



JUDICIARY OF
ENGLAND AND WALES

HHJ GLEDHILL QC

SOUTHWARK CROWN COURT

REGINA -V- JAMES JEFFERY

SENTENCING REMARKS

13 APRIL 2012

Police officers attended your home address in possession of a search warrant in the early hours of the 9th of March 2012. You were arrested on suspicion of committing computer misuse offences. You were subsequently charged with the 2 offences I now have to sentence you for, namely, causing a computer to perform a function with intent to secure unauthorised access to a programme or data held in a computer, contrary to s1 (1) and (3) of the Computer Misuse Act 1990 and making unauthorised access to a computer with intent of impairing the operation of that computer, contrary to 3 (2) of the Act. You pleaded guilty to both offences at the first appearance before the Magistrates Court on the 10th of March 2012. You are therefore entitled to maximum credit for pleading guilty at the earliest opportunity.

At the time you committed these offences you have strong views about abortion – you believe it is morally wrong. I know that you are now saying that this was not so, but it is confirmed by what you said to a correspondent on Twitter after you had revealed you had hacked the British Pregnancy Advice Service web site, by what you said in interview about your disapproval of 2 friends who had had abortions and by the anti-abortion statement you put on the home page of the website. Just as many people disagree with the view you held, many do agree. However, those who find abortion repugnant do not use this as an excuse to justify deliberately committing criminal offences. That is exactly what you have done.

I am satisfied that you targeted the British Pregnancy Advisory Service. I do not accept your explanation that the “Leaning Penetration Software” you used threw up the name simply as a web site that was susceptible or vulnerable to hacking. BPAS is a non profit making charity and is the largest abortion provider in the country. Over 60,000 women seek its help every year and of those about 53,000 women have abortions. It also provides counselling and advice in cases of unplanned pregnancies, on contraception and sterilisation. Mr Wallace describes you as a computer genius or whizz kid. Certainly, you have completed 2 years of a software university course. Your skills are so good that you decided to hack into their website and you succeeded. You stole the records of approximately 10,000 women. Many of them were vulnerable women, vulnerable, simply because they had had a termination, for example, or because of their youth or because their family did not know of their situation. You were proud of what you had done – you boasted about it on Twitter. You said that you intended to publish the personal details of these women – their names, addresses,

telephone numbers and email addresses. You put the stolen data in what is known as Pastebin so that anyone could access it. You were able to prove that you could release this highly sensitive data, and would do it, by tweeting the name and log-on details of one of the BPAS administrators. That act in itself gave anyone access to the BPAS data base. In my view, it is significant that the online name you used on Twitter was that of the notorious Columbian criminal Pablo Escobar.

You are linked to a hacking group called Anonymous. You say in mitigation, that although you knew what this group was all about you were not a member, though you had been in communication with a member since the previous February. You say that your communication with that person was not about hacking but was principally about your mutual interest in music. I do not accept this explanation. You are distancing yourself from the group. In addition to stealing the details of the Service's clients, you deliberately defaced its website with Anonymous's logo and a statement that made abundantly clear your anti-abortion views. That statement has been seen by the BPAS before and therefore I can accept that you did cut and paste it from a search engine. But it reflected your views at the time. Why else would you post it on the home page of the web site so that it would be seen by anyone logging on. It begins by stating that an unborn child does not have an opinion, a choice or any rights, and asks why anyone else should have the right to murder an unborn child and profit from that murder.

The BPAS were aware on the day you committed the offences that their security had been breached and therefore informed the police. The police acted with commendable speed and they were able within hours to trace the breach to your address. When they arrived at your home in the early hours of 9 March 2012 they found that your own computer was in the process of being wiped clean. I accept that by the time the police arrived you had changed your mind about releasing the stolen data. But as Mr Wallace says, by then it was too late. It was in the public domain. However it does not appear to have been accessed.

In terms of culpability your offending is very serious for the reasons I have already set out:

- The unlawful use of your undoubted computer skills,
- The accessing of the software that allowed you to hack into the BPAS web site,
- Your moving of the stolen data into Pastebin,
- Your intention to release the highly sensitive personal data without any regard to the consequences to the individual women or the charity,
- Your defacing of the home page of the website, which would be seen by anyone logging on
- Your boasting on Twitter of what you had done,
- Your publishing the details of the BPAS administrators details to prove what you had done,
- That those details allowed anyone to access confidential information.

I ask what harm your offending has done. To the charity itself, the fear is that great harm may have been done – only time will tell whether the consequences of your actions are as grave as is feared. The fear is that women will have no confidence that their personal details and records are secure and will stop using the service. To the women themselves, great anxiety will already have been caused to those who have learned about this case, and no doubt further distress will be caused when others hear of your wrongdoing.

In these circumstances, I am satisfied that the custody threshold has been passed and that this case can only be dealt with by way of an immediate custodial sentence.

I take into account the mitigation that is available to you.

- That you pleaded guilty at the earliest opportunity,
- That you immediately admitted the offences in interview following arrest,

- That your intention to release the data was relatively short-lived,
- That no one seems to have accessed the data,
- I accept that you regret what you have done and now realise the potential consequences – I take into account the contents of the letter I have addressed from you to the BPAS.

As far as your personal mitigation is concerned, the devastating consequences to your education and a promising career in computers can count as little in the circumstances. I appreciate the effect of a prison sentence on your partner and your step child, but you bear the responsibility for that. I accept that you were suffering from depression at the time of the offences, or were at least at a low ebb. But this cannot mitigate what you have done.

The sentence that I impose are both to punish you for what you have done and to send out a clear message of deterrence to anyone tempted to commit similar hacking offences.

Sentence

Charge 1 – 16 months imprisonment

Charge 2 – 32 months imprisonment concurrent

Total Sentence – 2 years 8 months imprisonment

34 days on remand to count towards the sentence