



Written by [C. Mitchell Shaw](#) on October 9, 2017

Exclusive: Court Documents Show Federal Wrongdoing, According to Wife of Suspected Hacker in Medical Kidnapping Case

The federal case of an accused hacker illustrates the degree of malfeasance and underhanded tactics of the federal court system, according to the wife of that accused hacker.

Marty Gottesfeld is in prison awaiting trial on [charges of hacking Boston Children's Hospital to save the life of a young girl](#). His wife, Dana Gottesfeld, has provided previously sealed court documents to *The New American*. She says those documents show that federal authorities "exceeded what they were legally allowed" to do in obtaining information about her husband's web traffic.



When Justina Pelletier's parents took the sick teenager to Boston Children's Hospital in February 2013, they had no idea the trip would result in a [nightmare: the medical kidnapping of their daughter](#). They also had no idea that a man they had never met would later risk his own freedom to help Justina gain hers. That man — Marty Gottesfeld — believed he needed to act to save Justina's life. So as a senior systems engineer, he decided to apply his knowledge of computer systems to hit the hospital where it would hurt the most: On April 20, 2014, he knocked them off the Internet during a major fundraising drive.

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When authorities — who had previously refused to investigate the claims of the Pelletiers and other families that the hospital had taken their children from them under false pretenses and that those children had been subjected to torture and other mistreatment — began to investigate the cyberattack, they looked at a YouTube video by someone claiming to be part of the hacktivist group Anonymous. That [video](#), posted March 23, 2014, lays out the details of Justina's abuse at the hands of the state and the hospital. It also lists links to information about the judge who issued the order terminating the parental rights of the Pelletiers, and to the doctor who ignored the diagnosis of the Pelletiers' family doctor that the teen suffers from [Mitochondrial disease](#) (claiming instead that she was suffering from a psychological disorder), the hospital, and the treatment center to which the hospital had transferred Justina (and where she continued to be denied medical treatment and the necessary pain medications for her disease and be subjected to what she and her family describe as torture).

Investigators were able to link the video to Gottesfeld since it was posted from an account he had signed up for and was posted from his IP address. Based on that, investigators obtained a "Tap and Trace" order to gather more information on Gottesfeld. In defiance of the fact that there is nothing in the video that would have satisfied the Fourth Amendment's requirement of "reasonable cause,"



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investigators were able to convince a judge to sign off on the Tap and Trace order. So that order — [made available here for the first time](#) — was based on a video that should reasonably have been protected by the First Amendment.

The video provided contact information for people involved in Justina’s medical incarceration and “implores” viewers to “use this information to your maximum potential in order to save Justina’s life.” The video specifically asks viewers to make phone calls and write letters. Despite the fact that later reports claim that the video called for viewers to hack the hospital, there is nothing in the video or the links that support those claims.

In fact, another recent case is worth a little comparison to this case. When a University of Wisconsin-Madison student posted a [YouTube video showing black students beheading police officers](#) wearing pig masks, there was no search warrant issued, no Tap and Trace, no arrest. Not even an investigation — though [one state senator did call for one](#). While the UW-Madison student’s video actually calls for violence, Marty’s video calls for (gasp!) making phone calls and writing letters to ask the people responsible for torturing a sick child to stop that torture and let her go home to her loving family.

Even more importantly, though, Dana Gottsefeld told *The New American* in an exclusive interview that the [search warrant](#) based on the Tap and Trace order — and issued *after* that order was carried out — listed information about particular Internet traffic that was gathered by authorities “exceeding what the Tap and Trace allowed.” She told us, “The search warrant affidavit [used to obtain the search warrant] mentions traffic obtained from the Tap and Trace. However the Tap and Trace, as ordered, shouldn’t have given them those details.”

So it appears that federal investigators — time after time, step after step — have trampled the Constitution to play a rousing game of persecution by prosecution of a man who did what he did to defend a child’s life. First, by honing in on Gottesfeld because of the video, then — if Dana Gottesfeld is correct (and it seems reasonable that she is) — by overstepping the boundaries of the Tap and Trace order obtained because of that video, leading to investigators obtaining a search warrant based on the information they gathered from that alleged overreach, and finally arresting Gottesfeld.

As to whether Gottesfeld did what he is accused of, the answer may be equally “yes” and “no.” Gottesfeld issued a statement published by the Huffington Post nakedly titled [“Why I Knocked Boston Children’s Hospital Off the Internet.”](#) He lays out — in simple terms — both that he hacked the hospital’s Internet server and — as the title implies — why he did it: “The defense of an innocent, learning disabled, 15-year-old girl.”

As Dana explained to *The New American*, “We don’t see the nexus of this case as ‘Is the punishment too harsh for the crime?’ — it’s that it’s not a crime in the first place.” She went on to say, “When someone’s life is at risk, the way Justina’s was,” Marty’s actions — which would normally be criminal — are justifiable. “Let’s say this wasn’t a digital case; let’s say this was in physical reality — in an alleyway or something. If you saw someone being hurt, you’re allowed to take action to defend their life. It’s called ‘defense of others.’ And when you do that — even if you use physical force, even if it’s deadly force — it’s not a crime.” She added, “It’s just because it’s happening in cyber that it’s more confusing.”

After more than a year of Justina’s parents fighting a losing legal battle to save their daughter as she grew increasingly sicker, and the hospital being able to weather the bad press, Marty hit them where they felt it. He took them offline in the midst of a fund drive.

Shortly after that, Justina was allowed to go home.



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Marty wrote in the statement linked above:

I also knew from my career experience as a biotech professional that no patients should be harmed if Boston Children's was knocked offline. There's no such thing as an outage-proof network, so hospitals have to be able to function without the Internet. It's required by federal law, and for accreditation. The only effects would be financial and on BCH's reputation.

As Dana explained to *The New American*:

And that's really how we see this case — knocking a hospital off the Internet doesn't even hurt anybody. But it did apply the financial pressure that released her when her parents said her life was in danger and that they were afraid she was going to die.

As to whether there is a one-to-one, direct connection between Marty's hacking and Justina's release, Dana said:

You can't isolate any one thing. There were a lot of people advocating for Justina. There were lawyers involved. But Boston Children's Hospital is largely untouchable. I mean, they can get bad press, but they're such a gigantic institution — just influentially — that bad press effects them a little, but hit them in their pocketbook and they're paying attention.

The prosecution — which, again, is building its case on the work of investigators who appear to have trampled the law underfoot to pursue this case — seems to have also drawn a connection between Marty's actions and Justina's release: They don't even want her mentioned in the case. As Dana told us, "The prosecution is motioning to exclude Justina from being mentioned at trial," adding, "They're trying to narrow the scope and exclude Justina from testifying — from really getting into her story."

And the impropriety and malfeasance doesn't stop there. The Tap and Trace order was not issued by a full judge, but by a federal magistrate. And it was not even the magistrate assigned to Gottesfeld's case. As constitutional lawyer and regular contributor to this magazine, Joe Wolverton, explains, "It's increasingly normal" for magistrates to issue these orders, though "it's not supposed to be that way." He points to the FISA court as an example of this "new normal" where "they do it completely secretly." Wolverton added that having federal magistrates issue these types of orders "is one of those things that have gone on for so long that you can't even get conservatives who want to rein that in."

As for prosecutors having the Tap and Trace signed by a magistrate who is not even assigned to the case — in a move that appears to indicate "judge shopping" (or in this case, magistrate shopping) — Wolverton said, "Now see, that's a different thing," adding, "That's not normal at all." He went on to tell *The New American* that "federal procedure says that if prosecutors have to go to another judge, you have to transfer the case." But in Gottesfeld's case, prosecutors shopped for another magistrate to sign off on the Tap and Trace and then continued to have the original magistrate work the case. Wolverton said these steps by the prosecution are "actionable" but "not likely to go anywhere" because "they'll look at you and say, 'Yeah, great, you're right. But so what?' and nothing will happen."

Dana Gottesfeld agrees. She told *The New American*, "That's federal court in a nutshell. In 2012, the federal courts had a 93 percent conviction rate — which is insane — because most people take plea deals" while prosecutors break rule after rule to secure those astronomically high conviction rates.

So while the prosecution seeks to control both the narrative and what the jury will be allowed to know and also continues to bend the procedures of federal prosecution to near the breaking point, Dana is working to raise awareness of her husband's plight, because no one should face the prospect of a 15-



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year prison term for trying to save the life of a child. As part of Dana's efforts to raise awareness, she has much more information available at www.FreeMartyG.com and has coordinated with *The New American* to publish these newly released documents which are linked [here as PDFs](#) and on the [FreeMartyG Instagram account](#).



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