

MELINDA HAAG (CABN 132612)  
United States Attorney

FILED

2011 JUL 13 P 2:33

~~SEALED BY ORDER  
OF THE COURT~~

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

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CR11 00471

JF

PSG

UNITED STATES OF AMERICA,

No. CR-

Plaintiff,

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.

v.

(SAN JOSE VENUE)

CHRISTOPHER WAYNE COOPER,  
aka "Anthrophobic,"

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

KEITH WILSON DOWNEY,  
MERCEDES RENEE HAEFER,  
aka "No," and "MMMM,"

DONALD HUSBAND,  
aka "Ananon,"

VINCENT CHARLES KERSHAW,  
aka "Trivette," "Triv," and "Reaper,"

ETHAN MILES,

JAMES C. MURPHY,  
DREW ALAN PHILLIPS,

aka "Drew010,"

JEFFREY PUGLISI,  
aka "Jeffer," "Jefferp," and "Ji,"

DANIEL SULLIVAN,  
TRACY ANN VALENZUELA,  
CHRISTOPHER QUANG VO,

Defendants.

Filed Under Seal

INDICTMENT

No. 2010R02373

SEALED BY ORDER  
CLERK OF COURT  
00471

JF

UNITED STATES DISTRICT COURT

PSG

NORTHERN DISTRICT OF CALIFORNIA

*San Jose Division*

**FILED**

JUL 13 2011

THE UNITED STATES OF AMERICA

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

VS.

[REDACTED] CHRISTOPHER WAYNE COOPER, aka  
"Anthrophobic," JOSHUA JOHN COVELLI, aka "Absolem, and, "Toxic,"  
KEITH WILSON DOWNEY, MERCEDES RENEE HAEFER, aka "No," and "mmmm,"  
DONALD HUSBAND, aka "Ananon," VINCENT CHARLES KERSHAW, aka "Trivette,"  
"Triv," and "Reaper," ETHAN MILES, JAMES C. MURPHY, DREW ALAN PHILLIPS,  
aka "Drew010," JEFFREY PUGLISI, aka "Jeffer," "Jefferp," and "Ji," DANIEL SULLIVAN,  
TRACY ANN VALENZUELA, CHRISTOPHER QUANG VO,

**INDICTMENT**

**COUNT 1:** 18 U.S.C. §§ 1030(b), (c)(4)(A)(i)(I) - Conspiracy;

**COUNTS 2 - <sup>15</sup>~~14~~:** 18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(A)(i)(I), (c)(4)(B)(I) - Intentional  
Damage to a Protected Computer.

*A true bill.*

*[Signature]* Foreperson

Filed in open court this 13th day of July

A.D. 2011

*[Signature]*  
United States Magistrate Judge

Bail. \$ No Bail Arrest Warrants all defendants

## INDICTMENT

1 The Grand Jury charges:

2 Introductory Allegations:

3 At all times relevant to this Indictment:

4 1. PayPal, Inc. ("PayPal") was an e-commerce business, wholly-owned by eBay,  
5 Inc., with headquarters and computer servers located in San Jose, California, that enabled  
6 payments and money transfers to be made over the Internet. These online money transfers served  
7 as electronic alternatives to traditional paper payment methods, such as checks and money orders.  
8 PayPal required its customers to abide by its terms of service, and conducted business in  
9 interstate and foreign commerce. PayPal's computers were used in and affecting interstate and  
10 foreign commerce and communication.

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

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

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

25 5. A Low Orbit Ion Cannon ("LOIC") was an open source computer program that  
26 was originally designed as a network stress testing application, but which was also used as a tool  
27 by DDoS attackers. Attackers used LOIC to send extremely large amounts of packets or  
28 requests over a network in an attempt to overwhelm a target. Attackers configured LOIC in two

ways: Manual mode or HIVE mode. In Manual mode, an individual attacker had to enter a specific target, such as the IP address or the http address of the target. The HIVE mode enabled an attacker to connect their LOIC to an Internet Relay Chat Server, which allowed a third party to control at which specific target all HIVE-mode LOIC attackers would be aimed.

Anonymous DDoS Attacks on PayPal:


6. In late November 2010, WikiLeaks released a large amount of classified United States State Department cables on its website. Citing violations of the PayPal terms of service, and in response to WikiLeaks' release of the classified cables, PayPal suspended WikiLeaks' accounts such that Wikileaks could no longer receive donations via PayPal. WikiLeaks' website declared that PayPal's action "tried to economically strangle WikiLeaks."

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

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

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

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

  
CHRISTOPHER WAYNE COOPER,  
aka "Anthrophobic,"  
JOSHUA JOHN COVELLI,  
aka "Absolem, and, "Toxic,"  
KEITH WILSON DOWNEY,  
MERCEDES RENEE HAEFER,  
aka "No," and "MMMM,"  
DONALD HUSBAND,  
aka "Ananon,"  
VINCENT CHARLES KERSHAW,  
aka "Trivette," "Triv," and "Reaper,"

1                   ETHAN MILES,  
2                   DREW ALAN PHILLIPS,  
3                   aka "Drew010,"  
4                   JEFFREY PUGLISI,  
5                   aka "Jeffer," "Jefferp," and "Ji,"  
6                   DANIEL SULLIVAN,  
7                   TRACY ANN VALENZUELA,  
8                   CHRISTOPHER QUANG VO,


9           did knowingly conspire and agree with each other and other persons known and unknown to the  
10          Grand Jury to commit Intentional Damage to a Protected Computer, in violation of 18 U.S.C. §§  
11          1030(a)(5)(A), (c)(4)(A)(i)(I), & (c)(4)(B)(I), that is to commit a DDoS attack on PayPal's  
12          protected computers.

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

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

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

18                   On or about between December 6, 2010 and December 10, 2010 , in the Northern  
19          District of California and elsewhere, the defendant,

20                     
21          knowingly caused the transmission of a program, information, code, and command, that is,  
22          LOIC, and, as a result of such conduct, intentionally caused damage without authorization to  
23          protected computers at PayPal, and caused loss to 1 or more persons during a 1-year period from  
24          the defendant's course of conduct affecting protected computers aggregating at least \$5,000 in  
25          value.

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

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

11.       The factual allegations contained in Paragraphs 1 through 7 are realleged

1 and incorporated herein by reference as if set forth in full.

2 On or about between December 6, 2010 and December 10, 2010 , in the Northern  
3 District of California and elsewhere, the defendant,

4 CHRISTOPHER WAYNE COOPER,  
5 aka "Anthrophobic,"

6 knowingly caused the transmission of a program, information, code, and command, that is,  
7 LOIC, and, as a result of such conduct, intentionally caused damage without authorization to  
8 protected computers at PayPal, and caused loss to 1 or more persons during a 1-year period from  
9 the defendant's course of conduct affecting protected computers aggregating at least \$5,000 in  
10 value.

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

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

15 12. The factual allegations contained in Paragraphs 1 through 7 are realleged  
16 and incorporated herein by reference as if set forth in full.

17 On or about between December 6, 2010 and December 10, 2010 , in the Northern  
18 District of California and elsewhere, the defendant,

19 JOSHUA JOHN COVELLI,  
20 aka "Absolem, and, "Toxic,"

21 knowingly caused the transmission of a program, information, code, and command, that is,  
22 LOIC, and, as a result of such conduct, intentionally caused damage without authorization to  
23 protected computers at PayPal, and caused loss to 1 or more persons during a 1-year period from  
24 the defendant's course of conduct affecting protected computers aggregating at least \$5,000 in  
25 value.

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

28 ///

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

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

5 On or about between December 6, 2010 and December 10, 2010 , in the Northern  
6 District of California and elsewhere, the defendant,

7 KEITH WILSON DOWNEY,

8 knowingly caused the transmission of a program, information, code, and command, that is,  
9 LOIC, and, as a result of such conduct, intentionally caused damage without authorization to  
10 protected computers at PayPal, and caused loss to 1 or more persons during a 1-year period from  
11 the defendant's course of conduct affecting protected computers aggregating at least \$5,000 in  
12 value.

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

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

17 14. The factual allegations contained in Paragraphs 1 through 7 are realleged  
18 and incorporated herein by reference as if set forth in full.

19 On or about between December 6, 2010 and December 10, 2010 , in the Northern  
20 District of California and elsewhere, the defendant,

21 MERCEDES RENEE HAEFER,  
22 aka "No," and "MMMM,"

23 knowingly caused the transmission of a program, information, code, and command, that is,  
24 LOIC, and, as a result of such conduct, intentionally caused damage without authorization to  
25 protected computers at PayPal, and caused loss to 1 or more persons during a 1-year period from  
26 the defendant's course of conduct affecting protected computers aggregating at least \$5,000 in  
27 value.

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

1 (c)(4)(B)(i), & 2.

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

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

6 On or about between December 6, 2010 and December 10, 2010 , in the Northern  
7 District of California and elsewhere, the defendant,

8 DONALD HUSBAND,  
9 aka "Ananon,"

10 knowingly caused the transmission of a program, information, code, and command, that is,  
11 LOIC, and, as a result of such conduct, intentionally caused damage without authorization to  
12 protected computers at PayPal, and caused loss to 1 or more persons during a 1-year period from  
13 the defendant's course of conduct affecting protected computers aggregating at least \$5,000 in  
14 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 COUNT EIGHT: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(A)(i)(I), (c)(4)(B)(i) & (2) –  
18 Intentional Damage to a Protected Computer, Aiding and Abetting)

19 16. The factual allegations contained in Paragraphs 1 through 7 are realleged  
20 and incorporated herein by reference as if set forth in full.

21 On or about between December 6, 2010 and December 10, 2010 , in the Northern  
22 District of California and elsewhere, the defendant,

23 VINCENT CHARLES KERSHAW,  
24 aka "Trivette," "Triv," and "Reaper,"

25 knowingly caused the transmission of a program, information, code, and command, that is,  
26 LOIC, and, as a result of such conduct, intentionally caused damage without authorization to  
27 protected computers at PayPal, and caused loss to 1 or more persons during a 1-year period from  
28 the defendant's course of conduct affecting protected computers aggregating at least \$5,000 in



1 value.

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

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

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

8 On or about between December 6, 2010 and December 10, 2010 , in the Northern  
9 District of California and elsewhere, the defendant,

10 ETHAN MILES,

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

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

18 COUNT TEN: (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 18. The factual allegations contained in Paragraphs 1 through 7 are realleged  
21 and incorporated herein by reference as if set forth in full.

22 On or about between December 6, 2010 and December 10, 2010 , in the Northern  
23 District of California and elsewhere, the defendant,

24 JAMES C. MURPHY,

25 knowingly caused the transmission of a program, information, code, and command, that is,  
26 LOIC, and, as a result of such conduct, intentionally caused damage without authorization to  
27 protected computers at PayPal, and caused loss to 1 or more persons during a 1-year period from  
28 the defendant's course of conduct affecting protected computers aggregating at least \$5,000 in

1 value.

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

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

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

8 On or about between December 6, 2010 and December 10, 2010 , in the Northern  
9 District of California and elsewhere, the defendant,

10 DREW ALAN PHILLIPS,  
11 aka "Drew010,"

12 knowingly caused the transmission of a program, information, code, and command, that is,  
13 LOIC, and, as a result of such conduct, intentionally caused damage without authorization to  
14 protected computers at PayPal, and caused loss to 1 or more persons during a 1-year period from  
15 the defendant's course of conduct affecting protected computers aggregating at least \$5,000 in  
16 value.

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

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

21 20. The factual allegations contained in Paragraphs 1 through 7 are realleged  
22 and incorporated herein by reference as if set forth in full.

23 On or about between December 6, 2010 and December 10, 2010 , in the Northern  
24 District of California and elsewhere, the defendant,

25 JEFFREY PUGLISI,  
26 aka "Jeffer," "Jefferp," and "Ji,"

27 knowingly caused the transmission of a program, information, code, and command, that is,  
28 LOIC, and, as a result of such conduct, intentionally caused damage without authorization to

1 protected computers at PayPal, and caused loss to 1 or more persons during a 1-year period from  
2 the defendant's course of conduct affecting protected computers aggregating at least \$5,000 in  
3 value.

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

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

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

10 On or about between December 6, 2010 and December 10, 2010 , in the Northern  
11 District of California and elsewhere, the defendant,

12 DANIEL SULLIVAN,

13 knowingly caused the transmission of a program, information, code, and command, that is,  
14 LOIC, and, as a result of such conduct, intentionally caused damage without authorization to  
15 protected computers at PayPal, and caused loss to 1 or more persons during a 1-year period from  
16 the defendant's course of conduct affecting protected computers aggregating at least \$5,000 in  
17 value.

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

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

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

24 On or about between December 6, 2010 and December 10, 2010 , in the Northern  
25 District of California and elsewhere, the defendant

26 TRACY ANN VALENZUELA,

27 knowingly caused the transmission of a program, information, code, and command, that is,  
28 LOIC, and, as a result of such conduct, intentionally caused damage without authorization to  
protected computers at PayPal, and caused loss to 1 or more persons during a 1-year period from

1 the defendant's course of conduct affecting protected computers aggregating at least \$5,000 in  
2 value.

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

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

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

9 On or about between December 6, 2010 and December 10, 2010, in the Northern  
10 District of California and elsewhere, the defendant

11 CHRISTOPHER QUANG VO,  
12 knowingly caused the transmission of a program, information, code, and command, that is,  
13 LOIC, and, as a result of such conduct, intentionally caused damage without authorization to  
14 protected computers at PayPal, and caused loss to 1 or more persons during a 1-year period from  
15 the defendant's course of conduct affecting protected computers aggregating at least \$5,000 in  
16 value.

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

19  
20 DATED:

21  
22  
23  
24  
25  
26  
27  
28  
A TRUE BILL

FOREPERSON

23 MELINDA HAAG  
24 United States Attorney

25 MATTHEW A. PARRELLA  
26 Chief, CHIP Unit

27 (Approved as to form:  #2)  
28 AUSA's PARRELLA & CHEW