

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

NO. 3:21-CR-366-S

Yaroslav Vasinskyi (01)

a/k/a Profcomserv

a/k/a Rabotnik

a/k/a Rabotnik_New

a/k/a Yarik45

a/k/a Yaroslav2468

a/k/a Affiliate 22

PLEA AGREEMENT

Yaroslav Vasinskyi, the defendant, Simon Kabzan, the defendant's attorney, and the United States of America (the government) agree as follows:

1. **Rights of the defendant:** The defendant understands that the defendant has the rights:
 - a. to plead not guilty;
 - b. to have a trial by jury;
 - c. to have the defendant's guilt proven beyond a reasonable doubt;
 - d. to confront and cross-examine witnesses and to call witnesses in the defendant's defense; and
 - e. against compelled self-incrimination.

2. **Waiver of rights and plea of guilty:** The defendant waives these rights and pleads guilty to the offenses alleged in Counts One through Eleven of the Indictment that charge the following: Count One – Conspiracy to Commit Fraud and Related Activity in Connection with Computers, in violation of 18 U.S.C. §§ 371, 1030(a)(5)(A) and 1030(a)(7)(C); Counts Two through Ten – Intentional Damage to a Protected Computer, in violation of 18 U.S.C. §§ 1030(a)(5)(A), 1030(c)(4)(B), and 2; and Count Eleven – Conspiracy to Commit Money Laundering, in violation of 18 U.S.C. §§ 1956(h), 1956(a)(2)(B)(i), and 1957. The defendant understands the nature and elements of the crimes to which the defendant is pleading guilty, and agrees that the factual resume the defendant has signed is true and will be submitted as evidence.

3. **Sentence:** The maximum penalties the Court can impose include:
- a. imprisonment for a period of not more than the following: Count One – five (5) years; Counts Two through Ten – ten (10) years on each count; and Count Eleven – twenty (20) years;
 - b. a fine not to exceed the following: Counts One through Ten - \$250,000 on each count; and Count Eleven - \$500,000 or twice the value of the property involved in the transaction;
 - c. a term of supervised release of not more than three (3) years on each count, which may be mandatory under the law and will follow any term of imprisonment. If the defendant violates the conditions of supervised release, the defendant could be imprisoned for the entire term of supervised release;

- d. a mandatory special assessment of \$1,100;
- e. restitution to victims or to the community, which is mandatory under the law, and which the defendant agrees may include restitution arising from all relevant conduct, not limited to that arising from the offense of conviction alone;
- f. costs of incarceration and supervision; and
- g. forfeiture of property.

4. **Immigration consequences:** The defendant recognizes that pleading guilty may have consequences with respect to the defendant's immigration status if the defendant is not a citizen of the United States. Under federal law, a broad range of crimes are removable offenses. The defendant understands this may include the offense to which the defendant is pleading guilty, and for purposes of this plea agreement, the defendant assumes the offense is a removable offense. Removal and other immigration consequences are the subject of a separate proceeding, however, and the defendant understands that no one, including the defendant's attorney or the district court, can predict to a certainty the effect of the defendant's conviction on the defendant's immigration status. The defendant nevertheless affirms that the defendant wants to plead guilty regardless of any immigration consequences that the defendant's plea of guilty may entail, even if the consequence is the defendant's automatic removal from the United States.

5. **Court's sentencing discretion and role of the Guidelines:** The defendant understands that the sentence in this case will be imposed by the Court after consideration

of the United States Sentencing Guidelines. The guidelines are not binding on the Court, but are advisory only. The defendant has reviewed the guidelines with the defendant's attorney, but understands no one can predict with certainty the outcome of the Court's consideration of the guidelines in this case. The defendant will not be allowed to withdraw the defendant's plea if the defendant's sentence is higher than expected. The defendant fully understands that the actual sentence imposed (so long as it is within the statutory maximum) is solely in the discretion of the Court.

6. **Mandatory special assessment:** Prior to sentencing, the defendant agrees to pay to the U.S. District Clerk the amount of \$1,100 in satisfaction of the mandatory special assessment in this case.

7. **Defendant's agreement:** The defendant shall give complete and truthful information and/or testimony concerning the defendant's participation in the offense of conviction. Upon demand, the defendant shall submit a personal financial statement under oath and submit to interviews by the government and the U.S. Probation Office regarding the defendant's capacity to satisfy any fines or restitution. The defendant expressly authorizes the United States Attorney's Office to immediately obtain a credit report on the defendant in order to evaluate the defendant's ability to satisfy any financial obligation imposed by the Court. The defendant fully understands that any financial obligation imposed by the Court, including a restitution order and/or the implementation of a fine, is due and payable immediately. In the event the Court imposes a schedule for payment of restitution, the defendant agrees that such a schedule represents a minimum payment obligation and does not preclude the U.S. Attorney's Office from pursuing any

other means by which to satisfy the defendant's full and immediately enforceable financial obligation. The defendant understands that the defendant has a continuing obligation to pay in full as soon as possible any financial obligation imposed by the Court.

8. **Forfeiture of property:** The defendant agrees not to contest, challenge, or appeal in any way the administrative or judicial (civil or criminal) forfeiture to the United States of any property noted as subject to forfeiture in the indictment or information, or seized or restrained in the investigation underlying the indictment or information. The defendant consents to entry of any orders or declarations of forfeiture regarding such property and waives any requirements (including notice of forfeiture) set out in 19 U.S.C. §§ 1607-1609; 18 U.S.C. §§ 981, 983, and 985; the Code of Federal Regulations; and Rules 11 and 32.2 of the Federal Rules of Criminal Procedure. The defendant agrees to provide truthful information and evidence necessary for the government to forfeit such property. The defendant agrees to hold the government, its officers, agents, and employees harmless from any claim whatsoever in connection with the seizure, forfeiture, storage, or disposal of such property.

9. **Government's agreement:** The government will not bring any additional charges against the defendant based upon the conduct underlying and related to the defendant's plea of guilty. The government will file a Supplement in this case, as is routinely done in every case, even though there may or may not be any additional terms. This agreement is limited to the United States Attorney's Office for the Northern District of Texas and does not bind any other federal, state, or local prosecuting authorities, nor

does it prohibit any civil or administrative proceeding against the defendant or any property.

10. **Violation of agreement:** The defendant understands that if the defendant violates any provision of this agreement, or if the defendant's guilty plea is vacated or withdrawn, the government will be free from any obligations of the agreement and free to prosecute the defendant for all offenses of which it has knowledge. In such event, the defendant waives any objections based upon delay in prosecution. If the plea is vacated or withdrawn for any reason other than a finding that it was involuntary, the defendant also waives objection to the use against the defendant of any information or statements the defendant has provided to the government, and any resulting leads.

11. **Voluntary plea:** This plea of guilty is freely and voluntarily made and is not the result of force or threats, or of promises apart from those set forth in this plea agreement. There have been no guarantees or promises from anyone as to what sentence the Court will impose.

12. **Waiver of right to appeal or otherwise challenge sentence:** The defendant waives the defendant's rights, conferred by 28 U.S.C. § 1291 and 18 U.S.C. § 3742, to appeal the conviction, sentence, fine and order of restitution or forfeiture in an amount to be determined by the district court. The defendant further waives the defendant's right to contest the conviction, sentence, fine and order of restitution or forfeiture in any collateral proceeding, including proceedings under 28 U.S.C. § 2241 and 28 U.S.C. § 2255. The defendant, however, reserves the rights (a) to bring a direct appeal of (i) a sentence exceeding the statutory maximum punishment, or (ii) an arithmetic error

at sentencing, (b) to challenge the voluntariness of the defendant's plea of guilty or this waiver, and (c) to bring a claim of ineffective assistance of counsel.

13. **Representation of counsel:** The defendant has thoroughly reviewed all legal and factual aspects of this case with the defendant's attorney and is fully satisfied with that attorney's legal representation. The defendant has received from the defendant's attorney explanations satisfactory to the defendant concerning each paragraph of this plea agreement, each of the defendant's rights affected by this agreement, and the alternatives available to the defendant other than entering into this agreement. Because the defendant concedes that the defendant is guilty, and after conferring with the defendant's attorney, the defendant has concluded that it is in the defendant's best interest to enter into this plea agreement and all its terms, rather than to proceed to trial in this case.

14. **Entirety of agreement:** This document is a complete statement of the parties' agreement and may not be modified unless the modification is in writing and signed by all parties. This agreement supersedes any and all other promises, representations, understandings, and agreements that are or were made between the parties at any time before the guilty plea is entered in court. No promises or representations have been made by the United States except as set forth in writing in this plea agreement.

AGREED TO AND SIGNED this 29th day of July 2022.

CHAD E. MEACHAM
UNITED STATES ATTORNEY



TIFFANY H. EGGERS
Assistant United States Attorney
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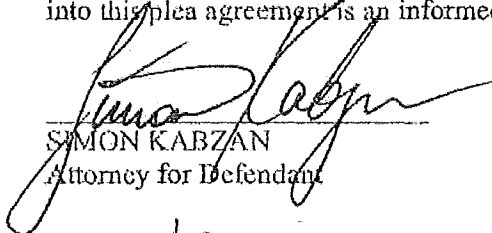
ERRIN MARTIN
Section Chief

I have read or had read to me this plea agreement and have carefully reviewed every part of it with my attorney. I fully understand it and voluntarily agree to it.

Yaroslav Vasinskyi
YAROSLAV VASINSKYI
Defendant

07/13/2022
Date

I am the defendant's attorney. I have carefully reviewed every part of this plea agreement with the defendant. To my knowledge and belief, my client's decision to enter into this plea agreement is an informed and voluntary one.



SIMON KABZAN
Attorney for Defendant

7/22/22
Date

N/A
STEPHEN GREEN
Attorney for Defendant

N/A
Date

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NO. 3:21-CR-366-S

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FACTUAL RESUME

In support of Yaroslav Vasinskyi's plea of guilty to the offenses in Counts One through Eleven of the indictment, Vasinskyi, the defendant, Simon Kabzan and Stephen Green, the defendant's attorneys, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in **Count One** of the indictment, charging a violation of 18 U.S.C. §§ 371, 1030(a)(5)(A) and 1030(a)(7)(C), that is, Conspiracy to Commit Fraud and Related Activity in Connection with Computers, the government must prove each of the following elements beyond a reasonable doubt:¹

First: That the defendant and at least one other person agreed to commit the crime of Fraud and Related Activity in Connection with Computers, as charged in the indictment;

¹ Fifth Circuit Pattern Jury Instruction 2.15A (5th Cir. 2019).

Second: That the defendant knew the unlawful purpose of the agreement and joined in it willfully, that is, with the intent to further the unlawful purpose; and

Third: That at least one of the conspirators during the existence of the conspiracy knowingly committed at least one of the overt acts described in the indictment, in order to accomplish some object or purpose of the conspiracy.

Sections 1030(a)(5)(A) and (a)(7)(C) of Title 18 provide,²

(a) Whoever—

(5)(A) knowingly causes the transmission of a program, information, code, or command, and as a result of such conduct, intentionally causes damage without authorization, to a protected computer

...

(7) with intent to extort from any person any money or other thing of value, transmits in interstate or foreign commerce any communication containing any—

...

(C) demand or request for money or other thing of value in relation to damage to a protected computer, where such damage was caused to facilitate the extortion;

shall be punished as provided in subsection (c) of this section.

To prove the offenses alleged in **Counts Two through Ten** of the indictment, charging a violation of 18 U.S.C. §§ 1030(a)(5)(A), 1030(c)(4)(B), and 2, that is, Intentional Damage to a Protected Computer, the government must prove the following beyond a reasonable doubt:³

First: The defendant knowingly caused the transmission of a program, information, code, or command; and

Second: By doing so, the defendant intentionally caused damage to a

² There are no Fifth Circuit Pattern Jury Instructions for violations of 18 U.S.C. §§ 1030(a)(5)(A) and (a)(7)(C); therefore, the text of the statute is included here

³ As noted above, there is no Fifth Circuit Pattern Jury Instruction for a violation of 18 U.S.C. § 1030(a)(5)(A). The statute is included above and the Seventh Circuit Pattern Instruction is included herein.

protected computer without authorization.

To prove the offense alleged in **Count Eleven** of the indictment, charging a violation of 18 U.S.C. §§ 1956(h), 1956(a)(2)(B)(i), and 1957, that is, Conspiracy to Commit Money Laundering, the government must prove the following beyond a reasonable doubt:⁴

First: That the defendant and at least one other person made an agreement to commit the crime of laundering of monetary instruments, in violation of 18 U.S.C. § 1956(a)(2)(B)(i) and the crime of engaging in monetary transactions in property derived from specified unlawful activity, in violation of 18 U.S.C. § 1957;⁵

Second: That the defendant knew the unlawful purpose of the agreement; and

Third: That the defendant joined in the agreement willfully, that is, with the intent to further the unlawful purpose.

Section § 1956(a)(2)(B)(i) of Title 18 provides that:⁶

(2) Whoever transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument or funds from a place in the United States to or through a place outside the United States or to a place in the United States from or through a place outside the United States--

...

(B) knowing that the monetary instrument or funds involved in the transportation, transmission, or transfer represent the proceeds of some form of unlawful activity and knowing that such transportation, transmission, or transfer is designed in whole or in part—

(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity;

⁴ Fifth Circuit Pattern Jury Instruction 2.76C (5th Cir. 2019).

⁵ The text of 18 U.S.C. §§ 1030(a)(5)(A) and (a)(7)(C) are included above.

⁶ There are no Fifth Circuit Pattern Jury Instruction for 18 U.S.C. § 1956(a)(2)(B)(i); therefore, the text of the statute is included here.

The elements of § 1956(a)(2)(B)(i) include the following:⁷

First: The defendant knowingly transported, transmitted, or transferred, or attempted to transport, transmit or transfer, a monetary instrument or funds; and

Second: The transportation, transmittal, or transfer, or attempted transportation, transmittal, or transfer, was from a place in the United States to or through a place outside the United States;

Third: The defendant did so knowing that the monetary instrument or funds involved in the transportation, transmission, or transfer represented the proceeds of some form of unlawful activity; and

Fourth: The defendant knew that the transportation, transmission, or transfer was designed, in whole or in part, to conceal or disguise the nature, the location, the source, the ownership or the control of the proceeds of fraud and related activity in connection with computers.

The elements of 18 U.S.C. § 1957 include the following:⁸

First: That the defendant knowingly engaged or attempted to engage in a monetary transaction;

Second: That the monetary transaction was of a value greater than \$10,000;

Third: That the monetary transaction involved criminally derived property;

Fourth: That criminally derived property was derived from specified unlawful activity;

Fifth: That the defendant knew that the monetary transaction involved criminally derived property; and

Sixth: That the monetary transaction took place within the United States.

⁷ As noted, there is no Fifth Circuit Pattern Jury Instruction. The statute is included above and the Seventh Circuit Pattern Instruction is included herein.

⁸ Fifth Circuit Pattern Instruction 2.77 (5th 2019).

STIPULATED FACTS

1. Yaroslav Vasinskyi admits and agrees that starting in or about March 2019, and continuing to in or about August 2021, within the Northern District of Texas and elsewhere, he knowingly and willfully combined, conspired, confederated, and agreed with others to commit offenses against the United States—that is, 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, and cause loss to persons during a 1-year period from the defendant’s course of conduct affecting protected computers aggregating at least \$5,000 in value, and cause damage affecting 10 or more protected computers during a 1-year period, in violation of 18 U.S.C. §§ 1030(a)(5)(A) and 1030(c)(4)(B); and to knowingly and with intent to extort from any person any money and other thing of value, transmit in interstate and foreign commerce any communication containing a demand and request for money and other thing of value in relation to damage to a protected computer, where such damage was caused to facilitate the extortion, in violation of 18 U.S.C. §§ 1030(a)(7)(C) and 1030(c)(3)(A).

2. Yaroslav Vasinskyi further admits and agrees that on the specific dates alleged in the indictment, within the Northern District of Texas and elsewhere, he and others did knowingly cause the transmission of a program, information, code, and command and, as a result of such conduct, intentionally caused damage, and attempted to cause damage, without authorization, to a protected computer, and the offense caused loss to persons during a 1-year period from the defendant’s course of conduct affecting

protected computers aggregating at least \$5,000 in value, and caused damage affecting 10 or more protected computers during a 1-year period of the victims identified as Company A through Company I in the indictment, in violation of 18 U.S.C. §§ 1030(a)(5)(A), 1030(c)(4)(B), and 2.

3. Yaroslav Vasinskyi also admits and agrees that starting in or about March 2019, and continuing on or about August 2021, within the Northern District of Texas, and elsewhere, he and others did knowingly combine, conspire, confederate, and agree to transport, transmit, and transfer, and attempt to transport, transmit, and transfer a monetary instrument and funds from a place in the United States, to and through a place outside the United States, knowing that the monetary instrument and funds involved in the transportation, transmission, and transfer represent the proceeds of a specified unlawful activity, namely, fraud and related activity in connection with computers, in violation of 18 U.S.C. §§ 1030(a)(5)(A) and 1030(a)(7)(C), to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of the specified unlawful activity, in violation of 18 U.S.C. § 1956(a)(2)(B)(i), and to knowingly engage and attempt to engage in a monetary transaction affecting interstate and foreign commerce in criminal derived property of a value greater than \$10,000, such property having been derived from a specified unlawful activity, namely, fraud and related activity in connection with computers, in violation of 18 U.S.C. §§ 1030(a)(5)(A) and 1030(a)(7)(C), in violation of 18 U.S.C. § 1957. Such conduct was all in violation of 18 U.S.C. § 1956(h).

4. More specifically, between in or about March 2019 and August 2021, the defendant and others engaged in a ransomware and money laundering conspiracy using the ransomware variant known as Sodinokibi or REvil. Generally, the conspiracy was accomplished in the following manner: Conspirators authored Sodinokibi ransomware, which was designed to encrypt data on victims' computers. Using the Sodinokibi ransomware, the defendant and other conspirators infected victims' computers in various ways, including by (1) deploying phishing emails to collect the recipients' credentials and to deliver malware; (2) using compromised remote desktop credentials; and (3) exploiting security vulnerabilities in software code and operating systems. The defendant and other conspirators then obtained persistent remote access to the victims' compromised networks and used malware to gain further access and control of other computers in the victims' networks. The defendant and other conspirators then deployed Sodinokibi ransomware on the victims' networks. Beginning in or about January 2020, members of the conspiracy began exfiltrating the victims' data prior to deploying the Sodinokibi ransomware. Once exfiltrated, members of the conspiracy posted portions of the victims' data on a blog to (1) prove they had taken the victims' data, and (2) to threaten publication of all the victims' data if ransoms were not paid.

5. Through the deployment of Sodinokibi ransomware, the defendant and other conspirators damaged and encrypted the files on the victims' computers. As a part of the conspiracy, the defendant and conspirators left an electronic note in the form of a text file on the victims' computers. The note included a Tor website address and an unencrypted website address for the victims to visit in order to have the victims' files

decrypted. Upon going to either the Tor website or the unencrypted website, victims were given the ransom amount demanded and provided a virtual currency address to use to pay the ransom. In the event a victim paid the ransom amount, the defendant and conspirators provided the decryption key to the victim, and the victim was then able to access its files. In the event a victim did not pay the ransom, the conspirators typically posted the victim's exfiltrated data or claimed that they sold the exfiltrated data to third parties.

6. In the cybercrime underground and as a part of his involvement in the Sodinokibi ransomware attacks, the defendant used the moniker "Rabotnik." During the course of his involvement in the charged conspiracies, the defendant conducted approximately 2,500 attacks on computers in the United States between May 2019 and August 2021. The ransoms demanded as a result of those attacks totaled in excess of \$700 million, and the ransoms paid by victims for those attacks totaled approximately \$2.3 million. The ransoms were paid using via virtual currency, e.g. Bitcoin or Monero. That is, the victims caused the money to be transferred electronically from a location in the United States to cryptocurrency accounts (wallets) held by individuals located outside the United States. As a part of the conspiracy, cryptocurrency exchangers and mixing services were used to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds.

7. The Sodinokibi ransomware attacks conducted by the defendant included, but were not limited to the following:

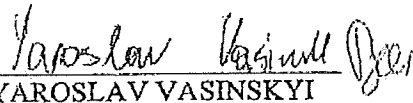
- a. On or about May 21, 2019, against Company A, an entity located in Braintree, Massachusetts.
- b. On or about July 2, 2021, against Kaseya, referred to as Company B in the indictment, a business located in Miami, Florida.
- c. On or about July 2, 2021, against Company C, a business located in Yonkers, New York.
- d. On or about July 2, 2021, against Company D, a financial institution located in Dallas, Texas, which was located in the Northern District of Texas.
- e. On or about July 2, 2021, against Company E, a business located in Addison, Texas, which was located in the Northern District of Texas.
- f. On or about July 2, 2021, against Company F, a business located in Dallas, Texas, which was located in the Eastern District of Texas.
- g. On or about July 2, 2021, against Company G, a business located in Stamford, Connecticut.
- h. On or about July 2, 2021, against Company H, a business located in La Plata, Maryland.
- i. On or about July 2, 2021, against Company I, a business located in Fairfield, New Jersey.
- j. On or about July 2, 2021, against Company J, a business located in Tempe, Arizona.

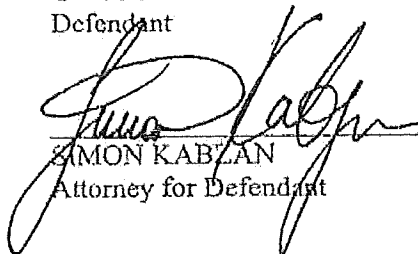
As a result of each of the above attacks conducted by the defendant, the offense caused

loss to persons during a 1-year period affecting protected computers aggregating at least \$5,000 in value, and/or caused damage affecting 10 or more protected computers during a 1-year period. Following his arrest, the defendant was extradited to the United States and first brought to the Northern District of Texas.


8. The defendant agrees that he committed all the essential elements of the offenses. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Counts One through Eleven of the indictment.

AGREED TO AND STIPULATED on this 29th July day of ~~March~~ 2022.


YAROSLAV VASINSKYI
Defendant


SIMON KABLAN
Attorney for Defendant

CHAD E. MEACHAM
UNITED STATES ATTORNEY


TIFFANY H. EGGERS
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N/A
STEPHEN GREEN
Attorney for Defendant