## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

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UNITED STATES OF AMERICA

U.S. DISTRICT COURT EASTERN DIST. TENN.

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DAVID C. KERNELL, a/k/a "rubico," JUDGES: Phillips Shick

NO. 3:08-C

Defendant.

I hereby certify that this is a true and correct copy of the electronically filed original document.

ATTEST: Patricia L. McNutt

Deputy Clerk

INDICTMENT

The Grand Jury Charges:

## INTRODUCTORY ALLEGATIONS

At all times relevant:

1. Defendant DAVID C. KERNELL was a resident of Knoxville, Tennessee. Her occasionally used the nicknames "rubico" and "rubico10", among others, on the Infernet.

- 2. Yahoo! was an Electronic Communications Service Provider providing e-mail and other services to the public in the United States and abroad, and its e-mail computers and servers for the yahoo.com domain are located in California.
- Sarah Palin was Governor of the State of Alaska and the Republican nominee for Vice President of the United States.
- 4. Governor Palin maintained and used the e-mail account gov.palin@vahoo.com.

  On or about September 10, 2008, the existence of this e-mail account was disclosed to the public by several news sources.

- 5. On or about September 16, 2008, while residing in Tennessee, defendant Kernell gained unauthorized access to the e-mail account <a href="mailto:gov.palin@yahoo.com">gov.palin@yahoo.com</a>, by resetting the password using Yahoo's password-recovery tool. Specifically, he reset the password to "popcom" by researching and correctly answering a series of personal security questions.
- 6. Once defendant Kernell established control over the e-mail account by changing the password, he read the contents and made screenshots of the e-mail directory, e-mail content, and other personal information. The personal information included, and was not limited to, other e-mail addresses of family members, pictures of family members, at least one cell phone number of a family member, the dates of birth of Governor Palin and another family member, and Governor Palin's address book for her Yahoo e-mail account. The screenshots of personal information obtained from the <a href="mailto:gov.palin@yahoo.com">gov.palin@yahoo.com</a> account were posted to a public website on the Internet known as <a href="mailto:http://www.4CHAN.org">http://www.4CHAN.org</a>. Defendant Kernell posted the reset password, thus providing the means of access to the e-mail account to others.
- 7. At least one other individual successfully used the reset password to access Governor Palin's e-mail account.
- 8. After posting the new password to http://www.4CHAN.org, and in contemplation of an investigation by law enforcement authorities, defendant Kernell, removed, altered, concealed and covered up files on his laptop computer.

## COUNT ONE

- 9. The introductory allegations set forth in paragraphs 1-8 are realleged herein.
- 10. On or about September 16, 2008, in the Eastern District of Tennessee and elsewhere, defendant

## DAVID C. KERNELL,

in furtherance of the commission of a criminal act in violation of the laws of the United States, including 18 U.S.C. Section 2701 and 18 U.S.C. Section 1030(a)(2), intentionally and without authorization accessed a protected computer by means of an interstate communication and thereby obtained information, and did aid and abet in same.

[Title 18, United States Code, Sections 2, 1030(a)(2)(C), and 1030(c)(2)(B)(ii)]

A TRUE BILL:	
s/Fareperson	
FOREPERSON	

JAMES R. DEDRICK United States Artomey

By: s/D. Gregory Weddle

D. Gregory Weddle

Assistant United States Attorney

s/Mark L. Krotoski

Mark L. Krotoski

Trial Attorney

United States Department of Justice, Criminal Division