



U.S. Department of Justice

Criminal Division

*Computer Crime & Intellectual Property Section
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June 9, 2008

VIA FACSIMILE (804) 355-4933

Michael B. Gunlicks, Esq.
Gunlicks Law, L.C.
604 N. Boulevard
Richmond, VA 23220

Re: United States of America v. Daniel Dove
Case No. 2:07CR00015

Dear Mr. Gunlicks:

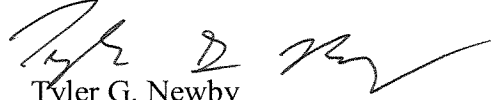
The United States hereby provides notice to the Defendant of its intent to introduce evidence of the following crimes, wrongs or acts during its case-in-chief pursuant to Rule 404(b) of the Federal Rules of Evidence.

As 404(b) evidence with respect to Counts One and Two of the Indictment, the Government will introduce written admissions of the Defendant, in the form of Instant Relay Chat logs recovered from Grant Stanley's computer, that the Defendant devised and carried out a plan to gather Internet Protocol addresses from torrents that were being uploaded and downloaded by members of Elite Torrents.

The statements the Government will introduce show that the Defendant planned to and, in fact did, exploit a Microsoft Windows messenger flaw to send thousands of fraudulent spam messages advertising computer software products to the IP addresses he harvested from the torrents. The evidence the Government will introduce will show that the Defendant expected to earn commissions from these sales in the order of thousands of dollars. These statements are 404(b) evidence of the Defendant's motive and intent for his participation in Elite Torrents.

A sample of the 404(b) materials is attached. These materials were previously provided to the Defendant during discovery.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tyler G. Newby', with a stylized flourish at the end.

Tyler G. Newby
Trial Attorney
Computer Crime & Intellectual Property
Section
U.S. Department of Justice

Enclosures

cc: Randy Ramseyer, Assistant U.S. Attorney
Jay Prabhu, Assistant U.S. Attorney