

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

MARCEL LEHEL LAZAR

a/k/a "GUCCIFER"

a/k/a "GUCCIFER SEVEN"

a/k/a "MICUL FUM"

a/k/a "MARCEL LAZAR LEHEL"

Defendant.

Criminal No. 1:14-cr-213

Honorable James C. Cacheris

PLEA AGREEMENT

Dana J. Boente, United States Attorney for the Eastern District of Virginia; Maya D. Song and Jay V. Prabhu, Assistant United States Attorneys; Peter V. Roman and Ryan K. Dickey, Senior Counsel at the U.S. Department of Justice; the defendant, MARCEL LEHEL LAZAR; and the defendant's counsel have entered into an agreement pursuant to Rule 11 of the Federal Rules of Criminal Procedure. The terms of the agreement are as follows:

1. Offense and Maximum Penalties

The defendant agrees to plead guilty to Count Five of the indictment, charging the defendant with unauthorized access to a protected computer, in violation of 18 U.S.C. § 1030(a)(2)(C), and Count Seven, charging the defendant with aggravated identity theft, in violation of 18 U.S.C. § 1028A(a)(1). The maximum penalties for the offense of unauthorized access to a protected computer are: a maximum term of 5 years of imprisonment, a fine of up to \$250,000, full restitution, forfeiture of assets as outlined below, a special assessment of \$100, and one year of supervised release. The maximum penalties for the offense of aggravated identity theft are: a mandatory minimum term of 2 years of imprisonment, a fine of up to \$250,000,

full restitution, forfeiture of assets as outlined below, a special assessment of \$100, and one year of supervised release. The defendant understands that this supervised release term is in addition to any prison term the defendant may receive, and that a violation of a term of supervised release could result in the defendant being returned to prison for the full term of supervised release.

2. Factual Basis for the Plea

The defendant will plead guilty because the defendant is in fact guilty of the charged offense. The defendant admits the facts set forth in the statement of facts filed with this plea agreement and agrees that those facts establish guilt of the offenses charged beyond a reasonable doubt. The statement of facts, which is hereby incorporated into this plea agreement, constitutes a stipulation of facts for purposes of Section 1B1.2(a) of the Sentencing Guidelines.

3. Assistance and Advice of Counsel

The defendant is satisfied that the defendant's attorney has rendered effective assistance. The defendant understands that by entering into this agreement, defendant surrenders certain rights as provided in this agreement. The defendant understands that the rights of criminal defendants include the following:

- a. the right to plead not guilty and to persist in that plea;
- b. the right to a jury trial;
- c. the right to be represented by counsel – and if necessary have the court appoint counsel – at trial and at every other stage of the proceedings; and
- d. the right at trial to confront and cross-examine adverse witnesses, to be protected from compelled self-incrimination, to testify and present evidence, and to compel the attendance of witnesses.

4. Role of the Court and the Probation Office

The defendant understands that the Court has jurisdiction and authority to impose any sentence within the statutory maximum described above but that the Court will determine the defendant's actual sentence in accordance with 18 U.S.C. § 3553(a). The defendant understands that the Court has not yet determined a sentence and that any estimate of the advisory sentencing range under the U.S. Sentencing Commission's Sentencing Guidelines Manual the defendant may have received from the defendant's counsel, the United States, or the Probation Office, is a prediction, not a promise, and is not binding on the United States, the Probation Office, or the Court. Additionally, pursuant to the Supreme Court's decision in *United States v. Booker*, 543 U.S. 220 (2005), the Court, after considering the factors set forth in 18 U.S.C. § 3553(a), may impose a sentence above or below the advisory sentencing range, subject only to review by higher courts for reasonableness. The United States makes no promise or representation concerning what sentence the defendant will receive, and the defendant cannot withdraw a guilty plea based upon the actual sentence.

5. Temporary Surrender

The defendant understands that he has been temporarily surrendered to the United States from Romania to face the charges in the indictment, pursuant to Article 14 of the Extradition Treaty between the United States of America and Romania, signed at Bucharest on September 10, 2007. The United States makes no promise or representation concerning whether any sentence imposed by the Court will be served prior to, after, concurrently with, or consecutive to any sentence already imposed on defendant by a Romanian court.

6. Sentencing Recommendation

In accordance with Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure, the United States and the defendant will recommend to the Court that the following provisions of the United States Sentencing Guidelines (“U.S.S.G.”) apply:

- a. U.S.S.G. § 2B1.1 is the applicable and relevant guideline;
- b. The base offense level is 6, pursuant to U.S.S.G. § 2B1.1(a)(2);
- c. The offense level must be increased by 2 levels because the offense involved 10 or more victims, pursuant to U.S.S.G. § 2B1.1(b)(2)(A)(i);
- d. The offense level must be increased by 4 levels to reach offense level 12 because a substantial part of a fraudulent scheme was committed from outside the United States and/or the offense involved sophisticated means and the defendant intentionally engaged in or caused the conduct constituting sophisticated means, pursuant to U.S.S.G. § 2B1.1(b)(10)(B) and (C) and § 1B1.1(a)(2);
- e. The offense level must be increased by 2 levels because the offense involved an intent to obtain personal information and the offense involved the unauthorized public dissemination of personal information, pursuant to U.S.S.G. §§ 2B1.1(b)(17)(A) and (B);
- f. The offense level must be increased by 3 levels because victims of the offense included former government officers or employees and the immediate family of a former government officer or employee, pursuant to U.S.S.G. § 3A1.2(a)(B); and
- g. The offense level must be increased by 2 levels because the defendant willfully obstructed or impeded, or attempted to obstruct or impede, the

administration of justice with respect to the investigation, prosecution, or sentencing of the instant offense of conviction, and the obstructive conduct related to the defendant's offense of conviction and any relevant conduct, pursuant to U.S.S.G. § 3C1.1.

The United States and the defendant agree that the defendant has assisted the government in the investigation and prosecution of the defendant's own misconduct by timely notifying authorities of the defendant's intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the Court to allocate their resources efficiently. If the defendant qualifies for a two-level decrease in offense level pursuant to U.S.S.G. § 3E1.1(a) and the offense level prior to the operation of that section is a level 16 or greater, the government agrees to file, pursuant to U.S.S.G. § 3E1.1(b), a motion prior to, or at the time of, sentencing for an additional one-level decrease in the defendant's offense level.

7. International Prisoner Transfer Program

If the defendant is eligible and applies to transfer his sentence pursuant to the international prisoner transfer program, the U.S. Attorney's Office for the Eastern District of Virginia and the Criminal Division, Computer Crime and Intellectual Property Section, agree to support the defendant's transfer application. Defendant acknowledges and understands, however, that the transfer decision rests in the sole discretion of the Office of Enforcement Operations ("OEO") of the Criminal Division of the United States Department of Justice and that the position of the U.S. Attorney's Office for the Eastern District of Virginia and the Criminal Division, Computer Crime and Intellectual Property Section, is neither binding nor determinative of the positions of other federal agencies or on the final transfer decision of OEO. Defendant

further understands that in addition to OEO, federal law and the underlying transfer treaties require that the foreign government must also approve the transfer.

8. Waiver of Appeal, FOIA and Privacy Act Rights

The defendant also understands that 18 U.S.C. § 3742 affords a defendant the right to appeal the sentence imposed. Nonetheless, the defendant knowingly waives the right to appeal the conviction and any sentence within the statutory maximum described above (or the manner in which that sentence was determined) on the grounds set forth in 18 U.S.C. § 3742 or on any ground whatsoever other than an ineffective assistance of counsel claim that is cognizable on direct appeal, in exchange for the concessions made by the United States in this plea agreement. This agreement does not affect the rights or obligations of the United States as set forth in 18 U.S.C. § 3742(b). The defendant also hereby waives all rights, whether asserted directly or by a representative, to request or receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case, including without limitation any records that may be sought under the Freedom of Information Act, 5 U.S.C. § 552, or the Privacy Act, 5 U.S.C. § 552a.

9. Special Assessment

Before sentencing in this case, the defendant agrees to pay a mandatory special assessment of one hundred dollars (\$100.00) per count of conviction.

10. Payment of Monetary Penalties

The defendant understands and agrees that, pursuant to 18 U.S.C. § 3613, whatever monetary penalties are imposed by the Court will be due immediately and subject to immediate enforcement by the United States as provided for in Section 3613. Furthermore, within 14 days of a request, the defendant agrees to provide all of the defendant's financial information to the United States and the Probation Office and, if requested, to participate in a pre-sentencing

debtor's examination and/or complete a financial statement under penalty of perjury. If the Court imposes a schedule of payments, the defendant understands that the schedule of payments is merely a minimum schedule of payments and not the only method, nor a limitation on the methods, available to the United States to enforce the judgment. If the defendant is incarcerated, the defendant agrees to voluntarily participate in the Bureau of Prisons' Inmate Financial Responsibility Program, regardless of whether the Court specifically directs participation or imposes a schedule of payments.

11. Restitution

Defendant agrees that restitution is mandatory pursuant to 18 U.S.C. § 3663A. Defendant agrees to the entry of a Restitution Order for the full amount of the victims' losses. Pursuant to 18 U.S.C. § 3663A(c)(2), the defendant agrees that an offense listed in § 3663A(c)(1) gave rise to this plea agreement and as such, victims of the conduct described in the charging instrument, statement of facts or any related or similar conduct shall be entitled to restitution. The parties acknowledge that determination of the identities, addresses and loss amounts for all victims in this matter is a complicated and time consuming process. To that end, defendant agrees, pursuant to 18 U.S.C. § 3664(d)(5), that the court may defer the imposition of restitution until after the sentencing; however, defendant specifically waives the 90-day provision found at 18 U.S.C. § 3664(d)(5) and consents to the entry of any orders pertaining to restitution after sentencing without limitation.

12. Immunity from Further Prosecution in this District

The United States will not further criminally prosecute the defendant in the Eastern District of Virginia for the specific conduct described in the indictment or statement of facts.

13. Dismissal of Other Counts

Upon execution of this agreement and the Court's acceptance of the defendant's plea of guilty, the United States will move to dismiss the remaining counts of the indictment against the defendant.

14. Defendant's Cooperation

The defendant agrees to cooperate fully and truthfully with the United States, and provide all information known to the defendant regarding any criminal activity as requested by the government. In that regard:

- a. The defendant agrees to testify truthfully and completely at any grand juries, trials or other proceedings.
- b. The defendant agrees to be reasonably available for debriefing and pre-trial conferences as the United States may require.
- c. The defendant agrees to provide all documents, records, writings, or materials of any kind in the defendant's possession or under the defendant's care, custody, or control relating directly or indirectly to all areas of inquiry and investigation.
- d. The defendant agrees that, at the request of the United States, the defendant will voluntarily submit to polygraph examinations, and that the United States will choose the polygraph examiner and specify the procedures for the examinations.
- e. The defendant agrees that the Statement of Facts is limited to information to support the plea. The defendant will provide more detailed facts relating to this case during ensuing debriefings.

- f. The defendant is hereby on notice that the defendant may not violate any federal, state, or local criminal law while cooperating with the government, and that the government will, in its discretion, consider any such violation in evaluating whether to file a motion for a downward departure or reduction of sentence.
- g. Nothing in this agreement places any obligation on the government to seek the defendant's cooperation or assistance.

15. Use of Information Provided by the Defendant Under This Agreement

The United States will not use any truthful information provided pursuant to this agreement in any criminal prosecution against the defendant in the Eastern District of Virginia, except in any prosecution for a crime of violence or conspiracy to commit, or aiding and abetting, a crime of violence (as defined in 18 U.S.C. § 16). Pursuant to U.S.S.G. § 1B1.8, no truthful information that the defendant provides under this agreement will be used in determining the applicable guideline range, except as provided in Section 1B1.8(b). Nothing in this plea agreement, however, restricts the Court's or Probation Officer's access to information and records in the possession of the United States. Furthermore, nothing in this agreement prevents the government in any way from prosecuting the defendant should the defendant knowingly provide false, untruthful, or perjurious information or testimony, or from using information provided by the defendant in furtherance of any forfeiture action, whether criminal or civil, administrative or judicial. The United States will bring this plea agreement and the full extent of the defendant's cooperation to the attention of other prosecuting offices if requested.

16. Prosecution in Other Jurisdictions

The United States Attorney's Office for the Eastern District of Virginia and the Criminal Division, Computer Crime and Intellectual Property Section, will not contact any other state or

federal prosecuting jurisdiction and voluntarily turn over truthful information that the defendant provides under this agreement to aid a prosecution of the defendant in that jurisdiction. Should any other prosecuting jurisdiction attempt to use truthful information the defendant provides pursuant to this agreement against the defendant, the United States Attorney's Office for the Eastern District of Virginia and the Criminal Division, Computer Crime and Intellectual Property Section, agree, upon request, to contact that jurisdiction and ask that jurisdiction to abide by the immunity provisions of this plea agreement. The parties understand that the prosecuting jurisdiction retains the discretion over whether to use such information.

17. Defendant Must Provide Full, Complete and Truthful Cooperation

This plea agreement is not conditioned upon charges being brought against any other individual. This plea agreement is not conditioned upon any outcome in any pending investigation. This plea agreement is not conditioned upon any result in any future prosecution which may occur because of the defendant's cooperation. This plea agreement is not conditioned upon any result in any future grand jury presentation or trial involving charges resulting from this investigation. This plea agreement is conditioned upon the defendant providing full, complete and truthful cooperation.

18. Motion for a Downward Departure

The parties agree that the United States reserves the right to seek any departure from the applicable sentencing guidelines, pursuant to Section 5K1.1 of the Sentencing Guidelines and Policy Statements, or any reduction of sentence pursuant to Rule 35(b) of the Federal Rules of Criminal Procedure, if, in its sole discretion, the United States determines that such a departure or reduction of sentence is appropriate.

19. Forfeiture Agreement

The defendant understands that the forfeiture of assets is part of the sentence that must be imposed in this case. The defendant agrees to forfeit all interests in any asset related to the charged offenses that the defendant owns or over which the defendant exercises control, directly or indirectly, as well as any property that is traceable to, derived from, fungible with, or a substitute for property that constitutes the proceeds of his offense, or facilitating property or property involved in the offense, including but not limited to all online accounts that contain victims' information.

The defendant understands that if proceeds of the offenses are not available to the United States to be forfeited, the Court must enter a forfeiture money judgment, which represents the amount of the proceeds. *United States v. Blackman*, 746 F.3d 137 (4th Cir. 2014). The defendant further agrees to waive all interest in the asset(s) in any administrative or judicial forfeiture proceeding, whether criminal or civil, state or federal. The defendant agrees to consent to the entry of orders of forfeiture for such property and waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment. Defendant admits and agrees that the conduct described in the charging instrument and Statement of Facts provides a sufficient factual and statutory basis for the forfeiture of the property sought by the government.

20. Waiver of Further Review of Forfeiture

The defendant further agrees to waive all constitutional and statutory challenges to forfeiture in any manner (including direct appeal, habeas corpus, or any other means) to any forfeiture carried out in accordance with this Plea Agreement on any grounds, including that the forfeiture constitutes an excessive fine or punishment. The defendant also waives any failure by

the Court to advise the defendant of any applicable forfeiture at the time the guilty plea is accepted as required by Rule 11(b)(1)(J). The defendant agrees to take all steps as requested by the United States to pass clear title to forfeitable assets to the United States, and to testify truthfully in any judicial forfeiture proceeding. The defendant understands and agrees that all property covered by this agreement is subject to forfeiture as proceeds of illegal conduct, property facilitating illegal conduct, and property involved in illegal conduct giving rise to forfeiture.

21. The Defendant's Obligations Regarding Assets Subject to Forfeiture

Upon request by the government, the defendant agrees to identify all assets in which the defendant had any interest or over which the defendant exercises or exercised control, directly or indirectly, within the past two years. The defendant agrees to take all steps as requested by the United States to obtain from any other parties by any lawful means any records of assets owned at any time by the defendant. The defendant agrees to undergo any polygraph examination the United States may choose to administer concerning such assets and to provide and/or consent to the release of the defendant's tax returns for the previous five years.

22. Breach of the Plea Agreement and Remedies

This agreement is effective when signed by the defendant, the defendant's attorney, and an attorney for the United States. The defendant agrees to entry of this plea agreement at the date and time scheduled with the Court by the United States (in consultation with the defendant's attorney). If the defendant withdraws from this agreement, or commits or attempts to commit any additional federal, state or local crimes, or intentionally gives materially false, incomplete, or misleading testimony or information, or otherwise violates any provision of this agreement, then:

- a. The United States will be released from its obligations under this agreement, including any obligation to seek a downward departure or a

reduction in sentence. The defendant, however, may not withdraw the guilty plea entered pursuant to this agreement;

- b. The defendant will be subject to prosecution for any federal criminal violation, including, but not limited to, perjury and obstruction of justice, that is not time-barred by the applicable statute of limitations on the date this agreement is signed. Notwithstanding the subsequent expiration of the statute of limitations, in any such prosecution, the defendant agrees to waive any statute-of-limitations defense; and
- c. Any prosecution, including the prosecution that is the subject of this agreement, may be premised upon any information provided, or statements made, by the defendant, and all such information, statements, and leads derived therefrom may be used against the defendant. The defendant waives any right to claim that statements made before or after the date of this agreement, including the statement of facts accompanying this agreement or adopted by the defendant and any other statements made pursuant to this or any other agreement with the United States, should be excluded or suppressed under Fed. R. Evid. 410, Fed. R. Crim. P. 11(f), the Sentencing Guidelines or any other provision of the Constitution or federal law.

Any alleged breach of this agreement by either party shall be determined by the Court in an appropriate proceeding at which the defendant's disclosures and documentary evidence shall be admissible and at which the moving party shall be required to establish a breach of the plea agreement by a preponderance of the evidence. The proceeding established by this paragraph

does not apply, however, to the decision of the United States whether to file a motion based on “substantial assistance” as that phrase is used in Rule 35(b) of the Federal Rules of Criminal Procedure and Section 5K1.1 of the Sentencing Guidelines and Policy Statements. The defendant agrees that the decision whether to file such a motion rests in the sole discretion of the United States.

23. Nature of the Agreement and Modifications

This written agreement constitutes the complete plea agreement between the United States, the defendant, and the defendant’s counsel. The defendant and the defendant’s attorney acknowledge that no threats, promises, or representations have been made, nor agreements reached, other than those set forth in writing in this plea agreement, to cause the defendant to plead guilty. Any modification of this plea agreement shall be valid only as set forth in writing in a supplemental or revised plea agreement signed by all parties.

Dana J. Boente
United States Attorney

By:



Maya D. Song
Jay V. Prabhu
Assistant United States Attorneys

Peter V. Roman
Ryan K. Dickey
Senior Counsel, U.S. Department of Justice
Criminal Division
Computer Crime and Intellectual Property Section

Defendant's Signature: I hereby agree that I have consulted with my attorney and fully understand all rights with respect to the pending criminal indictment. Further, I fully understand all rights with respect to Title 18, United States Code, Section 3553 and the provisions of the Sentencing Guidelines Manual that may apply in my case. I have read this plea agreement and carefully reviewed every part of it with my attorney. I understand this agreement and voluntarily agree to it.


Date: 05 18 2016



Marcel Lehel LAZAR
Defendant

Defense Counsel Signature: I am counsel for the defendant in this case. I have fully explained to the defendant the defendant's rights with respect to the pending indictment. Further, I have reviewed Title 18, United States Code, Section 3553 and the Sentencing Guidelines Manual, and I have fully explained to the defendant the provisions that may apply in this case. I have carefully reviewed every part of this plea agreement with the defendant. To my knowledge, the defendant's decision to enter into this agreement is an informed and voluntary one.

Date: 5/24/16



Shannon S. Quill, Esq.
Cadence A. Mertz, Esq.
Counsel for the Defendant

U. S. DEPARTMENT OF JUSTICE
Statement of Special Assessment Account

This statement reflects your special assessment only. There may be other penalties imposed at sentencing.

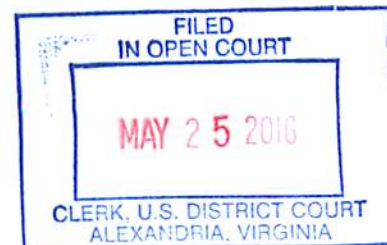
ACCOUNT INFORMATION	
CRIM. ACTION NO.:	1:14-CR-213
DEFENDANT'S NAME:	Marcel Lehel LAZAR
PAY THIS AMOUNT:	\$200

INSTRUCTIONS:

1. **MAKE CHECK OR MONEY ORDER PAYABLE TO:**
CLERK, U. S. DISTRICT COURT
2. **PAYMENT MUST REACH THE CLERK'S OFFICE BEFORE YOUR SENTENCING DATE**
3. **PAYMENT SHOULD BE SENT TO:**

	In person (9 AM to 4 PM)	By mail:
Alexandria cases:	Clerk, U.S. District Court 401 Courthouse Square Alexandria, VA 22314	

4. **INCLUDE DEFENDANT'S NAME ON CHECK OR MONEY ORDER**
5. **ENCLOSE THIS COUPON TO ENSURE PROPER and PROMPT APPLICATION OF PAYMENT**



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA

v.

MARCEL LEHEL LAZAR

a/k/a "GUCCIFER"
a/k/a "GUCCIFER SEVEN"
a/k/a "MICUL FUM"
a/k/a "MARCEL LAZAR LEHEL"

Defendant.

Criminal No. 1:14-cr-213

Honorable James C. Cacheris

STATEMENT OF FACTS

The United States and the defendant, MARCEL LEHEL LAZAR, agree that the following facts are true and correct, and that had this matter proceeded to trial, the United States would have proven them beyond a reasonable doubt with admissible and credible evidence:

1. Beginning in at least October 2012 and continuing into January 2014, LAZAR intentionally gained unauthorized access to numerous personal email and social media accounts, including those belonging to high-profile individuals in the United States.
2. LAZAR committed these illegal acts for the purpose of, among other things, unlawfully obtaining his victims' personal information and email correspondence.
3. In many instances, LAZAR released his victims' personal information to media organizations. Among other things, LAZAR obtained and distributed without authorization the contents of private email correspondence, medical information, financial information, photographs, personal identifying information, and other private property.

4. In some instances, LAZAR unlawfully used his victims' email and social media accounts to fraudulently contact other victims or members of the media.

5. Many of the email accounts to which LAZAR gained unauthorized access were held by AOL Inc., whose email servers were located in the Eastern District of Virginia.

6. LAZAR committed these illegal acts from his residence in Arad County in Romania. He attempted to conceal his true identity and location by accessing his victims' accounts through proxy servers located in other countries, including Russia.

7. LAZAR used the self-created moniker "Guccifer" and not his real name in connection with his unlawful activity. In a previous scheme, LAZAR called himself "Micul Fum" ("Little Smoke" in English) in connection with similar hacking activity, where he unlawfully accessed the email accounts of Romanian celebrities and athletes and released their private information on the internet.

8. In total, LAZAR victimized approximately one hundred individuals in the United States, including former government officers or employees and the immediate family members of former government officers or employees.

General Scheme

9. In general, LAZAR gained unauthorized access to his victims' online accounts by correctly guessing either their passwords or the answers that his victims provided to the security questions connected to these accounts.

10. After gaining unauthorized access to a victim's email account, LAZAR would typically create an additional email account that linked to the victim's account, and change the security questions and answers so that he maintained exclusive control of the victim's account.

11. After gaining unauthorized access to a high-profile victim's email account, LAZAR would typically access the victim's email contact list and use it to search for other potential high-profile victims.

12. While unlawfully accessing his victims' accounts, LAZAR frequently impersonated the victim in communications with individuals on the victim's contact list. LAZAR did so to identify potential new victims.

Victims 1 and 2

13. Victim 1 was an immediate family member of two former U.S. presidents.

14. On or about December 22 and 25, 2012, and again on or about January 5, 2013, LAZAR accessed without authorization Victim 1's AOL email account, located on computer servers in the Eastern District of Virginia. LAZAR unlawfully obtained contents from this account, including Victim 1's confidential information and property such as private email correspondence, medical information, photographs, and a contact list containing the names, home addresses, telephone numbers, and other identifying information of Victim 1's family members. LAZAR attempted to conceal his identity by accessing the account from proxy servers located in Russia.

15. Victim 2 was a sanitation engineer located in New Jersey.

16. In February 2013, LAZAR accessed without authorization Victim 2's AOL email account, located on computer servers in the Eastern District of Virginia. LAZAR unlawfully sent multiple emails from Victim 2's account to various media organizations. In these emails, LAZAR attached content that he had unlawfully obtained from Victim 1's AOL account, including confidential information and property such as private email correspondence, medical information, photographs, home addresses, and telephone numbers. LAZAR digitally imposed

his moniker "GUCCIFER" on some of this content. On or about February 7, 2013, multiple media organizations published portions of this confidential information and property online.

Victims 3 and 4

17. Victim 3 was a former U.S. Cabinet member who resided in the Eastern District of Virginia.

18. On or about March 11, 2013, LAZAR accessed Victim 3's AOL email and Facebook accounts without authorization. Victim 3's AOL account was located on computer servers in the Eastern District of Virginia. LAZAR obtained contents from Victim 3's AOL account without authorization, including Victim 3's confidential information and property such as private email correspondence and financial information. LAZAR also reset the passwords to Victim 3's Facebook and AOL accounts. LAZAR attempted to conceal his identity by accessing these accounts from proxy servers located in Russia.

19. Also on or about March 11, 2013, LAZAR used Victim 3's Facebook account without Victim 3's authorization to publicly post the following messages: "You will burn in hell, Bush!" and "Kill the illuminati! Tomorrow's world will be a world free of illuminati or will be no more!"

20. Also on or about March 11, 2013, LAZAR sent to dozens of media organizations an email from Victim 3's AOL account that was titled, "blair rumsfeld powell kissinger tennet mails!" In this email, which LAZAR sent from Victim 3's account without authorization, LAZAR wrote, "the 9/11 victim's blood is on my hands." LAZAR attached content to the email that he had unlawfully obtained from Victim 3's account, including confidential information and property such as private email correspondence and financial information. LAZAR marked some

of the content with his alias "GUCCIFER." Multiple media organizations published portions of the confidential information and property on or about March 11, 2013.

21. On or about March 15, 2013, LAZAR accessed Victim 2's AOL account without authorization. LAZAR then sent an email from Victim 2's account to dozens of congressional staffers that attached content LAZAR unlawfully obtained from Victim 3's AOL account, including confidential information and property such as private email correspondence. LAZAR digitally imposed his moniker "GUCCIFER" on some of this content.

22. Witness 1 was a foreign national and senior foreign government official.

23. On or about July 29, 2013, LAZAR accessed Witness 1's Yahoo email account without authorization. LAZAR then obtained, without authorization, contents from Witness 1's account, including confidential information and property such as private email correspondence, photographs, and medical information. LAZAR also took screenshots of private email correspondence between Victim 3 and Witness 1 and uploaded those screenshots to a Google Drive account that he later made available to U.S. media organizations. LAZAR digitally imposed his moniker "GUCCIFER" on some of this content.

24. Victim 4 was a former member of the U.S. Joint Chiefs of Staff. LAZAR, knowing that Victim 4 was a real person, unlawfully used Victim 4's online accounts in furtherance of defrauding Victim 3.

25. Specifically, on or about July 29, 2013, LAZAR accessed Victim 4's Facebook account without authorization, and from this account sent a message to Victim 3's Facebook account with the intent of provoking a response from Victim 3. The message contained a link to the Google Drive account on which LAZAR had uploaded the screenshots he took of private email correspondence between Victim 3 and Witness 1.

26. Further, on or about July 31, 2013, LAZAR accessed Victim 4's Google email ("Gmail") account without authorization. LAZAR then sent without authorization an email from Victim 4's Gmail account to Victim 3's Gmail account, with the intent of provoking a response from Victim 3. The message contained a link to the Google Drive account on which LAZAR had uploaded the screenshots he took of private email correspondence between Victim 3 and Witness 1.

27. Between approximately July 29 and August 1, 2013, LAZAR distributed to two media organizations some of the content that he had unlawfully obtained from Witness 1's email account, including confidential information and property such as private email correspondence between Witness 1 and Victim 3, and photographs. On or about August 1, 2013, these media organizations published portions of this confidential information and property.

Victim 5

28. Victim 5 was a journalist and former presidential advisor.

29. On or about March 14, 2013, LAZAR accessed without authorization Victim 5's AOL email account, which was located on computer servers in the Eastern District of Virginia. LAZAR obtained without authorization contents from Victim 5's account, including Victim 5's confidential information and property such as private email correspondence, home address, and telephone numbers. LAZAR also reset the password and security questions and answers to Victim 5's account.

30. Also on or about March 14, 2013, LAZAR created or accessed a subaccount to Victim 5's AOL account. LAZAR without authorization sent an email from Victim 5's subaccount to a media organization that attached content he had unlawfully obtained from Victim 5's account, including confidential information and property such as private email

correspondence and telephone numbers. LAZAR digitally imposed his moniker “GUCCIFER” on some of this content. He attempted to conceal his identity by accessing the account from a proxy server located in Russia.

31. On or about March 15, 2013, LAZAR sent without authorization an email from Victim 2’s AOL email account to multiple media organizations that attached content he had unlawfully obtained from Victim 5’s account, including confidential information and property, such as private email correspondence and telephone numbers. LAZAR marked some of the content with his alias “GUCCIFER.”

“Guccifer Archive” and Destruction of Evidence

32. On or about December 18, 2013, LAZAR sent emails to the websites Cryptome and The Smoking Gun that provided access to content that he unlawfully obtained from Victim 1, Victim 3, Victim 5, and Witness 1’s online accounts, and others, including confidential information and property such as private email correspondence, photographs, medical information, and financial information. LAZAR called this collection of content the “Guccifer Archive.”

33. In or around December 2013, LAZAR knowingly destroyed the computer and mobile phone that facilitated his gaining unauthorized access to his victims’ accounts. He did so with the intent to impede or obstruct the investigation by authorities into his hacking activities, and to prevent authorities from recovering evidence of his criminal acts.

34. On or about January 6, 2014, The Smoking Gun published a story based upon the contents of the Guccifer Archive that included a list of previously unknown victims and details about the hacks and the contents that LAZAR illegally obtained from his victims’ hacked accounts.

35. On or about January 22, 2014, Cryptome published a link to the Guccifer Archive on its website.

Criminal History

36. LAZAR was convicted in Romania in February 2012 on charges of gaining unauthorized access to the online accounts of Romanian nationals. He received a suspended sentence of three years' imprisonment.

37. On or about January 22, 2014, LAZAR was arrested by Romanian authorities and was later convicted of gaining unauthorized access to the online accounts of Romanian nationals, including the personal accounts of the then-director of the Romanian Intelligence Service. In June 2014, LAZAR was sentenced to a term of four years' imprisonment for these crimes with an additional three years for his prior offenses, resulting in a total term of imprisonment of seven years.

38. The Statement of Facts includes those facts necessary to support the defendant's guilty plea. It does not include each and every fact known to the defendant or to the government, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

39. The actions of the defendant, as recounted above, were in all respects knowing, voluntary, and intentional, and were not committed by mistake, accident or other innocent reason.

40. If the defendant breaches the plea agreement, then pursuant to the plea agreement, he waives any rights under Federal Rule of Criminal Procedure 11(f), Federal Rule of

Evidence 410, the United States Constitution, and any federal statute or rule in objecting to the admissibility of the statement of facts in any such proceeding.

Dana J. Boente
United States Attorney

By:  _____
Maya D. Song
Jay V. Prabhu
Assistant United States Attorneys

Peter V. Roman
Ryan K. Dickey
Senior Counsel, U.S. Department of Justice
Criminal Division
Computer Crime and Intellectual Property Section

Defendant's Signature: After consulting with my attorney, I hereby stipulate that the above Statement of Facts is true and accurate and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt


Date: 5/18/16



Marcel Lehel LAZAR
Defendant

Defense Counsel Signature: I am the defendant's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one

Date: 5/24/16



Shannon S. Quill, Esq.
Cadence A. Mertz, Esq.
Counsel for the Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

MARCEL LEHEL LAZAR

a/k/a "GUCCIFER"
a/k/a "GUCCIFER SEVEN"
a/k/a "MICUL FUM"
a/k/a "MARCEL LAZAR LEHEL"

Defendant.

Criminal No. 1:14-cr-213

Honorable James C. Cacheris

MOTION TO DISMISS COUNTS

The United States of America, by and through the undersigned attorneys, hereby moves this honorable Court to dismiss Counts 1-4, 6, and 8-9 against defendant MARCEL LEHEL LAZAR, in accordance with the written plea agreement entered into between the United States and defendant, upon the Court's acceptance of defendant's guilty plea to Counts 5 and 7 in the Indictment. A proposed order is attached to this motion.

Date: May 25, 2016

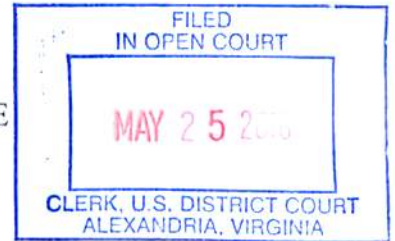
Respectfully submitted,

Dana J. Boente
United States Attorney

By: 

Maya D. Song
Jay V. Prabhu
Assistant United States Attorneys

Peter V. Roman
Ryan K. Dickey
Senior Counsel, U.S. Department of Justice
Criminal Division
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IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

MARCEL LEHEL LAZAR

a/k/a "GUCCIFER"
a/k/a "GUCCIFER SEVEN"
a/k/a "MICUL FUM"
a/k/a "MARCEL LAZAR LEHEL"

Defendant.

Criminal No. 1:14-CR-213

Honorable James C. Cacheris

ORDER

Upon the motion of the United States, it is hereby ORDERED that Counts 1-4, 6, and 8-9 of the Indictment are dismissed against defendant Marcel Lehel LAZAR.

Date: 5/25/16
Alexandria, Virginia

/s/
James C. Cacheris
United States District Judge