

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

UNITED STATES OF AMERICA

v.

TIMOTHY J. SMITH
_____ /

SEALED
INDICTMENT

3:19 cr 32 - MCR

THE GRAND JURY CHARGES:

INTRODUCTION

At all times material to this Indictment:

1. StrikeLines, LLC (hereinafter "StrikeLines"), based in Pensacola, Florida, was a company that used commercial side scan sonar equipment to locate fishing reefs in the Gulf of Mexico, and sold coordinates thereto using an interactive map on their website.

2. **TIMOTHY J. SMITH** was a software engineer employed in Mobile, Alabama.

COUNT ONE

Between on or about April 1, 2018, and on or about November 15, 2018, in the Northern District of Florida and elsewhere, the defendant,

TIMOTHY J. SMITH,

CERTIFIED A TRUE COPY
Jessica J. Lyubianovits

By *Jessica J. Lyubianovits*
Deputy Clerk

did knowingly and intentionally access a computer without authorization, and thereby obtained information from a protected computer, and the value of the information obtained exceeded \$5,000.

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

COUNT TWO

Between on or about April 1, 2018, and on or about November 15, 2018, in the Northern District of Florida and elsewhere, the defendant,

TIMOTHY J. SMITH,

with the intent to convert a trade secret belonging to StrikeLines that was related to a product and service used in, and intended for use in, interstate and foreign commerce, specifically, scanned sonar coordinates of reefs in the Gulf of Mexico, to the economic benefit of a person other than the owner thereof, and intending and knowing that the offense would injure the owner of that trade secret, knowingly, did steal and without authorization appropriate, take, carry away, and by fraud, artifice, and deception obtain such information.

In violation of Title 18, United States Code, Section 1832(a)(1).

COUNT THREE

Between on or about April 1, 2018, and on or about November 15, 2018, in the Northern District of Florida and elsewhere, the defendant,

TIMOTHY J. SMITH,

did knowingly transmit in interstate and foreign commerce, with the intent to extort from StrikeLines a thing of value, a communication containing a threat to injure the property and reputation of StrikeLines.

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

COMPUTER FRAUD FORFEITURE

The allegations contained in Count One of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture. From his engagement in the violation alleged in Count One of this Indictment, the defendant,

TIMOTHY J. SMITH,

shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1030(i), any and all of the defendant's right, title, and interest in any property, real and personal, constituting, and derived from, proceeds traceable to such offense, and any personal property that was used or intended to be used to commit or to facilitate the commission of such offense.

If any of the property described above as being subject to forfeiture, as a result of acts or omissions of the defendant:

- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred, sold to, or deposited with a third party;

- iii. has been placed beyond the jurisdiction of this Court;
- iv. has been substantially diminished in value; or
- v. has been commingled with other property that cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Sections 982(b) and 1030(i), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property.

TRADE SECRETS FORFEITURE

The allegations contained in Count Two of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture. From his engagement in the violation alleged in Count Two of this Indictment, the defendant,

TIMOTHY J. SMITH,

shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 1834 and 2323, any and all of the defendant's right, title, and interest in any property, real and personal, constituting, and derived from, proceeds traceable to such offense, and any personal property that was used or intended to be used to commit or to facilitate the commission of such offense.

If any of the property described above as being subject to forfeiture, as a result of acts or omissions of the defendant:

- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred, sold to, or deposited with a third party;
- iii. has been placed beyond the jurisdiction of this Court;
- iv. has been substantially diminished in value; or
- v. has been commingled with other property that cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Sections 1834 and 2323, to seek forfeiture of any

other property of said defendant up to the value of the forfeitable property.

A TRUE BILL:

Redacted

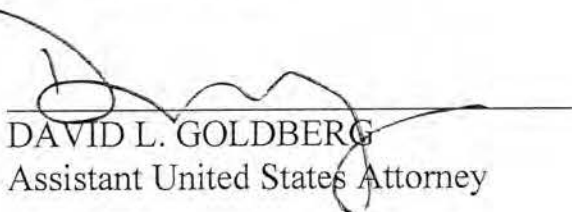
FOREPERSON

4 / 2 / 2 0 1 9

DATE



LAWRENCE KEEFE
United States Attorney



DAVID L. GOLDBERG
Assistant United States Attorney