



RICHMOND

Journal of Law and Technology

The first exclusively online law review.

VOLUME XVI, ISSUE 3 – ANNUAL SURVEY, SPRING 2010

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By: Francis S. Monterosso

April 9, 2010

Dear Readers:

The *Richmond Journal of Law and Technology* is proud to present our Annual Survey issue, the third issue of the 2009–2010 academic year.

For a number of years the *Journal's* Annual Survey has focused on expanding legal scholarship in the area of electronic discovery. However, this journal has always strived to break from the norm and do things a little different. Fifteen years ago, the difference was to be the first exclusively online journal. This year, the *Journal* decided to shift the focus of the Annual Survey to explore the relationship between criminal law and technology. Two of our authors, Professor Jelani Jefferson Exum and Professor Alan M. Gershel, presented their articles at the *Journal's* 2010 Annual Symposium, “Digital Times, Digital Crimes: Criminal Investigations and Prosecution in the Digital Age.”

Professor Exum’s article, “Making the Punishment Fit the (Computer) Crime: Booting Notions of Possession for the Federal Sentencing of Child Pornography Offenses,” highlights the disconnect between the basis of increases in sentencing guidelines in recent years and the technological developments in personal computers and the Internet. I encourage you view her presentation available on our website.

“A Review of the Law in Jurisdictions Requiring Electronic Recording of Custodial Interrogations” is provided by Prof. Gershel in our second article. After a thorough analysis of the relevant statutes across the nation, Professor Gershel calls both federal and state legislatures to action to recognize the benefits of requiring such recording. His presentation is available on our website.

Texting is another growing area of the technology that has important legal implications for its users. Whether it is to remind our spouse to pick up some milk, tell a friend we are running late, or order a new ringtone, texting is a fast and convenient method of communicating. This modern technology also allows people to express themselves in new ways—ways that may be punishable by law. BTW, or by the way in the lexicon of texting, one of these methods of expression is sexting, the sharing of nude

or provocative digital photos. Sexting can become a point of contention where a state has an interest in protecting minors. Our final article, “Sexting and Teenagers: OMG R U Going 2 Jail???” by Associate Dean Catherine Arcabascio, explores the competing interests of freedom of expression and the enforcement of child pornography statutes.

Finally, we are pleased to congratulate Francis S. Monterosso, the winner of our student writing competition. Mr. Monterosso’s note, “Protecting the Children: Challenges that Result In, and Consequences Resulting From, Inconsistent Prosecution of Child Pornography Cases in a Technical World,” highlights the important evolution of the Child Pornography Prevention Act (CPPA). In addition to the difficulties in the prosecution of child pornography, Mr. Monterosso presents the challenges resulting from the inconsistencies in court decisions and asks the courts to uphold Congress’s intent of protecting children in enacting the CPPA.

On behalf of the entire 2009-2010 *Journal* staff, I extend our deepest gratitude and sincerest thanks for your continued readership and support. The *Journal* also appreciates the continuing support and assistance of the faculty and staff at the University of Richmond School of Law, most especially the guidance we receive from our faculty advisors, Professors Melanie Holloway and Jim Gibson.

We are confident you will enjoy our Annual Survey. As always, your comments and suggestions are welcome at jolt@richmond.edu.

Best regards,



Nancy Porcari
Annual Survey Editor

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