

**United States District Court**

WESTERN

DISTRICT OF

PENNSYLVANIA

In the Matter of the Search of

(Name, address or brief description of person or property to be searched)

**SEARCH WARRANT**

The Residence Known As  
617 Perry Street  
Erie, PA 16503

CASE NUMBER: 06-17 ME**[UNDER SEAL]**TO: Special Agent Gerald C. Clark, Jr., FBI and any Authorized Officer of the United StatesAffidavit(s) having been made before me by Special Agent Clark who has reason tobelieve that ☐ on the person of or ☒ on the premises known as (name, description and/or location)

617 Perry Street, Erie, Pennsylvania, a brick, two-story, residential structure, with five cement steps leading to a covered front porch supported by brick pillars, and a cement driveway to the right of the structure, located on the east side of Perry Street, further depicted in the photograph in Exhibit 1 attached hereto and incorporated herein by reference,

in the Western District of Pennsylvania there is now concealed  
a certain person or property, namely (describe the person or property)

Please see Attachment A.

I am satisfied that the affidavit(s) and any record testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before March 31, 2006

Date

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime -6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to \_\_\_\_\_ as required by law.

U.S. Judge or Magistrate

3/21/06 at 10:00  
Date and Time Issued

at Erie, Pennsylvania  
City and State

SUSAN PARADISE BAXTER, Chief U.S. Magistrate Judge  
Name and Title of Judicial Officer

Susan Paradise Baxter  
Signature of Judicial Officer

**UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized**

File # 91A-PC-72368On (date) 3/21/06

item(s) listed below were:

- ☐ Received From  
☐ Returned To  
☐ Released To  
☒ Seized

(Name) KENNETH BARNES RESIDENCE(Street Address) 617 PERRY ST.(City) ERIE, PA 16502Description of Item(s): THE FOLLOWING IS A LIST OF ITEMS SEIZED  
PURSUANT TO A GRUANT SEARCH WARRANT:

1. MISCELLANEOUS PAPERS - KITCHEN, LIVING ROOM, DINING ROOM
2. ELECTRONIC MAGGZINES - 2ND FLOOR HALLWAY, BEDROOM
3. TOOLS - SCREWDRIVERS, 2 VICES, GRINDING WHEEL, WRENCHES,  
pliers, SOCKET SET, PIPE WRENCH, VICE CLAMP
4. STEEL WOOL (BASEMENT)
5. 2 "6" SECTIONS OF WATER PIPE (BASEMENT)
6. MAP OF ERIE (DINING ROOM)
7. RIVER GUN AND RIFLES (ATTIC)
8. GRAY SPRAY PAINT
9. WIRE NUTS
10. CARPET SAMPLES TAKEN FROM RANDOM LOCATIONS
11. 16" METAL CLUB WITH BOLTS STICKING OUT
12. BATTERY PACK CONTAINING TRIPLE A BATTERIES
13. HOMEMADE TRANSMITTER WITH WIRES
14. WINDMILL-SIZE 12 GAUGE SHOTGUN SHELL AND CASING
15. ONE BLACK LEATHER WALLET CONTAINING \$81.00 IN CASH
16. ONE PLASTIC CONTAINER WITH COF
17. MR BARNES PA DRIVERS LICENSE ACCESS CARD VISA CARD

Received By: \_\_\_\_\_  
(Signature)Received From: \_\_\_\_\_  
(Signature)

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Magistrate No. *06-17 ME*

(Under Seal)

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

I, Gerald C. Clark, Jr., being duly sworn, depose and say:

1. I am a Special Agent of the Federal Bureau of Investigation, and have been so employed for approximately ten and one-half years and have been employed in federal law enforcement for over sixteen years. I am presently assigned to the Erie Resident Agency Office of the Federal Bureau of Investigation. The information set forth below was obtained by me through my direct involvement in this investigation, from information obtained from Troopers of the Pennsylvania State Police, members of the Erie Bureau of Police Bomb Squad, and from other Special Agents and experts with the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

2. This Affidavit is submitted in support of an application for a search warrant for the residence of Kenneth Barnes identified as 617 Perry Street, Erie, Pennsylvania 16503 more fully described as a brick, two-story, residential structure, with five cement steps leading to a covered front porch supported by brick pillars, and a cement driveway to the right of the

structure, located on the east side of Perry Street. 617 Perry Street is depicted in Exhibit 1 attached to the search warrant and incorporated herein by reference.

3. As a result of my training and experience and the training and experience of other Special Agents assigned to this investigation, I am familiar with federal bank robbery laws, including Title 18, United States Code, Section 2113. I know that Title 18, United States Code, Section 2113(a) makes it unlawful for any person by force, violence, or by intimidation to take or attempt to take, from the person or presence of another, money belonging to or in the care, custody, control, management, or possession of any bank. Title 18, United States Code, Section 2113(e) provides for increased penalties when an individual commits a bank robbery and in which death results. I am also familiar with federal firearms and explosives laws including Title 18, United States Code, Section 924(c) (use of a destructive device during and in relation to a crime of violence), and Title 26, United States Code, Section 5861. I know that in accordance with Title 26, United States Code, Section 5861, it is unlawful for a person to make, possess, or transfer a destructive device which is not registered to him in the National Firearms Transfer and Registration Record. A destructive device is defined in Title 26, United States Code, Section 5845 and includes any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four

ounces or similar device; and/or any combination of parts either designed or intended for use in converting any device into a destructive device.

4. On August 28, 2003, employees at the PNC Bank located at 7200 Peach Street, Erie, Pennsylvania were robbed by an individual later identified as Brian Wells. As a result of the robbery, Wells took funds from the bank which were insured by the Federal Deposit Insurance Corporation.

5. According to victim teller #1, Wells entered the bank at approximately 2:28 p.m. and approached the teller, handing her a multiple page note and asking to speak with the manager. When victim teller #1 explained that the manager would not be available until 3:00 p.m., Wells responded that he did not have until 3:00 p.m. and that he needed \$250,000.00. At this point, Wells raised his shirt and showed the teller what she described as a grey looking box type device affixed to his torso. Victim teller #1 looked at the note and realized this was a robbery. She then approached her teller station and provided Wells with bank proceeds from various cash drawers. When victim teller #1 explained that she had no more money to provide to Wells, he then exited the bank. In addition to her physical description of Wells, she observed that Wells was holding what appeared to be a cane, later identified as a homemade shotgun.

6. Law enforcement authorities were notified of the robbery, and subsequently arrived in the vicinity of the bank. Shortly thereafter, troopers observed a vehicle which matched the description of the vehicle provided to law enforcement by witnesses at the bank. This vehicle was discovered in the parking lot of the Eyeglass World store on Peach Street in relative close proximity to the bank. Troopers also observed Wells, who matched the description of the bank robber, seated in the vehicle.

7. Pennsylvania State Police Troopers Christopher Stafford and Vicki Weibel approached Wells, conducted a felony vehicle stop, and handcuffed him. After handcuffing Wells, Troopers James Szymanski and Terrence Dawdy arrived and engaged in conversation with Wells. During the course of Szymanski's and Dawdy's contact with Wells, he identified himself as Brian Douglas Wells, and confirmed that he was the individual who robbed the PNC bank. Wells claimed that he had been forced to the ground at which time an explosive device was attached to his torso, and that the device was armed with a timer.

8. While they encountered Wells, Troopers Szymanski and Dawdy observed the device strapped to Wells' torso, which was described as a heavy metallic framed structure. Further, an apparent metallic collar was also observed around Wells' neck. After approximately twenty to twenty-five minutes of communication with Wells, an audible sound emitted from the area of Wells' person. Within approximately ten seconds from the start of the

audible sound, the device affixed to Wells detonated, thus killing him.

9. An extensive search was conducted of the bomb blast area and various items of evidence were sent to the Federal Bureau of Investigation Crime Laboratory in Quantico, Virginia. The initial observation of the bomb blast scene and of Brian Wells indicates that the improvised explosive device (IED) was attached to Brian Wells by a heavy metallic collar with a locking mechanism. A search was conducted pursuant to a federal search warrant of Wells' residence at 2421 Loveland Avenue, Erie, Pennsylvania. Although certain items of evidence were obtained, it does not appear that the explosive device was manufactured in Wells' residence.

10. A search of Wells' car was also conducted at the bomb blast scene. Among other things, a note giving initial instructions to the "Bomb Hostage" and another note, which was later determined to have been retrieved by Wells from under a rock in the landscaping at McDonald's, were recovered. By following the directions in the last note, another note was recovered near Exit 180 of I-79. These three notes and the multi-page note given to the PNC bank teller have consistent printed handwriting. The handwriting is suitable for comparison.

11. All of the notes were sent to the FBI Laboratory in Quantico, Virginia. An examination of the multi-page note given to the bank teller disclosed that it contained indented writing on one of the pages, meaning that the page had been underneath another

piece of paper that someone had written on, causing the impression of that writing onto the page of the note underneath, either before or after the note was written. The content of this indented writing has been retrieved and is also suitable for comparison.

12. The investigation has disclosed that on August 28, 2003, at approximately 1:30 p.m., a telephone call was placed to Mama Mia's Pizza, 5154 Peach Street, Erie, Pennsylvania. The phone call was placed from a pay telephone at the Shell gas station located at the corner of Peach Street and Robison Road, Erie, Pennsylvania. At that time, an order was placed for the delivery of two pizzas to 8631 Peach Street, a television tower site owned by WSEE TV Channel 35, Erie, Pennsylvania. A dirt driveway leading to the tower site is located directly adjacent to the William Rothstein residence, which was located at 8645 Peach Street, Erie, Pennsylvania. At approximately 2:00 p.m., Mama Mia's pizza delivery driver, Brian Wells, traveled to the tower site for the purpose of making a delivery. Wells then proceeded to the PNC Bank, 7200 Peach Street, and committed the previously mentioned bank robbery. The investigation has disclosed shoe prints consistent with Wells' shoe wear and tire tracks consistent with Wells' vehicle found at the tower site.

13. Your affiant knows that on September 24, 2003, William Rothstein was interviewed by authorities and stated he was at the Shell station located at Peach Street and Robison Road on August 28, 2003. Rothstein said he patronized the Shell station on a daily basis and may have used the same pay telephone used to



place the pizza order to Mama Mia's directing Wells to the tower site for delivery. Rothstein further advised he had a friend residing with him at 8645 Peach Street named Floyd Stockton, and that Stockton moved from the residence shortly following the August 28, 2003 collar bomb incident. Your affiant confirmed Stockton had a warrant issued for Unlawful Flight to Avoid Prosecution in relation to a state charge of Rape in Washington state. Your affiant knows Stockton resided with Rothstein from April 2002 to September 2003.

14. On September 21, 2003, your affiant was made aware that Rothstein contacted the Pennsylvania State Police on that day to advise that he had the body of James Roden in a freezer located in the garage of his residence. Rothstein advised that Marjorie Diehl-Armstrong had shot Roden with a twelve gauge shotgun at her residence located at 1867 East 7th Avenue, Erie, Pennsylvania. Rothstein stated he agreed with Diehl-Armstrong to assist in the cleanup of the crime scene and disposal of evidence and of the victim. Rothstein transported Roden's body from the 7th Street location to his residence at 8645 Peach Street and placed the body in a freezer for storage.

15. On September 21, 2003, Marjorie Diehl-Armstrong was arrested by the Pennsylvania State Police and Erie City Police Department at Rothstein's residence. Since the date of her arrest Diehl-Armstrong has implicated William Rothstein, as well as herself, as being involved in the collar bomb plot. Diehl-Armstrong has made admissions and spontaneous utterances to police,

media, and inmates at correctional institutions where she was housed indicating the involvement of herself, William Rothstein, and Floyd Stockton in the August 28, 2003 bank robbery and subsequent death of Brian Wells.

16. Your Affiant believes, based upon the observation of the evidence in this investigation, the analysis by the forensic laboratory, and consultations with explosives experts from the FBI and ATF, that in addition to the collar and locking mechanism attached to Brian Wells' neck, the device that exploded and killed Brian Wells (referred herein collectively as the "collar bomb") consisted of two steel pipes and end plate assemblies, low explosive filler, and electric fusing system, all of which are consistent with that of a pipe bomb or improvised explosive device. Your Affiant knows that pipe bombs are the most common type of improvised explosive device manufactured by bomb makers because of their relative ease in design and construction, as well as the ability to construct the improvised explosive device with easily purchased materials.

17. Your Affiant knows through training, knowledge, and experience and the training, knowledge, and experience of other investigators and laboratory experts assisting in this case that criminals who construct improvised explosive devices require certain tools and components for the device to effectively function as designed. Your Affiant knows that these tools may vary in size, type, and utility and are typically dependent on the specific type of explosive device that the bomber is constructing. Your Affiant

knows that tools commonly used in the construction of pipe bomb assemblies include, but are not limited to: bench vise, drill, drill press, drill punch, drill bits, channel locks, pliers, wrenches, and other gripping and cutting tools.

18. Your Affiant further knows that the two lengths of pipe, each approximately  $5\frac{1}{2}$  inches long by approximately 1 inch nominal diameter, was  $\frac{1}{8}$  inch thick and would require certain tools to be cut and manipulated. These tools would consist of (but are not limited to) a hack saw, chop saw, reciprocating saw, metal cutting band saw, belt and disk sander, grinder, pipe cutter, or other cutting instruments used in the milling, machining, or cutting of steel and iron.

19. Your Affiant also knows, based on training, knowledge and experience and the knowledge and experience of other individuals including experts with the FBI forensic laboratory, that pipe bombs also must include end caps, plugs, or end plates that are necessary to cap or seal the open ends of the pipe. This is necessary to create the confinement of the expanding gases generated from the reaction of the explosive filler inside the pipe. These end caps are most commonly threaded onto the threaded ends of the pipe nipples. However, in certain devices where threads are not present, the caps (or plates) must be firmly affixed another way. Your affiant believes that the two pipes used in the explosive device in this case were "capped" with steel end plates and were affixed by a threaded rod that extended from the plate, through the length of the pipe to the other side where a nut

then secured the opposite end plate. Your affiant knows that tools were also necessary to affix these end plates to the pipes and would commonly consist of wrenches, pliers, an electric or hand drill, drill press or drill punch, screw drivers, and associated drill bits.

20. Your affiant knows from the examination of the aforementioned pipes that priming holes were drilled near the ends of each of the two pipes. These holes had remnants of an epoxy, glue, or some type of adhesive that most likely secured the wires and initiator into the explosive material contained in the pipe. Your affiant knows that these holes were most likely drilled with either an electric hand drill, a drill press, drill punch, or a similar tool that would be able to penetrate the wall of the steel pipe.

21. Your affiant also knows that the steel pipe, end cap assemblies, and explosive filler alone do not complete the improvised explosive device. A method of initiating the explosion of the filler, such as an electronic fuzing system, must be present to function the improvised explosive device. This fuzing system typically contains a power source, an electrical current, a switching mechanism (or safe arming switch to ensure the safety of the bomb maker during construction or delivery) and an initiator that ignites the explosive material inside the pipe.

22. Your affiant knows based on the examination of the evidence in this IED that wire, solder, wire connectors, battery holders, and other connections were used. Your affiant therefore

believes that the bomb maker utilized a soldering gun, solder, soldering flux, wire connectors, wire, battery holders, and other similar items during the construction of the device.

23. Your affiant knows based on the examination of the evidence in this IED that numerous batteries existed in the device to include but not limited to AA and AAA-sized batteries. Your affiant believes that similar batteries, retail packaging, and receipts may still be present in the bomb maker's possession.

24. Your affiant knows that when bomb makers use batteries and battery holders, wire connectors, or other similar items in conjunction with wire, it is necessary to use tools. Such tools would include, but are not limited to, wire strippers, wire cutters, pliers, and other pinching, gripping, crimping, or cutting tools.

25. Your affiant knows that in addition to the two pipes, end plates, batteries, and wire, the explosive device also contained two mechanical timers and one electronic "countdown" timer. Representatives of Springfield Precision Instrument in Wood Ridge, New Jersey, the importer of Sunbeam mechanical timers, were shown photographs of the mechanical timers recovered in the post blast investigation. These representatives identified the post blast debris as being Sunbeam Long Ring Timers, Model # 90905, produced in China and distributed primarily to Wal-Mart in the United States. Each of these timers is commonly referred to as a "kitchen timer" and is known to be commonly used in the construction of Improvised Explosives Devices (IED) that have

previously been constructed and used in the United States. The FBI Laboratory advised that a metal bar was screwed into the dial of the Sunbeam timer and this could have completed the circuit and functioned the device upon touching another contact in the electrical circuit. The Springfield Precision Instrument representatives advised that these mechanical timers are still in distribution and sold in Wal-Mart stores. Your affiant believes that receipts for the purchase of these items, packaging for these items, or other samples of these items may still exist.

26. Your affiant was advised by a Pennsylvania State Police Trooper who saw the device prior to detonation that an electronic timer was attached to the outside of the device. An electronic timer, which appeared similar to parts recovered in the post blast investigation, was located in an Erie area Wal-Mart store by investigators. The packaging of this timer indicated that it was distributed by Bradshaw International in Rancho Cucamonga, California. An FBI Agent contacted Bradshaw International and showed them photographs of the post blast timer debris. A representative of Bradshaw International recognized the debris as coming from an electronic timer previously distributed by Bradshaw International exclusively to Wal-Mart stores. your affiant believes that receipts for the purchase of or the packaging for an electronic timer may still exist.

27. Particles recovered from the scored backing plate of the IED were tested by a chemist at the FBI Laboratory. The particles were determined to be double base smokeless powder. The

affiant knows that double base smokeless powder is commonly used in small arms ammunition and the construction of IEDs.

28. At the scene of the detonation of the IED, a homemade shotgun was located in Wells' vehicle. This wood and metal homemade shotgun was loaded with a Remington 12 gauge shotgun round, 2  $\frac{3}{4}$  inch low brass, game load with a black hull. This round contains double base smokeless powder. Remington advised that this round has been manufactured exclusively for Wal-Mart since approximately 1996. Remington has sold approximately 20 million of these rounds to Wal-Mart since 1996.

29. An examiner in the Firearms Unit of the FBI Laboratory advised that the weight and size of the shot recovered from the victim during the autopsy and at the post blast scene is consistent with the weight and size of the shot from the Remington round recovered from the homemade shotgun located in the victim's car at the scene. A chemist at the FBI Laboratory conducted an examination of the smokeless powder recovered from the victim and the smokeless powder from the shotgun round. The chemist advised the affiant that the smokeless powder recovered from the IED had the same physical characteristics and chemical components as the smokeless powder from the shotgun shell recovered from the homemade shotgun.

30. A firearms examiner in the FBI Laboratory conducted an examination of the homemade shotgun. The examiner advised the affiant that the barrel of the shotgun was made of pipe. The examiner conducted a test firing of this weapon. After following

the instructions printed on the weapon the weapon functioned and fired the primer of a similar shotgun round.

31. Also located in the post blast evidence were pieces of a black toy cellular telephone. This cellular telephone was made of black plastic with a white sticker as the face screen. The purpose of the toy telephone is unknown. Your affiant believes that receipts for, packaging for, and other samples of this item may still exist.

32. An analysis of the collar bomb componentry by bomb experts with the FBI discloses that the interworkings of the device was quite elaborate. Although the pipe bombs themselves were relatively simple, the way in which the device was configured with the countdown timers, electric fuzing system, and system for arming the device was not simple. The device was rigged to the collar assembly in such a way as to make it appear that attempts to remove the device would have detonated the device. Portions of the device were meant to appear to be "booby traps" but were not. Moreover, the device was also armed in such a way that contact with the device through any attempted manual entry may have actually detonated the device. The bomb maker designed the device in such a way that attempts to deactivate the device in the time allotted would have failed.

33. A review of the bank robbery surveillance photographs, interviews of law enforcement officers who saw the IED, and the post blast evidence indicate that the IED was contained in a gray-colored metal framework which was constructed



of angle iron, flat bar, galvanized wire mesh with ½" spacing, and steel sheet. This framework was attached to a hinged metal collar which was then locked around Wells' neck. The components of the framework, held together using rivets, machine screws, nuts, washers, epoxy-type material, and other fasteners, was painted with gray-colored paint. Items used in the production of this framework include but are not limited to chop saws, metal cutting band saws, hand held saws, rivet guns, screwdrivers, wrenches, pliers, gray paint, grinders, and belt and disk sanders.

34. Laboratory analysis of the hinged collar revealed an internal locking mechanism and external plastic tube and wire. The plastic tube and wires were laced around the collar's interior spacing and fed into the box containing the locking mechanism. This mechanism consisted of a series of miniature keyed brass locks, gears, and a spinning numeric combination lock. Your affiant believes that receipts, packaging, plastic tube wire, keys, the source of the spinning numeric lock, and samples of these items may still exist.

35. Found during laboratory examinations were multiple items of trace evidence to include white, red, gold/brown, and green carpet fibers, a Caucasian beard hair, and dog hair. The affiant knows that fibers can be easily transferred from one item to another.

36. Based upon my knowledge, training, experience, and information from other law enforcement personnel and forensic computer system analysts, it is known that searches and seizures of

evidence from computers commonly requires agents to seize most or all computer items, including hardware, software, and instructions, to be processed later by a qualified computer expert in a laboratory or other controlled environment.

37. Your Affiant knows that computer hardware, software, and electronic files may be important to a criminal investigation in two distinct ways: (1) the objects themselves may be contraband, evidence, instrumentalities, or fruits of crime, and/or (2) the objects may be used as storage devices that contain contraband, evidence, instrumentalities or fruits of crime in the form of electronic data. Rule 41 of the Federal Rules of Criminal Procedure permits the government to search for and seize computer hardware, software, and electronic files that are evidence of crime, contraband, instrumentalities of crime and/or fruits of crime. In this case, this warrant application requests permission to search and seize records and information related to the violations of federal law under investigation including those that may be stored on computers. If it becomes necessary for reason of practicality to remove the hardware and to conduct a search off-site, I also request permission to seize the computer hardware and other devices necessary for that search. Your Affiant believes that, in this case, the computer hardware is a container for evidence and also itself an instrumentality of the crime under investigation.

38. Computer storage devices, including hard disks, diskettes, tapes, laser disks, zip disks, and others, can store the

equivalent of thousands of pages of information. When the user wants to conceal criminal evidence, he or she often stores it in random order with deceptive file names. This requires searching authorities to examine all the stored data to determine whether it is included in the warrant. This sorting process can take weeks or months, depending on the volume of data stored, and it would be impractical to attempt this kind of data search on site.

39. Furthermore, searching computer systems for criminal evidence is a highly technical process requiring expert skill and a properly controlled environment. The vast array of computer hardware and software available requires computer experts to specialize in some systems and applications; therefore, it is difficult to determine before a search is conducted, which expert should analyze the system and its data. The search of a computer system is an exacting scientific procedure which is designed to protect the integrity of the evidence and to recover "hidden", erased, compressed, password-protected, or encrypted files. Since computer evidence is extremely vulnerable to tampering or destruction, both from external sources or from destructive code imbedded in the system as a "booby trap", the controlled environment of a laboratory is essential to its complete and accurate analysis.

40. The term "computer", as used herein, is defined pursuant to Title 18, United States Code, Section 1030(e)(1), as "an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical or storage

functions and includes any data storage facility or communications facility directly related to or operating in conjunction with such device."

41. I know that computer hardware and computer software may be utilized to store records which include, but are not limited to, those relating to business activities, criminal activities, associate names and addresses and the identity and location of assets illegally gained through criminal activity.

42. The terms "records", "documents", "materials", "information", "communications" and "links" include all information recorded in any form, visual or aural including the originals and all non-identical copies thereof whether different from the original by reason or any notation made on such copies or otherwise, including, but not limited to the following:

a. written or printed matter of any kind, correspondence, including electronic mail (e-mail, mail, read and unread) memoranda, notes, diaries, statistics, letters, telephone toll records, telegrams, contracts, reports, checks, statements, receipts, returned mail, summaries, pamphlets, books, ledgers, journals, registers, records, vouchers, slips, bills, calendars, pads, notebooks, files, logs, lists, bulletins, credit materials, data bases, teletypes, telefaxes, invoices, worksheets, and whatever format may exist, including but not limited to paper, printouts, copies, microfiche and magnetic media;

b. graphic records or representations, photographs, slides, drawings, designs, graphs, charts, pictures, sketches,

images, films, videotapes; and aural records or representations, tapes, records, disks; and

c. records, documents, materials, their drafts, their modifications, writings, paintings, microfilms, microfiches, printing, negatives, videotapes, motion pictures, photocopies, printing, typing, tape recordings, cassettes, compact disks, floppy diskettes, hard disks, CD-ROMs, optical disks, printer buffers, smart cards, memory calculators, electronic dialers, zip files, zip disks, electronic notebooks, and printouts and readouts from any magnetic storage device.

43. On May 26, 2005, your Affiant interviewed Marjorie Diehl-Armstrong at the state correctional institution at Muncy, Pennsylvania (SCI Muncy). Diehl-Armstrong stated she had information regarding the collar bomb incident but wanted transferred to the state correctional facility at Cambridge Springs, Pennsylvania before she would share any information. Diehl-Armstrong refused to answer questions regarding the reason James Roden was killed and questions regarding componentry and materials used to build the collar bomb by stating, "I can't answer that at this time."

44. On June 3, 2005, your affiant interviewed [REDACTED] [REDACTED] advised that [REDACTED] she was incarcerated [REDACTED] with Diehl-Armstrong. She stated Diehl-Armstrong discussed the collar bomb incident, telling [REDACTED] that she killed James Roden because he had knowledge of the collar bomb plot which Roden

threatened to expose to the authorities. [REDACTED] further stated Diehl-Armstrong informed her Floyd Stockton was involved in the collar bomb incident and he and William Rothstein were close associates. Diehl-Armstrong further told [REDACTED] that William Rothstein assisted in the construction of the device and the motive was financial.

45. On June 10, 2005, your affiant interviewed [REDACTED] [REDACTED]. [REDACTED] advised she had written numerous notes outlining conversations she had with Diehl-Armstrong while both were incarcerated [REDACTED]. Diehl-Armstrong told [REDACTED] she killed Roden because he threatened to expose the collar bomb plot to authorities and the motive for the robbery was financial. Diehl-Armstrong also told [REDACTED] that Rothstein and Wells knew each other and stated "they" even measured Wells' neck for the device. Diehl-Armstrong further stated Wells had knowledge of the plan but did not know the extent of his participation. Diehl-Armstrong told her the device was made of steel and Rothstein assisted with the construction of the bomb.

46. On June 17, 2005, your affiant interviewed [REDACTED] [REDACTED] who stated he and Rothstein had been friends for many years. He stated he assisted Rothstein at his residence, 8645 Peach Street, Erie, Pennsylvania, by cutting his lawn throughout the Summer of 2003. He stated approximately one month prior to the collar bomb incident, Rothstein told him not to come around due to being busy working on a "business project", and Stockton would take care of the grass.

He stated approximately two months before the collar bomb incident, Rothstein asked him for two wind up timers, and described the timers as being the kind you use for cooking in the kitchen. Levey used his hand to indicate the timers were activated by turning a dial. He further stated that following the collar bomb incident on August 28, 2003, he visited Rothstein's residence in the evening hours. He stated he told Rothstein Peach Street was closed and Rothstein replied that someone got blown up at the bank. He stated Rothstein and Stockton were "freaking out" stating, "We have to lay low and make ourselves scarce." He stated Rothstein told Stockton to lay low for awhile and not make any waves. He further stated Rothstein told him he knew Brian Wells and Wells was probably killed so he would not be a witness.

47. On May 11, 2005, your affiant interviewed [REDACTED] [REDACTED]. [REDACTED] stated she met Marjorie Diehl-Armstrong [REDACTED] approximately two years prior. She stated Diehl-Armstrong is extremely intelligent and considered the information provided to her to be the truth. She stated, unsolicited, Diehl-Armstrong began speaking about the collar bomb incident stating Rothstein assisted in the manufacture of the collar bomb and the cane gun. She further stated Diehl-Armstrong said during the collar bomb incident, Rothstein made her go to the Barnes and Noble and Kentucky Fried Chicken on Peach Street to act as a lookout and monitor the radio. She stated Diehl-Armstrong stated she met Brian Wells years ago, and knew he was an alcoholic. She stated Diehl-Armstrong told her the motive

was financial in nature, and Rothstein ordered food and Wells delivered the items to the tower site where Rothstein placed the collar bomb on Wells' person.

48. On June 16, 2005, your affiant interviewed [REDACTED]. [REDACTED] stated Diehl-Armstrong told her Rothstein and Wells were acquainted and knew each other. She stated Diehl-Armstrong told her Rothstein learned to make explosive devices by reading books and gathering information from the Internet.

49. On July 5, 2005, your affiant interviewed Marjorie Diehl-Armstrong, with her attorney Larry D'Ambrosio, at the state correctional facility, Cambridge Springs, Pennsylvania. Diehl-Armstrong stated James Roden was killed after an argument with Rothstein in July 2003 in relation to the collar bomb plot and Roden's threat to contact authorities. Diehl-Armstrong was initially reluctant to discuss the details of Roden's killing due to her belief that the reason for the murder would associate her with the collar bomb case. Nonetheless, Diehl-Armstrong told your affiant that Roden was killed because he was going to disclose the collar bomb plot. Diehl-Armstrong stated the motive for the collar bomb crime was financial and was related to the settlement of the Virginia Rothstein estate, which included the sale of Rothstein's residence, 8645 Peach Street, Erie, Pennsylvania. Diehl-Armstrong stated Rothstein was being pressured to sell the house by his sister, Paula.



50. Further, during the interview with Diehl-Armstrong on July 5, 2005, Diehl-Armstrong was asked generally about timers. Diehl-Armstrong turned to her attorney and asked, "Should I tell them?" Her attorney responded, "Just tell them." Diehl-Armstrong stated that in the Summer of 2003, Rothstein asked her for two kitchen/egg timers, which she had in her possession and did provide. As stated above, your affiant knows through conversation with the FBI Laboratory, Quantico, Virginia that two Sunbeam kitchen egg type timers were utilized in the improvised explosive device as the timing/detonating mechanism. Lastly, Diehl-Armstrong told your affiant that during the collar bomb incident, she was in her vehicle located in the Kentucky Fried Chicken parking lot at 5933 Peach Street, Erie, Pennsylvania which is approximately one-quarter mile from the bank robbery location, 7200 Peach Street, Erie, Pennsylvania.

51. Your affiant knows that the information Diehl-Armstrong provided concerning the need to sell Rothstein's house was confirmed by a representative of Pennington Lines Real Estate.

52. On July 19, 2005 and July 20, 2005, your affiant interviewed Floyd Arthur Stockton Jr. Stockton resided with Rothstein beginning in April 2002, after fleeing Washington State where he was wanted for a rape charge. Stockton stated he had met Rothstein in the late 1960's after patronizing Rothstein's family business, Rola Cola Bottling. Stockton stated Rothstein and Diehl-Armstrong were involved in the bank robbery and death of Brian Wells with the motive being financial. Stockton stated Rothstein

was in need of money due to pressure from Rothstein's sister, Paula, to settle Rothstein's parents' estate, and Diehl-Armstrong's motive was also financial. Stockton stated he overheard telephone messages/conversations between Rothstein and Diehl-Armstrong regarding Roden needing to be "taken care of". Stockton was asked directly, why was Roden killed? Stockton responded, "because of the collar bomb plot". Stockton justified his knowledge of this by stating he had just put two and two together. He also stated that he did not feel that the problem with Roden was domestic related and associated it with the bank robbery and death of Brian Wells. Stockton stated that Rothstein told him to leave the day after the robbery because Rothstein was in "shit" and did not want him involved. Stockton also stated Rothstein told him to get out of the area, stay away from the house, and not to associate with Diehl-Armstrong.

53. On July 20, 2005, a tape-recorded telephone conversation took place between Stockton and his girlfriend, [REDACTED], from Airway Heights Correctional Facility in Spokane, Washington. During the conversation, Stockton informed [REDACTED] he in fact possessed information regarding the collar bomb incident and did speak with investigators. During the recording, [REDACTED] asked Stockton if the Wells murder and the Roden murder were related and Stockton replied, "Yes." Later in the conversation, Stockton told [REDACTED] that Rothstein told Stockton that he (Rothstein) was involved with the "tower site" incident and "all that shit" around my house.

54. On September 5, 2003, and July 27, 2005, law enforcement agents interviewed Thomas Sedwick, [REDACTED]. Mr. Sedwick stated he has been a college professor for twenty (20) years and has a Ph.D in the science field. Sedwick stated that on the date of the collar bomb incident, August 28, 2003, at approximately 1:45 p.m., he was driving southbound on I-79 at the Grubb Road overpass, when he observed a 1970's sedan, driven by a female in her late forties with shoulder length dark hair, traveling northbound on the west berm of the southbound lane. Sedwick immediately contacted authorities to report what he observed. Following the arrest of Diehl-Armstrong, in relation to the Roden murder, on September 21, 2003, Sedwick was watching a local news cast. Sedwick stated the news aired a photograph of Diehl-Armstrong which he immediately recognized as the female operating the 1970's sedan he observed on August 28, 2003, driving the wrong direction on I-79. Sedwick advised he again contacted authorities regarding the identification of the woman he viewed on August 28, 2003.

55. On August 11, August 18, and September 13, 2005, law enforcement agents interviewed Kenneth E. Barnes, 617 Perry Street, Erie, Pennsylvania. Barnes has resided at 617 Perry Street for more than five years and lived there by himself in 2003. Barnes stated that he and his girlfriend, Agnes Owens, met Diehl-Armstrong and Roden approximately 6 to 8 years ago while fishing at the South Pier. Barnes and Roden did some remodeling work for Diehl-Armstrong on her house located on 7<sup>th</sup> and Bacon Streets. Barnes

stated that on several occasions, he and Diehl-Armstrong went to local hardware stores to purchase items for her house. During the remodeling, in May 2003, Barnes observed Wells deliver pizzas to Diehl-Armstrong's residence on two occasions.

56. Barnes told law enforcement agents that in the beginning of 2003, Diehl-Armstrong began making comments to him about getting Roden out of her life. On one occasion, Barnes witnessed Diehl-Armstrong point a shotgun at Roden while he was sleeping. Despite previous denials to law enforcement, Barnes then admitted that Diehl-Armstrong had solicited him to kill Roden.

57. Barnes also stated that Diehl-Armstrong had solicited him to kill her father because her father was spending Diehl-Armstrong's inheritance. Diehl-Armstrong went so far as to try to give Barnes a floor plan of her father's house. According to Barnes, he jokingly told Diehl-Armstrong he would need \$200,000 to kill her father, and Diehl-Armstrong responded that she would get him the money.

58. Barnes stated that Diehl-Armstrong was mad at PNC bank for finance charges she had incurred and for allowing her father to obtain all of Diehl-Armstrong's mother's money after her mother's death. Barnes stated that Diehl-Armstrong had asked him if he had ever robbed a bank and if she decided to rob a bank, would he be the get-away driver. According to Barnes, approximately 2 to 3 months before the collar bomb incident, Diehl-Armstrong made statements to him about robbing a PNC bank and on several occasions solicited Barnes to be the get-away driver. In addition, in the

middle of May 2003, Roden told Barnes "that fucking Marge wanted to rob a bank."

59. Barnes also stated that Diehl-Armstrong had asked him a few months prior to the bank robbery if he knew anyone that could make a bomb, specifically, one with a timer that counted down. Barnes denied to investigators that he had ever made a bomb, but said that if he ever had to make one it would be a pipe bomb constructed from pipe, approximately 5 to 6 inches long, filled with some form of powder or C4. When asked by investigators what type of powder he would use, Barnes replied that he would cut open shotgun shells. As stated above, your affiant knows that the collar bomb's construction was consistent with that of a pipe bomb. Your affiant also knows that the collar bomb was constructed from two lengths of pipe, approximately 5 ½ inches long and that the explosive filler consisted of shotgun shell powder.

60. Barnes stated that he met Rothstein on one occasion, also in May 2003, when the car in which he was riding with Diehl-Armstrong and Roden broke down on Peach Street near 38<sup>th</sup> Street. Diehl-Armstrong called Rothstein, who came to help them.

61. Subsequent interviews of Barnes on December 9, 12, and 14, 2005, disclosed that Barnes knows much more about the collar bomb incident, Brian Wells, and Bill Rothstein than he originally disclosed to investigators. During these interviews, Barnes told investigators that on August 27, 2003, the day before the bank robbery, he, Diehl-Armstrong, Rothstein, Stockton, and Wells met at Rothstein's house. Barnes knew that the other

individuals were discussing plans for a bank robbery. He overheard parts of the plan including that Wells was to wear a fake explosive device into the bank, because according to Diehl-Armstrong and Rothstein, it would intimidate tellers resulting in better compliance. Wells was to give the teller notes, and after leaving the bank, give the money to Rothstein. This way, if Wells was stopped by authorities, he would not have any money with him, demonstrating to authorities that he was not willingly involved. Rothstein was then to give the money to Stockton, who would divide the money up after things cooled down.

62. Barnes also admitted that he was with Diehl-Armstrong on the day of the collar bomb incident. Barnes stated that sometime after 10:00 a.m. and before 12:00 p.m., Diehl-Armstrong picked him up at his residence at 617 Perry Street, and they drove to the Barnes and Noble bookstore on Peach Street. Initially, Barnes told investigators that Diehl-Armstrong stated, "Do you remember what I talked with you about before, robbing a bank, it's going down today." Diehl-Armstrong then told Barnes that Wells was going to rob the bank and Rothstein was going to be involved in the robbery. However, Barnes then admitted to investigators that when Diehl-Armstrong picked him up at his residence, he knew it was for a bank robbery. Barnes further stated he was in the car because he was going to get money, \$100,000, from the bank robbery as a down payment from Diehl-Armstrong for Barnes to kill Diehl-Armstrong's father. Barnes

claimed that he was just going to take the money but was not going to kill Diehl-Armstrong's father.

63. Barnes stated that he and Diehl-Armstrong then drove to the Shell gas station on Robison Road. Barnes pumped gas while Diehl walked over to talk to Rothstein, who was standing near the pay phone. Your affiant knows that at 1:30 p.m., a call was placed from the Shell Station pay phone to Mama Mia's Pizza to order two pizzas for delivery to the tower site adjacent to Rothstein's residence, and that Wells was the delivery driver who was dispatched for that delivery. Barnes stated that he went into the Shell Station and paid \$10.00 cash for the gas. On December 12, 2005, an employee of the Shell Station confirmed that s/he recognized Barnes as having been in the Shell station previously.

64. Barnes and Diehl then left the Shell Station and went to Media Play, where they entered but did not purchase anything. Upon leaving Media Play, they parked Diehl-Armstrong's red Jeep Cherokee in a parking lot where they could observe Peach Street and PNC Bank. Using binoculars, Barnes stated that he observed Wells, followed by Rothstein, driving north on Peach Street and pulling into Summit Town Center, where the PNC Bank is located. Barnes saw Rothstein park his large yellowish vehicle near Eye Glass World and McDonald's and saw Wells enter the bank. Diehl-Armstrong then used the binoculars. When Wells was stopped by police, Diehl-Armstrong stated, "Looks like the bank was robbed, ha ha."

65. According to Barnes, he and Diehl-Armstrong then drove to Rothstein's residence. Rothstein was already there and had an angry look on his face. Barnes also observed Stockton at Rothstein's residence. Barnes claimed that Diehl-Armstrong talked with Rothstein in the driveway, but Barnes remained in the car and could not hear their conversation. Barnes stated that he and Diehl-Armstrong then got into Rothstein's large yellowish car and drove to Interstate 79, where Diehl-Armstrong entered the highway going the wrong direction. Diehl-Armstrong pulled onto the side of the berm, got out of the car, and went down over the embankment into the woods. She returned carrying a white shirt with something inside it, which she threw in the back seat of the car. Diehl-Armstrong and Barnes then drove to Summit Auto Auction where they met Rothstein, swapped cars, and then drove back to Barnes' residence.

66. Barnes told investigators that in June or July of 2003, he gave a green and beige circuit board and an LED timer to Diehl-Armstrong, which he believes she gave to Rothstein. Your affiant knows that a green and beige circuit board and an LED timer were used as components in the collar bomb that killed Wells. Although your affiant is unable to confirm that these particular two items were in fact used in the device, nonetheless, Barnes statements are probative of the fact that he gave Diehl-Armstrong items that could be used as componentry in an improvised explosive device. Barnes stated in this and subsequent interviews that the



circuit board likely came from electronic equipment such as a VCR or computer tower.

67. Barnes also informed your affiant that just after the collar bomb incident, he was patronizing a prostitute, Jessica Hoopsick, who asked Barnes if he knew much about the collar bomb incident. Hoopsick told Barnes that Wells had obtained her services in the days prior to him being killed.

68. During the December 2005 interviews of Barnes, despite previously denying knowing Wells, Barnes told investigators that he saw Wells with Hoopsick on August 27, 2003, the day before the collar bomb incident. When Hoopsick introduced him, Barnes said, "I know him." In addition, Barnes admitted that he had met Wells previously and was with Wells, Diehl-Armstrong, and Rothstein at Rothstein's residence earlier in the day on August 27, 2003.

69. Your affiant interviewed Jessica Hoopsick on January 4, 2006, regarding Barnes and Wells. Hoopsick stated that on August 27, 2003, she was in a vehicle with Wells when Barnes approached the vehicle. She said to Barnes, "This is Brian" and Barnes responded, "Yeah, I know." Thinking it odd that the two knew each other, Hoopsick subsequently asked Wells how he knew Barnes, but Wells did not answer her.

70. The investigation has disclosed that after the December 2005 interviews of Barnes, he told his former girlfriend, Agnes Owens, "I'm in trouble and I'm not getting out of it this time."

71. On February 10, 2006, your affiant interviewed Diehl-Armstrong and advised her that investigators had developed new information since their last interview. Specifically, your affiant advised Diehl-Armstrong that Barnes had told investigators that he was with Diehl-Armstrong on August 27 and 28, 2003, the day before and the day of the collar bomb incident. Diehl-Armstrong became very angry with investigators and denied being with Barnes on those dates. Diehl-Armstrong became very agitated by the investigator's implication that she was a co-conspirator. Diehl-Armstrong then claimed for the first time that Rothstein must have purposefully directed her to be at specific locations associated with the collar bomb incident so that if he got caught, she would also be implicated.

72. On February 14, 2006, your affiant interviewed Barnes again, and advised him that investigators had met with Diehl-Armstrong. Your affiant advised Barnes that Diehl-Armstrong denied that she was with Barnes on August 27 and 28, 2003. Barnes responded to this information by saying, "That's bullshit." Barnes reaffirmed that he was with Diehl-Armstrong on August 28, 2003, stating, "How else would I know all I know unless I was with her?" Barnes further stated, "Diehl is lying to you." Barnes then reaffirmed what he had told investigators on December 9, 12, and 14, 2005.

73. On March 2, 2006, [REDACTED] spoke with Diehl-Armstrong upon Diehl-Armstrong's return to Muncy from SCI Cambridge Springs, where she had been interviewed

by your affiant. [REDACTED] stated that Diehl-Armstrong was extremely upset about the last interview by your affiant to the point she was almost in tears. Diehl-Armstrong stated to [REDACTED], "I hope Ken didn't tell them anything." Diehl-Armstrong told [REDACTED] that investigators wanted her to provide information regarding Barnes and Stockton, and she responded "I won't tell on Ken and Floyd."

74. On March 13 and 14, 2006, investigators interviewed Barnes, who divulged more information about the collar bomb plot. Barnes stated that approximately one month prior to the collar bomb incident, James Roden, Marjorie Diehl-Armstrong, Brian Wells, and Jessica Hoopsick were at Barnes' house located at 617 Perry Street. Barnes heard these individuals discussing a bank robbery while they were standing on his front porch. As part of the bank robbery plan, Roden was to be the driver for Wells. Barnes further indicated that Wells had previously been to Barnes' house four or five times.

75. On March 15, 2006, investigators interviewed Jessica Hoopsick. Hoopsick confirmed that she, Barnes, Wells, and possibly Diehl-Armstrong met on Barnes' porch and that there was a discussion about robbing a bank.

76. During the March 13 and 14, 2006 interviews of Barnes, he reaffirmed to investigators the details of the August 27, 2003 meeting at Rothstein's house. Barnes then stated that on August 28, 2003, after going to Barnes and Noble and the Shell Station, they went to Rothstein's house. Barnes stated they were

at Rothstein's house "waiting for Brian Wells." While there, Stockton went into the garage, got the collar bomb, which was covered in a white shirt, and handed it to Rothstein who carried it out of the garage. Barnes described the collar bomb as being able to see what he thought was a circuit board inside it. Barnes then reaffirmed what he had told investigators about where he and Diehl-Armstrong went and what they did on upper Peach Street. Barnes also stated that Diehl-Armstrong killed Roden after they had an argument about Roden trying to extort money from Diehl-Armstrong based on his threat to expose the bank robbery plot.

77. Barnes told investigators that he had given Diehl-Armstrong a copy of a magazine, issued between 1980 and 1982, with a front cover about binary timers. Barnes indicated that another copy of the same magazine is still located at his house at 617 Perry Street.

78. In addition, your affiant has been to the residence of Barnes at 617 Perry Street, Erie, Pennsylvania, in December 2005, and January, February, and March 2006, and has observed numerous computer towers, hardware, and electronic devices on the front porch.

79. On March 9, 2006, investigators interviewed [REDACTED], the granddaughter of Agnes Owens. Owens was Barnes' former girlfriend and owner of 617 Perry Street. [REDACTED] has known Barnes at least twenty years and currently has a relationship with Barnes. Following the recent death of Agnes Owens, [REDACTED] went to the residence at 617 Perry Street on March 9, 2006, to begin cleaning

up the property. At the time, Barnes was present, but later that day he was arrested in relation to other unrelated offenses and is currently incarcerated at the Erie County Prison. [REDACTED] stated that no one other than herself and an individual from a pawn shop have been in the residence since the death of Owens. [REDACTED] stated that Barnes kept everything and that if law enforcement went into the residence, they would find items piled two feet high in every room.

80. On March 9, 2006, [REDACTED] observed hand tools, including a flat head screw driver, on the first floor of the residence. [REDACTED] also observed numerous circuit boards and electronics type boards scattered throughout the house.

81. Approximately 2 years ago, [REDACTED] observed a workbench and tools strewn about the bench in the basement of the residence at 617 Perry Street. Barnes was living in the residence at that time.

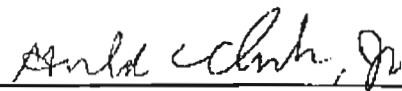
82. [REDACTED] stated that Barnes is electronically gifted and currently has multiple electronics magazines and literature throughout the residence. She stated Barnes has the ability to repair electrical and other problems with televisions, computers, and automobiles.

83. Your affiant knows that it is common for individuals who construct improvised explosive devices to maintain possession of tools, components, and other materials used in the construction of the device that are not commonly known to be readily identifiable upon comparison with remnants of an explosive device

which may have been recovered at the scene of the bombing. These items of evidence are not typically destroyed because it is not commonly known that they can be matched to actual components used in the device, perhaps because the items are considered not to be unique and are otherwise commonly found in most households. In addition, your affiant knows that unique tool marks were present on the improvised explosive device which are suitable for comparison with tools seized as evidence.

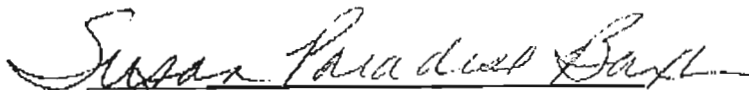
WHEREFORE, based upon the foregoing information, there is probable cause to believe that located within the residence described more fully as 617 Perry Street, Erie, Pennsylvania, a further depicted in Exhibit 1 attached hereto and incorporated herein, there is now concealed the property identified in Attachment A of the Search Warrant fully incorporated by reference.

The above information is true and correct to the best of my knowledge, information and belief.



GERALD C. CLARK, JR.  
Special Agent  
Federal Bureau of Investigation

Sworn and subscribed to before me  
this 21<sup>st</sup> day of March, 2006.



SUSAN PARADISE BAXTER  
United States Magistrate Judge