



*United States Attorney
Southern District of New York*

**FOR IMMEDIATE RELEASE
JUNE 11, 2007**

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**BROOKLYN MAN PLEADS GUILTY TO PARTICIPATING
IN MASSIVE AOL SPAM SCHEME**

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, announced that ADAM VITALE pleaded guilty today to charges of violating the CAN-SPAM Act, the federal anti-spam e-mail law. These charges arise from a scheme by VITALE and his co-conspirators to send a massive number of unsolicited commercial e-mails - also known as "spam" or "junk" e-mails - over the Internet to the e-mail addresses of approximately 1.2 million subscribers of America Online, Inc. ("AOL"), and to hide the true origin of those e-mails. VITALE pleaded guilty before United States District Judge DENNY CHIN. According the Complaint and Indictment filed in Manhattan federal court:

Between April 2005 and August 2005, VITALE and TODD MOELLER communicated via online instant messaging with a confidential informant ("CI"). During these instant messaging chats, VITALE and MOELLER boasted of their ability to send large numbers of spam e-mails in a manner that would make it nearly impossible for the recipients to trace the spam e-mails to VITALE and MOELLER. VITALE and MOELLER also claimed that they had the ability to defeat special software that AOL uses to filter spam e-mail from legitimate e-mail traffic over its networks.

The CI offered VITALE and MOELLER the opportunity to send spam e-mails that advertised a product the CI purportedly wanted to sell. MOELLER and VITALE agreed to do so in return for a 50% cut of the profits, and between August 17, 2005 and August 23, 2005, transmitted spam e-mails to the e-mail addresses of approximately 1.2 million AOL subscribers. Forensic examination of the spam e-mails indicated that VITALE and MOELLER used two different techniques to conceal from the recipients the source of the spam e-mails and allow VITALE and MOELLER to continue their illegal activity: (1) VITALE and MOELLER used computers connected

to the Internet to relay or re-transmit the spam e-mails to make it look like the spam came from those computers, and not ones that could be traced to VITALE and MOELLER; and (2) VITALE and MOELLER altered the header information¹ in their spam e-mails to make it appear the spam e-mails came from a sender other than VITALE and MOELLER.

During his guilty plea, VITALE admitted that he worked to send the most spam e-mails possible and used "whatever means necessary" to hide the spam e-mails' true origin, including the use of computers to relay and retransmit the spam e-mails and altering the spam e-mails' header information.

VITALE, 26, resides in Brooklyn. He is scheduled to be sentenced before the Honorable DENNY CHIN on September 13, 2007 at 4:30 p.m. VITALE faces a maximum sentence of 11 years in prison and a fine of \$250,000 or twice the gross gain or gross loss from the offense.

Mr. GARCIA praised the outstanding efforts of the United States Secret Service in the investigation.

The case is being prosecuted by the Computer Hacking/Intellectual Property ("CHIPS") group of the Office's Major Crimes Unit. Assistant United States Attorney THOMAS G. A. BROWN is in charge of the prosecution.

The charges contained in the Complaint and Indictment as to TODD MOELLER are merely accusations and he is presumed innocent until proven guilty.

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¹ E-mails transmitted over the Internet generally consist of two main parts, which may be referred to as the "header" and the "body." The body is the message itself and may consist of text, images, or other information. The header usually is subdivided into several fields, each of which displays specific information. For example, "From" (the sender's e-mail address), "To" (the receiver's e-mail address), "Subject" (a brief summary of the message contents) and "Date" (the local time and date when the e-mail was sent).