

## Man gets over 3 years in iPad data breach case (Update)

March 18 2013, by David Porter

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An admitted online "troll" was sentenced Monday to the maximum prison term under federal guidelines—more than three years—for illegally gaining access to AT&T's servers and stealing more than 100,000 email addresses of iPad users.

Dozens of Andrew Auernheimer's supporters packed the hearing, and clapped when he made a statement castigating the government for what he characterized as an unfair prosecution. The proceeding turned tense at one point when Auernheimer apparently pulled out a cellphone and several U.S. marshals grabbed it from him and held him spread-eagle on the defense table. After a short recess, he was led back into the courtroom in shackles.

Auernheimer, formerly of Fayetteville, Arkansas, was convicted in November of identity theft and conspiracy to gain unauthorized access to computers. The counts each carry a five-year maximum sentence, but U.S. District Judge Susan Wigenton had accepted federal prosecutors' request to use a range of 33 to 41 months. Auernheimer's attorney had sought probation. The attorney, Tor Ekeland, said he would appeal Auernheimer's conviction and 41-month sentence.

"The one word that comes to my mind the most is disappointment," Wigenton said as she pronounced Auernheimer's sentence. "That someone of your intelligence and ability would use his skills in a negative way."

Outside the courtroom before the sentencing, Auernheimer fumed about U.S.-sponsored drone attacks and referred to the U.S. government as "malicious tyrants." In front of the judge he was less strident but no less adamant about his innocence.

"I respectfully say this court's decision is wrong and if you understood what you are doing to the rule of law and the Constitution, you would be ashamed," he told Wigenton.

Prosecutors say Auernheimer was part of a group that tricked AT&T's website into divulging the email addresses, including those of New York Mayor Michael Bloomberg, then-White House chief of staff Rahm Emanuel, film mogul Harvey Weinstein and other celebrities.

The group shared the addresses with the website Gawker, which published them in redacted form.

Auernheimer and his supporters have claimed he was providing a public service by exposing a flaw in AT&T's system.

"What did the 114,000 iPad users do that was so wrong, to have their personal information exposed to Gawker?" Assistant U.S. Attorney Zach Intrater posed to Wigenton. "He could have contacted AT&T and let them know what was wrong, and they could have patched the hole and then the defendant could have published and got his reputation."

Prosecutors said at the time of Auernheimer's arrest that he had bragged about the operation online. Court papers also quoted him declaring in a New York Times article: "I hack, I ruin, I make piles of money. I make people afraid for their lives."

A second defendant, Daniel Spitler of San Francisco, pleaded guilty in 2011 and testified against Auernheimer last year.

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