptop and some other items for analysis. Neither of them wanted to discuss the case with me but Roy was really worried about me taking his computers. I also told Roy that if he contacted you any more it would be additional charges so let me know if he does. It will take a while for our forensic computer guy to search the computers and get me a response but our next Grand Jury meets the first week of June. I am planning to indict Roy (and possibly Thomas) at that time. I will keep you posted. One more thing, Thomas and Roy both told me individually that you located the missing computer boards at your home but I haven't heard that from you. Although it would not effect the extortion case I am wondering if it is true?

Thanks,
 Jeff Vittatoc



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