

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA * **CRIMINAL DOCKET NO. 07-103**
v. * **SECTION: "L"**
JAMES G. PERDIGAO *
a/k/a Jamie Perdigao * * *

GOVERNMENT'S MOTION TO REVOKE BOND

NOW INTO COURT comes the United States of America, appearing herein by and through the undersigned Assistant United States Attorney, and respectfully requests that this Honorable Court revoke the bond set for defendant James G. Perdigao for the following reasons:

New Arrest

On November 2, 2004, defendant Perdigao was released by this Court on a \$2,000,000.00 bond after being arrested on or about October 15, 2004, for Bank Fraud in violation of Title 18, United States Code, Section 1344. Previously, on October 29, 2004, Mary Reed Perdigao and H. Gunther Perdigao (father and step-mother) executed a property bond in the amount of \$1,000,000.00. On November 2, 2004, Barbara Scheurmann (mother) agreed to act as a surety for the remaining \$1,000,000.00. On March 16, 2007, the defendant was indicted by a federal grand jury for Bank Fraud, Mail Fraud, Interstate Transportation of Stolen Funds, Money Laundering, Income Tax Evasion, and Filing False Tax Returns. Then on July 27, 2007, Perdigao was indicted in a Superseding Indictment for 59 counts of Bank Fraud, Mail Fraud, Interstate Transportation of Stolen Funds, Money Laundering, Income Tax Evasion, and Filing False Tax Returns. Trial in this matter

is currently scheduled before the Honorable Eldon E. Fallon on December 1, 2008. Perdigao's bond and the terms and conditions of his release have remained in full effect since his 2004 arrest.

As this Court is acutely aware, all criminal defendants released on bond must agree, and are required to sign, that they will abide by certain conditions set forth by the Court. The first, and arguably, the most important condition imposed on all criminal defendants is that they not commit any criminal offense while released on their bond. In the instant case, Perdigao has violated the conditions of his bond by committing a new federal crime. On October 15, 2008, Perdigao was arrested by members of the Federal Bureau of Investigation (FBI) for violating Title 18, United States Code, 1030(a)(2)(C) and (c)(2)(B)(iii).

On October 14, 2008, the FBI responded to the law firm of Adams & Reese LLP regarding a report of a series of attempts, unsuccessful and successful, of someone attempting to gain access to the law firm's computer system during the weekend of October 11-13, 2008. Law firm computer records known as log files revealed a specific IP address where these unauthorized attempts were originating from. In addition, Adams & Reese LLP provided the FBI with information that the individual who attempted to log on and access the law firm's virtual private network (VPN) used the user name "James G. Perdigao" (Perdigao). Perdigao is a former partner of Adams & Reese LLP who was terminated after it was discovered that he had stolen nearly thirty (30) million dollars from the law firm and clients of Adams & Reese LLP.

Log file records conclusively establish that during the weekend of October 11-13, 2008 an individual (later established to be Perdigao) attempted to log on and logged onto the VPN of Adams & Reese LLP on numerous occasions. After several unsuccessful attempts, Perdigao successfully logged onto Adams & Reese LLP's computer system using the user ID and password of another Adams & Reese employee. The FBI confirmed that Perdigao did not have authorization from Adams & Reese LLP or any of its partners or employees to access the computer system of Adams & Reese LLP.

An FBI investigation concluded that the IP address that was logged by Adams & Reese LLP was assigned to Nancy Samuel at 1924 Cammie Avenue, Metairie, Louisiana. Agents determined that Perdigao was living with Ms. Samuel and was her boyfriend.

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. During the search, FBI agents learned that Perdigao had been residing with Nancy Samuel for a period dating back to Hurricane Katrina. It was disclosed to FBI agents that Perdigao spent the night at the Samuel residence on Friday evening, October 10, through Saturday morning, October 11, 2008, and also was there from the evening of Sunday, October 12, through Monday, October 13, 2008. These are the same times and dates that Adams & Reese LLP's computer system was accessed without authorization.

During the execution of the search warrant, 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 by agents as well as a Toshiba laptop that was registered to James G. Perdigao. Computer forensic examiners with the FBI determined that an external IP address utilized by computers located in the residence was used 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. The IP address revealed by computer equipment in the Samuel residence was the same IP address that Cox Communications confirmed via Grand Jury Subpoena that was assigned to the Samuel residence at the dates and times that Adams & Reese LLP's computers were hacked.

As a result of the FBI's findings at the Samuel residence, agents attempted to arrest Perdigao on the evening of October 15, 2008. Special agents with the FBI spoke to Perdigao via telephone and instructed him to return to the Samuel residence so that he could be arrested. Perdigao told agents that he would comply. Approximately two hours passed with Perdigao still not having arrived at Ms. Samuel's residence. As a result, Perdigao was again contacted by the FBI. Perdigao once again failed to comply with the FBI's request, thus, requiring FBI agents to begin a city-wide search

for him. Perdigao was eventually located outside the Federal Courthouse nearly three hours after the FBI's initial contact with him. According to Perdigao, he told one FBI agent involved in the investigation that he had become too nervous to drive.

Perdigao's arrest and criminal conduct leading up to his most recent arrest leave this Court with no choice but to revoke his bond. Perdigao's bond paper-work entitled Order Setting Conditions of Release (Exhibit A, p.1) specifically states "IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) the defendant shall not commit any offense in violation of federal, state or local law while on release in this case."

This document was executed in open court on November 2, 2004, and signed by defendant Perdigao. (Exhibit A, p.3)

Title 18, United States Code, Section 3148 sets forth the sanctions available when a criminal defendant violates a condition of his pretrial release. "A person who has been released under Section 3142 of this title, and who has violated a condition of his release, is subject to a revocation of release, an order of detention, and a prosecution for contempt of court." 18 U.S.C. § 3148(a). Section 3148(b) further provides that a "judicial officer shall enter an order of revocation and detention if, after a hearing, the judicial officer finds that there is . . . clear and convincing evidence that the person has violated any other condition of release; and finds that . . . the person is unlikely to abide by any condition or combination of conditions of release." 18 U.S.C. § 3148(b).

As previously stated, the Court released defendant Perdigao on a \$2,000,000.00 bond and ordered him to comply with a number of conditions of release, one of which required him not to commit any new criminal offense. *See* Order Setting Conditions of Release (Exhibit A, p.1). Defendant Perdigao violated the first and most basic condition of his pretrial release when he was arrested and charged by the FBI on October 15, 2008, and therefore his bond should be immediately revoked.

With respect to bond revocation proceedings, 18 U.S.C. § 3148 provides that “[i]f there is probable cause to believe that, while on release, the person committed a Federal, State, or local felony, a rebuttable presumption arises that no condition or combination of conditions will assure that the person will not pose a danger to the safety of any other person or the community.” 18 U.S.C. § 3148(b)(2)(B). Accordingly, if this Court finds that probable cause exists that the defendant committed the offense of computer fraud, a rebuttable presumption of detention arises. The Fifth Circuit has held that in order to satisfy the probable cause requirement of § 3148, “the facts available to the judicial officer must ‘warrant a man of reasonable caution in the belief that the defendant has committed a crime while on bail.’” *United States v. Aron*, 904 F.2d 221, 224 (5th Cir. 1990). These facts need not be submitted by testimony at an adversary hearing, and affidavits may be sufficient. *See Gerstein v. Pugh*, 420 U.S. 103, 119-120 (1975) (stating that the issue of whether there is probable cause for detaining an arrested person pending further proceedings “can be determined reliably without an adversary hearing,” and that “probable cause to believe the suspect has committed a crime . . . traditionally has been decided by a magistrate in a nonadversary proceeding on hearsay and written testimony, and the Court has approved these informal modes of proof”).

In the instant case, this Court has already concluded that probable cause exists to charge Perdigao with a new federal violation. *See* Criminal Complaint (Exhibit B). Accordingly, the United States submits that this Court must revoke the defendant’s bond in this matter.

Failure to Notify Regarding his Change of Address

In addition to the requirement that the defendant not commit new crimes, this Court ordered that the defendant notify all parties to these criminal proceedings should he change his address. Specifically this Court’s order states, “[t]he defendant shall immediately advise the court, defense counsel and the U. S. Attorney in writing of any change in address and telephone number.” Exhibit A, p.1. Defendant has also failed to comply with this condition of his release.

According to the FBI’s investigation and interviews with Perdigao’s girlfriend, Nancy Samuel, Perdigao has been living at her Metairie residence since Hurricane Katrina. This has been

confirmed by Pretrial Services Officer James Lamy who spoke with Ms. Samuel on October 16, 2008. Further, Officer Lamy was unaware that Perdigao was living with Ms. Samuel until the FBI executed a search warrant at her residence on October 15, 2008.

The defendant did not notify the Court, U. S. Attorney, or Pretrial Services of his living arrangements with Ms. Samuel at 1924 Cammie Avenue, Metairie, Louisiana, in clear violation of the conditions of his bond. Therefore, this Court should revoke Perdigao's bond for his failure to comply with this Court's order.

Conclusion

WHEREFORE, the United States respectfully requests this Honorable Court to revoke the defendant's bond in this matter and order the Clerk of Court to hold the \$2,000,000.00 surety in this case until a time that the United States can initiate a forfeiture proceeding.

Respectfully submitted,

JIM LETTEN
UNITED STATES ATTORNEY

s/James R. Mann
JAMES R. MANN (20513)
Assistant United States Attorney

s/Salvador Perricone
SALVADOR PERRICONE (10515)
Assistant United States Attorney

s/Brian M. Klebba
BRIAN M. KLEBBA
Assistant United States Attorney
Hale Boggs Federal Bldg.
500 Poydras Street, 2nd Floor
New Orleans, Louisiana 70130
Telephone: (504) 680-3000

CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2008, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to William F. Wessel, Attorney at Law. I further certify that I mailed the foregoing document and the Notice of Electronic filing by First Class Mail, postage prepaid and properly addressed to Charles F. Griffin, Attorney at Law, 802 S. Carrollton, New Orleans, Louisiana, 70118.

s/Brian M. Klebba

BRIAN M. KLEBBA
Assistant United States Attorney

United States District Court

EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

v.

ORDER SETTING CONDITIONS OF RELEASE

JAMES PERDIGAO

Case Number: 04-208 MAG

Defendant

IT IS ORDERED that the release of the defendant is subject to the following conditions:

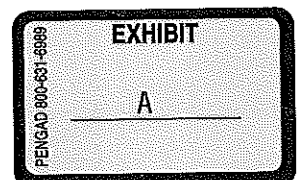
- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall next appear at (if blank, to be notified) NEW ORLEANS,
Place

LOUISIANA on WHEN ORDERED
Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- () (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of _____ dollars (\$ _____) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.



Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

() (6) The defendant is placed in the custody of: (Name of person or organization) (Address) (City and state) (Tel. No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: Custodian or Proxy Date

- () (7) The defendant shall: (a) report to the PTS officer telephone number, not later than (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: (c) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described (d) execute a bail bond with solvent sureties in the amount of \$ (e) maintain or actively seek employment. (f) maintain or commence an education program. (g) surrender any passport to: PTS officer (h) obtain no passport. (i) abide by the following restrictions on personal association, place of abode, or travel: Eastern District of Va (j) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: (k) undergo medical or psychiatric treatment and/or remain in an institution as follows: as directed by PTS (l) return to custody each (week)day as of o'clock after being released each (week)day as of o'clock for employment, schooling, or the following limited purpose(s): (m) maintain residence at a halfway house or community corrections center, as deemed necessary by the pretrial services office or supervising officer. until electronic monitoring is installed (n) refrain from possessing a firearm, destructive device, or other dangerous weapons. (o) refrain from () any () excessive use of alcohol. (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner. (q) submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer. (s) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibit substance testing or electronic monitoring which is (are) required as a condition(s) of release. (t) participate in one of the following home confinement program components and abide by all the requirements of the program which () will or () will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer. (xi) Curfew. You are restricted to your residence every day () from to , or () as directed by the pretrial services office or supervising officer; or (xii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer; or (xiii) Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office or supervising officer. (u) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop. (v) residence to be approved by PTS, assist attorney and U.S. attorney in returning all funds to the U.S. (w) to an account beyond the control of the defendant which funds had previously been transferred to an (x) overseas account, no access to a telephone while at the halfway house

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgement of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

James Pendigo
Signature of Defendant

4121 1/2 State St. Dr.
Address (504)

New Orleans LA 70125 861 0081
City and State and Zip Code Telephone

Directions to United States Marshal

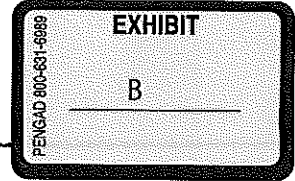
- () The defendant is ORDERED released after processing.
- () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: November 02, 2004

[Signature]
UNITED STATES MAGISTRATE JUDGE

AUSA BK

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

Sworn to before me and subscribed in my presence,

- Fee _____
- Process _____
- Dkt'd _____
- CtRmDep _____
- 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.

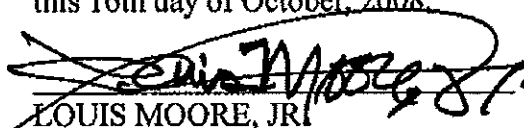
C. Conclusion:

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 CAROLLO
Special Agent
Federal Bureau of Investigation

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


LOUIS MOORE, JR.
United States Magistrate Judge

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

* **CRIMINAL DOCKET NO. 07-103**

v.

* **SECTION: "L"**

**JAMES G. PERDIGAO
a/k/a Jamie Perdigao**

*

* * *

ORDER

Considering the foregoing Motion to Revoke Bond;

IT IS HEREBY ORDERED that the bond set for James G. Perdigao is hereby **REVOKED** and the Clerk of Court is **ORDERED** to **HOLD** the \$2,000,000.00 security posted for defendant's bond until a time when the United States can bring a forfeiture action against said surety.

New Orleans, Louisiana, this _____ day of October, 2008.

HONORABLE LOUIS MOORE, JR.
UNITED STATES MAGISTRATE JUDGE