

[Transcript] Darknet Diaries / 136: Team Xecuter

Okay, so I read about this story about a video game that I thought was interesting.

So it starts out on Steam.

Steam is a video game marketplace, right?

And you can download Steam, and through there you can buy video games to play and stuff.

It's a nice system.

I like Steam because it provides a sort of standardized way to get games.

See before this, games for the PC were just all over the Internet, so there was no central place to go other than your local GameStop, and you had no idea if the game you found on the Internet was legit or not.

It could have malware in it, or maybe it wasn't a complete game.

Or some weird knockoff, pirated version.

Steam saw this problem too, and this is why they made the marketplace, and they developed a three-step process that all games must go through before they can be sold on Steam.

First is that you have to submit your Steam page, then you have to submit your game for review, and then if those things are approved by Steam, you have the option to publish your game on their platform.

Yeah, well, someone looked at this, and they were like, hmm, I wonder if I can get my game on Steam without having to go through any of that process.

So they made the most boring game you can think of called Watch Paint Dry.

And yes, in fact, if you downloaded and installed this game, all you do is sit there and watch Paint Dry.

Surely a game this stupid would be rejected by Steam.

Well, this game developer started going through the steps on how to get a game into Steam. They first created a developer's account and was going through the process.

But during those steps on Steam's website, there were some questions, and one of them was a drop-down menu that asked, what stage your game is in?

Well, this person decided to try submitting some answers that weren't in the drop-down options, which returned some weird results.

And using that information, they were able to send data to Steam saying, the game is currently published.

They basically skipped the first two steps, where Steam had to review it and just trick the website into thinking it was published.

And sure enough, that worked.

The game was available on Steam for anyone to download.

Watch Paint Dry bypassed all the checks to get onto Steam.

It was there for like a whole day before they noticed it and took it down.

Steam has fixed this problem, so you can't bypass it anymore.

But it's an interesting exercise, isn't it, to try to trick a video game marketplace to list your game has been reviewed and approved, which makes the users trust that this game is OK.

There's a lot of trickery that goes on in the world of video games.

These are true stories from the dark side of the internet.

I'm Jack Reiser.

This is Dark Net Diaries.

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I'm really excited about this episode because I think this is one of the most requested episodes I've been asked to make.

But even though a lot of you have sent me article after article about this story, the problem is the main guy in this story, Gary Bowser, has been unreachable until now.

Testing one, two, three.

Testing one, two, three.

You're good.

All right.

I'm recording when you are, Jack, anytime.

Great.

Thank you.

Hi, Gary.

Hello, Jack.

Good to hear from you.

What is it like being on the outside?

No, it's interesting.

It's interesting.

There's a lot of getting used to the things that I've taken for granted.

Today just sitting outside, waiting to come here, and the rain had stopped, and watching

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the squirrels and listening to the birds sing, and smelling the flowers in the garden.

It was like I never even felt that in three years.

That was like a new experience to me all over again.

Little things like that are amazing.

So what happened to Gary?

Well, let's find out.

So let's go back.

1984.

Is that right?

Yeah, that's a long time ago, actually.

I was born in 1969, and by 1979, I was already working on computers and stuff.

So by 1984, I had already started my own company and was manufacturing software at that time for the Texas Home Computers.

So Gary is in his 50s now.

But to properly tell this story, we need to go back in time to the 80s.

At this point, Windows wasn't even a thing yet.

Apple was just tinkering around in their garage.

So who was the big player in the personal computing scene?

Texas Instruments.

They built this little machine that you could play a few games on and type on and do some basic tasks.

Gary loved it and thought it was really cool.

The home computer world crashed in the 83, 84 period.

They weren't belly up, Commodore Atari, TI, Time and Sinclair, the whole industry collapsed.

So there was a huge market of people that wanted to support the machines now the manufacturers weren't making them anymore, but there was hundreds of millions sold.

So that's where the original hobbyist market came out and people were grouping together trying to figure out how to program the machines themselves, make new hardware and continue supporting the equipment.

So that's one of the areas where my company fitted in.

I was manufacturing devices originally just software and then eventually hardware and that continued keeping the machine alive waiting until new ones came out.

So it was a very profitable business when I started in the 80s until I started to die out in the 90s when Windows came out.

Gary would program software using the basic programming language, assembly and Texas Instruments

his own proprietary language called GPL.

He'd make little programs on it to make the computer do more stuff.

But then on top of that, he was also creating replacement parts for this computer because if something were to go bad, Texas Instruments wasn't making replacement parts.

Gary loved this little machine and he knew how.

So he would just get the parts and solder them together and make new parts like graphic processors and other hardware.

I was sourcing the parts from the companies, the video processors in the memory.

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But I was actually making the, I designed the circuit boards myself and I had a contract manufacturer and then bring the parts in from like Aero and Future.

And then I had employees that was hand soldering the devices together and we were shipping them out by mail order once the orders came in.

He was manufacturing computer parts and I find that fairly impressive.

I mean, he was certainly ahead of his time to be a startup computer part maker in the 1980s, right?

I didn't actually start making the hardware until about 1990.

The first part of the 80s was just concentrating on software.

So it was around 89, 1990 I started actually manufacturing hardware.

I had a lot of inside contacts and Texas Instruments that had the released information on how the video processors work and TI licensed the original code to Yamaha.

So I just piggybacked on using the processor from Yamaha and finding a way to make it compatible with the Texas Instruments, which required some changes in the operating system.

And I actually went back to Texas Instruments and got a license from them to modify the original operating system so that it would support the newer graphic systems.

This is an interesting note that I want you to keep in your head.

Gary was making programs for this computer and then working on ways to even improve the whole system, like making it work even better than intended and have more features and abilities.

And he was altering the computer so much that he asked Texas Instruments for permission to do this just to play it safe.

They were done with that system and didn't really care.

In fact, they did a whole tax write off to dissolve that whole arm of the company that was working on this.

So they didn't mind him cracking it open and modifying it to his heart's content.

They were fine if he even made money on his mods or software.

And I think that's the way things should be.

It's how we progress with technology.

It's to improve upon someone else's code and someone else's hardware and the improved versions take us to new places and it becomes a new standard for how things work.

So to me, this sounds great that he was modifying this little computer to do bigger and better things with it.

Back then, I never owned a Super Nintendo or an Nintendo or even an Atari.

I wasn't interested in it.

But when Windows came out, things started to change.

My business started to go downhill.

People were moving on.

They were starting to build PC computers.

There was no more a market for text instrument stuff.

So I switched my business into with another partner.

We formed a company called GenX Computers and I started building custom PCs based on people's orders.

From that type of business, I started repairing video game systems.

So by 2001, there was a lot of video game consoles.

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People were coming in with PlayStation 1s, original Xboxes, and it went from the building computers to fixing the video game systems.

So that's where it slowly slid because there was no more market for the text instrument system during that time period.

Fixing broken video game systems.

This seems like an easy pivot for him.

After all, a gaming system is simply a computer.

It has a graphics processor, microchips, logic boards, same as a computer, but there was a big difference.

The biggest difference with the video game systems is the original computers that were manufactured in the 70s and 80s, they allowed you right out of the box to do programming.

They came with a language.

They came with a manual that told you how it worked.

You could just sit down and start typing code and using it, recording it to cassette tape if you didn't own a floppy drive or recording it to floppy drive yourself.

But with the video game systems, that was impossible.

So that's where the slide came in and it's like, well, why?

This is a computer.

It has memory.

It has everything in it.

Why can't we just sit there and program it ourselves?

So that's where I slowly started switching to the dark side.

I wanted to see these systems unlocked.

And it was difficult to repair the systems too because you couldn't just source the parts.

Like if it was easy, you could order new memory chips from FUTURE, you could order new processors

from the original company, we moved them and put them in.

Now they had custom stuff and you couldn't just put a new device in.

So there was more of an intrigue there.

It's like, well, how come I just can't replace the lens and the PlayStation 1?

I mean, is it really Gary who's going to the dark side to try to code these things or modify them?

Or is it Nintendo going to the dark side by locking out developers and purposely making it hard for them to modify it in any way?

Nintendo did not want people tinkering with their system.

Adding things to it or writing any custom software for their system was just a big no-no for them.

And I want to remind you that the NES system was just a little computer.

It had a bootstrap, BIOS, firmware that all needs to load before it can execute a game.

I mean, just look at the first version of the NES.

It was called Famicom, which is short for family computer.

It's clearly a computer.

Now when something failed on the Nintendo NES, it was very tricky to fix it.

You might find someone who knows a few basic things that they can try, like maybe taking

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a part out of another NES and putting it in yours, but Nintendo wasn't helpful at showing you how these things were architected to allow you to fix it or buy replacement parts. So by hiding all this info, made it extra hard for people to just fix their own systems. And it also made it really tricky to modify them, to improve upon them, to upgrade them. They also used weird custom hardware that was just crazy hard to find those parts. It's like these game system makers were anti-innovation. They did not want people to customize or add on anything special to their systems. Just play the games that we approve the way we want you to. And that's it.

How do you apply any funny business with your own computer?

Was there pushback from the video game makers of like, hey, what are you doing getting inside our consoles?

What's going on here?

Not originally.

I mean, the original stuff that was done like on the PS1 and the original Xbox, there was no pushback whatsoever.

They looked at it as just a percentage of loss in business and they would take more protection on their disks if a piracy started happening, like in the PlayStation 1, when the first ship started to come out, that bypassed their boot up system, they added more checks on the game itself to look and shut it down.

Electronic Arts, the publishers themselves were the ones that were more into locking out system.

Electronic Arts was one of the first ones that started adding anti-piracy stuff on the PS1.

Okay.

So yeah, people in the gaming scene were taking these systems apart and trying to modify it. Making the game systems do new things that they didn't originally do.

And the game makers hated this.

They wanted desperately to keep their systems from being tampered with and started making games that wouldn't work if you did tamper with it.

So the original PS1 ships wouldn't shut down, they would just keep injecting the signal.

So Electronic Arts, they added code in their game itself to check to see if that signal was still being injected.

Then they realized, well, it must be modified because we're not sending the signal anymore from the disk.

Why is the signal still there?

So then newer ships had to come out, they were called stealth ships that would shut down after a little while.

And that got bypassed, the original checks of the EA did.

Let's back up a second.

As I'm learning about all this, I'm getting super fascinated with the history of video game systems.

So before the PS1 was the Nintendo and there was some drama going around over there, that's worth highlighting.

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There was a UK game developer in the 90s called Codemasters and they started making games for the Commodore 64, which is just an early computer.

And you didn't need to ask Commodore for permission to make a video game for their system.

In fact, Commodore made it super easy for you to program on it.

It came with a compiler that was easy to access.

So Codemasters made games for it.

Then when Nintendo came out with the NES, Codemasters wanted to make games for this too.

But there was a big problem with this plan.

Nintendo only wanted approved games to be played on their gaming console.

So they were strict on what game studios got a license to make games for Nintendo.

And they didn't share any information publicly like how to develop for it or anything, unless you had a license.

What's more is NES had a little lockout chip that would check if the game you inserted was licensed and if it wasn't, it wouldn't let you play it.

Well, Codemasters thought this is an interesting challenge and poked and prodded at the NES until they figured out how to get an unlicensed game to load on the NES by passing the lockout chip.

And with this, they were able to create and sell NES games.

Nintendo was not happy about this.

An unlicensed game for sale on our system?

How dare you?

But Codemasters took it a step further.

Since they had this working knowledge of how the NES loaded games and stuff, they developed something called a Game Genie.

This was a clever little device and it modified the game in real time to let you cheat.

If you wanted extra lives or jump extra high or just go right to the final boss, Game Genie could do that for you.

It essentially gave you superpowers in the game that you were playing.

Now these were all one or two player games back then.

There was no online play, so cheating in a one player game isn't really ruining the game for anyone else.

Codemasters didn't call this a cheat device though.

They called it a video game enhancer and they developed this in the UK and licensed it in the US to a company called Galube, which was a major toy maker back then.

And they started selling them in like regular toy stores.

I mean, you could buy a Game Genie in like Kmart or Toys R Us.

I remember my neighbor had one and I think his mom bought it from Sears.

But little did I know when I was playing on my neighbor's Game Genie, Nintendo was taking Galube to court over this little device, saying it was a copyright violation.

Nintendo was saying the Game Genie was a derivative work and therefore subject to copyright infringement.

This means Nintendo is saying that the Game Genie made minor modifications to the game to make it something new, but not making it unique enough to be something original and

was profiting from the original creators.

Kind of like if I put googly eyes on the Mona Lisa and try to sell it as my own original work.

Well, it went to court and Judge ruled in favor of Galube and the Game Genie.

The judge said, look, the definition of a derivative work means you have to have a separate copy of that original work.

Game Genie does not create a separate copy, but instead adds to the original copy because you still need the original copy to use it.

So clearly it's not taking away from the sales of the game.

The judge also went on to say that consumers have the right to fair use and can modify games however they please for personal use.

This was a huge win for game modders.

Now they had a court case to prove that they had the right to modify their systems and games for personal use.

Now if we look across the aisle at the PC world, the software makers there had no problem with you making personal backups of the software you bought.

The thing is floppy disks and CDs were notorious for going bad and getting ruined.

So it was practiced by everyone.

Even my grandma knew that as soon as you buy a new game for your PC, the first thing you do always is make a copy of it as a backup.

And everyone was cool with this.

PC makers didn't care, game makers didn't care, they were fine with it because it was protected under the Copyright Act.

Section 117 says, if you buy software, you have the legal right to make a personal copy of that software.

In fact, it's even essential if you want to do proper archiving of your digital files.

And so with early computer games and software, there was no anti-copying methods in place to detect or stop copied games from being played on the computer.

And that brings us to the Dreamcast.

In 1999, Sega launched the game console called the Dreamcast, and this was a really cool little system.

And one thing about these console makers is the console itself is a loss leader.

That is, Sega was pricing the Dreamcast at below the cost it took to make the system, but that was okay because they'd know they'd make the money back on the games they sold.

So Sega was very aggressive at making sure that you could only play the games that were approved for the Dreamcast and not any copied versions or anything.

In my opinion, this may go against Section 117 of the Copyright Act, where you're allowed to make copies of the games you have for archival reasons.

The Dreamcast used something called GD-ROMs, which basically means a gigabyte CD, and most people don't have a drive on their computer that could read these kind of disks.

But even if you did get those drives and tried to make a copy of it, there were two problems with it.

One is it was protected, and you couldn't copy it.

And two, the Dreamcast had a system in place that even if you did copy the disk, it wouldn't

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let you play the copy, it would only let you play originals.
You did not care if this violated your right to make backups of the game you own.
In fact, if you put it in your computer and tried to play it, all you'd hear is this message.
Warning, this disk is for use only on Sega Dreamcast.
Anyway, long story short, this was a challenge for some to figure out way around this whole system, and someone did figure it out.
They found a way to bypass the anti-copy protections on the Dreamcast.
And essentially what happened is that you could go online to a pirate website, download any games you wanted, burn it to a regular CD, and put it in the Dreamcast without having to modify the Dreamcast at all.
This was really remarkable because there was no hardware modifications needed.
The way the CDs were written is that they would trick the Dreamcast that it was a playable disk by a clever use of reversing the randomization method on the Dreamcast.
And this opened the door up to pirating Dreamcast games.
I remember when this happened too.
My friends told me, dude, you can download any pirated games you want for the Dreamcast now and just write them to a regular CD and no play.
And I was like, no way, man, those games are like on GD ROMs, they're not CDs, this will never work.
But he demonstrated it to me and I was blown away.
Well, this didn't last long.
Soon after the pirating community announced that you could pirate games on the Dreamcast, Sega announced that they were discontinuing the Dreamcast and were leaving the video game console business altogether.
And this was only a few months after launching it.
So yeah, some say piracy wrecked the Dreamcast.
But did it really?
Two months after the Dreamcast was released, the PlayStation 2 came out.
Which blew away the Dreamcast in every way performance wise.
And the killer feature on the PS2 is that it would play DVDs, which at the time was fairly rare for people to have in their home.
So why buy a DVD player when you could just buy a PS2 which has a DVD player built into it?
People were buying it for that feature alone.
So in my opinion, the thing that killed the Dreamcast wasn't piracy, but the fact that two months after its release, the PlayStation 2 destroyed them in sales.
So that brings us to the PlayStation 2 world.
Remember the Messiah chip back then?
Yeah, I remember the Messiah chip and everything.
Did you get one?
Oh, no.
I got the Enigma.
The Enigma?
I think I had an Enigma at one time.

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It was a lot of wires to solder into the Xbox.

Yeah, tell me your experience of either of these chips.

Messiah was for the PlayStation system.

It was one of the first chips that allowed a DVD to boot on the PlayStation 2.

So the Messiah was a mod chip that you could solder onto a PlayStation 2, and it was created by Paul Owen.

I believe it bypassed the anti-copy protections and that you play copied games, and then when the Xbox came out, Paul also made a mod chip for it called Enigma.

They came out of a BIOS that added new features, allowed you to put in bigger hard drives, unlock the system.

I hated the way they had to modify the system, I mean, with the wires and everything.

My solution at the time, I would actually just take the flash chip off and just reprogram it and then solder it back on.

I had the, since I was in the business before manufacturing hardware, I had the programming equipment and the soldering tools.

So for me, it was quicker just to desolder the flash chip, reprogram it on my PC and then solder it back in.

I could do that whole operation within less than five minutes, which was a lot quicker.

It was quicker than actually sitting there and soldering a bunch of wires in.

Did you ever sell that as a service, like, hey, I'll mod you up your Xbox for you?

I did for a while during 2004 to about 2008.

I did do some modifying of consoles for people as a service.

Did anybody ever get mad at you for that, you know, video game makers or anything like, hey, cease and desist that you're modding our stuff we don't want you to?

No, they didn't.

Do you think they cared?

I think so.

They were, they were actively monitoring the forums even back then and watching the information.

Yeah, the game makers were absolutely watching the video game modding forums and they wanted to know what cheats and mods were out there for their systems and games.

And when Paul Owen made these two chips, that's when Sony came in and threatened him with legal action, this forced Paul to stop importing Messiah chips for the PS2.

But it didn't stop people from buying them directly from Taiwan and it didn't stop Paul Owen from making more chips for the Xbox.

And in my opinion, it's really cool that someone is able to make a microchip to enhance the gaming system because I hate it when these things are just so proprietary and secret and locked down that you can't even repair the game system if it breaks.

In fact, I don't even want to call these things mod chips.

They're just accessories for your gaming system.

Like the other day, I wanted to put an M2 hard drive in my computer, but my mother board didn't have a slot for it.

So I had to go buy a PCI card that enabled me to use the M2 drives.

This is not against any rules.

This is a perfectly fine accessory to buy for your computer.

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The Xbox is a little computer and it didn't let you add a hard drive.

And so it was Paul Owen's release of the enigma chip that allowed you to add an extra hard drive.

Can you imagine if your PC was so locked down that you could not add a second hard drive if you wanted, not even an external USB one?

Paul made another mod for the Xbox, this time calling it the executor.

And he liked that name so much that he started calling his little group team executor, which is an important part of the story.

I mean, it's the title of the episode, right?

So even though he was threatened with legal action to stop producing the PS2 mod chips, it didn't stop him from making new Xbox mod chips and publishing them under the name team executor.

Now the courts didn't think all this modding was cool, like I do.

In 1998, the Digital Millennium Copyright Act, DMCA was established, creating a whole new set of rules for copyright infringement in the digital age.

And specifically, there were clauses that talked about circumvention.

The DMCA criminalized the act of circumventing access controls, which is what video game makers were pointing out when trying to take down these mod chip makers.

They were saying, look, you're going through great lengths to circumvent our anti-piracy controls.

That's a DMCA violation.

And video game makers were taking their cases to court and winning them.

The video game companies, they wanted to protect the quality of the system.

And that's where the Tendul actually started that, would put labels on their boxes that they saw being quality assured, certified.

Because what killed the systems in the 80s was one of those shovelware.

There was just too much stuff, the Towery 2600, the Timex Sinclair, even the Tech Sinclair home computer, there was a ton of stuff being developed.

And a lot of it wasn't worth the \$89 or the \$69.

Did you do much piracy at the time?

Were you downloading wares?

I mean, what was your experience with wares in the 90s?

In the 90s, I didn't do too much piracy actually.

I bought almost all the games that came out that I was interested in.

The only piracy I did a little bit was actually on the computer side.

By the 2000s, with the DMCA starting to show itself more and more in courts,

PC game makers started adding their own anti-copy protections.

This attempted to make it impossible for users to make copies of the software they bought.

And I remember when this started happening at the time.

The sentiment was, we no longer own these games, we're just renting them

because it's only a matter of time before this disk stops working

or it locks you out somehow and you just have to buy a new one.

And I get it.

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There is money lost due to piracy, sure.
But I think all these anti-copy measures hurt the regular consumer and stifles technological growth.
What do you mean?
I can't add anything to my computer that I bought and own.
It's mine. I should be able to modify it any way I like.
But the truth is, the major driver for most of these mods was to enable piracy to let you download games off the Internet for free and play them on your console.
And video game makers thought this was drastically hurting their revenue.
And that's why they went to war in this way.
I just wonder if there were better ways to deal with it.
I mean, listen to this talk by Tony Chen, the head of security for Xbox.
When I first joined Xbox, a lot of people throughout Microsoft may have to explain to them why the problem we're facing is fundamentally different than the problem that Windows needs to solve for its security.
So on a Windows PC system, the PC owner is a good guy.
He's working with us to prevent his PC from being attacked.
The bad guys are the guys out on the Internet trying to compromise his PC.
So Microsoft as an operating system vendor is working with the PC owner to fight the bad guys out on the Internet.
OK, on the Xbox, the owner is the attacker, although the majority of our customers are good, but you have to treat them as the attacker in terms of designing your hardware.
Do you do you hear the way I hear it?
Video game system owners are the bad guys.
It just sounds weird to me.
Like that's just being too aggressive towards your customers.
I understand what your reasoning is here because they're going to pirate everything.
But is there any research on if you don't do anything to stop the pirates?
What percent of people will pirate?
I bet the vast majority of people who can afford it will buy it.
I bet you'll see breakout hits due to piracy.
I bet you'll see people pirate stuff and then buy the full version later because they like the game so much and want to support the game makers.
And I bet you'll see a much bigger impact with your game worldwide if it's available for anyone to play on any budget.
Look at the humble bundle, for instance.
This is a website that sells video games.
And the whole idea here is that you can pay whatever you want for the games.
They put together like a bundle of ten video games.
And then you pick the price of what you want to pay for the bundle.
I love this model because if you're poor, you can get great games for like pennies.

And on top of that, they're giving a percentage of the revenue to charity.
It's a great way to meet your players where they are
and be cool with whatever they can afford.
Or here's another thing.
I have a merch shop, right, where you can buy shirts and stuff on my online store.
Yeah, well, with that comes a certain amount of scammers,
people who buy my stuff and then try to get a refund on it,
but then send back the wrong shirt or nothing at all.
And it sucks, right?
Like it sounds like my shoppers are not to be trusted and there are crooks and there are scammers.
Yeah, well, no, I absolutely do not think my customers are crooks and scammers.
I think my customers are fantastic and should be respected.
And even though there are some bad apples involved,
I go out of my way to treat everyone with respect.
I'll work to make you 100% satisfied with your order, even if you're a scammer.
I don't care if something isn't right.
I'll send you a new item or give you a refund.
And that's because I personally am more loyal to companies that treat me with respect.
And I don't like going into shops that treat me like some crook or some scammer when I'm not.
I remember I visited Austria once in Europe and someone there told me that
when you get on the train in Austria, they never check your ticket.
And it's because Austrians get personally offended if you question whether they paid for their ticket
or not.
Ticket, please.
How dare you think I don't have a ticket?
What do you think?
I'm some kind of thief and snuck on this train.
What's the reason of this line of questioning?
So they just stopped asking people for proof that they paid their way.
And you know what?
I took the train there and nobody asked for my ticket.
There wasn't even a turnstile.
And it was such a culture shock to me.
But I actually loved that level of trust and respect that the trains gave their passengers.
The good people are going to pay their way and the majority of people are good.
Yeah, sure, some will sneak on the train, but we're not going to inconvenience all those good people
just so we can find the few bad ones.
We'd rather have happy good customers than making a little extra money by enforcing a pay to ride
policy.
And would it even generate more money to check everyone's tickets?
I mean, now you have to have a ticket taker on every train all day and night and pay their salary.
My point is, if you distrust your loyal customers, it'll create a bad relationship between you and
them.
Anyway, back on track.

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I feel like this episode is getting me all worked up.
It's causing me to go all over the place.
I'm sorry if I'm ranting too much.
OK, so our players in this story so far are Paul Owen, the guy who made Team Executor and was selling modchips, and there's Gary Bowser, who's very front and center of this whole modchip scene.
In fact, he's so present on the forums that he's starting to make a name for himself on there.
I was more popular originally on Xbox Hacker BBS.
I was a very popular poster on there.
I started then posting on Xbox Dash Scene, posting news for the illustrators on there.
And then on another site for the PlayStation, it was called PSX Dash Scene.
I was a very popular poster on there, and I started working with the illustrator at that site.
And I was there when Geohot, if you remember George Haltz, he found the original, what they called a root key for the PlayStation 3.
He posted it publicly on PSX Dash Scene.
And that caused that site to just take off skyrocket, go from 100,000 users per day to a million users per day.
There was lawsuits involved.
By the time that happened, I was actually hosting that website for the illustrator and then Sony cracked down hard.
They went after Geohot.
There was court orders.
I started posting all of what was happening in the court case.
There was actually at one time a movie deal being worked.
People thought that George Haltz would fight Sony, go all the way.
And unfortunately, he decided to settle and that was the end of it.
Gary Bowser was so active on these forums that he started getting approached by people to actually be paid to be a forum admin.
The first place that offered him a job, he didn't like that one.
But then a guy with the screen name Maximillion approached him and offered him a paying job to be a forum admin.
How did you meet Maximillion?
Oh, I never met him in person.
Not ever, ever?
No, never seen him in person.
I know what he looks like from his Instagram and Facebook posts and I know what his voice sounds like from phone calls I had with him.
But I've never actually met him in person.
But I was introduced to him.
The original owners of PSX scene, they knew him.
So they introduced me to him and we had some phone calls and then he said, look, I need someone to run the site.
You can do whatever you want with the site as long as you're available to post news when I give you information about new products that they're going to release.

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The site was maxconsole.com and Maximillion had just purchased it from another person. It was a fairly popular forum at the time talking about how to hack video game consoles, where to buy mod chips and just news about the modding and video game world. But it didn't trade any piracy or have links to any pirated games. You know, Maximillion is a main character of this story. So let's back up and learn more about him. He's from France. In the 1990s, Maximillion was in the Wears scene, which is piracy. A Wears group is one that rips games off the disk, cracks it free from any anti-piracy methods that were on it and makes it available for anyone to download and play for free. Maximillion led the Wears group paradox in the 90s. And if you played the pirated game Spyro back then, chances are it was Maximillion's group that supplied it to you. In 1994, Maximillion had an INI in the telephone company. An INI is someone who works inside the company who would be part of the scam. This INI was sending him thousands of free calling cards. And I don't know how, but Maximillion took these stolen calling cards and racked up a \$22 million phone bill with them. Maximillion was arrested for this and he pled guilty and was sentenced to almost six years in jail. He was sent to prison in Virginia. And I think this is a good time for an ad break while we wait for him to get out of prison. But stay with us because that's just Maximillion's origin story. What he does next is even more crazy. This episode is brought to you by Foronis. So many security incidents are caused by attackers finding and exploiting excessive permissions. All it takes is one exposed folder, bucket or API to cause a data breach crisis. The average organization has tens of millions of unique permissions and sharing links. Even if you could visualize your cloud data exposure, it would take an army of admins years to write size privileges. With how quickly data is created and shared, it's like painting the Golden Gate Bridge. That's why Foronis built least privilege automation. Foronis continuously eliminates data exposure while you sleep by making intelligent decisions about who needs access to data and who doesn't. Because Foronis knows who can and who does access data, their automation safely remediates risky permissions and links, making your data more secure by the minute. Even when you're not logged in, Foronis is classifying more data, revoking permissions, enforcing policies and triggering alerts to their IR team to review on your behalf. To see how Foronis can reduce risk while removing work from your plate, head on over to Foronis.com slash darknet and start your free trial today. That's Foronis spelled V-A-R-O-N-I-S dot com slash darknet. So Maximilian served six years in prison for stealing calling cards. But when he got out of prison, it seemed like he went back to the pirate scene. He bought the website DaVinio. Do you remember a site called DaVinio at the time?

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Yeah, that was one of the first resellers that they were selling devices from like Team Executor and other companies and third party controllers and stuff.

They were, I actually used them myself to buy some mod chips back in the day.

So what Maximilian saw was that Team Executor had been making and selling these mod chips by the tens of thousands and there was a whole system in place.

The chips were created in Asia somewhere and then shipped in bulk to the US and then sold through the DaVinio site.

Max thought this looked like a good business and got in touch with Paul Owen, the owner of Team Executor and Max offered to buy Team Executor from Paul.

The Team Executor branding, the website, the supply chain, everything was sold to Maximilian.

Now that he had this little mod ship business, Maximilian needed a solid way of getting the word out on his new products.

So that's when he decided to buy Max console dot com, a popular modding forum.

His idea was that he could use this place to just basically have unlimited marketing for all the things that Team Executor was releasing.

And he just needed someone to help run the site.

And that's when he asked Gary.

Yeah, the original idea was I could do whatever I want with the site, keep 100% of the ad revenue, but he wanted a couple of spots on the site just for his products.

So like the top banner spot would be for his, his products.

And whenever he had a press release made for a new product, that I had to be a variable on call, post it right away.

That way that site would have the news first and then everybody else would have to link to that site because of the exclusive news.

Well, Nintendo was all over these forums and seeing when new mod chips were announced and didn't like this one bit.

And they started doing their own research.

They found that Divinio had been getting their chips from Hong Kong.

So Nintendo went to Hong Kong and opened up a court case against Divinio, claiming it's an infringement on their intellectual property.

The Hong Kong Supreme Court ruled in favor of Nintendo, which immediately froze all of Divinio's operations in Hong Kong.

And the ruling demanded that Max pay Nintendo 44 million euros in damage.

44 million euros.

That's a huge fine.

But I believe Maximilian just found a different country to get his chips from and kept on doing business without paying any of the fines put on him.

So Nintendo went to his home country, France, to take legal action on him there.

They took him to court and they told the courts, look, we already found this guy guilty in Hong Kong.

He's supposed to be paying us 44 million euros in damages.

He hasn't paid a cent of it yet and he keeps violating our intellectual property.

Can you please do something?

But the French courts ruled in favor of Maximilian.

Max's defense was that Nintendo was locking out developers from being able to develop on the

system.

And his mod chip allowed anyone to develop on it and play homebrew games on it.

And the courts liked that.

They said, yeah, Nintendo, what's up with you putting all these locks on your game system so people can't build on it?

Seems rude. Leave Max alone.

So Nintendo took a bad blow there.

I think they tried to appeal that case, but I couldn't find any articles that followed up with it.

There was this craze of burning back the older systems, the Super Nintendo, the Nintendo, the PlayStation, the Sega.

Many versions of those original consoles that people loved, but those systems were locked down again and that they only had a certain selection again.

Like the PlayStation 1 mini only had like 20 games on it.

Yeah. So Sony came out with this little PlayStation mini.

It had no option to put any game in it of any kind.

It had no game disc reader or cartridge reader and it wasn't online.

So you could download anything more.

It only came with these 20 games that were built into it and that was it.

You can never play anything more, which is kind of weird, isn't it?

If you release a mini version of your system that clearly can play PS1 games, why restrict it to just those 20 games?

So, of course, the gaming community was like, we need to figure out a way to get this thing to play any PS1 game we want.

The PlayStation 1 actually used an open source emulator and just added their own little skin to it and to select the game.

So they were just taking someone else's work that they had made on an emulator that they could find on GitHub,

assembled themselves, add their own skin and use an Android board from China, a volt to battery or the screen to run the emulator.

OK, I had to look this up and research it deeper because this is going to become important later.

The mini PlayStation used the PCSX emulator, which, yes, is open source.

And it's also under the new public license, the GPL.

Now, even though the PCSX emulator is free and open source, Sony took it and put it on the PS1 mini and charged for it.

But the GPL clearly states, that's OK, you can put this software on some commercial product and charge for it.

And there's a few things that are interesting about that.

The spirit of free and open source software that's licensed under the GPL is that you shouldn't charge for this.

It's free, it's developed by a community of volunteers.

And here Sony is lifting it off GitHub and slapping it on their little console.

But there is nothing wrong with that, according to the letter of the license.

It just contradicts the spirit of the GPL license.

And it's so strange to me that a video game console maker such as Sony would use an open source

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emulator on their latest console.

Well, the modern community did manage to get into this little PS1 mini and they loaded up their own emulator on it,

which unlocked the system to be able to play any and all PS1 games on it, not just the 20 that came with it.

Now, when Maximilian saw how the community was able to bypass this whole thing, he started manufacturing a little USB drive that you could plug into the PlayStation.

It would bypass the protections on it and allow you to play any pirate games you had.

In fact, it came with a hundred games on it.

This was called the True Blue Mini.

And for Nintendo, there was one called the Classic 2 Magic.

Both of these products were by Team Executer, but they were selling it under a different brand at the time.

So how much did like these, you know, the Classic 2 Magic and the True Blue Mini cost people?

I forget the prices.

There wasn't the Classic 2 Magic didn't have no games.

It was mainly to allow you to plug the original cartridges in.

So it added the cartridge slot itself.

I forget what the price was, like fifty nine or seventy nine dollars or something.

So who was making this stuff?

Was it Maximilian?

Do you think he had the ability to design circuit boards and come up with these hacks, I suppose?

No, Max, like for me, I was the PR man to get the internet, to get the post out there on the internet, to get people to know about it, to find people to review the products, to get the reviews published.

Max was more on the marketing side, coming up with the ideas.

He came up with the names for the products.

He came up with ideas of the other websites and how to market it to the people.

He dealt with all the finding the resellers to sell it, to get it all the background stuff.

But he was not a technical guy.

He was smart.

He knew how technology worked and stuff, but he wasn't an engineer or anything.

Did you have any input into how they were made or helped to create any of those devices?

No, I didn't help any of the newer devices.

I had no help in creating them.

I knew some of the developers that were working on it.

I would chat with them a little bit.

I would get advanced copies of the product for testing, sometimes to do a product review, so that before they started shipping, there was like, this is how it works.

But I was mainly to do the PR, to do the press releases, which I didn't even write myself.

I would be given the press release pre-written and then I would just add my own words to it and post it.

Did he collaborate with you on just like, what new product can we come out with?

Because you have a very good understanding of the whole modding scene, what's coming out,

what can work, what can't work.

And then you're seeing like, well, there's this new exploit that just hit.

Max, you might want to make a mod for this.

This I think would take off.

Just a little suggestion like that to Max.

No, I never had those discussions with him.

I mean, I would post the news on what was happening.

He made those decisions on what he would do and business-wise on what he would do next.

Sometimes I wouldn't even know, like when he was working on the switch,

I didn't even know he was working on the switch, right?

He would just tease me saying there's something else coming up, something coming up, until something was actually concrete.

A lot of times I was over the loop too, I didn't even know about it.

So surprisingly, while sitting here researching things,

I'm currently seeing a true blue mini clone right there on Amazon for \$43.

And it says it has 15,000 games on it.

This is an illegal product being sold right there on Amazon.

And it just makes me think because video game system makers are actively taking websites to court who sell modchips.

And this Amazon listing has 1,500 games bundled into the modchip, which means you can buy pirated games on Amazon.

Now, of course, Amazon themselves isn't selling it.

Someone listed it there on the Amazon Marketplace.

But still, they're facilitating the sale of it,

fostering the whole deal, bringing this modchip and pirated games to the masses.

Why isn't Sony suing Amazon over this or trying to take down their website?

Because in 2005, Sony did get mad at Max a million for selling these same mods for the PlayStation.

And they took him to court.

And Sony won that case, which resulted in Max having to pay \$5 million in damages.

And that's what the fourth time he's been to court now.

And he now owes over \$50 million in fines to these game system makers at this point.

The guy seemed to be unfazed by any of this, though.

He had a rebellious mindset.

While he felt like an enemy to the game makers,

he felt like a hero to the players of the world.

And yeah, a lot of people did really like the stuff he was releasing.

He claims that he just wanted to unlock the game system's potential and give users more access and to be able to do more things.

My personal opinion about him, though, is that he's just a businessman

and he's business-minded and he just is looking for unique ways to make some extra money.

He understands this whole development cycle and manufacturing process, marketing and supply chain very well, and he's using it all to his advantage.

In 2017, Nintendo released the Switch.

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Of course, the modern community immediately began breaking it open and trying to find a way to mod it.

And someone discovered that you could glitch it by taking the right joy con off and bridging the two points with a paperclip.

And from here, you could then get it to boot into recovery mode and have access to diagnostic tools.

The modern community took that and figured out how to get the Switch to boot to their own operating system, which basically made it so that you could play any pirated game on the Switch. When Maximilian saw what the modern community had done, he jumped on it. His developer got to work building two physical devices, one that was slide into the joy con court and trigger the glitch, while the other would go into the USB drive to have the system boot into a custom firmware.

And team executor called this add on the SX Pro.

The idea is that it enabled you to copy games that you already had or play any pirated games that you had.

The design was clean and super simple.

People who had no experience modding systems could easily get this working and were giving it great reviews.

So they had this thing all developed and manufactured, and then they wanted to announce it on the forum that Gary was the mod for. And this is where Gary was obligated to promote this device, since that was the deal that he made with Maximilian.

Now, when you're a mod maker, you've got some potential things that can go wrong with your whole business.

See, sometimes team executor would sell their products for, let's say, \$30, but then see the exact same product being sold directly out of Asia for \$2. It was pirate versus pirate, because the factory that was making the chips for team executor would just sometimes make some extra and sell them directly to the consumer, totally undercutting team executor.

So Max didn't want that happening with XX Pro.

So he decided he was going to add his own software into the thing.

So instead of loading the Switch's native operating system, the SX Pro would load up SX OS, which was basically just an open source emulator.

But Max took it a step further.

He didn't want someone pirating SX OS.

So he decided that he was going to require everyone to have a license key before using the SX OS.

So you had to pay like \$25 just for the license to use this mod.

And this angered quite a few people.

First of all, paying a license for pirated software?

That's unusual.

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The whole method to do this hack was posted right there on the forums. You could just use a paperclip and a USB cable and your phone and get the Switch to boot into the same emulator. You didn't need the SX Pro at all. But the idea of it, though, was that it mixed this whole process of hacking your Switch easier. You just had to pay for this easier method. But it still bothered people that they were charging for pirated software. I mean, the whole point of piracy is to go around having to pay for stuff, you know? On top of that, some users were getting mad that the emulator in this thing was just a free and open source emulator. A lot of people were upset because you're taking a free and open source software and charging for it. But this is ironic because this is the same thing PlayStation did with their PS1 Mini, remember? The emulator that was on the SX OS was called Atmosphere, which was licensed under the GPL, the same as what Sony did. And people were mad at them for charging for this. Yeah, well, that's a problem that's going on with everything, even recently with Red Hat. Oh, man, I didn't think about that. But yeah, Red Hat is a version of Linux. And yeah, they took the free and open source Linux software and suddenly started charging for it. And there's been quite a lot of controversy over that. Like, why are you taking other people's code and charging for it? You didn't write that. But Red Hat's like, look, it's free to use by anyone and it's licensed under the GPL, so it's cool. And again, I think this argument is going back and forth between the letter of the license versus the spirit of the license. The other thing that people were getting mad about is that some users were reporting that their switch would become broken after using the SX Pro. And yeah, they were because what Max did here is that he didn't want someone else trying to understand or steal the software on the SX Pro. So if you were detected trying to crack into it or poke or prod at it, it would send a signal to completely break your switch. And I think that's going too far. Like, sure, this never happens as a normal user of the SX Pro. But if you poke and peek into it too much, it breaks your system. Yeah, setting your pirated software to destroy your switch is just not cool to me at all.

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But despite all these complaints, the SX Pro did very well.
A lot were being sold and the reviews were almost always positive.
And as its popularity grew,
SX Pro was making someone else really mad, Nintendo.
They were like, wait, what?
You're charging for a device that lets people play pirated games?
You're making money from our hard work?
We've got to stop this.
So first they patched it.
All switches made after 2019 were no longer vulnerable to this attack.
And then they started trying to find and stop
this whole team executor operation.
So uberchips.com was another place that you could...
It was one of the resellers in the United States
that got sued by Nintendo for selling the device.
They were one of the first resellers
that was going to be selling the SX Lite and the SX Core for the switch.
So at any point, do you feel like you were a member of the SX Pro?
At any point, do you feel like you were a member of Team Executor?
At the original beginning, during the early 2000s,
I was just a user posting on the forums and helping other people out.
In the end, I was just a PR guy posting the news
and making sure that the testers could get information
on what was happening with the products over to the developers.
But I was never on the actual development side
of doing the actual exploits of the coding.
I don't know if I would feel like I'm a member of this at any point.
You know, just being a member,
you'd be a member of maxconsole.com and feeling like you work for them.
But not so much a member of Team Executor.
Not really. I could just say I was like an in-between guy.
I was more than a tester, but not a developer,
more of a just a go-between guy.
Yeah, but what's interesting here is that if we were to put you on the trial here,
we like to look for, we're prosecuting someone,
if they have the know-how, opportunity, and motive to do all this,
and you have all three.
You have the know-how of modding chips.
You have the opportunity of doing it because you're doing it.
And you have the motive because you like doing it.
So you seem to be the perfect person to create this,
to improve upon it, to come up with ideas, all these things.
You'd be such a great value asset to the team.
I'm surprised Max didn't ask you for more stuff to do.

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He never really wanted me to get too involved.
He knew I could, but he wanted me to be arms-length away from it in case something did happen.
He said, just stay as a PR guy because that way freedom of press, you know, not directly connected.
If anything does happen, it won't hurt you.
Did you have a moral line or even a rule set on Max Console where it's like, listen, we don't distribute pirate software here or anything like that?
Yeah, there was actually a lot of rules.
I would not allow links to pirate stuff.
I would take down ads that advertise SD cards full of ships.
There was a fruit times resellers would try to do that.
I would send them a letter and say, hey, you can't do that. I'm taking down your ad.
There's no refunds.
You can advertise a product, but you can't advertise games.
I would actually take action if I got an actual enforcement letter when I used to publish mods for like Grand Theft Auto.
Rockstar would send me a letter and say, hey, don't talk about games that mod packages for GTA, please.
I would say, OK, no problem.
I took down the post when the Activision stuff got hacked and the Skyliners, which were a very popular toy.
Activision contacted me.
They sent me a cease and desist.
I took down the information when the leaks of the Sony SDKs came out and I posted about it.
Sony would say, hey, it's OK, but take down any links to it.
I would take down the links.
So there was some back and forth that way, too.
There was not supposed to be any links to any roams on the site.
There was a couple posts that that I missed that were in the Classic 2 Magic area that had links again to this Roam Bank site, but they weren't supposed to be on that at all.
No pirated games on these forums were allowed.
And I'm trying to think.
So Team Executor wasn't actually selling anything on the site.
They just link to places like Divinio where you could buy it from.
But still, the Team Executor stuff mostly enabled your device to be able to play pirated games and didn't actually have pirated games on them except for one device.
Yeah, but OK, but the True Blue is a stick full of pirated games.
Yeah, that that is true.

But with the True Blue, those were basically for older systems, the PS1, the Sega Genesis, the Commodore 64. So you had a line in your head of like, oh, hold on a second, is this discontinued game or not?

Yeah, I guess there's no other way to get it other than to pirate it. So go ahead.

I mean, we we didn't sell the devices on the on the Max Console website. We talked about it.

It was up to you to find the devices. I didn't profit off of it either.

So I guess I should talk about where the characters of the story are at this point. So Gary moved from his hometown in Ontario, Canada to the Dominican Republic while he was doing all this and the ad revenue that he was making from Max console.com was enough to support his lifestyle down there. He was making about \$40,000 a year.

And this was his main job and sorts of revenue for about nine years. Max, a million was living in France.

Any idea how much Max was making off of these products that he was selling? Not really.

I mean, people come up with estimates and stuff.

The 10 of themselves came up with an estimate.

They estimated around 500 cells and Essex OS licenses were sold at the time.

So you could think of 500 cells and times \$25 for the license fee. And that's not on the hardware.

That's just pure profit.

So that that's not counting the Gateway 3DS or any other devices.

Then 2020 came along.

The pandemic happened and Gary was in the Dominican Republic.

What happened to me is on September the 27th, I was looking forward to wake up that day because where I was living was in Dominican Republic.

And we were under a COVID lockdown for the longest time.

When COVID hit Dominican Republic, the president there put the country into basically a martial law.

You couldn't be outside your house after five o'clock at night.

You couldn't leave your neighborhood.

It couldn't be more than 10 people into a grocery store or pharmacy or a bank.

Those were the only three things that were allowed to be open.

Everything else was shut.

It was total lockdown.

In fact, so hard that where I was living is like I couldn't even leave my apartment and go into my little office I had, which was right next door.

So I actually broke a hole through the wall instead of having to be able to walk outside and walk in so I could actually work at night.

So I was looking forward to September the 27th because that was going to be

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the end of the lockdowns, airports were going to reopen.
You'll be able to go outside and all day long, the bars will be open again,
the beaches will be open again.
It was going to be the end of the extreme lockdown.
So I was looking forward to it.
But at five in the morning, instead of waking up at seven in the morning
and going outside and enjoying the outside five in the morning,
I woke up with shotgun pointing to my head and a bunch of people on my place.
At first, I thought I was getting robbed.
I didn't know what was going on, but there was a lot of crime during COVID.
And all I knew is I'm getting dragged into my house early in the morning.
And there's a bunch of people in the place looking at all my electronics,
grabbing all the computers.
I try to talk to them to find out what's happening.
They refuse to talk to me in English or Spanish.
And acted as if I was speaking Russian or German, looking at each other.
I'm like, whoa, what's this guy talking?
Even when the girl that I knew lived above me came downstairs,
they even didn't tell her what's going on.
They were just saying, oh, he's being taken to have his papers checked.
And once his papers get checked, we'll release him.
So they took me out of there, brought me to the Interpol office.
I sat down on the couch.
We still continue to refuse to talk to me or screaming that I wanted to talk
to the Canadian government.
And after about a day of just sitting on the couch the next day on the 28th,
they drove me to this cage in the middle of nowhere of a bunch of other Haitians
that they had rounded up and threw me in there.
And I spent like two or three days in that cage still not knowing what's going on.
Luckily, I got a little bit of food from someone else that got food brought to them.
Another Haitian, an old guy that took pity on me.
He gave me some of his food, shared it with me.
Because in Dominican Republic, when you go to jail, you don't get fed.
Your family has to show up and bring your food.
Otherwise, you just starve.
So I spent like three days like that.
Come October the first, they take me out of the cage and they said,
we're taking you to see the Canadian government.
So finally about trying someone, listen to me.
But instead, they drive me to the airport.
I start yelling and screaming at the airport again and saying,
hey, where's the Canadian government?
Well, they can't make it.
You can find out when you get back home.

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They handed me my passport.
They handed me three cells and pesos.
They handed me a plane ticket to Toronto.
And they said, once you're on the plane, you get to Canada, you can figure out you have to leave the country.
They said, well, I'm on arrest.
I said, no, you're not on arrest.
You're just being kicked out of the country.
Your visa is expired.
You're not welcome anymore in the country.
So I said, well, I want to talk to the Canadian government.
I said, no, you can talk to the wing of land.
So I got on the plane.
It was one of the first airplanes after the COVID lockdowns ended.
So it was just packed for people.
It was an unbelievable amount of people on the plane.
It flies and gets to New Jersey.
And it has to land in New Jersey real soon again.
And then it would take back off and go to Toronto.
But after 9-11, anytime an airplane lands in America, everybody has to get off, scan their passport before they can get back on the airplane.
Before 9-11, you would just sit in the terminal in what they call a transit area.
You didn't actually enter the country.
Of course, the moment I scan my passport in New Jersey, that's when an indictment showed up.
And I got taken to secondary inspection.
And from there, I was told I was actually going to be arrested.
And they drove me into the Essex County jail, which was a nearby jail.
The FBI drove me there.
I said, you're going to stay here overnight.
And then we're going to take you to where your case is.
I still don't know what I'm being arrested for or what it is anything about.
October the 2nd came.
I got read by a judge over the telephone when I was in county jail.
And that's when I found out I had 13 different charges on me with money laundering, wire fraud, and bypassing technology measures and all that.
They take him to jail.
He stays there for five weeks.
They take him to another jail.
He stays there for three weeks.
He finally sees the judge and they ask him, hey, are you guilty or not, Gary?
And he's like, these charges are crazy.
I'm not guilty.
Now, at this point, the prosecutors have to gather more evidence on him.
Gary's name on Max Console Forum was simply Gary OPA.

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And that name was easily linked to his company that sold Texas Instrument Parts in 1984. So it's very easy to figure out who Gary was. He made no attempt at hiding what his real name was. So when Nintendo wanted to come after Team Executor for the Essex Pro stuff, they came right after Gary. But he wasn't the only one caught up in this. Let me read the title to you of the FBI press release. Two members of notorious video game piracy group, Team Executor, are in custody. The other that was arrested was Maximilian. He was arrested while on vacation in Tanzania. But he somehow convinced the police there that his arrest was illegal. And guess what? The Tanzanian police agreed and they let him go. Quickly, he called a friend who had a plane in South Africa and they flew the plane to him and he hopped on it and flew back to France. And while on the plane, he posted a picture on Instagram saying that he's flying alone on a 10-person private jet. But when you have to go, you have to go. Apparently, he's untouchable in France by US authorities. The FBI cannot seem to get him arrested or extradited there. But they were able to freeze some of his bank accounts and cryptocurrency accounts that were within the FBI's reach. And there was a third person listed on this indictment too, a Chinese guy named Chen. My guess is that he was overseeing the production of the chips in China. But since he's in China, he's unreachable by the FBI. So he was never detained or arrested. Six months go by for Gary sitting in a prison in Seattle. And then come April, I get more paperwork. I ended up getting sued civically by Nintendo on an actual lawsuit. And by then, I actually had lawyers working for me. So then we had to worry about the civic lawsuit and the criminal lawsuit and the criminal charges and the civic lawsuit. So they had the two going back and forth. And Nintendo was trying to sue Gary for intellectual property infringement and wanted him to pay them \$10 million in damages. Well, how that comes up with that figure is going back to Nintendo, their experts testified that they estimated around 500 cells and licenses were sold. And their experts testified that their studies show that when a system is hacked, that people buy 2.41 less games. So there's let's say the top 10 games, Zelda, Mario Kart, Super Mario, stuff like that. All of those top 10 games, 2.41 less sales. So when a system is hacked, someone will buy maybe only seven games or eight games, not the full 10 games. So they take the 500,000 times the 2.41 times the value of the game \$59.99 comes to around

72 million.

There is then three people on their indictment, me, the guy in China and Max. So my share of it being approximately one third, let's just round it off to 10 million, which is usually the max that you can get in Washington state anyway for a civic lawsuit. Did you try to fight that and say, actually, I think that's disproportional of what I was actually involved with?

Yes, I looked at it about fighting it.

I discussed that with my lawyer.

It's like, well, let's fight their studies.

Let's fight their estimates.

And basically the reply back would be, well, we're only giving you a bare minimum of 500 That's probably more licenses sold.

And we're just talking about the switch.

We're not talking about the gateway 3DS.

We're not talking about the classic two magic.

We're not talking about all the other devices.

We're just talking about one thing that got done.

Now, if you want to fight that, then we'll add in the millions of gateway 3DS devices we're sold and in all the classic two magic devices we're sold, that figure will then multiply into, well, could be into 100 million, 200 million, maybe more.

So with that information, you said, okay, fine.

Yeah, yeah, fine.

We'll just cap it at 10 million, forget about it.

So Gary owes Nintendo 10 million bucks.

He's in his fifties now and his only job he's ever had for the last 12 years is gone.

So it's just impossible to pay this back.

He'd have to make over \$500,000 a year for the rest of his life to pay this off.

Once that was settled, the key was to settle the civic one first.

And then it was a lot easier to work on the criminal side.

And by then the FBI knew they couldn't get other code defendants into the country.

Other victims were not coming forward, PlayStation, Sony didn't care about the true blues, Sega of course didn't care about the true blues.

There was only an attendee left as a victim and ESA also representing some of the other smaller software developers that may have got affected.

They were the only two victims left.

This is interesting.

So the FBI went to Sony and said, hey, we caught the guy who was selling pirated video games.

You want to be part of this lawsuit?

And they said, no, we don't want anything to do with it.

That's really crazy.

But they weren't interested and the PS1 was a failure on their part anyway.

I mean, it was being sold for \$19.99, it was a disaster.

The PS1 mini.

Yeah, the PS1 mini.

So they were not really interested in flying lawyers down and presenting evidence.

The only people that were interested in the N was Attendo and the ESA.

There were only two people that showed up in February for my assessment to give victim impact statements.

Okay.

So the DMCA laws were on your plate.

Yeah, that was the only thing I couldn't get rid of.

If I hadn't collected any money at all, I might have been able to get away with that.

But it still was the hard part of getting around.

Nothing I could do about it.

And I was already spent a couple of years in jail by now anyway.

So what can I do?

I couldn't get that time back.

So you pleaded guilty to those charges?

Those charges because I knew the maximum the judge could give me was five years.

And the government went in to the assessing hearing on February with that saying he needs to get the full max of five years.

But my lawyer fought it back with saying, well, he went through a hard time with COVID.

Because of that, the probation people recommended 40 months.

And my lawyer was trying to go for 20 months, basically time surf.

But then the judge turned around and said, well, I can't just give them time served because

I have to send a message that people that do this crime will face hard time.

And I'm going to agree with the probation and say 40 months.

And on top of the 40 months, the judge also demanded that he pay four point five million

dollars in restitution, which adding it all up, he's got to pay 14 and a half million

dollars and spend three years in prison for what he did.

And I don't like that the judge said out loud that he wanted to make an example of Gary.

Does that kind of thing really work to pick one guy you caught and give him a brutal punishment just because you can't catch the other people that were doing it?

I don't know.

Based on what I'm hearing here, \$10 million is already too much of a punishment for what he did.

And now a judge is saying, no, no, no, no, that's not enough.

You need to pay an extra four and a half million dollars more and go to prison for three years on top of that.

Is this sentence fair or is it cruel?

And if the judge is saying things like, let's make an example of this guy and gives him more punishment than he deserves, then isn't that the definition of unusual punishment?

Now, Gary is not a US citizen.

He's a Canadian.

So theoretically, if he's not living in the US, he doesn't have to make payments towards his federal crime, but Nintendo does not want him to slip out of paying them.

So they put into the civil case that one, his wages will be garnished.

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That is anywhere from 10 to 30% of every paycheck he earns goes automatically to Nintendo. And two, that this is enforceable by law in any country that Nintendo has an office in, which they do have an office in Canada.

And three, he cannot declare bankruptcy to have his civil fine removed from his debt. And while Gary was in prison, he already started making payments towards all this.

Yeah, that's correct.

When I was in prison, once they got sentenced, I was able to get a job in prison.

I was working in the education department, running a library and stuff, and I wasn't paying much.

Everyone was paying 12 to 25 dollars a month, but some of that percentage had to go two words by four and a half million.

The reason that had to be done, no matter what, was if I refused to do that while I was in prison, then the prison could turn around and refuse to give me my good time or my first step back credit, because it wasn't a violent crime and there was no actual victim as a person, a human being, just a company.

For every month I spent in jail, I could get between 10 to 15 days off.

So that was able, because of that, am I good time?

I was able to get out after 30 months getting released in March instead of waiting until July or sometime in 2024.

I didn't have to do the whole 40 months.

I got 10 months off in total.

He got out early in March 2023, but since he wasn't a US citizen, he was detained immediately by ICE and spent two months in an ICE facility before being flown to Toronto.

And while that's where he lived for a long time, he didn't have a place to go, but lucky for him he was able to find a friend who could put him up on his couch until he can get back on his feet.

And Gary has some health problems now, so it's physically hard for him to get on his feet actually.

And while in prison, he got interested about being a freight broker and is hoping that he can get trained up on that and get a job in that.

He hopes that someday also return to the Dominican Republic too, and he's just trying to rebuild his life from scratch.

He's really, really, really just starting at nothing, slowly trying to make little progress every day towards having a stable life again.

For Maximilian, he's still out there in the wind, but not particularly on the run.

He's living very comfortably in France, and he posts pictures to Instagram all the time where he's going on trips to the beach and different French landmarks, and these photos appear like he's living in a luxurious life.

But he does seem to be confined to only stay in France.

He knows that the FBI is looking for him, and he's just waiting for things to cool down.

I have a theory about him though.

It's just a wild idea, but during his heyday when he was making the most amount of money through Team Executor is when Bitcoin rose the highest, and he did have some cryptocurrency accounts.

One article I read, his crypto assets were frozen, but it wasn't clear exactly which wallet or what accounts.

My theory and opinion is that he probably had some extra cryptocurrency stored somewhere that didn't get frozen, and it rose mightily during this time, and he just cashed out at the right time, which is giving him a nice, comfortable life, but that's just my theory. He might have other business ventures that he's working on too, but for now he's just trying to lay low until the heat is off him.

And who knows what his next idea is after this?

I doubt he'll be so brazen though, because if he has to go to prison again, it's going to be very different than when he had to go to prison in the 90s when he was younger.

I'll keep my eye out for him and see where he ends up in a few years.

And how is Nintendo doing on this fine summer's day, you may ask?

Okay, well I was curious too, and since they're a publicly trading company, they share their profits openly for anyone to see.

Their profits for the last year was three billion dollars.

Three billion just in profit.

Nintendo seems to be doing fantastic, but they continue to wage war against their own players all the time.

In the last few years, Nintendo has been trying to put a stop to people playing in Super Smash Bros. Melee tournaments.

First of all, this is a game that's 20 years old if it was for the GameCube.

Nintendo are still really into it, but Nintendo doesn't like that players are staging tournaments to play Super Smash Bros. Melee and have sent cease and desist letters and even threatened more legal action unless tournaments get cancelled.

They think that what they're doing is protecting their brand, but it's one of those situations that's like cut off your nose despite your face sort of thing.

The more they fight with their own players, the worse their brand gets.

One of my favorite childhood memories ever was getting a Nintendo for my birthday and opening it up and playing it with my friends during my whole birthday party.

Decades later, I still remember which friends were there at that party, what games we played, who was good at it, pick any other birthday I had as a kid and I can't tell you a thing about it, where it was or who was there, but this one I remember because Nintendo brought so much joy to me as a child that day.

But now that I'm older, I can see now that Nintendo has a lot of growing to do still.

A big thank you to Gary Bowser for coming on the show and sharing this story with us.

Gary has set up a GoFundMe to help him get back on his feet.

You can find a link to that and so much more in the show notes.

If you liked this episode, I have two more suggestions you really should listen to you.

Episode 92 is called The Pirate Bay and it's one of the most popular episodes on this show and it may just make you think differently about piracy.

And episode 45 is called Xbox Underground, another very popular one and it's about video game hacking, but the story that is around it is so crazy that you just won't believe it's true.

So go check those episodes out if you haven't already.

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This show is made by me, the swanky tank, Jack Reissider, editing helped this episode by the fashionable assassin Tristan Ledger, proximity sound recorded this interview with Gary and did the mixing for this episode.

Our theme music is by the mysterious Breakmaster Cylinder.

I played Minecraft for the first time the other day, wanna know what I think about it?

It's a blockbuster and it's groundbreaking.

This is Dark Net Diaries.