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Charges also to be filed against William Squire and Perry Forcier.

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'CAPTAIN CRUNCH' CHARGED IN TICKET FORGERY

GARY RICHARDS, Mercury News Staff Writer

Captain Crunch has been nabbed again, only this time he's accused of selling fake BART tickets.

John Draper, 43, an electronics wizard who has been dubbed "Captain Crunch" for his ability to duplicate telephone company signals with toy whistles from Cap'n Crunch cereal boxes, was to be charged this afternoon in Oakland Municipal Court with conspiracy to defraud the Bay Area Rapid Transit system (BART), conspiracy to defraud Pacific Bell, computer fraud and forgery.

This marks at least the fourth time that Draper, who has served time in federal prison for making illegal free telephone calls, has been arrested.

He is described by officials who know him as a "legend among (computer) hackers."

"Oh, geez, he's been arrested again?" asked Donn Parker, a computer crime expert with SRI International in Menlo Park.

"I thought he had gone clean," said Parker, who has written about Draper in a book about fighting computer crime. Parker described Draper as the millionaire head of a software

company in Berkeley.

According to BART police and court officials, Draper and two other men were arrested Tuesday night following an undercover operation. The same charges to be filed against Draper also were to be filed against William Squire, 29, of San Jose and Perry Forcier, 19.

"We lucked into this one," said Lt. Don Tong of BART's Special Operations Investigation Unit. "We weren't looking for these men; they actually came to us."

The men had equipment that allowed them to forge the magnetic band on a real BART ticket onto a piece of paper of similar size, said Cy Moubert, a public information manager with BART.

According to Tong, the case began to unfold on Christmas Eve when Forcier approached an undercover officer posing as a janitor at the Bay Fair station in San Leandro and asked the officer if he knew how to operate the ticket machine. "Soon this man began talking with the officer about the things you could do with fake tickets and then he said, 'We are already doing that for our own use.' "

Tuesday night BART police staked out the station near the Oakland Coliseum, arrested Forcier and Squire and confiscated \$2,500 in forged tickets. Later that night they arrested Draper at his Alameda apartment and found \$400 more in forged tickets.

Tong said he believes the men were using the tickets themselves as well as selling them.

Lou Savinao, a spokesman for Pacific Bell, said the investigation uncovered information that the men had illegal devices that allowed them free access to long-distance telephone lines.

Draper was arrested in 1971 on charges of using electronic gear to avoid paying for long-distance telephone calls.

In 1972, and again in 1976, he was placed on probation after being found guilty in federal court in California of telephone fraud charges. He also served a brief prison term for the 1976 conviction and another in 1979 for violating probation. He had a similar conviction in 1978 in Pennsylvania.

But by 1983 he had become president of Cap'n Software Inc. in Berkeley, drove a Mercedes and had received royalties for a word-processing program he wrote during nights at Alameda County Jail.

The company, however, no longer is listed in the telephone book. Draper could not be reached for comment this morning.

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