

HAL MARTIN SENTENCING LEAVES ALL QUESTIONS UNANSWERED

Hal Martin was sentenced Friday. He received the nine years agreed upon as part of his plea agreement. But – as the many reports of his sentencing emphasize – closure on this case still doesn't offer closure on the Shadow Brokers case. Of course the sentencing hasn't solved the Shadow Brokers case, which has been true since Martin was charged in 2018 but was recently reiterated by AP.

But it also hasn't provided much clarity on some of the other issues about this case. For example, his lawyer Jim Wyda seems to have confirmed that the cryptic DMs sent to some Kaspersky researchers in advance of the original Shadow Brokers release were his, denying that Martin intended the "Shelf life, three weeks," DM to be an offer to sell the NSA's exploits that would be offered for sale less than an hour later. [Note: this sentencing was difficult to cover remotely because the filings weren't released in PACER, so I'm particularly grateful for other's coverage, especiall this excellent CyberScoop story on it.]

Jim Wyda, Martin's public defender, said Friday there was no indication Martin intended for any transaction to take place by that tweet.

I had noted that, given the lack of 2FA at the time of the DMs, hacking Martin's Twitter account to send the DMs would have been child's play, something an account claiming to be Shadow Brokers responded to fairly aggressively.

The government, however, offered no comment on those DMs. In response to Judge Richard Bennett's reminder that the Tweets had been the

subject of a Martin challenge to the warrants searching his house, prosecutor Zachary Myers refused to comment, even though classification wouldn't prevent comment.

Bennett reminded U.S. attorneys of the tweet and the timeline on Friday in court. Assistant U.S. Attorney Zachary Myers said the U.S. government would not be commenting further than noting that the timeline is, indeed, in the facts of the case.

Then there's the question of whether Martin was a hoarder or a thief. His attorneys insisted his collection of documents was an expression of mental health issues. But the government pointed to how organized it all was (which is hard to square with the descriptions of the chaos of his house from the time of the arrest).

"This is not a case of hoarding, this is stealing," Myers said Friday at a federal court house in Baltimore. The stolen information "was not in a disorganized manner," he said, adding what the government found was "logical" and "repetitive."

Bennett noted Friday he had concerns about the case regarding whether Martin's alleged hoarding problem, noting that for someone who is a hoarder, he seemed well organized.

Martin's wife described to CBS how he had recognized his illness before his arrest, but was afraid that if he sought treatment, he would lose clearance and his job.

Mental illness may explain why parts of Martin's statement expressing remorse make no sense.

WaPo:

Martin spoke for about 20 minutes, his voice calm, soft and sometimes difficult to hear as he read nearly verbatim from

a letter he'd written earlier this month to the judge.

He made clear that what he'd done was wrong.

"The manner and method of my approach was unorthodox, unconventional, uncanny," he wrote. "But also unauthorized, illegal and just plain wrong. One step beyond black. Please do not copy this. It is not the easy or correct path. I took shortcuts, went backwards, sideways and around things, crossing major borders and boundaries. It is not good, it's very, very BAD."

NYT:

He stood in a striped jersey labeled "Inmate" and read for nearly 30 minutes a rambling statement apologizing to family, friends and his former colleagues at the N.S.A.

"I have been called a walking encyclopedia," he said, describing himself at another point as "an intellectually curious adventurer." His words were often cryptic, at one point addressed to "that cool dude in a loose mood" and at another citing the N.S.A. motto, "They serve in silence."

All that said, one of the most telling details from coverage of yesterday's sentencing is in the the government's press release on the sentencing. It emphasizes the resources diverted to investigating Martin's activities, which sure makes it sound like they don't think he's the culprit behind the Shadow Brokers leak.

In court documents and at today's sentencing hearing, the government noted that crimes such as Martin's not only create a risk of unauthorized disclosure of, or access to, highly classified

information, but often require the government to treat the stolen material as compromised, resulting in the government having to take remedial actions including changing or abandoning national security programs. In addition, Martin's criminal conduct caused the government to expend substantial investigative and analytical resources. The diversion of those resources resulted in significant costs.

Bennett believes the nine year sentence will serve as deterrent for other intelligence personnel. But it's not clear whether those are the people who need to be deterred.