

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA	:	
	:	Crim. No. 10-cr-113-JL
v.	:	
	:	Charges:
BROOKE E. REYNA	:	
	:	18 U.S.C. §§ 1030 (a)(2)(B) & (c)(2)(A)
Defendant.	:	(Exceeding Authorized Computer Access)
	:	[Count 1]
	:	
	:	18 U.S.C. § 1505 (Obstruction of Agency
	:	Proceeding) [Count 2]
	:	
	:	18 U.S.C. § 1001 (a)(2) (False Statements)
	:	[Counts 3 and 4]

**INDICTMENT**

The Grand Jury charges:

**COUNT ONE**  
(Exceeding Authorized Computer Access)

1. From on or about May 2004 until the present, defendant BROOKE E. REYNA was employed by the United States Department of State (the “Department of State”) at the National Passport Center in Portsmouth, New Hampshire. Defendant REYNA’s positions at the Department of State included Clerk-Typist, Legal Occupations Student-Trainee, and, most recently, Passport Specialist.

2. The Department of State is a department and agency within the executive branch of the U.S. Government. At all times relevant hereto, the office space where defendant BROOKE E. REYNA worked for the Department of State in the above positions was physically located in the District of New Hampshire.

3. In the regular course of her employment with the Department of State, defendant

BROOKE E. REYNA had access to official Department of State computer databases, including the Passport Information Electronic Records System (PIERS). This computer database contained all passport data and consular personal records maintained by the Department of State Passport Services dating back to 1978, and all imaged passport applications dating back to 1994. The imaged passport applications on PIERS contain, among other things, a photograph of the passport applicant as well as certain personal information including the applicant's full name, date and place of birth, current address, telephone numbers, parent information, spouse's name, and emergency contact information.

4. Throughout her tenure with the Department of State, defendant BROOKE E. REYNA was made aware of and understood: (a) the confidential nature of PIERS and the confidential personal data contained therein; (b) the information contained in the passport records maintained by the Department of State in PIERS is protected from unauthorized disclosure by the Privacy Act of 1974, 5 U.S.C. § 552a; and (c) passport applications maintained by the Department of State in PIERS should be accessed only in connection with an employee's official government duties and not the employee's personal interest or curiosity.

5. At all times relevant hereto, upon logging onto a Department of State computer, the following warning banner was displayed to the user: "This computer is a Department of State computer system. It should be used for official U.S. Government work only. Use by unauthorized persons, or for personal business, is prohibited and constitutes a violation of 18 U.S.C. 1030 and other Federal laws." The banner also provided the user with a clear warning that he/she had "NO REASONABLE EXPECTATION OF PRIVACY while using th[e] computer" and that all computer activity was subject to monitoring and retrieval by Department

of State and law enforcement officials. To gain access to the Department of State computer, defendant BROOKE E. REYNA was required to click the icon marked "OK" directly below the following directive and acknowledgment: "IF YOU DO NOT CONSENT, PLEASE PRESS ESCAPE AND SHUTDOWN THIS COMPUTER NOW. PRESS OK TO AGREE TO ALL THE CONDITIONS STATED ABOVE."

6. At all times relevant hereto, upon logging onto PIERS, the following warning banner was displayed to the user: "You are permitted access to passport and consular personal records on a need to know basis. Whether viewed or printed via PIERS, these are privileged records and are subject to the provisions of the Privacy Act of 1974. They are not public records and may be released for use outside of the Department of State only in accordance with applicable Department regulations. As a user of PIERS you are responsible for the protection of the record subject's privacy. DO NOT REPRODUCE OR PROVIDE COPIES of documents viewed or printed via PIERS for use outside of the Department of State. Unauthorized release of these documents to non-Department staff may be subject to penalty of Federal law." To gain access to the PIERS database and the passport application files contained therein, defendant BROOKE E. REYNA was required to click the icon marked "yes" directly below the following acknowledgment: "I have read the aforementioned Privacy warning and understand my responsibilities regarding the protection of passport and consular records."

7. Between August 2005 and February 2008, defendant BROOKE E. REYNA logged onto the PIERS database and, on the 300 occasions listed below by date and time, viewed passport applications of celebrities, actors, reality television contestants, television personalities, musicians, models, athletes, and members of these individuals' families, including their children,

and other individuals identified in the press. Defendant REYNA had no official government reason to access and view these passport applications.

8/27/2005 9:34	8/27/2005 11:35	8/27/2005 11:35	8/27/2005 13:10
8/27/2005 13:30	9/1/2005 13:25	9/1/2005 13:26	9/7/2005 10:09
9/7/2005 10:10	9/13/2005 9:39	9/13/2005 11:01	9/13/2005 11:02
9/14/2005 13:28	9/14/2005 13:29	9/14/2005 13:30	9/19/2005 15:02
9/19/2005 15:02	9/20/2005 8:44	9/20/2005 12:54	9/22/2005 8:19
9/25/2005 10:13	9/27/2005 10:23	10/4/2005 14:10	10/25/2005 15:21
10/29/2005 10:03	10/29/2005 10:55	12/22/2005 15:52	1/10/2006 12:06
1/14/2006 11:19	1/16/2006 12:44	1/16/2006 12:45	2/13/2006 22:17
2/13/2006 22:18	2/16/2006 17:10	2/17/2006 22:28	2/17/2006 22:29
3/1/2006 19:18	3/1/2006 22:41	3/9/2006 21:34	3/9/2006 21:34
3/10/2006 21:01	3/14/2006 15:53	3/15/2006 20:48	3/16/2006 21:15
3/17/2006 20:09	3/20/2006 16:39	3/21/2006 16:11	3/26/2006 14:06
3/27/2006 21:28	3/27/2006 22:21	3/28/2006 17:01	3/28/2006 20:22
3/28/2006 20:24	3/28/2006 22:06	3/28/2006 22:08	4/11/2006 17:56
4/13/2006 21:37	4/17/2006 21:11	4/17/2006 21:40	4/17/2006 21:42
4/17/2006 21:42	4/18/2006 18:46	4/19/2006 21:11	4/19/2006 22:05
4/19/2006 22:06	4/20/2006 21:51	4/27/2006 20:05	4/27/2006 21:35
5/1/2006 18:58	5/3/2006 13:49	5/3/2006 13:49	5/3/2006 13:50
5/3/2006 13:50	5/4/2006 9:33	5/4/2006 10:47	5/4/2006 12:53
5/4/2006 13:28	5/4/2006 13:37	5/4/2006 13:38	5/5/2006 19:00
5/5/2006 21:54	5/8/2006 17:26	5/8/2006 18:07	5/8/2006 20:35
5/8/2006 21:27	5/8/2006 21:28	5/8/2006 22:33	5/12/2006 19:18
5/12/2006 21:09	5/15/2006 19:15	5/15/2006 23:21	5/18/2006 23:00
5/19/2006 18:31	5/19/2006 18:31	5/19/2006 21:48	5/19/2006 21:50

5/19/2006 21:53	5/22/2006 20:49	5/22/2006 20:54	5/22/2006 22:41
5/22/2006 23:17	5/22/2006 23:17	6/2/2006 18:43	6/2/2006 18:49
6/5/2006 18:09	6/5/2006 20:07	6/5/2006 20:10	6/5/2006 21:26
6/5/2006 22:03	6/5/2006 22:28	6/6/2006 19:27	6/7/2006 19:15
6/7/2006 19:32	6/7/2006 19:32	6/7/2006 21:27	6/7/2006 21:29
6/9/2006 20:03	6/12/2006 16:36	6/13/2006 23:52	6/14/2006 21:47
6/14/2006 22:34	6/14/2006 22:35	6/14/2006 22:36	6/14/2006 22:39
6/15/2006 16:56	6/15/2006 16:56	6/16/2006 17:16	6/20/2006 20:37
6/20/2006 23:03	6/20/2006 23:06	6/20/2006 23:11	6/20/2006 23:11
6/20/2006 23:12	6/20/2006 23:13	6/20/2006 23:15	6/20/2006 23:15
6/20/2006 23:16	6/20/2006 23:16	6/21/2006 9:18	6/26/2006 21:48
6/26/2006 23:15	6/26/2006 23:16	6/26/2006 23:17	6/27/2006 15:34
6/27/2006 20:53	6/27/2006 21:44	6/28/2006 19:08	6/28/2006 19:08
6/28/2006 19:11	6/29/2006 20:56	6/29/2006 21:27	6/29/2006 21:28
6/30/2006 17:22	6/30/2006 18:06	6/30/2006 18:08	6/30/2006 18:45
6/30/2006 19:01	6/30/2006 19:28	6/30/2006 20:44	6/30/2006 20:44
7/3/2006 13:23	7/3/2006 13:49	7/3/2006 13:50	7/3/2006 17:21
7/3/2006 17:22	7/10/2006 16:38	7/10/2006 19:04	7/11/2006 18:08
7/11/2006 18:10	7/11/2006 18:51	7/11/2006 18:54	7/11/2006 18:55
7/11/2006 20:47	7/11/2006 20:48	7/11/2006 20:55	7/11/2006 20:56
7/12/2006 18:35	7/12/2006 20:23	7/17/2006 18:39	7/17/2006 18:57
7/17/2006 20:27	7/17/2006 20:27	7/17/2006 20:58	7/17/2006 21:03
7/17/2006 21:46	7/17/2006 21:46	7/17/2006 22:58	7/17/2006 23:00
7/17/2006 23:00	7/17/2006 23:05	7/18/2006 21:29	7/18/2006 21:31
7/19/2006 22:41	7/19/2006 23:05	7/20/2006 20:31	7/24/2006 19:29
7/26/2006 19:51	7/26/2006 19:57	7/26/2006 20:48	8/8/2006 20:52

8/8/2006 22:27	8/10/2006 23:06	8/11/2006 19:45	8/11/2006 20:19
8/11/2006 20:23	8/11/2006 22:04	8/11/2006 22:08	8/14/2006 21:49
8/16/2006 20:37	8/16/2006 21:04	8/21/2006 22:03	8/21/2006 22:40
8/21/2006 22:43	8/22/2006 21:01	8/22/2006 21:35	8/22/2006 22:10
8/23/2006 19:20	8/28/2006 20:43	8/28/2006 22:24	8/28/2006 23:23
8/28/2006 23:26	8/28/2006 23:31	8/29/2006 21:05	8/29/2006 21:06
9/12/2006 7:59	9/12/2006 8:03	9/12/2006 13:29	9/13/2006 9:04
9/30/2006 10:58	9/30/2006 10:59	9/30/2006 11:08	9/30/2006 11:16
9/30/2006 11:31	9/30/2006 11:34	10/16/2006 16:36	10/16/2006 16:37
10/16/2006 17:28	10/20/2006 18:04	10/24/2006 16:42	10/24/2006 17:07
10/24/2006 17:08	10/30/2006 13:43	11/10/2006 12:50	11/10/2006 13:48
11/14/2006 8:56	11/14/2006 9:00	11/14/2006 9:33	11/14/2006 10:42
11/20/2006 8:00	11/20/2006 8:50	11/20/2006 8:59	11/20/2006 9:05
11/20/2006 12:49	11/21/2006 10:07	11/21/2006 11:44	11/21/2006 12:03
11/21/2006 12:04	11/21/2006 12:07	11/21/2006 15:28	11/22/2006 7:37
12/6/2006 11:03	12/7/2006 13:35	12/7/2006 13:36	12/8/2006 8:11
1/25/2007 15:06	1/25/2007 15:23	1/29/2007 14:15	1/31/2007 8:46
1/31/2007 12:10	2/8/2007 12:20	5/7/2007 8:40	6/9/2007 7:48
6/28/2007 8:14	6/29/2007 9:02	7/16/2007 9:02	7/24/2007 8:22
7/24/2007 9:16	9/12/2007 10:11	9/18/2007 10:35	10/1/2007 12:31
10/2/2007 11:55	10/2/2007 11:58	10/9/2007 10:51	10/9/2007 11:31
10/24/2007 12:25	11/15/2007 7:38	11/20/2007 8:52	11/21/2007 11:41
1/2/2008 11:19	1/2/2008 11:27	1/3/2008 7:26	1/3/2008 12:27
1/4/2008 14:59	1/8/2008 14:32	1/8/2008 14:57	1/15/2008 15:05
1/16/2008 14:28	1/25/2008 12:50	2/14/2008 12:39	2/26/2008 11:11

8. On each occasion identified in the previous paragraph that defendant BROOKE E. REYNA accessed the PIERS database and viewed the passport applications of celebrities, actors, reality television contestants, television personalities, musicians, models, athletes, and members of these individuals' families, including their children, and other individuals identified in the press, defendant REYNA knowingly and intentionally exceeded her authorized access to Department of State computer files.

9. From in or about August 2005 and continuing through in or about February 2008, in the District of New Hampshire,

**BROOKE E. REYNA**

defendant herein, intentionally accessed a computer without authorization and exceeded her authorized access to that computer, and thereby obtained information from a department and agency of the United States; that is, defendant REYNA, while an employee of the U.S. Department of State, exceeded her authorized access to the federal agency's PIERS database and obtained information from the Department of State pertaining to the imaged confidential passport application files of various celebrities, actors, reality television contestants, television personalities, musicians, models, athletes, and members of these individuals' families, including their children, and other individuals identified in the press.

All in violation of Title 18, United States Code, Sections 1030(a)(2)(B) and (c)(2)(A).

**COUNT TWO**

(Obstruction of Agency Proceeding)

10. The Allegations contained in Paragraphs 1 through 8 are realleged as though fully set forth herein.

11. On or about July 3, 2008, the Department of State's Office of Inspector General commenced an investigation into allegations of defendant BROOKE E. REYNA's unauthorized use of the PIERS database. In connection with this investigation, agents for the Office of Inspector General and other Department of State components involved in the investigation had the responsibility to secure relevant documents and interview material witnesses.

12. On or about July 23, 2008, the Department of State, Office of Legal Affairs, Law Enforcement Liaison, Passport Monitor Unit sent defendant BROOKE E. REYNA an e-mail entitled "Questionable Passport Searches." The e-mail stated that the Passport Monitor Unit was "responsible for monitoring the release of passport records and the users of PIERS to identify trends or patterns with respect to search requests for passport files being sought under the Freedom of Information Act or the Privacy Act."

13. The e-mail further stated that "[b]ased on an internal investigation, our records show that you searched and viewed the following passport records," followed by a list of 17 occasions on which defendant BROOKE E. REYNA logged onto the PIERS database and viewed some of the passport applications identified above, including those of prominent musicians, actors, and celebrities. The e-mail also requested, among other things, that defendant REYNA explain the purpose of her PIERS activity on these 17 occasions.

14. That same day, defendant BROOKE E. REYNA sent an e-mail in response, answering that question as follows: "I can honestly say I do not recall looking up any of these people. I have tried my hardest to think back but I do not remember putting in any of their information. I do know there was an occasion where I had an applicant with a parent of a similar name of a celebrity and I did click on that celebrity's name by accident when I was looking up something



for the child and clicked right out but for the life of me can not recall who it was. For some reason doesn't look like it was one of those people. The only thing I could possibly think of is when we were training I remember being told to use PIERS as a training tool and so I could have done it then but really do not think or remember looking any of those people up because I had no reason to. Some of them I don't even know who they are. I have used PIERS for searches for applicants on a need to know basis with applicants I have had."

15. On or about August 18, 2008, defendant BROOKE E. REYNA was interviewed by federal law enforcement agents, including an agent employed by the Department of State's Office of Inspector General. Defendant REYNA was asked again to explain the same 17 occasions on which she logged onto the PIERS database and viewed passport applications.

16. In response, defendant BROOKE E. REYNA provided a written statement to federal law enforcement agents in which she stated that "[a]s for the searches I have done that are high profile, I do not recall doing these searches. Sometimes passport numbers can be typed in wrong or in searching for another record can accidentally be clicked on. If I can or could recall any of the searches, I will be sure to report it. I have never lent out my log-in information or left my station unlocked for someone to use."

17. On or about July and August 2008, in the District of New Hampshire,

**BROOKE E. REYNA,**

the defendant herein, did corruptly endeavor to influence, obstruct and impede the due and proper administration of the law under which a proceeding, to wit an investigation of allegations of her unauthorized use of the PIERS database, was pending before the Department of State, by making materially false and misleading statements to those federal agents and

employees engaged in such proceeding.

In violation of Title 18, United States Code, Section 1505.

**COUNT THREE**  
(False Statements)

18. The Allegations contained in Paragraphs 1 through 8 and 10 through 16 are realleged as though fully set forth herein.

19. On or about July 23, 2008, in the District of New Hampshire,

**BROOKE E. REYNA,**

the defendant herein, in a matter within the jurisdiction of the Department of State, a department within the executive branch of the Government of the United States, did knowingly and willfully make a materially false, fictitious, and fraudulent statement and representation; to wit, she did knowingly and willfully send an e-mail to the Department of State, Office of Legal Affairs, Law Enforcement Liaison, Passport Monitor Unit and other employees of the Department of State which stated that (a) she did not recall the above-identified 17 occasions in which she logged onto the PIERS database and viewed passport applications, when in fact she did recall those occasions, and (b) she had used PIERS for searches for applicants on a need to know basis for applicants she had, when in fact she had used PIERS to view the application files of various celebrities, actors, reality television contestants, television personalities, musicians, models, athletes, and members of these individuals' families, including their children, and other individuals identified in the press, without an official need to do so.

All in violation of Title 18, United States Code, Section 1001(a)(2).

**COUNT FOUR**  
(False Statements)

20. The Allegations contained in Paragraphs 1 through 8 and 10 through 16 are realleged as though fully set forth herein.

21. On or about August 18, 2008, in the District of New Hampshire,

**BROOKE E. REYNA,**

the defendant herein, in a matter within the jurisdiction of the Department of State, a department within the executive branch of the Government of the United States, did knowingly and willfully make a materially false, fictitious, and fraudulent statement and representation; to wit, she did knowingly and willfully provide a written statement to an agent of the Department of State's Office of Inspector General in which she indicated that she did not recall the above-identified 17 occasions in which she logged onto the PIERS database and viewed passport applications, when in fact she did recall those occasions.

All in violation of Title 18, United States Code, Section 1001(a)(2).

Dated: August 25, 2010

A TRUE BILL:

/s/ Foreperson \_\_\_\_\_  
FOREPERSON

JACK SMITH, Chief

/s/ Timothy J. Kelly  
TIMOTHY J. KELLY  
Trial Attorney  
Public Integrity Section  
Criminal Division  
United States Department of Justice

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA	:	
	:	
v.	:	
	:	10–CR-113 (JL)
BROOKE E. REYNA,	:	Mag. Judge Landya B. McCafferty
	:	
Defendant.	:	

**GOVERNMENT’S MOTION FOR AN ORDER  
PERMITTING IT TO DISCLOSE DISCOVERABLE MATERIALS  
SUBJECT TO THE PRIVACY ACT OF 1974  
AND FOR A PROTECTIVE ORDER**

The United States, by and through its undersigned counsel, respectfully requests that the Court enter an order permitting it to disclose to the Defendant any material it deems discoverable under Rule 16 of the Federal Rules of Criminal Procedure or other applicable discovery rules, notwithstanding that some of this material is subject to the Privacy Act of 1974. Such an order is necessary because the Government may not disclose material covered by the Privacy Act in the circumstances presented here except “pursuant to an order of a court of competent jurisdiction.” See 5 U.S.C. § 552a(b)(11).

Moreover, in order to ensure that the confidentiality of all material disclosed to the Defendant that either contains personally-identifiable information of any individual or is subject to the Privacy Act is adequately protected, while also providing the Defendant an opportunity to prepare for trial, the Government requests that the Court enter the proposed protective order.

Respectfully submitted,

Dated: September 23, 2010

/s/

TIMOTHY J. KELLY

Trial Attorney

Public Integrity Section, Criminal Division

U.S. Department of Justice

1400 New York Avenue, NW, 12th Floor

Washington, DC 20005

Tel.: 202-514-1412

[timothy.kelly@usdoj.gov](mailto:timothy.kelly@usdoj.gov)



UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA	:	
	:	
v.	:	
	:	10–CR-113 (JL)
BROOKE E. REYNA,	:	Mag. Judge Landya B. McCafferty
	:	
Defendant.	:	

**ORDER**

WHEREAS, the United States intends to make available to the Defendant certain material, pursuant to Rule 16 of the Federal Rules of Criminal Procedure and other applicable discovery rules; and

WHEREAS, some of this material is protected by the Privacy Act of 1974, and may therefore only be produced to the Defendant pursuant “to an order of a court of competent jurisdiction,” see 5 U.S.C. § 552a(b)(11), and

WHEREAS, some of this material contains personally-identifiable information concerning the Defendant and other individuals,

It is hereby ORDERED that:

1. The United States shall disclose to the Defendant all material it deems discoverable in this matter, notwithstanding the fact that some such material may be subject to the Privacy Act of 1974. The timing of these disclosures shall not be affected by this Order.
2. All material produced to the Defendant that either contains the personally-identifiable information of any individual or is subject to the Privacy Act shall be used only for the purposes of preparation for and trial of this matter; and shall not be disclosed to any person other than the Defendant, her attorney of record, and any employee of such attorney to whom it is

necessary that the materials be shown for the purposes of preparation and trial of this matter. To the extent that the Defendant seeks to disclose such information to any other person, she shall seek permission from the Court before doing so.

3. No additional copies of any material produced to the Defendant that either contains personally-identifiable information of any individual or is subject to the Privacy Act shall be made by the Defendant or her attorney, except as necessary for the preparation and trial of this matter.

4. The Defendant shall not file on the public docket in this matter any material that either contains the personally-identifiable information of any individual or is subject to the Privacy Act, without first being granted permission from the Court.

SO ORDERED this \_\_\_\_\_ day of September, 2010.

---

Landya B. McCafferty  
United States Magistrate Judge



UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA	:	
	:	
v.	:	
	:	10-CR-113 (JL)
BROOKE E. REYNA,	:	Mag. Judge Landya B. McCafferty
	:	
Defendant.	:	

**ORDER**

WHEREAS, the United States intends to make available to the Defendant certain material, pursuant to Rule 16 of the Federal Rules of Criminal Procedure and other applicable discovery rules; and

WHEREAS, some of this material is protected by the Privacy Act of 1974, and may therefore only be produced to the Defendant pursuant “to an order of a court of competent jurisdiction,” see 5 U.S.C. § 552a(b)(11), and

WHEREAS, some of this material contains personally-identifiable information concerning the Defendant and other individuals,

It is hereby ORDERED that:

1. The United States shall disclose to the Defendant all material it deems discoverable in this matter, notwithstanding the fact that some such material may be subject to the Privacy Act of 1974. The timing of these disclosures shall not be affected by this Order.

2. All material produced to the Defendant that either contains the personally-identifiable information of any individual or is subject to the Privacy Act shall be used only for the purposes of preparation for and trial of this matter; and shall not be disclosed to any person other than the Defendant, her attorney of record, and any employee of such attorney to whom it is

necessary that the materials be shown for the purposes of preparation and trial of this matter. To the extent that the Defendant seeks to disclose such information to any other person, she shall seek permission from the Court before doing so.

3 No additional copies of any material produced to the Defendant that either contains personally-identifiable information of any individual or is subject to the Privacy Act shall be made by the Defendant or her attorney, except as necessary for the preparation and trial of this matter.

4 The Defendant shall not file on the public docket in this matter any material that either contains the personally-identifiable information of any individual or is subject to the Privacy Act, without first being granted permission from the Court.

SO ORDERED this 24<sup>th</sup> day of September, 2010

/s/ Joseph N. Laplante  
U.S. District Judge

UNITED STATES DISTRICT COURT

for the

DISTRICT OF NEW HAMPSHIRE

RECEIVED

2010 SEP -7 P 2: 25

United States of America )

v. )

Brooke E. Reyna )

U.S. MARSHAL  
CONCORD, NH  
Criminal No. 10-cr-113-01-JL

SUMMONS IN A CRIMINAL CASE

YOU ARE SUMMONED to appear before the United States District Court at the time, date, and place set forth below to answer to one or more offenses or violations based on the Indictment filed with the court:

Place:  Warren B. Rudman U.S. Courthouse 55 Pleasant Street Concord, NH 03301	Courtroom No.     B
	Date and Time:     Sept. 24, 2010 at 3:30 p.m.
Before: Magistrate Judge Landya McCafferty	

This offense is briefly described as follows:

18 USC §§ 1030(a)(2)(B) and c)(2)(A) Exceeding Authorized Computer Access (1); 18 USC § 1505 Obstruction of Agency Proceeding (2); and 18 USC § 1001(a)(2) False Statements (3-4)

*Kathy DuPont*

Kathy DuPont  
Deputy Clerk

Date: Sept. 7, 2010

REPORTING INSTRUCTIONS:

IMMEDIATELY UPON RECEIPT OF THIS SUMMONS, CONTACT THE UNITED STATES PROBATION OFFICE FOR PRETRIAL SERVICES INTERVIEW AT 603-225-1515. PRESS 'O' FOR ASSISTANCE.

NOTE:

IF YOU ARE SEEKING COURT-APPOINTED COUNSEL, PLEASE CONTACT THE CLERK'S OFFICE UPON RECEIPT OF THIS SUMMONS AT 603-225-1424.

2010 SEP 22 2:46  
U.S. DISTRICT COURT  
DISTRICT OF NH.  
FILED

I declare under penalty of perjury that I have:

Executed and returned this summons

Returned this summons unexecuted

Date: 9/20/10

*Jamie Berry*

Server's Signature

DUSM Jamie Berry

Printed Name and Title

Case No. Criminal No. 10-cr-113-01-JL

This second page contains personal identifiers and therefore should not be filed in court with the summons unless under seal. (Not for Public Disclosure)

INFORMATION FOR SERVICE

Name of defendant/offender: Brooke Reyna

Last known residence:

Usual place of abode (if different from residence address)

If the defendant is an organization, name(s) and address(es) of officer(s) or agent(s) legally authorized to receive service of process:

If the defendant is an organization, last know address within the district or principal place of business elsewhere in the United States:

PROOF OF SERVICE

This summons was received by me on (date) 9/20/10

I personally served the summons on this defendant Brooke Reyna at (place) NH on (date) 9/20/10; or

On (date), I left the summons at the individual's residence or usual place of abode with (name), a person of suitable age and discretion who resides there, and mailed a copy to the individual's last known address; or

I delivered a copy of the summons to (name of individual) who is authorized to receive service of process on behalf of (name of organization) on (date) and I mailed a copy to the organization's last known address within the district or to its principal place of business elsewhere in the United States; or

The summons was returned unexecuted because

I declare under penalty of perjury that this information is true.

Date returned: 9/20/10

Jamie Burg DUSM Server's signature Printed name and title

Remarks:

UNITED STATES DISTRICT COURT  
District of New Hampshire

SEP 24 2010

FILED

UNITED STATES OF AMERICA

v.

Brooke Reyna

Defendant

ORDER SETTING CONDITIONS  
OF RELEASE

Case Number: 10-cr-113-01-JL

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 must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- 3. The defendant shall immediately advise the court, defense counsel, and the U.S. Attorney in writing before any change in address and telephone number.
- 4. The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed or as directed.
- 5. The defendant shall appear at U.S. District Court, 55 Pleasant St., Concord, NH on \_\_\_\_\_ at \_\_\_\_\_ for \_\_\_\_\_ and when and where as ordered by the Court.

**Release on Personal Recognizance or Unsecured Bond**

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

- 6. The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- 7. 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:

8. The defendant is placed in the custody of (address to be redacted from electronic version of document entered on CM/ECF):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Tel: \_\_\_\_\_

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

9. The defendant shall:
- (a) report on a regular basis as directed by the supervising officer.
  - (b) maintain or actively seek employment.
  - (c) refrain from possessing a firearm, destructive device, or other dangerous weapons.
  - (d) surrender any firearm(s) to Clerk, U.S. District Court, 55 Pleasant St., Concord, NH.
  - (e) surrender any passport to Clerk, U.S. District Court, 55 Pleasant St., Concord, NH.
  - (f) obtain no passport.
  - (g) submit to any method of testing required by 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.
  - (h) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.
  - (i) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
  - (j) be detained until he/she can be released directly into an inpatient treatment facility. Further hearing to be held upon the completion or discharge of defendant from the program.
  - (k) restrict travel to the State(s) of New Hampshire \_\_\_\_\_. Any other travel must be pre-approved by the supervising officer.
  - (l) 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: \_\_\_\_\_
  - (m) have no unsupervised contact with any minor children.
  - (n) refrain from [ ] any [ ] excessive use of alcohol.
  - (o) participate in the following home confinement program components and abide by all the requirements of the program:
    - (1) Curfew: You are restricted to your residence every day [ ] from \_\_\_\_\_ to \_\_\_\_\_, or [ ] as directed by the supervising officer, or

**Additional Conditions Continued**

- (2) 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 supervising officer; or
- (3) 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 supervising officer.
- (4) the home confinement program will 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 supervising officer.
- (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) participate in a mental health program which shall include medical, psychological, or psychiatric treatment as directed by the supervising officer.
- (r) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property: \_\_\_\_\_.
- (s) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money: \_\_\_\_\_.
- (t) execute a bail bond with solvent sureties in the amount of \$ \_\_\_\_\_.
- (u) maintain or commence an education program.
- (v) maintain residence at a halfway house or community corrections center, as deemed necessary by the supervising officer.
- (w) report as soon as possible, to the supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- (x) comply with the following residential requirements or restrictions \_\_\_\_\_.
- (y) comply with the following employment requirements or restrictions \_\_\_\_\_.
- (z) Other: \_\_\_\_\_
- 
- 

**Special Conditions of Release**

10.  (a) participate in the following computer restriction or monitoring program:
- (i) refrain from the possession or use of a computer or any internet capable device.
- (ii) no access to the internet, and submit to the search of any computer owned or under the control of the defendant.
- (iii) allow computer monitoring software or hardware to be installed on your computer which will be subject to periodic and unannounced examination by the supervising officer. These examinations may include retrieval and copying of data related to online use from the computer equipment and \_\_\_\_\_ any internal or external peripheral devices. The defendant shall pay for the cost associated with the monitoring program.
- (b) submit to search of person/residence/vehicle or office as requested by the supervising officer to determine whether you are in compliance with the conditions of release.
- (c) participate in a sex offender-specific assessment as directed by the supervising officer.
- (d) participate in sex offender-specific treatment as directed by the supervising officer.
- (e) provide access to any requested financial information as requested by the supervising officer.
- (f) do not incur any new credit charges or open any new lines of credit without pre-approval of the supervising officer.
- (g) return to custody each (week)day as of \_\_\_\_\_ after being released each (week)day as of \_\_\_\_\_ for employment, schooling or the following limited purpose(s) \_\_\_\_\_.
- (h) Other: \_\_\_\_\_
- 
-

### 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 pre-trial 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 or a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to 10 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 ten years, or both;
- (2) on 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.

### Acknowledgment 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.

Date: 9/24/10

Brooke Ryna  
Signature of Defendant

### Directions to United States Marshal

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

Date: 9-24-10

[Signature]  
 United States Magistrate Judge  
 United States District Judge

cc: Defendant  
U.S. Attorney  
U.S. Marshal  
U.S. Probation  
Defense Counsel