

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

CASE NO. 8:18-cr-545-SDM-SPF

v.

ALEXANDRU HABASESCU
a/k/a Alexander Habasescu

**GOVERNMENT'S UNOPPOSED MOTION FOR
ALTERNATIVE VICTIM NOTIFICATION
UNDER 18 U.S.C. § 3771(d)(2)**

The United States of America, by Roger B. Handberg, United States Attorney for the Middle District of Florida, respectfully moves this Court, pursuant to Title 18, United States Code, Section 3771(d)(2), for authorization to employ the victim notification procedures described below, in lieu of those prescribed by section 3771(a), (b) and (c), on the grounds that the number of crime victims in this case makes it impracticable to accord all of the crime victims the rights described in subsection 3771(a).

The Crimes Victims' Rights Act (the "Act"), codified at 18 U.S.C. § 3771, provides certain rights to victims in federal criminal proceedings. Among these rights is the right to "reasonable, accurate, and timely notice" of public court proceedings. 18 U.S.C. § 3771(a). The Act requires "[o]fficers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation and prosecution of crime make their best efforts to see that

crime victims are notified of, and accorded, the rights described in subsection [3771](a),” 18 U.S.C. § 3771(c)(1), and it instructs the Court to “ensure that the crime victim is afforded” those rights. 18 U.S.C. § 3771(b). The Act defines a crime victim as “a person directly and proximately harmed as a result of the commission of a Federal offense . . .” 18 U.S.C. § 3771(e). Importantly, the Act recognizes that for crimes involving multiple victims, the Court has discretion to adopt procedures to accord victim rights without unduly interfering with the criminal proceedings. Thus, 18 U.S.C. §3771(d)(2) provides:

In a case where the court finds that the number of crime victims makes it impracticable to accord all of the crime victims the rights described in subsection (a), the court shall fashion a reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the proceedings.

The Act places no limitations on the alternative procedures which a Court may fashion other than that the procedures be reasonable to effectuate the Act and that they not unduly complicate or prolong the proceedings. *Id.*

The xDedic Marketplace, established around October 2014, illegally sold login credentials (usernames and passwords) to compromised servers and social security numbers belonging to U.S. citizens. Habasescu, who resided in Moldova, acted as the lead developer for the Marketplace.

Under U.S. law, fraudulently obtained passwords and social security numbers are considered unauthorized access devices. Once purchased, criminals used these credentials to facilitate a wide range of illegal activity that included tax fraud, credit card fraud, and ransomware attacks. In total, Marketplace offered over 700,000

compromised credentials for sale—including at least 150,000 in the United States and at least 8,000 in the State of Florida. Most of the victims are only identifiable through IP address, and a list of compromised IP addresses has been previously provided by U.S. authorities to major Internet Service Providers across the United States. The victims who had their computers compromised span the globe and all industries, including local, state, and federal government infrastructure, hospitals, 911 call centers and emergency services, major metropolitan transit authorities, accounting and law firms, pension funds, and universities. The Marketplace also offered for sale at least 11,000 social security numbers and related information belonging to victims across the United States.

This number of victims make compliance with the notification requirements outlined in section 3771(a), (b) and (c) impracticable. Neither the government nor the Court has the resources to accord all of the victims in this case the notice required by subsection 3771(a). Therefore, due to the large number of victims in this case, the Government intends to use the Justice Department's website for large cases, <http://justice.gov/largecases/>, to direct victims to a case-specific website where all required notices will be posted. The Government will issue a press release informing individuals who believe they may be victims to access the Justice Department website for more information. Victim notification at the corrections stage will be provided through the Bureau of Prisons' website, www.bop.gov.

The undersigned AUSA has conferred with defense counsel regarding this motion, and defense counsel does not oppose the requested relief.

CONCLUSION

Based on the foregoing, the government requests the Court grant the motion for alternative victim notification procedures.

Respectfully submitted,

ROGER B. HANDBERG
United States Attorney



By:

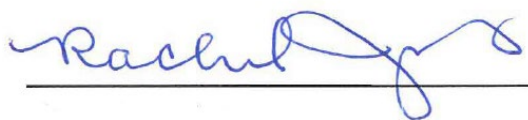
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CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to parties of record.



By:

Rachel K. Jones
Assistant United States Attorney