NEWS RELEASE

OFFICE OF THE UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF CALIFORNIA
San Diego, California

United States Attorney
Karen P. Hewitt

For Further Information, Contact: Public Information Officer Debra Hartman (619) 557-5275

For Immediate Release

NEWS RELEASE SUMMARY - September 17, 2007

United States Attorney Karen P. Hewitt announced that Joshua Eveloff was sentenced today in U.S. District Court in San Diego by United States District Judge Larry Alan Burns, to serve six months in a Community Correctional Center, serve a five-year term of supervised release, and ordered to pay $9,100 in restitution for causing commercial e-mail messages, more commonly known as "spam," to be sent out to millions of people during a three-month period in 2004. Joshua Eveloff pleaded guilty before Magistrate Judge Nita L. Stormes on February 7, 2007, to knowingly and materially falsifying header information in multiple commercial electronic mail messages, and intentionally initiating the transmission of such messages, in violation of federal law.

According to Assistant U.S. Attorney Anne Perry, who prosecuted the case, Eveloff solicited co-defendant Michael Twombly to lease computer access from small Internet Service Providers ("ISP") throughout the United States. Twombly, who received $100 for each server leased, then provided the password and login information to Eveloff, allowing Eveloff to send the spam from his computer in Iowa.

The case first came to the attention of the FBI when a company called "Biznesshosting," out of Florida, reported that its computers had been used to transmit what was conservatively estimated at 1.5 million spam messages within a 6-hour period. Most of the spam sent out by Eveloff advertised a product called "Password Stealer," which claimed to allow a user to "steal anyone's password who uses your PC." As a result of the distribution of the spam, Biznesshosting and 15 other ISP's experienced service disruption.

This case represents the first prosecution in the Southern District of California, and only the second prosecution in the state under the "CAN-SPAM" Act of 2004, which was passed by Congress to combat the abuse of computer networks by spammers.

DEFENDANT **Case Number: 06cr1715**

Joshua Edward Eveloff

SUMMARY OF CHARGES

Title 18, United States Code, Section 1037 - Fraud and related activity in connection with electronic mail

AGENCY

Federal Bureau of Investigation