



Department of Justice

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Northern District of California**

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SANFORD WALLACE INDICTED FOR SPAMMING FACEBOOK USERS

Self-proclaimed "Spam King" Sent More Than 27 Million Spam Messages

SAN JOSE, Calif. – Sanford Wallace, 43, of Las Vegas, today self-surrendered to agents from the Federal Bureau of Investigation. United States Attorney Melinda Haag announced. On July 6 a federal grand jury in San Jose indicted Wallace with multiple counts of fraud and related activity in connection with electronic mail. Wallace was also charged with three counts of intentional damage to a protected computer and two counts of criminal contempt

According to the indictment, from approximately November 2008 through March 2009, Wallace executed a scheme to send spam messages to Facebook users. Those messages compromised approximately 500,000 legitimate Facebook accounts, and resulted in more than 27 million spam messages being sent through Facebook's servers.

The indictment alleges that Wallace sent spam messages to Facebook users during three time periods: First, on or about Nov. 5, 2008, and continuing until approximately Nov. 6, 2008, Wallace accessed Facebook's computer network to initiate the transmission of a program that resulted in more than 125,000 spam messages being sent to Facebook users; Second, on Dec. 28, 2008, Wallace accessed Facebook's computer network to initiate the transmission of a program that resulted in nearly 300,000 spam messages being sent to Facebook users; Third, on Feb. 17, 2009, Wallace accessed Facebook's computer network to initiate the transmission of a program that resulted in more than 125,000 spam messages being sent to Facebook users.

On March 2, 2009, March 24, 2009 and Sept. 18, 2009, U.S. District Court Judge Jeremy Fogel, in the case of *Facebook, Inc. v. Sanford Wallace, et al.*, No.C09-00798 JF, ordered Wallace not to access Facebook's computer network. The indictment alleges that on April 17, 2009, Wallace violated Judge Fogel's order by logging into his Facebook account while aboard a Virgin Airlines flight from Las Vegas, to New York. In addition, Wallace violated the order on or about Jan. 26, 2011, and continuing to at least Feb. 16, 2011, by maintaining a Facebook profile entitled "David Sinful-Saturdays Fredericks."

This afternoon, Wallace made his initial appearance in federal court. He was released on a \$100,000 unsecured bond, pending property posting, and ordered to obey all civil orders including not accessing MySpace or Facebook. The defendant's next scheduled appearance is at 1:30 p.m. on Aug. 22 before U.S. District Court Judge Edward J. Davila.

The maximum statutory penalty for each count of fraud and related activity in connection with electronic mail, in violation of 18 U.S.C. §§ 1037(a)(1) and (b)(2)(A), 18 U.S.C. §§ 1037(a)(2) and (b)(2)(C), and 18 U.S.C. §§ 1037(a)(4) and (b)(2)(B), is three years imprisonment, and a fine of \$250,000, plus restitution if appropriate. The maximum statutory penalty for each count of intentional damage to a protected computer, in violation of 18 U.S.C. §§ 1030(a)(5)(A) and (c)(4)(B)(i) is 10 years imprisonment and a fine of \$250,000, plus restitution if appropriate. The maximum statutory penalty for each count of criminal contempt, in violation of 18 U.S.C. § 401(3) is determined by the Court. However, any sentence following conviction would be imposed by the court after consideration of the U.S. Sentencing Guidelines and the federal statute governing the imposition of a sentence, 18 U.S.C. § 3553.

Susan Knight is the Assistant U.S. Attorney who is prosecuting the case with the assistance of Lauri Gomez. The prosecution is the result of a two-year investigation by the Federal Bureau of Investigation.

Please note, an indictment contains only allegations against an individual and, as with all defendants, Mr. Wallace must be presumed innocent unless and until proven guilty.

Further Information:

Case #: CR 11-00456 EJD

A copy of this press release may be found on the U.S. Attorney's Office's website at www.usdoj.gov/usao/can.

Electronic court filings and further procedural and docket information are available at <https://ecf.cand.uscourts.gov/cgi-bin/login.pl>.

Judges' calendars with schedules for upcoming court hearings can be viewed on the court's website at www.cand.uscourts.gov.

All press inquiries to the U.S. Attorney's Office should be directed to Jack Gillund at (415) 436-6599 or by e-mail at Jack.Gillund@usdoj.gov