

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	DATE FILED:
v.	:	CRIMINAL NO.
LAWRENCE MENDTE	:	CHARGES: 18 U.S.C.
	:	§ 1030(a)(2)(C) and(c)(2)(B)
	:	(intentionally accessing a protected
	:	computer without authorization
	:	and thereby obtaining information
	:	in furtherance of a tortious act –
	:	1 count)

INFORMATION

THE UNITED STATES ATTORNEY CHARGES THAT:

INTRODUCTION

1. At all times relevant to this Information, defendant LAWRENCE MENDTE, a resident of Philadelphia, PA, was a news reporter, employed by KYW-TV in Philadelphia. KYW-TV was an affiliate of CBS, Inc.

2. Alycia Lane was employed by KYW-TV from in or about 2003 up to and including on or about January 1, 2008.

3. All employees at KYW were assigned an e-mail account that required the combination of a user name and a password to gain access to the account. Alycia Lane had such an e-mail account (“the KYW account”). The e-mail server for the KYW e-mail accounts was located in New York.

4. Alycia Lane also had two personal e-mail accounts – one with Apple Computer (“the .mac account”) and one with Yahoo! (“the Yahoo account”). These accounts also required

the combination of a username and a password to gain access to them. The e-mail servers for .mac and Yahoo accounts are located in California.

5. Beginning as early as in or about March 2006, and continuing up to and including on or about May 28, 2008, defendant LAWRENCE MENDTE gained access to these e-mail accounts of Alycia Lane and read her e-mail messages. When he did this, defendant MENDTE was not authorized by Ms. Lane, or anyone else, to access these e-mail accounts.

THE HISTORY OF UNAUTHORIZED ACCESS TO ALYCIA LANE'S E-MAIL ACCOUNTS

6. In or about March 2006, defendant LAWRENCE MENDTE accessed Alycia Lane's Yahoo account without authorization and printed an e-mail message from that account, which he saved.

7. In or about June 2006, defendant LAWRENCE MENDTE accessed Alycia Lane's KYW account without authorization and printed two e-mail messages from that account, which he saved.

8. In or about April 2007, Alycia Lane, using her .mac account, sent several photographs of herself with friends at a beach to another friend.

9. In or about April 2007, the wife of the friend sent an e-mail to Alycia Lane about these photographs.

10. On or about May 29, 2008, defendant LAWRENCE MENDTE possessed, on a computer that was inside his home, the text of the e-mail sent by the wife of the friend referred to in Paragraph 9 and several of the photographs referred to in Paragraph 8.

11. On or about May 29, 2008, defendant LAWRENCE MENDTE possessed, on a computer that was inside his home, e-mails from Alycia Lane's .mac account that had been sent in February 2007.

12. Beginning on or about January 1, 2008 and continuing to on or about May 28, 2008, defendant LAWRENCE MENDTE accessed Alycia Lane's .mac account without authorization approximately 452 times, from his home, from KYW, and from other places, as follows:

DATE	TIME		LOCATION
1/1/2008	10:25 AM	EST	Residence
1/1/2008	7:55 PM	EST	KYW
1/1/2008	8:22 PM	EST	KYW
1/1/2008	10:09 PM	EST	KYW
1/2/2008	10:21 AM	EST	Residence
1/2/2008	2:37 PM	EST	Residence
1/2/2008	5:10 PM	EST	KYW
1/2/2008	6:23 PM	EST	KYW
1/2/2008	1:16 AM	EST	Residence
1/3/2008	10:57 AM	EST	Residence
1/3/2008	12:05 PM	EST	Residence
1/3/2008	1:13 PM	EST	Residence
1/3/2008	5:35 PM	EST	KYW
1/3/2008	7:50 PM	EST	KYW
1/3/2008	9:06 PM	EST	KYW
1/3/2008	12:34 AM	EST	Residence
1/3/2008	12:35 AM	EST	Residence
1/4/2008	3:11 AM	EST	Residence
1/4/2008	11:08 AM	EST	Residence
1/4/2008	11:30 AM	EST	Residence
1/4/2008	3:29 PM	EST	KYW
1/4/2008	6:34 PM	EST	KYW
1/4/2008	8:06 PM	EST	KYW
1/4/2008	10:05 PM	EST	KYW
1/4/2008	10:53 PM	EST	KYW
1/4/2008	1:25 AM	EST	Residence

DATE	TIME		LOCATION
1/5/2008	11:21 AM	EST	Residence
1/5/2008	1:01 PM	EST	Residence
1/5/2008	1:44 PM	EST	Residence
1/5/2008	2:40 PM	EST	Residence
1/5/2008	8:08 PM	EST	Residence
1/5/2008	11:14 PM	EST	Residence
1/5/2008	1:27 AM	EST	Residence
1/6/2008	12:23 PM	EST	Residence
1/6/2008	3:59 PM	EST	Residence
1/6/2008	5:18 PM	EST	Residence
1/6/2008	9:23 PM	EST	Residence
1/6/2008	10:31 PM	EST	Residence
1/6/2008	1:16 AM	EST	Residence
1/7/2008	1:11 PM	EST	KYW
1/7/2008	2:40 PM	EST	KYW
1/7/2008	6:32 PM	EST	KYW
1/7/2008	7:41 PM	EST	KYW
1/7/2008	9:17 PM	EST	KYW
1/7/2008	10:40 PM	EST	KYW
1/8/2008	11:31 AM	EST	Residence
1/8/2008	12:29 PM	EST	Residence
1/8/2008	1:17 PM	EST	Residence
1/8/2008	1:55 PM	EST	Residence
1/8/2008	3:51 PM	EST	KYW
1/8/2008	5:06 PM	EST	KYW
1/8/2008	5:44 PM	EST	KYW
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1/8/2008	2:11 AM	EST	Residence
1/9/2008	10:51 AM	EST	Residence
1/9/2008	12:46 PM	EST	Residence
1/9/2008	3:19 PM	EST	KYW
1/9/2008	5:40 PM	EST	KYW
1/9/2008	7:25 PM	EST	KYW
1/9/2008	7:45 PM	EST	KYW
1/9/2008	10:19 PM	EST	KYW
1/9/2008	12:17 AM	EST	KYW
1/9/2008	1:34 AM	EST	Residence
1/10/2008	9:47 AM	EST	Residence
1/10/2008	10:36 AM	EST	Residence
1/10/2008	11:24 AM	EST	Residence

DATE	TIME		LOCATION
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1/10/2008	5:54 PM	EST	KYW
1/10/2008	10:15 PM	EST	KYW
1/10/2008	10:56 PM	EST	KYW
1/11/2008	11:13 AM	EST	Residence
1/11/2008	12:02 PM	EST	Residence
1/11/2008	5:28 PM	EST	KYW
1/11/2008	10:11 PM	EST	KYW
1/12/2008	1:04 PM	EST	Residence
1/13/2008	1:36 PM	EST	Residence
1/13/2008	9:42 PM	EST	Residence
1/13/2008	12:58 AM	EST	Residence
1/14/2008	12:10 PM	EST	Residence
1/14/2008	1:27 PM	EST	Residence
1/14/2008	4:06 PM	EST	KYW
1/14/2008	4:50 PM	EST	KYW
1/14/2008	5:02 PM	EST	KYW
1/14/2008	9:21 PM	EST	KYW
1/14/2008	10:20 PM	EST	KYW
1/15/2008	3:36 PM	EST	KYW
1/15/2008	5:15 PM	EST	KYW
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1/16/2008	10:06 AM	EST	Residence
1/16/2008	1:41 PM	EST	Residence
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1/16/2008	10:11 PM	EST	KYW
1/16/2008	10:59 PM	EST	KYW
1/17/2008	9:54 AM	EST	Residence
1/17/2008	11:37 AM	EST	Residence
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1/17/2008	10:52 PM	EST	KYW
1/18/2008	10:54 AM	EST	Residence
1/18/2008	12:02 PM	EST	Residence

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1/20/2008	12:26 AM	EST	Residence
1/21/2008	10:23 AM	EST	Residence
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1/21/2008	5:07 PM	EST	KYW
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1/22/2008	3:03 AM	EST	Residence
1/22/2008	10:30 AM	EST	Residence
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1/22/2008	5:28 PM	EST	KYW
1/22/2008	5:47 PM	EST	KYW
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5/7/2008	8:55 PM	EDT	Residence
5/7/2008	9:50 PM	EDT	KYW
5/8/2008	1:11 AM	EDT	Residence
5/8/2008	8:53 AM	EDT	Residence
5/8/2008	2:01 PM	EDT	KYW
5/8/2008	2:05 PM	EDT	KYW
5/8/2008	10:25 PM	EDT	KYW

DATE	TIME		LOCATION
5/9/2008	5:19 PM	EDT	KYW
5/9/2008	9:49 PM	EDT	KYW
5/12/2008	9:57 PM	EDT	KYW
5/13/2008	5:08 PM	EDT	KYW
5/15/2008	8:09 AM	EDT	Residence
5/15/2008	7:27 PM	EDT	KYW
5/16/2008	5:09 PM	EDT	KYW
5/16/2008	5:18 PM	EDT	KYW
5/18/2008	8:59 PM	EDT	Residence
5/19/2008	10:02 PM	EDT	KYW
5/21/2008	7:55 AM	EDT	Residence
5/21/2008	5:18 PM	EDT	KYW
5/22/2008	12:25 AM	EDT	Residence
5/22/2008	5:02 PM	EDT	KYW
5/23/2008	2:53 PM	EDT	KYW
5/23/2008	4:34 PM	EDT	KYW
5/24/2008	8:31 PM	EDT	Vacation home
5/25/2008	12:11 PM	EDT	Vacation home
5/25/2008	9:15 PM	EDT	Vacation home
5/25/2008	11:21 PM	EDT	Vacation home
5/26/2008	1:30 PM	EDT	Residence
5/26/2008	6:59 PM	EDT	Union League
5/26/2008	9:28 PM	EDT	KYW
5/26/2008	9:35 PM	EDT	KYW
5/27/2008	7:11 PM	EDT	KYW
5/28/2008	3:40 PM	EDT	KYW

13. Beginning on or about January 28, 2008 and continuing to on or about May 26, 2008, defendant LAWRENCE MENDTE accessed Alycia Lane's Yahoo account without authorization approximately 85 times, from his home, from KYW, and from other places, as follows:

DATE	TIME		LOCATION
1/28/2008	5:28 PM	EST	KYW
1/29/2008	4:17 PM	EST	KYW

DATE	TIME		LOCATION
1/29/2008	5:17 PM	EST	KYW
1/30/2008	10:16 PM	EST	KYW
1/31/2008	5:19 PM	EST	KYW
1/31/2008	7:25 PM	EST	KYW
2/8/2008	10:29 AM	EST	Residence
2/11/2008	9:31 PM	EST	KYW
2/12/2008	10:24 PM	EST	KYW
2/14/2008	7:39 PM	EST	KYW
2/14/2008	10:55 PM	EST	KYW
2/15/2008	5:19 PM	EST	KYW
2/20/2008	7:38 PM	EST	KYW
2/23/2008	10:02 PM	EST	Residence
2/25/2008	8:39 PM	EST	KYW
2/26/2008	2:36 PM	EST	KYW
2/26/2008	5:18 PM	EST	KYW
2/26/2008	7:14 PM	EST	KYW
2/26/2008	9:46 PM	EST	KYW
2/27/2008	7:11 PM	EST	KYW
2/27/2008	7:36 PM	EST	KYW
2/29/2008	3:31 PM	EST	KYW
2/29/2008	5:26 PM	EST	KYW
2/29/2008	10:10 PM	EST	KYW
3/3/2008	2:11 PM	EST	KYW
3/3/2008	3:44 PM	EST	KYW
3/3/2008	9:29 PM	EST	KYW
3/4/2008	9:33 PM	EST	KYW
3/8/2008	11:15 PM	EST	Residence
3/8/2008	11:15 PM	EST	Residence
3/10/2008	6:57 PM	EDT	KYW
3/11/2008	5:01 PM	EDT	KYW
3/11/2008	6:01 PM	EDT	KYW
3/11/2008	7:36 PM	EDT	KYW
3/11/2008	8:40 PM	EDT	KYW
3/12/2008	5:17 PM	EDT	KYW
3/28/2008	7:50 PM	EDT	KYW
3/31/2008	10:59PM	EDT	KYW
4/1/2008	10:53AM	EDT	Residence
4/1/2008	3:44PM	EDT	KYW
4/3/2008	9:29PM	EDT	KYW
4/4/2008	10:51PM	EDT	KYW

DATE	TIME		LOCATION
4/8/2008	5:32 PM	EDT	KYW
4/8/2008	11:03 PM	EDT	KYW
4/10/2008	8:43 PM	EDT	KYW
4/13/2008	8:56 PM	EDT	Residence
4/17/2008	10:41 PM	EDT	KYW
4/18/2008	3:44 PM	EDT	KYW
4/21/2008	12:36 AM	EDT	Residence
4/21/2008	7:42 PM	EDT	KYW
4/21/2008	7:44 PM	EDT	KYW
4/23/2008	11:18 AM	EDT	Residence
4/24/2008	5:41 PM	EDT	KYW
4/25/2008	7:10 PM	EDT	KYW
4/26/2008	6:32 PM	EDT	Residence
4/28/2008	1:42 PM	EDT	Residence
4/29/2008	5:34 PM	EDT	KYW
4/29/2008	10:51 PM	EDT	KYW
4/30/2008	11:28 PM	EDT	KYW
5/1/2008	12:51 AM	EDT	Residence
5/1/2008	11:49 PM	EDT	KYW
5/2/2008	10:56 PM	EDT	KYW
5/3/2008	4:44 PM	EDT	KYW
5/5/2008	7:29 PM	EDT	KYW
5/5/2008	8:37 PM	EDT	KYW
5/6/2008	10:09 PM	EDT	KYW
5/7/2008	4:12 PM	EDT	KYW
5/7/2008	10:51 PM	EDT	KYW
5/8/2008	1:20 PM	EDT	KYW
5/8/2008	3:04 PM	EDT	KYW
5/8/2008	11:25 PM	EDT	KYW
5/9/2008	10:50 PM	EDT	KYW
5/12/2008	11:04 PM	EDT	KYW
5/13/2008	6:07 PM	EDT	KYW
5/15/2008	9:11 AM	EDT	Residence
5/15/2008	8:27 PM	EDT	KYW
5/16/2008	6:09 PM	EDT	KYW
5/19/2008	11:01 PM	EDT	KYW
5/21/2008	6:19 PM	EDT	KYW
5/22/2008	5:57 PM	EDT	KYW
5/23/2008	3:53 PM	EDT	KYW
5/23/2008	5:34 PM	EDT	KYW

DATE	TIME		LOCATION
5/24/2008	9:27 PM	EDT	Vacation home
5/26/2008	7:58 PM	EDT	Union League
5/26/2008	10:27 PM	EDT	KYW

ALYCIA LANE'S CRIMINAL CASE

14. Alycia Lane was a defendant in a criminal case filed in New York (Manhattan), New York. The case involved charges arising from an alleged altercation between Alycia Lane and certain New York City police officers that allegedly occurred in December 2007. Alycia Lane's defense attorney in that matter entered into discussions with the Assistant District Attorney seeking a disposition, known as Adjournment in Contemplation of Dismissal (ACD). An ACD disposition results in a complete dismissal of the charges if the person complies with the terms and condition set by the court. It was important to the completion of those negotiations that the discussions regarding the ACD disposition remain confidential.

15. On or about January 25, 2008, at 3:28 PM (all times referred to are Eastern time), Alycia Lane's criminal attorney sent an e-mail message to her .mac account in which he discussed the consequences of an ACD disposition.

16. On or about February 1, 2008, at 3:41 PM, Alycia Lane sent an e-mail to another person reporting that her court date had been moved to February 25. (It had originally been listed on April 3). That person replied to Ms. Lane's .mac account on the same date at 4:44 PM.

17. Between on or about February 1, 2008 at 5:41 PM and on or about February 6, 2008 at 9:53 PM, defendant LAWRENCE MENDTE made the following unauthorized accesses to Alycia Lane's .mac account:

DATE	TIME	# E-MAILS READ	LOCATION
02/01/08	5:41PM	3	KYW
02/02/08	2:00AM	8	Residence
02/02/08	11:45AM	2	Residence
02/03/08	8:55PM	6	Residence
02/04/08	10:30PM	4	KYW
02/05/08	10:36AM	3	Residence
02/06/08	1:46 AM	0	Residence
02/06/08	11:15 AM	4	Residence
02/06/08	6:43 PM	0	KYW
02/06/08	9:53 PM	4	KYW

18. On or about February 6, 2008, between 3:11 PM and 7:00 PM, defendant LAWRENCE MENDTE made approximately two telephone calls to a reporter for the Philadelphia Daily News.

19. On or about February 6, 2008, the Daily News website carried a story by that reporter, stating that the date for Alycia Lane's criminal hearing had been changed.

20. On or about February 7, 2008, after an agreement for an ACD disposition was reached, Alycia Lane's criminal attorney sent her an e-mail that detailed how the proceeding would occur. At that time, the proposed disposition was not publicly known. The e-mail was sent at 11:25 AM to Ms. Lane's .mac account.

21. Between on or about February 7, 2008 at 1:02 PM and on or about February 8, 2008 at 9:33 PM, defendant LAWRENCE MENDTE made the following unauthorized accesses to Alycia Lane's .mac account:

DATE	TIME	# E-MAILS READ	LOCATION
02/07/08	1:02 PM	19	Residence
02/07/08	7:08 PM	4	KYW
02/07/08	9:00 PM	4	KYW
02/07/08	9:53 PM	0	KYW
02/08/08	10:27 AM	4	Residence
02/08/08	11:29 AM	2	Residence
02/08/08	9:33 PM	24	KYW

22. On or about February 8, 2008, between 7:09 PM and 9:00 PM, defendant LAWRENCE MENDTE made approximately two telephone calls to a reporter for the Philadelphia Daily News, and received one telephone call from the reporter.

23. On or about February 9, 2008, the Daily News website carried a story by the reporter, stating that he had heard from sources that Alycia Lane's attorney had reached an agreement with the District Attorney's office for an ACD disposition on March 6, 2008.

ALYCIA LANE'S CIVIL LITIGATION

The KYW Litigation

24. Alycia Lane had been terminated by KYW on January 1, 2008. Ms. Lane retained a civil attorney in Philadelphia to represent her in this matter.

25. On or about January 29, 2008, the Philadelphia civil attorney sent to Alycia Lane's criminal lawyer in New York, a draft of a Notice of Pre-Complaint Depositions that he planned to file and serve upon KYW in connection with her dismissal. The Philadelphia civil attorney sent a copy of the e-mail with the attachment to Ms. Lane at her .mac account at 9:08 AM.

26. Between on or about January 29, 2008, and on or about January 30, 2008, defendant LAWRENCE MENDTE made the following unauthorized accesses to Alycia Lane's .mac account:

DATE	TIME	# E-MAILS READ	LOCATION
01/29/2008	11:32 AM	3	Residence
01/29/2008	12:52 PM	6	Residence
01/29/2008	12:59 PM	2	Residence
01/29/2008	2:38 PM	2	Residence
01/29/2008	3:35 PM	4	KYW
01/29/2008	4:15 PM	0	KYW
01/29/2008	4:26 PM	0	KYW
01/29/2008	5:02 PM	0	KYW
01/29/2008	5:16 PM	0	KYW
01/29/2008	6:51 PM	0	KYW
01/29/2008	7:37 PM	0	KYW
01/29/2008	9:26 PM	2	KYW
01/29/2008	10:25 PM	10	KYW
01/30/2008	1:33 AM	9	Residence

27. Between on or about January 30, 2008 at 12:35 PM and on or about January 31, 2008 at 2:39 PM, defendant LAWRENCE MENDTE made approximately four telephone calls to a reporter for the Philadelphia Daily News.

28. On or about January 31, 2008, the Daily News website carried a story by the reporter, stating that Alycia Lane's attorney had filed a Praecipe to issue a Writ of Summons

against CBS/KYW. The story also reported that Ms. Lane had asked to depose the President and News Director of KYW.

29. In addition to actions taken by Alycia Lane's Philadelphia civil attorney, Ms. Lane's union, the American Federation of Television and Radio Artists (AFTRA), was also involved in representational proceedings against KYW on her behalf.

30. Between on or about February 28, 2008, and on or about February 29, 2008, Alycia Lane's Philadelphia civil attorney and the attorney for AFTRA exchanged e-mail messages regarding a possible resolution of the union's claim and its impact upon Ms. Lane's separate, civil action.

31. On or about March 1, 2008, at 10:13 AM, Alycia Lane's Philadelphia civil attorney forwarded a thread of the e-mail exchanges between himself and the attorney for AFTRA to Ms. Lane at her Yahoo account,.

32. On or about March 3, 2008, defendant LAWRENCE MENDTE made the following unauthorized accesses to Alycia Lane's Yahoo account:

DATE	TIME	LOCATION
03/03/08	2:11 PM	KYW
03/03/08	3:44 PM	KYW
03/03/08	9:29 PM	KYW

33. Between on or about March 4, 2008 at 1:51 PM and on or about March 25, 2008 at 3:32 PM, defendant LAWRENCE MENDTE made approximately ten telephone calls to a reporter for the Philadelphia Daily News and received approximately two telephone calls from the reporter.

34. On or about March 26, 2008, the Daily News website carried a story by the reporter, stating that AFTRA was trying to help Alycia Lane get her job at KYW back.

The New York City Litigation

35. On or about March 5, 2008, at 10:13 PM, after Alycia Lane had accepted the ACD disposition in the New York criminal case, her New York attorney sent an e-mail to her .mac account notifying her that he would file a notice of claim against the City of New York for her arrest. A copy of the notice of claim form was attached to the e-mail.

36. The notice of claim was filed on or about March 6, 2008. As required by New York law, it was filed with the Comptroller of the City of New York, and not with any court.

37. Between on or about March 6, 2008 at 12:32 AM, and on or about March 13, 2008 at 11:23 PM, defendant LAWRENCE MENDTE made the following unauthorized accesses to Alycia Lane's .mac account:

DATE	TIME	# E-MAILS READ	LOCATION
03/06/08	12:32 AM	6	Residence
03/07/08	12:34 AM	5	Residence
03/07/08	11:02 PM	6	KYW
03/08/08	11:17 PM	0	Residence
03/08/08	11:23 AM	0	Residence
03/10/08	6:00 PM	6	KYW
03/10/08	12:36 PM	4	Residence
03/11/08	10:46 AM	14	Residence
03/11/08	11:04 AM	0	Residence
03/11/08	12:08 PM	0	Residence

DATE	TIME	# E-MAILS READ	LOCATION
03/11/08	12:17 PM	1	Residence
03/11/08	3:59 PM	2	KYW
03/11/08	5:03 PM	0	KYW
03/11/08	6:37 PM	0	KYW
03/11/08	7:41 PM	0	KYW
03/11/08	9:38 PM	0	KYW
03/12/08	9:31 AM	4	Residence
03/12/08	1:12 PM	2	Residence
03/12/08	4:18 PM	0	KYW
03/12/08	11:59 PM	1	Residence
03/13/08	7:37 AM	15	Residence
03/13/08	11:18 PM	1	Residence
03/13/08	11:23 PM	8	Residence

38. Between on or about March 6, 2008 at 11:18 AM, and on or about March 14, 2008 at 1:51 PM, defendant LAWRENCE MENDTE made approximately seven telephone calls to a reporter for the Philadelphia Daily News, and received approximately one telephone call from the reporter.

39. On or about March 14, 2008, the Daily News website carried a story by the reporter, stating that the notice of claim had been filed, on behalf of Alycia Lane.

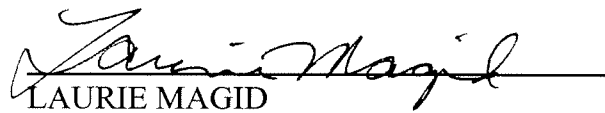
THE CHARGE

40. Between in or about March 2006 and on or about May 28, 2008, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

LAWRENCE MENDTE,

in furtherance of the commission of tortious acts within the Commonwealth of Pennsylvania and the State of New York, intentionally accessed the e-mail accounts of Alycia Lane on the computers of Apple Computer (.mac) and Yahoo!, without authorization, and intentionally exceeded authorized access to computers at KYW, and thereby obtained information from protected computers (.mac, Yahoo!, and KYW) by means of interstate communications.

In violation of Title 18, United States Code, Section 1030(a)(2)(C) and 1030(c)(2)(B)(ii).


LAURIE MAGID
Acting United States Attorney