

NY judge wants to hear victims in cyberbully case

May 10 2012, By LARRY NEUMEISTER , Associated Press

(AP) -- A judge delayed the sentencing of an eyewear website operator who intimidated customers, saying he first wants to hear testimony from dozens of victims who reported they were threatened with violence, including murder and rape.

U.S. [District Judge](#) Richard Sullivan said Thursday that the testimony might lead to a harsher sentence for Vitaly Borker, who pleaded guilty last year to making threats and to [fraud charges](#). [Federal sentencing guidelines](#) recommend a sentence of roughly three years in prison, but Sullivan has said he might impose a harsher sentence.

Borker was about to be sentenced Thursday when his lawyer, Dominic Amorosa, insisted that his client never threatened customers with rape or murder despite claims by numerous individuals that he did.

"I'm going to rape you? I'm going to kill you? I'm going to kill your family? I don't think this man said these things, crazy as he was," Amorosa said. "He did not threaten to take people's lives."

Sullivan did not immediately set a date for what he said amounted to a mini-trial but said it was necessary to explore relevant facts in a unique case. He read aloud several of the [allegations](#), including from victims in Montana and Louisiana, before saying: "I want to hear these witnesses."

[Prosecutors](#) said Borker bullied customers since at least 2007 into accepting counterfeit and inferior products. They said he also

encouraged them to complain online, a seemingly counterintuitive tactic that he thought would boost his search engine rankings and drive more customers his way.

Prosecutors say well over 200 complaints against Borker had been filed with the [Federal Trade Commission](#) over the operation of his website, DecorMyEyes.com.

Amorosa said Borker sold about 100,000 pairs of [eyeglasses](#), making threats to as few as 20 customers when disputes arose.

The attorney blamed some of Borker's behavior on alcohol and [marijuana abuse](#).

"You have before you a sick [defendant](#) whose sickness contributed to these crimes," Amorosa said.

Amorosa conceded that his client made threats by telling customers he knew where they lived and that he was watching them, but he insisted no harm was threatened.

"Some of this stuff is absolutely revolting, beyond the pale," Amorosa said. "He just exploded in an irrational manner."

Since his arrest, Borker has created a \$50,000 restitution fund for his victims and remains on medication for psychiatric problems which include bipolar behavior, he said.

The recent death of Borker's father also has weighed heavily on him, especially since he believes his actions caused his father humiliation and disgrace and probably hastened his passing, Amorosa said. Borker wiped his eyes as his lawyer spoke of it.

Still, Amorosa added, Borker "is full of remorse for what he did to these people and sick over it."

The judge said he may no longer credit Borker for accepting responsibility for his crimes if he concludes that the victims, not Borker, are telling the truth.

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