

NEWS RELEASE



OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA

San Diego, California

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For Immediate Release

Cal State San Marcos Student Sentenced for Rigging Campus Elections

NEWS RELEASE SUMMARY – July 15, 2013

Former Cal State San Marcos student Matthew Weaver of Huntington Beach was sentenced today to one year in prison for stealing the identities and passwords of more than 700 fellow students so he could rig campus elections and win the presidency.

Weaver pleaded guilty in March to wire fraud, unauthorized access of a computer and identity theft. He admitted that he used small electronic devices known as keyloggers that record a computer user's keystrokes to steal 745 student passwords. He then used many of those stolen identities to snoop in email and Facebook accounts, and to cast about 630 votes for himself and for friends who also were on the ballot.

During the hearing, U.S. District Judge Larry A. Burns said he was troubled most by the fact that Weaver – even after his arrest - attempted to frame other CSU-SM students for the election irregularities and even solicited news media coverage, contending he'd been framed.

Falsely blaming others when Weaver knew he was responsible for the crime is “the phenomenal misjudgment I just can't get around,” the judge told Weaver. “That's what bothers me more than the original rigging” of the election.

Judge Burns noted that the original crime might have been perceived as less egregious – even a youthful prank - except for the cover up. “He’s on fire for this crime and then he pours gasoline on it” with similar bad behavior, the judge said.

“Weaver ran roughshod over the privacy rights of hundreds of people so that he could indulge his vanity,” said U.S. Attorney Laura Duffy. “If privacy is to mean anything in a digital age, it has to be protected. A 12-month sentence adequately warns men and women like Weaver that they cannot hide from the consequences of their actions behind youth or privilege. Everyone’s rights matter – not just theirs.”

Weaver cast many of the votes from a computer located on campus. According to court records, Weaver was exposed during the final hour of the student body election, when network administrators noticed unusual voting activity associated with a computer in Academic Hall 204. The administrators were able to determine that the user, later identified as Weaver, was cutting and pasting student usernames and passwords from an Excel spreadsheet into the VOTE system and then cast those students’ votes.

Shortly after the election closed at 5 p.m., CSU-SM network administrators asked CSU-SM police officer Brian McCauley to go to the suspicious computer in Academic Hall 204. There, Officer McCauley found Weaver sitting at the computer and noted that Weaver was using the only computer in the lab whose screen was not visible to the rest of the room.

Weaver, after seeing McCauley, who was in uniform, began shutting down the campus computer. McCauley and Weaver then had a short conversation, during which Weaver said he was working on a school project, but refused to provide details. McCauley then arrested Weaver and seized his bag, which contained six keyloggers as well as other evidence of the crimes.

Weaver’s supporters have described his crime as a prank.

But in a sentencing memorandum, prosecutors dismissed that characterization, saying Weaver was fully aware of the serious ramifications of his crime and was motivated by ego and greed. In fact, a search of Weaver’s laptop showed queries like “jail time for keylogger” and “how to rig an election.”

“He wanted power through the \$300,000 budget and respect through his status as CSU-SM’s student body president. But he did not want to earn it, he wanted to steal it,” prosecutor Sabrina Feve wrote in a sentencing memorandum.

“Weaver determinedly and repeatedly spied on his classmates, stole their passwords, read their secrets, and usurped their votes – and he did it with his eyes wide open,” the memorandum said. “Weaver actually researched the legality of his scheme beforehand...and then, when he knew it was completely illegal, he researched how to blame someone else.”

In fact, Weaver should have had a special appreciation for the rights of fellow students to express themselves through voting. Weaver was one of the leaders of a publication called Koala San Marcos and, when CSU-SM students protested in October 2011 against some of its content, he got the ACLU to represent the group against CSU-SM.

“Ironically, at or around the time the ACLU was defending Weaver’s freedom of thought and expression, he was actively planning to defraud other students of their ability to vote and, a just a few months later, chilling their freedom of thought and expression by logging their keystrokes and snooping through their email and Facebook accounts,” Feve wrote in the sentencing memorandum.

DEFENDANTS

Criminal Case No. 13CR0821-LAB

Matthew Weaver

SUMMARY OF CHARGES

Wire Fraud, in violation of 18 U.S.C. § 1343 (Count 1);
Maximum penalties: 20 years imprisonment and \$250,000 fine

Unauthorized Access of a Computer, in violation of 18 U.S.C. § 1030(a)(2) and (c)(3)(B)(ii) (Count 2)
Maximum penalties: 5 years imprisonment and \$250,000 fine

Identity Theft, in violation of 18 U.S.C. § 1028(a)(7) (Count 3)
Maximum penalties: 5 years imprisonment and \$250,000 fine

PARTICIPATING AGENCIES

Federal Bureau of Investigation
Cal State University San Marcos Police Department

