18CF11557

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

THE STATE OF FLORIDA **CASE:**

v. **JUDGE:**

SCOTT LEE BURTON **OSP CASE:** 2018-0030-WPB
Defendant

FACTS ESTABLISHING PROBABLE CAUSE

On August 23rd, 2017, an investigation began that led investigators to identifying SCOTT LEE BURTON as the target. On November 7, 2017, BURTON was contacted by Detective Wildove of the Palm Beach Sheriff's Office, a law enforcement agency, indicating they wished to speak to him regarding their investigation, involving an internet based felony offense.

On November 8th, 2017, BURTON returned Det. Wildove's call, at which time he was informed that his name had come up in an investigation and that she needed to speak with him to discuss the investigation. It was communicated to BURTON that his computer devices were the subject of the investigation. BURTON scheduled to meet with Det. Wildove on November 14th, 2017 at 9:00 AM at her office; however, he did not show up for the appointment. BURTON also did not answer Det. Wildove's call after he missed the appointment. On November 28th, 2017, Det. Wildove again contacted BURTON, and informed him that she still needed to meet with him regarding the investigation, and scheduled another meeting for December 4th, 2017 at 9:00 AM. On that date, BURTON again failed to show up for the scheduled appointment.

Subsequently, BURTON's network history was reviewed. Det. N. Masters reviewed the network history and found that on November 8th, 2017 at approximately 10:43 AM, the day after being contacted by Det. Wildove, BURTON began to conduct internet searches, related to Det. Wildove and the Palm Beach County Sheriff's Office. Further searches of the network history revealed that on November 28th, 2017, the same day that he was contacted by Det. Wildove and arranged a second meeting, BURTON conducted a web search for "hard drive recovery software", "hard drives for hp laptops" and "hard drives for hp laptops yoga."

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PALM BEACH COUNTY, FL
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In June 2018, Det. Wildove applied for and was granted a search warrant for BURTON's email account. The results revealed that on December 5th, 2017 an email in BURTON's account is received from an individual named Andy Harrison with a subject of "touchsmart 520 upgrades". In this email Harrison is providing a quote for upgrades to the RAM (Random Access Memory) for BURTON 's computer. On December 6th 2017, an email in the BURTON's account is received from Harrison and is part of the above mentioned thread. This email describes all of the upgrades that Burton has requested, which includes replacing the 2TB hard drive in the computer, with a 4TB drive and a fresh install of Windows and other software. Harrison also offers the option of putting the 2TB drive, which will be removed from Burton's PC into an external case. During a later email Burton agrees to the price and requests that the 2TB drive be placed into an external case. It should be noted that the emails specific to replacing the hard drive on Burton's computer occurred immediately after Burton became aware that he was under investigation by the Palm Beach Sheriff's Office, and the final approval for the hard drive replacement occurred on December 6th 2018.

Based on this investigation, probable cause exists to charge SCOTT LEE BURTON for the criminal violation of tampering with evidence. Pursuant to F.S. 914.22, engaging in misleading conduct towards another person with the intent to cause that person to alter, destroy, mutilate or conceal an object with intent to impair the integrity or availability of the object for use in an official investigation or proceeding, is a felony offense. In this case, immediately following his discovery of the investigation, BURTON conducted searches related to the criminal investigation which he was the target of. BURTON then hired Andy Harrison to replace his computer hard drive, knowing the drive was the subject of a pending investigation.

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Dated this 5 day of December 2018.

NICHOLAS B. COX
STATEWIDE PROSECUTOR

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STATE OF FLORIDA)
COUNTY OF PALM BEACH)

Personally appeared before me DANIELLE DUDAI, designated Assistant Statewide Prosecutor for the State of Florida, personally known to me, who being first duly sworn says that this prosecution is instituted in good faith and certifies that testimony was received under oath from material witnesses for the offenses and the allegations as set forth in the foregoing Facts Establishing Probable Cause, if true, would constitute the offenses therein charged.

Sworn to and subscribed before me this 5 day of December, 2018.

Notary Public
State of Florida

LISA D. CUSHMAN
Commission # GG 123112
Expires August 22, 2021
Bonded Thru Troy Fain Insurance 800-385-7019

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