**The CEO And The Janitor**

1. Without regard to defenses, the actions of Jameson violate the Economic Espionage Act of 1996. In the book, Economic Espionage Act made it a federal crime to “buy possess secrets of another person, knowing that the trade secrets were stolen or otherwise acquired without the owner’s authorization” (165). What Jameson did in the case is technically not violating the Economic Espionage Act because though his intention was to take his competitor’s chemical formula and some of their customers’ financial and credit card records, he did not physically possess or buy the secrets of his competitor. He was inside the building of his competitor’s business, but he did not acquire any information on site, thus his actions — going into the company building with Zach and sitting down at a company workstation — technically do not violate the Economic Espionage Act of 1996 without regard to defenses.

However, the actions of Zach violate the Economic Espionage Act of 1996 without considering defenses. He is the one who acquired the information even though it was based on Jameson’s intention. Also, the case indicates that “Zach is going to try to obtain the chemical formula from his employer’s computer system” and then prints out the chemical formula along with some of the customers’ financial information without his employer’s authorization. Therefore, the actions of Zach violate the Economic Espionage Act of 1996 since he is the one who acquired the confidential information without the owner’s authorization.

2. In the textbook, the Computer Fraud and Abuse Act makes a person subject to criminal prosecution when “a person who access a computer online, without authority, to obtain classified, restricted, or protected data (or attempts to do so)” (177). In this case, the actions of Jameson do not violate the Computer Fraud and Abuse Act similar to the response of the Economic Espionage Act. According to the explanation of the book, Jameson was not the one who accessed the competitor’s computer without authority to obtain restricted data. The book also explains the two elements of the Computer Fraud and Abuse Act crime which include “accessing a computer without authority and taking the data” (177). According to these elements, Jameson did not access the computer and take the data. Jameson just asked Zach to print the information out and went home without taking any information directly at the company. This proves that the actions of Jameson do not violate the Computer Fraud and Abuse Act.

On the other hand, Zach’s actions — accessing the file that has the chemical formula and printing out the formula and some financial records of the company’s customers — violate the Computer Fraud and Abuse Act. As the book indicated the two elements of this cyber crime, Zach accessed his employer’s computer without authority and took the confidential data. Therefore, without regard to defenses, the actions of Zach violate the CFAA where the actions of Jameson do not violate the CFAA technically speaking.

3. The policeman did not act appropriately in not waiting to obtain a search warrant. According to the textbook, a search warrant is “an order from a judge or other public official authorizing the search or seizure” (169). As the Fourth Amendment protects the “right of the people to be secure in their persons, houses, papers, and effects,” the policeman should have waited for obtaining a search warrant before he took the printed materials from Zach on his own. The policeman did not act appropriately because the exclusionary rule allows all evidence “derived from illegally obtained evidence, normally must be excluded from the trial”(171). This means that even though the policeman found evidence for cyber crime, the evidence cannot be used in the trial because it was obtained from warrantless searches. If the policeman has gotten the search warrant first, he could have used the evidence to accuse Jameson for intending to acquire the competitor’s secret information when Jameson showed up at Zach’s house.

4. I think Zach’s attorney is on the right track to utilize the defense of insanity by arguing that Zach did not appreciate what he was doing was wrong if the attorney could successfully prove insanity by using one of the tests. The book explains that some states use the *M’Naghten* test, “under which a criminal defendant is to responsible if, at the time of the offense, he or she did not know the nature and quality of the act or did not know that the act was wrong” (167). Jameson told Zach that Zach’s company is “being bad by hiding its chemical formula for the colon cancer cure” when the truth is that Zach’s company is not hiding the information, but keeping it confidential. An autistic boy Zach might not have known that what he was doing was wrong, and he might have been incapable of the state of mind at the time. So the attorney can utilize the defense of insanity against the crime case.

5. I agree with the attorney’s argument that Zach’s confession should not be admitted into evidence because the policeman did not consider Zach’s status as an autistic and low functioning minor. In the case, the policeman read the *Miranda* rules and he asks Zach if he wants to have counsel present before Zach says anything. Since Zach does not understand the situation and about the Sixth Amendment, I would decide that Zach’s request to have his father present should have been answered because he suffers from mental illness. I would understand the DDA’s argument that a request for a person’s father is not remotely the same as asking for a lawyer to be present, but I think this case should be exceptional since the defendant is an autistic minor. Zach needed a communicator to interpret the situation for him when the policeman came and arrested him because he is at a third grade level currently. Also, DDA argues that Zach is not so low functioning that he could not figure out his employer’s computer system. If I were the judge, I would ask Zach’s attorney to prove Zach’s functioning level with medical records or with on of the tests that is used for defense of insanity. The case tells that Zach is a genius at computers, but that he is otherwise functioning at a third grade level, and incapable of being in mainstream classes. Since DDA did not have an evidence showing that Zach is not so low functioning in computers, I would request an evidence or proof that shows Zach’s functioning level before I make any decision.