

Crime Defense & SOCIAL MEDIA

The new frontier of criminal proceedings



2005

Pennsylvania State University police used Facebook to track down students who rushed the field after the October 8th Ohio State game. Two students were later charged with criminal trespass for their involvement

2006

A 16-year-old Colorado boy was arrested for juvenile possession of a firearm after police saw pictures that he had posted on MySpace of himself posing with rifles and handguns. He was convicted in April 2006

2007

Following the fatal hit-and-run death of freshman Carlee Wines, University of Connecticut campus police said they used Facebook to link the suspected driver, Anthony P. Alvino of Lindenhurst, N.Y., to the university. By following leads via Facebook, police learned of the connection between Alvino and his girlfriend, Michele A. Hall, a UConn student. The Long Island, N.Y. newspaper Newsday reported: "Police traced Alvino's connection to UConn through his entry in Facebook, which listed Hall as his girlfriend." Alvino was charged for the hit-and-run, while Hall was charged with helping cover it up and hindering prosecution

2008

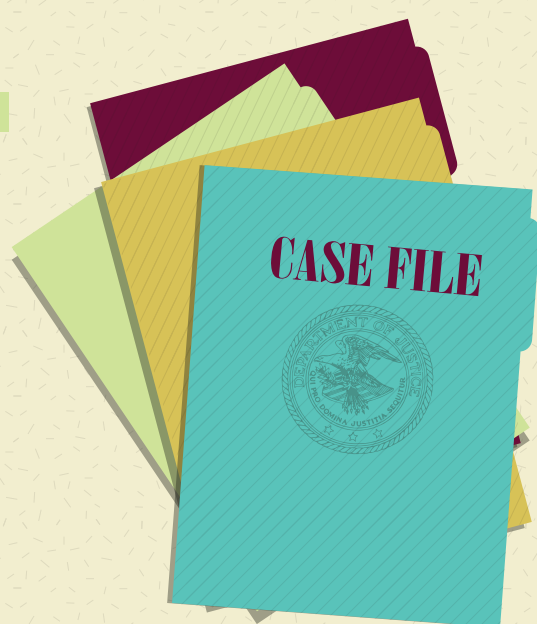
Edmonton, Alberta, it was revealed that filmmaker Mark Twitchell, who was facing first degree murder charges, had posted as his Facebook status in August that "he had a lot in common with Dexter Morgan". This proved to be a key piece of evidence in the missing person case of John Altinger, as Twitchell was a fan of the television series "Dexter" and it is believed that he murdered Altinger in the style of Dexter's clandestine murders. Shortly after Altinger's disappearance, Twitchell gained access to Altinger's e-mail and Facebook accounts, changing Altinger's Facebook status and e-mailing Altinger's contacts stating that he met a girl online and was planning a move to Costa Rica

2011

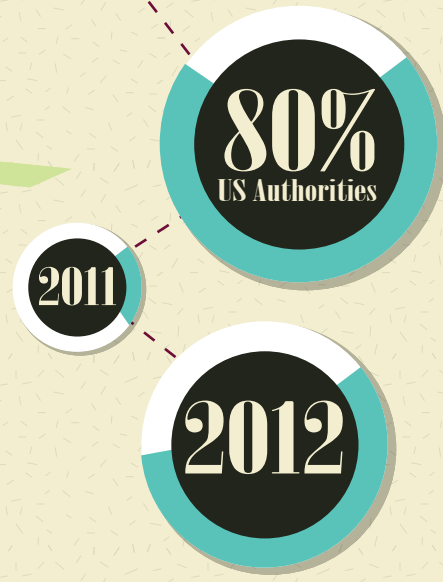
United States v. Stirling, the government seized the defendant's computer pursuant to a search warrant and provided the defendant with a forensic copy of the hard drive. The government also performed a forensic examination of the hard drive and extracted 214 pages of Skype chats downloaded from the defendant's computer (chats that were not "readily available by opening the folders appearing on the hard drive") but did not provide this information to the defense until the morning of its expert's testimony near the end of trial. The logs "had a devastating impact" on the defendant because they contradicted many of his statements made during his testimony, and he was convicted

2012

New York appellate court heard arguments regarding Twitter's appeal of two court orders in the prosecution of an Occupy Wall Street protestor. The trial court held that the defendant lacked standing to move to quash the government's third-party subpoena to Twitter for his account records and that his Tweets were not protected by the Fourth Amendment. The trial court similarly denied Twitter's motion to quash the government's subpoenas for the defendant's Twitter records for the same reasons, among others



Twitter received more government requests for user information in the first half of 2012 than in the entirety of 2011.



United States v. Meregildo, described above, where the Court held that "where Facebook privacy settings allow viewership of postings by 'friends,' the Government may access them through a cooperating witness who is a 'friend' without violating the Fourth Amendment."



INCREASED 40%

Statistics published by Google, which "primarily cover requests in criminal matters," show that the number of Google user data requests received from government authorities in the United States increased more than 40 percent from 2009 to 2011.

A recent survey of over 1,200 federal, state, and local law enforcement professionals revealed that social media is widely used to assist in investigations, that few have received formal training on how to use social media for investigations, and that "74 percent of those not currently using it ... intend to start using it."



Sources

- http://en.wikipedia.org/wiki/Use_of_social_network_websites_in_investigations
- <http://www.bna.com/social-media-evidence-in-criminal-proceedings-an-uncertain-frontier-by-justin-p-murphy-and-adrian-fontecilla>