

<b>CRIMINAL COMPLAINT</b> ORIGINAL		DOCKET NUMBER 1152CR000073	NO. OF COUNTS 1	<b>Trial Court of Massachusetts District Court Department</b>
DEFENDANT NAME & ADDRESS Aaron H Swartz 349 Marshman Ave. Highland Park, IL 60035			COURT NAME & ADDRESS Cambridge District Court 4040 Mystic Valley Parkway Medford, MA 02155 (781)306-2710	
DEFENDANT DOB 11/08/1986	COMPLAINT ISSUED 01/07/2011	DATE OF OFFENSE 01/04/2011	ARREST DATE 01/06/2011	<b>ARREST</b>
OFFENSE CITY/TOWN Cambridge	OFFENSE ADDRESS		NEXT EVENT DATE & TIME 01/07/2011 9:00 AM	
POLICE DEPARTMENT M.I.T Campus Police		POLICE INCIDENT NUMBER 11000351		NEXT SCHEDULED EVENT Arraignment
OBTN TCAM201100032				ROOM/SESSION Arraignment Session
The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date(s) indicated below the defendant committed the offense(s) listed below and on any attached pages.				

COUNT	CODE	DESCRIPTION
1	266/18/B	B&E BUILDING DAYTIME FOR FELONY c266 §18

On 01/04/2011 did in the day time break and enter a ship, motor vehicle or vessel, the property of MIT & Jstor.com, with intent to commit a felony, in violation of G.L. c.266, §18.

PENALTY: state prison not more than 10 years; or jail not more than 2 years and not more than \$500. District Court has final jurisdiction under G.L. c.218, §26.

SIGNATURE OF COMPLAINANT <i>X / [Signature]</i>	SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK/DEP. ASST. CLERK <i>X [Signature]</i>	DATE 1-7-11
NAME OF COMPLAINANT <i>Craig A. Martin</i>	A TRUE COPY OF THIS COMPLAINT <i>X</i>	DATE

Notice to Defendant: 42 U.S.C. § 3796gg-4(e) requires this notice: If you are convicted of a misdemeanor crime of domestic violence you may be prohibited permanently from purchasing and/or possessing a firearm and/or ammunition pursuant to 18 U.S.C. § 922 (g) (9) and other applicable related Federal, State, or local laws.



**M.I.T. POLICE**  
**301 VASSAR ST CAMBRIDGE, MA**

INCIDENT # / REPORT #      OFFICER      RANK      REVIEW STATUS  
 11000351 / 1      JPERAULT      DETECTIVE      APPROVED by JPERAULT

**INCIDENT #11000351 DATA**  
 As Of 01/06/2011 16:19:21

**BASIC INFORMATION**

<u>CASE TITLE</u> B&E	<u>LOCATION</u> 21 AMES ST	<u>AFT/UNIT</u>	<u>CITY, STATE</u> CAMBRIDGE, MA
<u>DATE/TIME REPORTED</u> 01/06/2011 14:20:45	<u>DATE/TIME OCCURRED</u> On or after 01/04/2011 15:26		
<u>INCIDENT TYPE/OFFENSE</u> B&E DAYTIME FOR FELONY c266 S18			

**PERSONS**

<u>ROLE</u>	<u>NAME</u>	<u>SEX</u>	<u>RACE</u>	<u>AGE</u>	<u>DOB</u>	<u>PHONE</u>
VICTIM	MIT, ADDRESS: [REDACTED] CAMBRIDGE, MA					(HOME) (CELL)

**OFFENDERS**

<u>STATUS</u>	<u>NAME</u>	<u>SEX</u>	<u>RACE</u>	<u>AGE</u>	<u>DOB</u>	<u>PHONE</u>
DEFENDANT	SWARTZ, AARON H ADDRESS: , IL	MALE	UNKNOWN	24	[REDACTED]	(HOME) (CELL)

[ NO VEHICLES ]

**PROPERTY**

<u>CLASS</u>	<u>DESCRIPTION</u>	<u>MAKE</u>	<u>MODEL</u>	<u>SERIAL #</u>	<u>VALUE</u>

**OFFICER REPORT: 11000351 - 1 / JPERAULT (DETECTIVE)**

<u>DATE/TIME OF REPORT</u>	<u>TYPE OF REPORT</u>	<u>REVIEW STATUS</u>
01/06/2011 14:20:45	INCIDENT	APPROVED

**NARRATIVE**

On January 4, 2010 at approximately 10:30 hours I responded to MIT building 16, room 004T for a report of a past break. This room is a telephone closet and networking closet; it's access is controlled by MIT's IS&T Department. David Newman of MIT IS&T explained to me that someone had entered the restricted room and connected a laptop and external hard drive directly to a networking switch. The

laptop and external hard drive were being hidden under a cardboard box. Newman further explained that they were able to determine that this laptop was illegally downloading scientific periodicals from JStor, a subscription based database that houses academic periodicals.

Cambridge Police Detective Joseph Murphy, Special Agent Michael Pickett from the United States Secret Service and Boston Police Officer Tim Laham responded to building 16 room 004T. Cambridge Police's Crime Scene Services also responded and processed the laptop and external hard drive for latent prints. It was determined that the laptop would be left in place and IS&T would monitor the network traffic in an attempt to identify the suspect. A camera was also installed by MIT's IS&T Department to monitor the area.

On January 4, 2010 at approximately 15:26 hours a white male, dark or black shoulder length wavy hair, wearing a dark coat, gray backpack, jeans with a white bicycle helmet enters the room. It appears as though the suspect takes a hard drive out of his back pack and bends over the laptop and external hard drive. He exits the room moments later.

On January 5, 2010 MIT's IS&T Department informed me that approximately 70 gigabytes of data had been downloaded, 98% of which was from JStor. SA Mike Pickett had informed me that MIT's IS&T had put an approximate value on the downloaded information at \$50,000.

On January 6, 2010 at approximately 12:32 hours a white male, dark or black shoulder length wavy hair, wearing a dark coat, gray backpack, jeans with a white bicycle helmet enters the room, I was monitoring the video feed at the MIT Police Department at this time. It appears as though the suspect packed up the laptop and hard drive and exited the room. MIT Police units responded to the area and searched for the suspect. A check of the room determined that the laptop and hard drive had been removed.

On January 6, 2010 at approximately 14:11 hours Captain Albert Pierce of the MIT Police Department called me and stated he had located the suspect riding his bike on Massachusetts Ave at Lee Street. Special Agent Pickett and I responded to the Lee Street to assist Captain Pierce. The suspect jumped off his bike when encountered by Captain Pierce and ran down Lee Street. Captain Pierce and Special Agent Pickett were able to apprehend the suspect at 24 Lee Street. He was handcuffed by SA Pickett.

The suspect encountered by Captain Pierce and apprehended on Lee Street is the same person seen on video entering the restricted telephone closet in building 16 on January 4th at 15:26 hours and on January 6th at 14:11 hours.

He was arrested for two counts of Breaking and Entering in the daytime with the intent to commit a felony, Chapter 266 Section 18.