

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES	:	CRIMINAL NO. 13-659
V.	:	DATE FILED: January 30, 2014
DAVID BARNHOUSE	:	CHARGES: 18 U.S.C. § 1030(a)(2), (c)(2)(B)(ii) (unauthorized access to a protected – 1 count)
	:	18 U.S.C. § 875(c) (threats – 1 count)
	:	18 U.S.C. § 111 (resisting and impeding
	:	federal officers – 1 count)
	:	18 U.S.C. § 1501 (obstruction of service of judicial
	:	process – 1 count)
	:	18 U.S.C. § 1519 (destruction of records in a
	:	federal investigation – 1 count)
	:	18 U.S.C. § 2232(a) (destruction of property to
	:	prevent seizure – 1 count)

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

INTRODUCTION

1. At times relevant to this indictment:
 - a. The Willow Grove Park Mall was a shopping center located in Abington, Pennsylvania.
 - b. The defendant DAVID BARNHOUSE resided in Horsham Pennsylvania in a twin home.
 - c. Defendant DAVID BARNHOUSE and his family had an ongoing dispute with the family that lived in the other half of the twin home, resulting in

much animosity between them. The identity of that family is known to the grand jury and will be referred to as Family A.

- d. Every device that is connected to the Internet is assigned an Internet Protocol, or IP, address. This address is unique to the device while it is connected.
- e. Defendant DAVID BARNHOUSE acquired computer skills including the breaking into the wireless routers of nearby home networks. He used these skills to obtain free Verizon FiOS Internet service and to conceal his online activities. He also obtained knowledge of computer encryption to make it impossible to search his computer in the event law enforcement officers seized it.
- f. Family A obtained its Internet service from Verizon and used the Verizon FiOS service. Verizon FIOS assigned the router inside Family A's home an IP address to enable connectivity to the Internet.
- g. Family A's wireless router was secured using WEP (Wireless Equivalence Privacy), an older form of network security that can be broken.

FACTS UNDERLYING THE CHARGES

2. At some time before June 20, 2013, defendant DAVID BARNHOUSE cracked the WEP security on Family A's Verizon wireless router.

3. By breaking the security, defendant DAVID BARNHOUSE acquired the ability to send and receive Internet traffic using Family A's Verizon Internet service. It also meant that when defendant DAVID BARNHOUSE used Family A's Verizon Internet service, he was

using their IP address. Thus, all traffic that he sent and received appeared to be coming from and going to Family A's computers.

4. On or about June 20, 2013, at about 7:59 AM, defendant DAVID BARNHOUSE used his access to Family A's Verizon Internet service and connected his computer to the Internet using Family A's Verizon FiOS router.

5. He then contacted the Willow Grove Park Mall website.

6. In the message section of the website, defendant DAVID BARNHOUSE posted the following message:

We have planted an explosive device somewhere in the mall, and will detonate it unless all members of the Islamic faith imprisoned in the United States are freed by 7pm on June 23.

Even if you search the mall for 72 continuous hours, you will NEVER find it. Do not attempt to defuse the bomb, find the bomb, or interact with authorities on this matter, except those capable of freeing our brothers.

7. The logs of the Willow Grove Park Mall showed that this threat came from the IP address assigned to Family A.

8. On or about the afternoon of June 20, 2013, Special Agents of the Federal Bureau of Investigation obtained a search warrant for the residence of Family A to search for evidence of the source of this threat.

9. On or about the evening of June 20, 2013, Special Agents of the Federal Bureau of Investigation executed the search warrant on the home of Family A. After conducting a search and interviewing the members of Family A, the agents concluded that Family A was not the source of the threat.

10. Because Family A's Verizon router was secured with WEP, no one else was authorized to access this router or their family network.

11. By accessing the Verizon router of Family A, defendant DAVID BARNHOUSE obtained information as a result of this unauthorized access, that is, the IP address assigned to Family A by Verizon, 108.2.145.97, and the internal IP address assigned to his computer by Family A's Verizon FiOS router, that is, 192.168.1.3.

12. Defendant DAVID BARNHOUSE used this unauthorized access and the information he obtained for the purpose of committing another crime, the sending of the threat to the Willow Grove Park Mall.

THE CHARGES

13. On about June 20, 2013, at Abington and Willow Grove, in the Eastern District of Pennsylvania and elsewhere, defendant

DAVID BARNHOUSE

intentionally accessed a protected computer, that is the Verizon FiOS router inside the home of Family A, without authorization, and thereby obtained information from this protected computer, that is, the external IP address assigned to the router by Verizon and the internal address assigned by the router to his computer. Defendant BARNHOUSE did this in furtherance of a separate criminal act, in violation of the laws of the United States, that is the sending of threats in interstate commerce, in violation of Title 18, United States Code, Section 875(c).

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES:

1. The allegations of Paragraphs 1 through 12 of Count One are incorporated by reference.
2. On or about June 20, 2013, at Abington and Willow Grove, in the Eastern District of Pennsylvania and elsewhere, defendant

DAVID BARNHOUSE

transmitted in interstate commerce a communication containing a threat to injure the person of another.

In violation of Title 18, United States Code, Section 875(c).

COUNT THREE

THE GRAND JURY FURTHER CHARGES:

1. Paragraphs 1 through 12 of Count One are incorporated by reference.
2. As a result of determining that Family A was not the source of the threat, the agents of the Federal Bureau of Investigation continued their investigation to determine the true source of the threat.
3. During the course of the investigation, the investigation focused upon the defendant DAVID BARNHOUSE.
4. During the course of the investigation, the agents learned that defendant DAVID BARNHOUSE used encryption on his computer to make its contents unreadable without knowing the encryption key, or password.
5. On or about November 18, 2013, the agents had developed sufficient information to apply for a search warrant for the residence of defendant DAVID BARNHOUSE.
6. On or about November 18, 2013, a United States Magistrate Judge in this District approved a search warrant for the residence of defendant DAVID BARNHOUSE, authorizing the agents to enter his residence and to search for evidence of the unauthorized access to the Verizon FiOS router of Family A and for evidence of the sending of the threat to the Willow Grove Park Mall. The warrant authorized the seizure of computers and digital storage devices and their removal to a computer forensics laboratory to search them for such evidence.
7. On or about November 19, 2013, agents of the Federal Bureau of Investigation executed the search warrant.

8. Upon seeing the agents in his house, the defendant DAVID BARNHOUSE immediately tried to activate the encryption by unplugging his computer.

9. When the agents attempted to stop him from doing so, defendant DAVID BARNHOUSE fought and struggled with the agents and was able to unplug his computer, thereby activating the encryption.

10. On or about November 19, 2013, at Horsham in the Eastern District of Pennsylvania, defendant

DAVID BARNHOUSE

knowingly and willfully obstructed, resisted, and opposed a federal officer, namely Special Agents with the Federal Bureau of Investigation known to the grand jury, in the Agents' attempt to execute a federal search warrant authorized by a United States Magistrate Judge.

In violation of Title 18, United States Code, Section 1501.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES:

1. Paragraphs 1 through 9 of Count Three are incorporated by reference.
2. On or about November 19, 2013, in the Eastern District of Pennsylvania, defendant

DAVID BARNHOUSE

knowingly destroyed, concealed, and covered up records, documents, and tangible objects with the intent to impede, obstruct, and influence an investigation and proper administration of a federal search warrant, a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States.

In violation of Title 18, United States Code, Section 1519.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 9 of Count Three are incorporated by reference.
2. On or about November 19, 2013, in the Eastern District of Pennsylvania, during the execution of a lawfully authorized search warrant by Special Agents of the Federal Bureau of Investigation, defendant

DAVID BARNHOUSE

knowingly destroyed, damaged, disposed of, and otherwise took action with respect to property subject to seizure under the search warrant for the purpose of preventing and impairing the ability of Special Agents of the Federal Bureau of Investigation from taking the property into their custody and control.

In violation of Title 18, United States Code, Section 2232(a)

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 9 of Count Three are incorporated by reference.
2. On or about November 19, 2013, in the Eastern District of Pennsylvania, defendant

DAVID BARNHOUSE

intentionally forcibly resisted, impeded, and interfered with a federal officer, namely Special Agents of the Federal Bureau of Investigation known to the grand jury, which acts involved physical contact with those FBI Agents, while those FBI Agents were engaged in and on account of the performance of their official duties.

In violation of Title 18, United States Code, Section 111.

A TRUE BILL:

FOREPERSON

**ZANE DAVID MEMEGER
UNITED STATES ATTORNEY**