

Social Networking

Social networking sites like Twitter, Facebook and MySpace are increasingly making their way into the courtroom in all types of criminal and civil court actions. As a criminal defense and family law attorney, my job is to make sure that my clients do not reveal information over the internet that could potentially harm their case. I would like to share with you just a few tips so that you can avoid negative legal consequences in the future:

Facebook is not a Diary: Do not talk about your court case or your family drama with friends on a social network. Increasingly, attorneys are seeking to use such evidence in court to impeach your credibility. At the very least, a judge will not be impressed by the pictures of you dancing on a bar when you appear for DUI sentencing. Recently in Philadelphia a woman was sentenced for an accident while driving under the influence of alcohol that resulted in the death of another. During the sentencing portion of the trial the Prosecution displayed the defendant's lack of remorse by pointing to Facebook.com posts referring to her continued heavy drinking and pictures that displayed alcohol abuse. The photos were posted after the DUI accident, and prosecutors argued that the posts were evidence of lack of remorse for the crime. As a result, instead of getting a probationary sentence, the young woman was sentenced to prison time. Think before you post pictures or status updates!

Do Not Post Evidence of Criminal Activity: This should be self-evident; however, internet posts are increasingly leading to arrests, convictions, and even probation violations. In California two women were recently charged with inciting two underage girls to fight after a video of the incident was posted on YouTube. While technological advancements in communication and social networking are clearly advantageous in many aspects of life, for a criminal defendant they can mean the difference between a verdict of guilty or NOT guilty or worse, the difference in years spent behind bars.

No Contact Means No Contact: Defendants in domestic violence cases can be found to in violation of a Protection From Abuse order (PFA) by attempting to make contact via social networking sites. Just as you may not contact the subject of a protection order by mail or through a friend, you may not contact them through social networking sites – even if the contact is non-threatening.

Whether you are going through a divorce, a nasty custody battle or criminal proceedings – do yourself a favor and speak with your attorney, not your Facebook friends. For some reason, the perceived anonymity of posting something online can result in clients abandoning basic common sense. The best rule of thumb has not changed with the advent of social networking: If you would not be comfortable explaining your behavior to a judge in a courtroom, do not post evidence of it online!

If you have any questions regarding Criminal Law issues, please contact me for a free consultation at 1-877-LAW-2555.

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