

CASE BRIEF
People v. Klein

People v. Klein is the trial of Reagan Klein, a young adult resident of the fictional town of East Flamingo, California. Reagan is charged with two felony counts: making a false report of an emergency (in this case, commonly referred to as “swatting”) and making a criminal threat.

The prosecution alleges that Reagan threatened Reagan’s coworker, Sawyer Smith, via a social media post on the popular picture-sharing app NowPic. The prosecution argues that Reagan had animosity against Sawyer because Sawyer had become a rising social-media influencer but moreover because Sawyer was responsible for Reagan being fired from the restaurant where they both worked. Reagan and two other coworkers, Cameron Holmes and Marlow Patterson, engaged in a “catfishing” prank against Sawyer, in which they created a fictitious romantic interest for Sawyer named Hayden Carlton. As revenge for the catfishing, Sawyer became responsible for Reagan’s firing, which caused Reagan to post a threatening message as Hayden Carlton that included the words “You deserve to die . . . Watch your back, I’m coming for you,” as well as other threatening words. In a pretrial motion, the prosecution will argue that the threat constituted a “true threat” and was not protected by the First Amendment, since a “true threat” is one that is sufficient to cause a reasonable person to be in sustained fear, which Sawyer experienced. The pretrial argument on this count will be dispositive as to whether Reagan’s message was a true threat.

The prosecution further argues that during the evening of the same day as the threat, Reagan made a false “text-a-tip” to the police requesting police respond to a “hostage situation” at Sawyer’s residence. A SWAT team responded to the call, and Sawyer was seriously injured. An expert witness in linguistics will argue that the characteristics of the text-a-tip closely matched Reagan’s typical texts.

The defense argues that though Reagan and the others did perpetrate the catfishing prank, Reagan neither threatened Sawyer nor made the false “swatting” text to the police. The defense further argues that Reagan had no more animosity toward Sawyer than coworkers Cameron and Marlow, who all disliked Sawyer’s influencer personality and who all shared in the cyberbullying of Sawyer through catfishing. But the defense argues that Cameron, in particular, had animosity toward Reagan and a motive to lie as a prosecution witness to incriminate Reagan. In the pretrial motion, the defense will argue that Reagan’s post as Hayden Carlton was not a “true threat,” and it is therefore protected free speech under the First Amendment. The comment lacked the “unequivocal, unconditional, immediate, and specific” language normally required to constitute a threat, and the surrounding circumstances show that Sawyer did not perceive the message as a true threat, since there is evidence to show that Sawyer did not experience sustained fear.

The defense further argues that Reagan did not make the false “text-a-tip” report to the police, since the mobile phone used belonged to Cameron, and since evidence shows that Cameron had equal access to the mobile phone at the time that the text was sent. An expert witness in linguistics for the defense will argue that using alternative methods of text analysis demonstrates that Cameron, not Reagan, is actually more likely to have sent the text.