

# 2006 Delaware High School Mock Trial Competition



*State of Delaware*  
v.  
*Kinsley Williams*

February 24-25 & 27, 2006  
New Castle County Courthouse

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**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY**

State of Delaware,	)	
	)	
Prosecution,	)	
	)	
v.	)	No. 04-424
	)	
Kinsley Williams,	)	
	)	
Defendant.	)	

Prosecution witnesses

Jamie Anderson, alleged victim of cyber stalking  
Casey Wallner, Jamie Anderson's roommate  
Ashton Hopp, New Castle County police investigator assigned to the case

Defense witnesses

Kinsley Williams, alleged cyber stalker  
Loren Albert, College professor of computer sciences  
Pat Clifford, College Webmaster

**STIPULATIONS**

1. There is no First Amendment issue in this case.
2. There is no entrapment issue in this case.
3. There is no jurisdictional issue in this case.
4. Chat room discussion transcripts are stipulated as an authentic representation of what was on the computer at the time they were seized by authorities.
5. All students named in this mock trial problem have signed the waiver for Chat room use.
6. The campus online discussion option is one where messages and comments may be entered in real time and are then posted and left, and can be read at any time.

*State of Delaware*  
v.  
*Kinsley Williams*

Kinsley Williams is charged with two counts of cyber stalking. The person Kinsley allegedly stalked via an on-line, campus-sponsored study chat room is Jamie Anderson. Williams and Anderson are sophomores at Diamond State College, New Castle County, Delaware. Both students reside in Bedford Hall, a co-ed dormitory on campus.

TIMELINE:

**Monday, May 9** - Chat room entry: "You won't be able to run fast enough..."  
"Jam's in the window. Exercise all you want, my friend, you won't be able to run fast enough." Originated from computer in the College library.

**Thursday, May 12** - Chat room entry: "Jamming has been seen wearing school colors all week. Think blood won't show on those dark colors?" Originated from computer in Bedford Hall

Also on Thursday, May 12 - Student Union Incident - no classes, Union relatively empty.

**Friday, May 13** - Chat room entry: "Anticipation is what it's all about, and building fear. You never know when you'll be forced to face your greatest fear...suffocation, torture, painful prolonged death." Originated from computer in Bedford Hall

And then, after a 20-minute break, "Time is running out, my Jammin friend. Maybe we can meet in the alley?" Both from computer in Bedford Hall.

**Saturday, May 14:** "I admit to being mad, but madness can be a good thing. It gives me direction, focus, and an outlet for my aggression. Ever wonder pain and suffering." And, after a five-minute break, "Jamming, can you come out of your 2nd floor roost and play?"

**Saturday, May 14:** "the clock is ticking. Time is on my side. Time is running out my friend.

**Saturday, May 14:** Chat room entry read at campus computer room with police witnesses, "Jam will rot just like Jelly if buried long enough."

Anderson receives **e-mail** message with no subject line from a campus computer, "SV may lose control at any time...longs to test your control. How long will you last, my jammin friend? If you're afraid, you better stay locked up in your 2nd floor roost and not go out to play. You could be sorry. You could be dead."

**The timeline is meant to be used as a convenience and should NOT be relied upon over the actual affidavits and the chat room discussions at the end of the problem. The timeline may not be entered into evidence and should not be referred to at all during trials. If conflicts are found between the timeline and the affidavits/chat room discussions, the affidavits/chat room discussions control.**

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Kinsley Williams,	)	
	)	
Defendant.	)	

**INFORMATION**

**Cyber Stalking - Transmission of Threat**

State's Attorney Turley Underwood, representing the People of the State of Delaware, complainant, now appears before the Superior Court and states that Kinsley Williams, defendant, has, on or about May 2, 2005 through May 17, 2005, in New Castle County, State of Delaware, committed the offense of Cyber Stalking in that he/she, without legal justification, knowingly committed the offense of Cyber Stalking when he/she knowingly on at least two separate occasions, harassed Jamie Anderson through the use of electronic communication, and knowingly transmitted threats to that person of immediate or future bodily harm.

**Cyber Stalking - Reasonable Apprehension**

Should trier of fact find inconclusive on the charges of Cyber Stalking - Transmission of Threat, State's Attorney Turley Underwood, representing the People of the State of Delaware, complainant, would ask that Kinsley Williams, defendant, be found guilty of Cyber Stalking - Reasonable Apprehension, as on or about May 2, 2005 through May 17, 2005, in New Castle County Delaware, Kinsley Williams did perform acts which placed Jamie Anderson in reasonable apprehension of immediate or future bodily harm.

Signature:

\_\_\_\_\_  
Turley Underwood, State's Attorney, New Castle County

I have examined the above complaint and the person presenting same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

\_\_\_\_\_  
Summons issued by Judge Lyman Berry

**JURY DEMAND**

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	)	
Prosecution,	)	
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v.	)	No. 04-424
	)	
Kinsley Williams,	)	
	)	
Defendant.	)	

I, the undersigned, do hereby demand a jury trial in the above matter.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_  
Kinsley Williams, Defendant

**Prosecution Witness Affidavit of Jamie Anderson**  
**(Alleged victim of cyber stalking)**

1. My name is Jamie Anderson and I'm currently a sophomore at Diamond State College. I live on campus in Bedford Hall, one of the co-ed dorms on campus. This is my second year living at Bedford Hall. I requested assignment to this residence hall again because I knew so many of the student residents, the place started to feel like home.

2. I logged onto the campus chat room the College sponsors as part of my class registration. The chat room gives students a chance to discuss courses, homework assignments, and things like that. I posted a message asking for the reading assignments for my literature course. I didn't want to fall behind.

3. Prior to signing on for the first time, I had to read and sign the usual release that says that the campus authorities monitor user activity by use of the "red button" scheme to protect students from unsavory activities. I was in the campus advisor's office to sign up for the service. A couple of other students were in there with me at the time. We all joked about the release; I don't think any of us took that seriously at the time. I didn't think signing the releases as really being a deterrent if someone wanted to hack or bend the rules.

4. I hadn't used the chat room all that much until the middle of May. I know it was on a Friday. The campus pretty much clears out on Fridays, so I gave it a shot and asked if anyone had the assignment for my English 301 class. I got an almost instant response to my request for the homework assignment from another student in class. It seemed funny that we'd been told not to reveal our actual names, address, telephone numbers, or other personal information. I thought at the time that the small campus was full of friendly folks all concentrating on their educations and having a good time at college.

5. After that first positive experience, I visited the chat room often. There would often be movie reviews or discussions on books being read, bestsellers and assignments, and information on good places to eat. And, there was also the routine info on class assignments in case someone was out sick. I'm not very computer savvy, but I could use the chat room and my campus e-mail account with no problems.

6. I was in a class with Kinsley Williams during our freshman year. It was a class on psychology and the professor was using quite a bit of literature as a way to help us understand various psychological problems and profiles. It was a fun class, but I remember that Kinsley was frustrated because none of the literary situations created really challenging psychological profiles. Kinsley asked to do some extra-credit reading and did a report on Jack the Ripper. It was a painful report to listen to, and I guess I was a bit more sensitive than some. Kinsley's report almost made me ill. It was very graphic. Kinsley seemed to enjoy the class's discomfort with some of the descriptions and photographic materials that were circulated during the report. I asked the professor if I could be excused in the middle of the report, I was that upset. I was given permission to leave, but had to explain to the professor in the hallway why I was so upset. The professor understood and I left and called home and discussed the report with my parents. I felt better after speaking with them.

7. I think it was about two months after I'd signed up to use the chat room, and about a week after the student union incident where I'd avoided Kinsley Williams that I noticed some references to my nickname, which is Jam. Some kids in the dorm call me "the Jam" because my dorm room is so messy that the door sometimes jams up against something...and my real name is Jamie, so it sort of fits. My chat room and e-mail user names are both the same, Jammin@DSC and Jammin@DSC.edu. In hindsight, I should have been much more careful in choosing user names and e-mail addresses. Better to be as anonymous as possible on the Internet. My password is, or was, JRCHAT. These have changed now.

8. Anyhow, one day I logged onto the chat room and remembered that someone had posted two messages on previous dates that had sort of freaked me out. "Jam's in the window. Exercise all you want, my friend, you won't be able to run fast enough." My first thought on reading that was that I'd been goofing around the night before doing some jumping jacks and running in place in the dorm room. My room is on the second

level so I rarely bother to close the drapes, as no one can really see in the room. I sort of calmed myself down by telling myself that I wasn't a jogger, so it must not have really been meant for me. But, I did show the message to my roommate Casey. Casey sort of shrugged it off at first, but then read the second message further down the discussion thread. Then we both got concerned.

9. There were some other messages on the board that same day, and the discussion was about a campus hazing that had taken place at a high school a few weeks ago. Some kids had been pretty badly beat up and suffered some extreme indignities, to say the least. There are no sororities or fraternities allowed at Diamond, so there's never been a problem with that kind of social rite of passage, so to speak.

10. We both saw the statement; "Jamming has been seen wearing school colors all week. Think blood won't show on those dark colors?" and Casey and I both thought that this line in particular was directed at me, because I had been wearing school colors all week. I have a part time job at the College union and we were promoting t-shirts, sweatshirts, and other College logo clothes and items and all of the student employees had been given an assortment of stuff from the union store to wear as a sales promotion.

11. Casey and I were both convinced that someone using the chat room knew that I was Jammin@DSC and was trying to prank me somehow. I first thought someone was just trying to get my attention, but some of the other lines started to really get to me and I started having trouble sleeping and would constantly look over my shoulder wherever I went. Casey and I started going places together or not going out at all. This made going to class for a week or so a little difficult, but we worked it out between us so that neither of us would be alone walking on campus.

12. Even though we were careful, we kept visiting the chat room. We felt like sleuths looking for some additional evidence, to determine for sure if someone was earmarking me for trouble, or threats or something. We were drawn to it, even though it was freaking us out. It really never occurred to either of us that we should press the panic button that the College offers as a safeguard. I can't say why. We sure got to the point that we were close to panic.

13. On May 13, 2005, a Friday, there was a flurry of chatter about a course on campus that was talking about terrorism and the law. It's a government and current events course, in the political science field. There was plenty of discussion on freedom of speech and September 11, and individual rights. Nothing too frightening, it was a good discussion actually.

14. But then we saw another reference to "Jam." "Anticipation is what it's all about, and building fear. You never know when you'll be forced to face your greatest fear...suffocation, torture, painful prolonged death." And then there was "You can keep your friends around you, but the clock is ticking. Time is on my side." And it started up again with, "Time is running out, my Jammin friend. Maybe we can meet in the alley?"

15. Casey and I saw it at the same time and Casey said that maybe we should notify someone on campus about the series of postings that were mentioning me. I said I'd think about it. I guess I was trying to talk myself out of being afraid. But the next day, on the 14th, a Saturday, when campus was really empty, there were two more postings.

16. One was responding to the comment I mentioned above, about suffocation and torture, saying that the language was inappropriate. I don't know who had posted that response, but I was glad someone else on campus was feeling uncomfortable about the discussion.

17. The person who'd been posting the threats responded to that by saying, "I admit to being mad, but madness can be a good thing. It gives me direction, focus, and an outlet for my aggression.

18. About ten minutes later my computer indicated I'd received an incoming e-mail with the subject line blank. I usually just delete these without opening them; fear of virus problems, but I opened it. The message was from user@DSCLib, which meant it was from one of the campus library computers where you can either

sign on with your student I.D. or as a general student, using the user@DSCLib and then the password "student." It's anonymous, so far as I can tell. Anyhow, the message said, "SV may lose control at any time...longs to test your control. How long will you last, my jammin friend? If you're afraid, you better stay locked up in your 2nd floor roost and not go out to play. You could be sorry. You could be dead." Someone had figured out that all you had to do to Jammin@DSC was add a dot and then "edu" to turn it into my e-mail address.

19.And then we totally freaked. Casey and I turned off the computer and locked the dorm room on our way out and went right to the campus police station to report on what we'd been seeing. Campus police called the New Castle County authorities and they all met with Casey and me and with other campus officials who got involved. That's when I learned how high-tech the campus computer system was. Every chat room discussion had been captured, fully, and was stored on disks in the security offices. They had access to every chat room discussion thread and all they had to do was search for "Jam" and "Jammin" or other variations, and they found some vague references I hadn't even seen.

20.The campus police and other College personnel asked if I had any idea who might be targeting me, and I said I thought of one person but really didn't want to say because I wasn't at all sure. I was relieved when their investigations lead them to Kinsley Williams. I just don't know why Kinsley chose me as a target for the stalking, which is what it really was. Stalking.

21.Once the police became involved, there were only two more references to me in chat room discussions, neither was as threatening as the first, but they still crossed the line and are included in the complaint against Kinsley Williams.

22.One appeared on Sunday, May 15th, and referred to Jam and Jammin, and included mention of my English homework. It was then I remembered that I'd asked for the homework assignment for English 301. It must have been pretty easy for Kinsley Williams to figure out that Jammin@DSC was Jamie in English 301.

23.The message that appeared on May 12 was probably what convinced me that Kinsley was, in fact, the person behind all the threatening chat room messages. I'd seen Kinsley in the student union and had made a point of turning and walking in a different direction. I'm absolutely positive Kinsley and the friends that were there with Kinsley all saw me avoid them, and I have to say I wasn't all that subtle about it. Casey was with me and I actually grabbed his/her arm and dragged him/her down a side hallway. I also know that they saw us make that move, because we stopped and looked back and saw Kinsley laughing and pointing at us. That's when Kinsley said, and we both heard it perfectly, "There goes Jammin@DSC, The Jam," and when Kinsley said "The Jam," he/she made that little quotation mark sign with his/her hands and laughed a pretty scary laugh.

24.Another proof, sort of, that it was Kinsley Williams who was posting all those messages in the chat room is that they stopped right after Kinsley was arrested. During the whole investigation we were told to keep on using the chat room and not discuss the investigation with anyone.



**Prosecution Witness Statement**  
**Casey Wallner, Jamie Anderson's roommate**

1. My name is Casey Wallner and I'm Jamie Anderson's roommate at Diamond State College. Our dormitory room is on the second floor of Bedford Hall. Kinsley Williams also lives at Bedford. All of us are sophomores at Diamond, and we all knew each other, in passing, last year. That is, Jamie and I knew each other well as we're from the same high school, but we knew Kinsley Williams only in passing.

2. I remember that Jamie and I signed up for the chat room together, on registration day, just in case. I don't think either of us really planned on using it all that much, but then Jamie got sick and needed a homework assignment from someone and it worked so well that we both started jumping in and commenting now and again. It's a useful tool. We enjoyed it for a few weeks and then things got strange.

3. We went to the student union to get some coffee and meet friends on Thursday, the 12th. When we arrived, we saw Williams sitting at a table in the middle of the union with a bunch of friends. Jamie grabbed me and pulled me back out of view, but we heard Williams and the other people at the table laughing and saying things about Jamie, like making fun of the nickname, "The Jam." Not their business. I guess it wasn't all that frightening, being as it was such a public place, but we were in such a tense state that we reacted like we were really freaked out by running into Williams and those other pals of his/hers. We left the way we came rather than walking through the union and setting ourselves up as targets for more of their verbal teasing. I know Jamie didn't sleep well that night. I didn't either.

4. I keep a pretty accurate calendar of where I'm supposed to be and when, because when I get too busy I sometimes forget stuff. The calendar came in handy when we reported the chat room threats to the authorities because we, Jamie and I, were able to confirm 100% that the discussions took place on the dates they did. My calendar jived with the printouts that the computer guru's were able to retrieve.

5. I even urged Jamie to print some of the chat room screens so we'd have something to refer to if questions arose about what we'd been reading there. It was some pretty ugly stuff.

6. I remember that Jamie got real freaked out after seeing "Jam" and "Jammin" appear in some of those ugly messages. I know if I'd seen my name attached to those threats, I'd have gone through the same or worse emotions that Jamie suffered. Jamie pretty much stopped opening the curtains in the morning, answering the phone or taking walks. And Jamie's behavior was catching, especially since I'd read the messages as well. All that talk of torture can really dig in and sort of fester in your mind. Jamie and I decided that we'd hang pretty close together and make sure that Jamie wasn't alone. Ever. And we were doing that when the additional messages came on the message board.

7. I don't know why we didn't just sign off and stop using the chat room. I guess we sort of felt that we wanted to know what the person out there was thinking and that we'd be able to tell if there was a real threat coming Jamie's way. Better to know than try to guess, you know?

8. Anyhow, after about the third mention of "Jam" I started asking Jamie if we shouldn't alert the campus authorities or dial that 9999 campus phone number to let someone know how freaked we were getting. I felt sorry for Jamie. There was a real confused feeling in him/her. I guess it's hard to get someone in trouble. I don't think I'd have minded so much getting someone who was picking on me so awfully in trouble. They deserve whatever comes their way. Eye for an eye, they say.

9. I was pretty insistent after Jamie stopped eating. Wouldn't go to the dorm cafeteria or any of the local campus town restaurants. I was asking other friends to bring us fast food almost daily. I was afraid to explain why, so I just said we were working on a class project and couldn't get away from the computer that long.

10. I think Jamie lost about 10 lbs. And night after night, I'd wake up to see Jamie just sitting there, or peering through the closed curtains, or listening at the doorway. It was awful to watch and I tried to offer

some comfort and assurances. After all, there is a dorm alarm system, the doors are usually kept locked and we have to use keys to get onto the resident floors, and we had the phone right there. But it didn't help.

11. I can't remember ever discussing with Jamie the possibility of clicking on the panic button on the chat room web page. I think we may have considered it, but decided that the College must be monitoring the page, because they said in their registration materials that the pages were not considered private. I guess that maybe in the backs of our minds we thought that someone would be watching and know that something was wrong. No one ever contacted us to check to see if we were alarmed or concerned or anything like that though.

12. I guess we could have put a stop to the whole business if we'd used that panic button early on. Maybe then we would have gotten some sleep, Jamie wouldn't have been so freaked out, and Kinsley Williams would have avoided getting into all this legal trouble.

13. When we did finally decide to report the problem, we went to the campus officials together with the printouts we'd kept. They were able to match their computer times and messages to ours so they could see we hadn't faked anything.

14. Then they really started watching the chat room. They told us to keep logging on and using the computer in our room to use the chat room. We did. It felt sort of good knowing that someone else was watching and that there was a good chance that someone was going to get caught red-handed sending those ugly messages. We were still pretty apprehensive though and kept up our policy of never being alone, closing curtains, and keeping our doors locked up tight.

15. It didn't take long after we reported the problem to the campus officials that the computer guys told us that they thought the chat room messages had been sent from a computer inside Bedford, Jamie really freaked and started talking about quitting school, dropping out for a year or two, going home to get a job and let things settle down. Terrible to let someone get away with threatening someone like that and causing such life changing fears to take over.

16. Finally, they made an arrest, Kinsley Williams, and the chat room messages referring to Jamie stopped immediately. Guess that sort of proves that Kinsley must have been the one doing all that nasty stuff. What a jerk.

17. And now we've heard that Kinsley Williams may be using the defense that someone else is probably using his/her passwords and codes. That's funny. Williams's been using that chat room and must have seen the tags on the ends of his/her comments. Why would a student who is so interested in law-enforcement and all that stuff not want to investigate and find out who was adding text? Makes no sense. I'd have been furious if someone started altering my comments, especially if they were turning something allegedly innocent into something dangerously threatening. That's nonsense. Kinsley's supposed to have such a keen mind, why wasn't it used when the additional lines were seen? I would have thought it would be the kind of challenge Williams would love!

**Prosecution Witness Statement, Ashton Hopp,**  
**New Castle County police investigator assigned to the case**

1. My name is Ashton Hopp, I am a New Castle County Police Officer assigned to one of the police force's "elite cyber crimes squad," which means I've received special training in computers and on-line security issues. Officers are allowed to choose which "elite squad" they are interested in and then the force offers extensive training. The fact that we get to choose means that each officer on the force is given special training in his or her area of interest. Goes a long way to boost morale. I also have a degree in computer science from Diamond State College. I graduated with honors 10 years ago and went right to the police academy. I served 4 years in the Navy as a computer technician on board the U.S.S. Reliant. This is my 2nd year on the force. I was on duty when Jamie Anderson and Casey Wallner arrived at the College security offices. I took the call from the College and went over there to help with the preliminary interviews and investigations.

2. When I arrived, both of the students were highly agitated and nervous. My first thought was that if we don't get them calmed down, we're not going to get good information from the interviews. So, I set out to calm them down by offering them sodas, sitting with them for a while, introducing myself and generally making them comfortable with the surroundings and the people they'd be speaking with. Even after they relaxed, Jamie kept exhibiting nervous tendencies like hand wringing, twisting and turning in the chair, standing and pacing the floor, things like that are very telling during the interview process. I'd say that whatever had happened to these two kids, they were taking very seriously and they were scared.

3. They mentioned that almost all of the communications had taken place through computer on-line chat rooms but that there had been one face-to-face confrontation that had also upset them both. Evidently Kinsley Williams saw Jamie and Casey in the student union and had targeted them there with some teasing remarks that had made quite a threatening impression on them both.

4. It's routine for Diamond State College campus police and the New Castle County police department to cooperate fully when something happens on campus or a student has a complaint. We have a long history of cooperation and support for each other's offices and authority. I was called in to take statements, so if a civil or criminal investigation ensued, there would be a proper chain of evidence.

5. The campus police had already called the computer technical staff to retrieve the chat room conversations that had taken place in the past two or three weeks. We were going to limit the search for the threatening language by asking the students what times they had entered and exited the chat room. Knowing how efficient the computer staff at Diamond State College can be, I knew we'd have the information very quickly.

6. Casey Wallner had the presence of mind to bring in a calendar that indicated quite a few of the incidents they were questioning. Nice kid. Thoughtful and I'd be willing to bet Casey is a good student. Organized.

7. It's routine in this kind of case to encourage continued chat room use to see if we can draw out the person or persons who are making threats. When we encouraged Jamie to continue utilizing the on-line chat-room until they could follow the leads they had to try to identify the sender of the threatening messages, Jamie's fear showed in full force. You could see his/her face go pale and his/her hands tremble. Casey Wallner looked a bit taken aback as well. I suppose they had thought that simply reporting the problem would make it go away. That's not how investigations work though. We sometimes need help to find out the computer that was used, and the pass code of the user.

8. I am aware that Diamond State College has in place monitoring software that automatically alerts security staff when certain words or phrases are used in the chat-rooms on campus. It's called the "shark program." I knew we'd need to interview the computer technology staff to see when the discussions took place, which computers were used, etc. This could be a lengthy process.

9.This past winter, I investigated some child exploitation cases on the Internet. The common denominator was that all three cases originated in chat rooms. I try to encourage parents and teens, and even younger children who are allowed Internet use to always take great care in protecting their confidentiality. In one of the cases I mentioned, I asked the teenager involved if she knew how to research the name and information on the person she'd been chatting with. She felt she didn't need to because she'd been chatting with this person and had asked so many questions. She felt confident she knew the person. What she hadn't thought of was that person might be lying. I asked her if she had given out any personal information and she said she hadn't. But then I asked if she'd ever mentioned her high school name. She said yes. I asked if she'd indicated her gender, and she admitted she had. I asked if she'd ever mentioned what year she was in school. She said she had. I then asked one more question, had she ever mentioned any of her extracurricular activities. Again, she said yes. All these, to her, seemed innocent enough. However, when all taken are as a whole, they provide an incredible amount of information for a stalker or other criminally minded individual.

10.The information she offered could have helped to narrow the search for a target. Think about it. She told this person what high school she went to. That narrows the field, in this case, to less than 800. From the entire world, to 800. Then she said she was a female. That cut the number in half, to approximately 400. She mentioned she was a senior, narrowing the field to about 100, and she also indicated she was a cheerleader, thus narrowing the global field to eight. And, take this into account as well. The high school she attended has a website that displays photographs of team sports and, you guessed right, the cheerleaders. So, if this girl had also mentioned that she was blond, or had long hair, the field would narrow even more. So, even though this girl hadn't given out her name, address, telephone number, e-mail or web information, anyone with enough will, could have located her pretty easily with the information she had provided.

11.After checking the captured computer information available from the College 's computer systems analyst and computer tech people, we were able to determine which computers on campus had been used to enter the chat room each time one of the suspect comments was made. All but one time, the computer used was the one located in the Bedford Hall common room on the first floor of that dormitory. That computer sits in a small, rather out of the way room, down a hallway and you can close the door for complete privacy. It's the perfect place to undertake questionable computer behavior, and think that you couldn't be traced because of the number of students with access.

12.The College has in place a "filter" system called "the shark program" that has the capability to capture questionable language and alert monitors to potential problems. However, we've learned through experience that no software program is foolproof. First, it has to be switched on. You have to learn how to maneuver through the data history files to see what's been going on.

13.By checking user files, sign on dates and times, we were able to discern that the user name and pass code, which students must register when they sign the initial release forms to utilize the chat room, belonged to Kinsley Williams. The username was "Shokwave", which is one of Kinsley Williams's usernames. Shokwave's password is "Crag05." The other registered student username Williams uses is "SirVive2004" with the password "Kincrag." Both usernames appear on the printouts of the chat room discussions in question. Both were using the Bedford Hall computer. The one message that did not use that particular computer was the first message with a reference to "Jam." That one appeared on May 9<sup>th</sup> and said "Jam's in the window. Exercise all you want, my friend, you won't be able to run fast enough." That message was posted from a computer in the Diamond State College Library, 2nd floor student lounge. The username was "SirVive2004" with the appropriate password "Kincrag."

14.As a routine user of the campus e-mail and website, I can testify that often e-mails are sent but don't arrive until seconds, minutes or even hours later. And, relying on any campus clock when indicating where you might have been at what time, can be taking a chance. Everyone on campus knows the campus clocks are unreliable and more often than not they're way off. Must be because of power brownouts or something. They just can't seem to keep the things running right.

15.Williams seems to think that his/her username and password from last year, which were "SirVive2004" and "Kingcrag" were found on a textbook he/she sold and are being used by someone trying

to get Williams into trouble. We have yet to locate that particular textbook, which Williams says was sold back to the College bookstore. We checked at the College Library to see if this particular textbook had found its way onto the bookshelves and might have been available or accessible for student use, but they don't have that particular textbook in their inventory. They have five duplicate versions, but none have the writing on the cover that Kinsley Williams says should be there. We also checked with the College bookstore. There was no book so marked in their inventory, but that doesn't mean there might not have been at some time. College personnel did indicate that they do not make an effort to clean or erase markings off of used textbooks sold back to the bookstore.

16. There is some responsibility that the selling student should assume in erasing any personal information, like a password, personal code, etc., if they choose to sell a textbook, or donate it somewhere. Even if accounts are no longer being used, or go stagnant, they can still cause problems. Williams should have taken care to erase his/her computer e-mail and user codes from that textbook. If there's a lesson to be learned here, in addition to the seriousness of computer threats, it's that personal information should be guarded.

**Defense Witness Statement**  
**Kinsley Williams, alleged cyber stalker**

1. My name is Kinsley Williams and I'm a sophomore at Diamond State College. I live in Bedford Hall, the same dorm where Jamie Anderson and Casey Wallner live. I admit without reservation that I use the on-line chat room offered by the College, but I deny any intent to threaten any specific person in the various postings I submitted.

2. I guess I can see how someone might be unsettled by talk about sleep deprivation and human laboratory experiments to study pain and suffering, and hate crimes, but my major is psychology with a minor in law enforcement. I have an honest curiosity about these things that is shared by many in my classes.

3. I decided on this major because I want to become a psychologist to help post-traumatic stress disorder patients recover from their traumas. I watch quite a bit of television when I'm not doing my homework and the history channel, and the news channels, often have special programs on virtually every crime that has ever been committed and they often run stories told by the survivors. I'm incredibly interested in these first-hand accounts of how victims survive, their thought processes, their physical strengths, etc. I mean, if we all knew what it took to survive a terrible situation, they'd be able to train us all to withstand just about any terror we could ever expect to face. I think my research is going to be very useful someday.

4. I guess that because I'm such a serious student, I am often perceived to be a loner or outsider. I know I'm a bit of an over-achiever and often accept extra credit assignments, especially if they allow me to undertake some individual options in my research. One of my extra credit reports in a psychology in literature class evidently freaked out some of the less challenged students. I don't really understand why. I wasn't exposing any deep dark historical or psychological secret. The schools all teach crime and punishment, and television programs run the same kinds of pictures I showed. One student got up and walked out, obviously shaken. Now that same student is lodging a complaint against me.

5. The chat room has been a great resource for me and I vigorously deny improper use. I've often ridiculed the general chat room population, but I've never targeted any individual. The statement that said, "Anticipation is what it's all about, and building fear. You never know when you'll be forced to face your greatest fear...suffocation, torture, painful prolonged death," was from me. I had been discussing torture camps with some other students and was responding to a question that someone had asked as we all headed home. It's true. Anticipating something dreadful is often worse than the actual happening, when it finally occurs. Like going to the dentist. You think how awful it's going to be, but then you do it and it's not all that bad. Fear gets to you and makes you freak. Discussing controversial views should not be illegal, even if someone misinterprets the statements that are made!

6. I remember writing something like "I admit to being mad, but madness can be a good thing. It gives me direction, focus, and an outlet for my aggression." Someone had said that I was nuts in one of my classes. I prefer the word "mad." It's so much more poetic, somehow. Loads of highly productive and famous people have been thought to be mad, but they still gain fame and fortune for their thought processes. I admit that being a bit different makes one appear to be a bit mad, thus the statement. Being different, to me, is a good thing. It isolates me from people I don't really care about and I'm allowed to focus on my thoughts, goals, class work, research, etc.

7. I am, while a loner, a very aggressive student. I like to challenge my professors by tossing them questions they don't expect. I like to make them think as much as they like to make me think. I guess I may be a different kind of student from what they normally see, but I've had quite a few professors compliment me and tell me they enjoy the challenge of having me in their classes.

8. I flat out deny having anything to do with the two statements that are included in the complaint that say; "Jam's in the window. Exercise all you want, my friend, you won't be able to run fast enough." And "Jamming has been seen wearing school colors all week. Think blood won't show on those dark colors?"

Who cares when Jamie was exercising or what color his/her clothes were? And that bit about the blood. I am absolutely convinced that some nut case with some computer expertise has been out there using my passwords.

9.I'll also admit to typing in the statement that "The clock is ticking. Time is on my side. Time is running out, my friend." How anyone could see that as a threat, I don't know. I was talking about a statistical probability that all of us in the chat room at the time would be victims of crime. I think everyone understood what the context was. It's when you pull the dialogue apart and start looking for ugliness that it appears to be threatening. That's not my fault.

10.And, when that second transmission, the one on the 13<sup>th</sup> that everyone thinks is so awful, appeared, I wasn't near a computer. I had logged off and was actually at an interview, talking with the computer lab personnel about a report I was going to do about on-line research. So now they're probably going to say that I have the technical ability to pause a computer e-mail entry or had someone else press the enter key? Good luck.

11.I think that someone in the chat room knew that Jamie and I weren't seeing eye to eye and started tacking on comments to my chat room commentary. I even think I know how it was done and I've asked Pat Clifford if I'm right. I think if you ask Pat, you'll find that anyone could have logged into the chat room using my personal information and tagged words onto my comments after I'd signed off. This is especially true if I happened to be using one of the College computers, like at the library, the union or in the common room at Bedford Hall, and I have used those computers, but not frequently. I can't remember the last time I used the library computer. Must have been a few semesters ago.

12.There's a strong possibility that someone's pranking both Jamie Anderson and me. I know that I had written my personal pass code from last year for the chat room on the cover of my forensics textbook from last year and I sold that book or donated it to the library without erasing the information. I haven't closed that account, I just added a new one this year, so someone could be making all of this look like it's coming from me, when it isn't. That should be illegal, if it isn't! Some may think that it's a convenient way for me to have pranked someone, using an old account, but it's just plain easier to let the old accounts ride, rather than completing paperwork. It's not a crime to be lazy, is it?

13.I've been asked what computer usernames I've got on file in my name. This year I registered the username "Shokwave" with a password "Crag05." Last year, I had registered under the username "SirVive2004" with the password "Kincrag." I'm absolutely positive that the Shokwave/Crag05 information was written on my forensics book from last year. I'm also absolutely positive that whoever has that book is the person you're looking for. Again, I'm willing to admit to making some of the statements, or participating in some of the discussions, but my intent was not to harass anyone. I thought all along I was in an educational conversation, a learning experience, you know?

14.People are also making a big deal about me making fun of Jamie in the student union. Since when has laughing at someone been a crime? All I did was make fun of the nickname "The Jam." I was sitting at a table in the union with some friends and Jamie came around the corner and lurched back so suddenly, dragging someone with him out of view. Then they peeked around the corner, like kids playing hide-and-seek! Jamie was making a fool of him/herself by dragging that friend behind some wall and acting so afraid. It was pretty childish.

15.By the way, someone tells me that Jamie received an e-mail from the College library computer that they think came from me. I wish they'd fingerprint all those computers over there. I haven't used the library computers for months.

**Defense Witness Statement**  
**Loren Albert, College professor of computer sciences**

1. My name is Loren Albert and I am a Diamond State College Professor. I teach computer science, computer ethics, and advanced technology and research. I've been serving in my capacity as head of the computer technology division for four years.

2. I encourage my students to use the on-line chat room and discussion opportunities as a safe and efficient way to expand their studies. It is important for students to realize early on that our student chat rooms are not meant for entertainment, they are meant as learning and communication tools. They should be used for open dialogue. Students are encouraged to utilize the chat rooms, and to adhere to the rules and guidelines set forth by the College and my individual professors. For example, I tell my students to be particularly aware of message length, continuity of discussion and articulate responses that can keep the discussion flowing. Short is always better. Brief phrases are easier to respond to and keep the discussion going without lengthy delays that can create confusion.

3. Some students arrive on campus experienced with computer chat rooms. Others experience a bit of timidity when they first use the tool, but with some encouragement, these students learn how the medium works and are able to use it efficiently within a matter of weeks.

4. What students sometimes don't understand is that there can be a number of "conversations" going on simultaneously and they need to process the discussions to weed out what is relevant to their particular discussion.

5. Having a problem like this arise on the Diamond State College Campus is disturbing and I've been in meeting after meeting with College Deans, the Chancellor, faculty and staff to try to determine whether or not the chat room facilities should be shut down. There seems to be the overwhelming response from the student body that they want the chat rooms to continue, but with additional monitoring by campus officials.

6. It was one of my responsibilities to supervise the on-line chat rooms and I take that responsibility very seriously. It was my decision to include the "red button" feature that students can click if they feel discussions are getting out of line or crossing into a territory that makes them uncomfortable. The red button has never been used during this academic year. Quite often students take it upon themselves to admonish other students that ask inappropriate questions or use unacceptable language. I'm very proud of the Diamond State College students. They are using a tool in a very adult manner.

7. Unfortunately, on the week that the alleged cyber stalking took place on the Diamond State College chat room I was on and off campus taking care of family wedding plans and was not checking on the chat room conversations, as I usually do at least three to four times a day. I log on routinely and read discussion threads to see how students are using the chat room and if there are problems with the equipment, etc.

8. This particular allegation is the first time in the history of the chat room that such a threat has been observed. It is my personal opinion that the language does not rise to the level of a criminal complaint; however, as a College official, I need to be aware of all investigations and allegations so I've reviewed all the chat room discussions in question.

9. I am concerned that there may be some unauthorized use of a student's password. Based on our records, one of the alleged offensive statements occurred on Saturday, May 14th. Between the entry, "The clock is ticking, Time is on my side. Time is running out my friend," and the line "Time is running out, my Jammin friend. Maybe we can meet in the alley," There's a 20 minute break or lapse in the discussion. That is plenty of time for Kinsley Williams to have logged off and left the building and someone else, an unauthorized user, to enter, log on and use Kinsley's password to continue the conversation and issue the threatening second phrase. Kinsley Williams was actually interviewing someone on campus in the computer lab at the time that second phrase appeared so Kinsley may not have been the person responsible for making the entry. I can confirm that because I saw Kinsley.



10. Unauthorized use, if indeed that is what happened in this situation, is a serious infraction of the campus rules. A year ago, the College experienced an on-line prank when a student I'll call John, left a computer workstation without logging off and protecting his e-mail account. The next student who sat down at the station realized that he had the opportunity to prank the student named John and sent out a rather innocent message to the chat room that indicated that John was madly in love with Marsha. This embarrassed both John and Marsha, who had never really spoken to each other. I was able, in class, to call attention to the breach and discussed the misconduct, which violated College policy and academic integrity of the chat room. The resulting gossip from the incident was innocent and no one was hurt. And the prankster issued a verbal and written apology to the parties he'd pranked. This offered a valuable learning experience to everyone involved in the chat room. We haven't had that type of prank since.

**Defense Witness**  
**Pat Clifford, Diamond State College Webmaster and Cyber Angel**

1. My name is Pat Clifford and I work at Diamond State College in the computer technology lab.

2. It was my responsibility to design the College's chat room option for the students. In doing so, I made sure that every one of the College's computers, in the library, dormitories, student union, computer labs, and in the offices, could link directly to the chat room with appropriate user names and passwords. That would ensure that the students would have access, and the faculty and staff would be able to have access as well. We drafted a form for the students to sign so they'd be aware of some of the "panic" or "red button" options in case they felt there were problems. They also signed a form that indicated they had read the rules for using the chat room. Those rules prohibit abuse of the system, hacking, and unauthorized use--like using someone's password without their knowledge, and other standard, common sense rules.

3. I think the chat room has a lot of potential, but I don't think it's being used as the College had first envisioned. At the outset, teachers would go to use the chat room to expand on classroom discussions and pose challenging questions to the students for additional debate. That never happened. The chat room, as it is used now, is 99.9% student driven. The only time a faculty member visits is to check in if they are assigned as a monitor for a day or so. Those monitor duties rotate so no one has to continually be responsible for reading all the chatter that goes on.

4. Usually the discussions are about assignments, what's due when, why do they give us so much to read, do you have something I need or want, etc. There has certainly been nothing very in-depth, controversial or inspiring. I've monitored the chat room off and on since inception and can tell you that there has been no earth breaking news out there.

5. I have read the transcripts of the conversations in question and I fail to see why any of the language created this uproar. I found none of it to be particularly threatening. But, I'm not an 18-year-old student away from home. I suppose if I were out there without a good support system, and if I got it into my head that someone was mad at me or didn't like me, some of the wording could be construed as vaguely threatening. But it does not cross the line into a cyber stalking matter. There's just no basis for it.

6. It's incredibly common for students to forget their passwords and use someone else's for a few seconds to get an assignment...and that's after all the nagging we do to tell them to keep that kind of information strictly confidential. Students also, quite commonly, write their usernames, passwords, e-mail addresses and other information on the covers of books or notebooks. I've even found this kind of information written on mirrors in the restrooms.

7. Maybe there's a false sense of security because the students all know that the faculty and advisors and campus security have access to the chat room and we monitor the discussions on a regular basis.

8. There's been a bit of a fuss between the campus security office and the computer technology folks regarding security-screening devices that are supposed to filter discussions to look for particular words or phrases. It's my feeling that the technology we have isn't nearly sophisticated enough to do that. Even words we find offensive can be used in sentences, especially in intellectual discussions or debates, so that they lose their offensive nature and become part of a very positive discussion.

9. For instance, pick a phrase like "kill you," which initially sounds terrible, unless it's used in a phrase like, "those shoes will kill you if you wear them too long, or something like that. I think "murder you" has been filtered once, and that was a student warning another that if he got caught doing something "Your parents are going to murder you." We let that kind of thing slip by. We've never had a filtered phrase appear in a sentence that would infer a direct threat, like "I'm going to kill you." Same thing with murder you, torture you, etc. Maybe it's because the students realize the phrases they aren't supposed to use that can raise an alarm with one of the security personnel assigned to monitor the chat rooms.

10.I've met Kinsley Williams. Kinsley was interviewing me about Internet use in combating terrorism...and that interview fell at exactly the same time as one of the alleged communications in the complaint. Kinsley seemed to be exceptionally bright

11.Some folks seem to think that Kinsley has a bit of an odd streak. I'm not at all sure that's true. I just saw a very intelligent and motivated student who wanted to seek out answers. In any event, I do not believe he is capable of stalking anyone. I should know, as I have been combating cyber crime such as this through my involvement with the Cyber angels, a watchdog group of volunteers who work closely with the law enforcement agencies to address and monitor on-line abuse and cyber crime. I am on a special team that is responsible for answering e-mails from people that are being stalked on-line. Victims are given information regarding how to protect themselves and how to turn the predator in. From my personal experience, Kinsley does not fit the profile.

## EXHIBIT 1

Welcome to Diamond State College's On-Line Student Chat room.  
Click to select chat topic: You will need your Student Chat room User Name and Password to participate!

### Student Directories

Freshman

Sophomores

Juniors

Seniors

### Faculty Notes (Find course descriptions and syllabus information)

### Library Study Circles (Join a topic/discussion thread)

English & Literature

History & Archeology

Forensics & Law

Mathematics & Sciences

Music & Theater

Athletics & Health

General On-line Discussion Group (campus life, assignments, general discussions)

Chat room Rules: No swearing, racist or sexually explicit language. Respect the opinions of others. Provide accurate information when discussing class assignments. Be aware of the panic and discipline systems used in this chat room.

a. panic. There is a red button at the bottom of the chat room page. If you are alarmed or concerned regarding on-line discussions, feel free to click on the red button, which will alert College personnel to the problem.

b. discipline. Diamond State College reserves the right to monitor the chat room message boards 24/7. College monitors are authorized to act on behalf of the College if they feel action should be taken to close the chat room to protect the integrity of the site and ensure the safety of our users.

(A-Z Index) (About DSC) (Academics) (Admissions) (Alumni & Friends) (Arts) (Athletics) (Calendar) (Contact DSC) (Current Student Directory) (Faculty & Staff Directory) (Life @ DSC) (Library) (Online Research) (Technology) (Visitors) (Legal Notices & Disclaimers) (Web Privacy Waiver) (Questions/Contact Us)

*Privacy Waiver: Information contained in this communication is neither privileged nor confidential. You have signed a waiver of privacy, which is on file in the office of the Dean of*

*Students. This page and the sub-pages may be monitored by the campus office of information technology and security personnel. Campus authorities will address any misuse and serious infractions of chat-room rules may lead to loss of campus privileges, expulsion or criminal prosecution. Infractions should be reported to campus security or to the Dean of Students by dialing 9999 on any campus telephone.*

**Diamond State College Student On-line Chat room Usage Policy**

All students utilizing the On-line Chat room must read and sign this release form. Students who are found to have violated this Usage Policy will be barred from further use of the On-line Chat room and may face civil or criminal penalties, depending upon the violation.

Students violate Diamond State College's On-line Chat room Usage Policy when they engage in any of the following prohibited activities. This is not an exclusive list; other activities not listed may be prohibited, at the discretion of Diamond State College.

- Hacking and related activities are strictly prohibited. Hacking includes, but is not limited to, illegally or without appropriate College authorization accessing computers, accounts or networks, penetrating or attempting to penetrate College computer security measures, port scans, stealth scans, and other activities designed to assist in hacking.
- Obscene, defamatory, abusive or threatening language or content is strictly prohibited. Use of the Diamond State College On-line Chat room to post or transmit, or otherwise make available obscene, defamatory harassing, abusive or threatening language is prohibited.
- Pornography is strictly prohibited. Use of the Diamond State College On-line Chat room to post or transmit, or otherwise make available any pornographic, obscene or other inappropriate materials is strictly prohibited.
- Any activity meant to cause disruption or interference with the Diamond State College On-line Chat room is prohibited. Actions meant to harm, disrupt or threaten to disrupt services, business operations, reputation, goodwill, student and/or student relations, or the ability of Diamond State College students to effectively and safely utilize the Diamond State College On-line Chat room are prohibited.

If Diamond State College finds any violation of this Usage Policy, Diamond State College may take any appropriate action to stop or correct such violation, including, but not limited to, shutting down the On-Line Chat room and/or removing information. In addition, Diamond State College reserves the right to monitor and retain electronic copies of all communications posted through its On-line Chat room for security purposes and for purposes of quality assurance.

Violations received by Diamond State College regarding the use or misuse of the On-line Chat room may be forwarded to campus or other appropriate law enforcement authorities for investigation and resolution.

Student users of the Diamond State College On-line Chat room are encouraged to maintain strict levels of secrecy and confidentiality to guard their personal information. If a breach of personal on-line security has been noted or is suspected, students are advised to immediately change their passwords and/or e-mail addresses. Serious breaches of security may be reported to campus administration, campus security, the Diamond State College Student Union, Computer Services Division, and/or the Dean of Students.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

**I have read and understand the Diamond State College Student On-line Chat room Usage Policy.**

**Monday, 9 May 2005**

Canonball: enters the chat room 4:45 p.m.

Hi folks, anyone got the assignment done from History of Western Civ from last week? I thought it was pp 205 to 400, but Chancy5 said we had to go all the way to 414. Anyone?

Chancy5: 4:52 p.m. I'm pretty sure it's to 414 but I could have written it wrong.

Butters: 4:55 p.m. It must be 414, that's what I wrote 2.

Allthumbs enters chat room at 4:55 p.m.

Cannonball: 4:55 p.m. More work for me. I'd rather be outside.

Micahforce enters chat room at 4:55 p.m. page 414 is right. I have that too and just spoke with Prof. G.

Jammin@DSC enters chat room at 4:56 p.m. Hi everyone. Concur with page 414. BTW-Anyone in here seen the student play at the Union? Hamlet?

Cannonball: Nope. Shakespeare ain't my bag.

SirVive2004 enters Chat room at 4:58 p.m.

Yankeegirl enters chat room at 4:58 p.m.

Butters: 4:59 p.m. I heard it was good, but haven't seen.

HughesQ enters chat room at 5:01 p.m.

Cannonball: 5:02 p.m. I'd rather be outside than in on a day like today.

Micahforce: 5:10 p.m. Just walked by the lake. Joggers are out in force. Go track team Diamond.

PhoebeS: 5:11 p.m. So why, if we'd all like to be outside are we in on our computers?

Jammin@DSC 5:11 p.m. I'm going out now. Get some p.m. sunshine and exercise.

SirVive2004 5:11 p.m. Jam's in the window. Exercise all you want, my friend, you won't be able to run fast enough.

Micahforce: 5:12 p.m. Jam, you run with the track team?

Yankeegirl: 5:12 p.m. If you do, run fast and win!

Cannonball: 5:13 p.m. Jam, if you're on the team, fly!

Jammin@DSC : 5:13 Not on the team.

Jammin@DSC exits chat room 5:13 p.m.

SirVive2004: 5:14 p.m. Not on the team, but practices nonetheless. In the window.

Canonball 5:15 p.m. SirVive2004, you're creeping me out.

SirVive2004 exits Chat room at 5:25 p.m.

Allthumbs: That survivor person was making some inappropriate comments, don't you think?

Cannonball: Sure do, but do. Vive's out now. No worries.

**Thursday, 12 May 2005**

Jammin@DSC : enters chat room 3:18 p.m.

Fleetstreet: enters chat room 3:18 p.m.

Yankeegirl: enters chat room 3:19 p.m. Anyone know if the campus is doing a flag day celebration again this year?

Striker8: enters chat room 3:19 p.m.

Coreforce: enters chat room at 3:19 p.m.

Allthumbs: enters chat room at 3:19 p.m.

Zulu: enters chat room at 3:20 p.m. Don't know but last year's celebration was a gas. Check the union bulletin board?

Yankeegirl: did that. Nothing there.

Rogerwilco: enters chat room 3:22 p.m.

Jammin@DSC : Last year's was cool. The color guard was awesome.

Shokwave: enters chat room 3:23 p.m. Speaking of color, Jamming's been seen wearing school colors all week. Think blood won't show on those dark colors?

Yankeegirl: What's that all about?

Fleetstreet: Yeah, what's up?

Yankeegirl: Talk like that can prompt a panic button alert, you goof.

Shokwave: No harm intended, no harm done. Drop it

Jammin@DSC : exits chat room 3:25 p.m.

Allthumbs: Hey Shokwave, you know someone using SirVive2004? You two should get together sometime.

Shokwave: Aware of SirVive2004. Not interested.



**Friday, 13 May 2005**

Shokwave: enters chat room at 2:30 p.m.  
Striker8: enters chat room at 2:45 p.m.  
Jammin@DSC : enters chat room at 2:45 p.m.  
TravellerX: enters chat room at 2:45 p.m.  
Yankeegirl: enters chat room at 2:46 p.m.                      Classes out for the weekend. Sigh.  
Striker8: Yeah, relief from drudgery, eh?  
TravellerX: Anyone on from the history and forensics class? Some pretty strange stuff in that class.  
Striker8: like what?  
Allthumbs enters chat room 2:47 p.m.  
TravellerX: like lots of talk about killing. Really freaky.  
Striker8: that's what's going on in class? Talk like that?  
Shokwave: Some criminals used fear as a control; fear is stronger than chains and fences.  
TravellerX: Upset quite a few students in the class. Some had relatives who had been victimized. It was a sad class.  
Yankeegirl: My neighbor's mother survived an attack. She absolutely never talks about it.  
Striker8: understandable not to talk about pain and suffering when it's been so close.  
Yankeegirl: Guess so. Not sure I'd have survived.  
Shokwave: Wonder if anyone our age would handle the situation well. Would be interesting to try to re-create the atmosphere.  
Yankeegirl: You kidding?  
TravellerX: That's crossing the line. Who would want to do that?  
Striker8: Someone not quite right in the head.  
Shokwave: Don't call me crazy.  
Striker8: I didn't. But the thought of studying pain and suffering? Come on.  
Shokwave: It would be amazing to study pain and suffering. Doctors must do it all the time. Long-term effects of suffering could produce some interesting data. Volunteers?  
Hey, Jam you still here?  
Jammin@DSC : just listening  
Allthumbs: Don't respond to that kind of comment.  
Shokwave: Listen good and respond or don't. Anticipation is what it's all about, and building fear. You never know when you'll be forced to face your greatest fear...suffocation, torture, painful prolonged death.  
Jammin@DSC signs off at 3:15 p.m.  
Striker8: You're a freak  
Shokwave: Thanks for the compliment. Jam is full of fear. Would make a great experiment.  
TravellerX: You're so lame.  
Allthumbs: Shokwave, you're about crossing the line there with all that torture talk.  
Shokwave: Don't be such babies. It's talk.

\*\*\* no significant discussion for approximately 20 minutes

Jammin@DSC signs back on at 3:35 p.m.  
Shokwave: Jammin is back. Time is running out my Jammin friend. Maybe we can meet in the alley?  
Jammin@DSC signs off at 3:37 p.m. (this is the "second transmission" referred to by Williams, pp.15)

**Saturday, May 14**

Allthumbs enters chat room 9:30 a.m. Anyone up yet?

Coreforce enters chat room at 9:32 a.m. Just joined in. No chatter?

Allthumbs: nothing this a.m. Weekend. Sleeping late maybe

Talon enters chat room at 9:33 a.m. There's been talk on campus that someone in the chat room is freaking people out. Anyone on line a witness?

Allthumbs: You may mean someone named Shokwave. Been picking on participants and trying to scare people.

Talon: Why would someone do that?

Shokwave enters chat room 9:34 a.m.

Coreforce: Who knows? Shokwave, you nuts or what?

Shokwave: I was just talking about a forensics and history class. I can't help if people take things out of context.

Allthumbs: You were crossing a line. You obviously ID'd Jammin and have been trying to freak...you crazy?

Shokwave: I admit to being mad, but madness can be a good thing. It gives me direction, focus, and an outlet for my aggression. Ever wonder pain and suffering.

Jammin@DSC enters chat room:

Shokwave: **And, after a five-minute break**, "Jamming, can you come out of your 2nd floor roost and play?"

Jammin@DSC exits chat room.

\*\*\* (indicates lapse in time and refers to later in the day)

HMSPinafore: enters chat room at 7:30 p.m.

LaLa: enters chat room at 7:30 p.m.

Shokwave enters chat room at 7:31 p.m.

Anyone review the chat room conversations from earlier in the afternoon re: torture, etc.?

LaLa: not me

HMSPinafore: me neither.

Thor56: enters chat room at 7:32 p.m.

Yankeegirl: enters chat room at 7:32 p.m. Not that again.

CATGIRL: enters Chat room at 7:32 p.m. Free speech. What was going on?

Shokwave: discussion on pain and torture and what can be learned from fear.

Thor56: I'd just as soon not know.

LaLa: Me neither.

Shokwave: Why not? Statistics tell us that we're just about all going to be victims at some point in our lives.

LaLa: So what? You can't let fear guide your whole life.

CATGIRL: No kidding. What a waste of time.

Jammin@DSC enters chat room at 7:45 p.m. Not this again.

Shokwave: You chickened out before.

Jammin@DSC : Had better things to do.

Shokwave: Really? Like what.

Jammin@DSC : Inappropriate question.

Shokwave: Not really, but never mind. Back to the discussion. Everyone's going to be a victim. Even all of us. I've actually been one already so statistically I may be out of the picture.

LaLa: What happened to you?

Shokwave: to quote someone above, inappropriate question.

LaLa: sorry

Shokwave: Just remember, the clock is ticking. Time is on my side. Time is running out my friend.

LaLa: What's that supposed to mean?

CATGIRL: Yeah, what are you talking about?

Shokwave: Just that statistically, all of you are going to have to endure. Gotta meeting.  
Shokwave: exits chat room 7:50 p.m.

No relevant discussion for approximately 20 minutes

SirVive2004: enters Chat room 8:15 p.m.

Anyone still want to talk about pain and suffering? Time is running out, my Jammin friend. Maybe we can meet?

Jammin@DSC : exits chat room at 8:16 p.m.

Message posted at 9:30 p.m. by Shokwave

Chat room entry read at campus computer room with police witnesses, "Jam will rot just like Jelly if buried long enough."

**Casey Wallner - Daily Diary Excerpts 2005**

**EXHIBIT 7**

May 7 home  
May 8 home  
May 9 Jamie got creepy message at Chat room  
May 10  
May 11  
May 12 Another creeper for Jamie  
Jerks at the Student Union  
May 13 Jamie's freaked and so am I. More Chat room chatter. Calling security  
May 14 Witnesses to Chat room - finally, some sleep  
May 15 Calm Sunday! No Chat room blather  
May 16 Heard from campus police, questioning Williams  
May 17 **WILLIAMS ARRESTED**

Sec. 12-7.5. Cyberstalking.(a) A person commits cyberstalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions, harasses another person through the use of electronic communication and:

(1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person, or

(2) places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint.

(b) As used in this Section:

"Harass" means to engage in a knowing and willful course of conduct directed at a specific person that alarms, torments, or terrorizes that person.

"Electronic communication" means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. "Electronic communication" includes transmissions by a computer through the Internet to another computer.

(c) Sentence. Cyberstalking is a Class 4 felony. A second or subsequent conviction for cyberstalking is a Class 3 felony.

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY**

State of Delaware,	)	
	)	
Prosecution,	)	
	)	
v.	)	No. 04-424
	)	
Kinsley Williams,	)	
	)	
Defendant.	)	

**JURY INSTRUCTIONS**

Members of the Jury:

This is a criminal case commenced by the state against the Defendant Kinsley Williams. The Defendant has been charged with the offense of Cyber Stalking.

The Defendant has pleaded “not guilty” and is presumed to be innocent. The State has the burden of proving the guilt of the Defendant beyond a reasonable doubt. A reasonable doubt is a doubt based upon reason and common sense – the kind of doubt that would make a reasonable person hesitate to act in the graver and more important affairs of life.

The defendant is presumed to be innocent of the charges. This presumption remains with him/her throughout every stage of the trial and during your deliberations on the verdict and is not overcome unless from all the evidence in the case you are convinced beyond a reasonable doubt that he is guilty. The State has the burden of proving the guilt of the defendant beyond a reasonable doubt, and this burden remains on the State throughout the case. The defendant is not required to prove his/her innocence.

A person commits the offense of Cyber Stalking when he/she knowingly on at least two separate occasions, harasses another person through the use of electronic communication, and at any time knowingly transmits a threat to that person of immediate or future bodily harm, or places that person in reasonable apprehension of immediate or future bodily harm.

To sustain the charge of Cyber Stalking (transmission threat), the State must prove the following propositions:

**First Proposition:** That the defendant on at least two separate occasions knowingly harassed Jamie Anderson through the use of electronic communication, and;

**Second Proposition:** That the defendant at any time knowingly transmitted a threat to Jamie Anderson of immediate or future bodily harm.

If you find from your consideration of all the evidence that each of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.  
If you find from your consideration of all the evidence that any of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

To sustain the charge of Cyber Stalking (reasonable apprehension), the State must prove the following propositions:

First Proposition: That the defendant on at least two separate occasions knowingly harassed Jamie Anderson through the use of electronic communication, and;

Second Proposition: That the defendant knowing placed Jamie Anderson in reasonable apprehension of immediate or future bodily harm.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

- The term "Harass" means to engage in a knowing and willful course of conduct directed at a specific person that alarms, torments or terrorizes that person.
- The term "Electronic Communication" means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. "Electronic Communication" includes transmission by a computer through the Internet to another computer.
- The term "transmits a threat" means a written threat or a threat implied by a pattern of conduct or a combination of verbal or written statements or conduct.

You alone are the judges of the credibility of the witnesses and the weight to be given to the testimony of each of them. In determining the credit to be given any witness, you should take into account her/his truthfulness or untruthfulness, her/his ability and opportunity to observe, her/his memory, her/his manner while testifying, any interest, bias or prejudice s/he may have and the reasonableness of her/his testimony considered in the light of all the evidence in the case.

You should consider each opinion received in evidence in this case and give it such weight as you think it deserves. If you should conclude that the reasons given in support of the opinion are not sound or that for any other reason an opinion is not correct, you may disregard that opinion entirely.

The law governing this case is contained in these instructions, and it is your duty to follow the law. You must consider these instructions as a whole. You must not pick out one instruction or parts of an instruction and disregard others.

You are the sole judges of the facts in this case. It is your duty to determine the facts from the evidence produced here in court. Your verdict should not be based on speculation, guess or conjecture. Neither sympathy nor prejudice should influence your verdict. You are to apply the law as stated in these instructions to the facts as you find them, and in this way decide the case. You must not concern yourself with the consequences of your verdict.

Your verdict must represent the considered judgment of each juror. In order to return a verdict, it is necessary that each juror agrees. Your verdict must be unanimous. It is your duty to consult with one another and try to reach an agreement. However, you are not required to give up your individual judgment. Each of you must decide the case for yourself, but you must do so only after an impartial consideration of the evidence with your fellow jurors. In the course of your deliberations, do not hesitate to re-examine your own view and change your opinion if you are convinced it is erroneous. But do not surrender your honest conviction as to the weight or effect of evidence solely because of the opinion of your fellow jurors, or for the purpose of reaching a verdict. You are the judges – judges of the facts. Your sole interest is to ascertain the truth from the evidence in the case.

You will now retire to the jury room and select one of you to act as foreperson. That person will preside over your deliberations and will speak for the jury here in court. Forms of verdict have been prepared for your convenience. You will take these forms to the jury room; when you have reached unanimous

agreement as to your verdict, the foreperson will sign the forms which express your verdict. You will then return all forms of verdict, these instructions and any exhibits to the courtroom.