

Summary of Events Involving Threat to Judge Norby

Date of Threat: August 27, 2008
Date Charges Brought: January 4, 2010
Charges: Ct. 1 - Unauthorized Use of Computer
Ct. 2 - Harassment
Plea: March 17, 2010
Sentencing: May 6, 2010

On August 27, 2008, a deputy sheriff contacted me during a break from court to inform me that an anonymous threat against me had been posted on the internet, on the Craigslist "Rants and Raves" page. A member of the public saw the threat and called the Sheriff's Office concerned about my safety. I was given a copy of the threat, which included, in part, the following language:

"Fuck your life Judge Susie Norby of Clackamas County. You fucking dog faced cunt! If I ever have the opportunity to stab you in the crotch with a sharp piece of steel I will take a shot. You think you have the right to judge me? Fuck your laws and fuck your society. Fuck everything you stand for you alcoholic child molesting bitch. Didn't think anyone knew did you? You dirty tramp whore, I'll fucking eat your soul if ever given the opportunity. Know this and sleep with it cunt."

An Assistant US Attorney expressed a tentative willingness to pursue charges if the person could be identified; stating that he believed there was a possible crime due to the use of the internet to deliver the threat. But the AUSA was frustrated by the absence of a state law that mirrored the federal one protecting public officials from threats. The conversation with the District Attorney consulted about the case was disheartening. He advised that his office may be willing to charge Harassment, but believed there were serious proof problems because the threat was not e-mailed to me directly, but was instead posted on Craigslist. The intent to communicate the mutilation threat to me directly, rather than indirectly to a large population likely to deliver it to me also prevented a Menacing charge.

One officer dedicated himself to the investigation despite the tenuous nature of the potential for criminal charges. He spent more than a hundred hours pursuing the trails in the virtual world to many dead ends in order to protect me and give me, my staff, and my family peace of mind by catching the person who made the threat. The officer who figured it out did so many weeks after the other officers (who were initially investigating) reported to me that it would be impossible to resolve the identity question, and even if that was solved, the Menacing and Harassment crimes were not provable because of the manner in which the threat was made.

Ultimately the offender was identified, located, and confessed. He had stolen his internet access by finding a hot spot outside of someone's home to conceal his identity, so he was charged with Unauthorized Use of Computer and Harassment. Since the threat was online, and he was not in my physical presence when he posted it, the "imminent serious physical injury" requirement could not be met, which prevented any prosecution for Menacing. I was persuaded to allow the Harassment charge to be dismissed with a plea to the computer theft and a no contact provision, because the Harassment count depended on proof of "intent" to communicate with me directly, which does not occur with an indirect internet posting.

Because I was not the named victim on the actual conviction for Unauthorized Use of Computer, I was not informed about probation violations. I was advised that even the no contact order could be dropped without notice to me, because I was not the named victim on the charge for which he received his conviction, therefore I did not have a right to further notices after the sentencing date.