# Spyware Enforcement - Federal

April 29, 2008
Tags: Array

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**Federal Spyware Case Summary**

| Case | Behaviors considered illegal by the Department of Justice | Laws invoked | Status |
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| United States v. Jerome T. Heckenkamp [2] More information [2] | Prosecutors alleged:<br><br>â€¢ Installing on another user's computer an unauthorized computer program that was designed to intercept electronic communications containing usernames and passwords.<br><br>Defendant pled guilty to:<br><br>â€¢ Engaging in other behaviors including gaining unauthorized access to a computer and recklessly causing damage to it. | 18 U.S.C. Â §Â§ 2511(1)(a) | Count dismissed on government's motion (defendant convicted on separate, non-spyware counts). [3] More information [3] |
| United States v. | â€¢ Knowingly accessing a computer of another person without authorization by installing a | 18 U.S.C. Â §Â§ 1030(a)(4) | Defendant sentenced to 13 months in |

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| Van T. Dinh | series of "keystroke-logging" programs to remotely monitor the keystrokes of the computer user and thereby identify computer accounts and passwords. _<br><br>â€¢ Engaging in other behaviors including a scheme to defraud an investor and committing mail and wire fraud. | | prison, ordered to pay $46,980 in restitution, and fined $3,000.<br><br>More information [4] |
| United States v. Juju Jiang<br><br>More information [5] | â€¢ Knowingly accessing a computer of another person without authorization for the purpose of installing keylogging software to surreptitiously record keystroking activity on that computer and thereby collect computer usernames and passwords. _<br><br>â€¢ Other behaviors involving trafficking in a counterfeit device and criminal infringement of copyrights. | 18 U.S.C. Â §Â§ 1030(a)(4) | Defendant sentenced to 27 months in prison and ordered to pay $201,620 in restitution.<br><br>_<br>[6]<br>More information [6] |

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| United States v. Carlos Enrique Perez-Melara [7] More information [7] | â€¢ Knowingly creating, possessing, and selling a computer program, knowing that the program is primarily useful for the purpose of surreptitious interception of electronic communications and that the program will be transported in interstate or foreign commerce.<br><br>â€¢ Sending in interstate commerce the computer program described above.<br><br>â€¢ Disseminating electronic advertisements for the computer program described above.<br><br>â€¢ Intentionally promoting the use of the computer program described above for the purpose of surreptitious interception of electronic com | 18 U.S.C. Â§Â§ 2512(1)(b), 2512(1)(a), 2512(1)(c)(i), 2512(1)(c)(ii), 2511(1)(a), 2511(1)(c) | Warrant issued for defendant's arrest. |

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| | munications.<br><br>â€¢ Knowingly intercepting wire communications using the computer program described above.<br><br>â€¢ Knowingly disclosing to customers the contents of electronic communications obtained by using the computer program described above. | | |
| United States v. John J. Gannitto (and the related cases of USA v. Po | Defendants pled guilty to:<br><br>â€¢ Knowingly accessing a computer of another person without authorization by installing a computer program onto it and thereby obtaining information from the computer.<br><br>Prosecutors also alleged:<br><br>â€¢ Intentionally intercepting or | 18 U.S.C. Â §Â§ 1030(a)(2)(c), 2511(1)(a) | Gannitto sentenced to 3 years supervised probation with 30 days in halfway house; Powell sentenced to 5 years supervised probation; |

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| well, USA v. Selway) [7] More information [7] | procuring another person to intercept electronic communications of another person. | | Selway sentenced to 3 years unsupervised probation. Each defendant sentenced to pay a $500 fine. |
| United States v. Cheryl Ann Young [7] More information [7] | Defendant pled guilty to:<br><br>â€¢ Intentionally intercepting or procuring another person to intercept electronic communications of another person.<br><br>Prosecutors also alleged:<br><br>â€¢ Knowingly accessing a computer of another person without authorization by installing a computer program onto it and thereby obtaining information from the | 18 U.S.C. Â§Â§ 1030(a)(2)(c), 1030(c)(2)(B)(ii), 2511(1)(a) | Defendant sentenced to 3 years probation and ordered to pay a $500 fine and a $100 special assessment. Defendant ordered to perform 100 hours of community service |

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| | computer via interstate or communication with it. | | e and refrain from contact with victim. |
| United States v. Christopher Maxwell [8] More information [8] | â€¢ Creating and using Internet Relay Chat botnets remotely and surreptitiously to install adware or other unauthorized programs on thousands of compromised computers, without the knowledge or consent of the computers' owners, and thereby obtaining thousands of dollars in commission payments from adware companies for those installations.<br><br>â€¢ Conspiring to do the above. | 18 U.S.C Â§ 371, 18 U.S.C Â§Â§ 1030(a)(5)(A)(i), 1030(a)(5)(B)(i), 1030(a)(5)(B)(ii) | Defendant sentenced to 37 months in prison and forced to pay $252,000 in restitution and a $200 special assessment. [9] More information [9] |
| United States v. | â€¢ Knowingly gaining unauthorized access to thousands of computers with the intent to | 18 U.S.C Â§ 371, 18 | Defendant sentenced to 57 months in |

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| Jeanson James Ancheta [10] More information [10] | install adware on those computers without notice to or consent from the users, and thereby obtaining thousands of dollars from the adware companies.<br><br>â€¢ Redirecting infected botnet computers to a server containing a Trojan horse program and thereby causing the surreptitious installation of adware on the infected computers.<br><br>â€¢ Conspiring to do either of the above.<br><br>â€¢ Engaging in other behaviors including conspiring to obtain unauthorized access to thousands of computers and launching denial of service attacks. | U.S.C. Â§Â§ 1030(a)(5)(A)(i), 1030(a)(5)(B)(v) | prison, forced to pay $15,000 in restitution and forfeit the proceeds from his illegal activity. [11] More information [11] |

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| United States v. Kenneth Kwak [12] More information [12] | â€¢ Intentionally installing remote control software on a user's computer (in a United States department or agency) with the intention of observing and gaining unauthorized access to that user's Internet use, electronic mail, and computer files.<br><br>â€¢ Intentionally using remote control software to alter settings and defeat password protections on a user's computer (in a United States department or agency), thus allowing unrestricted access to the user's email by other persons on the user's network. | 18 U.S.C. Â§Â§ 1030(a)(2)(B), 1030(c)(2)(B)(ii) | Defendant sentenced to 5 months in prison followed by 5 months of house arrest and ordered to pay $40,000 in restitution. [13] More information [13] |
| United States v. George | â€¢ Surreptitiously installing a keylogger program on public computers to record every keystroke made | 18 U.S.C. Â§Â§ 1030(a)(2)( | Defendant sentenced to 4 years in prison foll |

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| Nkansah Owusu | on those computers and using the collected data to gain unauthorized access to users' online accounts and university management systems. | C), 1030(c)(2)(B)(ii) | owed by 4 years supervised release and ordered to pay $ 2,550 in restitution. More information [14] |
| United States v. Mario Alberto Simbaqueba Bonilla [15] More information [15 | â€¢ Illegally installing keystroke-logging software on computers located in hotel business centers and Internet lounges around the world, and using the collected data to gain access to users' online bank, payroll, brokerage, and other accounts. | 18 U.S.C. Â §Â§ 2, 18 U.S.C. Â §Â§ 371, 18 U.S.C. Â §Â§ 1029(a)(2) | Defendant sentenced to 9 years in prison, followed by 3 years supervised release. Ordered to pay $ 347,000 in restitution. More infor |

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| ] | | | mation [16] |
| United States<br><br>Hario Tandiwidjojo<br><br>More information [17] | â€¢ Installing malicious software on hotel business computing kiosks that allowed him to intercept data, such as credit card information. | 18 U.S.C. ÂÂ§ 1030(a)(4) | Defendant sentenced to 10 months in prison and ordered to pay $34,000 in restitution.<br><br>More information [18] |
| United States v. John Schiefer<br><br>More information | â€¢ Gaining unauthorized access to hundreds of thousands of computers in the United States, controlling these computers through servers.<br><br>â€¢ Using compromised computer to search for other vulnerable computers, intercept electronic communication, and engage in identity theft. | 18 U.S.C. ÂÂ§ 1030(a)(4) and (c)(3)(A) | Defendant is awaiting sentencing. |

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| United States v. Robert Matthew Bentley<br><br>More information [20] | â€¢ Unauthorized installation of spyware on vulnerable computers. | 18 U.S.C Â§ Â§ 1030(a)(5)(A)(i), 1030(a)(5)(B)(i), 1030(c)(4)(A) | Defendant is awaiting sentencing. |
| United States v. Jason Michael Downey | â€¢ Infecting computers with spyware that gave defendant control over a network of computers used to attack other computers. | 18 U.S.C Â§ Â§ 1030(a)(5)(A)(I) | Defendant sentenced to 1 year in prison, 3 years supervision, 150 hours of community service, and ordered to pay $21,000 in restitution. |

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