

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No. **05 - CR - 143 WM**

2012 APR -5 PM 3:12

CLERK COURT CLERK

BY _____ CLERK CLK

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. RAFAEL NUNEZ-APONTE,
a/k/a RaFa,

Defendant.

INDICTMENT

**18 U.S.C. § 1030(a)(3) [Unlawfully Accessing Non-Public Government Computer];
18 U.S.C. § 1030(a)(5)(A)(i) [Intentional Damage To Protected Computer]**

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At all times pertinent to this Indictment:

1. The Defense Information Systems Agency (“DISA”) was an agency of the United States Department of Defense. DISA was responsible, among other things, for maintaining particular web-based computers used for computer-based training for United States Air Force and other military personnel. These DISA computers were for the exclusive use of the United States government, and were located in Denver, Colorado.

2. The “World of Hell” was a group comprised of persons who assisted each other with, and communicated regarding intrusions they made into computer systems owned by the United

States government, state and local governments, foreign governments, and businesses and corporations in the United States and elsewhere.

3. Defendant RAFAEL NUNEZ-APONTE was a member of World of Hell, and used the hacker name "RaFa" in connection with his computer intrusions and dealings with other World of Hell members.

4. These Introductory Allegations are incorporated by this reference into each count of this indictment as though set forth fully therein.

COUNT ONE
18 U.S.C. § 1030(a)(3)
[Unlawfully Accessing Non-Public Government Computer]

5. On or about June 10, 2001, in Denver, Colorado, within the State and District of Colorado, the defendant, RAFAEL NUNEZ-APONTE, who was not authorized to access any non-public computer of the Department of Defense, Defense Information Systems Agency, accessed computers of that agency, which computers were exclusively for the use of the United States government, and the United States government's use of those DISA computers was affected by the defendant's conduct. In particular, defendant RAFAEL NUNEZ-APONTE:

(a) perpetrated a web-page defacement on the DISA web-based computers by altering the web-page to read "WoH is Back. . . and kiss my ass cause I just Own3d yours! - America's Air Force Department of Defense computer system Own3d by [RaFa] - **woh@world-of-hell.com** - <http://www.world-of-hell.com>;"

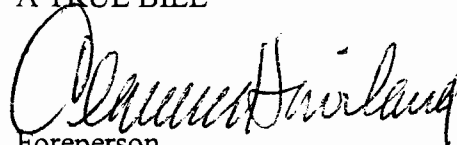
(b) deleted logging information from the DISA computers; and

(c) sent transmissions to the DISA computers that rendered them inoperable and inaccessible to Air Force personnel. The foregoing was in violation of Title 18, United States Code, Section 1030(a)(3).

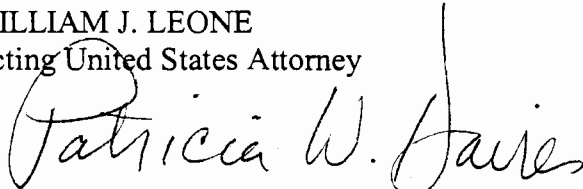
COUNT TWO
18 U.S.C. § 1030(a)(5)(A)(i)
[Intentional Damage To A Protected Computer]

6. On or about June 10, 2001, in Denver, Colorado, within the State and District of Colorado, the defendant, RAFAEL NUNEZ-APONTE, knowingly caused the transmission of a program, information, code or command to a protected computer that was exclusively for the use of the Department of Defense, Defense Information Systems Agency, and as a result of such conduct, intentionally and without authorization caused damage resulting in a loss to DISA over \$5,000. In particular, defendant RAFAEL NUNEZ-APONTE: (a) perpetrated a web-page defacement on DISA web-based computers by altering the DISA web-page to read "WoH is Back. . . and kiss my ass cause I just own3d yours! - America's Air Force Department of Defense computer system own3d by [RaFa] - [woh@world-of-hell.com](http://www.world-of-hell.com) - <http://www.world-of-hell.com>;" and (b) deleted logging information from the DISA computers, and thereby intentionally impaired the availability of data, resulting in losses to DISA in an amount which aggregated \$5,000 or more during the period including June 2001. The foregoing was in violation of Title 18, United States Code, Section 1030(a)(5)(A)(i).


A TRUE BILL


Foreperson

WILLIAM J. LEONE
Acting United States Attorney


by: Patricia W. Davies
Assistant United States Attorney

I, the undersigned, Clerk of the United States District Court for the District of Colorado, do certify that the foregoing is a true copy of an original document remaining on file and record in my office.

WITNESS my hand and SEAL of said Court this 5 day of July 2001
GREGORY C. LANGHAM
By 
Deputy

DEFENDANT: RAFAEL NUNEZ-APONTE

ADDRESS: Urbanizacion Los Palos Grandes
4ta Avenida
Edificio Cypress Gardens, Unit #91
Caracas, Venezuela

DOB: May 26, 1979

OFFENSE: [Count 1]: 18 U.S.C. § 1030(a)(3)
(Unlawfully Accessing Nonpublic Government
Computer)

[Count 2]: 18 U.S.C. § 1030(a)(5)(A)(i) (Intentional
Damage To A Protected Computer)

PENALTY: [Count 1]: NMT 1 year incarceration; NMT
\$100,000 fine; restitution; \$25.00 Special
Assessment; and 1 year SPR

[Count 2]: NMT 10 year incarceration; NMT
\$250,000 fine; restitution; \$100 Special
Assessment; and 3 year SPR.

AGENT: Special Agent Joseph Diebert
Defense Criminal Investigation Service

AUTHORIZED BY: Patricia W. Davies
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

five days or less
 over five days
 other

THE GOVERNMENT

will seek detention in this case
 will not seek detention in this case

The statutory presumption of detention is **not** applicable to this defendant.

United States District Court

DISTRICT OF COLORADO

UNITED STATES OF AMERICA

v.

**Rafael Nunez-Aponte,
a/k/a RaFa**

**WARRANT FOR ARREST
CASE NUMBER:**

05 - CR - 143 WM

To: The United States Marshal and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Rafael Nunez-Aponte

Name

and bring him or her forthwith to the nearest magistrate to answer an

Indictment Information Complaint Order of court Violation Notice Probation Violation Petition

charging him/her with (brief description of offense)

Unlawfully Accessing Nonpublic Government Computer and Intentional Damage to a Protected Computer

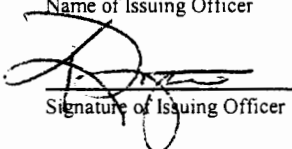
in violation of Title 18 United States Code, Sections 1030(a)(3) and 1030(a)(5)A(i)

GREGORY C. LANGHAM

Clerk, U. S. District Court

Name of Issuing Officer

Title of Issuing Officer



Signature of Issuing Officer

Denver, Colorado

Date and Location

4-5-05

BAIL FIXED AT \$ Detain

by _____

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		