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Woman Indicted in MySpace Suicide Case

By JENNIFER STEINHAUER

LOS ANGELES — In a highly unusual use of a federal law generally employed in computer fraud cases, a federal grand jury here on Thursday indicted a Missouri woman accused of using a phony online identity to trick and taunt a 13-year-old girl, who committed suicide in response to the cyberbaiting.

The woman, Lori Drew, was charged with one count of conspiracy and three counts of accessing a computer without authorization and via interstate commerce to obtain information to inflict emotional distress. Each count carries a maximum penalty of five years in prison.

Ms. Drew lives in O'Fallon, Mo., where, according to the indictment, she created a MySpace account under the name Josh Evans in 2006. Prosecutors said she used the social networking account to contact a young girl named in the indictment as M.T.M. with messages from "Josh." The girl, who has been identified by her mother as Megan Meier, was a former friend of Ms. Drew's daughter.



After a few weeks of chatting, "Josh Evans" began to send Megan nasty messages, via the MySpace account, ending with one that suggested "the world would be a better place" without her. Megan, believing she had been rejected by "Josh," committed suicide in her home.

Missouri law enforcement officials said they had not found enough evidence to bring charges in the case, and Ms. Drew, who was 48 when Megan died, has repeatedly denied creating the account.

But because MySpace, a unit of Fox Interactive Media, is based in Beverly Hills, Calif., and its server is here, federal prosecutors decided to wield a federal statute that is generally used to prosecute fraud that occurs across state lines.

The statute applies in the case, the indictment says, because by violating the user agreement of MySpace, which prohibits phony accounts, Ms. Drew was seeking information "to further a tortuous act, namely, intentional infliction of emotional distress."

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“To my knowledge it is the first case of its kind in the nation,” said Thomas P. O’Brien a United States attorney in California. “But when an adult violates terms on a MySpace account to gain information that creates this type of reaction, it caused this office to take a really hard look.”

Calls to Megan’s parents, Tina and Ron Meier, were not returned Thursday. Mr. Meier told The St. Louis Post-Dispatch: “It’s a good day. It’s an awesome feeling.”

Ms. Drew’s lawyer, H. Dean Steward, said: “I am deeply disappointed. We thought when the St. Louis prosecutors took a look at the case and decided not to bring charges that was the end of it. I don’t think the statute they used fits the facts in the indictments.”

Ms. Drew is scheduled to be arraigned in Los Angeles in June.

Experts were skeptical that the charges would withstand close legal scrutiny.

“It is an extremely aggressive indictment,” said Rebecca Lonergan, a law professor at the University of Southern California and a former federal prosecutor. “I have never in 18 years as a prosecutor seen the statute used that way. Cybercrimes is a relatively new area, but I am not sure this statute technically covers the essence of the harm.”

Officials at MySpace said in a written statement, “MySpace does not tolerate cyberbullying and is cooperating fully with the U.S. attorney in this matter.”

Various state and local governments have passed or introduced laws that prohibit cyberbullying, often through requirements that school districts have cyberbullying policies.

“I have concerns about the term ‘cyberbullying’ being applied to this situation,” said Nancy Willard, executive director of the Center for Safe and Responsible Internet Use. “Cyberbullying usually occurs between peers. It is not this kind of action.”

Ms. Willard, who is also a former lawyer, said she also had doubts about the prosecutor’s tactics. “I, like everyone else, would like to see Lori Drew see her comeuppance,” she said, “but I have some concerns. I don’t think the statute was written to apply to this case.”

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