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## [9 Years in Prison for Top 10 Spammer](#)

### *Conviction upheld*

The first ever felony conviction for illegal spamming in the United States has been affirmed once again, after Jeremy Jaynes of Raleigh, N.C. on the defending end, protested that Virginia's anti-spamming law violated the right to freedom of speech. He claimed that the law was against both the First Amendment and the interstate commerce clause of the U.S. Constitution, according Larry O'Dell of the Associated Press. His claims started a ferocious legal battle, but one that saw its end on Friday, when the court's majority said that spam and the misleading commercial speech, that Jaynes promoted, do not fall under the protective shadow of the First Amendment. Elisabeth Lacy wrote in a dissent that the law is "unconstitutionally overbroad on its face because it prohibits the anonymous transmission of all unsolicited bulk e-mail including those containing political, religious or other speech protected by the First Amendment to the United States Constitution," according to the cited source. This was a cunning workaround of the law from Jaynes' lawyer, Thomas M. Wolf, who associated the junk emails that peddled sham products and services that his client was specialized in, with the bulk anonymous messages used to promote petitioning the government or promoting religion. A written statement from state Attorney General Bob McDonnell says that "This is a historic victory in the fight against online crime. [...] Spam not only clogs e-mail inboxes and destroys productivity; it also defrauds citizens and threatens the online revolution that is so critical to Virginia's economic prosperity." When the case was presented to the court, prosecutors brought evidence of 53,000 illegal emails that the spammer sent over three days back in July 2003, while rumors of the actual numbers being closer to 10 million emails a day went around. The affirming of the decision will have serious implications on similar lawsuits to come, as it has created a precedent in the fight against spammers.