

Presented to the Court by the foreman of the Grand Jury in open Court, in the presence of the Grand Jury and FILED in the U.S. DISTRICT COURT at Seattle, Washington
March 17, 2021

WILLIAM M. McCOOL, Clerk

By Setawan Khatiw Deputy

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

SUMIT GARG,

Defendant.

NO. CR21-045 JCC

INDICTMENT

The Grand Jury charges that:

General Allegations

1. Defendant SUMIT GARG is a technologically sophisticated person who has worked in the computer security and privacy fields.

2. In 2019, GARG shared a two-bedroom apartment in the Belltown neighborhood of Seattle, Washington with his wife and Victim-1.

3. While sharing the apartment with Victim-1, GARG snuck into Victim-1's room and accessed Victim-1's diary without her authorization or knowledge. In doing so, GARG left his fingerprints on multiple pages of the diary. The diary contained intimate details about Victim-1's private life and prior relationships.

1 4. GARG gave Victim-1 the nickname “Spicy.” He also sent Victim-1
2 multiple text messages with sexual innuendo, and expressed an interest in Victim-1’s
3 dating life.

4 5. GARG informed Victim-1 that he suffered from intermittent explosive
5 disorder (“IED”), a disorder that caused him to have angry verbal outbursts.

6 6. In or around June 2019, GARG and Victim-1 had a dispute, during which
7 GARG subjected Victim-1 to an emotional outburst. Shortly after the outburst, on or
8 about June 22, 2019, GARG sent Victim-1 an email in which he apologized for his
9 misconduct and confessed his feelings for Victim-1:

10 Hey Spicy.

11 I have unblocked you from fb insta phone everything. I will always regret
12 what I did today. I care a great deal about you but unfortunately I tend to
13 hurt people I love the most. I will always help you and support you in the
14 worst of problems. I feel really guilty especially remembering how you
15 were so nice even when I had a car accident. I truly hate myself. Nothing I
16 can say will make up for anything but trust me as I do love and care about
17 you a lot. **I really wish I had anything but IED.** Honestly, it is me who
18 does not deserve anything friends, family . . . nothing so please treat those
19 things as projection of my inabilities on you. You are absolutely lovely and
20 a much better human being than I will ever be.

21 (emphasis in the original).

22 7. That same day, GARG sent Victim-1 a message using Facebook Messenger
23 which contained a picture of a woman in a wedding dress and a caption, “Who will be the
24 prettiest bride in the future?” GARG then sent her a message stating, “Considering how
25 you dress even on normal days – this will be you:).”

26 8. In June 2019, GARG and Victim-1 had a verbal dispute over a plan for one
27 of Victim-1’s friends to visit from out of state. Frightened by GARG, Victim-1 feared
28 for her safety and left the apartment.

1 9. On or about July 2, 2019, Victim-1 initiated a civil action for a protection
2 order against GARG, and subsequently moved out of the apartment. During the civil
3 litigation, GARG repeatedly denied any misconduct and alleged that Victim-1 had filed
4 the civil action to get out of her lease obligations.

5 10. On or about July 19, 2019, GARG and Victim-1 signed a settlement
6 agreement to resolve the civil action. In the agreement, GARG agreed to have no direct
7 or indirect contact with Victim-1. GARG further agreed not to engage in any stalking,
8 cyberstalking, and physical or electronic surveillance, among other things.

9 11. On or about November 6, 2020, GARG was charged in King County
10 Superior Court by a felony information with one count of felony Cyberstalking, one
11 count of Felony Stalking, and one count of misdemeanor Cyberstalking. On or about
12 November 10, 2020, the King County Superior Court issued a Stalking Violence No-
13 Contact Order prohibiting GARG from having contact with Victim-1, and an Order
14 Prohibiting Contact that prohibited GARG from having direct or indirect contact with
15 Victim-2 (Victim-1's uncle) and Victim-3 (Victim-1's boyfriend).

16
17 **COUNT 1**

18 **(Conspiracy to Engage in Cyberstalking)**

19 12. The allegations contained in Paragraphs 1 through 11 of this Indictment are
20 re-alleged and incorporated as if set forth fully herein.

21 13. Beginning at a time unknown, but no later than November 2019, and
22 continuing through on or about March 8, 2021, in Seattle, within the Western District of
23 Washington, and elsewhere, SUMIT GARG and others known and unknown to the grand
24 jury, did knowingly and willfully combine, conspire, confederate and agree together to
25 commit offenses against the United States. Namely, to, with the intent to harass and
26 intimidate over a dozen victims, use an interactive computer service, an electronic
27 communications service, an electronic communication system of interstate commerce,
28

1 and other facilities of interstate and foreign commerce, to wit: services and systems that
 2 enable phone calls, text messages, online postings, emails, and social media messaging
 3 and posting, to engage in a course of conduct that placed the victims in reasonable fear of
 4 death and serious bodily injury, and caused, attempted to cause, and would be reasonably
 5 expected to cause, substantial emotional distress to the victims and the victims'
 6 immediate family members, in violation of Title 18, United States Code, Section
 7 2261A(2)(A) and (B).

8 OBJECT AND PURPOSE OF THE CONSPIRACY

9 14. An object of the conspiracy was to carry out a cyberstalking campaign that
 10 would place the victims in fear that they and their immediate family members would be
 11 subject to death, serious bodily injury, and substantial emotional distress.

12 15. An additional object of the conspiracy was to use threatening messages and
 13 false reports to law enforcement to create the illusion that GARG was a victim of the
 14 cyberstalking scheme, rather than its perpetrator. In doing so, the conspiracy sought to
 15 frustrate both Victim-1's efforts to obtain a civil protection order against GARG and
 16 King County's efforts to prosecute GARG in King County Superior Court.

17 MANNER AND MEANS OF THE CONSPIRACY

18 16. GARG, and others known and unknown to the grand jury, carried out the
 19 conspiracy through the use of a variety of electronic communication applications and
 20 platforms, including Gmail, Facebook, and LinkedIn, among others, through which they
 21 harassed and intimidated the victims by sending harassing and threatening messages,
 22 designed to cause substantial emotional distress and to place the victims and their family
 23 members in fear of death and serious bodily injury.

24 17. The conspiracy targeted the following victims, among numerous others:

Victim-1	Victim-1 was a former roommate of GARG. She filed a civil protection action against GARG. GARG improperly accessed Victim-1's diary and obtained non-public
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	information about Victim-1's health and former relationships.
Victim-2	Victim-2 is Victim-1's uncle and lawyer.
Victim-3	Victim-3 is Victim-1's current boyfriend. During the cyberstalking campaign, the conspiracy set up multiple online accounts that impersonated Victim-3.
Victim-9	Victim-9 is an SPD detective who investigated GARG.
Victim-11	Victim-11 is a prosecutor litigating criminal charges against GARG in King County Superior Court.

OVERT ACTS

In furtherance of the conspiracy, and to achieve the objects thereof, the defendant, and others known and unknown to the Grand Jury, did commit and cause to be committed, the following overt acts, among others, in the Western District of Washington and elsewhere:

18. In or about November 2019, the conspiracy sent emails to a charity with which Victim-1 was publicly associated. These emails attacked Victim-1's character by alleging that she had affairs with married men. The emails were sent from accounts that integrated names of boyfriends that were identified in Victim-1's journal.

19. Starting in approximately January 2020, the conspiracy sent anonymous emails to Victim-1 that referenced private information contained in Victim-1's diary.

20. Starting in approximately February 2020, the conspiracy set up a variety of social media accounts that impersonated Victim-1 and current or former boyfriends of Victim-1 who were mentioned in Victim-1's diary. Among other things, the accounts

1 were used: (1) to send friend requests to Victim-1, her friends, and her co-workers; (2) to
2 comment on posts made by Victim-1; and (3) to humiliate Victim-1.

3 21. Subsequently, the conspiracy set up numerous email accounts to send
4 scores of harassing and threatening emails to the victims. Among other things, the emails
5 threatened to humiliate, rape, and kill Victim-1.

6 22. From approximately June 27, 2020 to December 6, 2020, GARG made, or
7 caused to be made, multiple false reports to the Seattle Police Department that were
8 designed to create the impression that GARG was the victim of harassment from
9 Victim-1 and others.

10 23. At approximately 7:05 p.m. on October 10, 2020, the conspiracy sent a text
11 message to Victim-1 that read, in part:

12 I will fuck you
13 You fucked up bitch by
14 filing a false domestic
15 violence petition. I will
16 fuck you 100 times
17 I will get you pregnant
18 I will have anal
19 Your pussy is waiting for
20 my dick

21 24. At approximately the same time on October 10, 2020, GARG snuck into
22 the apartment building in which Victim-1 and Victim-3 lived. GARG then took pictures
23 of the lobby fireplace and seating area.

24 25. At approximately 7:11 p.m. on October 10, 2020, the conspiracy sent an
25 email to Victim-1 with the subject line, "Hey babe." The email attached photographs of
26 the apartment building's lobby fireplace, and seating area.

27 26. At approximately 7:13 p.m. on October 10, 2020, the conspiracy sent a text
28 message to Victim-2 that contained the following threats:

I will rape [Victim-1]

1 Then [XXXX]
2 Then your wife
3 Old man you are fucked.

4 27. On or about October 31, 2020, the conspiracy sent an email to Victim-1,
5 Victim-2, and Victim-3 that stated, in pertinent part, "A girl went on a walk and never
6 came back. A roommate with a grudge ended her misery."

7 28. On November 15, 2020, the conspiracy sent an email to Victim-1, Victim-
8 2, and others, with the subject line, "Don't be scared." The email contained the following
9 message:

10 "Spicy",
11 Do you really think a few days in jail was going to scare me?
12 Don't be scared. I won't kill you.
13 It is too easy and not nearly enough punishment for your crimes.
14 I have other ideas to take care of you.
15 Mr. [Victim-2], as for you, you won't see 2021. I recommend enjoying
16 every day you can from what I'm hearing you are with Ms. [Victim-1].
17 Garg

18 29. On or about December 2, 2020, the conspiracy sent an email to Victim-1,
19 Victim-3, and others, with the following question about Victim-9: "You think this
20 Chinese bitch can catch me?"

21 30. On or about December 3, 2020, the conspiracy sent an email to Victim-1,
22 Victim-2, Victim-3, and others, stating:

23 Old motherfucker,
24
25 One more insult against [my attorney] and I will literally cut your fucking
26 dick in half and feed it to you. I'm sure your wife will have an "objection"
27 to that!

28 31. On December 10, 2020, the conspiracy sent an email to Victim-9, Victim-1,
Victim-2, Victim-3, and others with the subject line, "I will fuck you harder than
[Victim-9's husband]." The email included pictures of Victim-9 and her husband.

1 32. On or about December 11, 2020, the conspiracy sent an email to Victim-9,
2 with the subject line, "Confession." The email contained the following message:

3 Detective [Victim-9],
4 I'm tired of lying. I want to confess everything.
5 I did have sex with [Victim-1] numerous times although I did not rape her.
6 I did not have anal with her (as yet) [Victim-1] wasn't open to the idea.
7 I'm indeed sending all these harassing emails from my pixel 3a phone.
8 I did take pictures of her apartment and of us fucking from my pixel 3a
9 phone.
10 ...
11 Thank You,
12 Sumit Garg

13 33. On January 11, 2021, the conspiracy sent an email to Victim-1 and her
14 sister, stating "[Victim-1's sister] is next."

15 34. On or about February 15, 2021, the conspiracy sent an email to Victim-1,
16 Victim-2, Victim-9, King County judges, and many others, with the subject line, "Judges,
17 prosecutors, lawyers killed." The email contained a numbered list of judges and
18 prosecutors who purportedly had been assassinated. The list had two blank entries at
19 numbers 31 and 32. The email explained, "LEAVING 31 AND 32 BLANK FOR NOW
20 – LET US CALL THEM TO BE DETERMINED."

21 35. On or about February 21, 2021, the conspiracy sent an email chain to
22 Victim-9, Victim-11, and many others that incorporated an email that had been sent to
23 Victim-1, Victim-2, and Victim-3. One of the emails threatened, "I WILL MAKE
24 [Victim-3] WATCH WHILE I MAKE YOU MOAN UNDER ME . . . BELIEVE ME
25 YOU WILL BEG ME FOR MERCY."

26 36. On or about February 22, 2021, the conspiracy sent an email to Victim-11,
27 Victim-1's mother, and numerous others, with the subject line, "KING COUNTY
28

1 PROSECUTORS BEGGING FOR MERCY.” The email stated, “KING COUNTY
 2 PROSECUTORS . . . BROUGHT TO THEIR KNEES BY A CYBER CRIMINAL.”

3 All in violation of Title 18, United States Code, Section 371.
 4

5 **COUNTS 2-4**

6 **(Cyberstalking in Violation of Criminal Order)**

7 37. The allegations contained in Paragraphs 1 through 36 of this Indictment are
 8 re-alleged and incorporated as if set forth fully herein.

9 38. On the dates set forth below, at Seattle, in the Western District of
 10 Washington and elsewhere, defendant SUMIT GARG, with intent to harass and
 11 intimidate Victim-1, Victim-2, and Victim-3, used an interactive computer service, an
 12 electronic communication service, an electronic communication system of interstate
 13 commerce, and any other facilities of interstate and foreign commerce, to wit: services
 14 and systems that enable phone calls, text messages, emails, online posts, and online social
 15 media messages and posts, to engage in a course of conduct that, in violation of criminal
 16 no-contact and protection orders:

17 a. Placed Victim-1, Victim-2, and Victim-3 in reasonable fear of death
 18 and serious bodily injury to themselves and their immediate family members, and,

19 b. Caused, attempted to cause, and would be reasonably expected to
 20 cause substantial emotional distress to Victim-1, Victim-2, Victim-3, and their immediate
 21 family members,
 22

Count	Victim	Communication Methods	Approximate Dates
2	Victim-1	Phone calls, text messages, emails, online postings, social media messaging and posts	January 25, 2020 - March 8, 2021
3	Victim-2	Phone calls, text messages, emails	February 25, 2020 - March 5, 2021

4	Victim-3	Phone calls, emails, text messages, online postings, social media messaging and posts	July 12, 2020 - March 8, 2021
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All in violation of Title 18, United States Code, Sections 2, 2261A(2)(A) and (2)(B), and 2261(b)(5) and (6).

COUNTS 5-6
(Cyberstalking)

39. The allegations contained in Paragraphs 1 through 38 of this Indictment are re-alleged and incorporated as if set forth fully herein.

40. On the dates set forth below, at Seattle, in the Western District of Washington and elsewhere, defendant SUMIT GARG, with intent to harass and intimidate Victim-9 and Victim-11, used an interactive computer service, an electronic communication service, an electronic communication system of interstate commerce, and any other facilities of interstate and foreign commerce, to wit: services and systems that enable phone calls, text messages, emails, online posts, and online social media messages and posts, to engage in a course of conduct that:

a. Placed Victim-9 and Victim-11 in reasonable fear of death and serious bodily injury to themselves and their immediate family members, and,

b. Caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to Victim-9 and Victim-11, and their immediate family members:

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Count	Victim	Communication Methods	Approximate Dates
5	Victim-9	Emails	December 2, 2020 - March 8, 2021
6	Victim-11	Emails	February 15, 2020 – March 8, 2021

All in violation of Title 18, United States Code, Sections 2 and 2261A(2)(A) and (2)(B).

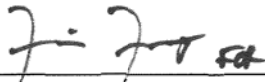
A TRUE BILL:

DATED:

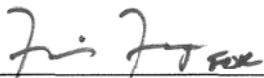
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(Signature of Foreperson redacted pursuant to policy of the Judicial Conference)

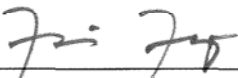
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