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VIRGINIA SOFTWARE WRITER PLEADS GUILTY TO AIDING AND ABETTING DETROIT SPAM CONSPIRACY

WASHINGTON – An individual pleaded guilty today in federal court in Detroit for his role in creating and marketing software designed and used to send bulk commercial e-mails, known as "spam," in violation of the CAN-SPAM Act, announced Assistant Attorney General Lanny A. Breuer of the Criminal Division and U.S. Attorney for the Eastern District of Michigan Terrence Berg.

David S. Patton, 49, of Centreville, Va., pleaded guilty to aiding and abetting violations of the CAN-SPAM Act committed by Alan Ralsky and Scott Bradley of West Bloomfield, Mich., and others. Under the terms of his plea agreement, Patton acknowledges he is facing up to six years in prison and agrees to pay a fine of $3,000 while forfeiting $50,100 in proceeds from the sale of his software.

The CAN-SPAM Act was passed by Congress in 2003 to address spam e-mails. The criminal provisions of the act prohibit falsification of certain information used in the transmission of e-mail, as well as the use of proxies to disguise the identities of the individuals sending the e-mails.

According to court documents, from January 2004 through September 2005, Patton, through his company Lightspeed Marketing Inc. developed, marketed, sold and distributed customized software products and provided ongoing support services. In his plea agreement, Patton acknowledged that the services he provided enabled users to send large volumes of spam e-mail at high speeds and disguise the true origin of the e-mails from recipients in order to evade anti-spam filters, "blacklisting" and other spam-blocking devices and techniques. These software products included, but were not limited to, the software programs "Nexus" and "Proxy Scanner."

In his plea agreement, Patton admitted that he intentionally designed Nexus to enable users to insert materially false information into the "headers" of the spam e-mails it sent. Patton designed Proxy Scanner to enable users to make use of third-party "proxy" computers to relay or retransmit spam e-mails and in turn disguise their true origin. Patton admitted he sold both Nexus and Proxy Scanner to Alan Ralsky and other customers, knowing that the two software programs would be used to commit violations of the CAN-SPAM Act. Patton also admitted that he provided ongoing support and product updates to his Nexus and Proxy Scanner customers with the intent to assist them in violating the CAN-SPAM Act.

Patton is the twelfth defendant charged in connection with the spam e-mail operation run by Ralsky from January 2004 to September 2005. Ralsky and Bradley, as well as Judy Devenow, John Bown, William Neil, James Fite, Francis Tribble and How Wai John Hui all previously pleaded guilty for their roles in conspiring to commit violations of the CAN-SPAM Act and other offenses, including wire fraud, mail fraud, computer fraud and money laundering.

Also indicted in the case were defendants Anki Neil, James Bragg and Peter Severa. An indictment is merely an accusation. All defendants should be presumed innocent until and unless the government proves their guilt beyond a reasonable doubt in court

The charges arose after a three-year investigation led by the FBI, with assistance from the U.S. Postal Inspection Service and IRS – Criminal Investigations, revealed a sophisticated and extensive spamming operation. The case is being prosecuted by U.S. Attorney Terrence Berg and Trial Attorneys Thomas Dukes and Mona Sedky Spivack of the Criminal Division's Computer Crime and Intellectual Property Section.

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