



U.S. Department of Justice

Terrence Berg
United States Attorney
Eastern District of Michigan

***Suite 2001
211 West Fort Street
Detroit, Michigan 48226-3277***

For Immediate Release:
Contact: Gina Balaya (313) 226-9758

July 7, 2009

Event: Guilty Plea

Defendant: David S. Patton

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

David S. Patton, pleaded guilty today in federal court 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 Terrence Berg, United States Attorney.

Mr. Berg was joined in the announcement by Assistant Attorney General, Lanny A. Breuer of the Criminal Division, Department of Justice.

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 16 months in prison under the federal sentencing guidelines, and agrees to pay a fine of \$3,000 while forfeiting \$50,100 in proceeds from the sale of his software.

U.S. Attorney Terrence Berg said, "Today the creator of a sophisticated spamming software program pleaded guilty to aiding and abetting the Ralsky illegal spamming operation. The software was designed to help spammers send massive volumes of email using false headers and routing the email through "proxy computers" to hide the real identity of the spammer. Our effort against cybercrime includes prosecuting any programmers who create or sell specialized software tools with the intent to aid criminal activity."

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, used in interstate commerce and communications, 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 pled 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.

Patton's sentencing is scheduled for October 27, 2009.

The cases against defendants Anki Neil, James Bragg and Peter Severa are still pending.

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.