

## APPLICATION FOR SEARCH WARRANT

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, Bruce Jacobson, Judge of the 19th Judicial District Court in and for the State and Parish aforesaid, personally came and appeared Shane Evans, Investigator at the Louisiana Office of State Inspector General, a law enforcement officer in and for the State aforesaid, who, after being duly sworn by me deposed and said: An investigation was conducted by the Louisiana Office of State Inspector General regarding possible violations of LRS 14:40.2 and 14:73.7.

THAT probable cause does exist for the issuance of a search warrant authorizing the search of the office of the former Commissioner of the Louisiana Office of Alcohol and Tobacco Control (La. ATC), located within the La. ATC Office at 8585 Archives Avenue, Suite 220 Baton Rouge, Louisiana, Dell desktop computer (State of Louisiana ID# 714-07-001784), Dell laptop computer (State of Louisiana ID# 714-07-001767), Blackberry telephone (PIN: 314D22AE) and state issued 2010 Dodge Charger vehicle (Lic. # THN293) previously utilized by Murphy Painter in his duties as the La. ATC Commissioner, where evidence of the crime of Stalking and Computer Tampering as defined in La. R.S. 14:40.2 and 14:73.7 is located, to wit:

- Electronic records and/or electronic logs that are evidence of illegal access or access exceeding the user's legitimate statutory authority to conduct background checks not pertaining to law enforcement matters.
- Electronic records and/or electronic logs that contain email, text messages or Blackberry PIN messages that may contain data obtained through the illegal access or access exceeding the user's authorization to State of Louisiana and United States Government criminal history databases, and State of Louisiana Department of Motor Vehicles (DMV) databases. Electronic records that contain email, text messages or Blackberry PIN messages that may contain messages related to Stalking as described under LRS 14:40.2.
  - Any and all electronic devices that are capable of analyzing, creating, displaying, converting, or transmitting electronic or magnetic computer impulses or data that are used by, owned by or accessible by any person at this office. These devices include, but are not limited to, computers (including self-contained "laptop" or "notebook" computers), computer components, computer peripherals, word processing equipment, modems, monitors, printers, keyboards, acoustic couplers, cables, plotters, encryption circuit boards, optical scanners, external hard drives, and other computer-related electronic or physical devices that serve to transmit or receive information to or from a computer.
  - Any and all information and/or data stored in the form of magnetic or electronic coding on computer media or on media capable of being read by a computer or with the aid of computer-related equipment. This media includes, but is not limited to, floppy diskettes, fixed hard disks, universal serial bus "thumb" drives, removable hard disk cartridges, zip disks, compact disk (CD) storage devices, tapes, laser disks, videocassettes, "smart" cellular devices and any other media that is capable of storing magnetic coding.
  - Any and all instructions or programs stored in the form of electronic or magnetic media that are capable of being interpreted by a computer or related components. The items to be seized include, but are not limited to, operating systems, application software (like word processing, graphics, or spreadsheet programs), utility programs, compilers, interpreters, communications programs, and any other programs or software used to communicate with computer hardware or peripherals either directly or indirectly via telephone lines, radio, or other means of transmission.

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- Printed hardcopy documents including photographs, criminal histories, handwritten notations that consist of personal information obtained through the illegal access or access exceeding the user's authorization to State of Louisiana and United States Government criminal history databases, and State of Louisiana Department of Motor Vehicle databases.
- Printed maps, written directions, addresses or other documents containing the personal information of female stalking victims pursued by Mr. Painter.

All are believed to be secreted or concealed, and such probable cause is based upon the following:

Your affiant is an Investigator employed with the Louisiana Office of State Inspector General (OIG) and is a sworn law enforcement officer. On or about the week of August 9<sup>th</sup>, 2010, OIG Investigators were contacted by Ms. Kelli Suire, who advised that she was a former employee of the Louisiana Office of Alcohol and Tobacco Control. While employed there from March 2007 until November 2009, she was under the direct supervision of former La. ATC commissioner Murphy Painter. She provided a statement indicating that she had been stalked and harassed by Painter during and after her employment at the La. ATC. Ms. Suire indicated that Painter has used a law enforcement database to locate her new residence. Painter has said to her that he has driven by her residence to observe her activities there and to determine if anyone else were present there. The female victim was aware of the fact that Painter was running her name through the law enforcement database because senior staff there were alerting her to that. The OIG investigation has revealed that on 5/19/2008, Painter conducted a criminal records database search on Adam Scott Barmad. Adam Barmad is Kelli Suire's ex-husband.

Ms. Suire advised that she felt alarmed and threatened by Painter's actions, as he intentionally made his uninvited presence known at her home. He has called her as early as 5:00 a.m. to ask her what she was doing up that early because he had driven by and seen the light on at her house. She took this as him clearly indicating that he had been at her residence. Her residence is not on his route to work. She has received text messages after 10 p.m. from Painter asking her why her vehicle wasn't at her residence. She has received text messages in the early morning before work hours asking things such as "are you up yet princess?" Ms. Suire related that she had received a phone call from Painter on a Saturday morning at 10:00 a.m. She was at the swimming pool at her apartment complex with her daughter. Painter asked her what she was doing and she replied that she was at the pool. She asked him what he needed and he said he needed a letter from her briefcase. He then asked her "are you wearing that red swim suit?" because "I'm coming by to get the letter and you can give an old man his kicks for the day". Ms. Suire had never mentioned to him that she owned or was wearing a red swim suit. He walked up within a minute later, and she is convinced that he had been covertly watching her during the telephone conversation.

While Ms. Suire was still employed at the La. ATC, he directly asked her to come sleep at his house. He has made numerous requests to her to become involved in a romantic relationship. When she has ignored or refused him, he would become enraged. He attempted to control any interaction Ms. Suire had with male La. ATC employees at all levels.

When Ms. Suire did not answer Painter's phone calls, he would call her step father to attempt to locate her. When she would go into the work on the weekends, she learned that if he knew about it ahead of time, he would go into the office too, and it made her uncomfortable. She ultimately had to seek employment elsewhere within state government. Painter carried a weapon in plain view of the victim daily during the time she was employed by the La. ATC. He carried an additional weapon on his ankle, and had shown her a gun that he kept in his state issued vehicle. During Ms. Suire's interview, she indicated that she had been forced to see a doctor due to the emotional distress due to the implied threats of his behavior.

She filed a formal complaint with the Louisiana Department of Revenue, which resulted in Painter's being reprimanded for mismanagement. It was discovered through monitoring of the computer program used by Painter to access confidential criminal history databases that Painter continued to attempt to locate Ms. Suire. He conducted a computer search through the system as recently as August 9<sup>th</sup>, 2010 at 8:27 p.m. Surveillance video evidence reviewed by La. ATC staff indicates that Painter was seen entering the La. ATC building at 8:01 p.m. on August 9<sup>th</sup>, 2010 and exiting at 8:40 p.m.

Independent interviews conducted with two La. ATC law enforcement officers have substantiated the stalking victim's allegations as to Painter's stalking of the victim, as well as his misuse of the computerized database system known as Voyager.

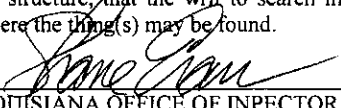
Louisiana Revised Statute 26:800 details the authority of the La. ATC to access criminal history records. This statutory authority of the commissioner and duly commissioned officers or agents of the office of alcohol and tobacco control are authorized to have direct access by means of computer interfacing to criminal history records maintained by the office of state police for the purpose of granting, denying, or any other action on an application for a permit or for revocation, suspension, or other action on a permit previously issued.

A partial review of the Voyager system used by Painter to access the criminal and DMV databases revealed that Painter used the system to access restricted criminal and DMV records containing personal information such as Social Security numbers, dates of birth, home addresses, driver's license photos, and other physical descriptors of 2,223 persons between 2005 and August 9<sup>th</sup>, 2010. Preliminary review of those searches indicates that Painter not only has used the system to obtain personal information on the stalking victim (Ms. Suire), but on that victim's attorney (Jill Craft). Painter performed searches on members of Governor Bobby Jindal's staff, and other officials employed in or participating in the government of the State of Louisiana. It was noted that a disproportionately large number of his searches were on women. Kelli Suire was an La. ATC permit holder from 02/28/2002 until 3/31/2006. When Painter conducted the criminal records search on Ms. Suire on 8/9/2010, it was clearly outside the scope of La. ATC authority and indicates his continued obsession with her.

The OIG investigation of Painter's background searches revealed that he had run the names of numerous state officials, many employed by the Louisiana Governor's Office and the La. Secretary of State's Office, which shares a building with the La. ATC.

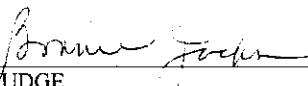
Those individuals are not permit applicants or holders with the La. ATC and searches on such unrelated persons is clearly outside the access granted to La. ATC under LRS 26:800.

THAT writ to search the aforesaid office of the former Commissioner of the Louisiana Office of Alcohol and Tobacco Control (La. ATC), located within the La. ATC office at 8585 Archives Avenue, Suite 220 Baton Rouge, Louisiana, Dell desktop computer (State of Louisiana ID# 714-07-001784), Dell laptop computer (State of Louisiana ID# 714-07-001767), Blackberry telephone (PIN: 314D22AE) and state issued 2010 Dodge Charger vehicle (Lic. # THN293) is requested, and when the thing to be searched is a dwelling or other structure, that the writ to search includes all places of concealment on the premises where the thing(s) may be found.

  
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LOUISIANA OFFICE OF INSPECTOR GENERAL

SWORN TO AND SUBSCRIBED before me on this 16<sup>th</sup> day of Aug, 2010.  
East Baton Rouge Parish, Louisiana.

Time: \_\_\_\_\_

  
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JUDGE  
19<sup>th</sup> Judicial District Court  
PARISH OF EAST BATON ROUGE  
STATE OF LOUISIANA