

Social Media's Growing Role in Criminal Cases

By Sarah Blazonis

One criminal defense attorney says evidence can range from written proof to the especially conclusive video evidence, and, he says, most surprising, a lot of times it's the people who committed the crimes that are actually posting this material. Donald Kelly is a partner with the Syracuse law firm Tully Rinckey PLLC. He says he's seeing more and more cases that involve social media evidence. A recent high profile example of this is the case of two high school students in Steubenville, Ohio. They were convicted last month of raping a 16-year-old girl at a party. Social media evidence played a role in this case, and one of the defendants was sentenced to an additional year in jail on the charge of illegal use of a minor in nudity-oriented material. Kelly says there are also examples right here in Central New York, and while criminals might not be thrilled about having their Facebook accounts used against them, social media is proving to be a very useful tool for attorneys. "In the past, there was a situation where a lot of it was 'he said, she said.' You know, one person accuses another, and then, after awhile, with social media taking place, you'll find that there are people who actually confess to crimes on Facebook or on Twitter. They like to brag about things they did. So, it may be that you think a case is going very well, and then, all of a sudden, a Facebook account pops up where your client has actually admitted the offense, and it changes the dynamic of the entire thing," said Kelly. Kelly says if you're scrolling through your news feed and see evidence that one of your friends was involved in illegal activity, there is no legal obligation to report them. If you see evidence posted online of a crime committed against you, Kelly says your best bet is to act quickly. If you're talking about video evidence, try to save the clip to your computer. If it's written or photo evidence, you can try taking a screen shot or printing it out. But basically, you want to contact the authorities as soon as possible to get whatever the evidence is into their hands.