This winter, in the late evening before the last day of finals, a High School received a threat by email against the students and staff. The email threatened there would be a “bloodbath.” The email was followed one hour later by a mass text message to a number of the High School’s faculty and students stating: “You are on the death list.”

As a result, the High School was closed for the day. Local law enforcement, together with assistance from the Department of Homeland Security, responded that day. Unfortunately, because the threatening messages were not read until the next morning, officials did not have sufficient time to notify all students and parents prior to closing the school. So, many students showed up for school that morning. These students were met outside by school officials and law enforcement. To ensure all students were notified, officials kept records of which students had been notified and which ones had showed up and were sent home. It was determined later that day that there was no credible threat and that the email was a hoax.

This closure resulted in all students not being able to complete their finals, so final grades were delayed. The delays resulted in some students missing or having difficulty in meeting college application deadlines and/or student aid and scholarship deadlines. Further, pursuant to federal mandates, the students will have to make up this day at the end of the year, causing delays in graduation. Due to inability to travel that day, both the girls’ and boys’ basketball teams, who were doing exceptionally well that year, had to forfeit games. These forfeitures resulted in the teams having to withdraw from tournaments they were scheduled to attend. It is believed this withdrawal impacted college athletic scholarship offers to outgoing seniors.

Local mental health agencies reported significant increases in the number of students from the High School seeking counseling for stress and anxiety in the aftermath.

It is estimated that the direct impact of this hoax cost the tax payers of Sweetwater County about $250,000.00. Due to this large and unexpected cost, a number of public projects have been delayed and anticipated raises for many public employees had to be delayed until the next fiscal year. It will be difficult, if not impossible, to calculate the impact it created to the students affected. Local school, town, county and law enforcement officials have all made statements in the press that an example needs to be made of whoever did this.

The investigation became focused on <Def>. <Def> is a Junior at the High School who just turned 17. Tips from other students lead to law enforcement finding postings on a social media site. In these postings <Def> made a number of comments about news reports of another similar school hoax in a large East Coast city, which had resulted in a shutdown of that major school system for a day. <Def> made posts on <Def>’s own site a week before the email to the
High School was sent, such as “Did you see what happened in <City>? ... That is so cool! ... I wish something like that would happen here. ... We should totally do that!” Within an hour of the email threat being sent, <Def> posted on social media “Don’t worry about finals tomorrow. Watch the news!”

Law enforcement’s investigation determined that the email account the threatening email was sent from was a false account. The IP address the email account was created from and the email was sent from was traced to a wireless network device in <Def>’s neighbor’s house. <Def>’s bedroom is closest to this neighbor, and it was determined that the neighbor’s wireless network is not password protected. Furthermore, it was learned that there is sufficient signal strength to access this unprotected wireless network from <Def>’s bedroom.

The threatening text message was sent from a widely used texting app which uses the Internet and does not require cellular service to send or receive messages. The text message was sent from an IP address of the free wireless network service offered by the fast food restaurant next to the fast food restaurant where <Def> works.

The school records for the day of the threat showed that <Def> was not notified of the closure. Furthermore, the records show that <Def> did not appear for school the day of the threat and had not been called in absent.

<Def> was interviewed one week after the threatening text and email were sent. <Def>’s parents were present at the interview. <Def> claimed s/he did not make the threat and did not know who did. <Def> admitted owning a smart phone. However, <Def> claimed the smart phone had gone missing several days before the threatening email and texts were sent and <Def> did not know where it is. <Def> claimed s/he did not recognize the email address from which the threatening email came. <Def> stated s/he did not want to answer any more questions without talking to a lawyer. Three days after the interview, <Def> was arrested and charged as an adult with making Terroristic Threats in violation of Wyo. law.

DISCUSSION POINTS:

1. Do you think <Def> is guilty of making the threats? Why?

2. How did <Def> asking for a lawyer at the interview affect your opinion in question 1?

3. Would it make any difference to you if <Def> was male or female? Why?

4. If you are the Judge in this case, do you think your feelings as to whether <Def> is guilty or not should affect how you treat the case or <Def>? Explain.
5. When setting bond, the primary things a judge considers are: ‘What danger to the community does the Defendant pose?’ ‘What is the risk of the Defendant running from or trying to avoid the charges?’

a. What should <Def>‘s bond be set at while <Def> is waiting for trial?

b. Why would you set that bond?

6. What difference would it make if <Def> had tried to run when police went to make the arrest? Would it affect your opinion as to guilt? Would it change the bond you set? Why?

7. What is ‘circumstantial evidence’? How did it affect your opinions in this case?

8. Is there any other information you wish you had in order to answer the above questions?