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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

09 JUL -8 PM 4:47

UNITED STATES OF AMERICA)

INDICTMENT

CLERK
FOR THE NORTHERN DISTRICT
OF INDIANA

v.)

Case Number **3:09CR 80**

ASHTON C. LUNDEBY, a/k/a "TYRONE")

18 U.S.C. § 844(e)

18 U.S.C. §§ 371, 2

18 U.S.C. § 875

THE GRAND JURY CHARGES:

Count 1

Introduction

1. Beginning in or around the middle part of 2008, through and including about March 6, 2009, in the Northern District of Indiana, and elsewhere,

ASHTON C. LUNDEBY, a/k/a "TYRONE"

and others known and unknown to the Grand Jury including individuals employing numerous pseudonyms did combine, conspire and confederate to commit one or more offenses against the United States, including willfully making threats and maliciously conveying false information through an instrument of interstate commerce concerning attempts to kill, injure, or intimidate individuals and to unlawfully damage or destroy buildings by means of fire or explosives in violation of Title 18, United States Code, Sections 844(e) and 875; all in violation of Title 18, United States Code, Section 371.

Manner and Means of the Conspiracy

2. Members of the conspiracy placed interstate telephone calls, some terminating into the Northern District of Indiana, containing false information and shared those calls over the internet among

themselves and others.

3. Members of the conspiracy engaged in the conduct of "swatting," which is the act of making a false report of an emergency to a police department for the purpose of causing a law enforcement response to the non-existent emergency. "Swatting" frequently, though not always, is an attempt to cause the deployment of Special Weapons And Tactics (SWAT) components of law enforcement agencies.

4. The conspirators employed voice over internet protocol software, ("VoIP") a telecommunications technology by which individuals can communicate as if by telephone, however the transmissions are placed through the internet using computers. Several telecommunications service providers use VoIP to permit individuals to communicate over the internet as if using traditional land-line telephones or cellular telephone services. It was part of the conspiracy that one or more members opened, maintained and shared accounts with companies that provide communication services using VoIP for the purpose of furthering the conspiracy. Using VoIP software members of the conspiracy communicated with each other simultaneously as if using conference calling features of traditional land-line telephone services.

5. Other telecommunications software used by the conspirators included client-server voice communication software applications designed for use by online computer gamers. The client software allows users to connect to an internet service provider's (ISP's) server, thereby permitting users to talk to other users connected to the same server with a microphone and headset.

6. Members of the conspiracy opened and maintained one or more online computer gaming accounts, allowing individuals to simultaneously observe and participate in pranking and false

bomb threat telephone calls. Administrators of the account determined the level of participation. Core members of the conspiracy, who were frequently administrators of the account, placed hoax bomb threats or otherwise conveyed false information across state lines and also engaged in less serious prank telephone calls. Others individuals, who were not core members of the conspiracy, were only permitted to observe the pranks and to suggest targets.

7. Webcams are cameras which are connected to the internet and enable the broadcast of photographed images over the internet. Webcams are frequently placed at critical locations to permit the legitimate viewing of the areas covered by the webcams. It was part of the conspiracy that conspirators identified a public area that was covered by a webcam. The conspirators then broadcasted the video from that webcam and placed bomb threat calls to a location covered by the webcam. The conspirators created a "channel" over which members of the conspiracy could broadcast their misdeeds to as many as three hundred (300) individuals simultaneously. The audience was then able to hear the hoax bomb threat call, or other threat, and watch the law enforcement response or the public evacuation on the channel.

8. "Spoofing" is the use of software or commercially available telecommunications services to disguise callers' true identity and the true telephone number of the call's origin. One or more members of the conspiracy opened an account and used spoofing services to place one or more bomb threat calls for the purpose of preventing law enforcement from learning the identity of the hoax bomb threat caller.

9. As part of the conspiracy and to further its ends, one or more members placed telephone calls pretending to be a concerned citizen who described events they viewed from the

webcam feeds broadcast by the conspirators and who then conveyed information to police that was designed to make the bomb threats more credible.

10. It was part of the conspiracy that one or more of the conspirators created and maintained a website called "partyvanpranks.com" or some variant of that name including "parytyv&pranks." The conspirators used these websites to advertise their pranks in an effort to expand the audience who watched their channel. The conspirators sought what they claimed was a donation, but was in fact admission charged to individuals who wished to view the pranks which they broadcast on their channel. Members of the conspiracy used various email, social networking, and internet communication services to communicate with each other and to potential audience members.

11. It was part of the conspiracy that one or more of the conspirators opened and maintained an online banking account, in part, for the purpose of receiving the admission paid by audience members to view the misdeeds. The conspirators also used this online account to pay for the various telecommunications and internet services used to accomplish the goals of the conspiracy.

12. It was part of the conspiracy that one or more of the conspirators recorded the webcam feeds and broadcasts on their channel, and then posted those videos on one or more internet posting services in part to advertise their misdeeds.

13. It was part of the conspiracy that one or more of the conspirators offered to close schools in exchange for a nominal fee by placing a bomb threat. One or more members of the conspiracy charged a fee in exchange for placing a false bomb threat to a school, or to law enforcement, for the purpose of closing the school temporarily or delaying the opening of school. It was part of the conspiracy that the conspirators targeted businesses, private individuals, universities,

high schools and middle schools, state and local law enforcement departments, and offices of the Federal Bureau of Investigation and other governmental offices with their pranks and bomb threats.

Overt Acts

14. The defendant and his co-conspirators committed the following overt acts, and others, in furtherance of the conspiracy.

15. In or around 2008 or 2009, the defendant ASHTON C. LUNDEBY, a/k/a TYRONE and others associated with the partyvanpranks crew created a website in part for the purpose of advertising prank telephone calls over the internet.

16. On or about July 18, 2008, the defendant ASHTON C. LUNDEBY, a/k/a TYRONE, opened an account with an online bank using an email account known as xslowpokesx@yahoo.com. During the ensuing months many individuals made payments to the account via internet payments in various amounts of money (frequently \$5.00 or multiples of that amount) as "donations" for the opportunity to view and/or participate in prank telephone calls.

17. On or about July 1, 2008, a member of the conspiracy opened an account with a telecommunications service company that uses VoIP. The account was associated with a user name, "foshizzelz." One or more of the conspirators used funds collected through the online banking account to pay for the VoIP services. This VoIP account was used to place many of the bomb threats and other acts in furtherance of the conspiracy. Eventually this account was owned by ASHTON C. LUNDEBY, a/k/a TYRONE.

18. In or around early 2009, the defendant ASHTON C. LUNDEBY, a/k/a TYRONE opened an account with a caller identification spoofing service. One or more of the conspirators used

funds collected through the online banking account to pay for the spoofing services.

19. On or about the 31st day of January, 2009, the defendant, ASHTON C. LUNDEBY, a/k/a TYRONE, along with other members of the conspiracy willfully made a threat and maliciously conveyed false information knowing same to be false concerning an attempt or alleged attempt to kill, injure, or intimidate an individual and to unlawfully damage or destroy a building by means of fire or an explosive by placing multiple interstate telephone calls from North Carolina to locations within the Northern District of Indiana suggesting that a bomb had been placed on the campus of Indiana University Purdue University at Ft. Wayne which is located in the Northern District of Indiana.

20. On or about the 15th day of February, 2009, the defendant, ASHTON C. LUNDEBY, a/k/a TYRONE, along with other members of the conspiracy willfully made a threat and maliciously conveyed false information knowing same to be false concerning an attempt or alleged attempt to kill, injure, or intimidate an individual and to unlawfully damage or destroy any building by means of fire or an explosive by placing multiple interstate telephone calls from North Carolina to locations within the Northern District of Indiana claiming that a bomb had been placed somewhere on the campus of Purdue University which is located in the Northern District of Indiana.

21. On the same date, and at approximately the same time, a member of the conspiracy placed another telephone call to Purdue University officials falsely claiming to have witnessed someone place devices onto computers located in the Purdue University Mechanical Engineering Building in an effort to give credibility to the bomb threat.

22. On or about the 15th day of February, 2009, members of the conspiracy willfully made a threat and maliciously conveyed false information knowing same to be false concerning an attempt or

alleged attempt to kill, injure, or intimidate an individual and to unlawfully damage or destroy any building by means of fire or an explosive by placing multiple telephone calls falsely claiming that a bomb had been placed on the campus of the University of North Carolina.

23. On or about the same date, one or more members of the conspiracy using the internet accessed a webcam located on the campus of the University of North Carolina for the purpose of observing the area at which the bomb threat was placed.

24. On or about the 21st day of February, 2009, members of the conspiracy, willfully made a threat and maliciously conveyed false information knowing same to be false concerning an attempt or alleged attempt to kill, injure, or intimidate an individual and to unlawfully damage or destroy any building by means of fire or an explosive by placing multiple interstate telephone calls suggesting that a bomb had been placed on the campus of Florida State University.

25. On or about the 24th day of February, 2009, members of the conspiracy made a threat and maliciously conveyed false information knowing same to be false concerning an attempt or alleged attempt to kill, injure, or intimidate an individual and to unlawfully damage or destroy any building by means of fire or an explosive by placing multiple interstate telephone calls suggesting that a bomb had been planted somewhere on the campus of Clemson University.

26. On or about the 25th and 26th days of February, 2009, the defendant, ASHTON C. LUNDEBY, a/k/a TYRONE, along with other members of the conspiracy willfully made a threat and maliciously conveyed false information knowing same to be false concerning an attempt or alleged attempt to kill, injure, or intimidate an individual and to unlawfully damage or destroy any building by means of fire or an explosive by placing multiple interstate telephone calls suggesting that a bomb had

been planted somewhere on the campus of Boston College.

27. On or about the 27th day of February, 2009, members of the conspiracy offered to place prank and harassing telephone calls, and did place multiple prank and harassing telephone calls.

28. On or about the 27th day of February, 2009, the defendant, ASHTON C. LUNDEBY, a/k/a TYRONE, placed one or more prank and harassing telephone calls to the F.B.I. Headquarters and other offices of the F.B.I., as well as other businesses located in the United States and Japan.

29. On or about the 27th day of February, 2009, the defendant, ASHTON C. LUNDEBY, a/k/a TYRONE, utilizing the internet, an instrument of interstate commerce, offered to place bomb threats to close schools in exchange for money.

30. On or about the 3rd day of March, 2009, members of the conspiracy conveyed false information knowing same to be false concerning an attempt or alleged attempt to kill, injure, or intimidate an individual by means of placing a telephone call to officials of Purdue University claiming that a person was located in the Lawson Computer Science Building on the campus of Purdue University while armed with a firearm.

31. On or about the 4th day of March, 2009, the defendant, ASHTON C. LUNDEBY, a/k/a TYRONE, along with other members of the conspiracy willfully made a threat and maliciously conveyed false information knowing same to be false concerning an attempt or alleged attempt to kill, injure, or intimidate an individual and to unlawfully damage or destroy any building by means of fire or an explosive by placing multiple interstate telephone calls to the West Hempfield Middle School located in or near Irwin, Pennsylvania.

32. On or about the 4th day of March, 2009, the defendant, ASHTON C. LUNDEBY,

a/k/a TYRONE, along with other members of the conspiracy willfully made a threat and maliciously conveyed false information knowing same to be false concerning an attempt or alleged attempt to kill, injure, or intimidate an individual and to unlawfully damage or destroy any building by means of fire or an explosive by placing multiple interstate telephone calls to the North Farmington High School located in or near Farmington Hills, Michigan.

33. On or about the 4th day of March, 2009, the defendant, ASHTON C. LUNDEBY, a/k/a TYRONE, along with other members of the conspiracy willfully made a threat and maliciously conveyed false information knowing same to be false concerning an attempt or alleged attempt to kill, injure, or intimidate an individual and to unlawfully damage or destroy any building by means of fire or an explosive by placing multiple interstate telephone calls to the Federal Bureau of Investigation office located in or near Monroe, Louisiana.

34. On or about the 4th day of March, 2009, the defendant, ASHTON C. LUNDEBY, a/k/a TYRONE, along with other members of the conspiracy willfully made a threat and maliciously conveyed false information knowing same to be false concerning an attempt or alleged attempt to kill, injure, or intimidate an individual and to unlawfully damage or destroy any building by means of fire or an explosive by placing multiple interstate telephone calls to the Federal Bureau of Investigation office located in or near Pueblo, Colorado.

35. On or about the 4th day of March, 2009, the defendant, ASHTON C. LUNDEBY, a/k/a TYRONE, along with other members of the conspiracy willfully made a threat and maliciously conveyed false information knowing same to be false concerning an attempt or alleged attempt to kill, injure, or intimidate an individual and to unlawfully damage or destroy any building by means of fire or

an explosive by placing one or more interstate telephone calls to the Mill Valley High School located in or near Shawnee, Kansas.

36. On or about the 4th day of March, 2009, the defendant, ASHTON C. LUNDEBY, a/k/a TYRONE, along with other members of the conspiracy placed multiple interstate telephone calls with the intention of making a false bomb threat.

37. On or about the 4th day of March, 2009, the defendant, ASHTON C. LUNDEBY, a/k/a TYRONE, along with other members of the conspiracy willfully made a threat and maliciously conveyed false information knowing same to be false concerning an attempt or alleged attempt to kill, injure, or intimidate an individual and to unlawfully damage or destroy any building by means of fire or an explosive by placing one or more interstate telephone calls to the Glynn Academy High School located in or near Brunswick, Georgia.

38. On or about the 4th or 5th day of March, 2009, the defendant, ASHTON C. LUNDEBY, a/k/a TYRONE, along with other members of the conspiracy willfully made a threat and maliciously conveyed false information knowing same to be false concerning an attempt or alleged attempt to kill, injure, or intimidate an individual and to unlawfully damage or destroy any building by means of fire or an explosive by placing one or more interstate telephone calls to Hamden High School located in or near Hamden, Connecticut.

39. On or about the 4th day of March, 2009, members of the conspiracy, made a series of harassing and prank telephone calls to the FBI.

40. During the course of the conspiracy, members of the conspiracy placed many prank and harassing interstate and intrastate telephone calls besides those explicitly described herein.

41. During the course of the conspiracy, many individuals deposited funds into a PayPal account for the purpose of viewing the prank calls described herein.

42. On or about the 6th day of March, 2009, a member of the conspiracy removed funds from the shared online banking account that was used by members of the conspiracy, in part for the purpose of covering up the conspiracy.

Objects of the Conspiracy

43. It was the object of the conspiracy that the conspirators would engage in their misdeeds for the purposes of recreation and profit.

All in violation of Title 18, United States Code, Section 371.

THE GRAND JURY FURTHER CHARGES:

Count 2

On or about the 31st day of January, 2009, in Allen County, Northern District of Indiana, and elsewhere, the defendant,

ASHTON C. LUNDEBY, a/k/a "TYRONE,"

willfully made a threat and maliciously conveyed false information knowing same to be false concerning an attempt or alleged attempt being made, or to be made, to kill, injure, or intimidate an individual and to unlawfully damage or destroy any building or other real or personal property by means of fire or an explosive by using an instrument of interstate commerce by placing one or more interstate telephone calls falsely claiming that bombs had been planted on the campus of Indiana University Purdue University at Fort Wayne.

All in violation of Title 18, United States Code, Section 844(e).

THE GRAND JURY FURTHER CHARGES:

Count 3

On or about the 15th day of February, 2009, in Tippecanoe County, Northern District of Indiana, and elsewhere, the defendant,

ASHTON C. LUNDEBY a/k/a "TYRONE,"

willfully made a threat and maliciously conveyed false information knowing same to be false concerning an attempt or alleged attempt being made, or to be made, to kill, injure, or intimidate an individual and to unlawfully damage or destroy any building or other real or personal property by means of fire or an explosive by using an instrument of interstate commerce by placing one or more interstate telephone calls falsely claiming that bombs had been planted on the campus of Purdue University.

All in violation of Title 18, United States Code, Section 844(e).

THE GRAND JURY FURTHER CHARGES:

FORFEITURE ALLEGATION

1. The allegations contained in Count One through Three of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Sections 982(a)(2)(B).

2. Upon conviction of the offenses in violation of Title 18, United States Code, Section 844 set forth in Counts Two or Three of this Indictment and/or upon conviction of the offense in violation of Title 18, United States Code, Section 371 set forth in Count One of this Indictment, the defendant,

ASHTON C. LUNDEBY, a/k/a "TYRONE"

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(B), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violation(s). The property to be forfeited includes, but is not limited to, all property seized during the execution of a search warrant that took place on or about the 5th day of March, 2009.

3. If any of the property described above, 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 party;
 - 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 divided without

difficulty, the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

All pursuant to 18 U.S.C. §§ 844(c) and 982(a)(2)(B), and 28 U.S.C. § 2461(c).

A TRUE BILL:

S/ Foreperson

FOREPERSON

DAVID CAPP
UNITED STATES ATTORNEY

S/ Kenneth M. Hays

By:

Kenneth M. Hays
Assistant United States Attorney