Attack-1

Name - MAKSYM YASTREMSKIY, also known as "Maksik," and

ALEKSANDR SUVOROV, also known as 'JonnyHell,"

**COUNT ONE**

* Title 18, United States Code, Sections 1349 and 3551
* Conspiracy to Commit Wire (the accused with others knowingly and intentionally conspired to conceive a plan to defraud, D&E, its customers)
* On April 30, 2007 and September 22, 2007.

**COUNTS TWO THROUGH FIVE**

* Title 18, United States Code, Sections 1343, 2 and 3551
* Wire Fraud
* Packet sniffer installed on Point of sale (POS) of Dave and busters store #32 on 18 may 2007 and reactivated the same packet sniffer on 9 June, 23 July and 14 August 2007.

**COUNT SIX**

* Title 18, United States Code, Section 1029 (a) (3).
* Conspiracy to Possess Unauthorized Access Devices (Installation of packet sniffers and retrieving log files containing credit and debit card data of customers).
* On April 30, 2007 and September 22, 2007.

**COUNTS SEVEN THROUGH NINE**

* Title 18, United States Code, Sections 1029(a) (3), 1029(c) (1) (A) (i), 2 and 3551.
* Possession of Unauthorized Access Devices
* Between the dates of 5/18/07-6/6/07, 6/9/07-6/28/07 and 7/23/07-7/25/07 the packet sniffer created log files which contained credit and debit card data.

**COUNT TEN THROUGH TWELVE**

* Title 18, United States Code, Sections 1028A (a) (1), 1028A (b), 1028A(c) (5), 2 and 3551.
* Aggravated Identity Theft
* July 23, 2007. Knowingly and without any lawful authority accused by means of identification of other persons stole credit and debit card details of many individuals.

**COUNT THIRTEEN**

* Title 18, United States Code, Section 1030 (a) (5) (A), 1030 (a) (2) (C), Section 1030 (a) (4) .
* Conspiracy to Commit Computer Fraud.
* Between April 30, 2007 and September 22, 2007 accused and others (a). Intentionally accessed a computer without permission and gained private data and information (b). Gained access to computer without permission with the intention of fraud and obtain data of great value (c). Without permission installation of a program, command or code with the intention of damaging the organization.

**COUNTS FOURTEEN THROUGH SIXTEEN THROUGH NINETEEN**

* Title 18, United States Code, Sections 1030 (a) (2) (C) 1030 (c) (2) (B) (i), 2 and 3551, Sections 1030 (a) (4), 1030(c) (3) (A), 2 and 3551 and Unauthorized Computer Access to Obtain Things of Value.
* Unauthorized Computer Access Involving an Interstate Communication
* On the dates 6/9/07, 7/23/07, and 8/14/07 the packet sniffers were reactivated on the POS server.

**COUNTS SEVENTEEN THROUGH NINETEEN**

* Title 18, United States Code, Sections 1030 (a> (4), 1030(c) (3) (A), 2 and 3551.
* Unauthorized Computer Access to Obtain Things of Value.
* Packet sniffer installed on 6/9/07 and reactivated on the dates mentioned above.

**COUNTS TWENTY-FOUR THROUGH TWENTY-SEVEN**

* Title 18, United States Code, Sections 2511(1) (a), 2511(4) (a), 2 and 3551.
* Interception of Electronic Communications.
* Between 5/18/07 -6/6/07, 6/9/07 - 6/28/07, 7/23/07 - 7/25/07 and 8/14/07 - 8/20/07 packet sniffer installed earlier captured credit and debit card information while in transit from POS server at D&B Store #32.