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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

February 2005 Grand Jury

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

ANTHONY PELLICANO,)
MARK ARNESON,)
RAYFORD EARL TURNER,)
KEVIN KACHIKIAN,)
ROBERT PFEIFER,)
ABNER NICHERIE, and)
DANIEL NICHERIE,)

Defendants.)

CR No. 05-1046(B)

S E C O N D
S U P E R S E D I N G
I N D I C T M E N T

[18 U.S.C. § 1962(c):
Racketeer Influenced and
Corrupt Organizations (RICO);
18 U.S.C. § 1962(d): RICO
Conspiracy; 18 U.S.C. §§ 1343,
1346: Honest Services Wire
Fraud; 18 U.S.C.
§ 1030(a)(2)(B), (c)(2)(B)(i):
Unauthorized Computer Access
of United States Agency
Information; 18 U.S.C.
§ 1028(a)(7): Identity Theft;
18 U.S.C. § 1030(a)(4):
Computer Fraud; 18 U.S.C.
§ 371: Conspiracy; 18 U.S.C.
§ 2511(1)(a), (d): Interception
of Wire Communications; 18
U.S.C. § 2512(1)(b):
Possession of Wiretapping
Device; 18 U.S.C.
§ 1001(a)(2): False
Statements; 18 U.S.C.
§ 1512(b)(3): Witness
Tampering; 18 U.S.C.
§ 1512(c)(1): Destruction of
Evidence; 18 U.S.C. § 2:
Aiding and Abetting and
Causing an Act to Be Done; 18
U.S.C. § 1963: RICO Forfeiture]

1 The Grand Jury charges:

2 COUNT ONE

3 [18 U.S.C. § 1962(c)]

4 [Racketeering]

5 [Defendants PELLICANO, ARNESON, and TURNER]

6 I. INTRODUCTION

7 At all times relevant to this Second Superseding Indictment
8 (this "Indictment"):

9 A. Defendants and Their Associates

10 1. Defendant ANTHONY PELLICANO was a private investigator
11 doing business under the names of Pellicano Investigative Agency,
12 Ltd., Anthony J. Pellicano Negotiations, Forensic Audio Lab, and
13 Syllogistic Research Group, all located at 9200 Sunset Boulevard,
14 Suite 322, Los Angeles, California 90210. Defendant PELLICANO
15 was licensed as a private investigator from in or around 1983
16 until on or about February 2, 2004, by the California Department
17 of Consumer Affairs' Bureau of Security and Investigative
18 Services.

19 2. Defendant MARK ARNESON was a public official and sworn
20 law enforcement officer employed by the City of Los Angeles,
21 California, as an officer of the Los Angeles Police Department
22 ("LAPD"). On or about June 10, 1974, defendant ARNESON took his
23 oath of office as an LAPD officer, swearing that he would well
24 and faithfully discharge the duties of his office. After taking
25 this oath, defendant ARNESON became an LAPD police officer in
26 June 1974, became an LAPD Detective in September 1984, and became
27 an LAPD Sergeant in April 1996. As a public official and sworn
28

1 law enforcement officer, defendant ARNESON owed a duty of honest
2 services to the LAPD and the citizens he was sworn to serve.

3 3. Defendant RAYFORD EARL TURNER was, prior to his
4 retirement on or about December 15, 2001, employed by SBC and its
5 predecessor company, Pacific Bell (collectively "SBC") as a field
6 technician.

7 4. Craig Stevens was a public official and sworn law
8 enforcement officer employed by the City of Beverly Hills,
9 California, as an officer of the Beverly Hills Police Department
10 ("BHPD"). As a public official and sworn law enforcement
11 officer, Stevens owed a duty of honest services to the BHPD and
12 the citizens he was sworn to serve.

13 5. Teresa Wright was, prior to her termination on or about
14 November 21, 2003, employed by SBC as a sales support manager.

15 B. THE LAPD AND BHPD COMPUTER SYSTEMS

16 6. From on or about June 10, 1974, through on or about
17 October 10, 2003, as a result of his position as an LAPD officer,
18 defendant ARNESON was authorized to access LAPD's computer system
19 in the Los Angeles Pacific Division offices and elsewhere to
20 obtain criminal history and other law enforcement information
21 from computer systems and databases maintained exclusively for
22 law enforcement uses, including the National Crime Information
23 Center ("NCIC") and the California Department of Motor Vehicles
24 ("DMV"). Defendant ARNESON was authorized to access these law
25 enforcement computer systems and databases only for official LAPD
26 purposes related to his official investigative duties.

27 7. As part of his LAPD oath of office, defendant ARNESON
28 swore that he would adhere to the standards of conduct set forth

1 in the LAPD Manual. The LAPD Manual prohibits an LAPD officer
2 from making unauthorized use of information obtained through
3 employment with the LAPD, disclosing law-enforcement information
4 except as required in the performance of official duties, using
5 LAPD computer systems and information obtained through them for
6 non-official purposes, releasing criminal history information to
7 individuals lacking legal authority to have access to such
8 information, and/or engaging in outside employment without prior
9 approval.

10 8. From on or about May 5, 1982, through on or about
11 January 6, 2006, as a result of his position as a BHPD officer,
12 Craig Stevens was authorized to access BHPD's computer system in
13 the BHPD offices and elsewhere to obtain criminal history and
14 other law enforcement information from computer systems and
15 databases maintained exclusively for law enforcement uses,
16 including NCIC and DMV. Craig Stevens was authorized to access
17 these law enforcement computer systems and databases only for
18 official BHPD purposes related to his official investigative
19 duties.

20 9. NCIC is accessed remotely by law enforcement computer
21 terminals located throughout the United States and is therefore
22 used in interstate communication. NCIC, which is operated by the
23 Federal Bureau of Investigation, maintains a database of
24 electronically stored information located in Clarksburg, West
25 Virginia.

26 10. The LAPD and BHPD computer systems are exclusively for
27 the use of the LAPD and BHPD respectively and are used in
28 interstate communication.

1 C. SBC'S CONFIDENTIAL AND PROPRIETARY INFORMATION

2 11. SBC's written Code of Business Conduct requires that
3 employees maintain the privacy of customer records, including the
4 number and type of customers' telephone lines and records of
5 customers' telephone usage. SBC employees are prohibited from
6 accessing, using or disclosing customer records, reports or
7 proprietary information without a valid business reason.

8 12. In her capacity as a sales support manager for SBC,
9 Teresa Wright was authorized to access SBC's computer system in
10 the SBC offices and elsewhere to obtain confidential information
11 on SBC's residential customers, including telephone toll records,
12 telephone numbers, and home addresses, from computer systems and
13 databases maintained exclusively for law enforcement uses,
14 including the Billing and Order Support System ("BOSS"), the
15 Premises Information System ("PREMIS"), and the Service Order
16 Retrieval and Distribution System ("SORD"). Teresa Wright was
17 authorized to access these computer systems and databases only
18 for valid SBC business reasons.

19 13. In his capacity as a field technician for SBC,
20 defendant TURNER had authorization to obtain confidential
21 information on SBC's residential customers from other SBC
22 employees with access to SBC computer systems and databases,
23 including Teresa Wright. Defendant TURNER was authorized to
24 obtain this confidential information only for valid SBC business
25 reasons. Defendant TURNER's authorization to obtain any such
26 confidential information for any purpose ended with his
27 retirement from SBC on or about December 15, 2001.

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II. THE ENTERPRISE

14. At all times relevant to this Indictment, defendants ANTHONY PELLICANO, MARK ARNESON, and RAYFORD EARL TURNER, together with other individuals known and unknown to the Grand Jury, and the Pellicano Investigative Agency, Ltd., together with other legal entities known and unknown to the Grand Jury, constituted an "enterprise," as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals and legal entities associated in fact (the "Enterprise"). The Enterprise was bound together by the common purpose of earning income through the conduct of diverse criminal activities including, but not limited to, illegal wiretapping, unauthorized access of protected computers, wire fraud, bribery, identity theft, and obstruction of justice. The Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise. The Enterprise operated primarily in Los Angeles, California, within the Central District of California. The Enterprise was engaged in, and its activities affected, interstate commerce.

III. PURPOSES OF THE ENTERPRISE

15. The purposes of the Enterprise included:

a. Enriching the members and associates of the Enterprise through obtaining private, personal, and confidential information regarding defendant PELLICANO's investigative targets and litigative opponents through illegal means, including but not limited to identity theft, wire fraud, bribery, and unauthorized access of protected computer databases.

1 b. Enriching the members and associates of the
2 Enterprise through using the illegally obtained information to
3 subvert and corrupt the judicial process.

4 c. Enriching the members and associates of the
5 Enterprise through using the illegally obtained information to
6 strengthen and expand defendant PELLICANO's reputation and
7 ongoing relationship with lucrative clients, including
8 entertainment celebrities and executives, attorneys, and law
9 firms.

10 d. Promoting and enhancing the Enterprise and its
11 members' and associates' activities.

12 IV. MANNER AND MEANS OF THE ENTERPRISE

13 16. Defendants and their associates conducted and
14 participated in the conduct of the management, operation, and
15 affairs of the Enterprise in the manner and by the means
16 described below.

17 17. Defendant PELLICANO was the organizer and leader of the
18 Enterprise and directed other members of the Enterprise in
19 carrying out unlawful and other activities in furtherance of the
20 conduct of the Enterprise's affairs. Defendant PELLICANO was
21 responsible for securing clients who were willing and able to pay
22 large sums for the purpose of obtaining personal information of a
23 confidential, embarrassing, or incriminating nature regarding
24 other individuals, including opponents or witnesses in criminal
25 or civil litigation, who became the Enterprise's investigative
26 targets.

27 18. Defendant PELLICANO paid bribes to corrupt public
28 officials, including defendant ARNESON, Craig Stevens, and others

1 known and unknown to the Grand Jury, and to corrupt telephone
2 company employees, including defendant TURNER, Teresa Wright, and
3 others known and unknown to the Grand Jury, for purposes of
4 obtaining confidential and proprietary information regarding the
5 Enterprise's investigative targets.

6 19. With respect to defendant ARNESON:

7 a. Defendant PELLICANO provided defendant ARNESON
8 with names and/or other personal identifying information of
9 individuals whom defendant PELLICANO was investigating and as to
10 whom he wished to obtain confidential law enforcement
11 information.

12 b. Defendant ARNESON accessed without authorization,
13 and in excess of his authorized access, the LAPD computer system
14 to obtain and provide criminal history and other law enforcement
15 information for the use of defendant PELLICANO.

16 c. Defendant ARNESON solicited, and defendant
17 PELLICANO provided to defendant ARNESON, payment for obtaining
18 and providing criminal history and other law enforcement
19 information. In particular, defendant PELLICANO made payments to
20 defendant ARNESON by means of Pellicano Investigative Agency,
21 Ltd. business checks in at least the following amounts in return
22 for obtaining and providing criminal history and other law
23 enforcement information:

<u>Year</u>	<u>Minimum Payment</u>
1997	\$8,875
1998	\$47,915
1999	\$38,325
2000	\$34,500

1 2001 \$32,250

2 2002 \$27,500

3 Defendant ARNESON solicited and received from defendant PELLICANO
4 additional payments in cash in order to conceal these additional
5 payments received from defendant PELLICANO.

6 d. Defendant ARNESON failed to obtain permission from
7 LAPD to engage in employment for defendant PELLICANO.

8 20. With respect to Craig Stevens:

9 a. Defendant PELLICANO provided Stevens with names
10 and/or other personal identifying information of individuals whom
11 defendant PELLICANO was investigating and as to whom he wished to
12 obtain confidential law enforcement information.

13 b. Stevens accessed without authorization, and in
14 excess of his authorized access, the BHPD computer system to
15 obtain and provide criminal history and other law enforcement
16 information for the use of defendant PELLICANO.

17 c. Stevens solicited, and defendant PELLICANO
18 provided to Stevens, payment for obtaining and providing criminal
19 history and other law enforcement information.

20 d. Stevens failed to obtain permission from BHPD to
21 engage in employment for defendant PELLICANO.

22 21. With respect to defendant TURNER and Teresa Wright:

23 a. Defendant PELLICANO provided defendant TURNER with
24 names and/or other personal identifying information of
25 individuals whom defendant PELLICANO was investigating and as to
26 whom he wished to obtain confidential and proprietary telephone
27 company information from SBC.

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1 b. Defendant TURNER would access without
2 authorization, and in excess of his authorized access, and cause
3 Wright to access without authorization, and in excess of both his
4 and her authorized access, the SBC computer system in order,
5 under the guise of performing legitimate work-related duties, to
6 obtain confidential and proprietary telephone company information
7 for the use of defendant PELLICANO.

8 c. Defendant TURNER solicited, and defendant
9 PELLICANO provided to defendant TURNER, payment for obtaining and
10 providing confidential and proprietary telephone company
11 information. In particular, defendant PELLICANO made payments to
12 defendant TURNER by means of Pellicano Investigative Agency, Ltd.
13 business checks in at least the following amounts in return for
14 obtaining and providing confidential and proprietary telephone
15 company information:

16	<u>Year</u>	<u>Minimum Payment</u>
17	1997	\$10,100
18	1998	\$8,625
19	1999	\$8,975
20	2000	\$4,000
21	2001	\$3,080
22	2002	\$1,875

23 Defendant TURNER solicited and received from defendant PELLICANO
24 additional payments in cash in order to conceal these additional
25 payments received from defendant PELLICANO.

26 22. Defendant PELLICANO provided the criminal history and
27 other law enforcement information received from defendant
28 ARNESON, Craig Stevens, and other corrupt public officials, and

1 the confidential and proprietary telephone company information
2 received from defendant TURNER and others, to the Enterprise's
3 clients in return for payment.

4 23. In many instances, defendant PELLICANO used and sought
5 to use this illegally obtained information to facilitate further
6 criminal conduct to enrich the Enterprise, including threats,
7 blackmail, and illegal wiretapping directed against the
8 Enterprise's investigative targets. In particular, at defendant
9 PELLICANO's direction, defendant TURNER and others known and
10 unknown to the Grand Jury used their expertise and access to
11 proprietary telephone company equipment to assist defendant
12 PELLICANO in using the illegally obtained information to
13 implement illegal wiretaps, which defendant PELLICANO
14 accomplished through the use of computer software and hardware
15 designed by Kevin Kachikian.

16 24. Defendant PELLICANO provided the information obtained
17 by these and other legal and illegal means to the Enterprise's
18 clients, both known and unknown to the Grand Jury, who would use
19 the illegally obtained information provided by defendant
20 PELLICANO for their own purposes, including preparation for and
21 conduct of civil and criminal litigation.

22 25. In return, defendant PELLICANO would secure payments
23 from these clients, which payments were used, in part, to promote
24 and expand the Enterprise's criminal and other operations.

25 V. CONDUCT OF THE AFFAIRS OF THE ENTERPRISE THROUGH
26 A PATTERN OF RACKETEERING ACTIVITY

27 26. Beginning on a date unknown to the Grand Jury and
28 continuing until in or around December 2002, within the Central

1 District of California and elsewhere, defendants ANTHONY
2 PELLICANO, MARK ARNESON, and RAYFORD EARL TURNER, together with
3 others known and unknown to the Grand Jury, being persons
4 employed by and associated with the Enterprise, which was engaged
5 in, and the activities of which affected, interstate commerce,
6 knowingly conducted and participated, directly and indirectly, in
7 the conduct of the affairs of that enterprise through a pattern
8 of racketeering activity as defined in Title 18, United States
9 Code, Sections 1961(1) and 1961(5), that is, through the
10 commission of Racketeering Acts One through Ninety-One as set
11 forth in paragraphs 27 through 36 below.

12 Racketeering Acts One Through Sixty-Three

13 (Wire Fraud)

14 27. On or about each of the following dates, within the
15 Central District of California, in violation of Title 18, United
16 States Code, Sections 1343, 1346, and 2, defendants PELLICANO and
17 ARNESON, aiding and abetting each other, having knowingly and
18 with intent to defraud devised and participated in a scheme to
19 defraud and deprive the LAPD and the citizens of the City of Los
20 Angeles of their right to defendant ARNESON's honest services by
21 using defendant ARNESON's authority and official position as an
22 LAPD officer to enrich themselves by receiving payments in return
23 for obtaining and providing criminal history and other law
24 enforcement information, as described in paragraphs 19 and 22
25 through 25 of this Indictment, for the purpose of executing and
26 attempting to execute this scheme, transmitted and caused to be
27 transmitted by means of wire communication in interstate commerce
28 writings, signs, and signals, that is, computer transmissions

1 from Los Angeles, California searching NCIC in Clarksburg, West
2 Virginia for criminal history and other law enforcement
3 information on the following persons:

ACT	DATE	PERSON
1	January 11, 1999	Jane Doe #4 in <u>People v. John Gordon Jones</u> , Los Angeles County Superior Court Case No. BA109907
2	January 11, 1999	Jane Doe #5 in <u>People v. John Gordon Jones</u> , Los Angeles County Superior Court Case No. BA109907
3	January 20, 1999	Garry Shandling
4	January 20, 1999	Mariana Grant
5	January 25, 1999	Jane Doe #6 in <u>People v. John Gordon Jones</u> , Los Angeles County Superior Court Case No. BA109907
6	January 25, 1999	Jane Doe #7 in <u>People v. John Gordon Jones</u> , Los Angeles County Superior Court Case No. BA109907
7	February 9, 1999	Jane Doe #8 in <u>People v. John Gordon Jones</u> , Los Angeles County Superior Court Case No. BA109907
8	February 10, 1999	James Nielsen
9	March 2, 1999	Darcy LaPier
10	March 4, 1999	Kevin Nealon
11	March 4, 1999	Linda Nealon
12	March 4, 1999	Linda Doucett
13	March 9, 1999	Gavin DeBecker
14	March 15, 1999	Bilal Baroody
15	May 4, 1999	Ali Amghar
16	May 4, 1999	Vanessa Etourneau
17	May 4, 1999	Lea Dabany
18	May 4, 1999	Felicia Fuller
19	May 4, 1999	Bonita Jones
20	May 11, 1999	Lilian Pinho

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ACT	DATE	PERSON
21	July 30, 1999	Monika Zsibrita
22	October 16, 1999	Christopher Pair
23	October 16, 1999	Suzanne Pair
24	October 16, 1999	Michael Rosen
25	October 21, 1999	Carol Rosen
26	May 15, 2000	Kissandra Cohen
27	May 15, 2000	Michael Cohen
28	August 2, 2000	Peter Kuhns
29	August 2, 2000	Erin Finn
30	November 22, 2000	Laura Buddine
31	January 3, 2001	Lisa Gores
32	January 3, 2001	Thomas Gores
33	February 6, 2001	Vincent Zenga
34	February 6, 2001	Jerome Zenga
35	February 13, 2001	Jessica Schutte
36	February 14, 2001	Stacy Codikow
37	February 14, 2001	Paul Durazzo
38	February 20, 2001	Zorianna Kit
39	March 13, 2001	Gregory Dovel
40	April 26, 2001	Keith Carradine
41	April 26, 2001	Hayley Dumond
42	August 24, 2001	Sandra Rodriguez
43	August 24, 2001	Ester Pina
44	August 24, 2001	Mirella Lavorin
45	August 24, 2001	Carrie Cagle
46	October 18, 2001	George Kalta
47	February 19, 2002	Kevin Templeton
48	March 15, 2002	Patrick Theohar
49	March 18, 2002	Laura Moreno

ACT	DATE	PERSON
50	March 18, 2002	Marcus Moreno
51	April 3, 2002	Pamela Miller
52	April 19, 2002	Michael Kolesa
53	May 9, 2002	Arthur Bernier
54	May 16, 2002	James Casey
55	May 16, 2002	Andrew Miller
56	May 16, 2002	Anita Busch
57	May 16, 2002	Bernard Weinraub
58	May 16, 2002	Richard Miller
59	May 16, 2002	Joyce Miller
60	September 4, 2002	Timea Zsibrita
61	October 29, 2002	Lucille Salter
62	October 29, 2002	David Salter
63	October 29, 2002	Cindy Salter

Racketeering Acts Sixty-Four Through Sixty-Five

(Wire Fraud)

28. On or about each of the following dates, within the Central District of California, in violation of Title 18, United States Code, Sections 1343, 1346, and 2, defendant PELLICANO and Craig Stevens, aiding and abetting each other, having knowingly and with intent to defraud devised and participated in a scheme to defraud and deprive the BHPD and the citizens of the City of Beverly Hills of their right to Stevens' honest services by using Stevens' authority and official position as a BHPD officer to enrich themselves by receiving payments in return for obtaining and providing criminal history and other law enforcement information, as described in paragraphs 20 and 22 through 25 of this Indictment, for the purpose of executing and attempting to

1 execute this scheme, transmitted and caused to be transmitted by
2 means of wire communication in interstate commerce writings,
3 signs, and signals, that is, computer transmissions from Beverly
4 Hills, California searching NCIC in Clarksburg, West Virginia for
5 criminal history and other law enforcement information on the
6 following persons:

ACT	DATE	PERSON
64	November 9, 2001	Max Russo
65	December 18, 2001	Adam Sender

10 Racketeering Acts Sixty-Six Through Seventy-Eight

11 (Identity Theft)

12 29. On or about each of the following dates, within the
13 Central District of California and elsewhere, in violation of
14 Title 18, United States Code, Section 1028(a)(7), defendants
15 PELLICANO and ARNESON knowingly transferred, possessed, and used,
16 and caused to be transferred, possessed, and used, without lawful
17 authority, the following means of identification, with the intent
18 to commit, and to aid and abet, and in connection with, an
19 unlawful activity that constituted a violation of Federal law,
20 namely, Title 18, United States Code, Section 1030(a)(4)
21 (computer fraud), and a felony under applicable State law,
22 namely, California Penal Code Section 502(c)(2) (unauthorized
23 access to computer data):

ACT	DATE	MEANS OF IDENTIFICATION
66	January 20, 1999	Name of Warren Grant
67	January 21, 1999	Name of Jane Doe #3 in <u>People v. John Gordon Jones</u> , Los Angeles County Superior Court Case No. BA109907

ACT	DATE	MEANS OF IDENTIFICATION
68	January 22, 1999	Name of Jane Doe #2 in <u>People v. John Gordon Jones</u> , Los Angeles County Superior Court Case No. BA109907
69	February 9, 1999	Name of Julie Westby
70	February 22, 1999	Name of Jane Doe #1 in <u>People v. John Gordon Jones</u> , Los Angeles County Superior Court Case No. BA109907
71	May 28, 1999	Name of George Mueller
72	May 15, 2000	Name of Mandy Cohen
73	August 18, 2000	Name of Aaron Mestman
74	April 26, 2001	Name of Jude Green
75	August 10, 2001	Name of Bryan Lourd
76	August 10, 2001	Name of Kevin Huvane
77	March 18, 2002	Name of Loretta Moreno
78	March 21, 2002	Name of Steven Roman

Racketeering Acts Seventy-Nine Through Eighty-Five

(Identity Theft)

30. On or about each of the following dates, within the Central District of California and elsewhere, in violation of Title 18, United States Code, Section 1028(a)(7), defendant PELLICANO knowingly transferred, possessed, and used, and caused to be transferred, possessed, and used, without lawful authority, the following means of identification, with the intent to commit, and to aid and abet, and in connection with, an unlawful activity that constituted a violation of Federal law, namely, Title 18, United States Code, Section 1030(a)(4) (computer fraud), and a

1 felony under applicable State law, namely, California Penal Code
2 Section 502(c)(2) (unauthorized access to computer data):

ACT	DATE	MEANS OF IDENTIFICATION
79	November 3, 1999	Name of Christopher Pair
80	November 3, 1999	Name of Suzanne Pair
81	February 1, 2000	Name of Ami Shafrir
82	April 4, 2001	Name of Aaron Russo
83	April 4, 2001	Name of Heidi Gregg
84	April 4, 2001	Name of Maxwell Russo
85	April 4, 2001	Name of Samuel Russo

11 Racketeering Acts Eighty-Six Through Ninety

12 (Identity Theft)

13 31. On or about each of the following dates, within the
14 Central District of California and elsewhere, in violation of
15 Title 18, United States Code, Section 1028(a)(7), defendants
16 PELLICANO and TURNER knowingly transferred, possessed, and used,
17 and caused to be transferred, possessed, and used, without lawful
18 authority, the following means of identification, with the intent
19 to commit, and to aid and abet, and in connection with, an
20 unlawful activity that constituted a violation of Federal law,
21 namely, Title 18, United States Code, Section 1030(a)(4)
22 (computer fraud), and a felony under applicable State law,
23 namely, California Penal Code Section 502(c)(2) (unauthorized
24 access to computer data):

ACT	DATE	MEANS OF IDENTIFICATION
86	August 2, 2000	Name and Telephone Number of Erin Finn

ACT	DATE	MEANS OF IDENTIFICATION
87	February 13, 2001	Name of and Telephone Number of Bo Zenga
88	April 2, 2001	Name and Telephone Number of Heidi Gregg
89	February 12, 2001	Name and Telephone Number of Johnny Friendly
90	May 16, 2002	Name and Telephone Number of Anita Busch

Racketeering Act Ninety-One

(Conspiracy to Commit Bribery)

32. Beginning on a date unknown to the Grand Jury and continuing until on or about November 21, 2002, in Los Angeles County, within the Central District of California, and elsewhere, in violation of California Penal Code § 182, defendants PELLICANO and ARNESON knowingly conspired and agreed with each other to:

a. knowingly give and offer bribes to an executive officer of the City of Los Angeles, with intent to influence that officer in respect to an act as such officer, to wit, the use of proprietary law enforcement databases to obtain criminal history and other law enforcement information for non-official use, in violation of California Penal Code § 67; and

b. knowingly ask, receive, and agree to receive a bribe to an executive officer of the City of Los Angeles, upon an agreement and understanding that the officer's action upon matters then pending and that might be brought before him in his official capacity, to wit, the use of proprietary law enforcement databases to obtain criminal history and other law enforcement

1 information for non-official use, would be influenced thereby, in
2 violation of California Penal Code § 68.

3 33. The objects of the conspiracy were to be accomplished,
4 in substance, as follows:

5 34. Defendant PELLICANO would and did pay bribes,
6 consisting of a \$2500 monthly retainer and additional payments by
7 check and in cash, to defendant ARNESON to induce defendant
8 ARNESON to violate his LAPD oath of office and use his official
9 position to obtain, and to provide to defendant PELLICANO,
10 confidential law enforcement information.

11 35. Defendant ARNESON would and did receive the bribes from
12 defendant PELLICANO and would and did agree to be influenced
13 thereby in responding favorably to defendant PELLICANO's requests
14 that defendant ARNESON violate his LAPD oath of office and use
15 his official position to obtain, and to provide to defendant
16 PELLICANO, confidential law enforcement information.

17 36. On or about each of the following dates, within the
18 Central District of California and elsewhere, in furtherance of
19 the conspiracy and to accomplish the objects of the conspiracy,
20 defendants PELLICANO and ARNESON committed the following overt
21 acts, among others, which consisted of the giving by PELLICANO
22 and receiving by ARNESON of bribe payments in the following
23 amounts:

OVERT ACT	DATE	AMOUNT
1	February 10, 1997	\$2500
2	May 5, 1997	\$2000
3	June 4, 1997	\$375

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OVERT ACT	DATE	AMOUNT
4	August 28, 1997	\$1500
5	November 25, 1997	\$2500
6	February 5, 1998	\$2500
7	February 26, 1998	\$2500
8	March 24, 1998	\$2500
9	April 17, 1998	\$2500
10	May 14, 1998	\$2500
11	June 18, 1998	\$4450
12	July 23, 1998	\$2500
13	August 14, 1998	\$4350
14	August 27, 1998	\$2500
15	September 15, 1998	\$6000
16	October 9, 1998	\$5440.82
17	November 3, 1998	\$2500
18	November 23, 1998	\$3300
19	December 17, 1998	\$2500
20	December 31, 1998	\$1875
21	March 18, 1999	\$2500
22	March 23, 1999	\$3050
23	April 21, 1999	\$2500
24	May 4, 1999	\$5175
25	May 12, 1999	\$1350
26	May 26, 1999	\$2500
27	June 29, 1999	\$2500
28	July 23, 1999	\$2500
29	August 2, 1999	\$1125
30	August 20, 1999	\$3850
31	September 21, 1999	\$2500
32	October 26, 1999	\$1275

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OVERT ACT	DATE	AMOUNT
33	November 16, 1999	\$2500
34	December 17, 1999	\$2500
35	January 25, 2000	\$2500
36	February 25, 2000	\$3060
37	March 24, 2000	\$2500
38	April 20, 2000	\$2500
39	May 18, 2000	\$2500
40	June 16, 2000	\$2500
41	July 20, 2000	\$2500
42	August 8, 2000	\$2500
43	September 15, 2000	\$2500
44	September 25, 2000	\$1440
45	October 23, 2000	\$2500
46	November 23, 2000	\$2500
47	December 13, 2000	\$5000
48	January 10, 2001	\$4750
49	February 22, 2001	\$2500
50	March 20, 2001	\$2500
51	April 20, 2001	\$2500
52	May 25, 2001	\$2500
53	June 17, 2001	\$2500
54	July 12, 2001	\$2500
55	August 9, 2001	\$2500
56	September 14, 2001	\$2500
57	October 16, 2001	\$2500
58	November 8, 2001	\$2500
59	December 13, 2001	\$2500
60	January 11, 2002	\$2500
61	February 8, 2002	\$2500

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OVERT ACT	DATE	AMOUNT
62	March 14, 2002	\$2500
63	April 9, 2002	\$2500
64	May 10, 2002	\$2500
65	June 13, 2002	\$2500
66	July 11, 2002	\$2500
67	August 12, 2002	\$2500
68	September 16, 2002	\$2500
69	October 10, 2002	\$2500
70	November 7, 2002	\$2500

1 COUNTS THREE THROUGH THIRTY-THREE

2 [18 U.S.C. §§ 1343, 1346, 2]

3 [Honest Services Wire Fraud]

4 [Defendants PELLICANO and ARNESON]

5 39. The Grand Jury hereby realleges Paragraphs 1-2, 6-7, 9-
6 10, 19 and 22-25 of this Indictment as though fully set forth
7 herein.

8 40. On or about each of the following dates, within the
9 Central District of California, defendants ANTHONY PELLICANO and
10 MARK ARNESON, and others known and unknown to the Grand Jury,
11 aiding and abetting each other, having knowingly and with intent
12 to defraud devised and participated in a scheme to defraud and
13 deprive the LAPD and the citizens of the City of Los Angeles of
14 their right to defendant ARNESON's honest services by using
15 defendant ARNESON's authority and official position as an LAPD
16 officer to enrich themselves by receiving payments in return for
17 obtaining and providing criminal history and other law
18 enforcement information, as described in paragraphs 19 and 22-25
19 of this Indictment, for the purpose of executing and attempting
20 to execute this scheme, transmitted and caused to be transmitted
21 by means of wire communication in interstate commerce writings,
22 signs, and signals, that is, computer transmissions from Los
23 Angeles, California searching NCIC in Clarksburg, West Virginia
24 for criminal history and other law enforcement information on the
25 following persons:

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COUNT	DATE	PERSON
3	February 6, 2001	Vincent Zenga

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COUNT	DATE	PERSON
4	February 6, 2001	Jerome Zenga
5	February 13, 2001	Jessica Schutte
6	February 14, 2001	Stacy Codikow
7	February 14, 2001	Paul Durazzo
8	February 20, 2001	Zorianna Kit
9	March 13, 2001	Gregory Dovel
10	April 26, 2001	Keith Carradine
11	April 26, 2001	Hayley Dumond
12	August 24, 2001	Sandra Rodriguez
13	August 24, 2001	Ester Pina
14	August 24, 2001	Mirella Lavorin
15	August 24, 2001	Carrie Cagle
16	October 18, 2001	George Kalta
17	February 19, 2002	Kevin Templeton
18	March 15, 2002	Patrick Theohar
19	March 18, 2002	Laura Moreno
20	March 18, 2002	Marcus Moreno
21	April 3, 2002	Pamela Miller
22	April 19, 2002	Michael Kolesa
23	May 9, 2002	Arthur Bernier
24	May 16, 2002	James Casey
25	May 16, 2002	Andrew Miller
26	May 16, 2002	Anita Busch
27	May 16, 2002	Bernard Weinraub
28	May 16, 2002	Richard Miller
29	May 16, 2002	Joyce Miller
30	September 4, 2002	Timea Zsibrita
31	October 29, 2002	Lucille Salter
32	October 29, 2002	David Salter

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COUNT	DATE	PERSON
33	October 29, 2002	Cindy Salter

COUNTS THIRTY-FOUR THROUGH SIXTY-FOUR

[18 U.S.C. § 1030(a)(2)(B), (c)(2)(B)(i); 18 U.S.C. § 2]

[Unauthorized Computer Access of United States Agency
Information]

[Defendants PELLICANO and ARNESON]

41. The Grand Jury hereby realleges Paragraphs 1-2, 6-7, 9-10, 19 and 22-25 of this Indictment as though fully set forth herein.

42. On or about each of the following dates, in Los Angeles County, within the Central District of California, and elsewhere, defendant MARK ARNESON, aided and abetted by defendant ANTHONY PELLICANO, intentionally accessed a computer without authorization and in excess of his authorized access and thereby obtained information from a department and agency of the United States for purposes of private financial gain, that is, defendant ARNESON, aided and abetted by defendant PELLICANO, accessed and caused to be accessed the LAPD computer system without authorization and in excess of his authorized access to obtain criminal history and other law enforcement information for the persons named below from the NCIC database maintained by the Federal Bureau of Investigation, an agency of the United States Government, for purposes of obtaining payment from defendant PELLICANO:

COUNT	DATE	PERSON
34	February 6, 2001	Vincent Zenga
35	February 6, 2001	Jerome Zenga
36	February 13, 2001	Jessica Schutte

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COUNT	DATE	PERSON
37	February 14, 2001	Stacy Codikow
38	February 14, 2001	Paul Durazzo
39	February 20, 2001	Zorianna Kit
40	March 13, 2001	Gregory Dovel
41	April 26, 2001	Keith Carradine
42	April 26, 2001	Hayley Dumond
43	August 24, 2001	Sandra Rodriguez
44	August 24, 2001	Ester Pina
45	August 24, 2001	Mirella Lavorin
46	August 24, 2001	Carrie Cagle
47	October 18, 2001	George Kalta
48	February 19, 2002	Kevin Templeton
49	March 15, 2002	Patrick Theohar
50	March 18, 2002	Laura Moreno
51	March 18, 2002	Marcus Moreno
52	April 3, 2002	Pamela Miller
53	April 19, 2002	Michael Kolesa
54	May 9, 2002	Arthur Bernier
55	May 16, 2002	James Casey
56	May 16, 2002	Andrew Miller
57	May 16, 2002	Anita Busch
58	May 16, 2002	Bernard Weinraub
59	May 16, 2002	Richard Miller
60	May 16, 2002	Joyce Miller
61	September 4, 2002	Timea Zsibrita
62	October 29, 2002	Lucille Salter
63	October 29, 2002	David Salter
64	October 29, 2002	Cindy Salter

COUNTS SIXTY-FIVE THROUGH SIXTY-NINE

[18 U.S.C. §§ 1028(a)(7), 2]

[Identity Theft]

[Defendants PELLICANO and ARNESON]

43. The Grand Jury hereby realleges Paragraphs 1-2, 6-7, 9-10, 19 and 22-25 of this Indictment as though fully set forth herein.

44. On or about each of the following dates, in Los Angeles County, within the Central District of California, and elsewhere, defendants ANTHONY PELLICANO and MARK ARNESON knowingly transferred, possessed, and used, and caused to be transferred, possessed, and used, without lawful authority, the following means of identification of another person with the intent to commit, and to aid and abet, and in connection with, an unlawful activity that constituted a violation of Federal law, to wit, Title 18, United States Code, Section 1030(a)(4) (computer fraud), and a felony under applicable State law, to wit, California Penal Code Section 502(c)(2) (unauthorized access to computer data):

COUNT	DATE	MEANS OF IDENTIFICATION
65	April 26, 2001	Name of Jude Green
66	August 10, 2001	Name of Bryan Lourd
67	August 10, 2001	Name of Kevin Huvane
68	March 18, 2002	Name of Loretta Moreno
69	March 21, 2002	Name of Steven Roman

1 COUNTS SEVENTY-FIVE THROUGH SEVENTY-SIX

2 [18 U.S.C. § 1343, 1346, 2]

3 [Honest Services Wire Fraud]

4 [Defendant PELLICANO]

5 47. The Grand Jury hereby realleges Paragraphs 1, 4, 8-10,
6 20, and 22-25 of this Indictment as though fully set forth
7 herein.

8 48. On or about each of the following dates, within the
9 Central District of California, defendant ANTHONY PELLICANO and
10 Craig Stevens, and others known and unknown to the Grand Jury,
11 aiding and abetting each other, having knowingly and with intent
12 to defraud devised and participated in a scheme to defraud and
13 deprive the BHPD and the citizens of the City of Beverly Hills of
14 their right to Stevens' honest services by using Stevens'
15 authority and official position as a BHPD officer to enrich
16 themselves by receiving payments in return for obtaining and
17 providing criminal history and other law enforcement information,
18 as described in paragraphs 20 and 22-25 of this Indictment, for
19 the purpose of executing and attempting to execute this scheme,
20 transmitted and caused to be transmitted by means of wire
21 communication in interstate commerce writings, signs, and
22 signals, that is, computer transmissions from Los Angeles,
23 California searching NCIC in Clarksburg, West Virginia

1 for criminal history and other law enforcement information on the
2 following persons:

COUNT	DATE	PERSON
75	November 9, 2001	Max Russo
76	December 18, 2001	Adam Sender

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COUNTS SEVENTY-SEVEN THROUGH SEVENTY-EIGHT

[18 U.S.C. § 1030(a)(2)(B), (c)(2)(B)(i); 18 U.S.C. § 2]

[Unauthorized Computer Access of United States Agency
Information]

[Defendant PELLICANO]

49. The Grand Jury hereby realleges Paragraphs 1, 4, 8-10, 20, and 22-25 of this Indictment as though fully set forth herein.

50. On or about each of the following dates, in Los Angeles County, within the Central District of California and elsewhere, defendant ANTHONY PELLICANO aided and abetted Craig Stevens to intentionally access a computer without authorization and in excess of his authorized access and thereby obtain information from a department and agency of the United States for purposes of private financial gain, that is, defendant PELLICANO aided and abetted Craig Stevens to access and cause to be accessed the BHPD computer system without authorization and in excess of his authorized access to obtain criminal history and other law enforcement information for the persons named below from the NCIC database maintained by the Federal Bureau of Investigation, an agency of the United States Government, for purposes of obtaining payment from defendant PELLICANO:

COUNT	DATE	PERSON
77	November 9, 2001	Max Russo
78	December 18, 2001	Adam Sender

COUNTS SEVENTY-NINE THROUGH EIGHTY-TWO

[18 U.S.C. §§ 1028(a)(7), 2]

[Identity Theft]

[Defendant PELLICANO]

51. The Grand Jury hereby realleges Paragraphs 1, 4, 8-10, 20, and 22-25 of this Indictment as though fully set forth herein.

52. On or about each of the following dates, in Los Angeles County, within the Central District of California, and elsewhere, defendant ANTHONY PELLICANO knowingly transferred, possessed, and used, and caused to be transferred, possessed, and used, without lawful authority, the following means of identification of another person with the intent to commit, and to aid and abet, and in connection with, an unlawful activity that constituted a violation of Federal law, to wit, Title 18, United States Code, Section 1030(a)(4) (computer fraud), and a felony under applicable State law, to wit, California Penal Code Section 502(c)(2) (unauthorized access to computer data):

COUNT	DATE	MEANS OF IDENTIFICATION
79	April 4, 2001	Name of Aaron Russo
80	April 4, 2001	Name of Heidi Gregg
81	April 4, 2001	Name of Maxwell Russo
82	April 4, 2001	Name of Samuel Russo

1 COUNTS EIGHTY-THREE THROUGH EIGHTY-SIX

2 [18 U.S.C. §§ 1030(a)(4), 2]

3 [Computer Fraud]

4 [Defendant PELLICANO]

5 53. The Grand Jury hereby realleges Paragraphs 1, 4, 8-10,
6 20, and 22-25 of this Indictment as though fully set forth
7 herein.

8 54. On or about each of the following dates, in Los Angeles
9 County, within the Central District of California and elsewhere,
10 defendant ANTHONY PELLICANO aided and abetted Craig Stevens to
11 knowingly and with intent to defraud access without authorization
12 and in excess of his authorized access a protected computer,
13 namely, a computer in the BHPD computer system, and by means of
14 accessing the protected computer further the intended fraud and
15 obtain something of value, namely, DMV information for the
16 following persons:

17

COUNT	DATE	MEANS OF IDENTIFICATION
18 83	April 4, 2001	Name of Aaron Russo
19 84	April 4, 2001	Name of Heidi Gregg
20 85	April 4, 2001	Name of Maxwell Russo
21 86	April 4, 2001	Name of Samuel Russo

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1 COUNTS EIGHTY-SEVEN THROUGH NINETY

2 [18 U.S.C. §§ 1028(a)(7), 2]

3 [Identity Theft]

4 [Defendants PELLICANO and TURNER]

5 55. The Grand Jury hereby realleges Paragraphs 1, 3, 5, 11-
6 13, and 21-25 of this Indictment as though fully set forth
7 herein.

8 56. On or about each of the following dates, in Los Angeles
9 County, within the Central District of California and elsewhere,
10 defendants ANTHONY PELLICANO and RAYFORD EARL TURNER knowingly
11 transferred, possessed, and used, and caused to be transferred,
12 possessed, and used, without lawful authority, a means of
13 identification of another person with the intent to commit, and
14 to aid and abet, and in connection with, an unlawful activity
15 that constituted a violation of Federal law, to wit, Title 18,
16 United States Code, Section 1030(a)(4) (computer fraud), and a
17 felony under applicable State law, to wit, California Penal Code
18 Section 502(c)(2) (unauthorized access to computer data):

19

COUNT	DATE	MEANS OF IDENTIFICATION
20 87	February 13 2001	Name of and Telephone Number of Bo Zenga
21 88	April 2, 2001	Name and Telephone Number of Heidi Gregg
22 89	February 12, 2001	Name and Telephone Number of Johnny Friendly
23 90	May 16, 2002	Name and Telephone Number of Anita Busch

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1 COUNTS NINETY-ONE THROUGH NINETY-FOUR

2 [18 U.S.C. §§ 1030(a)(4), 2]

3 [Computer Fraud]

4 [Defendants PELLICANO and TURNER]

5 57. The Grand Jury hereby realleges Paragraphs 1, 3, 5, 11-
6 13, and 21-25 of this Indictment as though fully set forth
7 herein.

8 58. On or about each of the following dates, in Los Angeles
9 County, within the Central District of California, and elsewhere,
10 defendants ANTHONY PELLICANO and RAYFORD EARL TURNER aided and
11 abetted Teresa Wright to knowingly and with intent to defraud
12 access without authorization and in excess of her authorized
13 access a protected computer, namely, a Dell Latitude notebook
14 computer, model number CP1A366XT, serial number VK70N, located at
15 SBC, 1010 Wilshire Boulevard, Room 800, Los Angeles, California
16 90017, and by means of accessing the protected computer further
17 the intended fraud and obtain something of value, namely,
18 telephone subscriber information for the following SBC customers:

19

COUNT	DATE	SBC CUSTOMER
20 91	February 13 2001	Bo Zenga
21 92	April 2, 2001	Heidi Gregg
22 93	February 12, 2001	Johnny Friendly
23 94	May 16, 2002	Anita Busch

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1 COUNT NINETY-FIVE

2 [18 U.S.C. § 371]

3 [Conspiracy]

4 [Defendants PELLICANO, TURNER, and KACHIKIAN]

5 A. OBJECTS OF THE CONSPIRACY

6 59. Beginning on a date unknown to the Grand Jury and
7 continuing until on or about November 21, 2002, in Los Angeles
8 County, within the Central District of California, and elsewhere,
9 defendants ANTHONY PELLICANO, RAYFORD EARL TURNER, and KEVIN
10 KACHIKIAN, and others known and unknown to the Grand Jury,
11 knowingly conspired and agreed with each other to:

12 a. intentionally intercept, endeavor to intercept,
13 and procure other persons to intercept and endeavor to intercept
14 wire communications, in violation of Title 18, United States
15 Code, Section 2511(1)(a); and

16 b. intentionally use, and endeavor to use, the
17 contents of wire communications, knowing and having reason to
18 know that the information was obtained through the interception
19 of wire communications, in violation of Title 18, United States
20 Code, Section 2511(1)(d).

21 B. MEANS BY WHICH THE OBJECTS OF THE CONSPIRACY WERE TO BE
22 ACCOMPLISHED

23 60. The objects of the conspiracy were to be accomplished,
24 in substance, as follows:

25 61. At defendant PELLICANO's direction, defendant KACHIKIAN
26 would and did develop, implement, and maintain a computer
27 software program to facilitate the illegal interception of
28 telephone calls.

1 62. Defendant PELLICANO would and did permit himself to be
2 retained by individuals and entities known and unknown to the
3 Grand Jury ("the clients") for the purpose of implementing
4 illegal wiretaps of individuals, including the clients'
5 litigative opponents.

6 63. At defendant PELLICANO's direction, defendant TURNER, a
7 field technician for telephone company SBC (formerly Pacific
8 Bell), would and did access, and cause others known and unknown
9 to the Grand Jury to access, proprietary telephone company
10 databases and equipment to implement the illegal wiretaps.

11 64. Defendant PELLICANO would and did furnish the computer
12 hardware and software used to implement the illegal wiretaps,
13 including the hardware and software designed by defendant
14 KACHIKIAN, review the contents of intercepted conversations, and
15 provide the contents of those conversations to the clients.

16 65. Defendant PELLICANO and the clients would and did use
17 the information for their own purposes, including securing a
18 tactical advantage in litigation by learning their opponents'
19 plans, strategies, perceived strengths and weaknesses, settlement
20 positions, and other confidential information.

21 C. OVERT ACTS

22 66. On or about each of the following dates, within the
23 Central District of California and elsewhere, in furtherance of
24 the conspiracy and to accomplish the objects of the conspiracy,
25 defendants PELLICANO, TURNER, and KACHIKIAN, and others known and
26 unknown to the Grand Jury, committed the following overt acts,
27 among others:

28

1 67. Beginning in or around 1995, defendant KACHIKIAN began
2 developing for defendant PELLICANO "Telesleuth," a computer
3 software program to be used for the purpose of intercepting
4 telephonic communications.

5 68. On or about March 11, 1996, defendant PELLICANO
6 requisitioned engineering services necessary for the completion
7 of hardware to be used in connection with the "Telesleuth"
8 wiretapping program.

9 69. From in or around January 1997 to in or around May
10 2002, defendant PELLICANO paid defendant TURNER at least \$36,655
11 for the purpose of obtaining proprietary telephone company
12 information and facilitating illegal wiretaps.

13 70. In or around May 1997, defendants PELLICANO and TURNER
14 used the "Telesleuth" program to intercept telephone
15 communications of Robert Maguire.

16 71. Between in or around September 1997 and in or around
17 March 1998, defendant PELLICANO used the "Telesleuth" program to
18 intercept telephone communications of Mark Hughes.

19 72. In or around January 1998, defendant PELLICANO used the
20 "Telesleuth" program to intercept telephone communications of
21 James Orr.

22 73. In or around October 1999, defendant PELLICANO used the
23 "Telesleuth" program to intercept telephone communications of
24 Michael Rosen.

25 74. On or about July 19, 2000, defendants PELLICANO and
26 KACHIKIAN requisitioned Amuneal Manufacturing Corp. to create new
27 metal housings for the circuit boards used in connection with the
28 "Telesleuth" wiretapping program.

1 75. In or around July 2000, defendant PELLICANO used the
2 "Telesleuth" program to intercept telephone communications of
3 Kissandra Cohen.

4 76. On or about August 2, 2000, defendant TURNER caused an
5 inquiry to be made of a proprietary SBC computer database to
6 obtain telephone information regarding Erin Finn.

7 77. Between on or about August 2, 2000, and on or about
8 November 6, 2000, defendant PELLICANO used the "Telesleuth"
9 program to intercept telephone communications of Erin Finn.

10 78. Between in or around August 2000 and in or around
11 December 2000, defendant PELLICANO used the "Telesleuth" program
12 to intercept telephone communications of Ami Shafrir.

13 79. In or around January 2001, defendant PELLICANO used the
14 "Telesleuth" program to intercept telephone communications of
15 Lisa Gores.

16 80. Between in or around January 2001 and in or around June
17 2001, defendant PELLICANO used the "Telesleuth" program to
18 intercept telephone communications of Laura Buddine.

19 81. On or about February 13, 2001, defendant TURNER caused
20 an inquiry to be made of a proprietary SBC computer database to
21 obtain telephone information regarding Vincent Bo Zenga.

22 82. Between in or around February 2001, and in or around
23 April 2001, defendant PELLICANO used the "Telesleuth" program to
24 intercept telephone communications of Vincent Bo Zenga.

25 83. On or about April 2, 2001, defendant TURNER caused an
26 inquiry to be made of a proprietary SBC computer database to
27 obtain telephone information regarding Aaron Russo.

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1 84. In or around April 2001, defendant PELLICANO used the
2 "Telesleuth" program to intercept telephone communications of
3 Aaron Russo.

4 85. In or around May 2001, defendant PELLICANO used the
5 "Telesleuth" program to intercept telephone communications of
6 Keith Carradine.

7 86. On or about October 17, 2001, unindicted coconspirator
8 George Kalta paid defendant PELLICANO \$25,000 to intercept
9 telephone communications of Laura Moreno.

10 87. Between on or about February 8, 2002, and on or about
11 April 30, 2002, defendant KACHIKIAN charged defendant PELLICANO
12 more than \$13,425 for continued work on the "Telesleuth" hardware
13 and software.

14 88. On or about February 12, 2002, defendant TURNER caused
15 an inquiry to be made of a proprietary SBC computer database to
16 obtain telephone information regarding "Johnny Friendly."

17 89. In or around February 2002, defendant PELLICANO used
18 the "Telesleuth" program to intercept telephone communications of
19 Sylvester Stallone.

20 90. On or about April 16, 2002, defendant TURNER caused an
21 inquiry to be made of a proprietary SBC computer database to
22 obtain telephone information regarding Anita Busch.

23 91. Beginning on a date unknown to the Grand Jury, and
24 continuing to on or about November 5, 2002, defendant PELLICANO
25 used the "Telesleuth" program to intercept telephone
26 communications of Anita Busch.

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COUNT NINETY-SIX

[18 U.S.C. §§ 2511(1)(a), 2]

[Interception of Wire Communications]

[Defendants PELLICANO, TURNER, KACHIKIAN, and PFEIFER]

92. Beginning on or about August 2, 2000, and continuing until at least on or about November 6, 2000, in Los Angeles County, within the Central District of California, defendants ANTHONY PELLICANO, RAYFORD EARL TURNER, and KEVIN KACHIKIAN, aided and abetted by defendant ROBERT PFEIFER, intentionally intercepted, endeavored to intercept, and procured another person to intercept and endeavor to intercept, wire communications of Erin Finn.

COUNT NINETY-SEVEN

[18 U.S.C. §§ 2511(1)(a), 2]

[Interception of Wire Communications]

[Defendants PELLICANO, TURNER, KACHIKIAN, ABNER NICHERIE, and DANIEL NICHERIE]

93. Beginning in or around August 2000 and continuing until in or around December 2000, in Los Angeles County, within the Central District of California, defendants ANTHONY PELLICANO, RAYFORD EARL TURNER, and KEVIN KACHIKIAN, aided and abetted by defendants ABNER NICHERIE and DANIEL NICHERIE, intentionally intercepted, endeavored to intercept, and procured another person to intercept and endeavor to intercept, wire communications of Ami Shafrir.

COUNT NINETY-EIGHT

[18 U.S.C. § 2511(1)(a)]

[Interception of Wire Communications]

[Defendants PELLICANO, TURNER, and KACHIKIAN]

94. On or about January 8, 2001, in Los Angeles County, within the Central District of California, defendants ANTHONY PELLICANO, RAYFORD EARL TURNER, and KEVIN KACHIKIAN intentionally intercepted, endeavored to intercept, and procured another person to intercept and endeavor to intercept, wire communications of Lisa Gores.

COUNT NINETY-NINE

[18 U.S.C. § 2511(1)(a)]

[Interception of Wire Communications]

[Defendants PELLICANO, TURNER, and KACHIKIAN]

95. Between in or around January 2001 and in or around June 2001, in Los Angeles County, within the Central District of California, defendants ANTHONY PELLICANO, RAYFORD EARL TURNER, and KEVIN KACHIKIAN intentionally intercepted, endeavored to intercept, and procured another person to intercept and endeavor to intercept, wire communications of Laura Buddine.

COUNT ONE HUNDRED

[18 U.S.C. § 2511(1)(a)]

[Interception of Wire Communications]

[Defendants PELLICANO, TURNER, and KACHIKIAN]

96. Between in or around February 2001 and in or around April 2001, in Los Angeles County, within the Central District of California, defendants ANTHONY PELLICANO, RAYFORD EARL TURNER, and KEVIN KACHIKIAN intentionally intercepted, endeavored to intercept, and procured another person to intercept and endeavor to intercept, wire communications of Vincent Bo Zenga.

COUNT ONE HUNDRED AND ONE

[18 U.S.C. § 2511(1)(a)]

[Interception of Wire Communications]

[Defendants PELLICANO, TURNER, and KACHIKIAN]

97. In or around April 2001, in Los Angeles County, within the Central District of California, defendants ANTHONY PELLICANO, RAYFORD EARL TURNER, and KEVIN KACHIKIAN intentionally intercepted, endeavored to intercept, and procured another person to intercept and endeavor to intercept, wire communications of Aaron Russo.

1 COUNT ONE HUNDRED AND TWO

2 [18 U.S.C. § 2511(1)(a)]

3 [Interception of Wire Communications]

4 [Defendants PELLICANO, TURNER, and KACHIKIAN]

5 98. In or around May 2001, in Los Angeles County, within
6 the Central District of California, defendants ANTHONY PELLICANO,
7 RAYFORD EARL TURNER, and KEVIN KACHIKIAN intentionally
8 intercepted, endeavored to intercept, and procured another person
9 to intercept and endeavor to intercept, wire communications of
10 Keith Carradine.

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COUNT ONE HUNDRED AND THREE

[18 U.S.C. § 2511(1)(a)]

[Interception of Wire Communications]

[Defendants PELLICANO, TURNER, and KACHIKIAN]

99. In or around February 2002, in Los Angeles County, within the Central District of California, defendants ANTHONY PELLICANO, RAYFORD EARL TURNER, and KEVIN KACHIKIAN intentionally intercepted, endeavored to intercept, and procured another person to intercept and endeavor to intercept, wire communications of Sylvester Stallone.

COUNT ONE HUNDRED AND FOUR

[18 U.S.C. § 2511(1)(a)]

[Interception of Wire Communications]

[Defendants PELLICANO, TURNER, and KACHIKIAN]

100. Beginning on a date unknown to the Grand Jury, and continuing to on or about November 5, 2002, in Los Angeles County, within the Central District of California, defendants ANTHONY PELLICANO, RAYFORD EARL TURNER, and KEVIN KACHIKIAN intentionally intercepted, endeavored to intercept, and procured another person to intercept and endeavor to intercept, wire communications of Anita Busch.

1 COUNT ONE HUNDRED AND FIVE

2 [18 U.S.C. §§ 2512(1)(b), 2]

3 [Possession of Wiretapping Device]

4 [Defendants PELLICANO and KACHIKIAN]

5 101. From in or around July 2000 to on or about November 21,
6 2002, in Los Angeles County, within the Central District of
7 California, defendants ANTHONY PELLICANO and KEVIN KACHIKIAN
8 intentionally manufactured, assembled, and possessed, and caused
9 to be manufactured, assembled, and possessed, an electronic,
10 mechanical, and other device, knowing and having reason to know
11 that the design of such device rendered it primarily useful for
12 the purpose of the surreptitious interception of wire
13 communications, and that such device and any component thereof
14 had been sent through the mail and transported in interstate and
15 foreign commerce.

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1 COUNT ONE HUNDRED AND SIX

2 [18 U.S.C. § 1001(a)(2)]

3 [False Statements]

4 [Defendant ARNESON]

5 102. On or about July 9, 2003, in Los Angeles County, within
6 the Central District of California, in a matter within the
7 jurisdiction of the United States Department of Justice, Federal
8 Bureau of Investigation ("FBI"), an agency of the executive
9 branch of the Government of the United States, defendant MARK
10 ARNESON knowingly and willfully made a materially false,
11 fictitious, and fraudulent statement, in that, during an
12 interview conducted by the FBI, defendant ARNESON claimed that he
13 had conducted inquiries of law enforcement databases on the name
14 "Anita Busch" based on his belief that Anita Busch was involved
15 in gambling or other organized crime activities, when in fact, as
16 defendant ARNESON well knew, he had conducted those inquiries at
17 the behest of Anthony Pellicano and for no legitimate law
18 enforcement interest.

COUNT ONE HUNDRED AND SEVEN

[18 U.S.C. § 1001(a)(2)]

[False Statements]

[Defendant TURNER]

103. On or about January 28, 2003, in Los Angeles County, within the Central District of California, in a matter within the jurisdiction of the United States Department of Justice, Federal Bureau of Investigation ("FBI"), an agency of the executive branch of the Government of the United States, defendant RAYFORD EARL TURNER knowingly and willfully made a materially false, fictitious, and fraudulent statement, in that, during an interview conducted by the FBI, defendant TURNER claimed that he had never assisted Anthony Pellicano in wiretapping telephones or making proprietary telephone company information available to Pellicano, when in fact, as defendant TURNER well knew, he had regularly assisted Pellicano in wiretapping telephones and in making proprietary telephone company information available to Pellicano.

COUNT ONE HUNDRED AND EIGHT

[18 U.S.C. § 1512(b)(3)]

[Witness Tampering]

[Defendant PFEIFER]

104. On or about June 23, 2003, in Los Angeles County, within the Central District of California, defendant ROBERT PFEIFFER knowingly used intimidation, threatened, and corruptly persuaded witness Erin Finn, and attempted to do so, and engaged in misleading conduct toward that witness, with intent to hinder, delay, and prevent the communication to a law enforcement officer of information relating to the commission and possible commission of a Federal offense.

1 COUNT ONE HUNDRED AND NINE

2 [18 U.S.C. § 1512(c)(1)]

3 [Destruction of Evidence]

4 [Defendant KACHIKIAN]

5 105. In or around December 2002, in Los Angeles County,
6 within the Central District of California, defendant KEVIN
7 KACHIKIAN corruptly altered, destroyed, mutilated, and concealed
8 a record, document, and other object, namely, computer files,
9 hardware, and software relating to the "Telesleuth" computer
10 program, and attempted to do so, with the intent to impair the
11 object's integrity and availability for use in an official
12 proceeding.

1 COUNT ONE HUNDRED AND TEN

2 [18 U.S.C. § 1963]

3 [RICO Forfeiture]

4 [Defendants PELLICANO, ARNESON, and TURNER]

5 106. The allegations contained in Counts One and Two of this
6 Indictment are hereby repeated, realleged, and incorporated by
7 reference herein as though fully set forth at length for the
8 purpose of alleging forfeiture pursuant to the provisions of
9 Title 18, United States Code, Section 1963. Pursuant to Rule
10 32.2, Fed. R. Crim. P., notice is hereby given to the defendants
11 that the United States will seek forfeiture as part of any
12 sentence in accordance with Title 18, United States Code, Section
13 1963 in the event of any defendant's conviction under Counts One
14 and Two of this Indictment.

15 107. Defendants ANTHONY PELLICANO, MARK ARNESON, and RAYFORD
16 EARL TURNER:

17 a. have acquired and maintained interests in
18 violation of Title 18, United States Code, Section 1962, which
19 interests are subject to forfeiture to the United States pursuant
20 to Title 18, United States Code, Section 1963(a)(1); and

21 b. have property constituting and derived from
22 proceeds obtained, directly and indirectly, from racketeering
23 activity, in violation of Title 18, United States Code, Section
24 1962, which property is subject to forfeiture to the United
25 States pursuant to Title 18, United States Code, Section
26 1963(a)(3).

27 108. The interests of defendants PELLICANO, ARNESON, and
28 TURNER subject to forfeiture to the United States pursuant to

1 Title 18, United States Code, Section 1963(a)(1) and (3), include
2 but are not limited to at least \$1,919,250.

3 109. If any of the property described in the immediately
4 preceding paragraph, as a result of any act or omission of a
5 defendant --

- 6 a. cannot be located upon the exercise of due
7 diligence;
- 8 b. has been transferred or sold to, or deposited
9 with, a third party;
- 10 c. has been placed beyond the jurisdiction of the
11 court;
- 12 d. has been substantially diminished in value; or
- 13 e. has been commingled with other property which
14 cannot be divided without difficulty,

15 the court shall order the forfeiture of any other property of the
16 defendants up to the value of any property set forth in paragraph
17 142 above.

18 110. The above-named defendants, and each of them, are
19 jointly and severally liable for the forfeiture obligations as
20 alleged above.

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1 111. All pursuant to Title 18, United States Code, Section
2 1963.

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4 A TRUE BILL

5
6 Foreperson

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8 GEORGE S. CARDONA
9 Acting United States Attorney

10 THOMAS P. O'BRIEN
11 Assistant United States Attorney
12 Chief, Criminal Division

13 DANIEL A. SAUNDERS
14 KEVIN M. LALLY
15 Assistant United States Attorneys
16 Organized Crime & Terrorism Section
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