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Trouble in my natal state: Teacher wrongfully convicted over sexual Internet pop-ups.

(Image from Energy Information Agency's website). In public school, a mean sport often was to hassle substitute teachers. That all seems like child's play compared to the trial of Connecticut substitute teacher Julie Amero, with a conviction over enabling students to see sexy Internet photos that may very well have appeared on screen through pop-up ads that had nothing to do with the substitute nor with any websites intentionally visited. The prosecutor failed to provide information to rule out that the images arose due to such pop-up ads, which means that this case should have been dismissed without ever going to a jury. Bless Sunbelt Software for stepping in to try to undo this unjust mess. As Sunbelt Software's president said: "This was a Windows 98 SE machine with IE 5 and an expired antivirus subscription," Eckelberry said. "It hadn't been updated since August, and there was no anti-spyware, no pop-up protection, no firewall and no content filters. Regardless of whatever happened, this machine was a machine that should not have been on the Internet." Of all people, how should a substitute teacher have known that her classroom had a computer that should never have been turned on in the first place, if she was going to avoid a prosecution? The incident took place at Kelly Middle School in Norwich. The principal, Scott Fain, said he was surprised that Ms. Amero was prosecuted, but also said "We've never had a problem with pop-ups before or since." One could say the same thing about a group of people playing Russian roulette; the same bullet that kills the loser will not have harmed those who preceded or followed the decedent. Pop-up ads are widespread, including sexual pop-ups. In Ms. Amero's case, she contends that a hairstyle site was visited by students, leading to sexual pop-up screens; this is entirely plausible. Moreover, I very much hope that the non-duplication of this incident is due to the school's finally installing software against spyware and pop-up screens. More troubling is this juror Mark Steinmetz's comment after the guilty verdict: "So many kids noticed this going on," Steinmetz said. "It was truly uncalled for. I would not want my child in her classroom. All she had to do was throw a coat over it or unplug it. We figured even if there were pop-ups, would you sit there?" Since when is it a crime not to throw a coat over a computer showing sexual images that one did not cause to be placed there in the first place? If Americans are so concerned about the quality of public school education, people should think twice about chilling teachers from walking into the classroom in the first place with such outrageous prosecutions and convictions as this one. Jon Katz.

Posted by Jon Katz in Criminal Defense at 01:30