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EASTERN DISTRICT OF CALIFORNIA

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13
14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 MATTHEW KEYS,

20 Defendant.

CASE NO. 2:13-CR-00082 KJM

VIOLATIONS: 18 U.S.C. § 371 – Conspiracy to Cause Damage to a Protected Computer; 18 U.S.C. § 1030(a)(5)(A) and (c)(4)(B) – Transmission of Malicious Code; 18 U.S.C. § 1030(a)(5)(a) and 1030(b) – Attempted Transmission of Malicious Code; 18 U.S.C. §§ 982(a)(2)(B) & 1030(i)(1) – Criminal Forfeiture

21
22
23 SUPERSEDING INDICTMENT

24 COUNT ONE: [18 U.S.C. § 371 – Conspiracy to Cause Damage to a Protected Computer]

25 The Grand Jury charges:

26 MATTHEW KEYS,

27 defendant herein, as follows:
28

1 **I. INTRODUCTION**

2 1. At all times relevant to this Superseding Indictment:

3 a. Defendant MATTHEW KEYS was an individual residing in Sacramento County
4 in the State and Eastern District of California.

5 b. Defendant MATTHEW KEYS had been an employee of the Sacramento,
6 California-based television station KTXL FOX 40 (“Fox 40”), and was terminated from that position in
7 or about late October 2010.

8 c. Tribune Company was a Delaware corporation that owned, among other media
9 outlets, the Los Angeles Times newspaper and Fox 40.

10 d. Tribune Company used a content management system (“CMS”) to publish web
11 versions of news stories from television stations and newspapers owned by Tribune Company.

12 e. Internet Relay Chat (“IRC”) was an Internet-based system that allowed its users,
13 located worldwide, to send and receive live messages to single or multiple recipients within various IRC
14 channels, or discussion areas.

15 f. Anonymous was a group of Internet users that had claimed responsibility for
16 intruding into, vandalizing, and disabling computer systems of governments and private entities.

17 g. “Sharpie” was the nickname of an Anonymous member.

18 h. After his employment was terminated, MATTHEW KEYS kept and used, for
19 malicious purposes, login credentials to the Tribune Company’s CMS.

20 i. MATTHEW KEYS used nicknames including “AESCracked” and “A2SCracked”
21 for his IRC communications with members of Anonymous.

22 **II. CONSPIRACY**

23 2. Between on or about December 8, 2010, and or about December 15, 2010, in the State
24 and Eastern District of California and elsewhere, the defendant, MATTHEW KEYS, together with at
25 least one other person, did conspire to knowingly cause the transmission of a program, information,
26 code, and command, and, as a result of such conduct, intentionally caused damage without authorization
27 to a protected computer, causing loss to a person during a 1-year period aggregating at least \$5,000 in
28 value, in violation of 18 U.S.C. § 1030(a)(5)(A) and (c)(4)(B), all in violation of Title 18, United States

1 Code, Section 371.

2 **III. OBJECTS**

3 3. The conspiracy had the following objects, among others: to make unauthorized changes
4 to web sites that Tribune Company used to communicate news features to the public; and to damage
5 computer systems used by Tribune Company.

6 **IV. MANNER AND MEANS OF THE CONSPIRACY**

7 The conspiracy used several means to accomplish the objects of the conspiracy, including the
8 following:

9 4. Participants identified Tribune Company, Fox 40, and The Los Angeles Times as targets
10 for online intrusion and web vandalism;

11 5. It was part of the conspiracy to share at least one username and password combination
12 that could be used to log in and make changes to Tribune Company's CMS;

13 6. It was part of the conspiracy to obtain control of at least one additional username and
14 password combination that could be used to log in and make changes to Tribune Company's CMS;

15 7. It was part of the conspiracy to log in without authorization to Tribune Company's CMS
16 for the purpose of learning how to alter and damage it; and

17 8. It was part of the conspiracy to alter the online version of a news feature published on the
18 web site of the Los Angeles Times.

19 **V. OVERT ACTS**

20 In furtherance of the conspiracy, and to accomplish the objects of the conspiracy, at least one
21 member of the conspiracy committed and caused to be committed various overt acts within the Eastern
22 District of California and elsewhere, including, but not limited to, the following:

23 9. On or about December 8, 2010, individuals identifying themselves as members of
24 Anonymous had a conversation in an IRC channel known as #internetfeds in which one conspirator
25 expressed a desire to gain unauthorized access to computer systems of Fox, a media outlet.

26 10. Defendant MATTHEW KEYS, using the nickname AESCracked, responded that "it
27 takes a while to grant one username permission to every site. I'm doing that now." Thereafter, KEYS
28 was invited to join the IRC channel #internetfeds.

1 11. Defendant MATTHEW KEYS then told the unidentified individuals that he was a former
2 employee, proceeded to give them a username and password, and told them to “go fuck some shit up.”

3 12. Between on or about December 8, 2010 and on or about December 14, 2010, at least one
4 member of the conspiracy used username anon1234 and corresponding password to reconnoiter the
5 Tribune Company CMS to ascertain how it worked and how best to accomplish the objectives of the
6 conspiracy.

7 13. On or about December 11, 2010, a member of the conspiracy began using the username
8 ngarcia on the Tribune Company CMS.

9 14. On or about December 14 and 15, 2010, a member of the conspiracy used the username
10 ngarcia to alter content in a Los Angeles Times news story published on the Tribune Company CMS to
11 read as follows:

12 Pressure builds in House to elect CHIPPY 1337.

13 House Democratic leader Steny Hoyer sees ‘very good things’ in the deal cut which will
14 see uber skid Chippy 1337 take his rightful place, as head of the Senate, reluctant House
15 Democrats told to SUCK IT UP.

15 By CHIPPYS NO1 FAN

16 15. On or about December 15, 2010, defendant MATTHEW KEYS, who was using the
17 online nickname “AESCracked,” engaged in the following conversation and did the things reflected in
18 the conversation:

19 sharpie: http://[WEB ADDRESS REDACTED]
20 sharpie: I taught myself the dystem using ngarcia
21 sharpie: *system
22 AESCracked: LOL
23 sharpie: and had a whole front page layout made for the chicago tribune
24 AESCracked: Is it live?
25 sharpie: but dam there sysadmins were good
26 sharpie: nah they killed me
27 sharpie: that was up for ½ hr
28 AESCracked: Screenshot?
sharpie: no
AESCracked: sucks
sharpie: the I menat the LA Times was up for ½ hr
AESCracked: I can grant you access again
sharpie: that would be great
sharpie: I know ho to use it now
AESCracked: Standby
AESCracked: Have to VPN to cover my tracks.
AESCracked: Oh I already am, nvm

1 sharpie: and I see that you can do a bunch of different layouts on different
papers
2 AESCracked: damn they cut off my account
sharpie: and have them all go live at the same time
3 AESCracked: hang on.
AESCracked: Nope, I'm locked out for good.
4 sharpie: fuck
AESCracked: :(
5 sharpie: yeah
AESCracked: Let me see if I can find some other users/pass I created while there.
6 sharpie: all those other accounts were dead in minutes and they found
ngarcia damn quick
7 sharpie: I got to give props to the stsadmins
sharpie: *sysadmins
8 AESCracked: LOL.
sharpie: anyjoy?
9 AESCracked: Not yet
sharpie: kay bro
10 AESCracked: Will check a little later for sure
sharpie: afk 5 mins anyway
11 sharpie: cool
sharpie: :O
12 AESCracked: I have a hard drive full of Tribune crap, but it's in another location.
sharpie: thanks
13 AESCracked: Sure thing
sharpie: that was such a buzz having my edit
14 sharpie: on the LA Times
AESCracked: Nice
15 sharpie: I could have done so much more if I'd known thr interface at the
start
16 sharpie: it's both easy and complicated

17 All in violation of Title 18, United States Code, Section 371.

18 COUNT TWO: [18 U.S.C. § 1030(a)(5)(A) and (c)(4)(B) – Transmission of Malicious Code]

19 The Grand Jury further charges:

20 MATTHEW KEYS,

21 defendant herein, as follows:

22 1. The allegations set forth in Paragraphs 1 and 3 through 15 of Count 1 are realleged as if
23 fully set forth herein.

24 2. Between on or about October 28, 2010, and on or about January 5, 2011, in the State and
25 Eastern District of California and elsewhere, the defendant, MATTHEW KEYS, did knowingly transmit
26 a program, information, code, and command, and, as a result of such conduct, intentionally caused
27 damage without authorization to a protected computer, and the offense caused loss to a person during a
28 1-year period from the defendant's course of conduct affecting a protected computer aggregating at least

1 \$5,000 in value, in that the Tribute Company spent over \$5,000 responding to the attack, conducting a
2 damage assessment, and restoring the system to its prior condition, in violation of Title 18, United
3 States Code, Sections 2 and 1030(a)(5)(A) and (c)(4)(B).

4 COUNT THREE: [18 U.S.C. § 1030(a)(5)(A) and 1030(b) – Attempted Transmission of Malicious
5 Code]

6 The Grand Jury further charges:

7 MATTHEW KEYS,

8 defendant herein, as follows:

9 1. The allegations set forth in Paragraphs 1 and 3 through 15 of Count 1 are realleged as if
10 fully set forth herein.

11 2. On or about December 15, 2010, in the State and Eastern District of California and
12 elsewhere, the defendant, MATTHEW KEYS, did knowingly attempt to cause the transmission of a
13 program, information, code, and command, and as a result of such conduct, intentionally to cause
14 damage without authorization to a protected computer, which conduct would, if completed, have caused
15 loss to a person during a 1-year period aggregating at least \$5,000 in value, in violation of Title 18,
16 United States Code, Sections 2 and 1030(a)(5)(A) and 1030(b).

17 FORFEITURE ALLEGATION: [18 U.S.C. §§ 982(a)(2)(B) and 1030(i)(1) – Criminal Forfeiture]

18 1. Upon conviction of one or more of the offenses alleged in Counts One through Three of
19 this Superseding Indictment, defendant MATTHEW KEYS shall forfeit to the United States, pursuant to
20 Title 18 United States Code Sections 982(a)(2)(B) and 1030(i)(1), all personal property used or intended
21 to be used to commit or to facilitate the commission of such violations; and any property, real or
22 personal, constituting or derived from any proceeds obtained, directly or indirectly, as a result of such
23 violations, including but not limited to:

- 24 a. One MacBook Pro, serial number W88091MYJY; and
25 b. One Toshiba hard drive, serial number X83GF1CHSEM8.

26 2. If any property subject to forfeiture, as a result of the offenses alleged in Counts One
27 through Three of this Superseding Indictment:

- 28 a. cannot be located upon the exercise of due diligence;


- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. §§ 982(b)(1) and 1030(i)(2), incorporating 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant, up to the value of the property subject to forfeiture.

A TRUE BILL.

/s/ Signature on file w/AUSA

FOREPERSON


BENJAMIN B. WAGNER
United States Attorney

No. _____

UNITED STATES DISTRICT COURT

Eastern District of California

Criminal Division

THE UNITED STATES OF AMERICA

vs.

MATTHEW KEYS

SUPERSEDING INDICTMENT

VIOLATION(S): 18 U.S.C. § 371 – Conspiracy to Cause Damage to a Protected Computer; 18 U.S.C. § 1030(a)(5)(A) AND (c)(4)(B) – Transmission of Malicious Code; 18 U.S.C. § 1030(a)(5)(a) AND 1030(b) – Attempted Transmission of Malicious Code; 18 U.S.C. §§ 982(a)(2)(B) AND 1030(i)(1) – Criminal Forfeiture

/s/ Signature on file w/AUSA

A true bill,

Foreman.

Filed in open court this 4 day

of December, A.D. 2014

[Signature]
Clerk.

NO PROCESS NECESSARY

Bail, \$ _____

[Signature]
Carolyn K. Delaney
U.S. Magistrate Judge

GPO 863 525

United States v. Matthew Keys
Penalties for Superseding Indictment

Defendant
Matthew Keys

COUNT 1:

VIOLATION: 18 U.S.C. § 371 – Conspiracy to Cause Damage to a Protected Computer

PENALTIES: A maximum of 5 years imprisonment; or
Fine of up to \$250,000; or both fine and imprisonment
3 years of Term of Supervised Release

COUNT 2:

VIOLATION: 18 U.S.C. § 1030(a)(5)(A) – Transmission of Malicious Code

PENALTIES: A maximum of 10 years imprisonment; or
Fine of up to \$250,000; or both fine and imprisonment
3 years of Term of Supervised Release

COUNT 3:

VIOLATION: 18 U.S.C. § 1030(a)(5)(A) and 1030(b) – Attempted Transmission of Malicious Code

PENALTIES: A maximum of 10 years imprisonment; or
Fine of up to \$250,000; or both fine and imprisonment
3 years of Term of Supervised Release

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

FORFEITURE ALLEGATION:

VIOLATION: 18 U.S.C. 982(a)(2)(B) and 1030(i)(1) – Criminal Forfeiture

PENALTY: As stated in the charging document