

MELINDA HAAG (CABN 132612)
United States Attorney

Filed

DEC 3 - 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER COOPER, JOSHUA JOHN
COVELLI, KEITH DOWNEY, MERCEDES
HAEFER, DONALD HUSBAND, VINCENT
KERSHAW, ETHAN MILES, JAMES
MURPHY, DREW ALLAN PHILLIPS,
JEFFREY PUGLISI, DANIEL SULLIVAN,
TRACY ANN VALENZUELA, and
CHRISTOPHER VO,

Defendants.

CASE NO. CR 11-00471 DLJ

VIOLATION: 18 U.S.C. §§ 1030(b), (c)(4)(A)(i)(I) –
Conspiracy; 18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i)
– Intentional Damage to a Protected Computer (Class
A Misdemeanor); 18 U.S.C. §§ 1030(a)(5)(B),
(c)(4)(G)(i) – Reckless Damage to a Protected
Computer (Class A Misdemeanor)

SUPERSEDING INFORMATION

The United States Attorney charges:

Introductory Allegations:

At all times relevant to this Indictment:

1. PayPal, Inc. ("PayPal") was an e-commerce business, wholly-owned by eBay, Inc., with headquarters and computer servers located in San Jose, California, that enabled payments and

NO. CR 11-00471 DLJ
SUPERSEDING INFORMATION

1 money transfers to be made over the Internet. These online money transfers served as electronic
2 alternatives to traditional paper payment methods, such as checks and money orders. PayPal required its
3 customers to abide by its terms of service, and conducted business in interstate and foreign commerce.
4 PayPal's computers were used in and affecting interstate and foreign commerce and communication.

5 2. WikiLeaks was an international non-profit organization that published submissions of
6 otherwise unavailable documents from anonymous sources. The WikiLeaks website stated that
7 WikiLeaks provided an innovative, secure, and anonymous way for independent sources to leak
8 information. WikiLeaks' only revenue stream was through donations, and it conducted its collection of
9 donations through PayPal, among others. Julian Assange was the founder, main spokesperson, and
10 editor-in-chief for WikiLeaks.

11 3. Anonymous, also known as AnonOps ("Anonymous"), was an online collective of
12 individuals that was associated with collaborative hacking attacks motivated by political and social
13 goals, often referred to as "hactivism."

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

18 5. A Low Orbit Ion Cannon ("LOIC") was an open source computer program that was
19 originally designed as a network stress testing application, but which was also used as a tool by DDoS
20 attackers. Attackers used LOIC to send extremely large amounts of packets or requests over a network
21 in an attempt to overwhelm a target. Attackers configured LOIC in two ways: Manual mode or HIVE
22 mode. In Manual mode, an individual attacker had to enter a specific target, such as the IP address or
23 the http address of the target. The HIVE mode enabled an attacker to connect their LOIC to an Internet
24 Relay Chat Server, which allowed a third party to control at which specific target all HIVE-mode LOIC
25 attackers would be aimed.

26 Anonymous DDoS Attacks on PayPal:

27 6. In late November 2010, WikiLeaks released a large amount of classified United States

1 State Department cables on its website. Citing violations of the PayPal terms of service, and in response
2 to WikiLeaks' release of the classified cables, PayPal suspended WikiLeaks' accounts such that
3 Wikileaks could no longer receive donations via PayPal. WikiLeaks' website declared that PayPal's
4 action "tried to economically strangle WikiLeaks."

5 7. In retribution for PayPal's termination of WikiLeaks' donation account, Anonymous co-
6 ordinated and executed DDoS attacks against PayPal's computer servers using LOIC. Anonymous
7 referred to these co-ordinated attacks on PayPal as "Operation Avenge Assange."

8 COUNT ONE: (18 U.S.C. §§ 1030(b), (c)(4)(A)(i)(I) - Conspiracy)

9 8. The factual allegations contained in Paragraphs 1 through 7 are realleged
10 and incorporated herein by reference as if set forth in full.

11 9. On or about a date unknown but at least by December 6, 2010, and continuing to on or
12 about December 10, 2010 , in the Northern District of California and elsewhere, the defendants,

13
14 CHRISTOPHER COOPER,
15 JOSHUA JOHN COVELLI,
16 KEITH DOWNEY,
17 MERCEDES HAEFER,
18 DONALD HUSBAND,
19 VINCENT KERSHAW,
20 ETHAN MILES,
21 JAMES MURPHY,
22 DREW ALLAN PHILLIPS
23 JEFFREY PUGLISI,
24 DANIEL SULLIVAN,
25 CHRISTOPHER VO, and
26 TRACY ANN VALENZUELA,

27 did knowingly conspire and agree with each other and other persons known and unknown
28 to commit Intentional Damage to a Protected Computer, in violation of 18 U.S.C. §§
1030(a)(5)(A) & (c)(4)(A)(i)(I), that is to commit a DDoS attack on PayPal's protected computers.

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

1 COUNT TWO: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
2 Computer)

3 10. Between December 6, 2010 and December 10, 2010, in the Northern District of
4 California and elsewhere, the defendant,

5 CHRISTOPHER COOPER,

6 did knowingly cause the transmission of a program, information, code or command, to wit, the Low
7 Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused
8 damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in
9 interstate and foreign commerce and communication.

10 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A
11 misdemeanor.

12 COUNT THREE: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
13 Computer)

14 11. Between December 6, 2010 and December 10, 2010, in the Northern District of
15 California and elsewhere, the defendant,

16 JOSHUA JOHN COVELLI,

17 did knowingly cause the transmission of a program, information, code or command, to wit, the Low
18 Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused
19 damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in
20 interstate and foreign commerce and communication.

21 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A
22 misdemeanor.

23 COUNT FOUR: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
24 Computer)

25 12. On or about December 16, 2010, in the Northern District of California and elsewhere, the
26 defendant,

27 JOSHUA JOHN COVELLI,

28 did knowingly cause the transmission of a program, information, code or command, to wit, the High

1 Orbit Ion Cannon (HOIC) software program, and as a result of such conduct, intentionally caused
2 damage without authorization to a protected computer, to wit, the Santa Cruz County web server, a
3 computer used in interstate and foreign commerce and communication.

4 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A
5 misdemeanor.

6 COUNT FIVE: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
Computer)

7
8 13. Between December 6, 2010 and December 10, 2010, in the Northern District of
California and elsewhere, the defendant,

9 KEITH DOWNEY,

10 did knowingly cause the transmission of a program, information, code or command, to wit, the Low
11 Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused
12 damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in
13 interstate and foreign commerce and communication.

14 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A
15 misdemeanor.

16 COUNT SIX: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
17 Computer)

18 14. Between December 6, 2010 and December 10, 2010, in the Northern District of
19 California and elsewhere, the defendant,

20 MERCEDES HAEFER,

21 did knowingly cause the transmission of a program, information, code or command, to wit, the Low
22 Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused
23 damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in
24 interstate and foreign commerce and communication.

25 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A
26 misdemeanor.

27
28 NO. CR 11-00471 DLJ
SUPERSEDING INFORMATION

1 COUNT SEVEN: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
2 Computer)

3 15. Between December 6, 2010 and December 10, 2010, in the Northern District of
4 California and elsewhere, the defendant,

5 DONALD HUSBAND,

6 did knowingly cause the transmission of a program, information, code or command, to wit, the Low
7 Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused
8 damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in
9 interstate and foreign commerce and communication.

10 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A
11 misdemeanor.

12 COUNT EIGHT: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
13 Computer)

14 16. Between December 6, 2010 and December 10, 2010, in the Northern District of
15 California and elsewhere, the defendant,

16 VINCENT KERSHAW,

17 did knowingly cause the transmission of a program, information, code or command, to wit, the Low
18 Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused
19 damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in
20 interstate and foreign commerce and communication.

21 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A
22 misdemeanor.

23 COUNT NINE: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
24 Computer)

25 17. Between December 6, 2010 and December 10, 2010, in the Northern District of
26 California and elsewhere, the defendant,

27 ETHAN MILES,

28 NO. CR 11-00471 DLJ
SUPERSEDING INFORMATION

1 did knowingly cause the transmission of a program, information, code or command, to wit, the Low
2 Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused
3 damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in
4 interstate and foreign commerce and communication.

5 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A
6 misdemeanor.

7 COUNT TEN: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
8 Computer)

9 18. Between December 6, 2010 and December 10, 2010, in the Northern District of
10 California and elsewhere, the defendant,

11 JAMES MURPHY,

12 did knowingly cause the transmission of a program, information, code or command, to wit, the Low
13 Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused
14 damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in
15 interstate and foreign commerce and communication.

16 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A
17 misdemeanor.

18 COUNT ELEVEN: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
19 Computer)

20 19. Between December 6, 2010 and December 10, 2010, in the Northern District of
21 California and elsewhere, the defendant,

22 DREW ALLAN PHILLIPS,

23 did knowingly cause the transmission of a program, information, code or command, to wit, the Low
24 Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused
25 damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in
26 interstate and foreign commerce and communication.

27 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A

28 NO. CR 11-00471 DLJ
SUPERSEDING INFORMATION

1 misdemeanor.

2 COUNT TWELVE: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
3 Computer)

4 20. Between December 6, 2010 and December 10, 2010, in the Northern District of
5 California and elsewhere, the defendant,

6 JEFFREY PUGLISI,

7 did knowingly cause the transmission of a program, information, code or command, to wit, the Low
8 Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused
9 damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in
10 interstate and foreign commerce and communication.

11 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A
12 misdemeanor.

13 COUNT THIRTEEN: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
14 Computer)

15 21. Between December 6, 2010 and December 10, 2010, in the Northern District of
16 California and elsewhere, the defendant,

17 DANIEL SULLIVAN,

18 did knowingly cause the transmission of a program, information, code or command, to wit, the Low
19 Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused
20 damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in
interstate and foreign commerce and communication.

21 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A
22 misdemeanor.

23 COUNT FOURTEEN: (18 U.S.C. §§ 1030(a)(5)(B), (c)(4)(G)(i) – Reckless Damage to a Protected
24 Computer)

25 22. Between December 6, 2010 and December 10, 2010, in the Northern District of
26 California and elsewhere, the defendant,

27 NO. CR 11-00471 DLJ
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TRACY ANN VALENZUELA,

knowingly and intentionally accessed a protected computer without authorization, to wit, Paypal's web server, and as a result of such conduct, recklessly caused damage to that computer.

All in violation of Title 18, United States Code, Sections 1030(a)(5)(B), (c)(4)(G)(i), a Class A misdemeanor.

COUNT FIFTEEN: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) - Intentional Damage to a Protected Computer)

23. Between December 6, 2010 and December 10, 2010, in the Northern District of California and elsewhere, the defendant,

CHRISTOPHER VO,

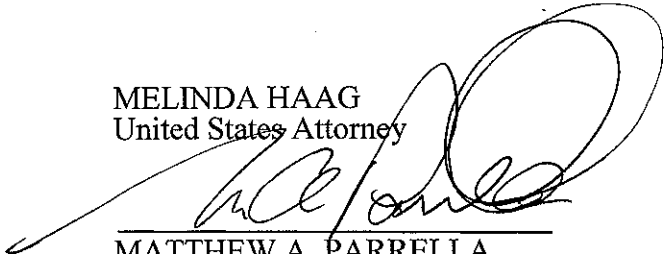
did knowingly cause the transmission of a program, information, code or command, to wit, the Low Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in interstate and foreign commerce and communication.

All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A misdemeanor.

Dated:

12/3/13

MELINDA HAAG
United States Attorney



MATTHEW A. PARRELLA
Chief, CHIP Unit

AO 257 (Rev. 6/78)

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

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

Conspiracy - 18 U.S.C. 1030(b), (c)(4)(A)(i)(I) Petty
Intentional Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(A), (c)(4)(G)(i) Minor
Reckless Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(B), (c)(4)(G)(i) Misdemeanor
 Felony

PENALTY: Count 1 - 5 years imprisonment; \$250,000 fine, 3 years supervised release; \$100 mandatory special assessment
Counts 2-16 - 1 year imprisonment; \$100,000 fine; 1 year supervised release; \$25 mandatory assessment each count

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

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

Filed

DEFENDANT - U.S.

DEC 3 - 2013

Christopher Cooper

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT

DISTRICT COURT NUMBER NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

11-00471 DLJ

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 Parrella

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

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

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: _____

Comments: _____

DR

AO 257 (Rev. 6/78)

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Stamp: **FILED**
Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
CLERK OF DISTRICT COURT
RICHARD W. WIEKING
U.S. DISTRICT COURT
SAN JOSE, CALIFORNIA
11-00471 DLJ
DEC 3 - 2013
Richard W. Wiekling
Clerk, U.S. District Court
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NORTHERN DISTRICT OF CALIFORNIA
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SAN JOSE
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE
Richard W. Wiekling
U.S. District Court
Northern District of California
San Jose
11-00471 DLJ

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

FBI Special Agent Melanie Adams

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NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FILED
DEC 3 - 2013

DEFENDANT
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

DISTRICT COURT NUMBER 3 - 2013

11-00471 DLJ

Richard W. Wieking
Clerk, U.S. District Court
Northern District of California
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Has detainer been filed? Yes No

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OFFENSE CHARGED

- Conspiracy - 18 U.S.C. 1030(b), (c)(4)(A)(i)(I)
- Intentional Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(A), (c)(4)(G)(i)
- Reckless Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(B), (c)(4)(G)(i)
- Petty
- Misdemeanor
- Felony

PENALTY: Count 1 -5 years imprisonment; \$250,000 fine, 3 years supervised release; \$100 mandatory special assessment
Counts 2-16 - 1 year imprisonment; \$100,000 fine; 1 year supervised release; \$25 mandatory assessment each count

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 Parrella

Filed
Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
DEC 3 - 2013
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE
DISTRICT COURT NUMBER
11-00471 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

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

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: _____

Comments:

AG

AO 257 (Rev. 6/78)

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

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

- Conspiracy - 18 U.S.C. 1030(b), (c)(4)(A)(i)(I) Petty
- Intentional Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(A), (c)(4)(G)(i) Minor
- Reckless Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(B), (c)(4)(G)(i) Misdemeanor
- Felony

PENALTY: Count 1 -5 years imprisonment; \$250,000 fine, 3 years supervised release; \$100 mandatory special assessment
Counts 2-16 - 1 year imprisonment; \$100,000 fine; 1 year supervised release; \$25 mandatory assessment each count

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

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

Filed

DEC 3 - 2013

DEFENDANT - U.S.

Vincent Kershaw

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

DISTRICT COURT NUMBER

11-00471 DLJ

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 Parrella

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

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

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: _____

Comments:

△ 7

AO 257 (Rev. 6/78)

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

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

Conspiracy - 18 U.S.C. 1030(b), (c)(4)(A)(i)(I) Petty
Intentional Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(A), (c)(4)(G)(i) Minor
Reckless Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(B), (c)(4)(G)(i) Misdemeanor
 Felony

PENALTY: Count 1 - 5 years imprisonment; \$250,000 fine, 3 years supervised release; \$100 mandatory special assessment
Counts 2-16 - 1 year imprisonment; \$100,000 fine; 1 year supervised release; \$25 mandatory assessment each count

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

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

Filed

DEC 3 - 2013

DEFENDANT - U.S.

Ethan Miles

DISTRICT COURT NUMBER
11-00471 DLJ

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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 Parrella

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

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

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: _____

Comments: _____

AS

AO 257 (Rev. 6/78)

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

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

Conspiracy - 18 U.S.C. 1030(b), (c)(4)(A)(i)(I) Petty
Intentional Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(A), (c)(4)(G)(i) Minor
Reckless Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(B), (c)(4)(G)(i) Misdemeanor
 Felony
PENALTY: Count 1 - 5 years imprisonment; \$250,000 fine, 3 years supervised release; \$100 mandatory special assessment
Counts 2-16 - 1 year imprisonment; \$100,000 fine; 1 year supervised release; \$25 mandatory assessment each count

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

NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Filed

DEC 3 - 2013

DEFENDANT - U.S.

James Murphy

DISTRICT COURT NUMBER
11-00471 DLJ

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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 Parrella

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

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

Bail Amount: _____

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

Date/Time: _____ Before Judge: _____

Comments:

△ 9

AO 257 (Rev. 6/78)

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

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

- Conspiracy - 18 U.S.C. 1030(b), (c)(4)(A)(i)(I) Petty
- Intentional Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(A), (c)(4)(G)(i) Minor
- Reckless Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(B), (c)(4)(G)(i) Misdemeanor
- Felony

PENALTY: Count 1 - 5 years imprisonment; \$250,000 fine, 3 years supervised release; \$100 mandatory special assessment
Counts 2-16 - 1 year imprisonment; \$100,000 fine; 1 year supervised release; \$25 mandatory assessment each count

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

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

Filed

Drew Allan Phillips

DEC 3 - 2013

DISTRICT COURT NUMBER

11-00471 DLJ

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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 Parrella

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

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

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: _____

Comments:

Δ10

AO 257 (Rev. 6/78)

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

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

- Conspiracy - 18 U.S.C. 1030(b), (c)(4)(A)(i)(I) Petty
- Intentional Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(A), (c)(4)(G)(i) Minor
- Reckless Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(B), (c)(4)(G)(i) Misdemeanor
- Felony

PENALTY: Count 1 - 5 years imprisonment; \$250,000 fine, 3 years supervised release; \$100 mandatory special assessment
Counts 2-16 - 1 year imprisonment; \$100,000 fine; 1 year supervised release; \$25 mandatory assessment each count

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

NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DEFENDANT - U.S.

Jeffrey Puglisi

Filed

DISTRICT COURT NUMBER MEC 3 - 2013

11-00471 DLJ

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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

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

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 Parrella

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

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: _____

Comments:

11

AO 257 (Rev. 6/78)

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

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

Conspiracy - 18 U.S.C. 1030(b), (c)(4)(A)(i)(I) Petty
Intentional Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(A), (c)(4)(G)(i) Minor
Reckless Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(B), (c)(4)(G)(i) Misdemeanor
 Felony
PENALTY: Count 1 - 5 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 mandatory special assessment
Counts 2-16 - 1 year imprisonment; \$100,000 fine; 1 year supervised release; \$25 mandatory assessment each count

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

NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DEFENDANT - U.S.

Daniel Sullivan

DISTRICT COURT NUMBER
11-00471 DLJ

Filed

DEC 3 - 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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 Parrella

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

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

Bail Amount: _____

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

Date/Time: _____ Before Judge: _____

Comments:

Δ12

AO 257 (Rev. 6/78)

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

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

Conspiracy - 18 U.S.C. 1030(b), (c)(4)(A)(i)(I) Petty
Intentional Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(A), (c)(4)(G)(i) Minor
Reckless Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(B), (c)(4)(G)(i) Misdemeanor
 Felony
PENALTY: Count 1 - 5 years imprisonment; \$250,000 fine, 3 years supervised release; \$100 mandatory special assessment
Counts 2-16 - 1 year imprisonment; \$100,000 fine; 1 year supervised release; \$25 mandatory assessment each count

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

NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Filed

DEFENDANT - U.S.

DEC 3 - 2013

Tracy Ann Valenzuela
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
DISTRICT COURT NUMBER 11-00471 DLJ
SAN JOSE

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 Parrella

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

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

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: _____

Comments:

13

AO 257 (Rev. 6/78)

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

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

Conspiracy - 18 U.S.C. 1030(b), (c)(4)(A)(i)(I) Petty
Intentional Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(A), (c)(4)(G)(i) Minor
Reckless Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(B), (c)(4)(G)(i) Misdemeanor
 Felony

PENALTY: Count 1 - 5 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 mandatory special assessment
Counts 2-16 - 1 year imprisonment; \$100,000 fine; 1 year supervised release; \$25 mandatory assessment each count

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

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

Filed

DEC 3 - 2013

DEFENDANT - U.S.

Christopher Vo

DISTRICT COURT NUMBER
11-00471 DLJ

RICHARD W. WIEKING
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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 Parrella

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

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

Bail Amount: _____

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

Date/Time: _____ Before Judge: _____

Comments:

MPH