

# California Man Charged with SWAT Hoax

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He told the 911 dispatcher he had killed someone in the house and more bloodshed would follow.

When SWAT units responded to the Southern California home from where the dispatcher thought the call originated, they confronted a man with a weapon and readied their assault rifles.

But unlike this month's Winnetka SWAT standoff - in which Edwin Rivera killed his father, two brothers and LAPD Officer Randal Simmons - this man was innocent, and no tragedy had occurred.

It was all a joke.

Randal Ellis, 19, who lived 1,200 miles away in Washington state, used a computer to trick the 911 dispatcher into believing the "emergency" was inside a home in Orange County, prosecutors allege.

Called "swatting" - for the callers' efforts to get a SWAT team to respond to their pranks - this relatively new cyber crime has piqued the interest of authorities nationwide. In it, cyber criminals make prank life-and-death 911 calls that appear to be originating from others' homes.

Although nowhere near as prolific or troublesome as other financially enticing cyber crimes, several swatting arrests have shed light on the perverse practice.

"We really don't see anyone making a profit from this," said Bryan Duchene, supervising agent in charge of the FBI's Los Angeles cyber crimes unit. "It's just a twisted way for people to have fun."

Considering the high-risk stakes involved in such emergency responses, swatting is no laughing matter, authorities say.

In Ellis' case, prosecutors say he randomly selected a Lake Forest family that included a husband, wife and two toddlers.

On March 29, he allegedly made a prank call to the home to ensure that the family lived there before calling the 911 dispatcher, said Farrah Emami, spokeswoman for the Orange County District Attorney's Office, which is prosecuting the case.

Sheriff's Department Special Weapons and Tactics officers were sent to the home during the evening while the family was sleeping, she said.

The husband, who woke up when he heard a rustling sound outside, grabbed a knife and went to investigate.

"Instead of finding a prowler, he found a SWAT team pointing assault weapons at him," Emami said.

The man and his wife were placed in handcuffs while the police searched their home.

"It was completely terrifying for the family," Emami said.

In Dallas, five people from throughout the country recently pleaded guilty to federal charges in a swatting conspiracy that began in 2002 and included more than 100 victims in about 60 cities, prosecutors said.

In some of those cases, dispatchers were told the caller had killed family members, taken hostages and hallucinogenic drugs and was armed with an AK-47.

The ongoing investigation highlights a technique called "spoofing," in which caller-ID technology is modified to hide the true identity of a caller.

This fools emergency dispatchers into believing calls are coming from a local number and not one potentially thousands of miles away.

In the Orange County case, Ellis is facing five felony counts and one misdemeanor for the March incident, including computer fraud, assault with a machine gun and false imprisonment by violence, Emami said.

The last two charges offer a novel prosecution strategy for a crime that doesn't have much precedence. Prosecutors will argue Ellis is guilty of both crimes "by proxy," meaning that because of his actions, the responding officers acted, in effect, as an agent for him.

"Even though the defendant wasn't actually there in Lake Forest pointing weapons at them, he was directly responsible for what happened to these victims," Emami said.

Ellis has pleaded not guilty to all charges, and his attorney, Ron Brower, said he disagrees with the D.A.'s "proxy" argument and will ask that those charges be dropped.

"It's our legal opinion that the law does not support that kind of assault by proxy or that vicarious liability," Brower said.

Ellis is in custody with bail set at \$500,000. Brower said if the assault and false-imprisonment charges against his client are dropped, a plea agreement is likely.

"That's because the balance of the charges are supported by substantial evidence," he said.

If convicted on all counts, Ellis faces a maximum of 18 years in state prison.

Brower offered this explanation for his client's actions:

"He's from a rural setting, and he's awfully young, and I'd say he's pretty immature, and he didn't appreciate the gravity of that situation," Brower said. "He didn't appreciate what could have transpired. He certainly had no intent to cause anybody harm."

"But it clearly had that potential."

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