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11 Attorneys for United States of America

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

**FILED**

**DEC - 1 2016**

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**SEALED  
BY COURT ORDER**

**CRB**

15 UNITED STATES OF AMERICA,  
16 Plaintiff,  
17 v.  
18 SEAN KRISHANMAKOTO SHARMA,  
19 Defendant.

**CR 16**

**484**

CASE NO.

UNITED STATES' APPLICATION TO SEAL  
INDICTMENT AND ARREST WARRANT AND  
[PROPOSED] ORDER

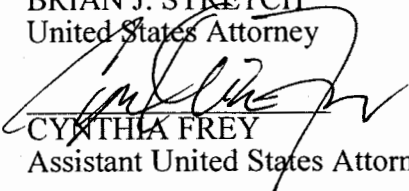
(UNDER SEAL)

20 The government hereby moves the Court for an order sealing the indictment, arrest warrant, this  
21 motion, and the Court's sealing order until further order of the Court because the defendant has not yet  
22 been arrested and the investigation and efforts to locate the defendant are ongoing. The United States  
23 requests copies of the sealed superseding indictment, arrest warrant and this Application and Order.

24 DATED: 12/1/2016

Respectfully submitted,

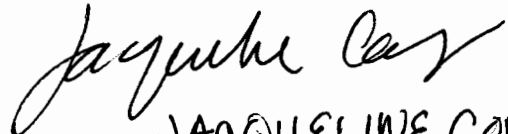
BRIAN J. STRETCH  
United States Attorney

  
CYNTHIA FREY  
Assistant United States Attorney

[PROPOSED] ORDER

1  
2  
3 Based upon the motion of the government and for good cause shown, IT IS HEREBY  
4 ORDERED that the indictment, arrest warrant, this motion, this sealing order, and all related papers  
5 shall be sealed until further order of the Court. The Clerk of the Court is ordered to furnish copies of  
6 these documents to the United States Attorney's Office and to Special Agents of the Federal Bureau of  
7 Investigation.

8  
9 DATED: 12-1 - 2016

  
JACQUELINE CORLEY  
Hon. LAUREL BEELER  
United States Magistrate Judge

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

THE UNITED STATES OF AMERICA

vs.

SEAN KRISHANMAKOTO SHARMA

FILED

DEC 1 2016

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SEALED  
BY COURT ORDER

INDICTMENT CR 16 484

Count One:

18 U.S.C. §§ 1030(a)(5)(A) & (c)(4)(A)(i)(I)-  
Transmission of a Program, Information, Code, and  
Command to Cause Damage to a Protected Computer.

CRB

A true bill.

*Karen Williams*

Foreperson

Filed in open court this 1<sup>st</sup> day of December  
A.D. 2016

*Jacqueline Scott Corley*

United States Magistrate Judge  
Jacqueline Scott Corley  
United States Magistrate Judge

Bail. \$ \_\_\_\_\_ NO BAIL WARRANT

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY:  COMPLAINT  INFORMATION  INDICTMENT  SUPERSEDING

OFFENSE CHARGED

Second Superseding Information
18 U.S.C. § 1030(a)(5)(A) & (c)(4)(A)(i)(I)
Transmission of a Program, Information, Code, and Command to Cause Damage to a Protected Computer
 Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

Maximum Term of Imprisonment - 10 years; Maximum Term of Supervised Release - 3 years; Maximum Fine - \$250,000; Special Assessment \$100

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

SEAN KRISHANMAKOTO SHARMA

DISTRICT COURT NUMBER

CR 16 484

CRB

FILED
DEC 1 2018
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SEALED

PROCEEDING BY COURT ORDER

Name of Complainant Agency, or Person (& Title, if any)
FEDERAL BUREAU OF INVESTIGATION

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:
 U.S. Att'y  Defense
SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant
 prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under
MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM
BRIAN J. STRETCH
 U.S. Att'y  Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)
Cynthia M. Frey

DEFENDANT

IS NOT IN CUSTODY

- 1)  Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
2)  Is a Fugitive
3)  Is on Bail or Release from (show District)

IS IN CUSTODY

- 4)  On this charge
5)  On another conviction
6)  Awaiting trial on other charges }  Fed'l  State

If answer to (6) is "Yes", show name of institution

Has detainer been filed?  Yes  No } If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS  NO PROCESS\*  WARRANT Bail Amount: NONE

If Summons, complete following:

Arraignment  Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

1 BRIAN J. STRETCH (CABN 163973)  
2 United States Attorney

**FILED**  
DEC - 1 2016  
SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**SEALED  
BY COURT ORDER**

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

**CRB**

**CR 16 484**

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 SEAN KRISHANMAKOTO SHARMA,  
15 Defendant.  
16

CASE NO. )  
VIOLATION: 18 U.S.C. §§ 1030(a)(5)(A) & )  
(c)(4)(A)(i)(I) - Transmission of a Program, )  
Information, Code, and Command to Cause Damage )  
to a Protected Computer )  
SAN FRANCISCO VENUE )  
UNDER SEAL )

17  
18  
19 INDICTMENT

20 The Grand Jury charges:

21 BACKGROUND

22 1. At all times relevant to this Indictment:

23 a. Chatango, LLC ("Chatango") was a company headquartered in San Francisco that  
24 provides online chat services to third party web sites.

25 b. The computer servers of Chatango were used in and affecting interstate and  
26 foreign commerce and communication and were "protected computers" pursuant to 18 U.S.C. §  
27 1030(e)(2)(B).

28 INDICTMENT

1 c. Defendant SEAN KRISHANMAKOTO SHARMA (“SHARMA”) resided in La  
2 Canada, California.

3 d. A Distributed Denial of Service (“DDoS”) attack was a type of malicious  
4 computer activity where an attacker sends a large number of requests to the victim computer with the  
5 intent to render the victim computer unable to handle legitimate network traffic. The victim computer  
6 becomes unable to perform its intended function and legitimate users are denied the service of the  
7 computer.

8 2. Xtreme Fire was described on the “Xtreme.cc” as, “basically a Linux Botnet Ddos Tool.”  
9 COUNT ONE: (18 U.S.C. § 1030(a)(5)(A), (c)(4)(A)(i)(I) - Transmission of a Program, Information,  
10 Code, and Command to Cause Damage to a Protected Computer)

11 3. The factual allegations at Paragraphs One and Two are re-alleged as if set forth fully  
12 therein.

13 4. On or about November 6, 2014, through January 20, 2015, in the Northern  
14 District of California and elsewhere, the defendant,

15 SEAN KRISHANMAKOTO SHARMA,

16 did knowingly cause the transmission of a program, information, code, and command, and as a result of  
17 such conduct, intentionally caused damage without authorization to a protected computer, to wit, the  
18 defendant caused the transmission of the Xtreme Fire DDoS tool to Chatango’s web servers, a computer  
19 used in interstate and foreign commerce and communication, and, by such conduct caused loss to 1 or  
20 more persons during a 1-year period from the defendant’s course of conduct affecting protected

21 //

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27 //

28 INDICTMENT

1 computers aggregating at least \$5,000 in value.

2 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A) & (c)(4)(A)(i)(I).

3 Dated: 12/1/10

A TRUE BILL.

4 Karen Williams  
5 FOREPERSON

6 BRIAN J. STRETCH  
7 United States Attorney

8 [Signature]  
9 MATTHEW A. PARRELLA  
Chief, CHIP Unit

10  
11 (Approved as to form: [Signature]  
12 AUSA CYNTHIA FREY

United States District Court  
Northern District of California

CRIMINAL COVER SHEET

SEAL BY COURT

**Instructions:** Effective January 3, 2012, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

Case Name:

USA v. SEAN KRISHANMAKOTO SHARMA

Case Number:

CR 16 484 CRB

Total Number of Defendants:

1  2-7  8 or more

Is This Case Under Seal?

Yes  No

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes  No

Venue (Per Crim. L.R. 18-1):

SF  OAK  SJ  EUR  MON

Is any defendant charged with a death-penalty-eligible crime?

Yes  No

Assigned AUSA (Lead Attorney):

Cynthia Frey

Is this a RICO Act gang case?

Yes  No

Date Submitted:

December 1, 2016

Comments:

[Empty box for comments]

Save

Print

Clear Form