

1 America and the Unified Combatant Commands under conditions of peace and war. The DLIS's
2 mission was to obtain, manage and integrate logistics data from a variety of sources for
3 dissemination to the U.S. Department of Defense, federal agencies and international logisticians.
4 The DLIS maintained computers at the Internet Protocol (IP) addresses 131.87.1.130 and
5 131.87.1.185. Those DLIS computers were part of a non-public computer system that tracks and
6 records customer service calls made to the DLIS customer service call center.

7 3. The U.S. Department of Defense, Office of the Secretary of Defense maintained
8 an Office of Health Affairs (OHA) in San Antonio, Texas. The OHA's mission was to enhance
9 the security of the U.S. Department of Defense and of the United States of America by providing
10 health support for military personnel. The OHA had a web site at www.tricareonline.osd.mil.
11 "Tricare" was the health care program for active duty and retired military service personnel, their
12 eligible family members and survivors.

13 Background to Counts Four and Five

14 4. The National Aeronautics and Space Administration (NASA) maintained an
15 Ames Research Center (ARC) at Moffett Field, California. The ARC maintained a Web site at
16 web99.arc.nasa.gov.

17 COUNT ONE: (18 U.S.C. § 1030(a)(5)(A)(ii), 1030(a)(5)(B)(i) & (v) & 1030(c)(4)(B) –
18 Unauthorized Transmission of a Program to Protected Computer,
Recklessly Causing Damage)

19 On or about April 26, 2002, in the Northern District of California and elsewhere, the
20 defendant

21 ROBERT LYTTLE,
22 a/k/a The Deceptive Duo,

23 did intentionally access a protected computer without authorization, and as a result of such
24 conduct did recklessly cause damage to that computer, in that the defendant did intentionally
25 access a computer system of the DLIS, and, without authorization, did obtain information from
26 that computer system. As a result of such conduct, the defendant (a) did recklessly cause damage
27 to the DLIS's computers, which damage caused losses aggregating at least \$5,000 in value during
28 a one-year period and (b) did recklessly cause damage affecting the computers, which computers

1 were used in furtherance of the administration of justice, national defense and national security.

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

4 COUNT TWO: (18 U.S.C. §§ 1030(a)(2)(B) & 1030(c)(2)(B)(ii) – Obtaining Information
5 without Authorization from a Government Computer)

6 On or about April 26, 2002, in the Northern District of California and elsewhere, the
7 defendant,

8 ROBERT LYTTLE,
9 a/k/a The Deceptive Duo,

10 did intentionally access a computer, without authorization and in excess of authorized access,
11 and thereby did obtain information from a department and agency of the United States, and did
12 so in furtherance of a criminal and tortious act in violation of the Constitution and laws of the
13 United States and of the State of California, in that the defendant did intentionally access a
14 computer system of the DLIS, without authorization and in excess of authorized access, and
15 thereby did obtain files from the DLIS in order to deface the Web site www.tricareonline.osd.mil
16 by posting the files to that Web site.

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

18 COUNT THREE: (18 U.S.C. §§ 1030(a)(5)(A)(i), 1030(a)(5)(B)(i) & (v) & 1030(c)(4)(A) –
19 Unauthorized Transmission of a Program to Protected Computer,
Intentionally Causing Damage)

20 On or about April 26, 2002, in the Northern District of California and elsewhere, the
21 defendant

22 ROBERT LYTTLE,
23 a/k/a The Deceptive Duo,

24 did knowingly cause the transmission of a program, information, code and command to a
25 protected computer, and as a result of such conduct did intentionally cause damage without
26 authorization to that computer, in that the defendant did intentionally access a computer system
27 of the OHA, and, without authorization, did deface the Web site www.tricareonline.osd.mil that
28 was hosted on the computer by posting information to the Web site. As a result of his conduct,

1 the defendant (a) did intentionally cause damage to the computer, which damage caused losses
2 aggregating at least \$5,000 in value during a one-year period and (b) did intentionally cause
3 damage affecting the computer, which computer was used by and for a government entity in
4 furtherance of the administration of justice, national defense and national security.

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

7 COUNT FOUR: (18 U.S.C. §§ 1030(a)(2)(B) & 1030(c)(2)(B)(ii) – Obtaining Information
8 without Authorization from a Government Computer)

9 On or about April 23, 2002, in the Northern District of California and elsewhere, the
10 defendant,

11 ROBERT LYTTLE,
12 a/k/a The Deceptive Duo,

13 did intentionally access a computer, without authorization and in excess of authorized access,
14 and thereby did obtain information from a department and agency of the United States, and did
15 so in furtherance of a criminal and tortious act in violation of the Constitution and laws of the
16 United States and of the State of California, in that the defendant did intentionally access a
17 computer system of the ARC, to wit, the computer hosting the Web site web99.arc.nasa.gov,
18 without authorization and in excess of authorized access, and thereby did obtain information
19 relating to members of NASA's Astrobiology Institute in order to deface the Web site
20 web99.arc.nasa.gov by posting the information to that Web site.

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

22 COUNT FIVE: (18 U.S.C. §§ 1030(a)(3) & 1030(c)(2)(A) – Unauthorized Access of a
23 Non-public Computer of the United States)

24 On or about April 23, 2002, in the Northern District of California and elsewhere, the
25 defendant

26 ROBERT LYTTLE,
27 a/k/a The Deceptive Duo,

28 did intentionally access without authorization a non-public computer of a department and agency

1 of the United States that was used by and for the Government of the United States, and did
2 thereby affect the use of that computer by and for the Government of the United States, in that
3 the defendant did intentionally access a non-public computer system of the ARC, which
4 computer system was used by and for the Government of the United States, and the defendant,
5 without authorization, did change a Web site that was hosted on the computer, to wit,
6 web99.arc.nasa.gov, by posting information from NASA files to the Web site, and thereby did
7 affect the use of the computer by and for the Government of the United States.

8 All in violation of Title 18, United States Code, Sections 1030(a)(3) and 1030(c)(2)(A).

9 SENTENCING ALLEGATIONS

10 1. With respect to each count of the Indictment,

11 (a) the offense involved sophisticated means;

12 (b) the defendant committed the offense while under a criminal justice
13 sentence.

14 2. The total amount of loss related to the defendant's conduct alleged in Counts One
15 through Five exceeded \$70,000.

16 3. The total amount of loss related to the defendant's conduct alleged in Counts One
17 through Three exceeded \$70,000.

18 4. With respect to each of Counts One and Two of the Indictment, the amount of the
19 loss exceeded \$30,000.

20 5. With respect to Count Three of the Indictment, the amount of loss exceeded
21 \$10,000.

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6. With respect to Counts Four and Five of the Indictment,
(a) the offense involved invasion of a protected computer; and
(b) the amount of loss exceeded \$2,000.

DATED:

A TRUE BILL.

FOREPERSON

KEVIN V. RYAN
United States Attorney



ROSS W. NADEL
Chief, Criminal Division

(Approved as to form: 

AUSA WALDINGER