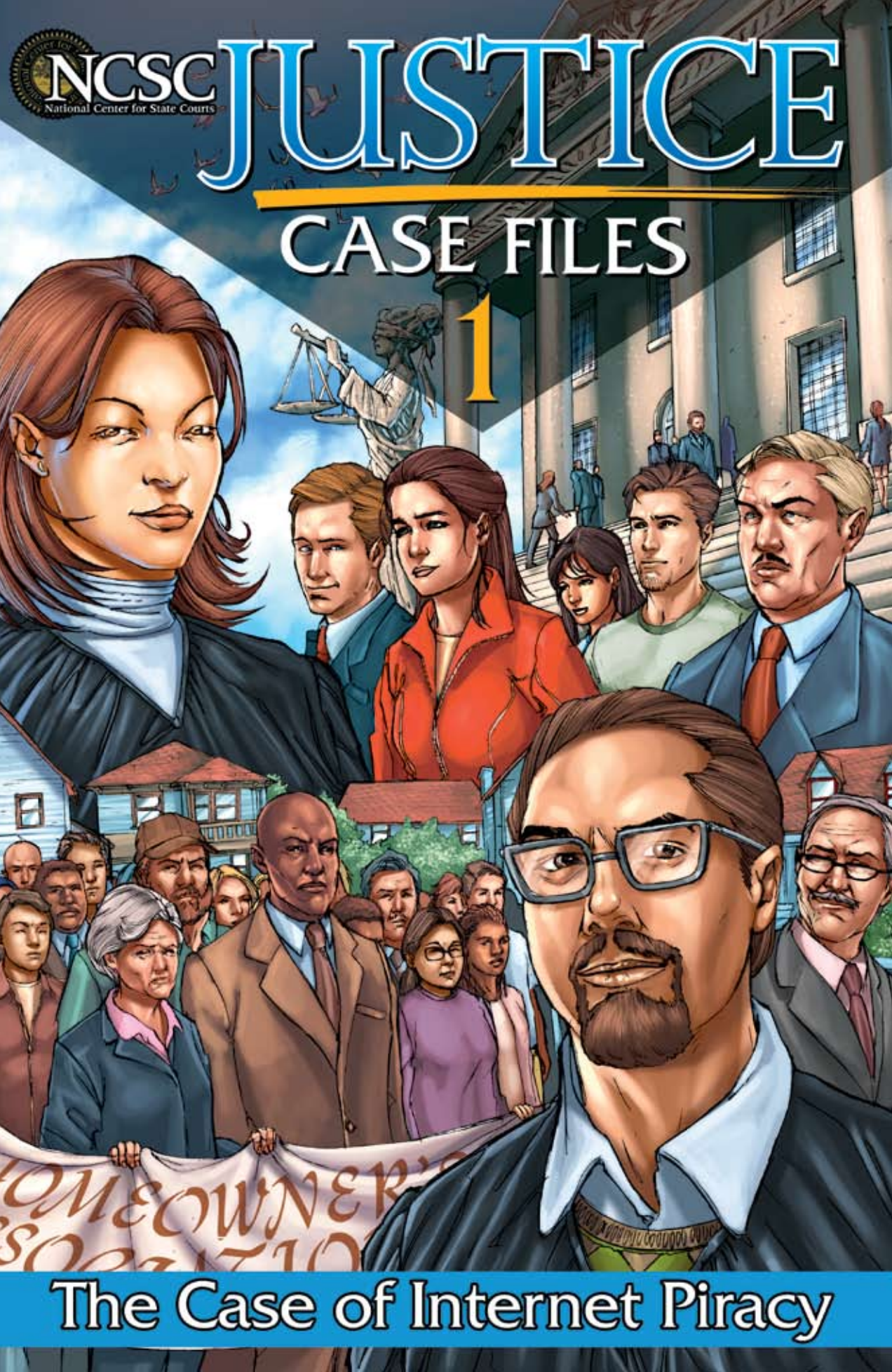




# JUSTICE

## CASE FILES

1

HOMEOWNER'S  
ASSOCIATION

The Case of Internet Piracy

Dear Readers,

When the Founding Fathers established our nation's system of self government, they skillfully and deliberately drafted a system of three separate but equal branches of government, with built-in limits on each branch's power. This separation of powers divides the government into the executive branch; the legislative branch; and the judicial branch, the courts.

Today, more than 200 years later, the judiciary is the least understood of the three.

To remind the public of the important role courts play in our democratic society, the National Center for State Courts has created "Justice Case Files," a series of stories told in the form of graphic novels to engage and to educate readers about our justice system. Through these story lines, readers will learn the role of courts in our society, how judges make decisions, and how our courts work.

The "Case of Internet Piracy" is the first in this series, and we hope you discover and enjoy a deeper awareness for your Third Branch of government, the judiciary.

Sincerely,



Mary Campbell McQueen  
President  
National Center for State Courts

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I CAN'T **BELIEVE**  
THIS IS HAPPENING.



THIS HAS BEEN MY **HOME** FOR  
MORE THAN **FORTY YEARS**.



**ORDER OF CONDEMNATION  
TO THE OWNER (S):**

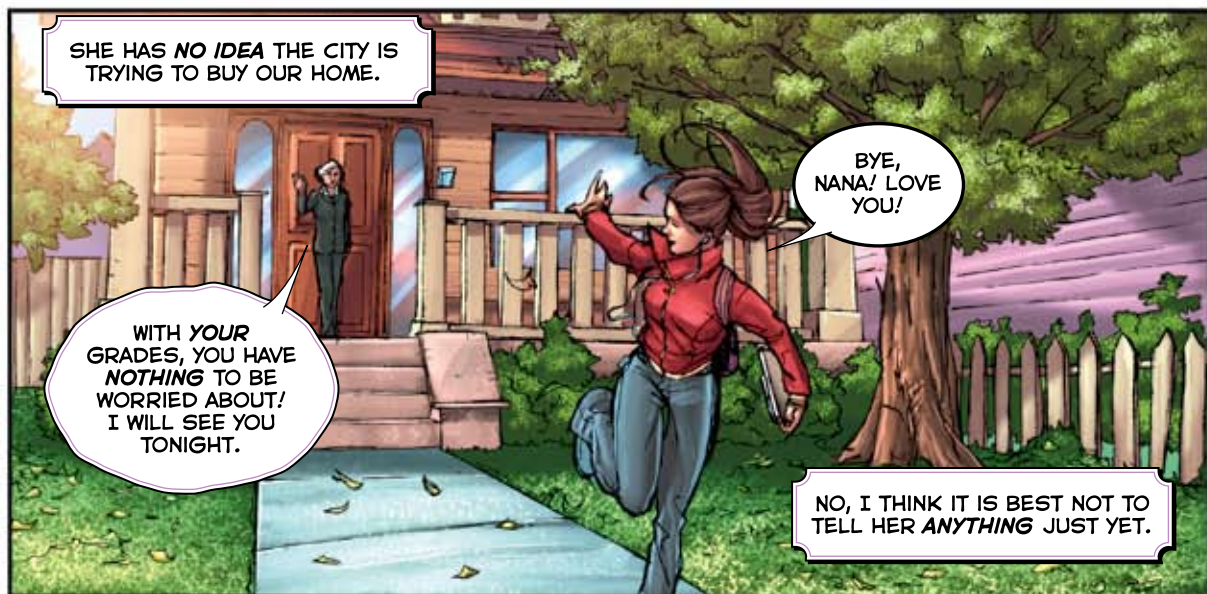
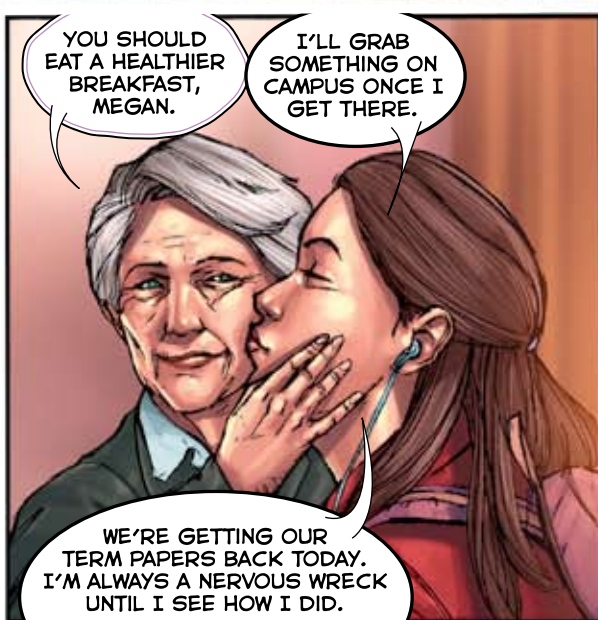
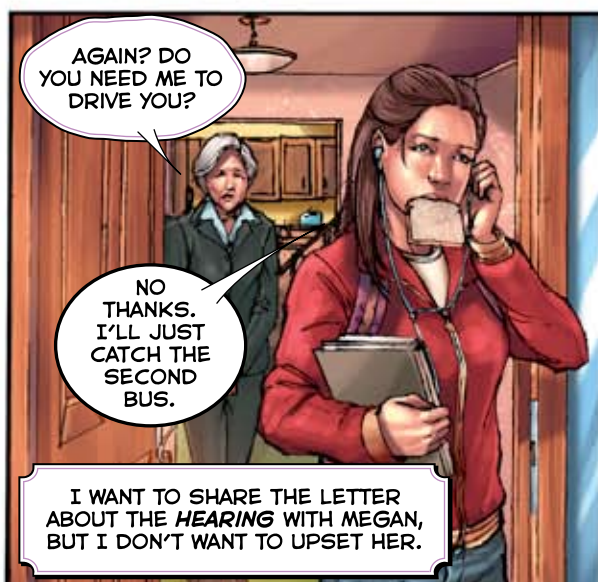
MUNICIPAL OFFICERS OF THE  
CITY OF ARBOR, HAVING GIVEN  
NOTICE OF THEIR INTENTIONS  
TO BUILD A LIBRARY ON THE  
AFOREMENTIONED PROPERTY  
AND DETERMINED THAT  
PUBLIC EXIGENCY REQUIRES  
THE IMMEDIATE TAKING OF  
SUCH PROPERTY; AND NOTING  
THAT THE CITY IS UNABLE TO  
PURCHASE THE PROPERTY AT  
WHAT CITY OFFICERS DEEM  
JUST COMPENSATION, TITLE IS  
HEREBY TAKE THE PROPERTY.  
WE DETERMINE THE AMOUNT  
OF DAMAGES TO BE PAID IS  
\$86,000. A HEARING ON THIS  
MATTER HAS BEEN SET FOR  
NOVEMBER 17 AT 10:30 A.M.

I DON'T UNDERSTAND. I ALREADY TOLD THE  
CITY I **WOULDN'T** SELL FOR THAT AMOUNT.  
HOW CAN THEY TAKE ME TO **COURT**?



OH,  
**MORGAN ...**  
I WISH YOU WERE  
**HERE WITH ME**  
NOW.

I WILL **NOT** QUIETLY STAND BY AND **LET** THEM  
TAKE OUR **HOME**. NOT WITHOUT A **FIGHT**.



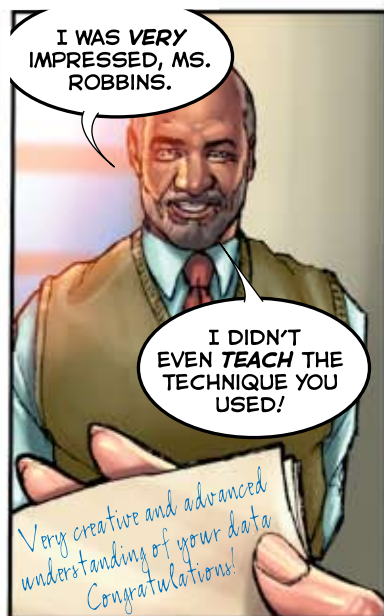


-- AND DON'T FORGET YOUR PROBLEM SET FOR NEXT WEEK. I WON'T TAKE ANY LATE ASSIGNMENTS!



SO, MEGAN, I SUPPOSE YOU WOULD LIKE TO SEE YOUR TERM PAPER?

YES, PROFESSOR MULHERN. HOW DID I DO?



I WAS **VERY** IMPRESSED, MS. ROBBINS.

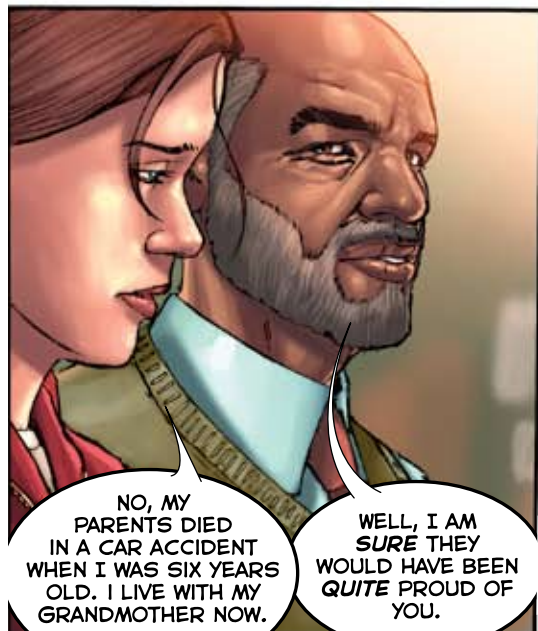
I DIDN'T EVEN **TEACH** THE TECHNIQUE YOU USED!

*Very creative and advanced understanding of your data. Congratulations!*



MY FATHER WAS A PHARMACIST. I FOUND THE METHOD IN ONE OF HIS OLD BOOKS.

IS HE RETIRED?



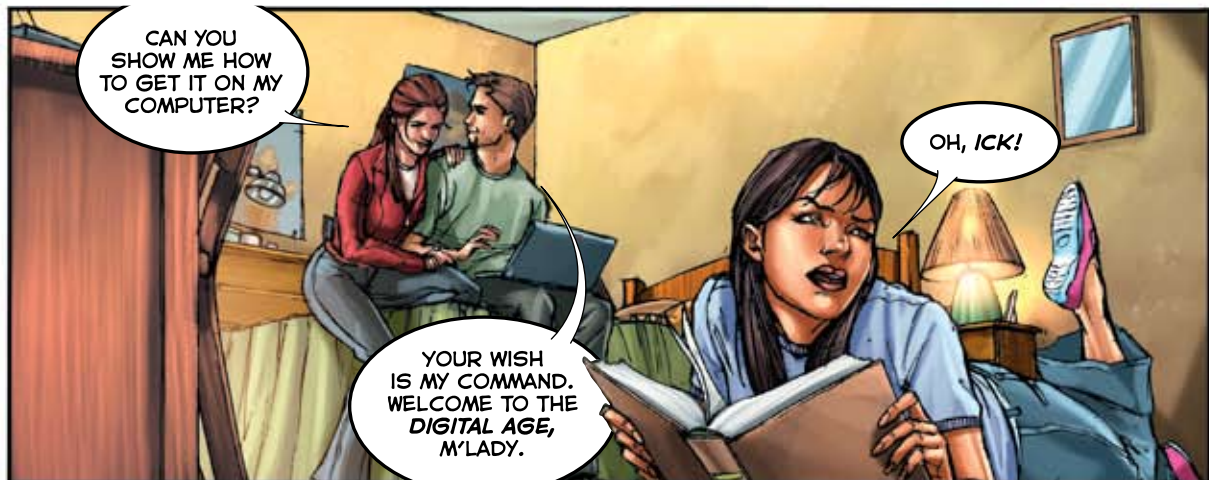
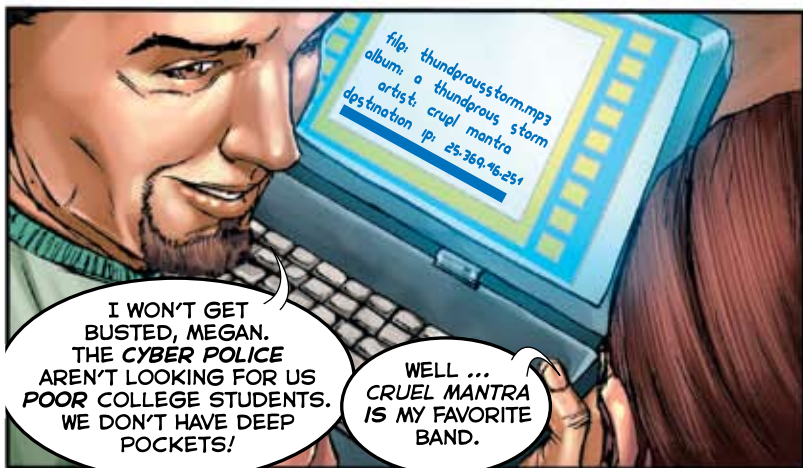
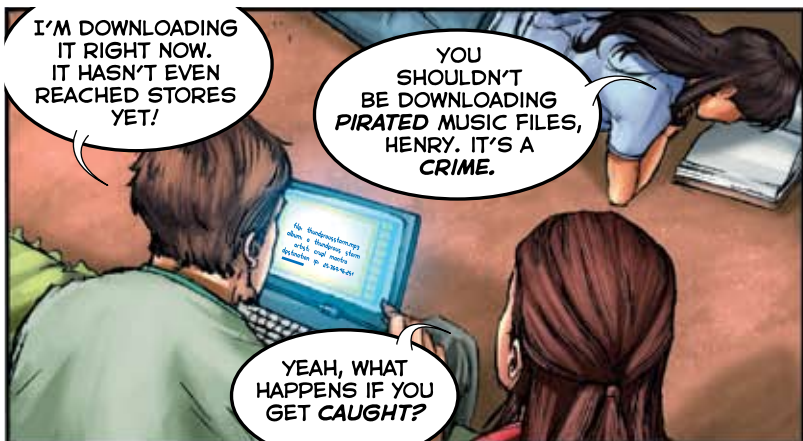
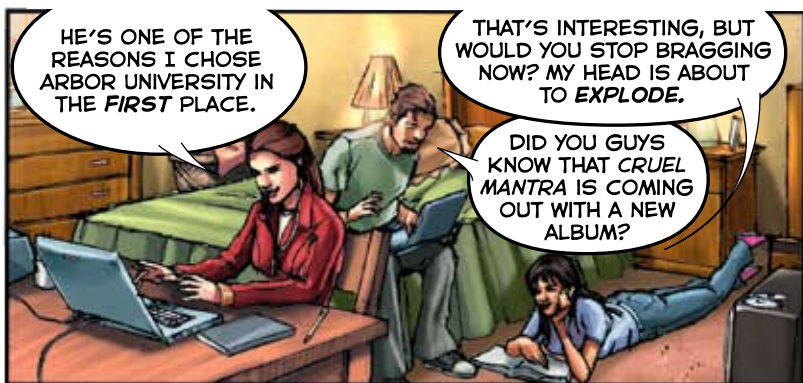
NO, MY PARENTS DIED IN A CAR ACCIDENT WHEN I WAS SIX YEARS OLD. I LIVE WITH MY GRANDMOTHER NOW.

WELL, I AM **SURE** THEY WOULD HAVE BEEN **QUITE** PROUD OF YOU.



MEGAN, IF YOU KEEP UP THIS KIND OF WORK, WE MIGHT HAVE A PLACE FOR YOU IN OUR RESEARCH LAB NEXT YEAR.

I WOULD **LOVE** THAT! THANK YOU PROFESSOR MULHERN!



## THE TOWN MEETING

I DON'T KNOW ABOUT YOU, ELLEN, BUT THEY OFFERED US **FAR LESS** FOR OUR HOME THAN WHAT THE BANK SAYS IT'S WORTH AND --

GOOD EVENING, EVERYONE. I'M **MAYOR MCNEAL** AND I'M SURE YOU HAVE QUESTIONS ABOUT THE **CONDEMNATION** OF YOUR PROPERTIES UNDER **EMINENT DOMAIN**.

MR. MAYOR, THE CITY IS SUPPOSED TO GIVE US **FULL VALUE** FOR OUR PROPERTIES. INSTEAD, WE'RE BEING OFFERED **FAR LESS** THAN WHAT OUR HOMES ARE **WORTH**.

SIR, YOU'VE HAD **AMPLE** TIME TO CONTEST THIS PROJECT.

YOU DIDN'T SETTLE, SO WE HAVE HAD **NO OTHER ALTERNATIVE** THAN TO TAKE YOU TO COURT.

I **ASSURE** YOU THAT YOUR HOMES HAVE BEEN PROPERLY APPRAISED AND THE FIGURES YOU HAVE BEEN OFFERED ARE **FAIR**.

WHAT WE MUST REMEMBER IS THAT OUR CITY **NEEDS** THIS.

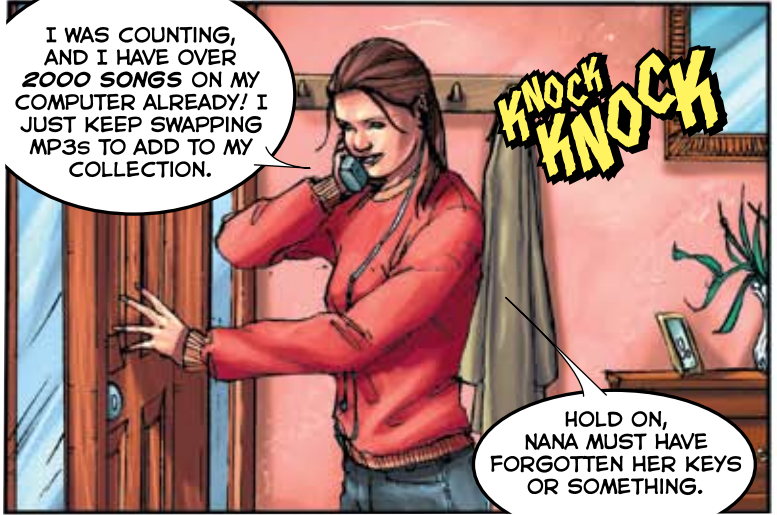
THE NEW LIBRARY DEVELOPMENT WILL CREATE **JOBS** AND EXPAND OUR ECONOMY, HELPING US **ALL**.

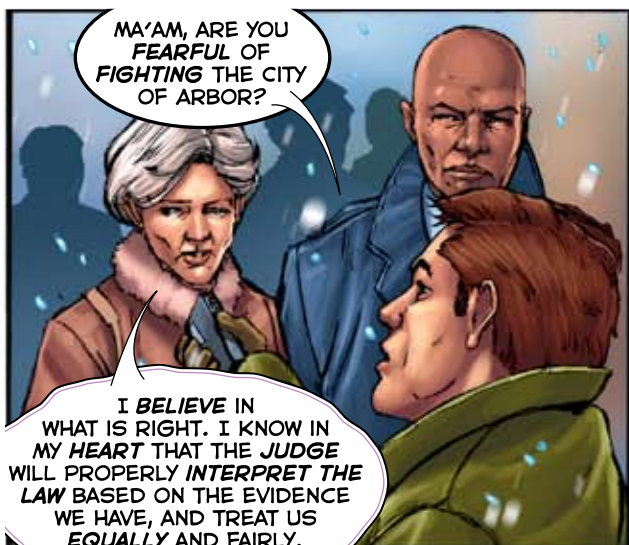
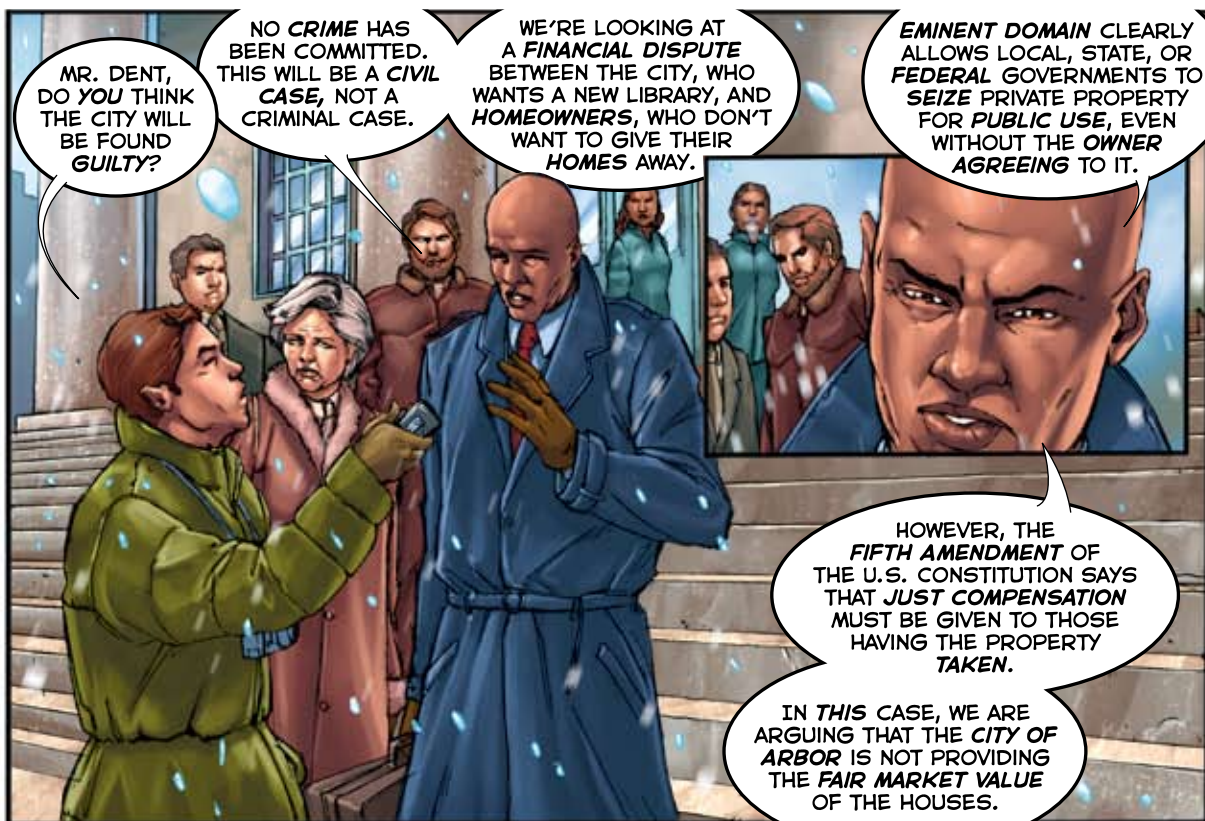
BUT WHAT ABOUT OUR HOMES?

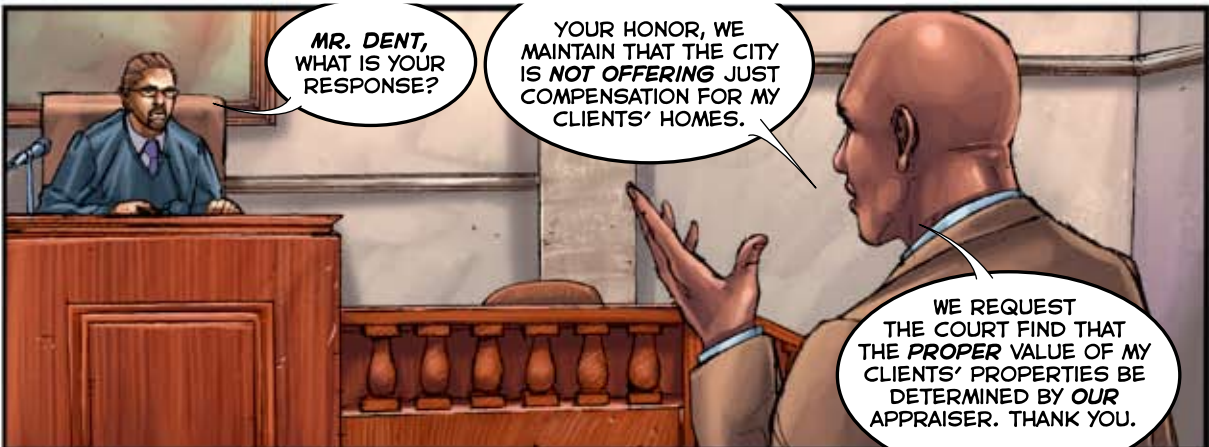
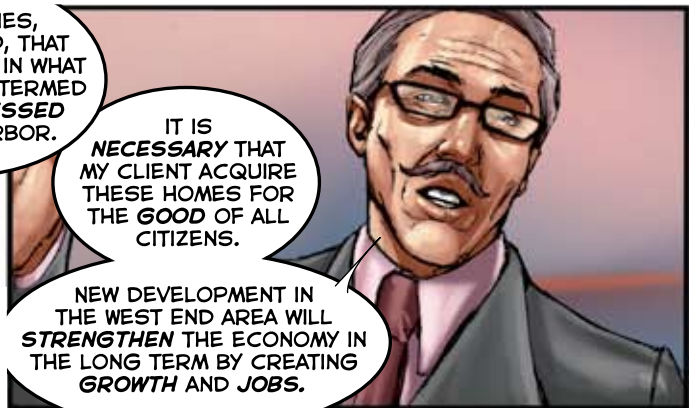
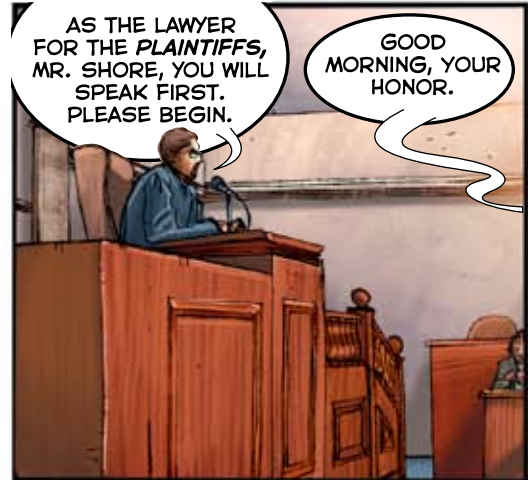
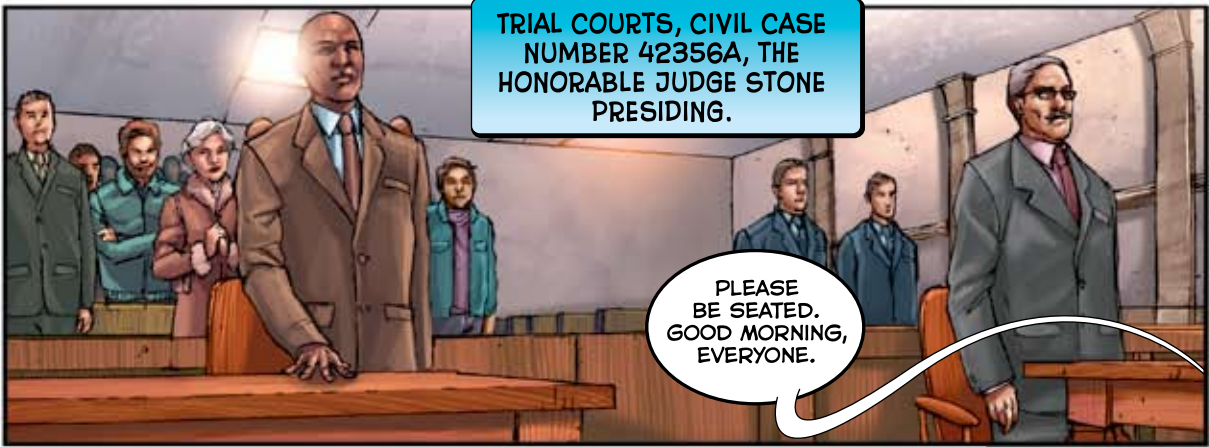
MR. MAYOR ...

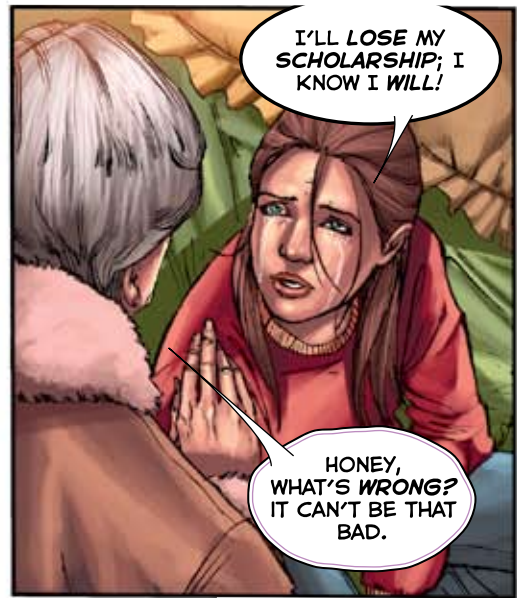
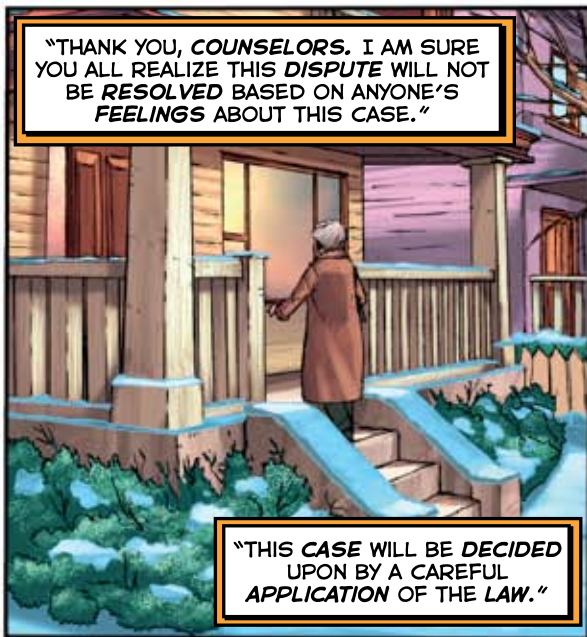
MY LATE HUSBAND MORGAN BOUGHT OUR HOUSE ALMOST **FORTY YEARS** AGO. HE WORKED EVERY DAY OF HIS LIFE FOR IT, AND FOR OUR FUTURE SECURITY.

I CAN **ASSURE** YOU THAT AT THESE PRICES, WE **WILL** BE SEEING YOU IN COURT!









TRIAL COURTS, CIVIL CASE  
NUMBER 42356A, THE  
HONORABLE JUDGE STONE  
PRESIDING.

MR. LIVINGSTON,  
HOW LONG HAVE YOU  
BEEN APPRAISING  
REAL ESTATE?

NINETEEN  
YEARS.

HOW MANY  
TIMES HAVE YOUR  
OPINIONS OF A  
HOUSE'S VALUE BEEN  
**CHALLENGED?**

NOT OFTEN,  
BUT WHEN IT HAS  
HAPPENED MY OPINIONS  
HAVE ALWAYS BEEN FOUND  
TO BE FAIR.

THANK YOU,  
MR. LIVINGSTON.  
THAT WILL BE  
ALL.

WHO DO YOU  
WORK FOR, MR.  
LIVINGSTON?

EXCUSE  
ME?

I ASKED A  
SIMPLE QUESTION,  
SIR. **WHO DO YOU  
WORK FOR?**

WHO  
PAYS YOUR  
SALARY?

DIFFERENT  
CLIENTS. I'M A  
CONTRACTOR, SO  
WHOEVER HIRES ME  
PAYS MY SALARY.

I SEE. AND HOW LONG  
HAVE YOU DONE CONTRACT  
WORK FOR **THE CITY?**

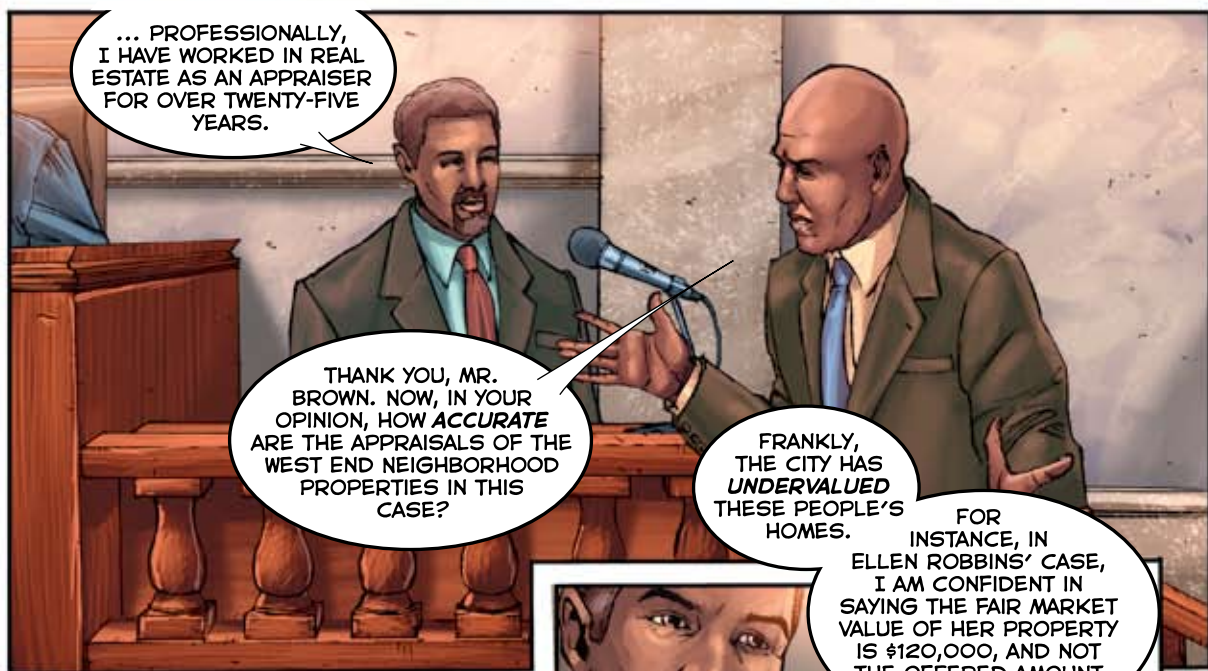
ABOUT TEN  
YEARS.

SO,  
YOU'RE SAYING  
THE CITY OF ARBOR  
WAS PAYING YOUR  
SALARY IN THIS  
CASE?

WELL,  
YES.

ISN'T THAT  
**CONVENIENT?**  
I HAVE NO MORE  
QUESTIONS, YOUR  
HONOR.

WE'LL TAKE A  
SHORT RECESS, THEN THE  
**DEFENDANTS** SHALL PRESENT  
THEIR **EXPERT WITNESS** TO GIVE  
HIS TESTIMONY REGARDING THE  
PRICES OF THE HOMES.



... PROFESSIONALLY, I HAVE WORKED IN REAL ESTATE AS AN APPRAISER FOR OVER TWENTY-FIVE YEARS.

THANK YOU, MR. BROWN. NOW, IN YOUR OPINION, HOW **ACCURATE** ARE THE APPRAISALS OF THE WEST END NEIGHBORHOOD PROPERTIES IN THIS CASE?

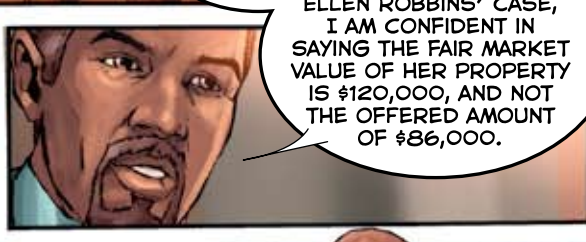
FRANKLY, THE CITY HAS **UNDERVALUED** THESE PEOPLE'S HOMES.

FOR INSTANCE, IN ELLEN ROBBINS' CASE, I AM CONFIDENT IN SAYING THE FAIR MARKET VALUE OF HER PROPERTY IS \$120,000, AND NOT THE OFFERED AMOUNT OF \$86,000.



MR. BROWN, HOW DO YOU DETERMINE FAIR MARKET VALUE?

I STUDY THE LAND PRICES IN THE AREA, THE HOUSES THEMSELVES, AND RECENT COMPARABLE REAL ESTATE SALES.



SO YOU CAME OUT AND **PERSONALLY EXAMINED** ALL OF THE HOUSES IN THE WEST END NEIGHBORHOOD?

MOST OF THEM, YES.

MOST, BUT NOT ALL?

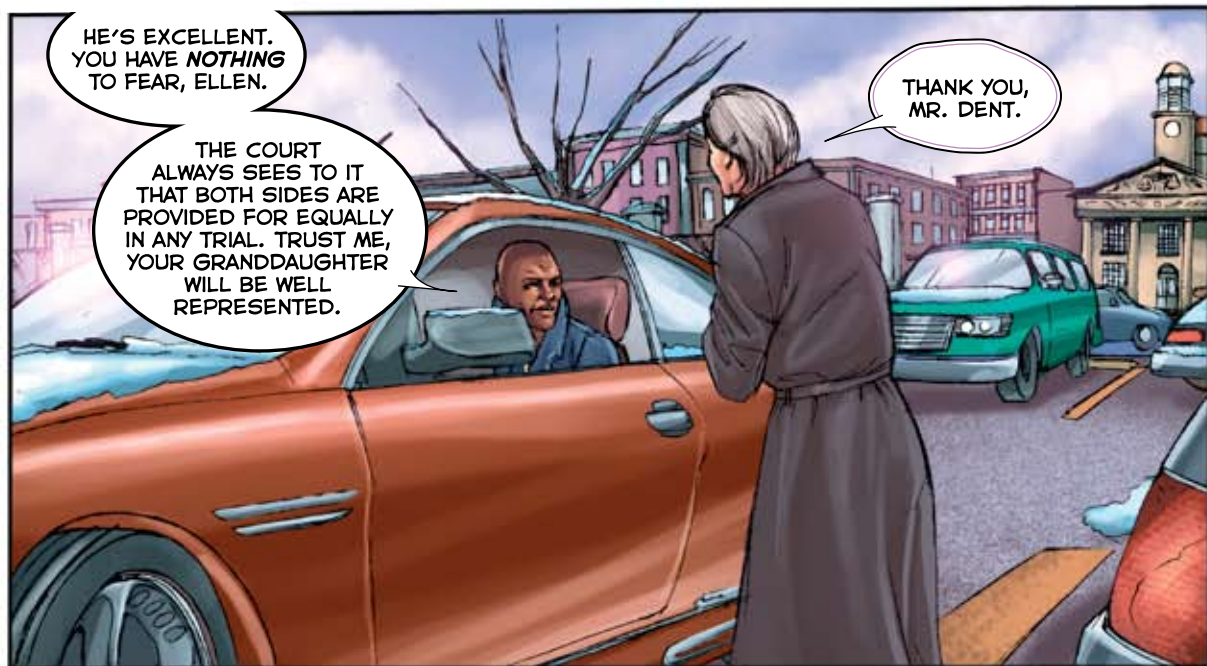
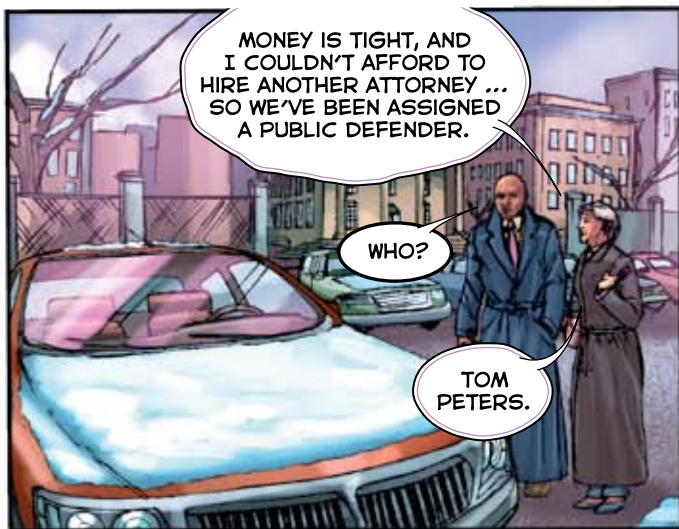
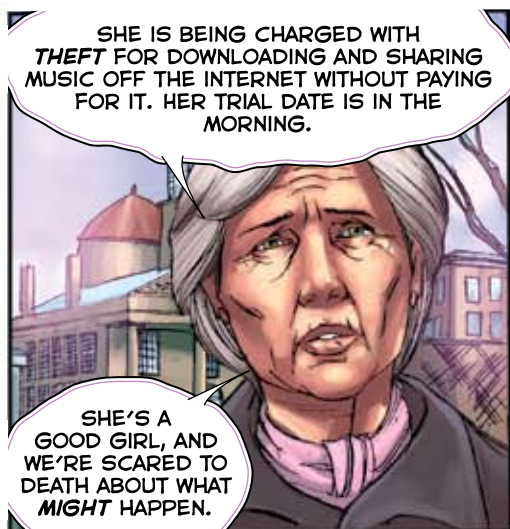


JUST THE ONES CONCERNING THIS CASE.

AH, YES. WHY GO LOOKING INTO **EVERY** HOUSE YOU SEE? DID THE DEFENDANTS PAY YOU FOR THESE SERVICES?

YES, OF COURSE.

HOW **CONVENIENT**. NO MORE QUESTIONS, YOUR HONOR.



THE NEXT MORNING, NINE O'CLOCK

CRIMINAL COURTS,  
CRIMINAL CASE NUMBER  
67589B, THE HONORABLE  
JUDGE BATES PRESIDING.

TOM  
PETERS FOR  
MEGAN ROBBINS,  
THE *DEFENDANT*.

I FEEL SO  
STUPID, NANA. I  
*KNEW* WHAT I WAS  
DOING WAS WRONG.  
IF I COULD TAKE IT  
ALL BACK I  
WOULD.

TERRY WILLIAMS  
FOR THE COUNTY  
*PROSECUTOR'S*  
OFFICE, YOUR  
HONOR.

WE WILL  
FIRST HEAR FROM  
THE *PROSECUTION*.  
PLEASE BEGIN, MR.  
WILLIAMS.

MEGAN ROBBINS  
WAS CAUGHT *ILLEGALLY*  
DOWNLOADING AND SHARING  
MUSIC FILES FROM SEVERAL  
INTERNET WEBSITES WITHOUT  
PAYING FOR IT OVER A  
PERIOD OF THREE  
MONTHS.

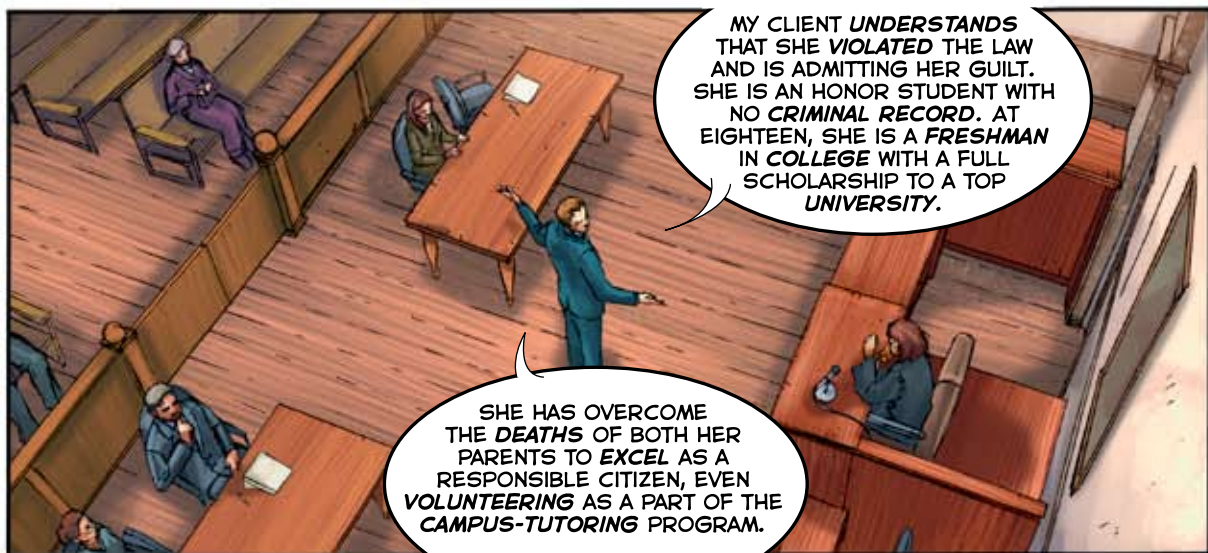
SHE IS CHARGED  
WITH THEFT, AT THE  
STATE LEVEL. OVER **2,000**  
UNAUTHORIZED COPIES OF  
MUSIC WERE FOUND  
ON HER COMPUTER.

MANY CONSIDER DOWNLOADING  
MUSIC WITHOUT PAYING FOR IT TO  
BE A *VICTIMLESS* CRIME, BUT  
NOTHING COULD BE *FURTHER*  
FROM THE TRUTH.

LOSSES  
NUMBERING IN THE  
*MILLIONS* ARE PASSED  
ON TO THE EVERYDAY  
CONSUMER WHEN  
PURCHASING MUSIC.

EVEN FIRST-TIME  
OFFENDERS SUCH AS MS.  
ROBBINS FACE *STIFF*  
PENALTIES -- UP TO 2 YEARS  
IN JAIL AND \$25,000  
IN FINES.

HER CONVICTION  
SENDS A MESSAGE THAT  
ILLEGALLY DOWNLOADING  
MUSIC IS A *CRIME*, AND  
ANYONE INVOLVED WILL BE  
HELD ACCOUNTABLE.



MY CLIENT *UNDERSTANDS* THAT SHE *VIOLATED* THE LAW AND IS ADMITTING HER GUILT. SHE IS AN HONOR STUDENT WITH NO *CRIMINAL RECORD*. AT EIGHTEEN, SHE IS A *FRESHMAN* IN *COLLEGE* WITH A FULL SCHOLARSHIP TO A TOP *UNIVERSITY*.

SHE HAS OVERCOME THE *DEATHS* OF BOTH HER PARENTS TO *EXCEL* AS A RESPONSIBLE CITIZEN, EVEN *VOLUNTEERING* AS A PART OF THE *CAMPUS-TUTORING* PROGRAM.



ALL OF THIS IS NOW IN *JEOPARDY*. AND WHY?



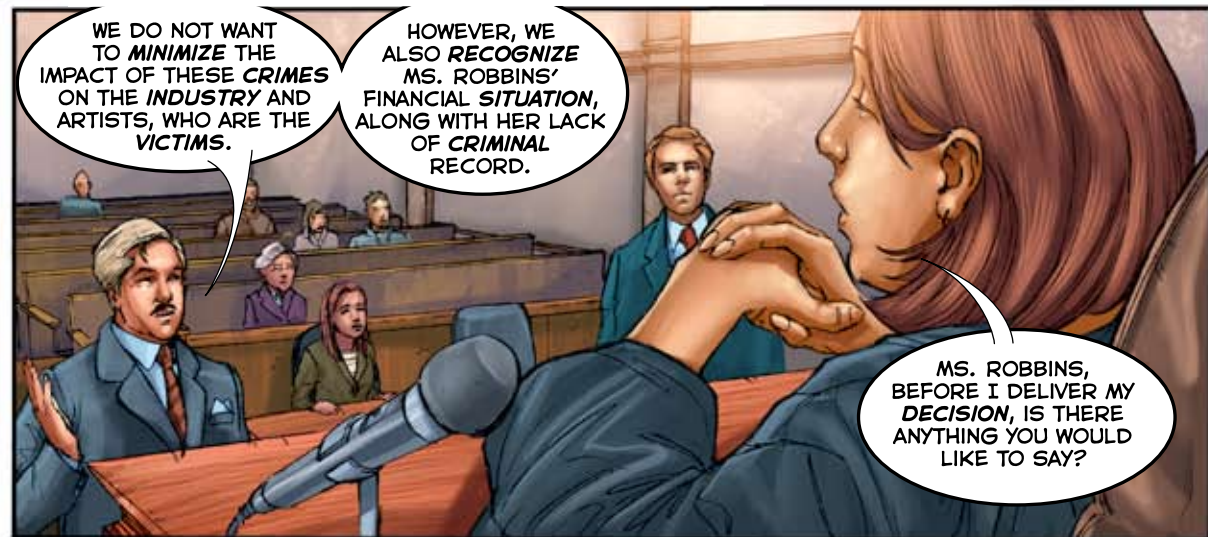
BECAUSE EARLIER THIS YEAR, SHE WAS *INTRODUCED* TO THE CONCEPT OF *FILE SHARING* BY A CLASSMATE.

HAVING SPENT TIME *TALKING* WITH MS. ROBBINS, I CAN SAY THAT SHE GREATLY *REGRETS* HER ACTIONS AND WILL DO *WHATEVER* IS NECESSARY TO MAKE THINGS RIGHT.



MR. WILLIAMS, BASED ON THE *FACTS* OF THIS CASE AND THE *TESTIMONY* YOU JUST HEARD, WHAT PENALTY DOES THE *GOVERNMENT* SEEK?

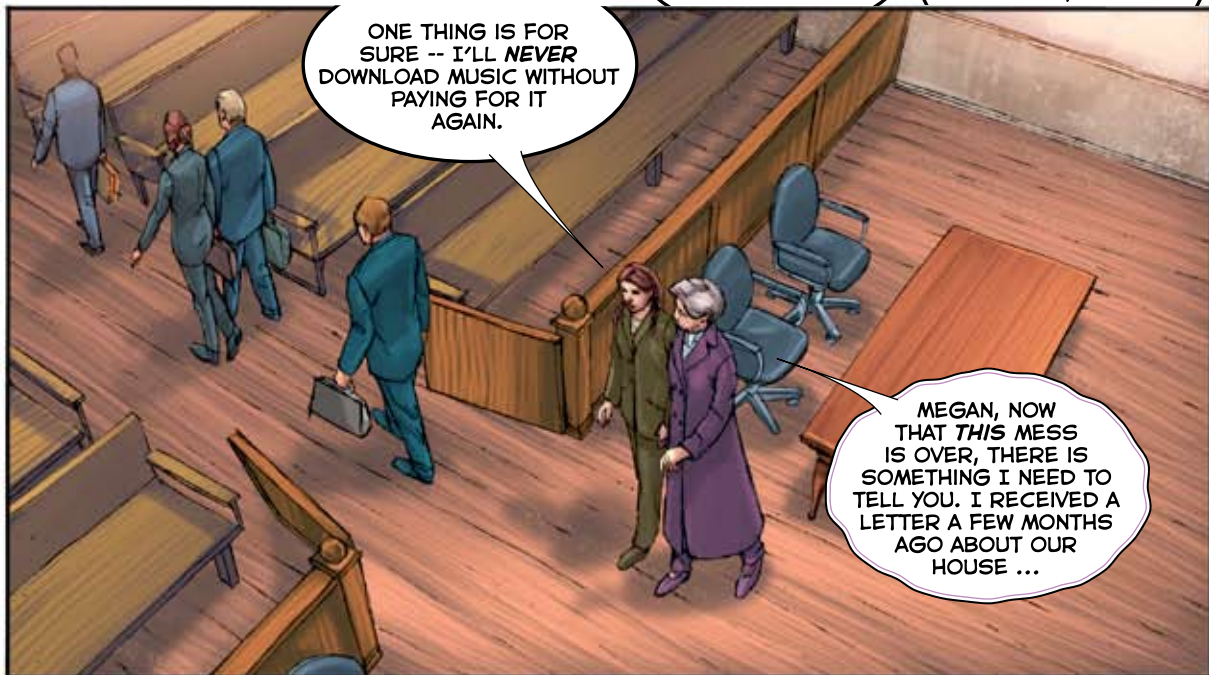
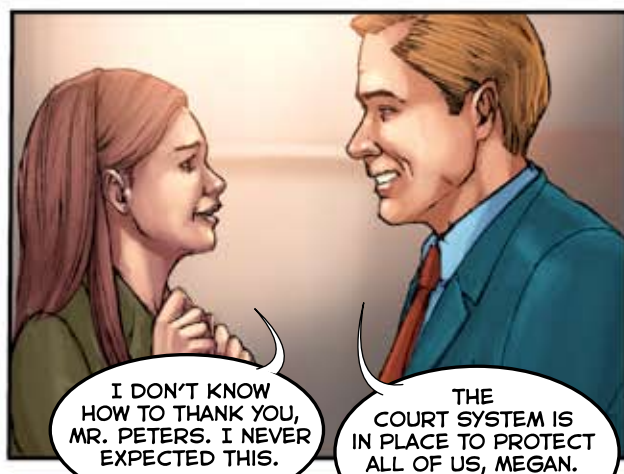
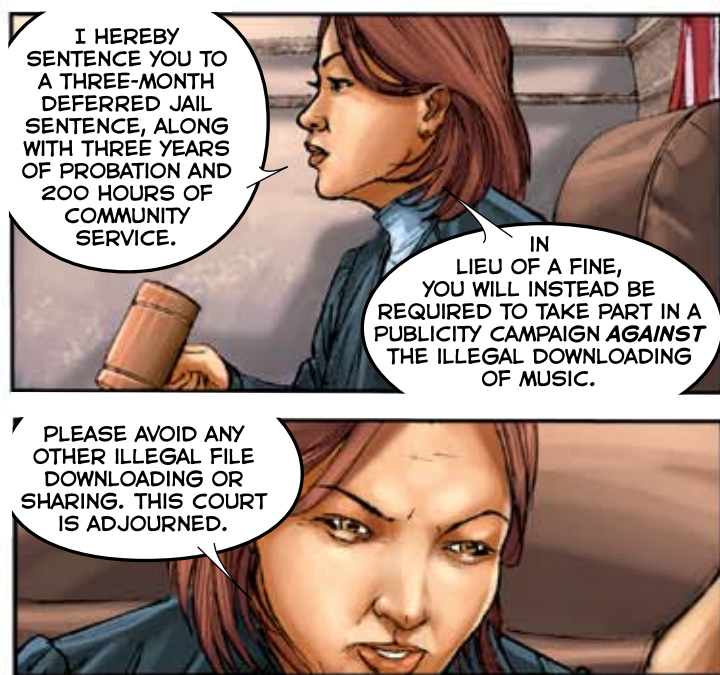
WE SEEK THE *MAXIMUM* PENALTIES, BUT WILL ACCEPT A *FAIR AND JUST* VERDICT, YOUR HONOR.

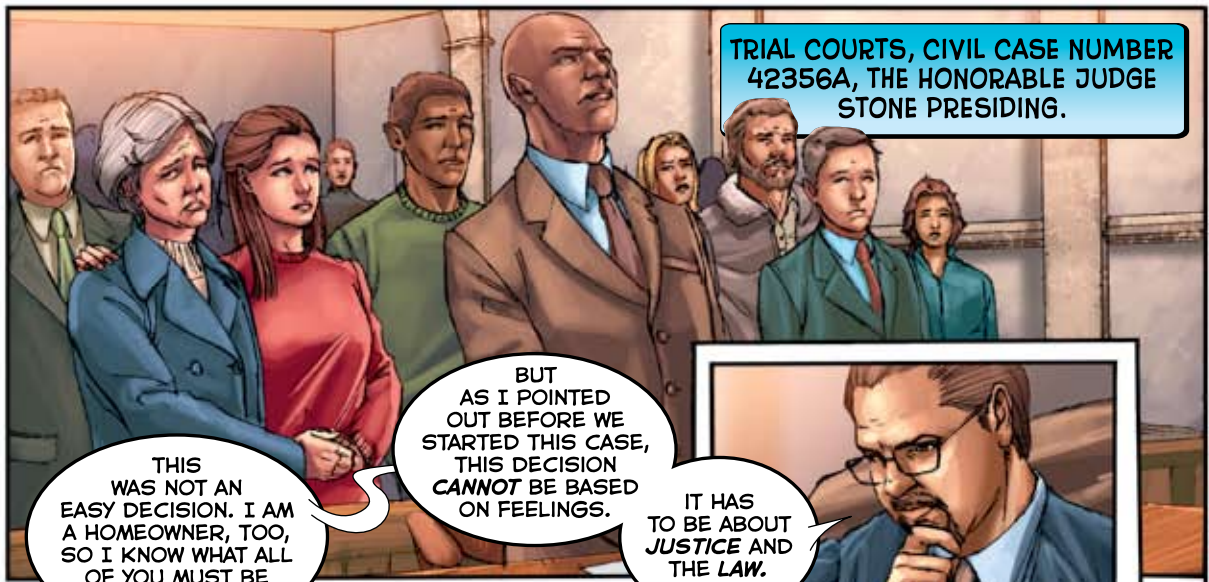


WE DO NOT WANT TO *MINIMIZE* THE IMPACT OF THESE *CRIMES* ON THE *INDUSTRY* AND ARTISTS, WHO ARE THE *VICTIMS*.

HOWEVER, WE ALSO *RECOGNIZE* MS. ROBBINS' FINANCIAL *SITUATION*, ALONG WITH HER LACK OF *CRIMINAL RECORD*.

MS. ROBBINS, BEFORE I DELIVER MY *DECISION*, IS THERE ANYTHING YOU WOULD LIKE TO SAY?





TRIAL COURTS, CIVIL CASE NUMBER 42356A, THE HONORABLE JUDGE STONE PRESIDING.

BUT AS I POINTED OUT BEFORE WE STARTED THIS CASE, THIS DECISION **CANNOT** BE BASED ON FEELINGS.

IT HAS TO BE ABOUT **JUSTICE** AND THE **LAW**.

THIS WAS NOT AN EASY DECISION. I AM A HOMEOWNER, TOO, SO I KNOW WHAT ALL OF YOU MUST BE FEELING.

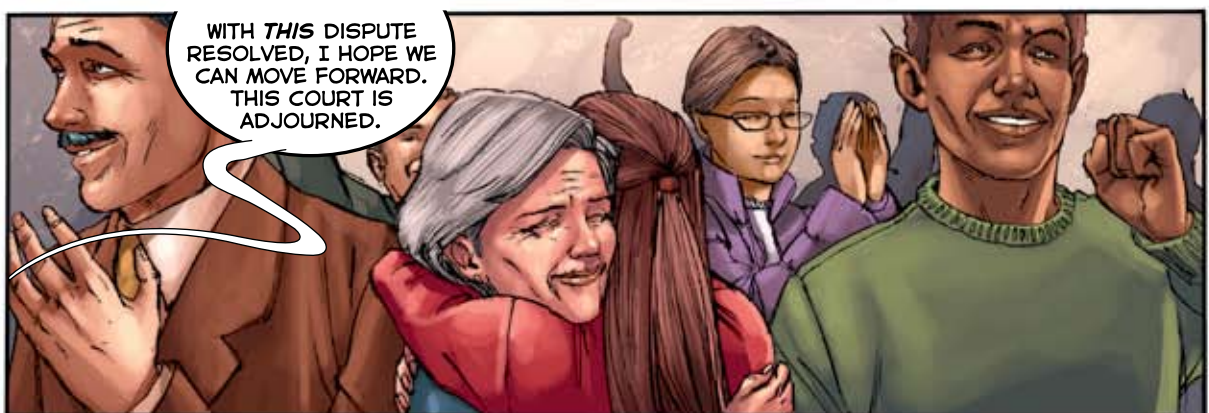


A CITY CAN SEIZE LAND FOR THE GREATER ECONOMIC GOOD. IN THIS CASE I BELIEVE THE CITY OF ARBOR IS WELL **WITHIN ITS RIGHT** TO DO SO IN EXERCISING CURRENT EMINENT DOMAIN LAWS.



**HOWEVER**, THE COURT FINDS THE MOST CREDIBLE EVIDENCE TO BE THAT THE FAIR MARKET VALUE OF ELLEN ROBBINS' HOME IS \$120,000.

IF THE CITY WISHES TO PROCEED TO TAKE HER HOME, IT WILL HAVE TO PAY HER THAT AMOUNT OF MONEY.



WITH **THIS** DISPUTE RESOLVED, I HOPE WE CAN MOVE FORWARD. THIS COURT IS ADJOURNED.

THE COURT ACCEPTED THE VALUES  
FOR ALL OF THE HOMES AS  
TESTIFIED TO BY THE  
HOMEOWNERS' EXPERT WITNESS.



BECAUSE OF THIS, THE CITY  
HAS REEVALUATED THE PLAN TO  
SEIZE THE PROPERTIES ON  
THIS SIDE OF THE STREET.



WE REGRET TO INFORM YOU  
THAT DUE TO THE REVISED  
ESTIMATES OF THE VALUE OF  
YOUR PROPERTY (CURRENT  
MARKET VALUE OF \$120,000),  
PLANS TO ASSIGN IT FOR  
PUBLIC USE HAVE BEEN  
CHANGED. AS A RESULT, THE  
CITY WILL NOT BE  
PURCHASING YOUR PROPERTY  
AT THIS TIME, AND INSTEAD  
WILL BE SEEKING A NEW  
LOCATION FOR THE ARBOR  
CITY LIBRARY ....



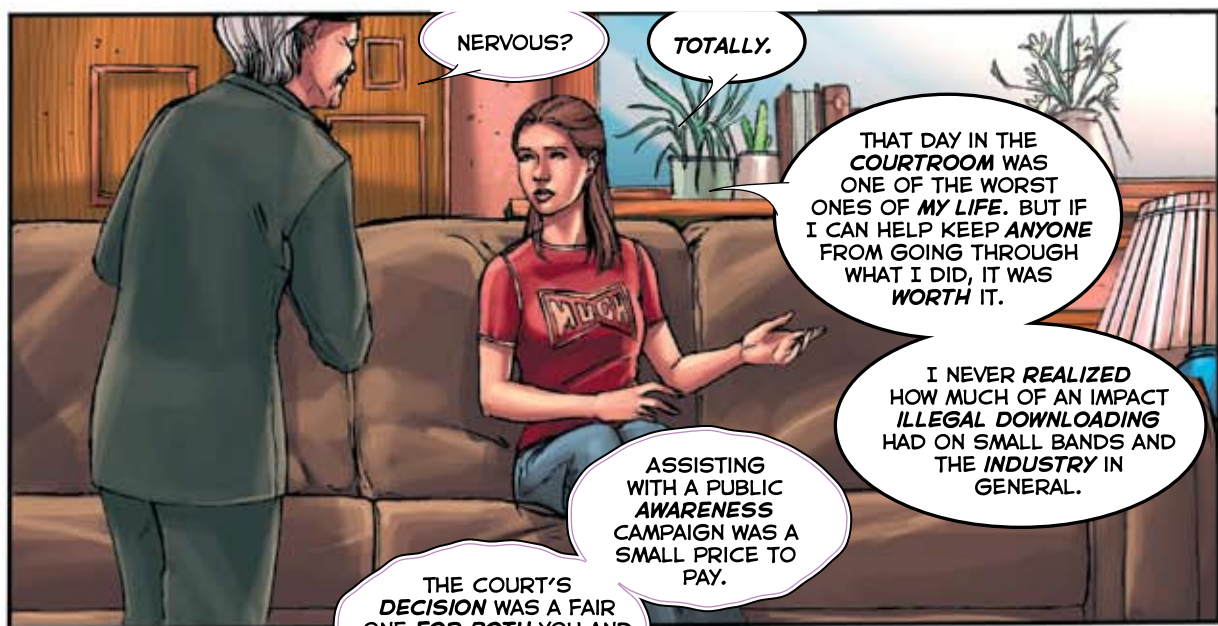
WE DID IT,  
MORGAN.

NANA ...  
IT'S TIME.



THANK YOU,  
DEAR. I'LL BE  
RIGHT DOWN.





NERVOUS?

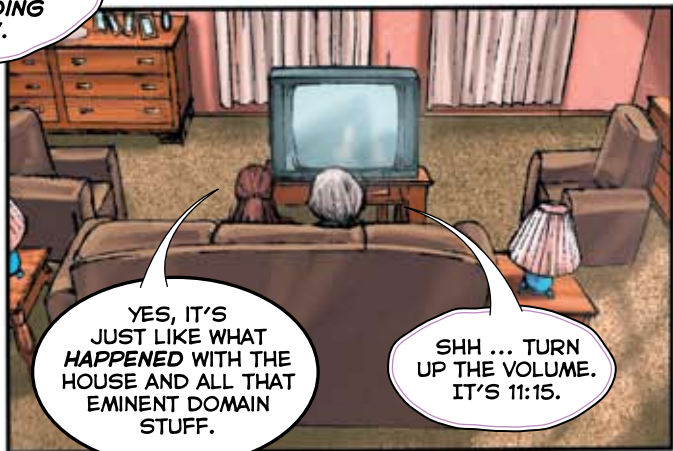
TOTALLY.

THAT DAY IN THE COURTROOM WAS ONE OF THE WORST ONES OF MY LIFE. BUT IF I CAN HELP KEEP ANYONE FROM GOING THROUGH WHAT I DID, IT WAS WORTH IT.

I NEVER *REALIZED* HOW MUCH OF AN IMPACT *ILLEGAL DOWNLOADING* HAD ON SMALL BANDS AND THE *INDUSTRY* IN GENERAL.

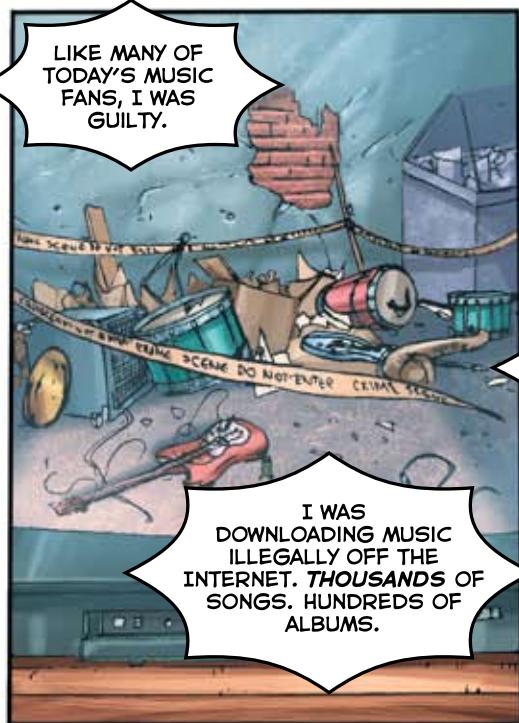
ASSISTING WITH A PUBLIC AWARENESS CAMPAIGN WAS A SMALL PRICE TO PAY.

THE COURT'S DECISION WAS A FAIR ONE FOR BOTH YOU AND THE RECORDING INDUSTRY.



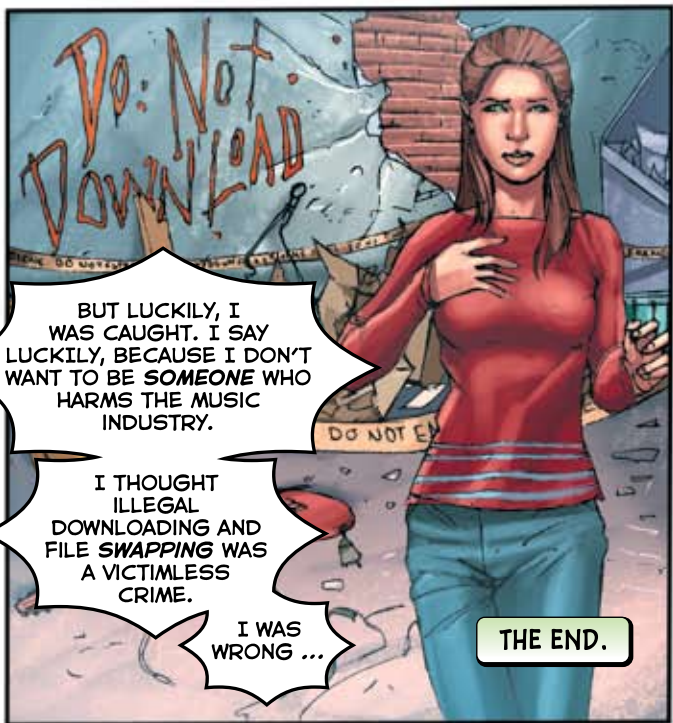
YES, IT'S JUST LIKE WHAT HAPPENED WITH THE HOUSE AND ALL THAT EMINENT DOMAIN STUFF.

SHH ... TURN UP THE VOLUME. IT'S 11:15.



LIKE MANY OF TODAY'S MUSIC FANS, I WAS GUILTY.

I WAS DOWNLOADING MUSIC ILLEGALLY OFF THE INTERNET. *THOUSANDS* OF SONGS. *HUNDREDS* OF ALBUMS.



BUT LUCKILY, I WAS CAUGHT. I SAY LUCKILY, BECAUSE I DON'T WANT TO BE *SOMEONE* WHO HARMS THE MUSIC INDUSTRY.

I THOUGHT ILLEGAL DOWNLOADING AND FILE *SWAPPING* WAS A VICTIMLESS CRIME.

I WAS WRONG ...

THE END.

# COURT CASES

## CIVIL CASE FILE

number 42356A



**Civil Law:** This area of the law deals with non-criminal matters, such as contracts, property, domestic/family relations, or personal injury. In a civil case, a person (plaintiff) goes to court to seek a remedy (correction) from something that the defendant allegedly has/hasn't done that has violated the rights of the plaintiff.

**Damages:** The amount of money which a plaintiff (the person suing) may be awarded in a lawsuit.

**Complaint/Lawsuit:** Common terms for a legal action by one person or entity against another person or entity, to be decided in a civil trial.

**Punitive Damages:** Damages awarded to the plaintiff by a court against a defendant as a deterrent or punishment.

**Restitution:** The act of returning something belonging to a person.

**Settlement:** The resolution of a lawsuit before the court has actually made a decision.

## CRIMINAL CASE FILE

number 67589B



**Criminal Law:** This area of law prohibits certain kinds of actions. If someone commits a crime, they may be tried in court. In a criminal trial, the government (prosecutor) charges a person (defendant) for allegedly violating the law. If the defendant is found guilty, he/she will face a punishment decided by the court.

**Acquittal:** When a defendant is found not guilty in a criminal case.

**Conviction:** When the defendant has been found guilty of a crime in a criminal case.

**Felony:** A crime sufficiently serious to be punishable by death or a term in state or federal prison.

**Misdemeanor:** A lesser crime punishable by a fine and/or county jail time for up to one year.

**Plea:** Statement made by the defendant either as to his/her guilt or innocence to the charges made against him/her.

**Prosecute:** To charge a person with a crime and pursue the case through trial on behalf of the government.

**Warrant:** an order (writ) of a court which directs a law enforcement officer (usually a sheriff) to arrest and bring a person before a judge.

# WHO IS IN THE COURTROOM?

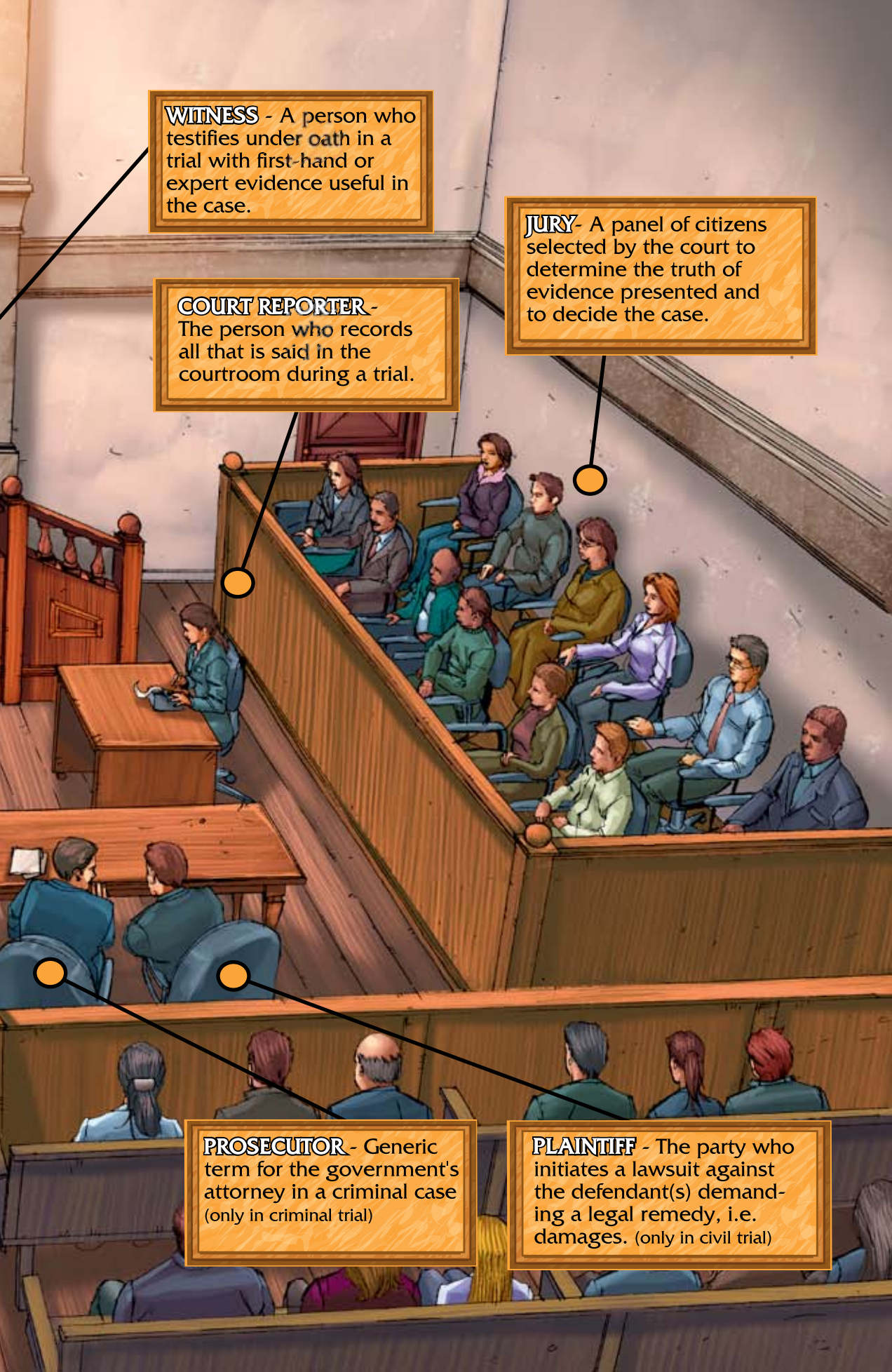
**JUDGE** - An elected or appointed public official with the authority and responsibility to preside in a court, try lawsuits, and make legal rulings.

**BAILIFF** - A court official, usually a deputy sheriff, who keeps order in the courtroom.

**DEFENDANT** - The party sued in a civil lawsuit or the party charged with a crime in a criminal prosecution.

**DEFENSE ATTORNEY** - An attorney who is employed by the defendant or who is assigned at public expense, to represent people accused of crimes. (criminal trial only)





**WITNESS** - A person who testifies under oath in a trial with first-hand or expert evidence useful in the case.

**COURT REPORTER** - The person who records all that is said in the courtroom during a trial.

**JURY** - A panel of citizens selected by the court to determine the truth of evidence presented and to decide the case.

**PROSECUTOR** - Generic term for the government's attorney in a criminal case (only in criminal trial)

**PLAINTIFF** - The party who initiates a lawsuit against the defendant(s) demanding a legal remedy, i.e. damages. (only in civil trial)



The National Center for State Courts, headquartered in Williamsburg, Va., is a non-profit organization dedicated to improving the administration of justice by providing leadership and service to court systems in the United States, U.S. territories, and around the world. The National Center, founded in 1971 by the Conference of Chief Justices and Chief Justice of the United States Warren E. Burger, provides education, training, and technology, management, and research services to the nation's state courts.

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