

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON GRAND JURY 2013-1
JULY 30, 2013 SESSION

FILED

JUL 30 2013

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:13-00201
18 U.S.C. § 1030(a)(5)(A)
18 U.S.C. § 1030(a)(5)(B)

RICKY JOE MITCHELL

I N D I C T M E N T

The Grand Jury Charges:

COUNT ONE

1. At all relevant times, EnerVest Operating LLC was a company with executive offices at 300 Capitol Street, Charleston, Kanawha County, West Virginia and 1001 Fannin Street, Houston, Texas, and other field offices throughout the United States (hereinafter collectively referred to as the "Company").

2. At all relevant times, computers at the locations of the Company were connected by a computer network to a collection of computer servers located principally at the Charleston, West Virginia location (hereinafter collectively referred to as the "protected computer").

3. At all relevant times, the protected computer was used in interstate commerce and communication.

4. From August 1, 2009 to June 26, 2012, defendant RICKY JOE MITCHELL was employed with the Company as a network engineer.

5. On or about June 26, 2012, at or near Charleston, Kanawha County, West Virginia, within the Southern District of West Virginia and elsewhere, defendant RICKY JOE MITCHELL did knowingly cause the transmission of a program, information, code, and command, and as a result of such conduct, cause damage without authorization, to a protected computer. That is, on June 26, 2012, defendant RICKY JOE MITCHELL, accessed without authorization the protected computer and deleted backup information, transmitted a command to disable the data replication process designed to transmit backup data to the Houston, Texas location, deleted all of the Company's phone system accounts and extensions, deleted all accounting data, and deleted all information validation for the Houston, Texas location among other acts. The foregoing acts resulted in the inability of the Company's employees to fully communicate and conduct business on behalf of the Company from approximately June 26, 2012 through July 27, 2012. The acts of defendant RICKY JOE MITCHELL caused damage to the protected computer in that such actions impaired the integrity and availability of data, a

program, a system, and information, which damage resulted in loss to the Company substantially in excess of \$1,000,000.

In violation of Title 18, United States Code, Section 1030(a)(5)(A).

COUNT TWO

1. Paragraphs 1 through 4 of Count One of this Indictment is hereby incorporated herein.

2. On or about June 26, 2012, at or near Charleston, Kanawha County, West Virginia, within the Southern District of West Virginia and elsewhere, defendant RICKY JOE MITCHELL did intentionally access a protected computer without authorization, and as a result of such conduct, recklessly cause damage. That is, on June 26, 2012, defendant RICKY JOE MITCHELL, accessed without authorization the protected computer and deleted backup information, transmitted a command to disable the data replication process designed to transmit backup data to the Houston, Texas location, deleted all of the Company's phone system accounts and extensions, deleted all accounting data, deleted all information validation for the Houston, Texas location among other acts. The foregoing acts resulted in the inability of the Company's employees to fully communicate and conduct business on behalf of the Company from approximately June 26, 2012 through July 27, 2012. The acts of defendant RICKY JOE MITCHELL caused damage to the protected computer in that such actions impaired the integrity and availability of data, a program, a system, and information, which damage resulted in loss to the Company substantially in excess of \$1,000,000.

In violation of Title 18, United States Code, Section
1030(a)(5)(B).

A handwritten signature in black ink, appearing to read "R. Booth Goodwin II", written over a horizontal line.

R. BOOTH GOODWIN II
United States Attorney