

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal Case No.

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. DOUGLAS JAMES DUCHAK,

Defendant.

INDICTMENT

**18 U.S.C. §§ 1030(a)(5)(A), 1030(b) and 1030(c)(4)(B)
[Attempted Intentional Damage to Protected Computer]**

The Grand Jury charges:

Introductory Allegations

1. The Transportation Security Administration (“TSA”) is an agency within the Department of Homeland Security of the United States government, which is responsible for safeguarding the United States’ transportation network including surface, maritime and aviation. TSA maintains a Colorado Springs Operations Center (“CSOC”) that was established as one part of TSA’s overall vetting of individuals having access to sensitive information and secure areas of the nation’s transportation network.

2. The CSOC performs this vetting function by loading to its computer servers anti-terrorism watch list data it receives from the federal government’s Terrorist Screening Database, and criminal history information it receives from the United States Marshal’s Service Warrant Information Network. All relevant computer servers at the CSOC are computers exclusively for the use of the United States government.

3. The defendant, DOUGLAS JAMES DUCHAK, was employed from at least in or about August 2004 through on or about October 23, 2009, as a data analyst at the TSA CSOC. DOUGLAS JAMES DUCHAK's duties at the CSOC included receiving new information from the Terrorist Screening Database and United States Marshal's Service Warrant Information Network and updating TSA's computer databases. On or about October 15, 2009, DOUGLAS JAMES DUCHAK was advised that his employment at CSOC would be terminated as of October 30, 2009.

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

COUNT ONE
18 U.S.C. §§ 1030(a)(5)(A), 1030(b) and 1030(c)(4)(B)
[Attempted Intentional Damage to Protected Computer]

5. On or about October 22, 2009, within the State and District of Colorado, the defendant, DOUGLAS JAMES DUCHAK, knowingly caused the transmission of a program, information, code or command, and as a result of such conduct, attempted intentionally to cause damage without authorization to a protected computer; namely, DOUGLAS JAMES DUCHAK knowingly transmitted code into the CSOC server containing data from the United States Marshal's Service Warrant Information Network, and thereby attempted intentionally to cause damage without authorization to the CSOC computer, which caused loss aggregating at least \$5,000 or more during a one-year period, and if completed, would have caused damage affecting a computer used by the United States government in furtherance of national security, all in violation of Title 18, United States Code, Sections 1030(a)(5)(A), 1030(b), and 1030(c)(4)(B).

COUNT TWO
18 U.S.C. §§ 1030(a)(5)(A), 1030(b) and 1030(c)(4)(B)
[Attempted Intentional Damage to Protected Computer]

6. On or about October 23, 2009, within the State and District of Colorado, the defendant, DOUGLAS JAMES DUCHAK, knowingly caused the transmission of a program, information, code or command, and as a result of such conduct, attempted intentionally to cause damage without authorization to a protected computer; namely, DOUGLAS JAMES DUCHAK knowingly transmitted code into the CSOC server that contained the Terrorist Screening Database, and thereby attempted intentionally to cause damage without authorization to the CSOC computer, which caused loss aggregating at least \$5,000 or more during a one-year period, and if completed, would have caused damage affecting a computer used by the United States government in furtherance of national security, all in violation of Title 18, United States Code, Sections 1030(a)(5)(A), 1030(b), and 1030(c)(4)(B).

A TRUE BILL

Ink signature on file in the Clerk's Office
FOREPERSON

DAVID M. GAQUETTE
United States Attorney

by: s/ Patricia Davies
PATRICIA DAVIES
Assistant United States Attorney
United States Attorney's Office
1225 17th Street, Suite 700
Denver, Colorado 80202
Telephone: (303) 454-0100
Telecopier: (303) 454-0403
E-mail: Patricia.Davies@usdoj.gov
Attorney for the United States

DEFENDANT: **DOUGLAS JAMES DUCHAK**

YOB: 1963

ADDRESS: El Paso County, CO

COMPLAINT FILED? _____ YES X NO
IF YES, PROVIDE MAGISTRATE CASE NUMBER: _____
IF NO, PROCEED TO "OFFENSE" SECTION

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? _____ YES _____ NO

OFFENSE: **Counts One and Two:** 18 U.S.C. §§ 1030(a)(5)(A), 1030(b), and 1030(c)(4)(B)
Attempted Intentional Damage to Protected Computer

LOCATION OF OFFENSE: El Paso County, CO

PENALTY: **Counts One and Two:** NMT 10 years imprisonment; NMT \$250,000 fine, or both; NMT 3 years supervised release; \$100 special assessment fee

AGENTS: Special Agent Keith Edwards, TSA-Office of Inspection
Special Agent Dan Leyman, Federal Bureau of Investigation
Special Agent Troy Andrade, DHS-OIG

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

ESTIMATED TIME OF TRIAL:

X five days or less _____ over five days _____ other

THE GOVERNMENT:

_____ will seek detention in this case X will **not** seek detention in this case

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

OCDEF CASE: _____ Yes X No