

Department of Justice
U.S. Attorney's Office
Eastern District of California

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**Colorado Man, Operating Under the Nicknames
“Penissmith” and “Botah”, Sentenced to 11 Years in Prison
for Moderating Disputes on Darknet Marketplace
Alphabay**

FRESNO, Calif. — Bryan Connor Herrell, 26, of Aurora, Colorado, was sentenced today by United States District Court Judge Dale A. Drozd to 11 years in prison, U.S. Attorney McGregor W. Scott for the Eastern District of California and Acting Assistant Attorney General Brian C. Rabbitt of the Justice Department's Criminal Division announced.

According to court documents, Herrell was a moderator on the AlphaBay marketplace, an illegal website that operated on the so-called darknet. On AlphaBay, vendors and purchasers engaged in hundreds of thousands of illicit transactions for guns, drugs, stolen identity information, credit card numbers and other illegal items. At the time, AlphaBay was the world's largest online drug marketplace.

“This sentence of an AlphaBay employee demonstrates the collective efforts of law enforcement authorities in the United States and Europe to find and prosecute transnational criminal actors wherever they hide,” said Acting Assistant Attorney General Rabbitt. “The department will continue to work tirelessly to hold accountable criminals who use the Dark Web to facilitate illegal activity no matter where they may be located.”

“This sentence serves as further proof that criminals cannot hide behind technology to break the law,” said U.S. Attorney Scott. “Operating behind the veil of the darknet may seem to offer shelter from criminal investigations, but people should think twice before ordering or selling drugs online—you will be caught. This office will continue using all means available to pursue darknet-based crimes, particularly those involving fentanyl, opioids, and other dangerous drugs.”

“The FBI is committed to developing highly trained cyber investigators who work with our international partners and perpetually evolve to counter the threat darknet criminals pose. Cases like these exemplify how the FBI and our international partners are eliminating the false promise of anonymity dark marketplaces claim to provide and are successfully dismantling criminal organizations which prey upon communities through use of sophisticated computer code,” said Special Agent in Charge Sean Ragan of the FBI's Sacramento Field Office. “Herrell's sentence sends a clear message to criminals that the darknet is no safe haven for illegal transactions.”

As a moderator on AlphaBay, Herrell settled disputes between vendors and purchasers. He is also served as a scam watcher – providing a service dedicated to monitor attempts to defraud AlphaBay users. Herrell went by the monikers “Penissmith” and “Botah” and was paid in Bitcoin for his participation.

On June 1, 2017, a Fresno grand jury indicted the alleged founder of AlphaBay, Alexandre Cazes. On July 5, 2017, the Royal Thai Police, with assistance from the FBI and DEA, executed an arrest warrant for Alexandre Cazes at his residence in Bangkok, in connection with his alleged involvement with AlphaBay. At the time of his arrest, law enforcement discovered Cazes's laptop open and in an unencrypted state. Agents and officers found several text files that identified the passwords/passkeys for the AlphaBay website, the AlphaBay servers, and other online identities associated with AlphaBay. The indictment against Cazes was dismissed as a result of his death. The investigation of AlphaBay and its former administrators continues.

This case was the product of an investigation by the Sacramento and Philadelphia Field offices of the Federal Bureau of Investigation. Assistant United States Attorneys Paul Hemesath and Grant B. Rabenn, and Senior Counsel Louisa K. Marion of the Department of Justice's Computer Crime and Intellectual Property Section are prosecuting the case. The Philadelphia and Denver United States Attorney's Offices provided substantial assistance.