

MARCUS HUTCHINS, THE WORD OF GOD

Motherboard obtained the hearing transcript from Marcus Hutchins (AKA MalwareTech) court hearing on August 4. It reveals precisely the oblique language Prosecutor Dan Cowhig actually used, which got reported very differently, to explain Hutchins' alleged admission to have authored the Kronos malware.

In his interview following his arrest, Mr. Hutchins admitted that he was the author of the code that became the Kronos malware and admitted that he had sold that code to another.

Compare that to this allegation, in Hutchins' indictment.

Defendant MARCUS HUTCHINS created the Kronos malware.

It's a very different thing to create code that may make up part of a package that would be sold on AlphaBay as malware and to write code that makes up part of the code ultimately packaged and sold as malware. It seems likely the government overstated what they had evidence of in the indictment (and, one wonders, to the grand jury), which might, in turn, significantly alter questions of intent.

Even with the government's claim that Hutchins discussed getting paid for his code in chat logs (we'll see about their provenance and accuracy after Hutchins goes broke trying to pay the bills in WI without a job, I guess), it's not entirely clear the government even claims to have evidence that Hutchins wanted to sell a tool to rip off banks.

Which means that any eventual trial (assuming Hutchins doesn't plea out of desperation) may turn on textual analysis of what it was some agents in WI bought off the dark web and what

Hutchins coded years ago.