United States Attorney
Southern District of New York

FOR IMMEDIATE RELEASE
NOVEMBER 2, 2007

CONTACT: **U.S. ATTORNEY'S OFFICE**
YUSILL SCRIBNER,
REBEKAH CARMICHAEL
PUBLIC INFORMATION OFFICE
(212) 637-2600

EMAIL SPAMMER SENTENCED TO OVER TWO YEARS IN PRISON FOR PARTICIPATING IN MASSIVE AOL SPAM SCHEME

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, announced that TODD MOELLER was sentenced today to 27 months' imprisonment for his role in a conspiracy to send unsolicited commercial e-mails (also known as "spam" or "junk" e-mails) over the Internet to approximately 1.2 million subscribers of America Online, Inc. ("AOL"), and to hide the source of those e-mails. MOELLER, 28, of Tom's River, New Jersey, pleaded guilty earlier this year before United States District Judge DENNY CHIN in Manhattan federal court. According to the Complaint, the Indictment, and statements made during MOELLER'S sentencing:

MOELLER and co-defendant ADAM VITALE -- who also pleaded guilty and who is scheduled to be sentenced by Judge CHIN on November 13, 2007 -- agreed to transmit on behalf of a confidential informant (the "CI") spam e-mails that advertised a commercial product. In arranging the deal, for which they expected to earn a 50% share of the profits, MOELLER and VITALE boasted to the CI that they had the ability to transmit a large volume of spam e-mails in a manner that concealed the spam e-mails' true source. Further, MOELLER and VITALE said that they had made tens of thousands of dollars in profits through illegal spamming.

Between August 17 and August 23, 2005, MOELLER and VITALE transmitted spam e-mails on behalf of the CI to approximately 1.2 million AOL subscribers. To hide the origin of the spam, prevent the recipients from tracing and stopping it, and allow them to continue their illegal activity, MOELLER and VITALE relayed the spam e-mail over third-party computers and altered the spam e-mails' header information.

MOELLER pleaded guilty on June 19, 2007 to a

three-count Indictment charging: (1) conspiracy to commit illegal spamming, (2) illegal spamming by using third-party computers to relay or retransmit spam e-mails with the intent to deceive as to the source of the spam e-mails, and (3) illegal spamming by altering the header information in spam e-mails with the intent to disguise the spam e-mails' true origins.

In addition to the term of imprisonment, Judge CHIN ordered MOELLER to serve 3 years' supervised release and to forfeit $183,304 as proceeds of his criminal activity.

Mr. GARCIA praised the investigative efforts of the United States Secret Service, and thanked AOL for its assistance and cooperation in this 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.

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