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Bibliographic Cover Sheet

Title **Case Summary of John Draper**

Date 1978-09-08

Author(s) Amick, N.J.

Abstract Telephone company security summary of Draper's 1877-1978
 Pennsylvania bust.

Keywords John Draper; Draper Third Bust

Source Anonymous

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ELECTRONIC TOLL FRAUD - Arrest and Conviction of John Draper,
aka Captain Crunch

COPY FOR: W. F. BOWREN

San Francisco, September 8, 1978
File: 810.220P

~~Bill~~
~~Mike~~
File
Rogers
Webb

DISTRICT SECURITY MANAGERS:

Attached, for your information, is a case summary on the arrest of John Draper in Pennsylvania.

On August 18th he was fined \$500 and began a 3 - 6 month sentence in a county jail.

We understand that upon completion of his sentence in Pennsylvania, he will face parole violation charges in California.



N. J. AMICK
DISTRICT SECURITY MANAGER

D. W. Barnett:lr
415-542-3385
Attachment

cc: Security Directors

PRIVATE

SUBJECT

John Thomas Draper
AKA Captain Crunch

File #	23	50	E77
	Classif.	Number	Area
CLASSIFICATION			
Fraudulent Use of Toll Service			

INVESTIGATIVE PERIOD 10/77 through 6/78

DATE OF REPORT - 6/22/78

AGENT - Dunne & Beam ²¹⁵⁻ 825-3740

ORIGIN - Eastern Region

<u>Synopsis of Facts</u>	Card File	Yes	No
		X	

10/14/77 - Bell of Pennsylvania Security was notified that John Thomas Draper was residing somewhere in the 717 Pocono area, northeast sector of Pennsylvania. Evidence by California and New York Security Offices and the Federal Probation Office, identification of the telephone and address, were secured. Surveillance of the residence, identified John Draper's Volks Wagen Van bearing California license plates. Telephone service was listed to an Andrew W. Wright, Jr.

10/19/77 - Employing a dialed number recorder, verification was made that remote accessing was being employed, using 800 codes and the security accessing code (Password).

10/20/77 - Single frequency and multi-frequency tones (Blue Box) were employed, followed by touch tone frequency. Later identified as attempting to secure the Password of a Dimension PBX (remote accessing).

10/21/77 - Evidence was reviewed with the District Attorney and State Police and search warrants were prepared.

10/22/77 - A Search and Seizure was conducted by the Pennsylvania State Police where two mini-computers were recovered along with large amounts of electronic equipment, together with books, papers and paraphernalia.

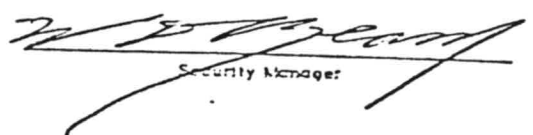
criptions: Yes No

Photos: Yes No

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General Claims & Security Manager -
Mr. C. S. Teets, Jr:

STATUS: Pending

Signed 
Security Manager

All material was associated with telephone fraud and phone freaking.

Andrew Wright and John Draper were arrested for Possession of Devices, Theft of Service and Conspiracy. They were arraigned at the District Magistrate's Office; Mr. Wright being released on bail. Mr. Draper was remained to the County Prison in lieu of \$10,000 bail where he remained for thirty days before obtaining, from a unknown source, the required \$10,000 in cash.

11/77 - Preliminary hearings were held in Monroe County. Prima Facie cases were established and both parties were held for court.

For five months, suppression items were raised: motions to quash and dismissal issues were presented, charges were raised that the State statutes were unconstitutional, the evidence was tainted, the chain of evidence broken, that the Miranda Rights were not given, that Security conducted the search and interrogated John Draper.

Judge Thomson upheld all suppression and motions in favor of the Commonwealth. The quash on Andrew Wright was sustained due to the Sol 20 computer having not been modified and not capable to commit toll fraud. The decision to appeal the quash issue was dropped. Charges against Andrew Wright were dismissed.

To maintain control in prosecution, the Commonwealth prepared its case on Possession of a Device and that said device did commit theft, that said device (Apple Computer) was owned and operated by John Draper. From June 6, 1978 through June 19, 1978, additional motions and suppression items were raised by the Defense. These were upheld by the court in favor of the Commonwealth.

John Thomas Draper AKA Captain Crunch, having been charged under the Pennsylvania Crimes Code (18 P.S. 910,1,i) did possess an instrument apparatus or device; designed, adapted or which can be used for commission of theft of telecommunications service, to wit: Did possess an Apple Computer and software programs, therefore, designed and adapted for the commission of theft of telecommunication service.

Trial was held June 19, 1978, in the Court of Common Pleas of the 43rd Judicial District, Monroe County, Criminal Division before the Honorable Judge Harold A. Thomson, Jr. John Draper pled guilty to Possession and Use of an Apple Computer, related software programs for said Computer and a telephone line interface, designed, adapted and used for the commission of theft of telecommunication service by means of multi-frequency tones (Blue Box) and by "WATS Extending" through remote access.

Judge Thomson ordered pre-sentencing review prior to sentencing which is to take place within approximately thirty days.

The Assistant United States Attorney for the District Court, Middle District of Pennsylvania is satisfied as is the Federal Bureau of Investigation with the State conviction and will not proceed in the Federal indictment which was scheduled for July 1978, for Federal Fraud By Wire. The Federal Probation Office, Scranton and California have been notified.

John Draper's Federal probation expires January 26, 1982. This probation stems from a guilty plea in Federal Court, Judge Peckham, California Dockets 72-973 and 76-223.

Acknowledgement has been made to those associated companies for their assistance throughout the investigation and their continued support leading to a successful conviction.