DISCLAIMER: The following document is a **fictionalized indictment** used as the basis for a mock trial at the Black Hat 2004 conference. The events described did not occur. The characters are fictional and any resemblance to any person, living or dead, is purely coincidental.

Before: HONORABLE PHILLIP M. PRO
Chief United States District Court Judge
District of Nevada, by designation

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

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	)	
UNITED STATES OF AMERICA	)	
	)	INDICTMENT
v.	)	
	)	18 U.S.C. § 1030(a)(5)(A)(i)
MARVIN BIGGS a/k/a	)	(Damage to protected computer);
"CAPTAIN JACK HACK"	)	18 U.S.C. § 1030(a)(2)(B)
	)	(Obtaining information from
	)	computer used by U.S. Agency);
	)	18 U.S.C. § 1030(a)(2)(C)
	)	(Obtaining information from
	)	protected computer);
	)	18 U.S.C. § 1030(b), (a)(5)(A)(i)
	)	(Attempt to damage protected
	)	computer)
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The Grand Jury charges:

1. At all times material to this Indictment:

a. The Department of the Navy is a military department of the United States Government, which is "organized, trained, and equipped primarily for prompt and sustained combat incident to operations at sea." 10 U.S.C. § 5062(a).

b. The United States Naval Academy ("Naval Academy") is an institute of higher learning located in Annapolis, Maryland, for the instruction and preparation of men and women to become professional officers in the U.S. Navy and Marine Corps.

c. To assist in carrying out its mission, the Naval Academy maintains and operates a network of approximately 2,500 computers in Annapolis, Maryland, for the use of its faculty, students, and other military personnel and government civilian employees.

d. The Naval Academy computers in this network are exclusively for the use of the United States Government. Furthermore, these computers are used in interstate and foreign commerce and communication. Thus, the computers connected to the Naval Academy network are "protected computers" within the meaning of Title 18, United States Code, Section 1030(e)(2)(A) & (B).

e. The above introductory allegations are realleged and incorporated in Counts One through Four of this indictment as though fully set out in Counts One through Four.

COUNT ONE
(Damage to protected computer)

2. Between on or about May 2, 2003, and on or about May 23, 2003, in the District of Maryland and elsewhere,

MARVIN BIGGS,

defendant herein, knowingly caused the transmission of a program, information, code, and command, and as a result of such conduct, intentionally and without authorization caused damage to a protected computer, and by such conduct caused loss aggregating more than $5,000 in value during a one-year period to the Naval Academy and caused damage affecting a computer system used by the Naval Academy in furtherance of the administration of national defense and national security.

3. Specifically, the defendant intentionally accessed a computer belonging to and used exclusively by the Naval Academy, Annapolis, Maryland, which computer was used in interstate and foreign commerce and communication. The computer served as a firewall between the Internet and the Naval Academy internal network. The defendant then obtained administrator privileges on the firewall and transmitted programs, information, codes, and commands that created a "backdoor" on the firewall that allowed access to the Naval Academy internal network from the Internet. As a result of such conduct, the defendant intentionally caused damage without authorization by impairing the integrity and availability of data, programs, a system and information, and that damage: (a) caused loss aggregating more than $5,000 in value during a one-year period to the Naval Academy; and (b) affected the use of the computer system used by a government entity, the Naval Academy, in furtherance of the administration of national defense and national security.

(All in violation of Title 18, United States Code Sections 1030(a)(5)(A)(i), 1030(a)(5)(B)(i) and 1030(a)(5)(B)(v)).

COUNT TWO
(Access without authorization or exceeding authorized access and obtaining information from a department or agency of the United States)

4. Between on or about May 2, 2003, and on or about May 23, 2003, in the District of Maryland and elsewhere, defendant herein intentionally accessed a computer without authorization and exceeded authorized access, and thereby obtained information from the Naval Academy, a department or agency of the United States, and the offense was committed for

purposes of commercial advantage and private financial gain.

5. Specifically, the defendant intentionally accessed a computer belonging to and used exclusively by the Naval Academy, Annapolis, Maryland, which computer was used in interstate and foreign commerce and communication. The computer served as a file server on the Naval Academy internal network. The defendant then obtained administrator privileges without authorization and in excess of authorization and thereby obtained a database of post-graduation cadet placements from the file server. Defendant obtained the database for purposes of commercial advantage and private financial gain.

(All in violation of Title 18, United States Code Sections 1030(a)(2)(B) and 1030(c)(2)(B)(i)).

COUNT THREE
(Access without authorization or exceeding authorized access and obtaining information from a protected computer)

6. Between on or about May 2, 2003, and on or about May 23, 2003, in the District of Maryland and elsewhere, defendant herein intentionally accessed a computer without authorization and exceeded authorized access, and thereby obtained information from a protected computer and the conduct involved an interstate communication, and the offense was committed for purposes of commercial advantage and private financial gain.

7. Specifically, the defendant intentionally accessed a computer belonging to and used exclusively by the Naval Academy, Annapolis, Maryland, which computer was used in interstate and foreign commerce and communication. The computer served as a file server on the Naval Academy internal network. The defendant then obtained administrator privileges without authorization and in excess of authorization and thereby obtained a database of post-graduation cadet placements from the file server. The conduct involved a computer network connection in Virginia and the conduct thus involved an interstate communication. Defendant obtained the

database for purposes of commercial advantage and private financial gain.

(All in violation of Title 18, United States Code Sections 1030(a)(2)(C) and 1030(c)(2)(B)(i)).

COUNT FOUR
(Attempt to cause damage to protected computer)

8. Between on or about May 2, 2003, and on or about May 23, 2003, in the District of Maryland and elsewhere, defendant herein, knowingly caused the transmission of a program, information, code, and command, and as a result of such conduct, intentionally and without authorization attempted to cause damage to a protected computer. Such conduct, if it had been completed, would have caused loss aggregating more than $5,000 in value during a one-year period to the Naval Academy and would have caused damage affecting a computer system used by the Naval Academy in furtherance of the administration of national defense and national security.

9. Specifically, the defendant intentionally accessed a computer belonging to and used exclusively by the Naval Academy, Annapolis, Maryland, which computer was used in interstate and foreign commerce and communication. The computer was being operated as a "honeypot," meaning the computer was being in a controlled manner in order to monitor unauthorized accesses to the Naval Academy internal network. The defendant then obtained administrator privileges and transmitted programs, information, codes, and commands that deleted numerous files on the honeypot. As a result of such conduct, the defendant intentionally attempted to cause damage without authorization by impairing the integrity and availability of data, programs, a system and information, and that damage would have: (a) caused loss aggregating more than $5,000 in value during a one-year period to the Naval Academy; and (b) affected the use of the computer system used by a government entity, the Naval Academy, in furtherance of the administration of national defense and national security.

(All in violation of Title 18, United States Code Sections 1030(b), 1030(a)(5)(A)(i), 1030(a)(5)(B)(i) and 1030(a)(5)(B)(v)).

DATED: A TRUE BILL

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FOREPERSON

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RICHARD SALGADO
Assistant United States Attorney