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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

| | | |
|-------------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA, |) | No. 3:19-cr-00102-RRB-DMS |
| |) | |
| Plaintiff, |) | <u>MOTION TO SEAL</u> |
| |) | <u>INDICTMENT</u> |
| vs. |) | |
| |) | |
| AARON STERRITT, A/K/A “VAMP,” |) | <u>[FILED UNDER SEAL]</u> |
| AND LOGAN SHWYDIUK, A/K/A |) | |
| “DRAKE,” |) | |
| Defendants. |) | |
| |) | |
| |) | |

COMES NOW the United States of America, by and through undersigned counsel, and hereby moves this Court to the seal the Indictment and arrest warrant in the above-captioned case. This motion is made for multiple reasons, including the fact that public disclosure of the Indictment and arrest warrant would adversely affect an ongoing covert international investigation as well as the arrest and extradition of the defendants in this matter, who are cybercriminals operating overseas.

The Indictment in this matter charges the defendants with one count of conspiracy to commit fraud and related activity in connection with computers. The charge stems from a long-term investigation into international hacking activities by the defendants, who currently resides overseas and have targeted victims in the United States and abroad for financial gain among other motives. The investigation involves confidential sources of information, undercover law enforcement actions, and will require coordinated law enforcement efforts to arrest and extradite the defendants in Northern Ireland and Canada. It is therefore imperative that the defendants not be made aware of the existence of the Indictment pending extradition proceedings.

Therefore, for good cause shown, the United States respectfully requests that the Indictment and arrest warrant be sealed until the defendants can be safely taken into custody, at which time the United States will move to unseal the Indictment and arrest warrant. It is submitted that the interest of the public in an open proceeding is substantially outweighed by law enforcement's need for secrecy in this matter based on these circumstances.

Based on the foregoing, the United States requests that the Court seal the

Indictment, arrest warrant, and all other materials in this case for a period up to but not exceeding the arrest of the defendants, and find that the public's right of access to the existence of this Indictment is outweighed by the legitimate interests of law enforcement. If the need for secrecy as outlined above passes before the expiration of the period requested by the Government in this motion, the undersigned will file an appropriate motion to unseal.

The United States request that the court permit a limited exception to this proposed sealing order pursuant to Criminal Rule 6(e)(3)(E)(iii), which authorizes disclosure of grand jury matters "at the request of the government, when sought by a foreign court or prosecutor for use in an official criminal investigation" to allow the United States to disseminate the sealed indictment and arrest warrants in this matter to law enforcement and governmental personnel in the United States, and in any other country in which the defendants may be located, and the International Criminal Police Organization (INTERPOL) and the European Union Agency for Law Enforcement Cooperation (EUROPOL), for purposes of initiating and effectuating arrest, detention, removal and/or extradition proceedings against the defendants.

RESPECTFULLY SUBMITTED this 18th day of September 2019, at Anchorage, Alaska.

BRYAN SCHRODER
United States Attorney

s/ Adam Alexander
ADAM ALEXANDER
Assistant U.S. Attorney