



IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	Criminal No. 1:08CR239
	)	
	)	47 U.S.C. § 223
	)	(Harassing telephone calls)
	)	(COUNT 1)
	)	
v.	)	18 U.S.C. § 2701
	)	(Unlawful access to wire and electronic
	)	communications)
	)	(COUNTS 2 & 3)
	)	
ELAINE ROBERTSON CIONI,	)	18 U.S.C. § 1030
	)	(Unauthorized access to a protected
	)	computer)
Defendant	)	(COUNT 4)
	)	

INDICTMENT

June 2008 Term - at Alexandria, Virginia

THE GRAND JURY CHARGES THAT:

COUNT ONE  
(Harassing Telephone Calls)

On various dates beginning on or around March 29, 2007, the exact date being unknown, and continuing on or around June 5, 2008, within the Eastern District of Virginia, and elsewhere, the defendant, ELAINE ROBERTSON CIONI, knowingly made interstate telephone calls or utilized an interstate telecommunications device without disclosing her identity and with the intent to annoy, abuse, threaten, and harass a person at the called number or who received the communication; that is, CIONI made calls from Tennessee and elsewhere to Virginia and

elsewhere, using technology to hide her identity by making the telephone calls appear to originate from telephone numbers other than her own and by failing to identify herself when asked by the person at the called number. During the course of her conduct, CIONI made more than 380 calls to BE, his family, or his co-workers.

**All in violation of Title 47, United States Code, Section 223(a)(1)(C).**

**COUNT TWO**  
**(Unlawful Access to Stored Wire Communications)**

On various dates beginning on or around March 29, 2007, the exact date being unknown, and continuing on or around June 5, 2008, within the Eastern District of Virginia, and elsewhere, the defendant, ELAINE ROBERTSON CIONI, did intentionally and without authorization, access a facility through which an electronic communication service is provided, as defined in Title 18, United States Code, Section 2510(15), and did intentionally exceed authorized access to that facility, and thereby obtained a wire communication while the communication was in electronic storage in such system, in furtherance of a criminal or tortious act in violation of the laws of the United States and Virginia, that is, CIONI gained unauthorized access to the Long & Foster voicemail system and obtained unopened voicemail messages in BE's account, in furtherance of the torts of intentional infliction of emotional distress and invasion of privacy.

**All in violation of Title 18, United States Code, Section 2701(a)(1), (2) and (b)(1)(A).**

**COUNT THREE**  
**(Unlawful Access to Stored Electronic Communications)**

On various dates beginning on or around March 29, 2007, the exact date being unknown, and continuing on or around June 5, 2008, within the Eastern District of Virginia, and elsewhere, the defendant, ELAINE ROBERTSON CIONI, intentionally and without authorization, accessed a facility through which an electronic communication service is provided, as defined in Title 18, United States Code, Section 2510(15), and did intentionally exceed authorized access to that facility, and thereby obtained an electronic communication while the communication was in electronic storage in such system, in furtherance of a criminal or tortious act in violation of the laws of the United States and Virginia, that is, CIONI gained unauthorized access to the Long & Foster electronic mail system and obtained unopened electronic mail messages in BE's account, in furtherance of the torts of intentional infliction of emotional distress and invasion of privacy,

**All in violation of Title 18, United States Code, Section 2701(a)(1), (2) and (b)(1)(A).**

**COUNT FOUR**  
**(Unauthorized Access to a Protected Computer)**

On various dates beginning on or around March 29, 2007, the exact date being unknown, and continuing on or around June 5, 2008, in the Eastern District of Virginia and elsewhere, the defendant, ELAINE ROBERTSON CIONI, did intentionally access a computer without authorization and exceed authorized access to a computer and thereby did obtain information from a protected computer used in interstate and foreign commerce, and such conduct involved an interstate communication, in furtherance of criminal and tortious acts committed in violation of the laws of the United States and Virginia; that is, CIONI accessed without authorization the Long & Foster electronic mail service computers and obtained information contained in email messages in BE's account by means of electronic communications from Tennessee and elsewhere, in furtherance of the torts of intentional infliction of emotional distress and invasion of privacy.

**All in violation of Title 18 United States Code, Sections 1030(a)(2)(C) and (c)(2)(B)(i).**

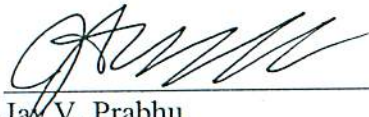
A TRUE BILL:

Pursuant to the E-Government Act,  
the original of this page has been filed  
under seal in the Clerk's Office.

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FOREPERSON OF THE GRAND JURY

CHUCK ROSENBERG  
UNITED STATES ATTORNEY



Jay V. Prabhu  
Assistant United States Attorney

Michelle Kane  
Trial Attorney  
U.S. Department of Justice  
Computer Crime & Intellectual  
Property Section