



# Cyber-bullies charged with Distributing Child Pornography in Canada

October 4, 2013

In April 2013, Rehtaeh Parsons died after her parents took her off life support following a suicide attempt after months of enduring cyber bullying. The harassment was the result of a photo depicting Parsons allegedly being raped at a party back when she was 15 years old in November of 2011.

According to Parsons' parents, Parsons was raped by four high school classmates while she was drunk at a party. During the alleged assault, a photo was taken of Parsons that depicts Parsons bent over and vomiting outside of a window while a boy positioned behind her, smiles at the camera, and gives a thumbs-up while in the act.

Canadian police were unable to find enough evidence to charge any of the boys for the rape allegations. As for Parsons, she remained haunted by the experience when two of the boys allegedly distributed the photo through text messages and social media sites.

In addition to Parsons being a victim of the alleged rape, the distribution of the photo led to Parsons being shunned and exiled from her community. Despite the family's choice to relocate, Parsons could not escape the clutches of the cyber bullies as the photo made its way into friends' mobile phones and computer devices. In the end, Parsons attempted suicide and died when her parents took her off life support last April.

Although Canadian police were finally able to charge the two cyber bullies for the distribution of the photo, spokesman Scot MacRae for the Roula Canadian Mounted Police commented that other difficulties still exist in trying to build a case involving the cyber world.

"There are factors in determining other than the picture itself; ages, who sent the material, computers, so it's complex," MacRae said. "We do understand people want the answers and the big question here is why was it done or why weren't there charges and we understand that. We're not trying to deflect blame or not be accountable."

The two cyber-bullies were arrested and appeared in youth court on August 15, 2013. One cyber bully has been charged with two counts for the distribution of child pornography. The other cyber bully has been charged with the creation and distribution of child pornography.[1]

The hearing date originally scheduled for September 19, 2013 has been adjourned to November 14, 2013. The adjournment was granted in response to a request made by the attorneys in the case in order to provide legal counsel additional time to review the evidence.

In response to questions regarding the possibility of attempting to charge the teens for the 2011 assault, the Police stated that no new charges will be filed.

Although there have not been any confirmed reports regarding the specific types of evidence that will be used in establishing or defending the child pornography charges, press releases on the case have revealed that the photo featuring the alleged rape was distributed to the public through text messages and public social media sites, such as Facebook, within hours after the incident occurred.

Based on these reports, legal counsel will most likely be reviewing telephonic records and social media postings in developing their case. However, nothing will be for certain until the hearing date on November 14, 2013.

Interested in learning more on how the attorneys in this matter will use electronic evidence to build their case? Please return to this blog for future updates.

*A special thanks to Melissa Cefalu, a law clerk at Cullen and Dykman, for help with this post.*

[1] Under Canadian law, the photo depicting Parsons having sex with one of the boys is considered child pornography because Parsons was a minor when the photo was taken, regardless if the act was consensual.