

NEWS RELEASE



***OFFICE OF THE UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF CALIFORNIA
San Diego, California***

***United States Attorney
Karen P. Hewitt***

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For Immediate Release

NEWS RELEASE SUMMARY - September 24, 2009

United States Attorney Karen P. Hewitt announced the unsealing of an indictment charging Andrew Michael Shelnett with computer intrusion and receipt and possession of child pornography. The sealed indictment was handed up by a federal grand jury sitting in San Diego on September 22, 2009, and was unsealed upon Mr. Shelnett's arraignment today before United States Magistrate Judge Louisa S. Porter. Mr. Shelnett was arrested by Federal Bureau of Investigation agents on September 24, 2009, pursuant to an arrest warrant issued in connection with the indictment. Mr. Shelnett was charged with one count of intentionally causing damage to a protected computer, in violation of 18 U.S.C. §§ 1030(a)(5) and (c)(4)(B)(i), one count of receipt of child pornography, in violation of 18 U.S.C. § 2252(a)(2), and one count of possession of child pornography, in violation of 18 U.S.C. § 2252(a)(4)(B).

According to the indictment, the victim of the computer intrusion was CariNet, Inc., a company that operates a large computer server hosting facility in San Diego, California. The defendant, Andrew Shelnett,

was a former CariNet employee. The indictment alleges that, beginning by at least October 2008 and continuing through November 9, 2008, Shelnett accessed CariNet's computer network without authorization and caused damage. Specifically, Shelnett changed CariNet's network configuration and deleted the computer logs that had recorded his unauthorized activity. As a result of the intrusion, CariNet incurred a loss in excess of \$5,000. This conduct forms the basis for Count 1 of the indictment.

In addition, the indictment alleges that on December 5, 2008, Shelnett knowingly received a file containing visual depictions of minors engaging in sexually explicit conduct. The indictment further alleges that, on March 20, 2009, Shelnett knowingly possessed additional files containing visual depictions of minors engaged in sexually explicit conduct. This conduct forms the basis for Counts 2 and 3 of the indictment.

CariNet reported the computer intrusion to law enforcement authorities and cooperated fully with the investigation. This case was investigated by the Cybercrime Squad of the San Diego Division of the Federal Bureau of Investigation.

Mr. Shelnett is scheduled next to be in court on September 28, 2009, before United States Magistrate Judge Louisa S. Porter, for a detention hearing.

DEFENDANT

Case Number: 09CR3477-JM

Andrew Shelnett

SUMMARY OF CHARGES

Count 1 - Title 18, United States Code, Sections 1030(a)(5) & (c)(4)(B)(i) - Intentionally Causing Damage to a Protected Computer

Maximum Penalties: 10 years' imprisonment and \$250,000 fine per count

Count 2 - Title 18, United States Code, Section 2252(a)(2) - Receipt of Child Pornography

Maximum Penalties: A minimum mandatory 5 years' imprisonment and a maximum of 20 years' imprisonment, and a \$250,000 fine per count

Count 3 - Title 18, United States Code, Section § 2252(a)(4)(B) - Possession of Child Pornography

Maximum Penalties: 10 years' imprisonment and \$250,000 fine per count

AGENCY

Federal Bureau of Investigation

An indictment itself is not evidence that the defendant committed the crimes charged. The defendant is presumed innocent until the Government meets its burden in court of proving guilt beyond a reasonable doubt.