

Statement of Probable Cause

STATE V. _____

Complaint: _____

INTRODUCTION

On November 10, 2017, at 5:42 p.m., Mark D’Amico, the boyfriend of Katelyn McClure, took a photograph of McClure and Johnny Bobbitt, Jr., a homeless man standing in front of the intersection of Ramp B on the Girard Avenue off-ramp of Interstate 95 in Philadelphia, PA. Within hours, McClure and D’Amico created a charitable campaign on the website GoFundMe.com entitled “Paying it Forward,” purportedly to benefit Bobbitt. The photograph taken by D’Amico was subsequently posted by McClure as the face of the campaign. The campaign listed a target goal of \$10,000 to provide Bobbitt with, among other things, “first and last month’s rent at an apartment, a reliable vehicle, and 4-6 months’ worth of expenses.” The campaign has since been taken down from the GoFundMe site.

The “Paying it Forward” campaign featured a story in which McClure related that Bobbitt assisted her one evening in Philadelphia in the fall of 2017. The campaign narrative began as follows:

“Driving into Philly one night. I made the mistake of thinking that I would be able to make it all the way down I-95 with my gas light on. Needless to say, I was wrong. I never ran out of gas before, and my heart was beating out of my chest. I pulled over as far as I could, and got out of the car to head to the nearest gas station. That’s when I met Johnny, Johnny sits on the side of the road every day, holding a sign. He saw me pull over and knew something was wrong. He told me to get back in the car and lock the doors. A few minutes later, he comes back with a red gas can. Using his last 20 dollars to make sure I could get home safe.” (emphasis included).

The campaign requested monetary donations for Bobbitt’s future well-being, and, among other things, attested to his “selfless” and good-hearted nature.

This entire campaign was predicated on a lie. Kate McClure did not run out of gas on an I-95 off-ramp, and Johnny Bobbitt didn’t spend his last \$20 to help her. Rather, D’Amico, McClure and Bobbitt conspired to invent and/or promulgate this story in order to deceive potential donors to the “Paying it Forward” campaign by toying with their emotions to encourage them to contribute to a homeless veteran who purportedly had done a good deed.

The evidence developed over the course of this investigation demonstrates that D’Amico and McClure had known Bobbitt for at least a month or more prior to the date of the GoFundMe “Paying it Forward” campaign’s launch, as they had met him on their frequent trips to a local gambling casino. The evidence also shows that Bobbitt, D’Amico and McClure, to support this false story, staged a photo of McClure and Bobbitt in the neighborhood that Bobbitt frequented, which became the face of this online charitable campaign. McClure herself confirmed that her running-out-of-gas encounter with Bobbitt was completely fictional – intended to make people “feel bad” so that they would donate – in an electronic message sent within an hour of the establishment of the campaign. D’Amico, McClure and Bobbitt also picked out a nearby gas station and posed for another photo in front of it for a newspaper article highlighting the “Paying it Forward” campaign, further buttressing the fabricated story.

Over the next 2½ weeks, as the GoFundMe fundraising campaign continued, Bobbitt, D’Amico and McClure went on a media blitz repeating their story to print, radio, television and internet outlets – local, national and international – to perpetuate this myth to encourage potential donors to contribute. D’Amico and McClure also provided approximately 25 updates on the GoFundMe “Paying it Forward” website detailing the status of the campaign, expressing appreciation to donors, and advancing the false narrative. One particular update posted in December 2017 mentioned plans to

purchase Bobbitt a new home and a used vehicle, establish two trusts to benefit Bobbitt, open Bobbitt a bank account, and make charitable donations. In updates to the then-ongoing GoFundMe campaign and on the @getjohnnyahome Twitter feed attributed to Kate McClure, there were posts by McClure and/or D'Amico stating that Johnny bought a house. These statements were false – Bobbitt had not purchased a home during, or after, the GoFundMe campaign.

Reacting to the fake gas story and the rest of the campaign narrative, 14,347 compassionate and trusting donors contributed a total of \$402,706 between the campaign's launch on November 10, 2017 and its conclusion on December 11, 2017, to help Johnny Bobbitt.

These funds were disbursed and held in accounts that were accessible to D'Amico and McClure, but all three defendants utilized the funds. The evidence further shows not only that D'Amico and McClure solicited the funds through the false gas story, but also further deceived donors by using very little of the contributed money for the charitable purposes they had indicated in the "Paying it Forward" campaign. There were no trusts established for Bobbitt, as the couple had publicly committed to setting up in order to encourage more solicitations, and D'Amico later admitted on national television that he and McClure commingled the donated funds with their own money. D'Amico and McClure spent – quite rapidly – the vast majority of the money for their own benefit, including multiple vacations, extensive gambling, a luxury car, expensive designer handbags, and repayment of personal debts to their family members. The couple also purchased a travel trailer for Bobbitt to live in while residing at the Florence Township, New Jersey property; the trailer was sold for \$10,000 on June 11, 2018, and McClure negotiated the check for cash. By March 2018, all of the \$367,108.81 distributed to D'Amico and McClure by GoFundMe was gone.

CIVIL COURT ACTION

On August 28, 2018, Bobbitt filed a civil complaint against McClure and D'Amico in the Burlington County Superior Court, alleging conversion, fraud, tortious interference and conspiracy with respect to the funds raised in the GoFundMe.com campaign for Bobbitt. Bobbitt alleged, through his civil attorneys, that he has only received approximately \$75,000 of the funds raised on his behalf. In contrast, McClure and D'Amico averred that approximately \$200,000 was turned over to Bobbitt. McClure and D'Amico claimed to have refused to turn over any remaining funds due to fears of Bobbitt's alleged drug dependency. In a nationally televised interview on August 27, 2018, D'Amico (with McClure present) confirmed the funds were placed into an account accessible to only McClure and D'Amico. D'Amico further related that "well over" \$150,000 was still available in the couple's account from the campaign for Bobbitt. In addition, during that same interview, D'Amico indicated that the GoFundMe monies raised for Bobbitt were commingled with the couple's personal funds and admitted that no trust was ever set up to benefit Bobbitt.

On August 30, 2018, the Honorable Paula T. Dow, P.J. Ch., held an emergent hearing and ordered any remaining funds to be turned over by McClure and D'Amico to a trust account held by the attorneys for Bobbitt within 24-hours. During a hearing under the same docket on September 4, 2018, it was learned that the transfer as ordered was not completed. In addition, the attorney for McClure and D'Amico stated that no funds remained from the campaign and that the money was "gone." On September 5, 2018, Judge Dow held an additional hearing, and again counsel for McClure and D'Amico reiterated that there was no money from the GoFundMe campaign left in his clients' accounts.

INVESTIGATIVE EFFORTS

Because of the allegations that hundreds of thousands of dollars ostensibly raised by McClure and D'Amico for Bobbitt was not turned over to him, and the representations of counsel that the money contributed by donors for Bobbitt was "gone," the Burlington County Prosecutor's Office (BCPO) Financial Crimes Unit initiated an investigation. A search warrant was subsequently applied for and granted for McClure's and D'Amico's residence, vehicle and persons, along with any electronic devices (i.e. computers, cellular telephones, etc.). On September 6, 2018, the BCPO, along with the Florence Township Police Department, executed a search warrant of McClure's and D'Amico's residence.

Through subsequent investigative efforts and review of evidence seized from the search warrant, the BCPO and Florence Township Police Department were able to confirm that the “gas story” was a complete fabrication. The creation and solicitation of the “Paying it Forward” campaign was a calculated and orchestrated attempt by D’Amico, McClure and Bobbitt to deceive donors into contributing money to provide some financial assistance to Bobbitt and for McClure and D’Amico to have a source of funds to satisfy immediate financial obligations. These assertions are based upon the following evidence:

Electronic Messages and Audio Recordings

- A forensic examination conducted by the BCPO High-Tech Crimes Unit of Apple iPhones belonging to McClure and D’Amico, which were seized during the execution of the above-noted search warrant, yielded the following items of note:
 - There are over 60,000 messages between McClure and D’Amico, thousands of which discuss the couple’s financial woes, inability to pay bills, mounting debts and casino play. In addition, McClure had multiple recordings on her phone between and among herself and others including an interview with a literary agent about the “Paying it Forward” campaign.
 - On October 16, 2017, at approximately 4:09 p.m., a lengthy text conversation between McClure and D’Amico about Bobbitt took place. McClure stated, ***“IDK why but that homeless guy by sugarhouse keeps popping in my damn head today.”*** (emphasis added). D’Amico replied, ***“Dude I just thought about him!!”*** (emphasis added). The conversation continued with them both wanting to help the guy [Bobbitt], by providing him with, among other things, food, clothes, a Nintendo Switch, the possibility of a job and even giving him a house. In that same text exchange, McClure confirmed that the couple had given him [Bobbitt] money, specifically \$10.00, on a prior occasion.
 - On November 10, 2017, at approximately 6:35 p.m., McClure received a verification code to her cell phone, which represents the exact time that GoFundMe created the “Paying it Forward” campaign. Within moments, McClure shared the GoFundMe link through social media.
 - On November 10, 2017, at approximately 7:25 p.m. – less than one hour after the “Paying it Forward” campaign was launched – a text conversation between McClure and her best friend took place, in which McClure admitted to her that the “gas story” did not occur, and rather “is completely made up.” The conversation started off with the friend questioning McClure as to why she never told her about running out of gas. McClure stated that she had known Bobbitt ***“for two months,”*** (emphasis added) or ***“at least a month.”*** (emphasis added). More specifically, McClure texted in response to her friend:

“Okay so wait the gas part is completely made up . . . But the guy isn’t . . . I had to make something up to make people feel bad . . . So, shush about the made up part.” (emphasis added).

McClure and the best friend continued their text conversations in which McClure demonstrated her familiarity with Bobbitt and his history.

- On November 13, 2017, at approximately 1:52 p.m., a text conversation between McClure and D’Amico took place, regarding McClure’s mother’s suspicion of whether the “gas story” of McClure and Bobbitt actually happened. McClure and D’Amico exchanged messages that the “gas story” did not occur, but all of the other stuff about Johnny Bobbitt was true. D’Amico told McClure that the gas story was just a ***“little lie.”*** (emphasis added). (This was within three days of the establishment of the campaign.)
- On November 14, 2017, at approximately 9:22 p.m., McClure and her best friend continued their discussion about the fake gas story. McClure mentioned her dilemma of discussing this situation with her mother:

“My mom just called me and said that people go to jail for scamming others out of money. So there’s that . . . That’s what my own mother thinks of me” (emphasis added).

- On November 15, 2017, at approximately 1:06 p.m., McClure and her best friend communicated about a recent media article about the GoFundMe campaign by the Burlington County Times. The best friend said: “...***This gas story is gonna backfire lmfao***” (*emphasis added*). McClure replied, “***Nah its all good***” (*emphasis added*) and “***How would it?***” (*emphasis added*). The best friend responded: “***They’re gonna Interview him one day and ask him! But you need to tell him first. Make sure he knows***” (*emphasis added*). McClure stated, “***yeah we will tell him... This week we have to...***” (*emphasis added*).
- That same day, McClure communicated with D’Amico about the need to locate Bobbitt in order to talk to him. In the evening hours of November 15, 2017, McClure and D’Amico met with Bobbitt inside their vehicle in the area of Philadelphia where Bobbitt was living. They recorded a video saved on McClure’s phone of his reaction to the Burlington County Times article about the “gas story” and the “Paying it Forward” GoFundMe campaign, which he is observed reading. They also discussed how donors had already contributed approximately \$1,700 to the campaign. Most of Bobbitt’s reaction was about how this money would “***change his life***” (*emphasis added*). On the video, he did not comment on the fake gas story repeated in the article.
- On December 9, 2017, McClure recorded two conversations, each approximately one-hour in length between and among herself, D’Amico and a literary agent. The conversations reflected the trio’s desire to further enrich themselves through the fake gas story by parlaying it into a book and movie deal.
- From December 2017 through March 2018, there were hundreds of electronic communications between McClure, D’Amico and Bobbitt, about Bobbitt receiving cash, living on their property, setting up Uber transportation, etc.
- On March 9, 2018, at approximately 8:25 a.m., a text conversation occurred between McClure and D’Amico. McClure started the conversation with, “***I can’t believe we have less than 10k left. I’m so upset know [sic].***” (*emphasis added*). The conversation continued with McClure and D’Amico going back and forth about spending the funds from the GoFundMe campaign. D’Amico told McClure not to worry, referring to eventually receiving money from the book deal. McClure states “***In a year you’ll be laughing about when you blew hundreds of thousands***”, “***Just like 45k***”, “***just like 15k***” (*emphasis added*).
- On March 11, 2018, at 3:56 a.m., McClure and her best friend messaged about McClure’s frustration with Bobbitt, in particular with him not going to rehab. McClure continued the discussion: “***Right. Yeah that’s true. Fuck him though.***” (*emphasis added*). As the conversation continued, McClure’s best friend stated: “***You really need to get rid of him and get the public off your back by donating.***” (*emphasis added*). McClure replied: “***I’ll be keeping the rest of the money, fuck you very much.***” (*emphasis added*). McClure’s best friend followed up with, “***He could out you.***” (*emphasis added*).
- On March 19, 2018, at approximately 10:38 a.m., a lengthy text conversation occurred between McClure and D’Amico. The conversation started about questioning the BMW, and whether to cancel the warranty on it because according to D’Amico “***We’re gonna need all money we can get for now...***”. D’Amico stated, “***Obviously we fucked up so cal [sic] down***” (*emphasis added*). The conversation continued about the BMW, while McClure told D’Amico “***All you need to do is start working. At your real job. Not the job you think you have. Once you do that, we’ll be fine***” (*emphasis added*). McClure expressed her anger for finding out that D’Amico had logged into online poker, while he [D’Amico] should have been working stating, “***You logged into poker the exact minute you told me you were doing an invoice...***” D’Amico replied, “***I logged into poker 10 times today***” (*emphasis added*). McClure confronted D’Amico about not doing anything (*meaning home improvement contracting*) since November, which D’Amico acknowledged. McClure then got mad at D’Amico for not sending information to the anticipated book author. D’Amico defended himself and stated he did send information to the author. They continued bickering about finances. D’Amico suggested a “***title loan***” (*emphasis added*) for “***\$10k***” (*emphasis added*) (using the BMW as collateral) or selling the BMW, and the conversation went back and forth about the couple being in financial distress and needing money to pay bills. During this message thread, McClure acknowledges that her bank account with the monies from the campaign was in the negative.

- On August 10, 2018, at approximately 4:10 p.m., a conversation between Bobbitt, who was utilizing his brother's Facebook messenger and D'Amico occurred, in which Bobbitt stated:

“We should really talk about things. There has been a lot of people asking questions and i really don't know what to say. We really should get out of here before things go public. I have really been trying to avoid people but it's becoming more and more difficult. We (meaning he and his brother) will get on a bus anytime you can take us and watch us leave. I think it's the best idea because we don't want people asking questions. We are still in the same place. We're always on the lookout for you.” (emphasis added). D'Amico responded: ***“Hey. I'll get there this weekend. When I do you get on a bus...no bullshit?”*** (emphasis added).

- On August 15, 2018, at approximately 5:36 p.m., McClure shared a screenshot with her best friend of a conversation that Bobbitt, utilizing his brother's messenger app, had with McClure and D'Amico. The conversation shared was as follows:

D'Amico stated, ***“I'll be there...There's nothing to investigate”*** (emphasis added). Bobbitt replied, ***“I know that it will only get worse as far as other people and want to avoid it”*** (emphasis added). D'Amico responded, ***“Yea us too. Idk why you said we mishandled your money.”*** (emphasis added). Bobbitt replied, ***“Im just saying what I was told from someone other than [the reporter].”*** (emphasis added). D'Amico countered with, ***“You know what we did for you...That's fucked up if you pull that shit bro”*** (emphasis added). Bobbitt replied, ***“I did NOT say mishandled. I will tell you exactly what I said. I have not said anything that would jeopardize us...I was afraid of this happening”*** (emphasis added).

- From August 15 through August 23, 2018, there were numerous text messages and Facebook messages between and among McClure, D'Amico and Bobbitt, as well as between McClure and her best friend. The conversations were about a news reporter reaching out and questioning the current situation of the GoFundMe campaign since Bobbitt was panhandling again. This started an obvious panic involving McClure and what could come of people learning of the fact that the gas story did not happen. McClure continually messaged with others about her anxiety due to this new development. The discussions involved Bobbitt not wanting to speak to the reporter, along with McClure and D'Amico planning ways to get Bobbitt out of the Philadelphia area. McClure told her best friend that she and D'Amico had spoken to a lawyer, who told them they only had to give Bobbitt \$10,000. McClure and D'Amico also were communicating with the literary agent on how to address the possible media coverage during this time.

- On August 28, 2018, at approximately 7:05 a.m., a text conversation occurred between McClure and her best friend. McClure shared how she was upset and how hard everything was. The best friend told McClure that she [McClure] has so many people on her side and how she [McClure] had an amazing support system. McClure responded, ***“But none of them know the truth”*** (emphasis added). The conversation turned to Johnny, wherein, McClure's best friend texted:

“If there's a way to hide the truth that would be amazing...Does Johnny know the truth?” McClure responded, ***“Kinda... He [Bobbitt] knows that he [Bobbitt] gave us 150. He [Bobbitt] knows that. But idk if he'd admit that”*** (emphasis added).

- On August 29, 2018, at approximately 10:39 a.m., a text conversation occurred between McClure and a relative. McClure shared how upset she was, that she had not eaten in over a week, and could not sleep. McClure related that the agent [literary agent] recommended a lawyer. McClure shared that the agent did not know (*presumably, the full story*) and wanted to tell her after speaking to the lawyer. More specifically, McClure texted to her relative:

“Like. He [Bobbitt] agreed to split it with us but we didn’t sign anything so how the fuck are we going to prove thayb [sic]” (emphasis added). The relative responded, ***“You have Half”*** to which McClure responded, ***“No...Nothing...That’s the issue” (emphasis added).***

- On September 2, 2018, at approximately 1:03 p.m., McClure recorded a conversation between herself and D’Amico. The conversation referred to the GoFundMe campaign. McClure stated that she felt as if she was going to take the fall and be blamed, because her name was on everything. McClure expressed concern about going to jail. D’Amico replied, ***“You don’t go to jail for lying on TV...” (emphasis added).*** The conversation progressed into the expenditures they made for themselves with the funds from the campaign. More specifically, D’Amico summarized those expenditures thusly:

“Twenty thousand, BMW. Five thousand, Disney. Ten thousand in bags. We both went to Vegas, right? Huh? How much did you spend in Cali.? Twenty-five hundred? Probably broke even on that one getting thirty-seven hundred? So just right there is forty thousand. Now you wanna talk about everything else? Like you act like you didn’t spend a dollar” (emphasis added.) McClure eventually responded, ***“I never said that I didn’t spend a dollar.” (emphasis added).***

- On September 3, 2018, at approximately 7:25 p.m., McClure recorded a conversation between herself and D’Amico about the GoFundMe campaign. McClure stated, ***“I wish that you never updated the GoFundMe. Like we shoulda just let it go and not fucking kept people informed” (emphasis added).***

Media Contacts

- The following interviews were given to various media outlets by the trio detailing, discussing and/or validating the fake gas story and promoting the campaign:
 - On November 15, 2017, the Burlington County Times (BCT) published an article detailing the story of McClure running out of gas and Bobbitt coming to her aid with money and gas, as well as the GoFundMe campaign.
 - On November 15, 2017, at approximately 9:20 p.m., McClure and D’Amico recorded a video from the inside of their vehicle. In the video, they provide Bobbitt with a copy of the BCT article and inform him about the GoFundMe campaign. Bobbitt is seen reading and reacting to this information – stating, among other things: “That changes my life.” McClure publishes the video to YouTube that night, and the video goes viral on the Internet.
 - On November 20, 2017, NJ.com published an article online, which chronicled Bobbitt’s arrival to Philadelphia for employment and how “one night on the streets turned into a week, and ultimately a year of homelessness.” The article featured a photograph of Bobbitt from his Facebook page (username: “Johnny S. Bobbitt JR.”) before he became homeless. The NJ.com article attributed this photograph as provided “Courtesy Kate McClure.”

*(McClure providing NJ.com with a photo from Bobbitt’s Facebook page indicates her familiarity with it at least as of that time. Notably, on November 24, 2017, McClure posted on the Twitter feed she established to promote the campaign (@getjohnnyahome) a post from Bobbitt’s Facebook page dated October 1, 2012 recounting a similar “gas story” from when he (Bobbitt) lived in Henderson, NC: **“So this girl runs out of gas and has a flat tire at the same time in front of Wal-Mart and is blocking traffic. Everybody blows the horn and cusses her but of course no-one helps her, So I run to the gas station and then change her tire. I spent the only cash I had for supper but at least she can get her little children home safe” (emphasis added).**)*

- On November 21, 2017, the Philadelphia Inquirer published an article in which McClure, D’Amico, and Bobbitt are all quoted advancing the fake encounter between McClure and Bobbitt. The article also referenced Bobbitt’s Facebook page and his life taking a “unfortunate turn because of drugs and eventually money problems.” The

article included a photograph of D’Amico, McClure, and Bobbitt in the parking lot of a food & gas mart, located on Susquehanna Avenue in Philadelphia. This location was identified in the article by the trio as the place where Bobbitt purportedly purchased a gas can and gas for the “stranded” McClure. The article also recounted the success of the ongoing campaign, which by that time had raised over \$280,000 in donor contributions.

- On November 22, 2017, the Philadelphia Daily News published an article entitled “Fuel for Thought: A homeless man helped when she ran out of gas on I-95; That’s the start of story.” The article served as the cover story of the newspaper that day with a reprint of the photograph in front of the gas station from the November 21, 2017 Philadelphia Inquirer article. The photograph’s caption read as follows: “Kate McClure and her boyfriend Mark D’Amico (center) started a GoFundMe campaign for Johnny Bobbitt Jr. (left), a homeless man who helped Kate when she was stranded,” which of course, was false.
- On November 22, 2017, McClure forwarded a screen capture of the “Paying it Forward” campaign to a website associated with the Ellen DeGeneres Show entitled, “EllenNation.” This website posted this screen capture and described the Bobbitt and McClure fake gas story as follows: “This is Amazing.”
- On November 22, 2017, McClure and Bobbitt are jointly interviewed on ABC’s “Good Morning America.” McClure relates the story regarding her being stranded without gas and Bobbitt’s rescue, and Bobbitt concurs. Bobbitt is quoted as saying “***I just got her gas to help her get back on her way. I didn’t think anything about it... I wasn’t expecting anything in return***” (*emphasis added*). Bobbitt also comments that the monies are “***like winning the lottery***” (*emphasis added*). ABC News ran follow-up features on November 26, at which time the donations had reached \$363,000, and again on December 5, when the donations had then reached \$397,000. The same story is highlighted and similar video clips are run again by the network.
- On November 24, 2017, McClure, D’Amico and Bobbitt participated in a live interview with the British Broadcasting Corporation (BBC). McClure and Bobbitt explained the fake gas story. Bobbitt is quoted as saying, “***Just, you know, being a single female in that area. Ya know I’ve seen quite a few people break down there but, ya know, it’s just not a safe area for anyone, not just a single female...so she just seemed like she needed help, ya know?***” and “***Seemed like she needed help***” (*emphasis added*). Bobbitt recounted his story about using his last twenty dollars for the gas purchase. McClure and Bobbitt continued to praise the generous donors to the campaign.
- On November 28, 2017, McClure, D’Amico and Bobbitt are interviewed during a live broadcast of the “Preston and Steve” radio show on 93.3 WMMR, Philadelphia. The hosts recounted the story of McClure being stranded without gas in Philadelphia and Bobbitt coming to her aid. Bobbitt concurred with the story and stated, among other things, that he is “***blown away***” (*emphasis added*) and “***grateful to them***” (*emphasis added*) for setting up this fundraiser, which D’Amico related was over \$380,000 at that time. One of the show’s hosts is giving them accolades and paraphrasing the good deed and characterizes the story as “***not orchestrated, not a fake thing for YouTube***” (*emphasis added*). The trio did not respond either affirmatively or negatively to the host, allowing the false narrative to continue as the GoFundMe campaign progressed. The interview continued as McClure discussed plans to set up the funds so that Bobbitt can have a “***normal amount at a time***” (*emphasis added*) as “***a salary***” (*emphasis added*). D’Amico stated that they will be using accountants and lawyers to help run this endeavor and that they will be buying Bobbitt “***his dream house***” (*emphasis added*) within the next week. The show’s host directed listeners to their web page for further information about the ongoing “Paying it Forward” campaign.
- After the dispute among the parties began attracting renewed attention to the GoFundMe campaign, the trio gave the following interviews to various media outlets attempting to keep alive the false narrative that supported the campaign and/or to defend themselves in the dispute that had arisen between them:
 - On August 23, 2018, the Philadelphia Inquirer, published an article entitled, “Homeless again, Johnny Bobbitt can’t get GoFundMe money.” This article recounted the story of the trio and how Bobbitt was back living on the street and unable to access the GoFundMe monies.

- On August 27, 2018, McClure and D'Amico are interviewed on the "Megyn Kelly Today" show. The couple repeated the fake "gas story" and cited Bobbitt's drug use as the reason for not giving the money directly to him. D'Amico stated that Bobbitt went through \$25,000 in thirteen days and attributed this to Bobbitt's drug use. D'Amico confirmed that the GoFundMe monies were placed into an account accessible to the couple only. In addition, during that same interview, D'Amico indicated that the GoFundMe monies raised for Bobbitt were commingled with the couple's personal funds. D'Amico further related that "well over" \$150,000 was still available in the couple's account from the campaign for Bobbitt. D'Amico also categorically – yet falsely – stated that apart from a \$500 loan from Bobbitt for casino play, he "had not spent one dollar" of the GoFundMe monies.
- On August 31, 2018, Bobbitt is interviewed by an ABC News affiliate station. As Bobbitt is sitting with his civil attorneys, he stated the following: ***"I wish it didn't come to this," "I hate that it came to this," and "I always felt that I was in a weird situation. I didn't want to be pressuring to get a lawyer, or do anything because I did not want to seem ungrateful"*** (emphasis added). Bobbitt characterized D'Amico as ***"a self-described gambling addict"*** (emphasis added). Bobbitt further expressed his frustration with D'Amico, stating, ***"I think it's pretty hypocritical for you (meaning D'Amico) to tell me I can't manage my money, because I might spend it on drugs and you are doing the same thing (referring to gambling)."***

Pertinent Financial Information

- D'Amico last filed a State of New Jersey Resident Tax Return for the year 2015, in which he listed wages income of \$15,417, as his only source of income. McClure filed New Jersey Resident Tax Returns for the years 2016 and 2017. Both years reflect her only income as the wages income she received as an employee for the State of New Jersey, earning \$37,548 and \$43,262, respectively.
- Records from GoFundMe revealed that the net payouts from November 21 through December 12, 2017, totaling \$367,108.81, were electronically deposited into McClure's bank account (\$347,567.40) and onto pre-paid debit cards (\$19,541.41) accessible to the couple. As of March 19, 2018, all funds were moved, transferred or otherwise utilized from McClure's associated account with the GoFundMe campaign and the balance was in the negative. This particular account was charged off by the bank with a negative balance on May 18, 2018.
- In late November and early December 2017, payments were made by McClure and D'Amico to family members as repayment of monies owed to them. A member of McClure's family received \$900, and members of D'Amico's family received \$8,900, for a combined total of \$9,800. This amount is closely aligned with the initial \$10,000 goal established by McClure and D'Amico for the "Paying it Forward" campaign on November 10, 2017.
- Payment records from McClure's primary bank account show three payments for hotel lodging in a Hilton Garden Hotel in Hamilton, New Jersey for Bobbitt from December 4, 2017 through approximately December 21, 2017. The total payment for Bobbitt's stay at this hotel was \$2,368.39.
- On December 4, 2017, McClure purchased a trailer for \$18,350 for Bobbitt with funds from the campaign, but titled the trailer in her own name. Bobbitt took up residence in this trailer, which was parked at McClure's and D'Amico's residence in Florence, New Jersey. On June 11, 2018, McClure sold the trailer for \$10,000 and negotiated the check and received the proceeds in cash on June 13, 2018. At or about that time, Bobbitt left the Florence property.
- On December 27, 2017, Bobbitt opened a bank account with a \$25,000.00 deposit from McClure's primary bank account. A total of \$31,622.87 was deposited into this account through March of 2018. Of this amount, Bobbitt made cash withdrawals of \$23,644.85 within approximately three months. The majority of these withdrawals were made in the same Philadelphia neighborhood where Bobbitt was living while homeless. The couple also electronically transferred other monies to Bobbitt via GreenDot cards during the campaign.
- On February 21, 2018, McClure purchased a 2015 BMW for \$24,432.19 (\$15,000 in cash and the remainder via check) with funds from donors to the campaign and titled the vehicle in her own name. McClure used this BMW as her personal vehicle. The investigation revealed that the 2015 BMW was used in May 2018 to collateralize a

high interest 5-year loan for \$10,085 in McClure's name, underscoring how quickly and voraciously the trio burned through the money raised through the false gas story.

- The investigation further disclosed that from the start of the GoFundMe campaign in November 2017 through August 2018, D'Amico and McClure, in addition to the trailer and automobile purchases listed previously, took several vacations, which included Las Vegas (with a Grand Canyon helicopter tour), Disneyland in California and Disney World in Florida. The couple also traveled several times to New York City using money from the campaign.
- Information derived from numerous text messages between McClure and her best friend, along with Facebook posts and information supplied by McClure on internet articles, confirm that she received an all-expenses paid trip to Burbank, California for herself and a relative to appear in the audience for a taping of the "Ellen DeGeneres Show." This trip was the result of McClure posting the fake gas story to the "EllenNation" website. Analysis of McClure's bank account, which contained funds from the campaign, confirms multiple debit card purchases in the Los Angeles area from January 25 through January 30, 2018.
- The search warrant of McClure's and D'Amico's residence in September of 2018, uncovered newly-purchased 12 designer handbags, 1 wristlet, 2 wallets and 1 backpack, with labels from Louis Vuitton, Coach, Michael Kors and Vera Bradley. These bags are estimated to be valued collectively at \$11,451.00. Included with two of the Louis Vuitton bags were three receipts dated December 10, 2017 and February 17, 2018, respectively, which totaled \$5,623.09. The majority of these purchases were made using cash.
- Records from McClure's bank account, along with the fourteen Green Dot debit cards, show extensive casino gambling play, both in person with casinos in Pennsylvania, New Jersey and Las Vegas, and online gaming and sports book wagering. During execution of the search warrant of McClure's and D'Amico's residence on September 6, 2018, player cards in both McClure's and D'Amico's names from multiple casinos were also found, including Parx, Sugarhouse, Caesars, Bellagio (Las Vegas), Borgata and Tropicana. Casino cash-out slips were found from Aria Casino (Las Vegas), along with casino chips from Live! Casino (Maryland) and Bally's Park Place (Atlantic City).
- On December 9, 2017, D'Amico and McClure traveled to the offices of a book publisher and literary agent in New York City. Negotiations were undertaken to establish a possible book and movie deal, which would be based upon the fake gas story and the subsequent "Paying it Forward" campaign." During the months from January 2018 and into the inception of the civil litigation in August 2018, McClure, D'Amico and Bobbitt met with the publisher and author and exchanged text messages, electronic communications and phone calls to discuss the details of the proposed book and movie deals. During the search warrant execution at McClure's and D'Amico's residence in Florence on September 6, 2018, a letter outlining the agreement between the literary agent and the trio was found in the kitchen. The last page of the agreement listed the names of Bobbitt, D'Amico and McClure with signatures and/or initials by each name.
- A review of information regarding pawnshop activity by Bobbitt, D'Amico and McClure showed that D'Amico pawned an I-Phone on November 9, 2017, the day before the photo of Bobbitt and McClure at the I-95 off-ramp was taken and the "Paying it Forward" campaign was established. Despite receiving substantial GoFundMe donations, Bobbitt and D'Amico independently pawned multiple items between February 6, 2018 and August 19, 2018. The pair each had seven pawn transactions. Among the items that D'Amico pawned were electronic games cartridges and X-Box System, a laptop computer, an Apple watch, a Movado watch, and another Apple I-Phone. Bobbitt's pawn transactions involved two video game cartridges, three Apple MacBook laptop computers, a camera and related equipment and a power saw. There was no record of McClure pawning any items.
- Analysis was done of data derived from McClure's primary bank account, into which most of the monies GoFundMe electronically transferred. A net total of \$347,567.40 was deposited into McClure's account by GoFundMe from November 2017 through December 2017. This amount is in addition to \$19,541.41 in GoFundMe contributions that were deposited onto the GreenDot cards.

- From November 30, 2017 through March 26, 2018, there was \$189,375.00 transferred from the primary bank account into other bank accounts owned by McClure, and cash withdrawals of \$89,623.41, which totaled \$278,998.41. Analysis of expenditures made by McClure and D'Amico from all bank accounts during this same time period shows multiple items of note, including casino gambling play of \$21,054.00; travel expenses of \$20,747.47 for a 2018 New Year's vacation in Las Vegas; Crypto Currency purchases of \$12,752.49; and the BMW and trailer purchases totaling \$42,782.19. There are also the cash withdrawals from all bank accounts totaling \$188,051.00 during this time period. A breakdown of the cash withdrawals above indicates that \$85,363.00 of this amount occurred at, or in the immediate vicinity of, casinos located in Atlantic City, Bensalem, Philadelphia, and Las Vegas.

Based on the above, and to the best of my knowledge, information, and belief, I would swear and submit that there is probable cause to believe that these individuals committed the crimes of Theft by Deception, in violation of N.J.S.A. 2C:20-4(a);(b);(c), a crime of the second degree, and Conspiracy to Commit Theft by Deception, in violation of N.J.S.A. 2C:5-2a(1); 2C:20-4(a);(b);(c), a crime of the second degree.

Detective Thomas La Rosa
Burlington County Prosecutor's Office

Sworn and subscribed before me
this _____ day of _____, _____.

The Honorable Terrence R. Cook, P.J.Cr.
Burlington County Superior Court