

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

UNITED STATES OF AMERICA, on)
behalf of THE FEDERAL DAM)
AGENCY,)
)
Plaintiff,)
v.)
)
MACKENZIE BROWN,)
)
Defendant.)

Case No. 4:19-cv-001-CWD

JURY INSTRUCTIONS

INSTRUCTION NO. 1- The Charges

This criminal case has been brought by the United States of America. Defendant MacKenzie Brown is charged with violations of the Computer Fraud and Abuse Act, 18 U.S.C. Section 1030(a)(2).

INSTRUCTION NO. 2 – The Computer Fraud and Abuse Act

In order for the defendant to be found guilty, the government must prove each of the following beyond a reasonable doubt:

1. That on or about April 15, 2019;
2. Defendant intentionally accessed a computer without authorization or in a manner that exceeded her authorized access, and
3. Thereby obtained information from a protected computer. A “protected computer” is defined as one exclusively for the use of the United States Government. [18 USC § 1030(e)(2)].

If any of the above has not been proven beyond a reasonable doubt, you must find defendant Brown not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find defendant Brown guilty.

VERDICT FORM

We, the Jury, unanimously find the defendant MACKENZIE BROWN:

___ NOT GUILTY of COMPUTER FRAUD AND ABUSE.

___ GUILTY of COMPUTER FRAUD AND ABUSE.

Dated this 29TH day of April, 2019.

Jury Foreman

Signature

KEY TAKEAWAYS FROM THE MOCK TRIAL EXERCISE

1. Written cyber-incident response plan: know whom to call.
2. Forensically secure all evidence and data of the hack.
3. Written cybersecurity policies and procedures.
4. Cyberliability insurance or self-insurance.
5. Logging all network access.
6. Principle of least privilege: limit access to data to “need to know”.
7. Notification obligations to insurer to invoke coverage.
8. Contractual obligations of service providers/cloud vendors.
9. Employee training and signed policy manuals.
10. Certifications for security personnel.
11. Employee exit procedures.
12. Data breach reporting obligations for PII.