March 26, 2002

U.S. Department of Justice
United States Attorney
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Northern District of Ohio
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Man Indicted for Unauthorized Access into Computer System of Alltel Communications, Inc. ; Threatening E-Mails

Emily M. Sweeney, United States Attorney for the Northern District of Ohio, today announced the unsealing of a ten count indictment that was returned by a federal grand jury in Cleveland, Ohio, on March 26, 2002, charging Jimmie Earl Rayburn, age 44, of 6103 Brownfield Drive, Parma, Ohio, with one count of knowingly transmitting a communication threatening to cause damage to a protected computer system with the intent to extort money or other things of value, in violation of Title 18, United States Code, Section 1030(a)(7), eight counts of knowingly transmitting programs, codes, information or commands, without authorization, and as a result, intentionally causing damage to a protected computer system, in violation of Title 18, United States Code, Section 1030(a)(5)(A)(i), and one count of transmitting in interstate commerce a threat to injure the property or reputation of another with intent to extort money or other things of value, in violation of Title 18, United States Code, Section 875(d). Rayburn was arrested by the FBI in connection with the charges contained in the indictment. Count 1 of the Indictment charges that between January 28, 2002, and March 20, 2002, Rayburn, with the intent to extort money or other things of value from Alltel Communications, Inc., knowingly transmitted in interstate commerce, one or more communications containing threats to cause damage to a protected computer system.

Counts 2 through 9 of the Indictment, charge that on various dates between February 6, 2002, and March 7, 2002, Rayburn knowingly caused the transmission of a program, code, information, or command, and as a result of such conduct, intentionally caused damage, without authorization, to a protected computer system owned and/or operated by Alltel Communications, Inc.

Count 10 of the Indictment charges that on March 20, 2002, Rayburn knowingly and with the intent to extort from any person, firm, association, or corporation, money and other things of value, did transmit and cause to be transmitted in interstate commerce, a communication containing a threat to injure the property or reputation of the addressee or another.

The maximum statutory penalty for the violations contained in the indictment are as follows:

Title 18, United States Code, Section 1030(a)(7) -- 5 years imprisonment, a fine of up to $250,000, or both;

Title 18, United States Code, Section 1030(a)(5)(A)(i) → 10 years imprisonment, a fine of up to $250,000, or both; and Title 18, United States Code, Section 875(d) → 2 years imprisonment, a fine of up to $250,000, or both.

This case is being prosecuted by Assistant U.S. Attorney Robert W. Kern, following an investigation by the Akron Office of the Federal Bureau of Investigation.

An indictment is only a charge and is not evidence of guilt. A defendant is entitled to a fair trial in which it will be the government's burden to prove guilt beyond a reasonable doubt.

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