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AO 91 (Rev. 5/85) Criminal Complaint

United States District Court

EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

v.

U. S. DISTRICT COURT CRIMINAL COMPLAINT
Eastern District of Louisiana

James G. Perdigao
1924 Cammie Avenue
Metairie, LA 70003

FILED OCT 16 2008

LORETTA G. WHYTE
Clerk *LB*

CASE NUMBER: 08-190 "MAG"

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. Beginning on or about October 11, 2008 through October 13, 2008 in Jefferson Parish

and elsewhere in the EASTERN District of LOUISIANA defendant(s) did,

(Track Statutory Language of Offense)

intentionally access a computer without authorization and thereby obtained information from a protected computer whose conduct involved interstate or foreign communication

in violation of Title 18 United States Code, Section(s) 1030(a)(2)(C) and (c)(2)(B)(iii)

I further state that I am a(n) Special Agent, Federal Bureau of Investigation and that this complaint is based on the following facts:

Official Title

See Attached Affidavit

Continued on the attached sheet and made a part hereof: Yes No

Leonard J. Carroll, III
Leonard Carroll, Special Agent
Federal Bureau of Investigation
Signature of Complainant

Sworn to before me and subscribed in my presence,

___ Fee ___
___ Process ___
 Dktd ___
___ CtRmDsp ___
___ Doc. No. ___

On October 16, 2008 at NEW ORLEANS, LOUISIANA Date
City and State

Honorable Louis Moore, Jr.
United States Magistrate Judge
Name & Title of Judicial Officer

Louis Moore, Jr.
Signature of Judicial Officer

AFFIDAVIT

FACTS and CIRCUMSTANCES

Beginning at a time unknown, in the Eastern District of Louisiana, **James Perdigao**, a 46-year-old male, the defendant herein, did intentionally access a computer without authorization and thereby obtained information from a protected computer within the network of Adams and Reese LLP that is involved in interstate commerce, for which a person can be charged with a criminal offense in violation of Title 18, United States Code, Sections 1030(a)(2)(C) and 1030(c)(2)(B)(iii).

This complaint is made on the basis of investigation consisting of the following:

I, Leonard Carollo, Special Agent (SA), with the Federal Bureau of Investigation (FBI), New Orleans Division, being duly sworn, depose and state as follows, to wit:

1. Your affiant has been employed as a Special Agent of the FBI for almost six years. My primary investigative duties include those violations of federal law which take place over the Internet and Online Services involving the sexual exploitation of children, distribution/possession of child pornography, and computer intrusions. I have received training in the areas of child pornography, child exploitation, and computer intrusions and have also participated in the execution of search warrants, the execution of arrest warrants, and interviews of persons involved in these offenses.

2. This affidavit is made in support of a criminal complaint charging **James Perdigao** with unauthorized access of a protected computer that is involved in interstate commerce beginning at a time unknown up until October 13, 2008.

A. Probable Cause and Supporting Determinations:

3. On October 14, 2008, I met with representatives of Adams and Reese LLP in New Orleans, Louisiana. Paul Lassalle ("Lassalle"), who is the Chief Financial Officer, advised that, at approximately 2:16 a.m. CDT on October 11, 2008, someone, whom the affiant believes to be **James G. Perdigao** or someone acting on Perdigao's behalf, for reasons herein set forth, who was using the Internet Protocol (IP) address 70.171.69.102, connected to the virtual private network (VPN) of Adams and Reese LLP and attempted to log in using the user name "James G. Perdigao" (Perdigao). Because there is no such user name on the network of Adams and Reese LLP, this login attempt was unsuccessful. James G. Perdigao ("Perdigao") is a former partner employed by Adams and Reese LLP, however, Adams and Reese LLP disabled Perdigao's user name and password when he was terminated. At approximately 2:17 a.m. CDT on October 11, 2008, someone, whom the affiant believes to be James G. Perdigao or someone acting on Perdigao's behalf, who was using the IP address 70.171.69.102, connected to the VPN of Adams and Reese LLP and attempted to log in using the user name "henryel," which is the user account associated with E.L. Henry ("Henry"), who is Of Counsel with Adams and Reese LLP in Baton Rouge, Louisiana. This login attempt was also unsuccessful. At approximately 2:24 a.m. CDT on October 11, 2008, someone, whom the affiant believes to be James G. Perdigao or someone acting on Perdigao's behalf, who was using the IP address 70.171.69.102, connected to the VPN of Adams and Reese LLP and successfully logged in using the user name "henryel." This connection lasted approximately 21 minutes and 45 seconds.

4. At approximately 12:07 a.m. CDT on October 13, 2008, someone, whom the affiant believes to be James G. Perdigao or someone acting on Perdigao's behalf, who was using the IP address 70.171.69.102, connected to the VPN of Adams and Reese LLP and successfully logged in

using the user name "henryel." This connection lasted approximately two minutes and 18 seconds. At approximately 12:09 a.m. CDT on October 13, 2008, someone, whom the affiant believes to be James G. Perdigao or someone acting on Perdigao's behalf, who was using the IP address 70.171.69.102, connected to the VPN of Adams and Reese LLP and successfully logged in using the user name "henryel." This connection lasted approximately one minute. At approximately 12:12 a.m. CDT on October 11, 2008, someone, whom the affiant believes to be James G. Perdigao or someone acting on Perdigao's behalf, who was using the IP address 70.171.69.102, connected to the VPN of Adams and Reese LLP and attempted to log in using the user name "James G. Perdigao." Again because Perdigao's user name on the network of Adams and Reese LLP was disabled, this login attempt was unsuccessful. At approximately 12:20 a.m. CDT on October 11, 2008, someone, whom the affiant believes to be James G. Perdigao or someone acting on Perdigao's behalf, who was using the IP address 70.171.69.102, connected to the VPN of Adams and Reese LLP and attempted to log in using the user name "James G. Perdigao." Again because Perdigao's user name on the network of Adams and Reese LLP was disabled, this login attempt was unsuccessful. At approximately 12:21 a.m. CDT on October 13, 2008, someone, whom the affiant believes to be James G. Perdigao or someone acting on Perdigao's behalf, who was using the IP address 70.171.69.102, connected to the VPN of Adams and Reese LLP and successfully logged in using the user name "henryel." This connection lasted approximately three minutes and 55 seconds. At approximately 12:57 a.m. CDT on October 13, 2008, someone, whom the affiant believes to be James G. Perdigao or someone acting on Perdigao's behalf, who was using the IP address 70.171.69.102, connected to the VPN of Adams and Reese LLP and successfully logged in using the user name "henryel." This connection lasted approximately two minutes and 46 seconds. At

approximately 3:05 a.m. CDT on October 13, 2008, someone, whom the affiant believes to be James G. Perdigao or someone acting on Perdigao's behalf, who was using the IP address 70.171.69.102, connected to the VPN of Adams and Reese LLP and successfully logged in using the user name "henryel." This connection lasted approximately 39 minutes and two seconds.

5. According to Lassalle, David Erwin ("Erwin"), who is Chief Information Officer, contacted Henry on October 11, 2008, and asked Henry if he had accessed the VPN of Adams and Reese LLP during the early-morning hours of October 11, 2008. Henry informed Erwin that he did not access the VPN of Adams and Reese LLP during the previous night/early morning. In addition, Henry advised that he rarely accesses the VPN of Adams and Reese LLP because he now has a BlackBerry, which is a wireless device that is capable of sending/receiving e-mail messages. Furthermore, Henry advised that he had not shared his password with Perdigao.

6. On October 14, 2008, I performed a "Whois" search at www.domaintools.com and determined that the IP address 70.171.69.102 is registered to Cox Communications Inc., 1400 Lake Hearn Drive, Atlanta Georgia.

7. On October 14, 2008, I served a federal grand jury subpoena upon Cox Communications requiring the production of any and all subscriber information relating to the following IP address being used during the following time periods: 70.171.69.102 being used between 2:16 a.m. and 2:24 a.m. CDT on October 11, 2008, and between 12:07 a.m. and 3:05 a.m. CDT on October 13, 2008.

8. On October 14, 2008, Tangela Newton, who is a representative for Cox Communications, (Cox) provided documentation indicating that the IP address 70.171.69.102 was being utilized by the account subscribed to by Nancy Samuel located at 1924 Cammie Avenue, Metairie, Louisiana 70003 for the time periods from 08:42 GMT on October 10, 2008 through 02:45 GMT on October

14, 2008. The time period provided by Cox covers the unauthorized access times within the VPN of Adams and Reese LLP relating to the subscriber and address at 1924 Cammie Avenue, Metairie, Louisiana 70003. Furthermore, this documentation indicated that the service address for this Internet account is the residence located at 1924 Cammie Avenue, Metairie, Louisiana 70003, and that the modem registered to this account has Serial No. 06634DB4CY66 and MAC address 00:11:AE:C2:87:2C.

9. On October 15, 2008, the FBI determined that Nancy Samuel currently resides at 1924 Cammie Avenue, Metairie, Louisiana 70003.

10. On October 15, 2008, FBI Special Agent Adam Malone drove by the residence at 1924 Cammie Avenue, Metairie, Louisiana 70003, and observed three vehicles located and parked at the Samuel residence with one vehicle registered and belonging to Nancy Samuel and two vehicles registered and belonging to Perdigao.

11. It has been established that Perdigao's girlfriend for many years is Nancy Samuel. Further, during a bond hearing held in Magistrate Court for Perdigao, Criminal Docket No. 07-103, Perdigao admitted his girlfriend was Nancy Samuel. Samuel was interviewed pursuant to the bond hearing and admitted having a personal relationship with Perdigao and stated that Perdigao could live at her house at 1924 Cammie Avenue, Metairie, Louisiana 70003, regarding any bond related issues that would be helpful to her boyfriend, Perdigao. This relationship was confirmed by Samuel when she was interviewed by FBI agents on October 15, 2008.

12. Because Perdigao has been charged in a superseding indictment, Criminal Docket No., 07-103, in which Adams and Reese LLP is a victim, there is reason to believe that Perdigao has a motive to illegally intrude into the network of his former employer, Adams and Reese LLP. Further

as a result of this criminal litigation, Perdigao has attempted to issue a Rule 17(c) subpoena to Adams and Reese LLP requesting files belonging to Adams and Reese LLP. Finally, Perdigao has filed a Civil Rico suit against Adams and Reese LLP seeking monetary damages. This criminal and civil litigation establishes that Perdigao has an adverse interest to Adams and Reese LP.

13. Adams and Reese LLP is a law firm with offices located throughout the United States and represents clients throughout the United States. All of the offices of Adams and Reese LLP are connected to the Internet and routinely conduct business through the use of the Internet. The business dealings of Adams and Reese LLP have an impact and effect on interstate commerce.

14. Based on my knowledge of the Internet and the mechanics of VPN, I know that James Perdigao connected to the Internet from the Samuel residence and utilized the Internet to connect to the VPN of Adams and Reese LLP and, thereby, accessed the network of Adams and Reese LLP without authorization.

15. I know that communications, even intrastate communications, conducted over the Internet affect interstate commerce. Moreover, the loss of revenue suffered by Adams and Reese LLP as a result of Perdigao's unauthorized access has an adverse impact on Adams and Reese LLP and, thereby, affects interstate commerce.

16. I have contacted Adams and Reese LLP and I have learned that, to date, Adams and Reese LLP has expended over \$6,000 as a direct result of this intrusion into their computer system.

17. On October 15, 2008, at approximately 4:00 p.m. special agents from the FBI executed a federal search warrant at the residence of Nancy Samuel, 1924 Cammie Avenue, Metairie, Louisiana.

18. During the search, FBI agents learned that Perdigao had been residing with Nancy Samuel for a period that dates back to Hurricane Katrina.

19. It was disclosed to FBI agents that Perdigao spent the night at the Samuel residence on Friday evening, October 10th, through Saturday morning, October 11, 2008, and also was there from the evening of Sunday, October 12th, through Monday, October 13, 2008. These are the same times and dates that Adams & Reese LLP's computer system was subject to an unauthorized access.

20. Further, FBI agents located several computers inside of Ms. Samuel's residence. Two Apple PowerBook G3 computers belonging to the law firm Adams & Reese LLP were located and agents seized a Toshiba laptop registered to James G. Perdigao.

21. Computer forensic examiners with the FBI determined that an external IP address utilized by computers located in the residence to access the Internet was in fact the same IP address that was captured by the law firm Adams & Reese LLP at the time their computer system was unlawfully accessed. This was the same IP address that Cox Communications confirmed via Grand Jury Subpoena that was assigned to the Samuel residence at the date and time on October 12th and 13th.

22. Further, FBI agents confirmed from Ms. Samuel that on the evening of Sunday, October 12, 2008, through the early morning of Monday, October 13, 2008, Perdigao was at her residence and was using his computer from her residence.

B. Statutory Authority:

23. This investigation concerns alleged violations of Title 18, United States Code, Section 1030(a)(2)(C), which states

Whoever intentionally accesses a computer without authorization or exceeds authorized access and thereby obtains information from any protected computer if the conduct involved an interstate or foreign communication:

Title 18, United States Code, Section 1030(c)(2)(B)(iii) states

the value of information obtained exceeds \$5,000;

shall be punished as provided in subsection (c) of this section.

24. Title 18, United States Code, Section 1030(e)(2) defines "protected computer" as a computer (B) which is used in interstate or foreign commerce of communication, including a computer located outside the United States that is used in a manner that affects interstate or foreign commerce or communication of the United States.

25. Title 18, United States Code, Section 1030(e)(8) defines "damage" as any impairment to the integrity or availability of data, a program, a system, or information.

26. Title 18, United States Code, Section 1030(e)(11) defines "loss" as any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred, or other consequential damages incurred because of interruption of service.

27. Title 18, United States Code, Section 1030(e)(12) defines "person" as any individual, firm, corporation, educational institution, financial institution, governmental entity, or legal or other entity.

C. Conclusion:

28. Based upon the above information, **James G. Perdigao** did intentionally access a computer without authorization and thereby obtained information from a protected computer within the network of Adams and Reese LLP that is involved in interstate commerce, for which a person can be charged with a criminal offense in violation of Title 18, United States Code, Sections 1030(a)(2)(C) and 1030(c)(2)(B)(iii).

I hereby swear that the information contained in this affidavit is true and correct to the best of my knowledge.

Leonard J. Carollo, III
LEONARD CAROLLO
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me
this 16th day of October, 2008.

Louis Moore, Jr.
LOUIS MOORE, JR.
United States Magistrate Judge

Eastern District of Louisiana at New Orleans, Louisiana

Mag. Number: 08-190 Complaint / Warrant Other District

Defendant: James Perdigao

Charge: Computer Fraud

USC

U.S. Attorney: Brian Klebba

Interpreter Needed? Yes No

Court Date and Time: _____

Before Magistrate Judge: _____

Location: Courtroom # New Orleans, Louisiana

- Notify: AUSA
- Pre Trial Services
- Probation, if necessary
- Deft. Counsel
- USM
- Magistrate Judge