

FILED
At Albuquerque NM

UNITED STATES DISTRICT COURT

JUN 29 2007

FOR THE DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

DEVON LYNN TOWNSEND,)

Defendant.)

Cr. No. 07-CR-1363 WJ

Count 1: 18 U.S.C. § 2261A(2)(A),
Stalking

Count 2: 18 U.S.C. §§ 2701(a)(1) and (2)
and (b)(1)(A), Unlawful access to stored
communications

Count 3: 18 U.S.C. § 2319A, Unauthorized
fixation of and trafficking in sound
recordings

Forfeiture allegation

INFORMATION

The United States Attorney charges:

Count 1

1. From on or about January 1, 2006 through on or about November 16, 2006, in Bernalillo County in the State and District of New Mexico, and elsewhere, the Defendant, **DEVON LYNN TOWNSEND**, with the intent to harass, and place under surveillance with the intent to harass, and with the intent to cause substantial emotional distress to a person in another State, Talinda Bennington, did use an interactive computer service, and a facility of interstate commerce, to engage in a course of conduct, described in further detail in paragraphs 2 through 17 below, that caused substantial emotional distress to that person.

2. At all times relevant to this information, the Defendant, **DEVON LYNN TOWNSEND**, lived in Albuquerque, New Mexico and worked as an employee at the Sandia

National Laboratories facility located in Albuquerque, New Mexico.

3. At all times relevant to this information, Chester Bennington was and is the lead singer for the musical band Linkin Park. Talinda Bennington was and is Chester Bennington's wife. Chester and Talinda Bennington live in the State of California.

4. The Defendant, having previously obtained Chester Bennington's e-mail address, used a computer located in New Mexico with interactive access to the Internet, and without authorization, gained access to a server located in the State of California at yahoo.com, an Internet Service provider, and secretly changed the password to the Benningtons' private e-mail account so that the Defendant would have unauthorized and unfettered access to the private account. Using a computer to access the server, the Defendant was then able to access, monitor and download all of the private information and e-mail correspondence that was sent to and from the Benningtons' private e-mail account.

5. The private information of the Benningtons' that the Defendant accessed in this manner included:

- a. family pictures of the Benningtons and their minor children;
- b. correspondence between Warner Brothers Records and the business attorney for Linkin Park, including a copy of a check made payable to Chester Bennington from the record company as well as a copy of the recording contract between Warner Brothers Records and the members of Linkin Park;
- c. information about a new home purchase by the Benningtons which included such documents as a home inspection report, images of the home's interior, and other real estate documents;

- d. information about the Benningtons' travel plans including flight information and the name of motels and hotels where the Bennington's had reservations;
- e. a copy of a dental bill for Talinda Bennington;
- f. information about the time and location of Mrs. Bennington's childbirth classes;
- g. e-mail correspondence concerning the whereabouts and after school activities of the Benningtons' child;
- h. information about purchases the Benningtons made for their newborn child;
- i. information about the schedule and itinerary of the members of Linkin Park, including their itinerary for the Grammy awards show in 2006;

6. By covertly accessing the Benningtons' private e-mail correspondence, the Defendant was also able to learn private passwords assigned to the Benningtons' which enabled the Defendant to access other restricted information on the Internet. For example, using the Benningtons' assigned password, the Defendant was able to access and download copies of the Benningtons' wedding pictures from the Benningtons' wedding photographer's website.

7. By using the Bennington's private information, without the Benningtons' knowledge, the Defendant also activated the Benningtons' online billing account with the Bennington's telephone company, Verizon Wireless. By activating the account, the Defendant obtained online access to the Benningtons' telephone bills. The bills included the telephone numbers of friends, acquaintances, and business associates with whom the Benningtons spoke on the telephone. By setting up the online Verizon account, the Defendant was also able to listen to

all of the Bennington's voice mail messages left on the Benningtons' telephone answering machine.

8. With access to the Benningtons' private accounts with entities such as Verizon Wireless and Paypal, the Defendant was also able to repeatedly change the computer passwords assigned to the Benningtons' with these companies. On at least one occasion, the Defendant changed the Benningtons' password for one of their computer accounts to something to the effect of "Who is doing this to you?"

9. On at least one occasion, knowing that Chester Bennington was in Arizona, and having traveled to Arizona solely for the purpose of trying to see Chester Bennington, the Defendant covertly monitored Chester Bennington's voice mails in as a means of trying to locate where Chester Bennington might be eating dinner or lunch.

10. On at least one other occasion the Defendant traveled to Los Angeles, where the Benningtons live, rented a car, and drove past the Benningtons' residence.

11. The Defendant also created two new e-mail accounts, "sophiabellehey@yahoo.com" and "inside_informant_for_you@yahoo.com," and used those accounts to send messages to both Talinda Bennington, and friends of the Benningtons. For example, using the "inside_informant_for_you@yahoo.com" address, the Defendant wrote a taunting e-mail to a friend of the Benningtons threatening to divulge private information about the Benningtons. She ended her e-mail by describing herself as: ". . . somebody who knows a little too much . . ."

12. Using the "inside_informant_for_you@yahoo.com" address, the Defendant next wrote the another Bennington friend related to the same private information, referring to her

threats to divulge the information as “my little bombshell that’s about to explode” In the same e-mail, the Defendant also stated:

The answer will reveal itself shortly.
This is too fun.

13. Using the “inside_informant_for_you@yahoo.com” address, the Defendant then sent a copy of another e-mail to the same friend of the Benningtons’, which included the following taunting statements:

I’m having fun. Are you?
* * *
I wonder how the fans would react to this??

14. The next taunting e-mail that the Defendant sent to the same friend of the Benningtons from the same e-mail address, ended as follows:

Enjoy the rest of your night and maybe just maybe you’ll have sweet dreams too.

15. The Defendant also communicated directly via e-mail with Talinda Bennington using the e-mail address sophiabellehey@yahoo.com. In these e-mail messages, the Defendant suggested that the Benningtons send an undercover investigator to monitor Chester Bennington’s ex-wife’s activities at a party that the Defendant believed the ex-wife would be attending. Using this same e-mail address, the Defendant later sent another e-mail to Talinda Bennington’s e-mail address. The text portion of the e-mail that the Defendant sent contained a hyperlink to a website that contained an article about cyberstalking. The website that the Defendant hyperlinked was: [http://www.crimelibrary.com/criminology/cyberstalking.](http://www.crimelibrary.com/criminology/cyberstalking)”

16. On another occasion the Defendant used an e-mail account registered to Chester Bennington at yahoo.com to send an e-mail message posing as Talinda Bennington in an effort to

gather information about the e-mail account of another person closely associated with the Benningtons.

17. In or about August 2006, the Defendant contacted Talinda Bennington on the telephone. The Defendant did not identify herself during the course of multiple telephone calls.

18. On or about September 26, 2006, the Defendant placed two telephone calls to Talinda Bennington and spoke to Talinda Bennington on the telephone. The Defendant again failed to identify herself.

In violation of Title 18, United States Code, Section 2261A(2)(A).

Count 2

On or about March 30, 2006, in Bernalillo County, in the State and District of New Mexico, and elsewhere, the Defendant, **DEVON LYNN TOWNSEND**, did intentionally access without authorization a facility through which an electronic communication service is provided, as defined in Title 18, United States Code, Section 2510(15), and did intentionally exceed authorization to access that facility, and did thereby obtain access to an electronic communication while it was in storage in such system, in furtherance of a criminal act in violation of the United States, that is, Stalking, in violation of Title 18, United States Code, Section 2261A(2)(A). More specifically, the Defendant intentionally accessed without authorization, and did exceed authorization to, the Verizon Wireless computer system, a system which transmits electronic images by wire in and affecting interstate commerce within the meaning of Title 18, United States Code, Section 2510(12), and did thereby obtain an electronic image of a Verizon Wireless telephone bill stored within the Verizon Wireless computer system.

In violation of Title 18, United States Code, Sections 2701(a)(1) and (2) and (b)(1)(A).

Count 3

On or about November 1, 2006, in Bernalillo County, in the State and District of New Mexico, and elsewhere, the Defendant, **DEVON LYNN TOWNSEND**, without consent of the performers involved, that is, the members of the band Linkin Park, knowingly, and for the purposes of commercial advantage and the Defendant's private financial gain, did offer to distribute, and did traffic in, copies and phonorecords of unauthorized fixations of the sounds and images of a live musical performance by the members of the band Linkin Park, that is, a performance that the Defendant advertised as occurring on February 5, 2004 in Sunrise, Florida at the Office Depot Center.

In violation of Title 18, United States Code, Section 2319A.

Forfeiture Allegation

Upon conviction of Count 3 of this Information, the Defendant, **DEVON LYNN TOWNSEND**, shall forfeit to the United States pursuant to 18 U.S.C. § 2319A(b), 18 U.S.C. § 2461, any property constituting, or derived from, proceeds obtained, directly and indirectly, as a result of the said violation and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violation, including but not limited to the following:

1. The list of more than 800 recordings, DVD's, CD's and VHS tapes of musical performances and concerts which were seized from the Defendant's residence and which have previously been disclosed to the Defendant as documents numbered 71 through 86;
2. One grey Antec brand personal computer, and computer peripherals, with a

Pentium 4 processor;

3. One Gateway brand personal computer tower, with peripherals, model number

ATXSTF MNT 700S;

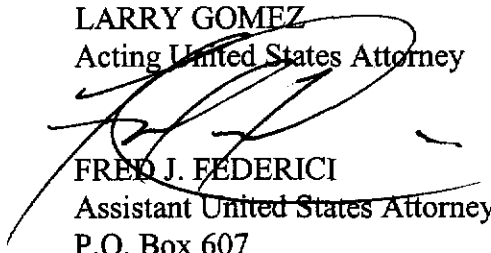
4. One 80 gigabyte Western digital external hard drive, model number WD800B015-

RNN; and

5. One 160 gigabyte Western digital external hard drive, model number

WD1600B012-RNN.

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