News Release

U.S. Department of Justice

United States Attorney
Northern District of Ohio

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William J. Edwards, United States Attorney for the Northern District of Ohio, today announced the filing of the first Indictment in the United States to be brought under the Telephone Records and Privacy Act of 2006 (Title 18, United States Code, Section 1039(a)).

A federal grand jury in Cleveland, Ohio, today returned a one count Indictment, charging Vaden Anderson, age 28, of Bedford Heights, Ohio, with violating the "pretexting" statute, specifically Title 18, United States Code, Section 1039(a)(3).

The Indictment charges that on or about March 24, 2008, the defendant knowingly and intentionally obtained and attempted to obtain confidential telephone records information from Sprint / Nextel, a telecommunications carrier as defined in Title 47, U.S.C., Section 153, by serving a fictitious U.S. District Court civil subpoena upon Sprint / Nextel, in interstate commerce.

The offense charged in the Indictment carries a statutory maximum penalty of up to 10 years in prison, a fine of up to $250,000, or both. If convicted, the defendant's sentence will be determined by the Court after review of factors unique to this case, including the defendant's prior criminal record, if any, the defendant's role in the offense and the characteristics of the violation. In all cases the sentence will not exceed the statutory maximum and in most cases it will be less than the maximum.

This case is being prosecuted by Assistant U.S. Attorney Robert W. Kern, Cybercrime

Coordinator for the Cleveland U.S. Attorney's Office, following an investigation by the Cleveland Office of the United States Secret Service.

An Indictment is only a charge and is not evidence of guilt. A defendant is entitled to a fair trial in which it will be the government's burden to prove guilt beyond a reasonable doubt.

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