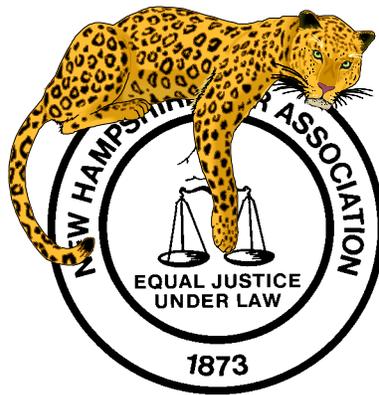


The New Hampshire Bar Association  
Law-Related Education Program

*presents the*

**1999 Mock Trial Competition**



*State of New Hampshire v. Don (Dawn) Loder*

A criminal hacking conspiracy.

A teaching tool for elementary, middle and high school students.

*Funded in part by a grant from the  
New Hampshire Bar Foundation's  
Interest of Lawyers Trust Accounts (IOLTA) Program  
and the NH Department of Education.*

The Law-Related Education Advisory Board wishes to thank:

Andrew A. Prolman, Prunier & Leonard, Nashua, Martin J. Bender, Barnes, Bender & Boehm, Concord,  
Melissa M. Murrin, Nashua, Lorne Fienberg, McLane, Graf, Raulerson & Middleton, Nashua,  
Paul Smith, Loyola College, Baltimore, MD, David Goldsmith, Nashua High, Dave Alcox, Milford High,  
Catherine Poulin, Manchester West High, and Chief John P. Curran, Meredith Police Department  
in the development of the following case materials.

# State of New Hampshire

## INDICTMENT

MERRIMACK, SS

SUPERIOR COURT

*At the Superior Court, held at Concord, in the County of Merrimack on the 17<sup>th</sup> day of August, 1998, the Grand Jurors for the State of New Hampshire upon their oath present that*

### **DON LODER A/K/A DAWN LODER of CONCORD, NEW HAMPSHIRE**

*did with force and arms commit the crime of **Conspiracy**  
contrary to **RSA 629:3, a CLASS A FELONY***

**between the 22<sup>nd</sup> and 23<sup>rd</sup> days of July, 1998  
at Concord, New Hampshire**

*In that:*

- 1. Don/Dawn Loder agreed with Del Gateway and a juvenile (d.o.b. 3/4/84) to access or cause to be accessed and/or to disrupt the computer system of the New Hampshire Zoological Park.**
- 2. That Don/Dawn Loder was not authorized to access this computer system.**
- 3. That Del Gateway, the juvenile or Don/Dawn Loder did access and/or disrupt the computer system of the New Hampshire Zoological Park causing damage to the Park in excess of \$1,000.**
- 4. That Don/Dawn Loder acted purposely.**

*contrary to the form of the statute, in such cases made and provided, and against the peace and dignity of the State. This is a true bill.*

---

*Grand Jury Foreman*

*Don Loder a/k/a Dawn Loder  
486 Silicon Highway  
Concord, NH 03301*

---

*Perse Cutor  
Merrimack County Attorney*

# The State of New Hampshire

MERRIMACK

COUNTY

CONCORD

DISTRICT COURT

98-JV-2180

DOCKET NUMBER

IN RE: Billie G.

(DOB: 3/4/84)

## JUVENILE/DELINQUENT/~~CASE~~ ORDER ADJUDICATORY HEARING

*Waived*  
*Lee*

On August 7, 1998, an adjudicatory hearing was held.

Present were: juvenile, both parents, attorney for juvenile

After hearing the evidence submitted, the Court FINDS AND ORDERS as follows:

- the State  DID  DID NOT prove its case beyond a reasonable doubt  
 the evidence  DOES  DOES NOT substantiate the petition.  Petition is dismissed.  
I find the child to be  DELINQUENT  CHINS  
 the case is referred to the Division of Children and Youth Services for an investigation and written report  
 Investigation Report waived.  
 that a  physical and/or  psychological exam of the juvenile be conducted by \_\_\_\_\_  
with the expenses borne by  DCYS/County  Other: \_\_\_\_\_  
 arrangements to be made by DCYS.
- PLACEMENT pending dispositional hearing:  
 Parents  
 Detention (if found delinquent) at \_\_\_\_\_ per  
order on file.  
 Other: \_\_\_\_\_
- The \_\_\_\_\_ school district is hereby joined as a party in this matter, for the limited purposes of directing the school district to determine whether the child is educationally handicapped as defined by RSA 186-C or of directing the school district to review the services offered or provided under RSA 186-C if the child has already been determined to be educationally handicapped (RSA 169-B:22 or D:18). A written report is to be submitted to the court by \_\_\_\_\_, 19\_\_\_\_.
- DCYS is named legally liable unit, with a right of recovery over those chargeable.
- If not previously ordered, the parent(s) is (are) ordered to complete the financial affidavit provided and forward it to the County Welfare Administrator within \_\_\_\_\_ days of the date of this order. Failure to do so may result in a charge of contempt against the parent(s).  
Affidavit  given in hand  mailed

6. THE COURT FURTHER ORDERS: All prior orders remain in effect.  
Juvenile placed on conditional release.

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

See attached further orders.

Dispositional Hearing: Oct 11, 1998 at 11:00 a.m.

Time limits waived per Agreement on file.

SO ORDERED

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUSTICE

- cc:  Parent(s)  
 Petitioner  
 Attorney(s) of Record  
 Other

CHANGE OF PLEA ACCEPTED:

- NOT TRUE to TRUE  
 Acknowledgment of Rights Executed  
Investigation Report  Ordered  Waived

~~TRUE PLEA WITHDRAWN~~

1/19  
\_\_\_\_\_  
DATE

SO ORDERED  
[Signature]  
\_\_\_\_\_  
JUSTICE

- cc:  Parent(s)  
 Petitioner  
 Attorney(s) of Record  
 Other [Signature]

Dispo Hearing:  
11/11/98 @ 11:00 AM  
with reviews of  
others.

# The State of New Hampshire

Merrimack County

Superior Court

No. 98-S-52  
**RECEIVED**  
JUL 29 1998  
DOB: 5/31/81

## RETURN FROM SUPERIOR COURT

Name: Del Gateway

Indictment    Waiver    Information    Complaint

Offense: Computer Related Offenses   RSA: 638:17

Date: 7/22-23/98

Disposition: Guilty By    Plea    Jury    Court

T/N:

Sentence: A finding of GUILTY is entered. The defendant is sentenced to the House of Corrections for a period of 12 months. This sentence is to be served as follows: All of the sentence is suspended during good behavior and compliance with all terms and conditions of this order. Any suspended sentence may be imposed after a hearing at the request of the State brought within two (2) year(s). The defendant is placed on probation for a period of one (1) year(s), upon the usual terms of probation and any special terms of probation determined by the Probation/Parole Officer. Effective: Forthwith. The defendant is ordered to report immediately to the nearest Probation/Parole Field Office. Violation of probation, conditional discharge or any terms of sentence may result in revocation of probation or discharge and imposition of any sentence within the legal limits for the underlying offense. Other conditions of this sentence are: The defendant is to participate meaningfully and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer. Under the direction of the Probation/Parole Officer, the defendant shall tour the New Hampshire State Prison.

Defendant shall perform 200 hours of community service at the direction of the Department of Corrections.

6, 1998

Hon. Larry M. Smukler

William S. McGraw

Date

Presiding Justice

Clerk

### MITTIMUS

In accordance with this sentence, the Sheriff is ordered to deliver the defendant to the County House of Correction. Said institution is required to receive the Defendant and detain him/her until the Term of Confinement has expired or s/he is otherwise discharged by due course of law.

Attest: \_\_\_\_\_

Date

Clerk

### SHERIFF'S RETURN

I delivered the defendant to the County House of Correction and gave a copy of this order to the Superintendent.

Date

Sheriff

cc:  State Police  
 Pros. Attorney

Dept. of Corr.  
 Sheriff

Defendant  
 Martin Bender, Esq.

New Hampshire Bar Association

1999 Mock Trial Competition

*State of New Hampshire v. Don (Dawn) Loder*

**List of Witnesses:**

**Prosecution**

Sgt. C.D. Rom

Del Gateway

Maurice (Maureen) Demm

**Defense**

Don (Dawn) Loder

Sy Burr

Billy (ie) G.

**STATE OF NEW HAMPSHIRE**

**MERRIMACK, SS.**

**SUPERIOR COURT**

*State of New Hampshire*

v.

*Don (Dawn) Loder*

**#98-C-00124**

**Affidavit of Sgt. C.D. Rom**

My name is C.D. Rom. I am a sergeant with the Concord Police Department. I have been a police officer for 14 years, all in Concord. I have been a sergeant for 4 years. I am sort of the department's computer specialist, though I have no formal title like that. But I usually get cases that call for computer expertise or reconstructing hard drive data and things like that handed to me.

I first became involved in this early on the morning of July 23, 1998. It seems that some cages at the zoo had been opened and the animals had escaped and caused all sorts of trouble. Some monkeys were taking neighbor's caps and wearing them up in a tree. Two bears stole someone's picnic basket out in White's Park. But the worst thing is that a leopard got out and mauled a zoo security guard, Dil Bert. Then, all the animals were recaptured without further problem. The department called me in since it seemed like the cages were opened remotely by computer hacking. It sounded to me like the work of some pranksters, probably kids who just used terrible judgement.

First, I investigated at the zoo. No one on duty had opened the cages. In addition, the security director Mo Demm played me a voice mail message of some kid saying, "Watch out for hackers." There was no name on it, but the zoo has caller I.D. and so their records had the telephone number of the call. I called back to the station to get an address, and the dispatcher said that he had taken a weird message sort of like that last night, which he had disregarded, thinking it was just some crank call. We have been getting many weird calls trying to make jokes about the zoo. When he went back and looked it up, he saw that it was the same number. Both calls were made from the telephone at 486 Silicon Highway.

I got there at 10:32 am and rang the bell. Mr. and Mrs. Loder let me in. When I explained to them what was going on, they immediately shouted for Don (Dawn) to get down there right away. I talked to the teen and found out that this was the result of some sort of

contest involving Loder, Del Gateway, and Billy(ie) G., two other teen friends. It seems they were all trying to see who could do the best job hacking into the zoo computer.

I left to talk with Gateway and Billy(ie) G.. Billy(ie) confirmed the contest and admitted that s/he had been the one to open the leopard cage. Poor kid was terrified, only being 14, and I doubt s/he really had a sense of what was going on when s/he did it. Gateway also spoke of the contest but indicated that Loder had been the one to teach them to hack and had egged the others on to try it.

I returned to the station and talked with my superiors. We decided to arrest all three teens for violating RSA 629:3 and RSA 638:17 which are New Hampshire's Computer Crime and criminal conspiracy statutes. Given that there was an agreement between the three parties and that the overt act of accessing the zoo's computers did occur on the night of July 22<sup>nd</sup>, I have no doubt that charging them with criminal conspiracy was fully appropriate. I obtained search warrants to impound and search all three teens' computers.

Upon further investigation, I confirmed that both Del Gateway and Billy(ie) G. had directly accessed the zoo's computers without permission and had opened the cages, which resulted in the problems. Conversations with Dorothy Komm of Nedry's Computer Cornucopia confirmed that Loder's computer had been in for repair on July 22 and so could not have been used for any hacking that night.

Subsequently, the charge of violating RSA 638:17 was dropped against the defendant Loder, though the charge of criminal conspiracy remained. Defendant Gateway cooperated fully with the police and the county attorney's office, agreed to plead guilty to both charges, and has been sentenced to 200 hours of community service. Defendant Billy(ie) G. is being adjudicated as a minor and so I am not at liberty to discuss details of that case.

Under interrogation, Gateway acknowledged opening the monkey cage and the bear cage. He seemed sincerely remorseful that there had been trouble. He wanted to cooperate fully and told us about a lot of hacking that Loder had done over the years. Loder apparently taught the others to hack and set up this whole contest idea. Loder was the only one of the three defendants with significant computer hacking knowledge and experience. The others had only taken a few courses at school and had only had Internet access for about a month each. Gateway insisted that this would have never been possible without Loder. Based on the great difference in computer hacking knowledge, I concluded that this was accurate. Gateway also

stated that Loder was still dispensing hacking advice as early as the morning July 22<sup>nd</sup> by telephone. Telephone records confirm a conversation that morning between Gateway and Loder.

I know under RSA 638:17, it is an affirmative defense to the charge of conspiracy that the actor renounces the criminal activity and informs law enforcement officials of the conspiracy or attempts to prevent the commission of the crime. However, this does not apply to Loder. I have studied and authenticated the transcript of Loder's 911 call to the Concord Police Department. To this day, s/he has not even really acknowledged the conspiracy. In addition, his/her pitiful attempts to call people most certainly were no serious attempt to stop the commission of the crime.

/s/

Sgt. C.D. Rom

STATE OF NEW HAMPSHIRE  
MERRIMACK, SS.

Subscribed and sworn to, before me, the undersigned officer, by Sgt. C.D. Rom  
on this \_\_\_\_ day of \_\_\_\_\_, 199\_\_.

Notary Public/ Justice of the Peace

**STATE OF NEW HAMPSHIRE**

**MERRIMACK, SS.**

**SUPERIOR COURT**

*State of New Hampshire*

*v.*

*Don (Dawn) Loder*

**#98-C-00124**

**Affidavit of Del Gateway**

My name is Del Gateway. I live at 58 Hard Drive, Concord, New Hampshire. I am 17, and am a senior at Concord High School. I have been interested in computers since junior high school. Loder and I were best friends since the seventh grade. We did everything together. We once planned to open our own business together.

At the end of the last school year, we had a discussion about computer security systems in class. Loder told me, "There is no security system that is safe from hacking. I'll talk to you at lunch." At lunch, he told Billy (ie) and me that he had become interested in hacking a few years ago and had been able to access several computer systems. He told us he once got into the Fenway computer during a game and put "Way to Go" on the scoreboard. Another time, he got into the Concord Police computers and shut off the automatic lawn sprinklers. He told us he even got into the Concord High School computers and put Snoopy in as a new faculty member. Billy (ie) and I were interested so we asked how and he told us he would show us.

At the beginning of last summer, Loder showed us the basics of getting into computers. My parents had gotten me Internet service sometime in April. I had not done much on the Internet before. I tried doing some hacking at the end of June. I was having difficulty getting past the log on prompt screen. Loder told me of hacker web sites, which allow downloading of random access generator programs, and I was then able to get into various systems using Root log ons. By the middle of July, we knew that the new zoo was going to open. We heard that the locks and food supplies on the cages of a lot of animals would be controlled by computers. Loder issued a dare and said that when the computers were operating, we should see who could get in the quickest. We chose July 22, 1998, after 6 p.m. to start the contest. We had already had a couple of competitions to see who was the quickest hacker. Ordinarily, we would just go into the system and get out. The idea was to see if we could do it, not to cause any damage. One

of the tricks, Loder told us other hackers pulled to win these competitions was to call up and call the whole bet off. I didn't get a phone call from Loder that night, and even if I did, I would have just thought he was joking.

On July 22, I logged onto my computer at about 5:30 p.m. I started trying to get into the zoo computer system and was able to get into the system through their website at about 10:45 p.m. When I did, I located the master security system, identified cage control programming, and generated a hard lock override. I did not know which cages I was affecting.

The next day, Officer C.D. Rom came to my house and told me about what had happened at the zoo. I have been fully cooperating with Officer Rom and the County Attorney's office.

The above statement is true and accurate to the best of my knowledge and belief.

/s/

Del Gateway

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

Subscribed and sworn to, before me, the undersigned officer, by, Del Gateway on this  
\_\_ day of \_\_\_\_\_, 1998.

Notary Public / Justice of the Peace

**STATE OF NEW HAMPSHIRE**

**MERRIMACK, SS.**

**SUPERIOR COURT**

*State of New Hampshire*

*v.*

*Don (Dawn) Loder*

**98-C-000124**

**Affidavit of Maurice(Maureen) Demm**

I, Maurice / Maureen Demm, being duly sworn, do hereby depose and say:

1. My name is Mo Demm. I live at 123 Lanway, Concord, New Hampshire. I am employed by the New Hampshire Zoological Park. I am the Park's computer specialist. I am personally familiar with the facts of this case.
2. In January 1998, the Park hired me to install its computer systems and act as the MIS director once the Park opened in July, 1998.
3. The Park used a Compaq 5000 server with a Linux operating system using C++ programming language. We designed our system to allow certain cages to be controlled by computer. From our main office, we can address animal dietary needs, control temperature and humidity in their cages, and open cage doors. This is state of the art technology for zoological parks, allowing greater efficiency for the Park, better care for the animals, and park safety.
4. By the end of June 1998, all systems necessary to open to the public were ready. I had a few more systems to install, but I gave the green light to Park management that we could open.
5. After the Park had been open for a few weeks, I received a call very early on July 23, 1998 from the Concord Police Department. I was told there was a problem at the Park. I rushed over to the Park and found animals running loose, the Park in complete disarray, and the Park's night security, Dil Bert, had been attacked.
6. Upon accessing our computers, it was immediately obvious that we had been hacked in the early evening of July 22, 1998. The young people subject to investigation improperly accessed our system through the Park's web site, and opened certain animal cages.
7. I also found that we received a voice mail message shortly after we closed on July 22, 1998. It was vague and incoherent, and was actually received after the damage was done.

Further, your affidavit sayeth not.

/s/

Maurice(Maureen) Demm

STATE OF NEW HAMPSHIRE  
MERRIMACK, SS.

Subscribed and sworn to, before me, the undersigned officer, by Maurice(Maureen)  
Demm on this \_\_\_\_ day of \_\_\_\_\_, 199\_\_.

Notary Public/Justice of the Peace

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

*State of New Hampshire*

v.

*Don (Dawn) Loder*

#98-C-00124

**Affidavit of Don (Dawn) Loder**

My name is Don (Dawn) Loder. I live at 486 Silicon Highway, Concord, NH. I am 17 years old and going into my senior year in high school. This is the first time I have ever been in trouble with the police. This all seems to me to be some sort of giant misunderstanding.

I've been pretty into computers since I was about 13 years old. I've taken every computer class my school offers and I spend a couple of hours a day on the Internet or playing games. My parents complain that I spend so much time alone on the computer that I've replaced my real life with a "virtual life." But I think they're just worrying about nothing.

This whole problem started when I was with Del Gateway and Billy(ie) G., a couple of friends. Del is a classmate of mine at school. Billy (ie) is just a little neighbor twerp who's always hanging around us. I can't seem to get rid of him/her, no matter how much I ignore him/her. Billy(ie) lives just around the corner from me. Well, last July one day, Del was really bugging me to teach them how to hack. I told them a bit about hacking and how to download programs for cracking passwords and stuff. I showed them some websites that a lot of hackers I know of visit to stay current on what's out there. I even demonstrated how to hack into a site, though once I cracked the password, I just logged off and didn't do anything.

Billy(ie) kept bugging me about what hackers do once they know how. I explained to both of them that some hackers are crooks who steal credit card numbers and software and stuff, and others are just out for fun—for the thrill of doing something just because they can. These hackers usually fix things and get out—just as long as they did *something* someone else can see to acknowledge their skills.

After that, Del kept suggesting we have a contest, to see which of us could do the best job hacking in. Del suggested we try the New Hampshire Zoological Park, since it had been in the news so much. S/He said we all had to do it the same night so it would be fair, and picked

July 22 starting at 6:00 p.m. since it was about a week away. S/He said that would leave a little time to practice. Billy(ie) liked the idea, but I wasn't really interested, but Del wouldn't give it up. I finally said, "yeah, whatever" just to end the conversation which was making me uncomfortable.

Two days later, my computer crashed. I was really bummed, since it was only about 8 months old. I took it back where I bought it, Nedry's Computer Cornucopia. The customer service representative, Dorothy Komm said it was a defective motherboard and it would take a week to fix it! What a bad break!

I didn't give the hacking thing another thought until the morning of the 22<sup>nd</sup>. Del called me at about 9:00 am with some stupid hacking question. I guess I answered him. I don't even really know. I was half-asleep. I don't usually get up 'til around 11:00 during the summer. But later that day, it occurred to me he must be serious about that hacking thing. I thought it was all just a big joke. Del likes to try to impress people with how he talks, but he's usually all talk and no action.

Around 6:00 pm I started to worry that we could really get into a lot of trouble. I called the zoo security office, but there was no one there, so I left a voice mail message. I thought that might not be good enough, so I called the Concord Police Department, but the dispatcher there seemed clueless, too. I think he was mad because I wouldn't leave a name or number. But I definitely told him that he should warn the zoo about potential hackers! Then I called Billy(ie) and Del and told them to just forget the whole thing.

I thought that was the end of it. I never even tried to get into the zoo computer. But on the morning of the 23<sup>rd</sup>, the cops show up at my door and start hassling me. They got me out of bed, too, and I was really out of it. But I told them all about Del and Billy(ie) and the phone calls. They kept screaming about monkeys and bears and leopards getting out. I didn't know what it was all about. They left, and about an hour later they came back and placed me under arrest. They showed me a warrant to take my computer and I told them I didn't even have it.

I was really scared! I'm an honor student, and nothing like this has ever happened to me! I tried to tell them everything I knew, but I couldn't even think straight. I can't believe

they're putting me on trial when I didn't even hack the zoo computer!

/s/

Don (Dawn) Loder

STATE OF NEW HAMPSHIRE  
MERRIMACK, SS.

Subscribed and sworn to, before me, the undersigned officer, by Don (Dawn)  
Loder on this \_\_\_\_ day of \_\_\_\_\_, 199\_\_.

Notary Public/ Justice of the Peace

Sy Burr, Ph.D.  
Seattle, Washington

Attorneys At Law  
321 North Street  
Concord, NH 03301

Re: *State v. Loder*

Dear Sir/Madam:

Thank you for opportunity to review the above matter and provide my expert opinion on the case. I have reviewed the statements of the investigating officer and the witnesses. I have also discussed this matter with the three young people involved. It is my professional opinion that Mr./Ms. Loder did not conspire to access the NHZP's computers.

Unauthorized computer access, commonly known as hacking, is a solitary event. Although I know friends often conduct hacking contests, and there are hacking websites, by its very nature hacking is an individual effort by one person working on their own computer. It is not a group effort. In my years of experience, I have found hackers to be loners and often introverts, who do not seek the company of others. Mr./Ms. Loder does not fit the typical hacker profile.

I also note that at the time of the access, the NHZP's computer system did not have any computer security installed. This is inexcusable. Further, NHZP used a Linux operating system (a freeware version of UNIX) which is famous for poor security features. NHZP compounded the problems by using C++, the most common programming language used for UNIX and Linux, and well known to anyone with any decent programming skills. Finally, I note that NHZP's website dedicated a page to its state of the art technology, including computer controlled animal care. The NHZP invited trouble through its own neglect.

As you know, I have been in the computer industry for about 30 years. I have worked MIS and SAP for defense contractors, and have specialized my efforts on computer security. I am a contributing editor to *Computer Times*. I currently consult with the FBI on terrorist computer technology. I hold a BA in Communications from the University of Washington, and a Masters and Doctorate in Computer Science from MIT.

My fees are as follows: \$2,500 for this report; \$5,000 per one half day of testimony, plus all expenses, first class. Thank you again for opportunity to assist your client.

Sincerely,

Sy Burr

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

*State of New Hampshire*

v.

*Don (Dawn) Loder*

#98-C-00124

**Affidavit of Billy (Billie) G.**

My name is Billy(ie) G. I live at 488 Silicon Highway, Concord, New Hampshire. I am 14 and I go to Concord High. I have been interested in computers since I was a kid. Loder is my next door neighbor. He and I have been friends since he moved in 8 years ago. Computers are our hobby and we e-mail each other all the time.

Del Gateway is a senior at Concord High. He is a loser. Loder is considered the coolest in school when it comes to computers. Del has tried to hang around him for years. He stuck to him like Velcro. I guess you could say Del idolized Loder, they did everything together--Del made sure of it. The truth is Del just isn't that good on computers. He thinks he's a hot shot, but he has trouble with Windows.

I was in the advanced computer class last year with Loder and Del. At the end of the year, our teacher, Mrs. McNamara told us about computer security systems, the growing problem of hacking and the need to program in order to avoid hacking. Loder winked at me. I knew he had hacked for several years. During lunch, he started recounting some of his favorite hacking experiences. Del got all excited and couldn't wait to learn more. After school, Del trailed Loder to his house and begged him to show Del how to hack. All I remember is Loder showing us the best hacking web sites. My mom had finally allowed me Internet access at home in May, but I had used it on a daily basis at school.

We all did a little bit of independent hacking. When the zoo was about to open, we learned that it was going to have computerized security. We got together and thought it would be fun to try to crack the system. Something happened between Loder and Del some time after. I am not certain, but I think it was a girl(boy)friend problem. Del really held a grudge against Loder and couldn't stand him.

On July 22, I got on the computer at about 5:45. About 15 minutes later, my Mom said

Loder was on the phone. I told him I was busy on the computer, and I would get back to him. I made my way into the system around 10:30 that night. I saw what was there, and I got off. I didn't think that I hit anything on my way out. Ordinarily, hackers do something to let other hackers know someone had been there. This time I just didn't feel comfortable leaving a message. Hacking is exciting, but if you start changing things, you can cause some big problems for yourself and others. I like the guerrilla method--get in and get out--it's the one Loder always told us to use. This way there wouldn't be much that would happen to others.

The next day, Officer C.D. Rom came to my house and asked what happened. I told him what I am stating here. He told me I had opened the leopard cages. I was so scared. I feel so badly about the person who got hurt.

It's is typical of Del to try to take the blame off himself and put it on Loder. Even in school, when he gets in trouble, he makes sure he implicates enough other people to get himself off or get a lighter punishment. Last year, he told Mrs. McNamara he left his program on my computer, and he would have to turn it in late. She believed him, even after I stated he hadn't been to my house in three weeks. When someone broke into the computer lab, and he was questioned he blamed eight other people from our class.

The above statement is true and accurate to the best of my knowledge and belief.

/s/

Billy (ie) G.

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

Subscribed and sworn to, before me, the undersigned officer, by, Del Gateway on this\_\_ day of \_\_\_\_\_, 1998.

Notary Public / Justice of the Peace

## **Transcript of 911 call received from 486 Silicon Highway**

Date of call: July 22, 1998

Start time of call: 18:11:14

911 Operator: "Hello, Concord Police Department, 911."

Caller: "Yeah, I'd like to report a problem at the zoo."

911 Operator: "What is your name please, sir?"

Caller: "Forget about my name, let's talk about the zoo!"

911 Operator: "What about the zoo?"

Caller: "I'm worried about some hacking at the zoo tonight!"

911 Operator: "You mean like a stabbing or something?"

Caller: "No, nothing like that."

911 Operator: "Okay. Just try to calm down. Let's start at the beginning. What exactly is the problem?"

Caller: "Computer hacking!"

911 Operator: "Has this computer hacking already occurred?"

Caller: "I doubt it."

911 Operator: "What are the hackers going to do?"

Caller: "I don't know. But you'd better do something."

911 Operator: "When will this hacking take place?"

Caller: "How should I know?"

911 Operator: "Are you at the zoo now?"

Caller: "No, of course not!"

911 Operator: "Is anyone in immediate danger?"

Caller: "Of course not!"

911 Operator: "Do you have anything to do with this hacking?"

Caller: "Not me!"

911 Operator: "Then who is involved?"

Caller: "Look, I've told you everything I'm going to."

911 Operator: "I'll send a patrol unit to the zoo to investigate."

Caller: "Don't bother, you idiot!"

911 Operator: "What was your name again?"

Call terminated by caller: 18:11:52.

(The parties have stipulated to the authenticity of this transcript.)

## **Jury Instructions:**

### **Computer Related Offenses**

The defendant is charged with a computer related offense. The definition of the crime of computer related offenses has three parts. The State must prove:

1. That the defendant accessed or caused to be accessed a computer system, or
2. That the defendant interrupted computer services by a disrupting or degrading or causing the denial of computer services to an authorized user of the system.
3. That the defendant acted knowingly.
4. That the defendant was not authorized to access, disrupt or degrade the computer system.

If the State fails to prove any of the above elements of the crime you must find the defendant not guilty.

### **Conspiracy**

The defendant has been charged with the crime of conspiracy. A person is guilty of conspiracy if, with a purpose that a crime be committed, he or she agrees with one or more other people to commit or cause the commission of a crime. An overt act in furtherance of the conspiracy must be committed by a member of the conspiracy.

It is an affirmative defense to conspiracy if the actor renounces his or her criminal purpose by giving timely notice to a law-enforcement official of the conspiracy and of the actor's part in it or by the actor's conduct which is designed to prevent the commission of the crime that the conspirators agreed upon.

**New Hampshire Bar Association  
1999 Mock Trial Competition**

Team Entry Form

Name of School \_\_\_\_\_ School Telephone \_\_\_\_\_

If several teams from one school participate, please submit one form for each team and label teams "A", "B", "C" accordingly. **Deadline to enter the Competition is February 1, 1999.**

Teacher Coach \_\_\_\_\_ Attorney Coach \_\_\_\_\_

Evening Telephone \_\_\_\_\_ Evening Telephone \_\_\_\_\_

E-mail Address \_\_\_\_\_ E-mail Address \_\_\_\_\_

The number of students on a team may not be less than eight or more than sixteen. Students on this team include:

1. \_\_\_\_\_ 9. \_\_\_\_\_

2. \_\_\_\_\_ 10. \_\_\_\_\_

3. \_\_\_\_\_ 11. \_\_\_\_\_

4. \_\_\_\_\_ 12. \_\_\_\_\_

5. \_\_\_\_\_ 13. \_\_\_\_\_

6. \_\_\_\_\_ 14. \_\_\_\_\_

7. \_\_\_\_\_ 15. \_\_\_\_\_

8. \_\_\_\_\_ 16. \_\_\_\_\_

Division of this team: \_\_\_\_ Elementary School (grades 4-6) \_\_\_\_ Middle School (grades 6-8)  
\_\_\_\_ High School (grades 9-12)

\_\_\_\_ Enclosed is the non-refundable entry fee of \$50, payable to the NHBA LRE Program.

Return this form with payment to: **Mock Trial Competition**  
NH Bar Association  
112 Pleasant Street  
Concord, NH 03301

\*\*\*If you need assistance finding a lawyer-coach,  
please notify the LRE Program no later than January 5, 1999.\*\*\*