

NARRATIVE FOR LIEUTENANT TODD A FAULKNER

Ref: 21-72-OF

Entered: 03/24/2022 @ 0853 Entry ID: DTAF
Modified: 03/24/2022 @ 0855 Modified ID: DTAF
Approved: 03/30/2022 @ 1254 Approval ID: 3934

Offense: COUNTY ATTORNEY ASSIST

Victim: PELLICCIA, DONNA L

Offender: [REDACTED]

Witness: PELLICCIA, DONNA L

On May 19, 2021, I was requested by Cheshire County Attorney Chris McLaughlin to look into the complaint filed by Pelliccia to the court. The basis of this investigation was surrounding the alleged acts of Pelliccia and if she was complicit in the violation of a Stalking Order issued against her or if she was the victim of someone else's acts.

Based on the information I have been provided for this case it is my professional opinion that [REDACTED] is the person who was posting information posing as Donna Pelliccia which ultimately caused her incarceration on two separate occasions. I am unfortunately unable to confirm this beyond a reasonable doubt based on the delay in time before I received the case and the lack of certain investigative work by Lt. Witherbee that would have aided in my investigation.

This case is being closed as not prosecutable with a finding against [REDACTED] of responsible based on preponderance of the evidence. I refer the reader to the attached documents and full case report.

Chief Deputy TODD A FAULKNER S-2
03/24/2022

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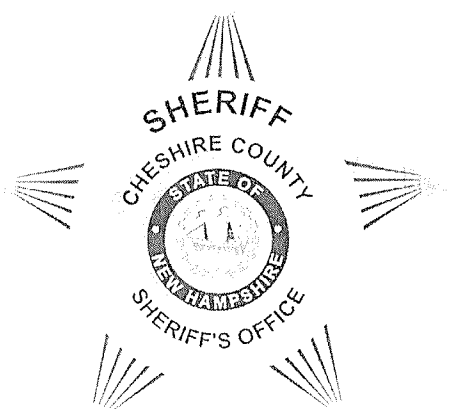
This case is being closed as not prosecutable with a finding against [REDACTED] of responsible based on preponderance of the evidence. I refer the reader to the attached documents and full case report.

Chief Deputy TODD A FAULKNER S-2
03/24/2022

Cheshire County Sheriff's Office Investigative Report

Case Number: 21-72-OF

Report Date:



Investigator: Chief Deputy Todd Faulkner

Offense: NH RSA 641:1 Perjury

Date of Incident: 10/14/2020

Date Assigned:


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Case Information

Department: Cheshire County Sheriff's Office

Incident Number: 21-72-OF

Investigator: Chief Deputy Todd Faulkner

Suspect: [REDACTED]

Date of Incident: 10/14/2020, 10/16/2020

Location: 8th Circuit Court District of Keene

Nature of Incident: NH RSA 641:1 (Perjury)

Associated Documents:

A	Winchester Police report 20-000196
B	Winchester Police 20-000196 documents
C	Winchester Police 20-000196 additional
D	Arce Desktop Passcode Email
E	Chief Ellis Email
F	Donna Pelliccia Blocked Users 1 Email
G	Donna Pelliccia Blocked Users 2 Email
H	Donna Pelliccia Fake Account
I	Donna Pelliccia Fake Account 2
J	Facebook Account Removed 10-17-2020
K	Facebook Email
L	Facebook Preservation Attempt
M	Facebook Request Confirmation Email
N	Facebook Warrant-Winchester, New Hampshire
O	Fake Facebook Profiles 1 of 4 Email
P	Fake Facebook Profiles 2 of 4 Email
Q	Fake Facebook Profiles 3 of 4 Email
R	Fake Facebook Profiles 4 of 4 Email
S	Housing Staff Email
T	Video - Penny Witherbee 20201016 05 06 0034600 Field Interview 56382677 (2)
U	Video - Penny Witherbee 20201016 05 06 0034600 Field Interview 56382677
V	Philbrick, Hayley v Donna Pelliccia Stalking Order
W	Philbrick, Hayley v Donna Pelliccia TRO
X	Pelliccia.Donna Profile
Y	Troy Police Property Receipt PC Computer
Z	Posting Response Screen
AA	Facebook Preservation Witherbee 2020-10-31 (6) Facebook
BB	Troy PD Video - 2020 1014 190415H101669 TPDPTP-001
CC	Troy PD Video - 2020 1014 190415H101669 TPDPTP-002
DD	Timeline-Donna Pelliccia Case Email
EE	CCSO-300PCStatementFacebookPellicciaDonna02022022daa
FF	CCSO-FB Search Warrant Service
GG	Letter to Court from Donna Pelliccia requesting investigation

Prepared by:
Todd Faulkner

Signature:



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Case Summary –

Between October 14th and 16th, 2020, Donna Pelliccia was arrested on two separate incidents for violations of a Stalking Order. As a result of these arrests she was lodged both times at the Cheshire County House of Corrections. Subsequent to these arrests Pelliccia has maintained her innocence and all charges were subsequently dropped by the Cheshire County Attorney's Office. Pelliccia furthermore submitted a formal request to the 8th Circuit Court of Keene requesting an independent investigation regarding her arrests and incarceration.

Timeline –

Date	Event Description
10/14/2020	Stalking Petition/Order Granted by Judge Forest
10/14/2020 – 14:20	Stalking Order served by Troy Police @ 14:20 hours
10/14/2020 – 17:18	██████████ reports violation of order to WPD 404
10/14/2020 – 19:00	Donna Pelliccia arrested by Troy PD on violation of Stalking Order at the request of Winchester PD Officer Edson
10/14/2020 – 19:59	Donna Pelliccia Lodged at Cheshire County House of Corrections
10/15/2020 – 11:38	Donna Pelliccia is released from the Cheshire County HOC
10/15/2020 – 18:40	██████████ reports violation of the Stalking Order to Lt. Witherbee
10/15/2020 – 18:31	Philbrick receives Facebook Message from account Pelliccia, Donna
10/15/2020 – 21:29	Philbrick receives Facebook Message from account Pelliccia, Donna
10/16/2020 – 11:15 and 11:30	Philbrick receives Facebook Message from account Pelliccia, Donna
10/16/2020 – 11:50	Philbrick files complaint with Keene Police Officer Paterno
10/16/2020 – 14:52	Officer Paterno documents that “Anyone could have created the Facebook account in retaliation for ██████████ needing to move out of the complex” and “there is not sufficient evidence leading me to believe Donna sent these messages...” She
10/16/2020 – 16:57	██████████ receives Facebook Message from account Pelliccia, Donna
10/16/2020 – 20:57	Donna Pelliccia arrested by Troy Police Department
10/16/2020 – 21:53	Donna Pelliccia lodged at the Cheshire County HOC
10/18/2020	Lt. Witherbee obtains Search Warrant for devices of Arce
10/18/2020	Troy PD seizes devices of ██████████
10/18/2020	Pelliccia.donna account taken down after Lt. Witherbee speaks with ██████████ on the telephone
10/21/2020	Donna Pelliccia released from jail
10/30/2020	Facebook Search Warrant granted from Lt. Witherbee application
11/13/2020	Facebook responds to filing saying there are no records of account Pelliccia Donna (appears account name was not filed correctly with

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	Facebook)
10/27/2021	Preservation order filed with Facebook for Pelliccia.donna account successfully
02/01/2022	Facebook search warrant filed with court for pelliccia.donna account
02/02/2022	Email to Facebook sent for clarification
03/21/2022	Spoke with Donna Pelliccia via telephone
03/22/2022	Requested information from Facebook on account information
3/22/2022	Spoke with Detective Leblac re: new case against [REDACTED]
3/22/2022	Attempted to make contact with [REDACTED] at her residence in Winchester
3/22/2022 3/22/2022	Requested copy of Lt. Fisher CFS report from 3/21/2022 complaint
3/23/2022	Left message for Attorney Carpenter re: new case and discussions about this case
3/23/2022	Spoke with County Attorney Chris McLaughlin re: case findings
3/23/2022	Spoke with Donna Pelliccia about findings of this case

Cheshire County Sheriff's Office Investigation –

On May 19, 2021, I was requested by Cheshire County Attorney Chris McLaughlin to look into the complaint filed by Pelliccia to the court. The basis of this investigation was surrounding the alleged acts of Pelliccia and if she was complicit in the violation of a Stalking Order issued against her or if she was the victim of someone else's acts.


I began this investigation by reviewing all supplied documents relevant to the investigation and have made every attempt to limit the voluminous information to the facts surrounding my work.

Original Complaint –

On October 14, 2020, [REDACTED] (Guardian) of [REDACTED], filed a Stalking Petition on behalf of [REDACTED] against Donna Pelliccia. In this petition numerous items were alleged to include statements of violence against [REDACTED] on Facebook by Pelliccia. This petition was granted by the court and the order served on Pelliccia by the Troy Police Department on October 14, 2020 at 14:20 hours.

1st Arrest –

On October 14, 2020, at 17:18 hours [REDACTED] reported to the Winchester Police Department that Pelliccia had violated the Stalking Order by contacting via the social media platform Facebook. This message was from a different Facebook account (pelliccia.donna) than Pelliccia's normal account and stated,

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“Hey [REDACTED] thanks for the stalking order my Facebook has been hacked and I’ll make sure I report you to ur landlord.”

As a result of this report and alleged contact Pelliccia was arrested by the Troy Police Department at the request of the Winchester Police Department and lodged at the Cheshire County House of Corrections.

2nd Violation(s) & Arrest –

On October 15, 2020, at approximately 11:38 hours Pelliccia was released from the Cheshire County House of Corrections. On October 15, 2020, at approximate 6:31 PM [REDACTED] received a Facebook message from the account pelliccia.donna that stated,

“I didn’t like it when u called the cops”

On this same date at 9:29 PM another message was sent from the account pelliccia.donna to [REDACTED] stating;

“I don’t like you.. you’re a stupid whore”

On October 16, 2020, [REDACTED] received two Facebook messages from the account pelliccia.donna stating;

“I know where u are and I kbow what ur doing”

And


“You wanna know something hayley I’m watching every little move you make”

That these messages were reported to the Keene Police Deapatment Officer Paterno who conducted an investigation. Officer Paterno details in her report “Anyone could have created the Facebook account in retaliation for [REDACTED] needing to move out of the complex” and “there is not sufficient evidence leading me to believe Donna sent these messages...”

On October 16, 2020, at 4:57 PM the account pelliccia.donna sent a message to [REDACTED] stating,

“[REDACTED] your in your living room right now”

This contact was reported to Lt. Witherbee of the Winchester Police Department and Pelliccia was subsequently arrested by the Troy Police at the request of the Lt. Witherbee and held at the Cheshire County House of Corrections.

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3rd Party Actions Concern –

That during Pelliccia's incarceration Lt. Witherbee reported that she had received six –(6) emails from Pelliccia's email account that was sent by Pelliccia's daughter [REDACTED]. That upon inquiring with [REDACTED] about this she reported her mother had asked her to send the emails to Lt. Witherbee.

That Lt. Witherbee inquired with [REDACTED] if she had created a fake Facebook account in her mother's name which [REDACTED] denied.

Lt. Witherbee further asked [REDACTED] if she believed her mother had used her ([REDACTED]) computer to send messages to [REDACTED] which [REDACTED] stated she did not.

Lt. Witherbee asked [REDACTED] if she would be willing to provide consent for her phone and computer to be forensically reviewed. [REDACTED] advised Lt. Witherbee that she had passwords on her computer to protect her computer from others using it and that it was a desktop computer making it difficult to remove.

Lt. Witherbee further told [REDACTED] that a subpoena may be sent to Facebook to determine who created the fake account and potentially identify the IP address connected to it. Upon hearing this Lt. Witherbee documents that [REDACTED] demeanor changed and she became silent on the phone.

Lt. Witherbee documented that prior to this conversation the account pelliccia.donna was still active and visible. After her conversation with [REDACTED] the account was deleted several minutes after the call ended. At the time of this conversation with [REDACTED] her mother was incarcerated and did not have access to a computer or this profile.


Search Warrants -

Subsequent to her conversation with [REDACTED], Lt. Witherbee filed for and was granted a search warrant for the seizure of a cellphone and computer of [REDACTED] on October 18, 2020. Troy Police property receipts indicate that two items were seized on this date as well.

On October 30, 2020, a search warrant for the Facebook account pelliccia.donna was granted. Service on Facebook is unknown at this time.

On November 2, 2020, a search warrant to process the seized devices was granted. It is unknown what, if any forensic analysis was completed.

A search warrant was filed with Facebook records and on November 13, 2020, Facebook responded to Lt. Witherbee that the account could not be located for "Pelliccia Donna".

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Sheriff's Office Investigative Work -

After review of the entire case file I found no evidence to support that any work had been completed to identify the creator of the fake Facebook account, a forensic review of [REDACTED] phone or forensic work of [REDACTED]'s or Donna's devices even though they were seized. Within the entire case these were the most critical part of the investigation based on the concerns that either [REDACTED], Donna or [REDACTED] are complicit in this investigation.

On February 1, 2022, I was granted a search warrant for the account pelliccia.donna and this warrant was served on Facebook. Facebook would not accept the warrant for the time frames requested and I then sent them a request for information on the proper times frames for the data available. Facebook was reporting that the account was preserved and had data to obtain however; the online portal was not accepting service.

On March 21, 2022, I spoke with Donna Pelliccia via telephone regarding this case. Donna informed me that she recently had another issue with [REDACTED] making claims against [REDACTED]. She advised me that the NH State Police were involved as well. Upon speaking with Donna about the case she informed me that she still believes that [REDACTED] was the one that made up the fake Facebook account and that she did not believe that her daughter had anything to do with it. She did inform me that she had received full discovery from her public defender and that she had read all the reports and reviewed the body camera footage of Lt. Witherbee's interaction with [REDACTED]. Donna reported that her daughter was sick and had an autoimmune issue. She further reported that she and her daughter have a very good relationship and she does not believe her daughter had anything to do with this case.


On March 22, 2022, I again requested an update from Facebook on my request for information.

Also on March 22, 2022, I spoke with Detective Jeremy LeBlanc of the Jaffrey Police. Jeremy reported that he had taken a complaint in January, from [REDACTED], regarding criminal threatening occurring against her from [REDACTED] via the application TextNow. Detective LeBlanc did speak with [REDACTED] a Donna and upon learning of this case looked further into [REDACTED]'s complaint.

Upon conducting search warrants for TextNow and the IP addresses associated with the communications Detective LeBlanc learned that the messages were sent to [REDACTED] by [REDACTED] from the locations of her mother's house in Jaffrey and her boyfriend's apartment in Winchester. Based on this information he confronted [REDACTED] and she continued to lie and refused to accept responsibility for her actions. On January 18, 2022, [REDACTED] was arrested for the crimes of False Report and False Swearing.

On March 22, 2022, I received information from Chief Eric Josephson that [REDACTED] had filed a complaint the night before reporting that she was being harassed over Facebook.

On March 22, 2022, I spoke with [REDACTED] via telephone and advised her that I wanted to speak with her about the old case involving Pelliccia and he being a victim. She initially agreed to speak with me and we scheduled a time to speak on March 23. A short time later [REDACTED] called

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back, said she spoke with her public defender and was asking that I speak with her instead. I clarified with [REDACTED] that she was asking for an attorney and would not speak with me directly and she stated she was.

On March 23, 2022, I reviewed a copy of the report authored by Lt. Fisher of the Winchester Police Department. This report indicated that Donna Pelliccia posted on Facebook that she "found" [REDACTED] [REDACTED] informed Lt. Fisher that she is the defendant in a case against Pelliccia and had a public defender. Lt. Fisher then advised her that she should contact her public defender. No further action was taken.


On March 23, 2022, I spoke with Detective LeBlanc about my case and learned that the case against [REDACTED] is pending in Jaffrey District Court at this time. I then left a message for Attorney Rick Carpenter to contact me to discuss this case for informational purposes as well.

On March 23, 2022, I spoke with Donna Pelliccia again and advised her of my findings and that I would be closing the case based on the lack of evidence to support prosecution.

Based on the information I have been provided for this case it is my professional opinion that [REDACTED] is the person who was posting information posing as Donna Pelliccia which ultimately caused her incarceration on two separate occasions. I am unfortunately unable to confirm this beyond a reasonable doubt based on the delay in time before I received the case and the lack of certain investigative work by Lt. Witherbee that would have aided in my investigation.

This case is being closed as not prosecutable with a finding against [REDACTED] of responsible based on preponderance of the evidence.

End of report.

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