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MELINDA HAAG (CABN 132612)
United States Attorney

FILED
2011 SEP 21 P 3:51
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
N.D. OF CALIFORNIA

SEALED BY ORDER
OF THE COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DLJ
HRL

UNITED STATES OF AMERICA,

CR 11-00683
No. CR-

Plaintiff,

v.

CHRISTOPHER DOYON,
aka "PLF," "Commander Adama," and
"Commander X,"
JOSHUA JOHN COVELLI,
aka "Absolem," and "Toxic,"

Defendants.

VIOLATIONS: 18 U.S.C. §§1030(b),
(c)(4)(A)(i)(I) – Conspiracy; 18 U.S.C. §§
1030(a)(5)(A), (c)(4)(A)(i)(I), (c)(4)(B)(i) –
Intentional Damage to a Protected
Computer; 18 U.S.C. § 2 – Aiding and
Abetting.

(SAN JOSE VENUE)

Filed Under Seal

INDICTMENT

The Grand Jury charges:

Introductory Allegations:

At all times relevant to this Indictment:

1. The County of Santa Cruz, California ("Santa Cruz County"), was located wholly within the Northern District of California. Santa Cruz County maintained a website on the Internet through computer servers also located within the Northern District of California. This website allowed access to Santa Cruz County's government entities and programs, including Emergency Services, Law Enforcement, the Courts, Social Services, Agricultural Extension,

INDICTMENT

1 Employment, Surplus Sales, Vendor Registration, and Construction Projects and Proposals.
2 Santa Cruz County's website and computer servers were used in and affecting interstate and
3 foreign commerce and communication.

4 2. The City of Santa Cruz ("Santa Cruz City") was located wholly within Santa Cruz
5 County. The Santa Cruz City Municipal Code ("the Municipal Code") was a codification of the
6 general ordinances of Santa Cruz City. Section 6.36.010 of the Municipal Code, entitled
7 "Camping Prohibited," contained restrictions and definitions on camping within Santa Cruz City.
8 In response to the enforcement of Section 6.36.010, protesters occupied the Santa Cruz County
9 Courthouse premises from approximately July 4, 2010, to October 2, 2010. Law enforcement
10 officers from Santa Cruz County disbanded the protest and several protesters were charged with
11 misdemeanors crimes in Santa Cruz County.

12 3. The People's Liberation Front, also known as PLF, was an online collective of
13 individuals that was associated with collaborative hacking attacks motivated by political and
14 social goals, often referred to as "hactivism."

15 4. A Distributed Denial of Service ("DDoS") was a hacking attack that attempted to
16 render a computer resource unavailable to its intended users. One common DDoS attack
17 attempted to saturate the target computer or network with external communications requests,
18 such that the target could not respond to legitimate traffic, or responded so slowly as to render the
19 target effectively unavailable.

20 5. A High Orbit Ion Cannon ("HOIC") was an open source computer program that
21 was originally designed as a network security and stability testing application, but which was also
22 used as a tool by DDoS attackers. Attackers used HOIC to send extremely large amounts of
23 packets or requests over a network in an attempt to overwhelm a target.

24 DDoS Attacks on the County of Santa Cruz, California:

25 6. In retribution for Santa Cruz City's enforcement of Section 6.36.010 of the
26 Municipal Code, and Santa Cruz County's disbandment of the protest, the PLF coordinated and
27 executed a DDoS attack against Santa Cruz County's computer servers using HOIC. The PLF
28 referred to these co-ordinated attacks on Santa Cruz County as "Operation Peace Camp 2010."

1 COUNT ONE: (18 U.S.C. § 1030(b) – Conspiracy to Commit Intentional Damage to a
2 Protected Computer)

3 7. The factual allegations contained in Paragraphs 1 through 6 are realleged
4 and incorporated herein by reference as if set forth in full.

5 8. On or about a date unknown but at least by December 12, 2010, and continuing to
6 on or about December 16, 2010, in the Northern District of California and elsewhere, the
7 defendants,

8 CHRISTOPHER DOYON,
9 aka “PLF,” “Commander Adama,” and
10 “Commander X,”

11 JOSHUA JOHN COVELLI,
12 aka “Absolem,” and “Toxic,”

13 did knowingly conspire and agree with each other and other persons known and unknown to the
14 Grand Jury to commit Intentional Damage to a Protected Computer, in violation of 18 U.S.C. §§
15 1030(a)(5)(A), (c)(4)(A)(i)(I), & (c)(4)(B)(I), that is to commit a DDoS attack on Santa Cruz
16 County’s protected computers.

17 All in violation of Title 18, United States Code, Sections 1030(b) & (c)(4)(A)(i)(I).

18 COUNT TWO: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(A)(i)(I), (c)(4)(B)(i) & (2) –
19 Intentional Damage to a Protected Computer, Aiding and Abetting)

20 9. The factual allegations contained in Paragraphs 1 through 6 are realleged
21 and incorporated herein by reference as if set forth in full.

22 On or about December 16, 2010, in the Northern District of California and
23 elsewhere, the defendant,

24 CHRISTOPHER DOYON,
25 aka “PLF,” “Commander Adama,” and
26 “Commander X,”

27 knowingly caused the transmission of a program, information, code, and command, that is,
28 HOIC, and, as a result of such conduct, intentionally caused damage without authorization to
protected computers of Santa Cruz County, and caused loss to 1 or more persons during a 1-year
period affecting protected computers aggregating at least \$5,000 in value.

1 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(A)(i)(I),
2 (c)(4)(B)(i), & 2.

3 COUNT THREE: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(A)(i)(I), (c)(4)(B)(i) & (2) –
4 Intentional Damage to a Protected Computer, Aiding and Abetting)

5 10. The factual allegations contained in Paragraphs 1 through 6 are realleged
6 and incorporated herein by reference as if set forth in full.

7 On or about December 16, 2010, in the Northern District of California and
8 elsewhere, the defendant,

9 JOSHUA JOHN COVELLI,
10 aka "Absolem," and "Toxic,"

11 knowingly caused the transmission of a program, information, code, and command, that is,
12 HOIC, and, as a result of such conduct, intentionally caused damage without authorization to
13 protected computers of Santa Cruz County, and caused loss to 1 or more persons during a 1-year
14 period affecting protected computers aggregating at least \$5,000 in value.

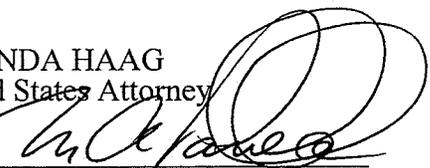
15 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(A)(i)(I),
16 (c)(4)(B)(i), & 2.

17
18 DATED: 9/21/11

A TRUE BILL.


FOREPERSON

21 MELINDA HAAG
22 United States Attorney

23 
MATTHEW A. PARRELLA
24 Chief, CHIP Unit

25 (Approved as to form: )
26 AUSAs PARRELLA & CHEW

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

Count 1: 18 U.S.C. §§ 1030(b), (c)(4)(A)(i)(I) - Conspiracy Petty
Counts 2-3: 18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(A)(i)(I), (c)(4)(B)(i) - Intentional Damage to a Protected Computer Minor

Misdemeanor
 Felony

PENALTY: Count 1: 5 years imprisonment, \$250,000 fine.
Counts 2-3: 10 years imprisonment each count; \$250,000 fine each count.

SEALED BY ORDER OF THE COURT

CR 11 00683

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

2011 SEP 21 P 3:52

DEFENDANT - U.S.

CHRISTOPHER DOYON aka "PLF," "Commander Adam," and

DISTRICT COURT NUMBER

DLJ

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) If not detained give date any prior summons was served on above charges
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
 - 5) On another conviction } Federal State
 - 6) Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No } If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

This report amends AO 257 previously submitted

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI Special Agent Melanie Adams

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of: U.S. ATTORNEY DEFENSE } **SHOW DOCKET NO.**

this prosecution relates to a pending case involving this same defendant } **MAGISTRATE CASE NO.**

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form **Melinda Haag**

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) **Matthew A. Parrella**

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: No Bail

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: **DLJ**

Comments:

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

Count 1: 18 U.S.C. §§ 1030(b), (c)(4)(A)(i)(I) - Conspiracy
Counts 2-3: 18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(A)(i)(I), (c)(4)(B)(i) - Intentional Damage to a Protected Computer

- Petty
Minor
Misdemeanor
Felony

PENALTY: Count 1: 5 years imprisonment, \$250,000 fine
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SEALED BY ORDER OF THE COURT

CR 11 00683

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

2011 SEP 21 P 3:51

DEFENDANT - U.S.

JOSHUA JOHN COVELLI
aka "Absolem" and "Toxic"

DISTRICT COURT NUMBER

DLJ

HRL

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI Special Agent Melanie Adams

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of.

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form Melinda Haag

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Matthew A. Parrella

IS NOT IN CUSTODY

- Has not been arrested, pending outcome this proceeding.
1) If not detained give date any prior summons was served on above charges
2) Is a Fugitive
3) Is on Bail or Release from (show District)

NDCA - CR-11-00471-DLJ

IS IN CUSTODY

- 4) On this charge
5) On another conviction Federal State
6) Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount:

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

223 West Funderurg Road, Apt. 12, Fairborn, Ohio

Date/Time: November 1, 2011

Before Judge: Crowl HRL

Comments: Please have the U.S. Marshal's Service serve the Summons by mail.

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

9:30 PM

Handwritten signature/initials

FILED

2011 SEP 21 P 3:51

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
N.D. CALIF. - SAN JOSE

MELINDA HAAG (CABN 132612)
United States Attorney
MIRANDA KANE (CABN 150630)
Chief, Criminal Division
MATTHEW A. PARRELLA (NYSBN 2040855)
Assistant United States Attorneys
150 Almaden Boulevard, Suite 900
San Jose, California 95113
Tel: (408) 535-5054
Fax: (408) 535-5066 (facsimile)

SEALED BY ORDER
OF THE COURT

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DLJ

CR 11 00683

HRL

UNITED STATES OF AMERICA,
Plaintiff,
v.
CHRISTOPHER DOYON,
aka "PLF," "Commander Adama," and
"Commander X,"
JOSHUA JOHN COVELLI,
aka "Absolem," and "Toxic,"
Defendants.

UNITED STATES' APPLICATION TO
SEAL INDICTMENT [~~PROPOSED~~]
ORDER

(UNDER SEAL)

The government hereby moves the Court for an order sealing the indictment, this motion, and the Court's sealing order until further order of the Court because the defendants named above have not yet been arrested and the investigation and efforts to locate the defendant are ongoing.

///
///

DOCUMENT NO. 27
DISTRICT COURT
CRIMINAL DIVISION

1 The United States requests copies of the sealed indictment, summons, arrest warrant and this
2 Application and Order.

3
4 DATED: September 20, 2011

Respectfully submitted,

5 MELINDA HAAG
6 United States Attorney

7 
8 HANLEY CHEW
Assistant United States Attorneys

9
10 **[PROPOSED] ORDER**

11 Based upon the motion of the government and for good cause shown, IT IS HEREBY
12 ORDERED that the indictment, arrest warrant, this motion, this sealing order, and all related
13 papers shall be sealed until further order of the Court. The Clerk of the Court is ordered to
14 furnish copies of these documents to the United States Attorney's Office and to Special Agents
15 of the Federal Bureau of Investigation .

16
17 DATED: September 21, 2011

18 
PAUL S. GREWAL
United States Magistrate Judge
19 Howard R. Lloyd

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