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DAVID W. SHAPIRO (NYSBN 2054054)
United States Attorney

FILED
MAR 13 2002

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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

C-JW

UNITED STATES OF AMERICA,
Plaintiff,
v.
JEROME T. HECKENKAMP, a/k/a
MagicFX, a/k/a Magic,
Defendant.

No. CR-00-20355 JW
VIOLATIONS: 18 U.S.C. § 1030(a)(5)(A) –
Intentionally Causing Damage to a
Computer; 18 U.S.C. § 1030(a)(5)(B) –
Unauthorized Access Into a Computer
Recklessly Causing Damage; 18 U.S.C. §
2511(1)(a) – Interception of Electronic
Communications; 18 U.S.C. § 1512(b)(3) –
Tampering With a Witness
SAN JOSE VENUE

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 1030(a)(5)(A))

1. On or about March 13, 1999, in the Northern District of California, and elsewhere, the
defendant

JEROME T. HECKENKAMP, a/k/a
MagicFX, a/k/a Magic,

did knowingly cause the transmission of information, codes, and commands, and as a result of
such conduct, intentionally caused damage without authorization to a protected computer, as the
terms protected computer and damage are defined in 18 U.S.C. §§ 1030(e)(2) and (e)(8).

SUPERSEDING INDICTMENT
[No. CR-00-20355 JW]

1 2. Specifically, the defendant knowingly caused the transmission of information, codes, and
2 commands to a computer server owned and operated by eBay, Incorporated ("eBay"), which was
3 identified as thompson.ebay.com and which was used in interstate and foreign communication.
4 As a result of such conduct, the defendant intentionally caused damage without authorization,
5 and that damage caused loss to eBay aggregating more than \$5,000 in value during a one-year
6 period.

7 All in violation of Title 18, United States Code, Section 1030(a)(5)(A).

8 COUNT TWO: (18 U.S.C. § 1030(a)(5)(A))

9 1. On or about March 17, 1999, in the Northern District of California, and elsewhere, the
10 defendant

11 JEROME T. HECKENKAMP, a/k/a
12 MagicFX, a/k/a Magic,

13 did knowingly cause the transmission of information, codes, and commands, and as a result of
14 such conduct, intentionally caused damage without authorization to a protected computer, as the
15 terms protected computer and damage are defined in 18 U.S.C. §§ 1030(e)(2) and (e)(8).

16 2. Specifically, the defendant knowingly caused the transmission of information, codes, and
17 commands to a computer server owned and operated by eBay, which was identified as
18 thompson.ebay.com and which was used in interstate and foreign communication. As a result of
19 such conduct, the defendant intentionally caused damage without authorization, and that damage
20 caused loss to eBay aggregating more than \$5,000 in value during a one-year period.

21 All in violation of Title 18, United States Code, Section 1030(a)(5)(A).

22 COUNTS THREE THROUGH SEVEN: (18 U.S.C. § 1030(a)(5)(B))

23 1. On or about and between the dates below, the dates being approximate and inclusive, in
24 the Northern District of California, and elsewhere, the defendant

25 JEROME T. HECKENKAMP, a/k/a
26 MagicFX, a/k/a Magic,

27 did intentionally access a protected computer without authorization, and as a result of such
28 conduct recklessly caused damage, as the terms protected computer and damage are defined in 18
U.S.C. §§ 1030(e)(2) and (e)(8).

1 2. Specifically, the defendant intentionally accessed the computer systems owned and
 2 operated by the companies below, computers systems that were used in interstate and foreign
 3 communication. As a result of such conduct, the defendant recklessly caused damage and that
 4 damage caused loss to each of the companies below aggregating more than \$5,000 in value
 5 during a one-year period:

<u>Count</u>	<u>Approximate Dates</u>	<u>Victim Company</u>
6 Three	February of 1999 to March 26, 1999	eBay
8 Four	August of 1999 to October 29, 1999	Exodus Communications, Incorporated ("Exodus")
10 Five	August of 1999 to October 19, 1999	Juniper Networks, Incorporated ("Juniper")
11 Six	November of 1999 to November 9, 1999	Lycos, Incorporated ("Lycos"), which owned and operated whowhere.com
12 Seven	November of 1999 to November 29, 1999	Lycos, which owned and operated lycosnetwork.com

13 All in violation of Title 18, United States Code, Section 1030(a)(5)(B).
 14
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16 COUNTS EIGHT THROUGH FIFTEEN: (18 U.S.C. § 2511(1)(a))

17 On or about and between the dates below, the dates being approximate and inclusive, in the
 18 Northern District of California, and elsewhere, the defendant

19 JEROME T. HECKENKAMP, a/k/a
 20 MagicFX, a/k/a Magic,

21 did intentionally intercept and endeavor to intercept electronic communications from the
 22 computers identified below:

<u>Count</u>	<u>Approximate Dates</u>	<u>Victim Company</u>	<u>Identification of Computer</u>
23 Eight	February 26, 1999 to March 26, 1999	eBay	algebra.ebay.com
24 Nine	October 29, 1999	Exodus	bengi.exodus.net
25 Ten	August 13, 1999 to September 4, 1999	Exodus	bengi-w.exodus.net
26 Eleven	August 14, 1999 to September 3, 1999	Exodus	cybervamp.exodus.net

1	Twelve	August 13, 1999 to August 23, 1999	Juniper	black.juniper.net
2				
3	Thirteen	November 8, 1999 to November 9, 1999	Lycos	rigel.whowhere.com on the whowhere.com network
4	Fourteen	November 12, 1999 to November 29, 1999	Lycos	ns1.sjc.lycosnetwork.com on the lycosnetwork.com network
5				
6	Fifteen	September 8, 1999 to September 12, 1999	Cygnus Solutions	sourceware.cygnus.com

7 All in violation of Title 18, United States Code, Section 2511(1)(a).

8 COUNT SIXTEEN: (18 U.S.C. § 1512(b)(3))

9 On or about May 17, 2000, in the Northern District of California, and elsewhere, the
10 defendant

11 JEROME T. HECKENKAMP, a/k/a
12 MagicFX, a/k/a Magic,

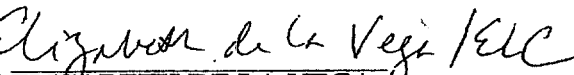
13 did knowingly and corruptly attempt to persuade Erin Leann Welding, with intent to hinder and
14 prevent the communication to a law enforcement officer of information relating to the
15 commission and possible commission of Federal offenses, including the Federal offenses charged
16 in Counts One through Fifteen of this Superseding Indictment, in violation of Title 18, United
17 States Code, Section 1512(b)(3).


18 DATED: March 13, 2002.

A TRUE BILL.

19
20 
21 FOREPERSON

22 DAVID W. SHAPIRO
23 United States Attorney

24 
25 ELIZABETH DE LA VEGA
26 Chief, San Jose Division

27 (Approved as to form: 
28 AUSA ROSS W. NADEL