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The Trojan Horse Defense in Cybercrime Cases

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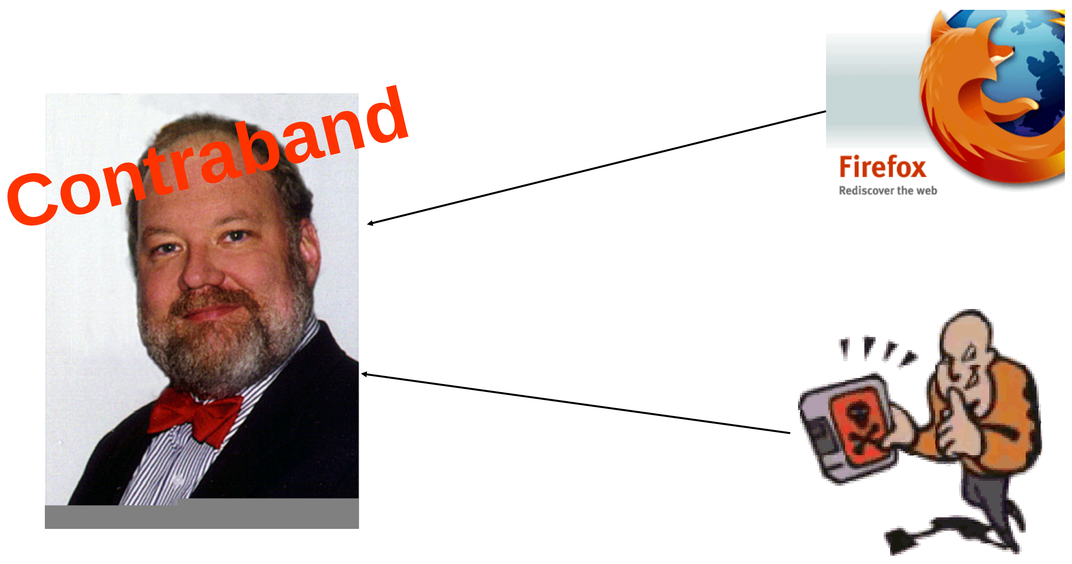

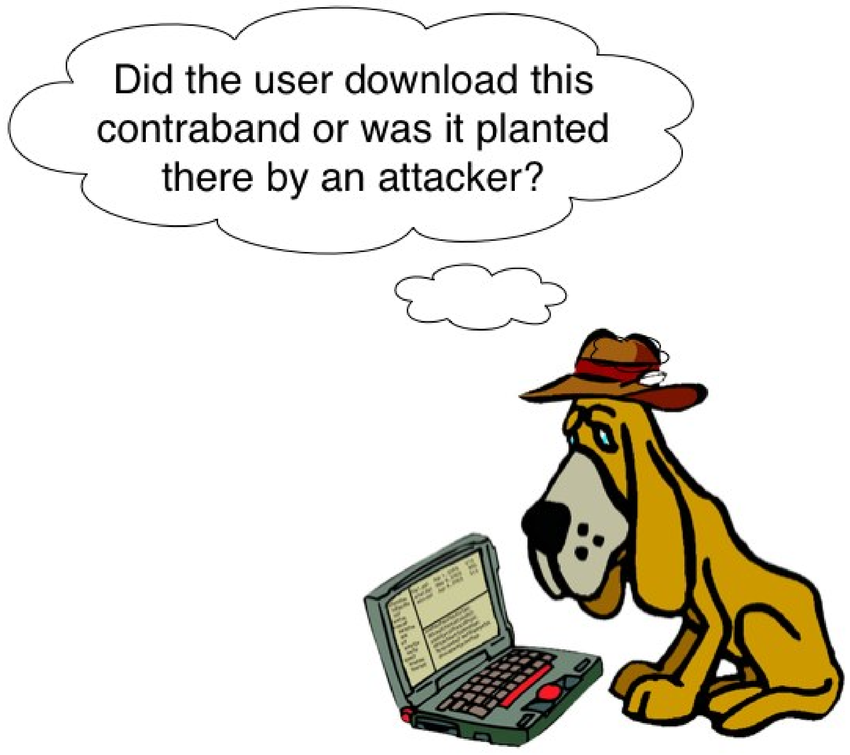

Variation of the **"Some Other Dude Did It" (SODDI)** defense

Examples:

-Caffrey (UK) was a self admitted hacker and charged with a DOS attack on Port of Houston. He was acquitted with a defense that other hackers framed him and used malware that wiped the computer (which is why the police could not find evidence of it).

-Pitts (US) was an accountant and charged with tax evasion. He was acquitted with a defense that a virus changed his documents (but not those of his clients).

-Several have used the defense that a virus or malware placed contraband images on their computers and contraband is becoming a popular method of online blackmail.

Highlights the need for better:

- Digital crime scene event reconstruction

- Standard Operating Procedures (i.e. scan all systems for malware)

- Reverse engineering tools

- Databases to store malware and analysis reports

-Physical evidence to support cybercrimes

-Methods to clearly and easily explain malware to a jury

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