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SEALED

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**Holding a Criminal Term
Grand Jury Sworn in on November 1, 2013**

UNITED STATES OF AMERICA	:	Criminal Number:
	:	
v.	:	Magistrate No. 15-MJ00138
	:	
CHARLES HARVEY ECCLESTON,	:	Violations:
	:	
Defendant.	:	18 U.S.C. § 1030(a)(5)(A), (b) (Attempted
	:	Unauthorized Access and Intentional
	:	Damage to a Protected Computer);
	:	
	:	18 U.S.C. § 1030(a)(2)(B), (b) (Attempted
	:	Unauthorized Access to a Government
	:	Computer to Obtain Information);
	:	
	:	18 U.S.C. § 1030(a)(4), (b) (Attempted
	:	Unauthorized Access to a Protected
	:	Computer to Defraud and Obtain Value);
	:	
	:	18 U.S.C. § 1343 (Wire Fraud).

Case: 1:15-cr-00054
Assigned To : Moss, Randolph D.
Assign. Date : 4/23/2015
Description: INDICTMENT (B)

INDICTMENT

FILED IN OPEN COURT

APR 23 2015

**CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA**

The Grand Jury charges that:

At all times relevant to the charge herein:

Relevant Entities and Individuals

1. The defendant, **CHARLES HARVEY ECCLESTON**, was a United States citizen, a resident of the Philippine Islands and a former employee of the United States Department of Energy ("DOE") and the Nuclear Regulatory Commission ("NRC").

2. The DOE and NRC were agencies of the United States government, with offices in Washington, D.C. and in other locations throughout the United States.

COUNT ONE

(Attempted Unauthorized Access and Intentional Damage to a Protected Computer)

3. On or about January 15, 2015, within the District of Columbia and elsewhere, the defendant, **CHARLES HARVEY ECCLESTON**, attempted knowingly to cause the transmission of a program, information, code, and command, and, as a result of such conduct, attempted intentionally to cause damage without authorization to a protected computer, and the offense would, if completed, have caused damage affecting 10 or more protected computers during a 1-year period.

**(Attempted Unauthorized Access and Intentional Damage to a Protected Computer,
in violation of 18 U.S.C. § 1030(a)(5)(A), (b), and (c)(4)(B).)**

COUNT TWO

(Attempted Unauthorized Access to a Government Computer to Obtain Information)

4. On or about the 15th day of January, 2015, within the District of Columbia and elsewhere, the defendant, **CHARLES HARVEY ECCLESTON**, attempted intentionally to access a computer without authorization, and thereby attempted to obtain information from a department and agency of the United States, to wit, the DOE, and the offense was committed for purposes of private financial gain.

**(Attempted Unauthorized Access to a Government Computer to Obtain,
Information in violation of 18 U.S.C. § 1030(a)(2)(B), (b), and (c)(2)(B)(i)).**

COUNT THREE

(Attempted Unauthorized Access to a Protected Computer to Defraud and Obtain Something of Value)

5. On or about January 15, 2015, within the District of Columbia and elsewhere, the defendant, **CHARLES HARVEY ECCLESTON**, knowingly and with intent to defraud attempted to access a protected computer without authorization and by means of such conduct furthered the intended fraud and attempted to obtain something of value, specifically, information.

(Attempted Unauthorized Access to a Protected Computer to Defraud and Obtain Something of Value, in violation of 18 U.S.C. § 1030(a)(4), (b), and (c)(3)(A))

COUNT FOUR
(Wire Fraud)

The Scheme and Artifice to Defraud

6. Beginning in or around April 2013 and continuing through on or about March 27, 2015, the defendant, **CHARLES HARVEY ECCLESTON**, devised and intended to devise an unlawful scheme and artifice to defraud the DOE or the NRC and to obtain property by means of materially false and fraudulent pretenses, representations and promises

Object, Manner and Means

7. It was the object of the scheme and artifice to defraud to cause damage to computers at the DOE or the NRC and to allow a foreign government to cause damage to computers at the DOE or the NRC, and obtain access to confidential or sensitive information controlled by the DOE or the NRC, and for the defendant, **CHARLES HARVEY ECCLESTON**, to receive payment from the foreign government for his role causing this damage and obtaining this access.

8. It was part of the scheme that the defendant, **CHARLES HARVEY ECCLESTON** would cause the transmission, through electronic mail messages ("emails"), of malicious computer code that would inflict damage to the computers at the DOE or the NRC and would allow access to confidential, sensitive or other information related to the work of the DOE or the NRC. It was part of the scheme that the email transmissions would appear to be innocuous invitations to a conference related to the work of the agency targeted by this scheme.

9. It was part of the scheme that the defendant, **CHARLES HARVEY ECCLESTON**, met and communicated on several occasions with a person he believed to be a representative of a foreign government ("representative"). During those meetings and communications, and at other times, using experience and information he gained as an employee of the DOE and the NRC, the defendant prepared lists of email addresses of employees of the DOE to whom emails containing the malicious computer code should be sent. The defendant, **CHARLES HARVEY ECCLESTON**, also prepared text for emails, which he designed to entice the recipients to open a link that he believed would infect their computer with the malicious computer code. The defendant, **CHARLES HARVEY ECCLESTON**, wrote the text of the emails to appear as innocuous announcements for nuclear training and education conferences. These announcements contained a link entitled "Conference Details and Registration." The representative supplied the link to the defendant. This link, the defendant believed, would infect the recipient's computer with malicious code if executed by a recipient of the email and that such code would both cause damage to and permit the exfiltration of sensitive and confidential information from the DOE computers.

Execution of the Scheme and Artifice to Defraud

10. On or about January 15, 2015, for purposes of executing the scheme and artifice to defraud described above, the defendant, **CHARLES HARVEY ECCLESTON**, caused to be transmitted by means of wire communication in interstate and foreign commerce certain writings, signs, signals, pictures, and sounds, that is, emails described in the paragraph above that purported to advertise nuclear training and education conferences, to computers at the DOE, and that contained a link that the defendant believed would infect the computers with malicious code.

(Wire Fraud, in violation of 18 U.S.C. § 1343)

Vand H. Bankrupt / JIB

ATTORNEY OF THE UNITED STATES
IN AND FOR THE DISTRICT OF COLUMBIA

U.S. District and Bankruptcy Courts
for the District of Columbia

A TRUE COPY

ANGELA D. CAESAR, Clerk

By

Daniel Rudy 5/4/2015
Deputy Clerk