

Tweeting, deleting help build Rutgers webcam case

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This West Windsor-Plainsboro High School North 2010 yearbook file photo shows high school senior Dharun Ravi. Attorneys for Ravi and fellow Rutgers University student Molly Wei, who were both accused of secretly broadcasting a classmate's sexual encounter online, insist their clients were the only two people who saw a tame encounter and did not record it, The Associated Press reported Nov. 4, 2010. The classmate later committed suicide. On Wednesday, April 20, 2011 Ravi was indicted. (AP Photo/West Windsor-Plainsboro High School North, File)

(AP) -- Accused of a hate crime for allegedly using a webcam to spy on

his college roommate's same-sex encounter, the roommate of Tyler Clementi is now also finding that it's not just what you tweet, but also what you delete, that can get you in trouble.

Dharun Ravi, accused of using Twitter to invite people to watch Clementi's most private moments, was charged last week with several counts of bias intimidation and invasion of privacy. But perhaps just as surprising were the charges of evidence tampering that an indictment said stemmed from Ravi's attempts to delete text messages and a Twitter post.

"It's really novel way to take old-school evidence-tampering" charges into the newer spheres of social media and cyberspace, said Bradley S. Shear, a Bethesda, Md., attorney who counsels clients and blogs about social media and the law.

"It can help demonstrate that your virtual behavior, online activities, are just as important, if not more so, than everything you do in your everyday life," he said.

Ravi, 19, and another student, Molly Wei, were both charged with invasion of privacy for events that happened in the days leading up to Clementi's public suicide in September in which he jumped off the George Washington bridge.

Authorities said Ravi used Wei's computer in her room to activate his computer in his room using Skype, and viewed Clementi and another man's intimate moments. Ravi is accused of trying to do the same thing days later and inviting others to view the webcast.

Clementi's death came on the heels of a spate of gay teenagers nationwide killing themselves after being taunted, and it quickly galvanized national efforts by celebrities and activists to fight suicide

and the bullying of gay teenagers.

Last week - nearly seven months after the 18-year-old Clementi, a talented violinist, took his life - a grand jury indicted Ravi on additional counts, which included bias intimidation and evidence tampering.

Several messages left with Ravi's attorney, Steven Altman, were not returned.

Prosecutors in at least one other U.S. case have argued that a defendant's efforts to delete his social-media postings essentially amounted to evidence tampering.

A former Air Force airman accused of killing his girlfriend's 3-year-old daughter in Great Falls, Mont., was charged with solicitation to tamper evidence after authorities said he told his father to erase his Facebook, MySpace and email accounts to try to conceal potential evidence.

Prosecutors ultimately dropped the charge against Jerimie Hicks, saying they didn't believe it could be proved beyond a reasonable doubt.

Hicks was convicted in November of deliberate homicide and a different evidence-tampering solicitation charge involving a bloody uniform. He was sentenced to 100 years in prison.

Online or off, evidence-tampering charges entail proving someone didn't just get rid of something but did it to destroy evidence, lawyers say.

"It's fairly routine that until they become suspects, people are deleting electronic files," said Orin Kerr, a George Washington University Law School professor. "It's an understandable impulse to take it down."

But Kerr said the key to the crime is intent.

"If someone deletes information because they don't want it to be a news story, that's different than trying to keep police from arresting them," Kerr said.

The alleged harassment of Clementi and the case against his roommate will be made using many of the young men's own words from their postings on Twitter, Facebook and in chat rooms.

For Clementi, those words also offer insight into his mindset before he killed himself only weeks into his freshman year. For Ravi, his words will be used against him, as well as the posts he tried to erase.

The intimidation of Clementi went back to Aug. 6 - the day Ravi "learned the name of his roommate," according to prosecutors.

In an Aug. 22 post on Twitter, according to Forbes.com, Ravi said: "Found out my roommate is gay," and linked to a thread that Clementi is believed to have posted on a gay community chat room.

Less than a month later on Sept. 19, a cached copy of Ravi's account shows he tweeted: "Roommate asked for the room till midnight. I went into molly's room and turned on my webcam. I saw him making out with a dude. Yay."

In a gay-themed chat room, a poster who appears to have been Clementi later described finding a webcam trained on him, reading his roommate's [Twitter](#) feed and pondering what he should do, according to a report first published on the Gawker gossip website.

The poster wrote: "don't wanna report him and then end up with nothing happening except him getting pissed at me."

Two days later, Ravi tweeted: "Anyone with iChat, I dare you to video

chat me between the hours of 9:30 and 12. Yes it's happening again."

In the chat room, Clementi posted that he unplugged Ravi's computer and searched for hidden cameras before a liaison that night.

He also mentioned that he emailed his resident adviser to ask for a room change, adding that the adviser "seemed to take it seriously."

Later that day, Clementi posted on his Facebook account: "Jumping off the gw bridge sorry."

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