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# Top spammer sentenced to nearly four years

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**July 23, 2008** (IDG News Service) The "spam king" was sentenced on Tuesday to 47 months in prison, with a ruling that the court hopes sends a message to other online criminals.

Robert Soloway, the man known as the spam king for the massive volume of junk e-mail he sent out, pleaded guilty to fraud, spamming and tax evasion after being indicted in May 2007. After an unusually long sentencing hearing, lasting two and a half days, Judge Marsha Pechman handed down her sentence in the U.S. District Court for the Western District of Washington in Seattle.

The case has been closely watched because only a few such spam cases have ever been tried. [Jeremy Jaynes](#) was sentenced in Virginia earlier this year to nine years in prison for his spam crimes, and [Adam Vitale](#) got slightly more than two years for a recent conviction in New York.

The prosecution argued that Soloway should get more prison time than any of the previous spammers, asking for a sentence of seven to nine years. "None of those cases -- not one -- comes close to this case in terms of the duration of the maliciousness, the harassment techniques, the high level of spamming activity that we have in this case," said Kathryn Warma, assistant U.S. attorney.

However, his attorneys argued that compared with some other notorious spammers, Soloway deserved some leniency. Soloway didn't damage anyone's computer, he didn't send out malicious code, and he never directed people to pornography, as some spammers have done, his lawyer Richard Troberman said. Jaynes, for example, had millions of AOL e-mail addresses that were stolen from the Internet service provider, and he was earning as much as \$700,000 a month from his activities, Troberman said. By comparison, the government figured conservatively that Soloway earned more than \$700,000 in three years.

But the Soloway case was an opportunity for the courts to dissuade online criminals from continuing their work, Warma said. "A disturbing theme we repeatedly saw from the complainant is, why isn't the law being enforced on the Net? Why isn't CAN-SPAM being enforced?" she said. "This individual has refused to stop his criminal conduct, notwithstanding two separate civil judgments and an injunction by a U.S. federal court judge. I suggest to you the only effective way to stop Soloway is a long prison sentence during which he'll be incapable of continuing this criminal activity." Soloway previously lost cases brought against him by Microsoft Corp. and by an ISP in Oklahoma, yet he continued to spam.

Pechman said it was difficult to come up with a sentence for Soloway because there have been so few other spam cases in the courts and because the legal system doesn't yet have appropriate sentencing guidelines. "This statute really needs a set of guidelines written and tailored to the CAN-SPAM act, tailored to the evolving computer science that allows people to engage in this activity," she said. "The current guidelines are not really very helpful," especially when CAN-SPAM violations are combined with other crimes.

Soloway apologized to the judge and to his family, admitting that his actions were wrong. "There is no one else to blame but myself," he said before the judge handed down her sentence.

Soloway has apologized for his activities before. After he was investigated in 1999 in California for spamming activities, he told detectives that he was sorry and learned a lot, Warma said. "He then moved on to another state and immediately engaged in the same behavior," she said.

It has been more typical for Soloway to boast about his techniques than to apologize for them. In online forums he would brag that he would never have to pay the millions of dollars the civil courts ordered him to pay.

He claims he lived in a modest household growing up but went to school with kids who were wealthier. He didn't have friends and always figured that if he earned a lot of money, people would like him, he said. "The only time people ever talked to me was when I made money or spent it," he said. "It was completely wrong. I'm very embarrassed and ashamed."

Microsoft attorney Aaron Kornblum attended the hearing and said he was pleased with the results. "Soloway repeatedly broke the law. He defied a federal judge, and he made a lot of money. This sends a strong

message."

Soloway was one of the first spammers Microsoft sued when, in 2003, the company decided it was time to try to put a stop to spam using legal means. At the time, Soloway was known as the third-most-prolific spammer in the world, Kornblum said.

In addition to the prison term, Soloway will serve three years of probation and must do 200 hours of community service.

The government has also asked for a separate restitution hearing.

Another notorious spammer, Eddie Davidson, [escaped](#) from his prison camp in Colorado on Sunday, authorities said Tuesday. He had been serving a 21-month sentence after pleading guilty to spam charges in December.