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U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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OFFICE OF THE CLERK

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
 v.)
)
 VYACHESLAV IGOREVICH PENCHUKOV,)
 also known as "tank;")
 IVAN VIKTORVICH KLEPIKOV,)
 also known as "petr0vich;")
 ALEXEY DMITRIEVICH BRON,)
 also known as "thehead;")
 ALEXEY TIKONOV,)
 also known as "kusanagi,")
 JOHN DOE #1, also known as "lucky12345;")
 JOHN DOE #2, also known as "aqua;")
 JOHN DOE #3, also known as "mricq;")
)
 Defendants.)

4:11CR 3074

INDICTMENT
 18 U.S.C. § 1344
 18 U.S.C. §§ 371 & 1028 & 1030
 18 U.S.C. § 1028A
 18 U.S.C. §§ 981(a)(1)(C), 982(a)(2)(A)

The Grand Jury charges that:

INTRODUCTION

At all times material to this Indictment:

1. VYACHESLAV IGOREVICH PENCHUKOV was a resident of Ukraine. He used the online nickname "tank."
2. IVAN VIKTORVICH KLEPIKOV was a resident of Ukraine. He used the online nickname "petr0vich."
3. ALEXEY DMITRIEVICH BRON was a resident of Ukraine. He used the online nickname "thehead."
4. ALEXEY TIKONOV was a resident of Russia. He used the online nickname "kusanagi."

5. JOHN DOE #1 was a resident of Russia. His true name is not known to the Grand Jury. He used the online nickname "lucky12345."
6. JOHN DOE #2 was a resident of Russia. His true name is not known to the Grand Jury. He used the online nickname "aqua."
7. JOHN DOE #3 was a resident of Ukraine. His true name is not known to the Grand Jury. He used the online nickname "mricq."
8. BANK OF AMERICA was a financial institution insured by the Federal Deposit Insurance Corporation, and was headquartered in Charlotte, North Carolina.
9. BULLITT COUNTY FISCAL COURT was a municipal government office in Shepherdsville, Kentucky.
10. DOLL DISTRIBUTING was a business located in Des Moines, Iowa.
11. FIRST FEDERAL SAVINGS BANK was a financial institution insured by the Federal Deposit Insurance Corporation, and was located in Elizabethtown, Kentucky.
12. FIRST NATIONAL BANK OF OMAHA was a financial institution insured by the Federal Deposit Insurance Corporation, and was headquartered in Lincoln, Nebraska. It offered online banking services through computer servers located in Nebraska.
13. FRANCISCAN SISTERS OF CHICAGO was a religious congregation headquartered in Homewood, Illinois.
14. HUSKER AG, LLC was a business located in Plainview, Nebraska.
15. KEY BANK was a financial institution insured by the Federal Deposit Insurance Corporation, and was located in Sylvania, Ohio.
16. PARAGO, INC. was a business located in Lewisville, Texas.

17. SALISBURY BANK & TRUST was a financial institution insured by the Federal Deposit Insurance Corporation, and was located in Salisbury, Massachusetts.

18. TOWN OF EGREMONT was a town in Massachusetts with its own municipal government.

19. UNION BANK AND TRUST was a financial institution insured by the Federal Deposit Insurance Corporation, and was located in Lincoln, Nebraska.

20. UNITED DAIRY, INC. was a business located in Martins Ferry, Ohio.

21. The Internet is a global network of computers and other electronic devices that communicate with each other via both network cables and radio transmissions. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders.

22. The Automated Clearing House ("ACH") Network is a network of computers which provided for the interbank clearing of electronic payments for participating depository financial institutions across the United States. Instead of using paper to carry necessary transaction information, ACH transactions are transmitted electronically between financial institutions through data transmission, using wires and cables.

COUNT I
(Bank Fraud, 18 U.S.C. § 1344)

23. The Grand Jury hereby repeats and realleges each and every allegation contained in Paragraphs 1 through 22 of the Indictment.

24. From on or about May, 2009, the exact date being unknown to the Grand Jury, and continuing to the present, VYACHESLAV IGOREVICH PENCHUKOV, IVAN

VIKTORVICH KLEPIKOV, ALEXEY DMITRIEVICH BRON, ALEXEY TIKONOV, JOHN DOE #1, JOHN DOE #2, and JOHN DOE #3 devised and executed a scheme and artifice to defraud BANK OF AMERICA, FIRST FEDERAL SAVINGS BANK, FIRST NATIONAL BANK OF OMAHA, KEY BANK, SALISBURY BANK & TRUST, and UNION BANK AND TRUST (hereinafter "VICTIM BANKS"), all of which were depository institutions insured by the Federal Deposit Insurance Corporation.

25. It was part of the scheme that VYACHESLAV IGOREVICH PENCHUKOV, IVAN VIKTORVICH KLEPIKOV, ALEXEY DMITRIEVICH BRON, ALEXEY TIKONOV, JOHN DOE #1, JOHN DOE #2, and JOHN DOE #3 (hereinafter "DEFENDANTS") used computer intrusion, malicious software, and fraud to steal or attempt to steal millions of dollars from several bank accounts in the United States, and elsewhere. Defendants and their co-conspirators infected thousands of business computers with software that captured passwords, account numbers, and other information necessary to log into online banking accounts, and then used the captured information to steal millions of dollars from account-holding victims' bank accounts. Account holding victims included BULLITT COUNTY FISCAL COURT, DOLL DISTRIBUTING, FRANCISCAN SISTERS OF CHICAGO, HUSKER AG, LLC, PARAGO, INC., TOWN OF EGREMONT, and UNITED DAIRY, INC. (hereinafter, "ACCOUNT-HOLDING VICTIMS").

26. DEFENDANTS, as part of the scheme, installed, without authorization, malicious software known as "Zeus" or "Zbot" on computers without those computer's owners' authorization.

27. It was part of the scheme for DEFENDANTS and others to use that malicious

software to capture bank account numbers, passwords, PIN numbers, RSA SecureID token codes, and similar information necessary to log into online banking accounts.

28. It was part of the scheme to access, over the Internet and without authorization, computers infected with that malicious software and to obtain from those computers means of identification and other information necessary to log into online banking accounts.

29. It was part of the scheme to use that captured information to falsely represent to the VICTIM BANKS that DEFENDANTS or others involved in the scheme were authorized to make transfers from the victims' bank accounts maintained with the VICTIM BANKS. This false representation took the form of using victims' login credentials without their authorization, as a way of falsely representing that DEFENDANTS were employees of ACCOUNT-HOLDING VICTIMS.

30. It was part of the scheme to recruit as money mules residents of the United States who could be persuaded to receive funds, transferred over the Automated Clearing House ("ACH") network or through other interstate wire systems, into the money mules' bank accounts, withdraw some of those funds, and then wire the funds overseas to the conspirators.

31. It was part of the scheme to access bank's computers without authorization, using login credentials without authorization, and to then through that computer initiate ACH electronic funds transfers from those bank accounts to the bank accounts of money mules.

32. It was part of the scheme to maintain Internet-connected computer servers, in the United States and elsewhere, to facilitate communication.

33. It was part of the scheme that DEFENDANTS knowingly falsely registered a domain name and knowingly used that domain name in the course of the offense, in violation of

18 U.S.C. § 3559(g)(1).

34. DEFENDANTS intended and foresaw that their conduct would defraud banks in the District of Nebraska.

35. It was part of the scheme that, on or about June 22, 2009, DEFENDANTS caused the malicious software described above to be installed, without authorization, on computers used by BULLITT COUNTY FISCAL COURT, and that DEFENDANTS falsely represented to FIRST FEDERAL SAVINGS BANK that DEFENDANTS were entitled to authorize transfers of funds out of a bank account maintained with FIRST FEDERAL SAVINGS BANK and belonging to BULLITT COUNTY FISCAL COURT.

36. It was part of the scheme that, on or about July 29, 2009, DEFENDANTS caused the malicious software described above to be installed, without authorization, on computers used by TOWN OF EGREMONT, and that DEFENDANTS falsely represented to SALISBURY BANK & TRUST that DEFENDANTS were entitled to authorize transfers of funds out of a bank account maintained with SALISBURY BANK & TRUST and belonging to TOWN OF EGREMONT.

37. It was part of the scheme that, on or about August 12, 2009, DEFENDANTS caused the malicious software described above to be installed, without authorization, on computers used by FRANCISCAN SISTERS OF CHICAGO, and that DEFENDANTS falsely represented to BANK OF AMERICA that DEFENDANTS were entitled to authorize transfers of funds out of a bank account maintained with BANK OF AMERICA and belonging to FRANCISCAN SISTERS OF CHICAGO.

38. It was part of the scheme that, on or about August 26, 2009, DEFENDANTS

caused the malicious software described above to be installed, without authorization, on computers used by UNITED DAIRY, INC., and that DEFENDANTS falsely represented to KEY BANK that DEFENDANTS were entitled to authorize transfers of funds out of a bank account maintained with KEY BANK and belonging to UNITED DAIRY, INC.

39. On or about July 19, 2009, in the District of Nebraska and elsewhere, DEFENDANTS executed and attempted to execute the scheme and artifice set forth above, in that the DEFENDANTS caused the malicious software described above to be installed, without authorization, on computers used by DOLL DISTRIBUTING, and in that DEFENDANTS falsely represented to FIRST NATIONAL BANK OF OMAHA that DEFENDANTS were entitled to authorize transfers of funds out of a bank account maintained with FIRST NATIONAL BANK OF OMAHA and belonging to DOLL DISTRIBUTING.

In violation of Section 1344 of Title 18 of the United States Code.

COUNT II
(Bank Fraud, 18 U.S.C. § 1344)

40. The Grand Jury hereby repeats and realleges each and every allegation contained in Paragraphs 1 through 38 of the Indictment.

41. On or about September 28, 2009, in the District of Nebraska and elsewhere, DEFENDANTS executed and attempted to execute the scheme and artifice set forth above, in that the DEFENDANTS caused the malicious software described above to be installed, without authorization, on computers used by PARAGO, INC., and in that DEFENDANTS falsely represented to FIRST NATIONAL BANK OF OMAHA that DEFENDANTS were entitled to authorize transfers of funds out of a bank account maintained with FIRST NATIONAL BANK

OF OMAHA and belonging to PARAGO, INC.

In violation of Section 1344 of Title 18 of the United States Code.

COUNT III
(Bank Fraud, 18 U.S.C. § 1344)

42. The Grand Jury hereby repeats and realleges each and every allegation contained in Paragraphs 1 through 38 of the Indictment.

43. On or about March 3, 2010, in the District of Nebraska and elsewhere, DEFENDANTS executed and attempted to execute the scheme and artifice set forth above, in that the DEFENDANTS caused the malicious software described above to be installed, without authorization, on computers used by HUSKER AG, LLC, and in that DEFENDANTS falsely represented to UNION BANK AND TRUST that DEFENDANTS were entitled to authorize transfers of funds out of a bank account maintained with UNION BANK AND TRUST and belonging to HUSKER AG, LLC.

In violation of Section 1344 of Title 18 of the United States Code.

COUNT IV
(Aggravated Identity Theft, 18 U.S.C. § 1028A)

44. The Grand Jury hereby repeats and realleges each and every allegation contained in Paragraphs 1 through 38 of the Indictment.

45. On or about July 19, 2009, September 28, 2009, and March 3, 2010, in the District of Nebraska and elsewhere, DEFENDANTS did knowingly transfer and possess and use, without lawful authority, a means of identification of another person during and in relation to the violations of title 18, United States Code, Section 1344 described and charged above.

In violation of in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT V

**(Conspiracy, 18 U.S.C. § 371,
to violate Computer Fraud and Abuse Act, 18 U.S.C. §§ 1030(a)(2), (a)(5)(A),
and Identity Theft and Assumption Deterrence Act, 18 U.S.C. § 1028(a)(7))**

46. The Grand Jury hereby repeats and realleges each and every allegation contained in Paragraphs 1 through 22 of the Indictment.

THE CONSPIRACY AND ITS OBJECTS:

47. From on or about May, 2009, the exact date being unknown to the Grand Jury, and continuing to the present, in the District of Nebraska and elsewhere, DEFENDANTS did intentionally and knowingly conspire, combine, confederate, and agree, together and with other individuals, both known and unknown to the Grand Jury, to commit offenses against the United States, that is:

a. to knowingly cause the transmission of a program, information, code, and command, and, as a result of such conduct, intentionally cause damage without authorization to a protected computer, thus causing damage affecting 10 or more protected computers during a 1-year period, all in violation of 18 U.S.C. § 1030(a)(5)(A), (c)(4)(A)(i)(VI), and (c)(4)(B);

b. to intentionally access a computer without authorization, and exceed authorized access, and thereby obtain information from a protected computer, for purposes of commercial advantage and private financial gain, all in violation of in violation of 18 U.S.C. § 1030(a)(2), and (c)(2)(B)(i); and

c. to knowingly transfer and possess and use, in or affecting interstate or foreign commerce, without lawful authority, a means of identification of another person, to wit, a bank account number and a password and a PIN number and a token code, with the intent to

commit, and in connection with, any unlawful activity that constitutes a violation of Federal law, to wit, violations of section 1344 of Title 18 of the United States Code, and the offense involved the transfer of more than five identification documents, authentication features, and false identification documents; and as a result of the offense, the defendant and another individual committing the offense, obtained anything of value aggregating \$1,000 or more during any 1-year period, all in violation of 18 U.S.C. § 1028(a)(7), (b)(1)(B), (b)(1)(D), and (f).

MANNER AND MEANS OF THE CONSPIRACY:

48. It was part of the conspiracy that VYACHESLAV IGOREVICH PENCHUKOV, IVAN VIKTORVICH KLEPIKOV, ALEXEY DMITRIEVICH BRON, ALEXEY TIKONOV, JOHN DOE #1, JOHN DOE #2, and JOHN DOE #3 (hereinafter "DEFENDANTS") used computer intrusion, malicious software, and fraud to steal or attempt to steal millions of dollars from several bank accounts in the United States, and elsewhere. Defendants and their co-conspirators infected thousands of business computers with software that captured passwords, account numbers, and other information necessary to log into online banking accounts, and then used the captured information to steal millions of dollars from ACCOUNT-HOLDING VICTIMS' bank accounts.

49. It was part of the conspiracy to install, without authorization, malicious software known as "Zeus" or "Zbot" on Internet-connected computers without those computer's owners' authorization, thereby causing damage to those computers.

50. It was part of the conspiracy to use that malicious software to capture bank account numbers, passwords, PIN numbers, RSA SecureID token codes, and similar information necessary to log into online banking accounts.

51. It was part of the conspiracy to access, over the Internet and without authorization, computers infected with that malicious software and to obtain from those computers means of identification and other information necessary to log into online banking accounts.

52. It was part of the conspiracy to use that captured information to falsely represent to the VICTIM BANKS that DEFENDANTS or others involved in the scheme were authorized to make transfers from the victims' accounts with the VICTIM BANKS. This false representation took the form of using the login credentials for victims without their authorization, as a way of falsely representing that DEFENDANTS were employees of ACCOUNT-HOLDING VICTIMS.

53. It was part of the conspiracy necessary to access without authorization computers owned by banks headquartered in the District of Nebraska and elsewhere by using means of identification and other information necessary to log into online banking accounts, falsely representing to the banks that DEFENDANTS were entitled to make transfers from the account-holding victims.

54. It was part of the conspiracy to recruit as money mules residents of the United States who could be persuaded to receive funds, often transferred over the Automated Clearing House ("ACH") network or through other interstate wire systems, into the money mules' bank accounts, withdraw some of those funds, and then wire the funds overseas to the conspirators.

55. It was part of the conspiracy to access bank's computers without authorization, using login credentials without authorization, and to then through that computer initiate ACH electronic funds transfers from those bank accounts to the bank accounts of money mules.

56. It was part of the conspiracy to maintain Internet-connected computer servers, in

the United States and elsewhere, to facilitate communication.

57. It was part of the conspiracy that DEFENDANTS knowingly falsely registered a domain name and knowingly used that domain name in the course of the offense, in violation of 18 U.S.C. § 3559(g)(1).

OVERT ACTS:

58. In furtherance of the conspiracy, and to effect the objects thereof, DEFENDANTS and their co-conspirators committed overt acts in the District of Nebraska and elsewhere; that is, the co-conspirators transferred and attempted to transfer without authorization the following amounts of money on or about the following dates from bank accounts belonging to the following entities, which were headquartered in the following locations, and had accounts at the following banks:

Amount Attempted	Date	Entity	Headquarters	Bank
\$415,989.17	06/22-29/2009	Bullitt County Fiscal Court	Shepardsville, Kentucky	First Federal Savings Bank (Elizabethtown, KY)
\$159,092	07/19/2009	Doll Distributing	Des Moines, Iowa	First National Bank of Omaha (Omaha, NE)
\$30,496	07/29/2009	Town of Egremont	Egremont, Massachusetts	Salisbury Bank & Trust (Lakeville, CN)
\$130,261.55	08/12/2009	Franciscan Sisters of Chicago	Homewood, Illinois	Bank of America (Charlotte, NC)
\$325,660.24	08/26/2009	United Dairy, Inc.	Martins Ferry, Ohio	Key Bank (Cleveland, OH)
\$298,000	09/28/2009	Parago, Inc.	Lewisville, Texas	First National Bank of Omaha (Omaha, NE)
\$25,600	03/03/2010	Husker Ag, LLC	Plainview, Nebraska	Union Bank & Trust (Lincoln, NE)

All in violation of Title 18, United States Code, Section 371.

**FORFEITURE ALLEGATIONS
AS TO COUNTS ONE, TWO, THREE, AND FIVE**

59. The allegations contained in all prior paragraphs of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Sections Section 981(a)(1)(C) and 982(a)(2)(A), and Title 28, United States Code, Section 2461(c).

60. Upon conviction of the offenses in violation of Title 18, United States Code, Section 1344 set forth in Counts One through Three of this Indictment, the defendants, VYACHESLAV IGOREVICH PENCHUKOV, IVAN VIKTORVICH KLEPIKOV, ALEXEY DMITRIEVICH BRON, ALEXEY TIKONOV, JOHN DOE #1, JOHN DOE #2, and JOHN DOE #3, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violations.

61. Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), upon conviction of a conspiracy to violate Title 18, United States Code, Sections 1028(a)(7), 1030(a)(2), and 1030(a)(5)(A), in violation of Title 18, United States Code, Section 371, as set forth in Count Five of this Indictment, DEFENDANTS shall forfeit to the United States of America any property, real or personal, which constitutes or is derived from proceeds traceable to said violations.

62. If any of the property described above, as a result of any act or omission of the defendants:

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

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).

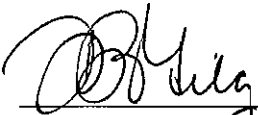
All pursuant to 18 U.S.C. §§ 981(a)(1)(C), 982(a)(2)(A) and 28 U.S.C. § 2461(c).

A TRUE BILL.

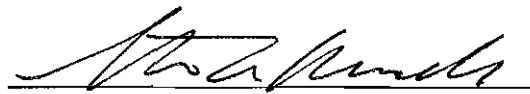

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DEBORAH R. GILG
United States Attorney

The United States of America requests that trial of this case be held at Lincoln, Nebraska, pursuant to the rules of this Court.


STEVEN A. RUSSELL
Assistant United States Attorney