You Decide

10.2 Lori Drew, forty-nine, created a Myspace account in 2007 under the name of Josh Evans, a fictitious sixteen-year-old male. "Josh" started corresponding with thirteen-year-old Megan Meier. "Josh" told Megan that he recently had moved to a nearby town, and they corresponded for several weeks. Josh's tone changed at some point during the correspondence, and he wrote in an instant message that "the world would be a much better place without you." Megan responded to Josh that he was the kind of boy that "a girl would kill herself over," and shortly thereafter, on October 16, 2008, Megan committed suicide. Lori was angry over Megan's alleged gossip about her daughter Sarah and knew that Megan suffered from depression and harbored thoughts of suicide. Lori was prosecuted by federal authorities under the Computer Fraud and Abuse Act (CFAA). The jury found that Lori intentionally had violated the terms of service of Myspace and that as a result she was guilty of "accessing a computer involved in interstate or foreign communication without authorization or in excess of authorization to obtain information." Is the intentional breach of a Web site's terms of service sufficient to constitute a criminal violation of the CFAA? See *United States v. Lori Drew,* 259 F.R.D. 449 (C.D. Cal. 2009).

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