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EASTERN DISTRICT OF LA.

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

**BILL OF INFORMATION FOR UNAUTHORIZED ACCESS TO A PROTECTED
COMPUTER TO OBTAIN INFORMATION AND NOTICE OF FORFEITURE**

UNITED STATES OF AMERICA

v.

BRADER YELVERTON

CRIMINAL NO.

SECTION:

VIOLATION:

18 U.S.C. §1030(a)(2)(C)

18 U.S.C. §1030(c)(2)(B)(ii)

18 U.S.C. §1030(c)(2)(B)(iii)

* * *

The United States Attorney charges that:

COUNT 1

(Fraud and Related Activity in Connection with Computers)

A. AT ALL TIMES MATERIAL HEREIN:

1. Apple, Inc. ("Apple") operated computers used by subscribers all over the world in interstate and foreign commerce and communications. One of the services Apple provided to its customers was "iCloud." iCloud was a cloud storage solution provided by Apple to users of its devices. iCloud provided users with email accounts as well as cloud-based storage of information, including contacts, calendars, documents, photographs and other data. iCloud also stored (*i.e.*, saves a back-up) information saved on Apple iOS devices (iPhones and iPads), including photographs, text messages and data from applications. Users were often unaware that photographs may have been backed up to iCloud via Photo Stream, a program that uploads users'

photographs to their iCloud Photo Library. “iForgot” was an Apple application used to reset a customer’s Apple account. An Apple account password could be changed with iForgot by answering security questions, email authentication, or by two-step authentication. The contents of iCloud accounts were maintained on protected computers, as that term is defined in Title 18, United States Code, Section 1030(e)(2)(B).

2. Google, Inc. (“Google”) operated computers used by subscribers all over the world in interstate and foreign commerce and communications. One of the services Google provided to its customers was “Gmail,” an email service. The contents of Gmail accounts were maintained on protected computers, as that term is defined in Title 18, United States Code, Section 1030(e)(2)(B).

3. Microsoft Corporation (“Microsoft”) operated computers and computer operating systems used by subscribers all over the world in interstate and foreign commerce and communications. One of the services Microsoft provided to its customers was “Hotmail,” an email service. The contents of Hotmail accounts were maintained on protected computers, as that term is defined in Title 18, United States Code, Section 1030(e)(2)(B).

4. Yahoo, Inc. (“Yahoo”) operated computers and computer operating systems used by subscribers all over the world in interstate and foreign commerce and communications. One of the services Yahoo provides to its customers was “Yahoo! Mail,” an email service. The contents of Yahoo! Mail accounts were maintained on protected computers, as that term is defined in Title 18, United States Code, Section 1030(e)(2)(B).

5. Facebook, Inc. (“Facebook”) operated an online social media network used by subscribers all over the world in interstate and foreign commerce and communications. Facebook users created a profile that allowed them to “post” digital pictures, videos, and other

text-based comments and communications. One of the services Facebook provided to its customers was “Messenger,” a private instant messaging platform that allowed Facebook users to communicate privately with one another. Messenger also allowed users to send digital photographs, videos, and audio recordings to one other privately. The contents of Facebook accounts were maintained on protected computers, as that term is defined in Title 18, United States Code, Section 1030(e)(2)(B).

B. THE OFFENSE:

Beginning at a time unknown, but not later than 2013, and continuing until in or about December 15, 2015, in the Eastern District of Louisiana, and elsewhere, the defendant, **BRADER YELVERTON**, knowingly, intentionally, and in furtherance of criminal and tortious acts, namely theft, in violation of Louisiana Revised Statute 14:67, and torts cognizable under the laws of the State of Louisiana, accessed, without authorization and in excess of authorization, Apple iCloud, Gmail, Hotmail, Yahoo Mail!, and Facebook accounts, which were maintained on protected computers, as that term is defined in Title 18, United States Code, Section 1030(e)(2)(B), belonging to not fewer than fifty (50) victims, many of whom resided within the Eastern District of Louisiana, and thereby obtained iCloud backups, photographs, and other private information, the value of which exceeded \$5,000.

All in violation of Title 18, United States Code, Sections 1030(a)(2)(C), 1030(c)(2)(B)(ii), and 1030(c)(2)(B)(iii).

NOTICE OF FORFEITURE

1. The allegations of Count 1 of this Bill of Information are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Sections

1030(a)(2)(C), (c)(2)(B)(ii), (iii), and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461.

2. As a result of the offense alleged in Count 1, the defendant, **BRADER YELVERTON**, shall forfeit to the United States pursuant to Title 18, United States Code, Sections 1030(a)(2)(C), (c)(2)(B)(ii), (iii), and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461, any and all property, real or personal, which constitutes or is derived from proceeds traceable to a violation of Title 18, United States Code, Sections 1030(a)(2)(C), (c)(2)(B)(ii), (iii).

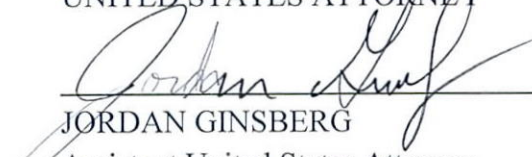
3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of Forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 1030(a)(2)(C), (c)(2)(B)(ii), (iii), and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461.

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New Orleans, Louisiana
July 20, 2016