

TECHNOLOGY: PROSECUTION IN THE AGE OF IPHONE

Like everything else in society, portable technology has changed the judicial landscape. Because most of our daily lives are now played out on the computer or cell phone, so is our crime. More and more criminal cases are now investigated, evaluated, and proven with DNA, GPS, forensics, texting and cell towers. Even the most common crimes and misdemeanors, at least those between parties that know each other, have a tremendous amount of “texting, email, Facebook, chat rooms and cell phone data that never existed a decade before.

Like most things, the government is slow to absorb this, but they are gaining momentum and have more resources than your average citizen. Witness the latest revelations from the NSA and all our “private” data. These days, any serious defense attorney must know the difference between a “static” and “fixed” IP address. This can be crucial to destroying the credibility of accusers who claim they were not in a location, did not take part in “the crime” or did not solicit communication from someone they claim is harassing them.

Technology has become so entrenched that jurors are beginning to “defy” court orders “not” to perform their own investigations and are using the internet and other convenient technology to research the parties’ claims. The Seattle Times ran a recent article on the subject:

http://seattletimes.com/html/nationworld/2018239920_juormischief19.html

The Psychological Effect

Technology has become such a powerful force in the courtroom that even the psychologists have started to study the subject. When a juror expects the latest technology in their everyday life, it’s no surprise, they demand it from the lawyer trying to persuade them. They also know that their government is not only using it to monitor their computer activity but also to help get them to pay a traffic ticket, expired parking, and even their yearly taxes.

Coerced Confessions

But this technical landscape can have unusual effects as well. An Ohio University psychologist demonstrated that when jurors review videotaped confessions, they tend to view admissions as voluntary and, with that, the defendant as guilty, when the video screen is limited to the suspect. When they see the interrogator however, they begin to question whether or not the statements were actually “coerced.”

Although the public has a hard time believing that a suspects confession was “coerced,” professionals in the trenches have seen a wide variety of unusual “questioning.” In fact, in twenty-five percent of cases where the convicted individual was proven innocent, they had actually made confessions, incriminating statements or even plead guilty according to data collected by The Innocence Project.

<http://www.sciencedaily.com/releases/2007/03/070314093304.htm>

Our Firm’s Success

Likewise, **The Law Firm of David C. Mason has convinced prosecutors to dismiss their case** after **texting data**, subpoenaed from the phone company, revealed the victim was repeatedly lying in their interview and soliciting contact from the defendant. This data also revealed he was not contacting them despite their claims. In other success, technology, like retail **cash register coding** for a specific employee, has disproven serious claims by an ex-spouse showing her husband was actually working miles away during the alleged contact. In another case, **fixed IP addresses** have placed an individual at a specific computer terminal at a specific time both acquitting him of the wrong doing, and in other cases, proving the state’s case.

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