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**NEW JERSEY MAN PLEADS GUILTY TO  
PARTICIPATING IN MASSIVE AOL SPAM SCHEME**

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, announced that TODD MOELLER pleaded guilty late yesterday to charges of violating the CAN-SPAM Act, the federal anti-spam e-mail law. The charges arise from a scheme by MOELLER and his co-conspirators -- including ADAM VITALE, who pleaded guilty to the same charges on June 11, 2007 -- to send a massive number of unsolicited commercial e-mails (also known as "spam" or "junk" e-mails) over the Internet to the e-mail addresses of approximately 1.2 million subscribers of America Online, Inc. ("AOL"), and to hide the true origin of those e-mails. According the Complaint and Indictment filed in Manhattan federal court:

Between April and August 2005, MOELLER and VITALE communicated via online instant messaging with a confidential informant ("CI"). During these instant messaging chats, MOELLER and VITALE boasted of their ability to send large numbers of spam

e-mails in a manner that would make it nearly impossible for the recipients to trace the spam e-mails to MOELLER and VITALE. MOELLER and VITALE also claimed that they had the ability to defeat special software that AOL uses to filter spam e-mail from legitimate e-mail traffic over its networks.

The CI offered MOELLER and VITALE the opportunity to send spam e-mails that advertised a product the CI purportedly wanted to sell. MOELLER and VITALE agreed to do so in return for a 50% cut of the profits, and between August 17, 2005 and August 23, 2005, transmitted spam e-mails to the e-mail addresses of approximately 1.2 million AOL subscribers. Forensic examination of the spam e-mails indicated that MOELLER and VITALE used two different techniques to conceal the source of the spam e-mails from recipients, and to allow MOELLER and VITALE to continue their illegal activity: (1) MOELLER and VITALE used computers connected to the Internet to relay or re-transmit the spam e-mails to make it look like the spam came from those computers, and not ones that could be traced to MOELLER and VITALE; and (2) MOELLER and VITALE altered the header information in their spam e-mails to make it appear the spam e-mails came from a sender other than MOELLER and VITALE.

At his guilty plea before United States Magistrate Judge DOUGLAS F. EATON, MOELLER admitted that he conspired with VITALE to send spam e-mails to AOL subscribers, and sent spam e-

mails to AOL subscribers using techniques to hide the spam e-mails' true origin, including the use of computers to relay and retransmit the spam e-mails and altering the spam e-mails' header information. MOELLER admitted he knew what he was doing was wrong.

MOELLER, 28, resides in Toms River, New Jersey. He is scheduled to be sentenced before JUDGE DENNY CHIN on September 20, 2007 at 4:30 p.m., and faces a maximum sentence of 11 years in prison and a fine of \$250,000 or twice the gross gain or gross loss from the offense. VITALE, who pleaded guilty to the same charges, faces the same maximum sentence and fine. VITALE is scheduled to be sentenced before JUDGE CHIN on September 13, 2007.

Mr. GARCIA praised the outstanding 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.