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United States Attorney

ORIGINAL FILED

AUG 25 2004

Richard W. Wieking
Clerk, U.S. District Court
Northern District of California
San Jose

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11
12 UNITED STATES OF AMERICA,)

13 Plaintiff,)

14 v.)

15 MARK ERFURT,)

16 Defendant.)

No. CR 04-20104 JW/HRL

VIOLATIONS: 18 U.S.C. §§
1030(a)(5)(A)(ii), 1030(a)(5)(B)(i) –
Unauthorized Access Into a Computer
Recklessly Causing Damage; 18 U.S.C. §
1519 - Destruction, Alteration and
Falsification of Records in Federal
Investigation

17 SAN JOSE VENUE

18
19 The United States Attorney charges:

20 SUPERSEDING INFORMATION

21 At all times relevant to this matter:

22 Background

23 1. Manufacturing Electronic Sales Corporation (“MESC”) was a company that
24 resells electronic manufacturing components and devices, and was based in Santa Clara,
25 California.

26 2. Defendant MARK ERFURT was employed as a contract Information Technology
27 consultant for MESC from in or about 2001 through May 2002. In this position, defendant
28 ERFURT had administrative level access to the MESC computer systems.

1 COUNT ONE: (18 U.S.C. §§ 1030(a)(5)(A)(ii), 1030(a)(5)(B)(i), 1030(c)(4)(B) – Unauthorized
2 Access Into a Computer Recklessly Causing Damage)

3 3. Paragraphs One and Two are hereby realleged and incorporated by reference as if
4 set forth in full herein.

5 4. On or about January 23 and 24, 2003, in the Northern District of California, the
6 defendant

7 MARK ERFURT,

8 did intentionally access a protected computer without authorization, and as a result of such
9 conduct recklessly caused damage, in that the defendant intentionally accessed the MESC
10 computer system and, as a result of such conduct, recklessly caused damage to that computer
11 system, which damage caused loss aggregating at least \$5,000 in value during a one-year period.

12 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A)(ii),
13 1030(a)(5)(B)(i), and 1030(c)(4)(B).

14 Sentencing Allegations

15 5. The amount of loss is between \$70,000 and \$120,000; and

16 6. The defendant willfully obstructed and impeded, and attempted to obstruct and
17 impede, the administration of justice during the course of the prosecution of the offense of
18 conviction, and the obstructive conduct related to the defendant's offense of conviction and any
19 relevant conduct.

20 COUNT TWO: (18 U.S.C. § 1519 - Destruction, Alteration and Falsification of Records in
21 Federal Investigation)

22 7. Paragraphs One and Two are hereby realleged and incorporated by reference as if
23 set forth in full herein.

24 8. On or about May 18, 2004, in the Northern District of California and elsewhere,
25 the defendant

26 MARK ERFURT,

27 did knowingly alter, destroy, mutilate, conceal, cover up, falsify, and make a false entry in any
28 record, document, and tangible object, with the intent to impede, obstruct, and influence the
investigation and proper administration of any matter within the jurisdiction of any department

1 and agency of the United States, that is, a pending criminal investigation by the Federal Bureau
2 of Investigation, United States Department of Justice, by overwriting computer files belonging to
3 MESC which he had placed on the computer system of Centaur Corporation to conceal from
4 federal investigators his unauthorized intrusion into MESC on or about January 23 and 24, 2003.


5 All in violation of Title 18, United States Code, Section 1519.


6 Sentencing Allegation

7 9. The offense involved the destruction, alteration, and fabrication of a substantial
8 number of records, documents, and tangible objects, and involved the selection of an essential
9 and especially probative record, document, and tangible object, to destroy and alter.

10 DATED: August 25, 2004.

KEVIN V. RYAN
United States Attorney

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13 JEFF NEDROW
Acting Chief, San Jose Branch

14 (Approved as to form: )

15 AUSA MARK L. KROTOSKI