

Magistrate Judge Brian A. Tsuchida

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UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
CAMERON JOHN WAGENIUS,  
  
Defendant.

CASE NO. CR24-232 LK

**UNITED STATES’ MEMORANDUM  
IN SUPPORT OF CONTINUED  
DETENTION**

Defendant Cameron John Wagenius is charged with—and noticed his intent to plead guilty to—unlawfully posting and transferring confidential phone records information, including those allegedly pertaining to high-ranking public officials. As detailed below and in the supplemental memorandum filed under seal, the circumstances surrounding Wagenius’ decision to post these sensitive records, along with evidence of additional cybercriminal conduct, suggests a willingness to harm victims for his own personal benefit through the release of stolen information. Equally concerning, the government found evidence that, while engaged in these criminal activities, Wagenius conducted online searches about how to defect to countries that do not extradite to the United States and that he previously attempted to sell hacked information to at least one foreign intelligence service. Additionally, Wagenius violated his commanding officer’s orders by purchasing a new laptop *after* a federal search warrant was executed at his barracks room and his electronic devices were seized, which raises concerns about his

1 willingness to comply with any conditions of release. For these reasons, Wagenius should  
 2 be detained as both a danger to the community—given his ability to access sensitive  
 3 datasets—and a serious risk of flight.

## 4 I. BACKGROUND

### 5 A. Wagenius' Criminal Activities

#### 6 1. *Wagenius Attempted to Extort Victim-1<sup>1</sup> While Transferring Highly Sensitive 7 Stolen Data*

8 The charged conduct relates to Wagenius' multiple public online posts on or about  
 9 November 6, 2024, using his online monikers, kiberphant0m and cyb3rph4nt0m.  
 10 Specifically, Wagenius posted highly sensitive call detail records purportedly belonging  
 11 high-ranking public officials and their family members and threatened to release additional  
 12 phone records belonging to the same individual victims unless Victim-1, a major  
 13 telecommunications company, contacted him or an intermediary to pay a ransom.

14 In addition to the public posts, Wagenius engaged in multiple direct attempts to  
 15 extort Victim-1. Wagenius demanded \$500,000 and made clear threats to Victim-1:

16 Lets start off, a little thing you should know about me. I get what I want and when  
 17 I don't get what I want in my own timeframes that I set I will do what I say. I don't  
 18 care if I don't receive the money involved in the extortions. I already made your  
 19 samples and data on [REDACTED] available to everybody on breachforums. I will  
 leak much much much more, literally all of it.

20 These threats were made while Wagenius was on active duty with the U.S. Army,<sup>2</sup> stationed  
 21 at Fort Cavazos. Pursuant to a search warrant, the government identified copies of the  
 22 sensitive phone records on Wagenius' devices.

23  
 24 <sup>1</sup> The government filed a Notice of Related Case in *United States v. Connor Riley Moucka and John Erin Binns*.  
 Case No. CR24-180 LK, Dkt. No. 11. The victims identified in this memorandum do not correspond to the victim  
 25 numbers identified in the Indictment in the related case. *See id.* (Dkt. No. 1).

26 <sup>2</sup> Wagenius is presently in the process of being separated from the Army but, as of the date of this filing, the  
 government has not received confirmation that his discharge has been finalized. The government's understanding is  
 27 that, until his discharge from the Army is finalized (which is expected to happen in early March), he may only be  
 released directly to the Army. Until that process is completed, Wagenius' proposed release to his father should be  
 rejected for this additional reason.

1                   2. *Wagenius Engaged in Other Malicious Cyber Activity Over a Prolonged*  
2                   *Period of Time and Attempted to Sell Information to at Least One Foreign*  
3                   *Intelligence Service While He Held a Security Clearance*

4                   As discussed in the government’s sealed filing, the government has uncovered  
5 evidence suggesting that the charged conduct was only a small part of Wagenius’ malicious  
6 activity. On top of this, for more than two weeks in November 2024, Wagenius  
7 communicated with an email address he believed belonged to Country-1’s military  
8 intelligence service in an attempt to sell stolen information.<sup>3</sup> Days after he apparently  
9 finished communicating with Country-1’s military intelligence service, Wagenius  
10 Googled, “can hacking be treason.”

11                   3. *After His Devices Were Seized, Wagenius Violated Military Orders,*  
12                   *Purchased a New Laptop, and Used Virtual Private Network (“VPN”)*  
13                   *Software*

14                   On or about December 6, 2024, about two days after Wagenius’ devices were seized  
15 by federal law enforcement, Wagenius’ commanding officer provided orders restricting  
16 Wagenius from “using or purchasing any technology such as laptops, tablets, cell phones,  
17 etc.” Wagenius was advised that disregarding the verbal order could lead to action under  
18 the Uniform Code of Military Justice. Wagenius verbally acknowledged and confirmed that  
19 he understood the order. Nevertheless, the very next day, Wagenius violated this direct  
20 order by purchasing a new laptop and using it in the barracks. Army authorities seized the  
21 laptop and a corresponding receipt (dated December 7) pursuant to an order by a military  
22 magistrate judge.

23                   Wagenius continued to violate the order by using the laptop every day between  
24 December 8 and December 12—when it was seized by the Army. He used VPN software  
25 on this new laptop. This VPN software does not keep logs of Internet Protocol addresses,  
26 session lengths, or web pages visited. In this way, this VPN software can be useful to

27 <sup>3</sup> The government has not verified whether that email address belongs to Country-1’s military intelligence service.  
What is significant, however, is that Wagenius believed that it did.

1 cybercriminals attempting to obfuscate their identity and/or location. The government  
2 continues to investigate Wagenius' conduct during this time period given concerns that he  
3 could have been engaging in new hacking activities or further leaking stolen victim data.

4 *4. Evidence Wagenius Has the Means and Intent to Flee*

5 Throughout October 2024, as he engaged in his criminal activity, Wagenius  
6 conducted online searches related to fleeing the United States. For example, he searched:

- 7 • “where can i defect the u.s government military which country will not hand  
8 me over”;
- 9 • “U.S. military personnel defecting to Russia”; and
- 10 • “Embassy of Russia – Washington, D.C.”

11 These are just a subset of Wagenius' searches indicating a desire to flee the United States,  
12 and the searches occurred over multiple weeks. He also searched for information about  
13 defecting to Country-1, the country to which he attempted to sell stolen information in  
14 November.

15 In October 2024, Wagenius messaged a potential co-conspirator, explaining that,  
16 “whats funny is that if i ever get found out / i cant get instantly arrested / because military  
17 law / **which gives me time to go AWOL**” (emphasis added). In May, Wagenius conducted  
18 an online search for “how to get passport fast.”

19 Finally, the government has obtained evidence on Wagenius' devices indicating that  
20 Wagenius has access to thousands of stolen identification documents, including passports  
21 and driver's licenses, as well as access to large amounts of cryptocurrency. Law  
22 enforcement is still working to understand Wagenius' exact access to such information and  
23 assets, including whether Wagenius controls cloud storage accounts that store stolen  
24 information. During a review of Wagenius' devices, the government also obtained evidence  
25 indicating that Wagenius has created at least one fake identification document for himself  
26 in the past.

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## II. LEGAL STANDARD

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After a guilty plea is entered, the defense bears the burden of proving by clear and convincing evidence that the defendant “is not likely to flee or pose a danger to the safety of any other person or the community if released.” 18 U.S.C. § 3143(a)(1). Otherwise, the judicial officer “shall order” the defendant detained pending sentencing. *Id*; *see also* Fed. R. Crim. P. 46(c) (“[t]he burden of establishing that the defendant will not flee or pose a danger to any other person or the community rests with the defendant” and 18 U.S.C. § 3143 governs release pending sentencing).

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This is a much higher standard than applies when a defendant has pleaded not guilty and is still pending trial. In that case, 18 U.S.C. § 3142(f)(2)(A) provides that a judicial officer shall “hold a hearing to determine whether any condition or combination of conditions . . . will reasonably assure the appearance of [the defendant] and the safety of any other person and the community.” At a detention hearing, § 3142(g) provides that the court shall consider the following factors:

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- (1) the nature and circumstances of the offense charged;
- (2) the weight of the evidence against the person;
- (3) the history and characteristics of the person . . . and
- (4) the nature and seriousness of the danger to any person or the community that would be posed by the person’s release . . . .

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A court shall order a defendant detained pending trial if, after a hearing, it finds that “no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community.” 18 U.S.C. § 3142(e)(1).

## III. ARGUMENT

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Since Wagenius is expected to plead guilty on the same day as the detention hearing, Wagenius has the burden of proving by clear and convincing evidence that he is not a flight risk or danger to the public, which he cannot meet. Even if he does not have the burden of

1 proof, all four § 3142(g) factors strongly favor detention, so Wagenius should be detained  
2 regardless of whether a guilty plea is entered. Wagenius' conduct over the last several years,  
3 probable access to sensitive stolen victim data, statements about defecting, and conduct  
4 after the execution of a federal search warrant indicate that "[t]here are no conditions of  
5 release that will reasonably assure the appearance of [Wagenius] as required and the safety  
6 of any other person and the community." 18 U.S.C. § 3142(g).

7 **A. Wagenius Presents a Significant Danger to the Community**

8 Wagenius' demonstrated willingness to leak stolen data, as discussed in more detail  
9 in the government's sealed filing, creates a serious danger to the community.

10 *1. Nature and circumstances of the offense charged*

11 The nature and circumstances of the charged offenses counsel strongly in favor of  
12 detaining Wagenius as a danger to the community. Wagenius, an active-duty member of  
13 the U.S. Army who possessed a security clearance, publicly posted and caused the transfer  
14 of confidential and sensitive phone records believed to belong to high-ranking public  
15 officials and/or their family.

16 Call detail records are inherently sensitive, as they contain information about the  
17 identity and frequency of a person's contacts. In this case, the stolen data did not include  
18 customer names, but the data Wagenius posted was enriched to include names associated  
19 with specific telephone numbers. Congress specifically enacted 18 U.S.C. § 1039 in 2006  
20 to "preserve consumers' privacy rights and to protect the personal safety of domestic  
21 violence victims, confidential informants, witnesses, jurors, and law enforcement  
22 personnel." H.R. Rep. 109-395, 3, 2006 U.S.C.C.A.N. 1911, 1913. Wagenius' release of  
23 the stolen call records violated the very rights that § 1039 sought to protect.

24 *2. Weight of the evidence*

25 The weight of the evidence in this matter is overwhelming. Copies of the  
26 confidential phone records were found on Wagenius' phone and his laptop, which were  
27 obtained pursuant to a search warrant. Multiple devices contained communications or

1 exports of communications from the kiberphant0m account that made the posts at issue.

2 *3. History and characteristics of Wagenius*

3 While Wagenius is just 21 years old, he has a long history of involvement in  
4 malicious cyber activity as outlined in the government's sealed memorandum. That  
5 Wagenius engaged in malicious cyber activity while on active duty with the U.S. Army and  
6 in violation of a commanding officer's orders raises serious concerns about his ability to  
7 comply with any conditions of release. Importantly, once discharged from the Army,  
8 Wagenius will have no employment and if released, he will have the time and the means to  
9 resume his malicious cyber activities.

10 *4. Nature and seriousness of the danger to the community*

11 The broad scope of Wagenius' conduct, the large amounts of stolen data, and the  
12 significant number of victims create a serious danger that Wagenius will expose additional  
13 stolen data or attempt to further extort victims if released. The danger to the public is  
14 amplified by the possibility that Wagenius may be able to access remote servers and cloud  
15 storage accounts when he gains access to the internet, and there are potentially gigabytes  
16 of sensitive victim information that have not yet been recovered.

17 Wagenius has repeatedly demonstrated his inability to resist posting stolen data. He  
18 posted offers to sell stolen information on criminal forums throughout 2024, leaked victim  
19 data in November 2024, and then proceeded to violate military orders in December 2024  
20 when he was on active duty—because he could not resist the urge to access the internet.  
21 The government continues to investigate what actions Wagenius took after he obtained the  
22 new laptop in December, but there is already evidence that he sought to obfuscate his  
23 activity by using VPN software.

24 **B. Wagenius Should be Detained Because He Presents a Serious Flight Risk**

25 Wagenius should also be detained because he presents a serious risk of flight, has  
26 the means and intent to flee, and is aware that he will likely face additional charges.

27 First, Wagenius conducted multiple, detailed searches about defecting from the U.S.

1 Army and fleeing the United States over the course of weeks in the lead up to his arrest. In  
2 October, he Googled, “where can i defect the u.s government military which country will  
3 not hand me over” and specifically searched for how to “defect[] to Russia.” He searched  
4 this just days after explaining to a potential co-conspirator that he could not be arrested  
5 right away if authorities found out his true identity, which would give him “time to go  
6 AWOL.” In addition to his attempts to sell information to Country-1’s intelligence service,  
7 he conducted at least one search about defecting to that country—which might have a  
8 motivation to provide a safe haven, given his attempts to sell that country data about  
9 another foreign country.

10 Second, the government found evidence on Wagenius’ devices suggesting he has  
11 access to large numbers of identification documents. For example, a screenshot on his  
12 laptop suggested he had over 17,000 files that included passports, driver’s licenses, and  
13 other identity cards belonging to victims of a breach. In one of his online accounts, the  
14 government also found a fake identification document that contained his picture.

15 Additionally, Wagenius knows that additional charges are likely forthcoming,  
16 providing yet another incentive to flee the United States. Taken together, these facts all  
17 demonstrate that Wagenius has multiple motivations, the technical sophistication, and the  
18 means to flee.

19 **C. No Combination of Conditions Can Adequately Protect the Community or**  
20 **Assure Wagenius’ Appearance**

21 Based on discussions with defense counsel, the government understands that  
22 Wagenius proposes being released to his father and would agree to home confinement and  
23 to not possess or use a computer or internet-connected phone. This release plan is not viable  
24 given Wagenius’ recent conduct. Wagenius demonstrated an inability to comply with  
25 conditions related to his internet use in December, when he purchased a laptop a day after  
26 receiving a military order not to do so. He used the computer daily, and he used his  
27 technical knowledge to install and use VPN software that is commonly used by



1 cybercriminals to obfuscate malicious activity. At this time, Wagenius already knew he was  
2 under investigation by federal law enforcement, as his devices had been seized, and he  
3 knew that Army authorities had imposed restrictions on him and were attempting to  
4 monitor his behavior—yet he was still able to purchase and use the laptop. This is the exact  
5 behavior that is likely to occur if he is released to home confinement.

6 Wagenius had opportunities to comply with restrictions placed on his activities and  
7 demonstrated that he cannot do so. At home, there would be even fewer people checking  
8 on him than was the case at Fort Cavazos. The check-ins would be less often, leaving  
9 Wagenius on his own for the entire workday. Furthermore, while the government has seized  
10 extensive amounts of victim data, there is reason to believe that Wagenius still has ready  
11 access to sensitive stolen information that he could provide to co-conspirators or potential  
12 buyers—or use to further extort victims—because he used cloud-based services to store  
13 victim data from numerous companies.

14 **IV. CONCLUSION**

15 The range of Wagenius’ criminal conduct is extensive and the charges in the current  
16 Indictment do not cover all of it. In light of the evidence proffered by the government,  
17 Wagenius presents serious danger to the public and risk of flight. Given his willingness to

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1 sell stolen information to any buyer on criminal forums and to foreign intelligence  
2 agencies, his ready access to significant amounts of sensitive victim data, his desire to flee  
3 to countries that do not extradite to the United States, and his prior noncompliance with  
4 restrictions, there is no reasonable combination of conditions that will reasonably assure  
5 his appearance or the safety of the public.

6  
7 DATED this 26th day of February, 2025.

8  
9 Respectfully submitted,

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I certify that this memorandum contains 2,799 words,  
in compliance with the Local Criminal Rules