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Cheese! Uh-Oh ... Cellphone Photos Prove Perps' Guilt

**Snap-Happy Criminals
A Boon for Prosecutors;
Don't Forget the Charger**

By **WILLIAM M. BULKELEY**
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Last year, Morgan Kipper was booked on charges of stealing cars and reselling their parts. He declared his innocence, but his cellphone suggested otherwise: Its screensaver pictured Mr. Kipper behind the wheel of a stolen yellow Ferrari.

Mr. Kipper, 27, joined a growing group of camera-phone owners who can't seem to resist capturing themselves breaking the law. "As a criminal defense attorney, it's very difficult when a client proclaims his innocence but incriminates himself by taking photos of the stolen items," says William Korman, the Boston attorney who represented Mr. Kipper. The snap-happy chop-shop owner, who pleaded guilty in April, is now serving a sentence of two-and-a-half to five years and couldn't be reached for comment.



Morgan Kipper

National Institute of Standards and Technology issued a paper outlining techniques for doing forensic work on cellphones.

Cellphone forensics do present some challenges. Unlike personal computers, cellphones feature a multitude of proprietary operating systems, requiring investigators to use different methods for extracting data from different phones. By law, police making an arrest aren't allowed to examine a

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phone's photos without a search warrant. And police must remember to obtain the phone's charger; retrieving information isn't easy if the battery goes dead.

By and large, however, the cellphone photo trend is welcomed by police and prosecutors. "We pray for those kinds of cases," says Debra Collins, an assistant state attorney in New Britain, Conn. Last spring, Ms. Collins obtained guilty pleas from two young men who had used a friend's camera phone to record one of them igniting a car by tossing fireworks into an open window.

Camera-phone images frequently help win convictions in sexual-assault cases. "Once a defense attorney sees them, they no longer quibble about the charges," says Gary Kessler, who teaches digital forensics at Champlain College in Burlington, Vt., and consults for state police. University of Cincinnati criminal-law professor Mark Godsey, who writes a blog called CrimProfLaw, says suspects give up their constitutional protection against self-incrimination when their own camera phones show them breaking the law. "They do it voluntarily. No one is making them," he says.

Of course, dumb crooks have long found ways to inadvertently establish their guilt. Before the onset of camera phones, vain criminals occasionally got turned in by photo-processing technicians who notified police of suspicious behavior caught on film cameras.

But camera-phones seem particularly well-suited to spontaneous self-incrimination. Unlike traditional cameras, cellphones are always brought along, increasing the temptation to snap a picture and boosting the likelihood the phone will be on or near the criminal upon arrest.

Plus, many camera-phone owners seem to think outsiders won't have access to the photos, says Mike Schirling, deputy chief of the Burlington, Vt., police department. He says he recently helped convict a juvenile on weapons charges based on cellphone images of him brandishing a rifle at night on the roof of a school building. "Drug dealers just naturally take pictures of their drugs and their money and their significant others," he adds.

Adds Champlain College's Mr. Kessler: "If you give someone a camera-phone, it's an inviolable rule of nature that they will take a picture with it."

Some criminals are nabbed for taking the next technical step: distributing their camera-phone shots over the Internet. Ms. Collins, the assistant state attorney in Connecticut, says she obtained restitution payments for dozens of residents whose mailboxes had been destroyed with baseball bats. The evidence: The perpetrators -- some local high school students -- had posted camera-phone pictures of the deed on the MySpace Web site.

Pamela Rogers, a McMinnville, Tenn., middle-school gym teacher went to jail for having a sexual relationship with a 13-year-old student. She was released on probation after six months and ordered to avoid contact with her victim. But within weeks, she sent the boy a camera-phone video of herself dancing in a bikini.

The boy sent it to friends, and eventually it wound up in the hands of Bob Reno, a Michigan man who operates a Web site called "Badjocks.com" that documents athletes' foibles. Mr. Reno, who had been covering Ms. Rogers's case extensively, posted the video on his Web site. "We were lucky enough to get it first. It's still a big draw to this day," he says.

After prosecutors learned of the video, Ms. Rogers's probation was revoked and she returned to jail. In January, she received two more years, extending her original term to a decade.

Peter Strianse, a Nashville criminal attorney who represented Ms. Rogers, says, "The cam-phone was a tool that was there. It gave her an opportunity she wouldn't have otherwise had, and a temptation she might not have succumbed to."

"She has been kicking herself about making a series of incredibly bad judgments," he added.

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