

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA

STATE OF FLORIDA

vs.

CASE NO. FM-85-0008

NAME: DAVID MICHAEL LEVIN
RACE: WHITE
SEX: MALE
DOB: 04/20/1985
FL DL: [REDACTED]
SSN: [REDACTED]
LKA: [REDACTED]

CHARGE: UNAUTHORIZED ACCESS OF ANY COMPUTER, COMPUTER SYSTEM, COMPUTER
NETWORK, OR ELECTRONIC DEVICE
COUNTS: 03

ARREST WARRANT

TO ALL AND SINGULAR, Rick L. Swearingen, Commissioner, Florida Department of Law Enforcement or any
of his duly authorized Special Agents; the Sheriffs and Police Chiefs of the State of Florida, or any of their duly
authorized deputies or officers:

Hon. Amy R. Hawthorne

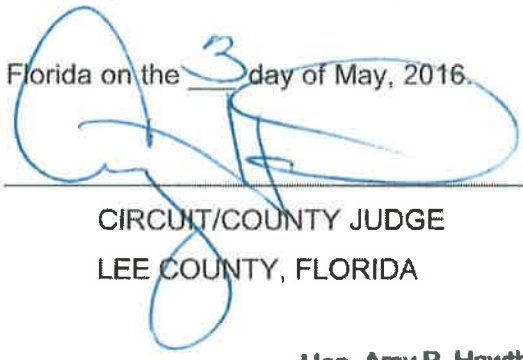
BEFORE ME the Honorable Circuit Court Judge, Judge for Lee County, Florida personally appeared
Special Agent Christopher Tissot of the Florida Department of Law Enforcement who in an Affidavit for Arrest
Warrant, alleges that certain facts exist which indicate that there is probable cause to believe that laws of the
State of Florida have been violated, specifically Florida Statute 815.06(2)(a), pertaining to unauthorized access
of any computer, computer system, computer network, or electronic device, 3 counts (count 1: unauthorized
access to Lee County Elections Office on December 19, 2015; count 2: unauthorized access to Division of
Elections on January 4, 2016; count 3: unauthorized access to Division of Elections on January 31, 2016); and
that there is probable cause to believe DAVID MICHAEL LEVIN, W/M, DOB 04/20/1985, Social Security
Number [REDACTED], last known address 9812 Foxhall Way, Unit 2, Estero, Florida is the person who
committed multiple violations of this said law, and I having found that said facts establish probable cause that
DAVID MICHAEL LEVIN, further identified hereinabove, did violate these laws as alleged, you are hereby

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ordered to arrest said DAVID MICHAEL LEVIN, instanter for the charge listed above (3 counts of this violation) and bring him before the Court so that he may be dealt with as prescribed by law.

CT 1 - \$5,000.00
CT 2 - \$5,000.00
BOND is set at \$ CT 3 - \$5,000.00

DONE and ORDERED in chambers at Lee County, Florida on the 3 day of May, 2016.



CIRCUIT/COUNTY JUDGE
LEE COUNTY, FLORIDA

Hon. Amy R. Hawthorne
Circuit Court Judge

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STATE OF FLORIDA

vs.

CASE NO. FM-85-0008

NAME: DAVID MICHAEL LEVIN
RACE: WHITE
SEX: MALE
DOB: 04/20/1985
FL DL: [REDACTED]
SSN: [REDACTED]
LKA: 9812 FOXHALL WAY, UNIT 2, ESTERO, FLORIDA 33928

CHARGE: UNAUTHORIZED ACCESS OF ANY COMPUTER, COMPUTER SYSTEM, COMPUTER
NETWORK, OR ELECTRONIC DEVICE
COUNTS: 03

AFFIDAVIT FOR ARREST WARRANT

Hon. Amy R. Hawthorne

Circuit Court Judge

BEFORE ME, the Honorable _____, Judge for Lee County, Florida, personally appeared Special Agent Christopher Tissot (Affiant) of the Florida Department of Law Enforcement who, being first sworn, deposes and says: Your Affiant is a sworn law enforcement officer of the State of Florida, and as such is empowered to conduct investigations of and make arrests for violations of the criminal laws of the State of Florida, and believes that laws of the State of Florida have been violated, specifically those laws enumerated in: Florida Statute 815.06(2)(a), pertaining to unauthorized access of any computer, computer system, computer network, or electronic device, 3 counts (count 1: unauthorized access to Lee County Elections Office on December 19, 2015; count 2: unauthorized access to Division of Elections on January 4, 2016; count 3: unauthorized access to Division of Elections on January 31, 2016); and the person violating these laws is DAVID MICHAEL LEVIN. The reasons for your Affiant's belief that these laws have been violated, and that DAVID MICHAEL LEVIN is the person who violated these laws are as follows:

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On January 27, 2016, the Florida Department of Law Enforcement received a referral from the Lee County Sheriff's Office in reference to a possible unauthorized breach of the Lee County Elections Office website. It was discovered that an opponent in the election for Lee County Supervisor of Elections, Dan Sinclair, has been advertising that an associate of his named David Levin, owner of Vanguard Cybersecurity, was able to perform a SQL (Structured Query Language) injection attack on the Lee County Elections Office website. An SQL injection is a code injection technique used to attack data-driven applications. An SQL injection enables an individual to obtain secure information, such as usernames and passwords, from vulnerable websites. It was also discovered that Levin performed a separate SQL injection attack against the Division of Elections in Tallahassee, Florida.

On January 25, 2016, Sinclair and Levin posted two YouTube videos explaining the SQL injection that was performed on the Lee County Elections Office website. Levin explained that an SQL injection attack tricks the system into giving you information that might not otherwise be accessible to the public. During the YouTube videos Levin demonstrated how he performed the SQL injection attack on the Lee County Elections Office website. Levin displayed screenshots of his computer device that showed the program Levin utilized to perform the SQL injection. Levin also showed screenshots of him logging into the Lee County Elections Office website with Sharon Harrington's credentials, the current Lee County Supervisor of Elections. Levin then demonstrated how he was able to navigate the Lee County Elections Office website as an administrator.

On January 25, 2016, Sinclair and Levin conducted an interview with a local Fort Myers television news station. During this interview, Levin demonstrated how he was able to perform an SQL injection on the Lee County Elections Office website. When referring to the SQL injection he performed on the Lee County Elections Office database Levin stated "I hacked it." Levin stated that he used Sharon Harrington's credentials to log into the system.

On February 1, 2016, Special Agent (SA) Christopher Tissot was forwarded an e-mail with a Vanguard Cybersecurity, security research report attached. The e-mail was originally sent to an employee within the Department of State, Division of Elections, from Daniel Sinclair. The report was written by David Levin and outlined the Structured Query Language (SQL) injection attacks he conducted on both the Lee County Elections Office website as well as the Division of Elections. The report included screenshots of the actual SQL injection attacks that were performed on the Division of Elections in Tallahassee, Florida as well as a list of the different types of data that Levin obtained from performing the SQL injection attacks. The report was dated January 27, 2016.

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On February 3, 2016, a [REDACTED] to David Levin was conducted by members with the Florida Department of Law Enforcement. During [REDACTED] Levin was asked about the SQL injection attack he performed on the Lee County Elections Office website as well as the Office of Elections in Tallahassee, Florida.

The following is a summary of [REDACTED]

[REDACTED]

On February 8, 2016, members of the Florida Department of Law Enforcement (FDLE) executed a search warrant at 9812 Foxhall Way, Unit 2, Estero, FL 33928. At approximately 8:00 AM, Special Agent Supervisor (SAS) Jason Knowles and Special Agent (SA) Christopher Tissot proceeded to the target location, 9812 Foxhall Way, Unit 2, Estero, FL 33928, in attempts to interview David Levin.

Upon arrival at the target location, SAS Knowles and SA Tissot made contact with Jacquelyn Leah Levine, David Levin's wife. Jacquelyn advised the agents Levin was not home, he was at work. SA Tissot requested Jacquelyn to call Levin to see if he could come back to the residence to speak with the agents. Jacquelyn called Levin and after she made contact with him she handed SA Tissot the phone. SA Tissot advised Levin that the agents wished to speak with him regarding the SQL injection he performed. Levin stated he would return to the residence, 9812 Foxhall Way, Unit 2, to speak with the agents.

Approximately thirty minutes later Levin arrived at the residence. Upon arrival, Levin invited both SAS Knowles and SA Tissot inside the residence. Once inside, Levin agreed to speak with both SAS Knowles and SA Tissot and a recorded interview was subsequently conducted.

The following is a summary of the interview:

[REDACTED]

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[REDACTED]

During the interview, Levin utilized his MacBook computer and showed SA Tissot the video Levin recorded of the SQL injection attack he performed on the Lee County Elections Office. Levin also showed SA Tissot two HTML files created [REDACTED] that he utilized to perform the attacks. [REDACTED]

[REDACTED]

Once the interview was complete, SA Tissot advised Levin that SA Tissot had a search warrant for the residence. SA Tissot contacted the other agents/members who were staging nearby who then responded to the residence to assist with the execution of the search warrant. Both Levin and his wife Jacquelyn remained outside while the search warrant was executed. While previewing Levin's MacBook computer, Systems Programming Consultant (SPC) Vince DellAccio copied several files from the computer onto a USB thumb drive for evidentiary purposes. Several electronic devices were seized during the execution of the search warrant including Levin's MacBook computer and iPhone 6S Plus.

On February 11, 2016, Special Agent (SA) Christopher Tissot and Systems Programming Consultant (SPC) Vince DellAccio interviewed Sharon Harrington, Lee County Supervisor of Elections. The interview took place at the Florida Department of Law Enforcement's Fort Myers Regional Operation Center located at 4700 Terminal Drive Suite 1, Fort Myers, Florida 33907.

The following is a summary of the interview with Sharon Harrington:

Sharon did not grant David Levin, nor anyone else permission to perform a Structured Query Language (SQL) injection or any other type of network intrusion against the Lee County Elections Office. Sharon did not grant David Levin, nor anyone else permission to utilize her username and password to log into the Lee County Elections Office website. Sharon Harrington was notified of the breach on approximately January 25, 2016. Daniel Sinclair left a voicemail with Sharon Harrington's assistant. Sharon Harrington first reported the

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network intrusion to the Lee County Sheriff's Office, who in turn referred her to the Florida Department of Law Enforcement.

On February 23, 2016, Special Agent (SA) Christopher Tissot and Systems Programming Consultant (SPC) Vince DellAccio interviewed Daniel Sinclair. The interview took place at Sinclair's residence located at 640 Dabney St., Fort Myers, FL 33966. Daniel Sinclair invited both SA Tissot and SPC DellAccio inside of his residence for a consensual interview.

The following is a summary of the interview with Daniel Sinclair:

Sinclair met David Levin at a Young Republican's Event in 2015. Levin contacted Sinclair December 19, 2015 and explained the Structured Query Language (SQL) injection he had performed to Sinclair. Levin shared the video of the SQL injection he had performed on the Lee County Elections Office website on January 8, 2016, with Sinclair via Levin's Dropbox account. Sinclair contacted both the Lee County Elections Office and the Division of Elections to report the two incidents that occurred on December 19, 2015 and January 4, 2016. Sinclair didn't ask Levin to perform the SQL injection attacks; he was made aware of the attacks after the fact by Levin.

On February 23, 2016, SA Tissot obtained a search warrant for Levin's Dropbox, Inc. account that was associated with his gmail account [REDACTED]. A copy of the search warrant was sent to Dropbox, Inc. on February 24, 2016.

On March 17, 2016, Special Agent (SA) Christopher Tissot received the requested information from Dropbox, Inc. in reference to the search warrant that was submitted on February 24, 2016. Dropbox, Inc. provided a silver 8 gigabyte Kingston USB drive. SA Tissot accessed the USB drive to review the information provided by Dropbox, Inc. After reviewing the information, SA Tissot discovered the Dropbox, Inc. account associated with the e-mail address [REDACTED] was registered to "David Levin" and was created on October 1, 2015. Levin had the file [REDACTED] in his Dropbox, Inc. folder. This video shows Levin performing a Structured Query Language (SQL) injection attack against the Lee County Office of Elections website.

On March 24, 2016, SPC Vince DellAccio completed his analysis of the Lee County Elections Office website log files. SPC DellAccio discovered an SQL injection attack on the Lee County Elections Office website on numerous dates including December 19, 2015. This is the date Levin told investigators that he performed the

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SQL injection attack on the Lee County Office of Elections website; it is also the same date [REDACTED] [REDACTED] Levin utilized for the attacks created an HTML report file that documented the actual attack. The HTML file report contained a brief summary of the attack Levin performed and the information he obtained.

On Approximately April 14, 2016, SPC Vince DellAccio completed his analysis of the Division of Elections website log files. SPC DellAccio discovered an SQL injection attack to the Division of Elections website on numerous occasions including January 31, 2016. SPC DellAccio was also able to locate a .png screen capture file on Levin's seized MacBook Air computer. The screen capture file depicted an SQL injection attack Levin performed on the Division of Elections website. The .png screen capture file was created on January 31, 2016. SPC DellAccio also located an HTML file on Levin's seized MacBook computer. The HTML file was a report that was created by [REDACTED] that Levin utilized for the attacks. The HTML report file contained the information Levin obtained as a result of the attack. The HTML file was created by the [REDACTED] on January 4, 2016, indicating the attack occurred on the same day.

Based on the evidence obtained regarding the SQL injection attack Levin performed against the Lee County Office of Elections on December 19, 2015, probable cause does exist to charge Levin with unauthorized access of any computer, computer system, computer network, or electronic device, a violation of Florida Statute 815.06(2)(a), a third degree felony.

Based on the evidence obtained regarding the SQL injection attacks Levin performed against the Division of Elections on January 4, 2016, probable cause does exist to charge Levin with unauthorized access of any computer, computer system, computer network, or electronic device, a violation of Florida Statute 815.06(2)(a), a third degree felony.

Based on the evidence obtained regarding the SQL injection attacks Levin performed against the Division of Elections on January 31, 2016, probable cause does exist to charge Levin with unauthorized access of any computer, computer system, computer network, or electronic device, a violation of Florida Statute 815.06(2)(a), a third degree felony.

Your Affiant believes that based upon the investigation in its entirety, to include the sworn statements provided by the witnesses and physical evidence gathered during the investigation probable cause exists to charge DAVID MICHAEL LEVIN with 3 counts of unauthorized access of any computer, computer system, computer network, or electronic device, a violation of Florida Statute 815.06(2)(a), a third degree felony.

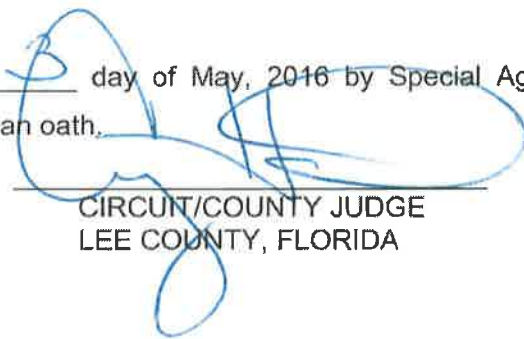
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WHEREFORE, your Affiant prays that a warrant will be issued commanding all and singular, Rick L. Swearingen, Commissioner, Florida Department of Law Enforcement or any of his duly authorized Special Agents; all Sheriffs and Police Chiefs of the State of Florida or any of their duly authorized deputies or officers to arrest instanter DAVID MICHAEL LEVIN and bring him before the Court so that he may be dealt with according to law.

SA Christopher Tissot 1281
Special Agent
Florida Department of Law Enforcement

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was acknowledged before me this 3 day of May, 2016 by Special Agent Christopher Tissot who identified himself to me and who did take an oath.


CIRCUIT/COUNTY JUDGE
LEE COUNTY, FLORIDA

Hon. Amy R. Hawthorne
Circuit Court Judge


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