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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

September 2017 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

NIKISHNA POLEQUAPTEWA,

Defendant.

SA CR No. 16-36(A)-CJC

F I R S T
S U P E R S E D I N G
I N D I C T M E N T

[18 U.S.C. §§ 1030(a)(5)(A),
(c)(4)(B)(i), (c)(4)(A)(i)(I):
Unauthorized Impairment of the
Integrity and Availability of
Data, Programs, Systems, and
Information]

The Grand Jury charges:

[18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(B)(i), (c)(4)(A)(i)(I)]

A. INTRODUCTORY ALLEGATIONS

At all times relevant to this First Superseding Indictment:

1. Blue Stone Strategy Group ("Blue Stone") was a company headquartered in Irvine, California, within the Central District of California, that provided consulting services to Native American tribal governments throughout the United States. In particular, Blue Stone assisted Native American tribal governments improve the efficiency of their governments and in the economic development of the governments' businesses.

1 2. Defendant NIKISHNA POLEQUAPTEWA ("defendant
2 POLEQUAPTEWA") resided in Garden Grove, California. In April
3 2014, Blue Stone hired defendant POLEQUAPTEWA as a consultant
4 with the title Senior Strategist. Shortly after joining Blue
5 Stone, defendant POLEQUAPTEWA, in addition to his consulting
6 responsibilities as a Senior Strategist, became responsible for
7 information technology and marketing-related projects. Before
8 joining Blue Stone, defendant POLEQUAPTEWA had obtained a minor
9 in Information and Computer Science, while at the University of
10 California, Irvine.

11 3. Until on or about November 14, 2014, defendant
12 POLEQUAPTEWA was responsible for developing and maintaining Blue
13 Stone's information technology infrastructure.

14 4. While defendant POLEQUAPTEWA was in charge of
15 information technology, Blue Stone stored its work-related data
16 on in-office computers, an in-office server, and on remote
17 servers operated by third-party service providers.
18 Specifically, Blue Stone stored work-related data on a Mac Pro
19 desktop computer located in Irvine, California, an internal
20 server also located in Irvine, California, that was remotely
21 accessible to employees through the Internet, and remote servers
22 hosted by Google Inc., Bluehost Inc., MailChimp, and Cox
23 Communications. All of the servers and computers described in
24 the First Superseding Indictment were protected computers that
25 were used in and affecting interstate and foreign commerce and
26 communication, as defined in Title 18, United States Code,
27 Sections 1030(e)(1) and 1030(e)(2)(B).

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1 5. On or about November 14, 2014, Blue Stone reassigned
2 defendant POLEQUAPTEWA's duties related to information
3 technology and marketing to outside vendors so defendant
4 POLEQUAPTEWA could focus on his work as a Senior Strategist.
5 Defendant POLEQUAPTEWA was instructed to transfer his
6 administrator passwords related to the computers and servers
7 described above to an outside vendor who would handle
8 information technology going forward.

9 6. On or about November 17, 2014, and November 18, 2014,
10 defendant POLEQUAPTEWA was in Florida on a Blue Stone project
11 for the Seminole Tribe of Florida.

12 7. On or about November 18, 2014, during a meeting
13 attended by members of Blue Stone and Blue Stone's client, the
14 Seminole Tribe of Florida, defendant POLEQUAPTEWA resigned from
15 Blue Stone.

16 8. On or about November 18, 2014, without authorization,
17 while in Florida, defendant POLEQUAPTEWA deleted various files
18 belonging to Blue Stone that were stored on Blue Stone's
19 internal server located in Irvine, California, and remote
20 servers hosted by Google Inc., Bluehost Inc., MailChimp, and Cox
21 Communications.

22 9. On or about November 18, 2014, without authorization,
23 while still in Florida, defendant POLEQUAPTEWA sent an erase or
24 "wipe" command to Blue Stone's Mac Pro desktop computer located
25 in Irvine, California, using Apple's Find My iPhone application.
26 On or about November 19, 2014, Blue Stone's Mac Pro desktop
27 computer located in Irvine, California, was turned on and the

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1 erase command defendant POLEQUAPTEWA sent from Florida caused
2 the contents of the computer to be deleted.

3 10. The deletions of Blue Stone's files that defendant
4 POLEQUAPTEWA executed, without authorization, on or about
5 November 18, 2014, and on or about November 19, 2014, caused
6 Blue Stone a loss of approximately \$50,000.

7 B. UNAUTHORIZED IMPAIRMENT

8 11. On or about November 18, 2014, in Orange County,
9 within the Central District of California, and elsewhere,
10 defendant POLEQUAPTEWA knowingly caused the transmission of
11 programs, information, codes, and commands to a protected
12 computer that was used in and affecting interstate and foreign
13 commerce and communication, as defined in Title 18, United
14 States Code, Sections 1030(e)(1) and 1030(e)(2)(B),
15 specifically, Blue Stone's Mac Pro desktop computer located in
16 Irvine, California, bearing serial number F5KMF03YF693, and as a
17 result of such conduct, intentionally caused impairments to the
18 integrity and availability of data, programs, systems, and
19 information without authorization.

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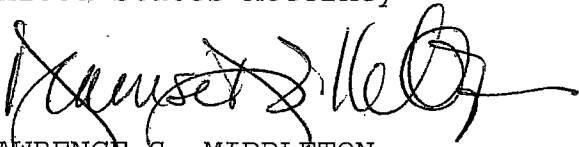
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1 12. The offense described in the previous paragraph caused
2 loss to Blue Stone during a one-year period beginning on or
3 about November 18, 2014, and loss resulting from a related
4 course of conduct affecting one or more other protected
5 computers that were used in and affecting interstate and foreign
6 commerce and communication, as defined in Title 18, United
7 States Code, Sections 1030(e)(1) and 1030(e)(2)(B), aggregating
8 at least \$5,000 in value.

9 A TRUE BILL

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11 _____
Foreperson

12 NICOLA T. HANNA
United States Attorney

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14
15 LAWRENCE S. MIDDLETON
Assistant United States Attorney
16 Chief, Criminal Division

17 DENNISE D. WILLETT
Assistant United States Attorney
18 Chief, Santa Ana Branch Office

19 VIBHAV MITTAL
20 BRADLEY MARRETT
Assistant United States Attorneys

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