

Mock Jury Trial

Summary of Facts

On 31st December 2016 between 10.15pm and 10.45pm a fake Facebook profile was set up in the name of Roni Avatar, the injured party in this case. A group called 'Cheatersunited' was also set up. Data obtained from Facebook reveals that the profile and the group were set up from a computer using an internet connection at 18 Eastern Avenue, Lanbury, where the defendant Alex Tweeter resides with his parents. At the time the profile and the group were set up, the defendant was hosting a party at his/her parents' house. During the party, the defendant was seen entering the room where his/her laptop was stored at approximately 10.00pm and making some jokes with friends about how obsessed s/he was with Facebook. From 22 January 2017 until around March 2017, Roni Avatar received approximately 20 abusive text messages each day from an anonymous telephone number and threatening emails on a regular basis from an anonymous email account. The emails and text messages seem to be connected to the fake Facebook profile as the content of the messages and the Facebook profile page are very similar.

The Charge –

Harassment That from 31st December 2016 to March 2017 Alex Tweeter pursued a course of conduct which amounts to harassment of Roni Avatar, contrary to Section 2 of the Protection from Harassment Act 1997.

Prosecution Witness Statement 1 – (Roni Avatar)

I am deputy manager of a local restaurant in Lanbury. Before that I was at college. Alex Tweeter was in the same class as me. We got on quite well at college until Alex started to spread rumours that I'd cheated in my A-Level exams. The rumours were not true but I became really unpopular because of them and my last month or so of college was a complete nightmare. I stopped speaking to Alex once we left college and we haven't seen each other since. In mid-January 2017 some friends started sending me text messages asking me why I had posted comments on Facebook including admitting to cheating in my A-Level exams and why I hadn't replied to any of their Facebook messages. I didn't have a clue what they were talking about. I'm not a member of Facebook as I'm not that good with computers. On 21st January one of my friends, Charlie, logged onto Facebook and showed me a fake profile set up in my name. About 20 of my friends had been added as friends and on the profile page it was written, as if coming from me, that I had cheated on my A-Level exams and that my hobbies were cheating and stealing. I was shocked and very upset. There were some posts on the wall from some of my friends asking if everything was okay. A few photos of me from nights out during college had been uploaded and there were a few false "status updates" about what I had been doing on different days. One update said that I had been sacked from my job, which is not true. I suspected that Alex had set the fake profile up because of the untrue allegations that I'd cheated on my exams. I was surprised that Alex had dragged this up again given that we hadn't spoken for months. The same day, I contacted Facebook to complain about the fake profile and they took it down but by that stage it had been on Facebook for three weeks. I then started getting abusive emails from an anonymous email address and text messages from a number I didn't recognise or have stored in my phone. They said things like "Watch your back cheat" and "Everyone hates cheaters like u." I was getting about twenty text messages and three or four emails a day. Again, I suspected Alex was behind the emails and text messages even though the texts didn't seem to be from his/her number. I felt completely harassed and under attack and after about four weeks of this I went to the police with Charlie. The final straw was a text message which said "Cheaters like you should die." Which

was sent to me five times in one day. I remember thinking that the word "Cheaters", rather than "Cheats" had also been used on the Facebook group.

Prosecution Witness Statement 2 – (Charlie Poker)

am a friend of Roni Avatar's from college. I went to Alex Tweeter's house party at his/her parents' house on 31st December 2016. I arrived at the house with a couple of other friends at about 8.30pm. Lots of other people were arriving at around the same time. After chatting with Alex in the downstairs hallway for a while, I went upstairs to put my coat in one of the bedrooms. There were plenty of people upstairs queuing up to use the bathroom and there were some people listening to music on the laptop in Alex's room. I then went back downstairs and spent the next hour or so in the kitchen and lounge speaking to friends from college. I saw Alex around but we didn't get a chance to speak. At about 10.00pm I went upstairs to the bathroom. Alex walked upstairs with me and we chatted briefly. I remember it was 10.00pm because we looked at our watches to check how long it was until midnight and we had exactly two hours to go. Alex went off to his/her bedroom and I heard him/her joke about spending too much time on Facebook. I went back downstairs shortly afterwards. I didn't see Alex downstairs for about an hour when I glanced along the crowded hallway in the direction of the stairs and noticed him/her walk downstairs and go out into the garden. Everyone saw in New Year's Eve whilst dancing in the lounge. I stayed at the party until 2.00am when I shared a taxi home with a few friends. At about 3.00pm the next day (on 1st January) I logged onto Facebook to look at the photos from the night before. Whilst on the site I accepted a friend request from Roni. I clicked onto his/her profile and was shocked to read that Roni had admitted to cheating on his/her exams. The information section said it was Roni's New Year's resolution to tell the truth and that the truth was s/he had cheated. There was a "status update" saying "I am sad and lonely and have no friends on New Year". I posted a message on Roni's wall asking if everything was OK but I didn't hear anything back. A few weeks later, I was on Facebook and noticed a "status update" on Roni's profile and decided to text him/her to ask what was going on. Roni replied straight away saying s/he didn't know what I was talking about. Roni came over to my flat on 21st January and I showed him/her the profile. Roni was upset and s/he immediately sent a complaint to Facebook

Prosecution Witness Statement 3 – (Chris Patel)

I was working at my job at the Facebook Help Centre on 21st January 2016 when I received a message reporting a fake profile from Roni Avatar who complained about being harassed on our platform, Facebook, in addition to text messages and emails. I responded by checking our internal database as well as tracing the IP address linked to the fake profile in question of Roni Avatar. The results are as follows: 1) That the profile and the group "Cheatersunited" had been created between 10.15pm and 10.45pm on 31st December 2015 GMT Standard Time; 2) The IP address used was registered to 18 Eastern Avenue, Lanbury, which is the address where Alex Tweeter's parents live; 3) At 10.50pm the same computer was used to log onto the Facebook account of Alex Tweeter; and 4) The email address used to create the Facebook profile was a Hotmail address in the name of Roni Avatar. This information was provided to the officer in charge of the case, PC Ian Cyber at Lanbury Police Station that same day on 21st January 2016. The profile of Roni Avatar was removed following the complaint.

Defence Witness statement 1 – (Alex Tweeter)

Before university, I went to college in Lanbury where I was in the same form group as Roni Avatar. I was never close friends with Roni and we lost touch when I went to university. During the last term

of college Roni was under the impression that I had started a rumour that s/he had cheated on an exam. I was aware of this rumour but I did not start it. I have no idea why Roni thought it was me. I didn't have a grudge against him/her. Over the Christmas holidays I was at home at my parents' house. Whilst I was at home I only used my parents' internet connection a few times to check Facebook and my Hotmail account on my laptop. The fake Facebook account of Roni set up from my parents' IP address on 31st December certainly wasn't set up by me. On that day I was busy getting ready for a New Year's Eve party at my parents' house that night. Loads of friends from college came along from about 6.00pm onwards. It was our first big reunion since everyone left college and went their separate ways. During the party there were loads of people all over the house and out in the garden. I spent most of the evening catching up with people downstairs in the kitchen and garden. As far as I know my laptop was in my bedroom all night. At 9.40pm or so we started playing Wii in the living room for just over an hour. During that time when my turn was up I did go upstairs at one point to use the bathroom as the one on the main floor was being used and ran into Charlie when I came out. I went in my room for a few minutes to quickly log onto Facebook and check some pictures from a recent ski trip that someone had just mentioned had been posted, but I didn't stay for too long. I remember seeing some people go upstairs after I came back down, and there were people going in and out of my room all night. I can only think that someone else at the party must have set up the account at some point during the party without me knowing. I haven't had any email contact with Roni since I went to university. In fact, I can't remember ever having emailed him/her. I only use my Hotmail account for doing university work. I tend to use Facebook to stay in contact with people from school and college.

Defence Witness statement 2 – (Jamie Bing)

I am a friend of Alex's from college. I went to Alex's house party on New Year's Eve at his/her parents' house. I arrived early at 5.00pm to help set up for the party and I was there until it finished at 3.00am on the morning of 1st January. I also stayed over at Alex's house after the party so I was at his/her house for the entire night. Those people who were coming round for a take-away before the party started to arrive at 6.00pm. About 10 of us had food from 6.00pm for roughly one hour. We tidied up and then at 7.30pm more people started to arrive. The house was full of people by 9.00pm. I remember that most people were downstairs either dancing in the lounge or talking in the kitchen and for a while some people were playing Wii as well. Some people were also outside in the garden later in the night when Alex had a fireworks display. At some point in the evening I overheard some people talking about some photos that had been posted on Facebook earlier that day of a recent ski trip. There were also people upstairs in Alex's bedroom and his/her brother's room where we were storing our coats and bags. I spent virtually the whole night downstairs with Alex in the kitchen. I remember Alex went upstairs a couple of times to check everyone was having a good time but I don't think Alex spent much time in his/her room. Everyone gathered in the lounge at around midnight to see in the New Year. I know that Alex has been accused of harassing Roni. I can't believe that s/he would do such a thing. S/he is a very loyal friend and is not one to bear grudges.