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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

October 2022 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

KYA CHRISTIAN NELSON,
aka "ChumLul," and
JAMES THOMAS ANDREW MCCARTY,
aka "Aspertaine,"

Defendants.

CR 2:22-cr-00598-JAK

I N D I C T M E N T

[18 U.S.C. § 371: Conspiracy;
18 U.S.C. § 1030(a)(2)(C),
(c)(2)(B)(ii): Unauthorized Access
to a Protected Computer to Obtain
Information; 18 U.S.C.
§ 1028A(a)(1): Aggravated Identity
Theft]

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At all times relevant to this indictment:

1. Defendant KYA CHRISTIAN NELSON, also known as ("aka") "Chumlul," ("NELSON") was a resident of Racine, Wisconsin.
2. Defendant JAMES THOMAS ANDREW MCCARTY, aka "Aspertaine," ("MCCARTY") was a resident of Kayenta, Arizona.
3. Unindicted coconspirator #1 ("UICC 1") was a juvenile.
4. Ring LLC ("Ring") was a home security and smart home company headquartered in Santa Monica, California.

1 5. Yahoo! was a provider of online services, including email,
2 headquartered in Sunnyvale, California.

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COUNT ONE

[18 U.S.C. § 371]

6. The Grand Jury re-alleges and incorporates paragraphs 1 through 5 of the Introductory Allegations of this Indictment.

A. OBJECT OF THE CONSPIRACY

7. Beginning on a date unknown to the Grand Jury, but no later than November 7, 2020, and continuing through at least November 13, 2020, in Los Angeles and Ventura Counties, within the Central District of California, and elsewhere, defendants NELSON, MCCARTY, and UICC 1, together with others known and unknown to the Grand Jury, knowingly conspired to intentionally access computers without authorization and thereby obtain information from protected computers, in violation of Title 18, United States Code, Section 1030(a)(2)(C), (c)(2)(B)(ii).

B. MEANS BY WHICH THE OBJECT OF THE CONSPIRACY WAS TO BE ACCOMPLISHED

8. The object of the conspiracy was to be accomplished, in substance, as follows:

a. Defendants NELSON and MCCARTY, and UICC 1 would acquire without authorization the username and password information for Yahoo! email accounts belonging to victims throughout the United States.

b. Defendants NELSON and MCCARTY, and UICC 1 would determine whether the owner of each compromised Yahoo! account also had a Ring account that could control associated internet-connected Ring doorbell camera devices.

c. Defendants NELSON and MCCARTY, and UICC 1 would access without authorization the victim accounts at Yahoo! and Ring to

1 identify the victims.

2 d. Defendants NELSON and MCCARTY, and UICC 1 would gather
3 information about the victims.

4 e. Defendants NELSON and MCCARTY would place false
5 emergency reports or telephone calls to local law enforcement in the
6 areas where the victims lived. These reports or calls were intended
7 to elicit an emergency police response to the victim's residence - a
8 malicious act commonly referred to as "swatting."

9 f. Defendants NELSON and MCCARTY would access without
10 authorization the victims' Ring devices and thereafter transmit the
11 audio and video from those devices on social media during the police
12 response.

13 g. Defendants NELSON and MCCARTY would verbally taunt
14 responding police officers and victims through the Ring devices
15 during the police response.

16 C. OVERT ACTS

17 9. In furtherance of the conspiracy, and to accomplish its
18 object, defendants NELSON and MCCARTY, and UICC 1, together with
19 others known and unknown to the Grand Jury, on or about the dates set
20 forth below, committed and caused to be committed various overt acts,
21 in the Central District of California and elsewhere, including, but
22 not limited to, the following:

23 Flat Rock, Michigan

24 Overt Act No. 1: On November 7, 2020, defendant NELSON and
25 UICC 1 possessed without authorization the Yahoo! and Ring login
26 credentials belonging to Victim A, a resident of Flat Rock, Michigan.

27 Overt Act No. 2: On November 7, 2020, defendant NELSON
28 accessed without authorization the Yahoo! and Ring accounts belonging

1 to Victim A.

2 Overt Act No. 3: On November 7, 2020, defendant NELSON or a
3 coconspirator made a hoax telephone call to the Huron Township Police
4 Department purporting to originate from Victim A's residence and
5 posing as a minor child reporting a stabbing involving her parents at
6 Victim A's residence.

7 West Covina, California

8 Overt Act No. 4: On November 8, 2020, defendant NELSON and
9 UICC 1 possessed without authorization the Yahoo! and Ring login
10 credentials belonging to Victim B, whose parents resided in West
11 Covina, California.

12 Overt Act No. 5: On November 8, 2020, defendant NELSON
13 accessed without authorization the Yahoo! and Ring accounts belonging
14 to Victim B.

15 Overt Act No. 6: On November 8, 2020, defendant NELSON or a
16 coconspirator made a hoax telephone call to the West Covina Police
17 Department purporting to originate from Victim B's residence and
18 posing as a minor child reporting her parents drinking and shooting
19 guns inside the residence of Victim B's parents.

20 Overt Act No. 7: On November 8, 2020, defendant NELSON
21 accessed without authorization a Ring doorbell camera, located at the
22 residence of Victim B's parents and linked to Victim B's Ring
23 account, and used it to verbally threaten and taunt West Covina
24 Police Department officers who had responded to the reported incident
25 at the residence of Victim B's parents.

26 Redding, California

27 Overt Act No. 8: On November 8, 2020, defendant NELSON and
28 UICC 1 possessed without authorization the Yahoo! and Ring login

1 credentials belonging to Victim C, a resident of Redding, California.

2 Overt Act No. 9: On November 8, 2020, defendant NELSON
3 accessed without authorization the Yahoo! account belonging to
4 Victim C.

5 Overt Act No. 10: On November 8, 2020, defendant NELSON made a
6 hoax report to the Redding Police Department posing as an individual
7 being held hostage at gunpoint at Victim C's residence.

8 Billings, Montana

9 Overt Act No. 11: On November 9, 2020, defendant NELSON and
10 UICC 1 possessed without authorization the Yahoo! and Ring login
11 credentials belonging to Victim D, a resident of Billings, Montana.

12 Overt Act No. 12: On November 9, 2020, defendant NELSON
13 accessed without authorization the Yahoo! and Ring accounts belonging
14 to Victim D.

15 Overt Act No. 13: On November 9, 2020, defendant NELSON or a
16 coconspirator made a hoax telephone call to the Billings Police
17 Department purporting to originate from Victim D's residence and
18 posing as a minor child reporting her father was high on
19 methamphetamine and shooting a gun inside Victim D's residence.

20 Overt Act No. 14: On November 9, 2020, defendant NELSON
21 accessed without authorization a Ring doorbell camera linked to
22 Victim D's account and used it to verbally taunt Billings Police
23 Department officers who had responded to the reported incident at
24 Victim D's residence.

25 Decatur, Georgia

26 Overt Act No. 15: On November 9, 2020, defendant NELSON and
27 UICC 1 possessed without authorization the Yahoo! and Ring login
28 credentials belonging to Victim E, a resident of Decatur, Georgia.

1 Overt Act No. 16: On November 9, 2020, defendant NELSON
2 accessed without authorization the Yahoo! and Ring accounts belonging
3 to Victim E.

4 Overt Act No. 17: On November 9, 2020, defendant NELSON or a
5 coconspirator made a hoax telephone call to the DeKalb County Police
6 Department purporting to originate from Victim E's residence and
7 posing as a minor child reporting his/her father had shot his/her
8 mother at Victim E's residence.

9 Overt Act No. 18: On November 9, 2020, defendant NELSON
10 accessed without authorization a Ring doorbell camera linked to
11 Victim E's account and used it to verbally taunt DeKalb County Police
12 Department officers who had responded to the reported incident at
13 Victim E's residence.

14 Chesapeake, Virginia

15 Overt Act No. 19: On November 9, 2020, defendant NELSON and
16 UICC 1 possessed without authorization the Yahoo! and Ring login
17 credentials belonging to Victim F, a resident of Chesapeake,
18 Virginia.

19 Overt Act No. 20: On November 10, 2020, defendant NELSON
20 accessed without authorization the Yahoo! and Ring accounts belonging
21 to Victim F.

22 Overt Act No. 21: On November 10, 2020, defendant NELSON made
23 a hoax telephone call to the Chesapeake Police Department claiming
24 that the caller's girlfriend was armed and threatening suicide at
25 Victim F's residence.

26 Overt Act No. 22: On November 10, 2020, defendant NELSON
27 accessed without authorization a Ring doorbell camera linked to
28 Victim F's account and used it to verbally taunt Chesapeake Police

1 Department officers who had responded to the reported incident at
2 Victim F's residence.

3 Rosenberg, Texas

4 Overt Act No. 23: On November 9, 2020, defendant NELSON and
5 UICC 1 possessed Yahoo! and Ring login credentials belonging to
6 Victim G, a resident of Rosenberg, Texas.

7 Overt Act No. 24: On November 10, 2020, defendant NELSON
8 accessed without authorization the Ring account belonging to
9 Victim G.

10 Overt Act No. 25: On November 10, 2020, defendant NELSON or a
11 coconspirator made a hoax telephone call to the Rosenberg Police
12 Department purporting to originate from Victim G's residence and
13 posing as a minor child reporting her parents fighting and her father
14 pulling out a gun at Victim G's residence.

15 Oxnard, California

16 Overt Act No. 26: On November 11, 2020, defendant NELSON and
17 UICC 1 possessed without authorization the Yahoo! and Ring login
18 credentials belonging to Victim H, a resident of Oxnard, California.

19 Overt Act No. 27: On November 11, 2020, defendant NELSON
20 accessed without authorization the Ring account belonging to Victim
21 H.

22 Overt Act No. 28: On November 11, 2020, defendant NELSON or a
23 coconspirator made a hoax telephone call to the Oxnard Police
24 Department purporting to originate from Victim H's residence and
25 posing as a minor child reporting her father wielding a handgun at
26 Victim H's residence.

27 Overt Act No. 29: On November 11, 2020, defendant NELSON made
28 a hoax telephone call to the Oxnard Police Department to report

1 hearing gun shots fired at Victim H's residence.

2 Overt Act No. 30: On November 11, 2020, defendant NELSON
3 accessed without authorization a Ring doorbell camera, located at
4 Victim H's residence and linked to Victim H's account, and used it to
5 verbally taunt Oxnard Police Department officers who had responded to
6 the reported incident at Victim H's residence.

7 Darien, Illinois

8 Overt Act No. 31: On November 11, 2020, defendant NELSON and
9 UICC 1 possessed without authorization the Yahoo! and Ring login
10 credentials belonging to Victim I, a resident of Darien, Illinois.

11 Overt Act No. 32: On November 11, 2020, defendant NELSON
12 accessed without authorization the Ring account belonging to Victim
13 I.

14 Overt Act No. 33: On November 11, 2020, defendant NELSON or a
15 coconspirator made a hoax telephone call to the DuPage County
16 Sheriff's Department claiming that the caller's girlfriend was armed
17 and threatening suicide at Victim I's residence.

18 Overt Act No. 34: On November 11, 2020, defendant NELSON
19 accessed without authorization a Ring doorbell camera linked to
20 Victim I's account and used it to verbally taunt DuPage County
21 Sheriff's Department deputies who had responded to the reported
22 incident at Victim I's residence.

23 Huntsville, Alabama

24 Overt Act No. 35: On November 12, 2020, defendant NELSON and
25 UICC 1 possessed without authorization the Yahoo! and Ring login
26 credentials belonging to Victim J, a resident of Huntsville, Alabama.

27 Overt Act No. 36: On November 12, 2020, defendant NELSON
28 accessed without authorization the Ring account belonging to

1 Victim J.

2 Overt Act No. 37: On November 12, 2020, defendant NELSON or a
3 coconspirator made a hoax telephone call to the Huntsville Police
4 Department purporting to originate from Victim J's residence and
5 posing as a minor child reporting her father shot her mother at
6 Victim J's residence.

7 Overt Act No. 38: On November 12, 2020, defendant NELSON made
8 a hoax telephone call to the Huntsville Police Department to report
9 hearing gunshots fired at Victim J's residence.

10 Overt Act No. 39: On November 12, 2020, defendant NELSON
11 accessed without authorization a Ring doorbell camera linked to
12 Victim J's account and used it to verbally taunt Huntsville Police
13 Department officers who had responded to the reported incident at
14 Victim J's residence.

15 North Port, Florida

16 Overt Act No. 40: On November 13, 2020, defendants MCCARTY and
17 NELSON and UICC 1 possessed without authorization the Yahoo! and Ring
18 login credentials belonging to Victim K, a resident of North Port,
19 Florida.

20 Overt Act No. 41: On November 13, 2020, defendant MCCARTY
21 accessed without authorization the Ring account belonging to
22 Victim K.

23 Overt Act No. 42: On November 13, 2020, defendant MCCARTY made
24 a hoax telephone call to the North Port Police Department posing as
25 Victim K's husband, claiming that he had killed her, that he was
26 holding a hostage at Victim K's residence, and that he had rigged
27 explosives at the residence.

28 Overt Act No. 43: On November 13, 2020, defendant MCCARTY

1 bragged via a message posted on a social media platform, stating "we
2 bruteforce n[****]s ring doorbells and we SWAT them after . . . Its
3 f[****]g funny."

4 Overt Act No. 44: On November 14, 2020, using a social media
5 platform, UICC 1 sent defendant MCCARTY a link to an online news
6 article about the incident in North Port, along with messages stating
7 "Lolol" and "Made the news."

8 Katy, Texas

9 Overt Act No. 45: On November 13, 2020, defendant NELSON and
10 UICC 1 possessed without authorization the Yahoo! and Ring login
11 credentials belonging to Victim L, a resident of Katy, Texas.

12 Overt Act No. 46: On November 13, 2020, defendant NELSON
13 accessed without authorization the Ring account belonging to
14 Victim L.

15 Overt Act No. 47: On November 13, 2020, UICC 1 or a
16 coconspirator made a hoax telephone call to the Harris County
17 Sheriff's Office purporting to originate from Victim L's residence
18 and posing as minor child claiming that she had shot both of her
19 parents at Victim L's residence.

COUNT TWO

[18 U.S.C. § 1030(a)(2)(C), (c)(2)(B)(ii)]

10. On or about November 8, 2020, in Los Angeles County, within the Central District of California, and elsewhere, defendant KYA CHRISTIAN NELSON, also known as "ChumLul," intentionally accessed without authorization a computer, namely, a Ring device used by Victim B, and thereby obtained information, namely, audio and video data, from a protected computer, as that term is defined in Title 18, United States Code, Section 1030(e)(2)(B), in furtherance of a criminal and tortious act, to wit, False Report of Emergency, in violation of California Penal Code § 148.3.

COUNT THREE

[18 U.S.C. § 1028A(a)(1)]

11. On or about November 8, 2020, in Los Angeles County, within the Central District of California, and elsewhere, defendant KYA CHRISTIAN NELSON, also known as "ChumLul," ("NELSON") knowingly transferred, possessed, and used, without lawful authority, means of identification that defendant NELSON knew belonged to another person, during and in relation to the offense of Unauthorized Access to a Protected Computer to Obtain Information, a felony violation of Title 18, United States Code, Section 1030(a)(2)(C), (c)(2)(B)(ii), as charged in Count Two of this Indictment.

COUNT FOUR

[18 U.S.C. § 1030(a)(2)(C), (c)(2)(B)(ii)]

12. On or about November 11, 2020, in Ventura County, within the Central District of California, and elsewhere, defendant KYA CHRISTIAN NELSON, also known as "ChumLul," intentionally accessed without authorization a computer, namely, a Ring device used by Victim H, and thereby obtained information, namely, audio and video data, from a protected computer, as that term is defined in Title 18, United States Code, Section 1030(e)(2)(B), in furtherance of a criminal and tortious act, to wit, False Report of Emergency, in violation of California Penal Code § 148.3.

COUNT FIVE

[18 U.S.C. § 1028A(a)(1): Aggravated Identity Theft]

13. On or about November 11, 2020, in Ventura County, within the Central District of California, and elsewhere, defendant KYA CHRISTIAN NELSON, also known as "ChumLul," ("NELSON") knowingly transferred, possessed, and used, without lawful authority, means of identification that defendant NELSON knew belonged to another person, during and in relation to the offense of Unauthorized Access to a Protected Computer to Obtain Information, a felony violation of Title 18, United States Code, Section 1030(a)(2)(C), (c)(2)(B)(ii), as charged in Count Four of this Indictment.

A TRUE BILL

/s/

Foreperson

E. MARTIN ESTRADA
United States Attorney



ANNAMARTINE SALICK
Assistant United States Attorney
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