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Free Scooter - Why Charges Against Bieber's Manager Won't Stick

by [Alvin Blanco](#) Posted Mar 26th 2010 2:00PM

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Angela Weiss, Getty Images

Scott "Scooter" Braun, manager of Asher Roth and Justin Bieber, [was arrested in Nassau County on Wednesday, March 24 for failing to tweet in a timely manner](#). Really. Charged with three misdemeanors including reckless endangerment, criminal nuisance and endangering the welfare of a child, the question now is if being slow on the tweets is really punishable by law?

In November, 2009 [Justin Bieber was scheduled to appear at Long Island, NY's Roosevelt Field mall for an autograph signing](#) and fans got so out of control (1000 were expected, 3000 showed) that five people were sent to the hospital.

Common sense would say, Those mall cops really blew it this time. However, word is police asked [Braun](#), who has pled not guilty to all charges, and Def Jam Record VP James Ropp, to let fans know the event was cancelled via Twitter. Braun says he sent two messages within seven minutes, prosecutors say it was closer to two hours later.

Is that enough to land someone jail time, in Braun's case a year if convicted? We asked Mahmoud Rabah, Esq., a former prosecutor who currently exclusively handles criminal defense cases, his opinion.

"The Nassau DA's Office is really stretching legal interpretation with these charges, and I highly doubt that they will survive a judge's review, let alone a trial by jury," says Rabah. "The basic theory that I assume the DA is arguing is that Mr. Braun acted recklessly by not terminating the [signing] soon enough. First of all, the charges here are meant to punish individuals who create the danger. They are not meant to punish people who do not stop the danger fast enough. That's like saying that your neighbor should be charged with a crime for not calling 911 right away when they saw your house on fire. Is it nice to sit back and not call? No; is it criminal? No."

Maybe more interesting in this case of when Tweeting goes wrong is law enforcement's use of social media as evidence in criminal cases. "Law enforcement is already actively engaged in using sites like Twitter, Facebook and MySpace to fight crime," says Rabah. "In fact, a growing trend in prosecuting crimes is to explore what a person might say or do on these sites. For example, a defendant may write about their experiences on Myspace... these statements can be obtained very easily by law enforcement, traced back to the computer and person who authored it, and used in court against that person. It may seem silly but personal pictures posted on these sites can also be used against someone. People should really think twice about throwing up fake gang signs or posing with (fake) guns because if you post those pictures, law enforcement will see them."

Whatever you say online, stays online. Social media is not looking like Team Braun's greatest asset, even if Justin Bieber stays on Twitter's Trending Topics list. In April 2009 Braun's client [Asher Roth channeled his inner Imus and delivered a poor joke](#) about being on the Rutgers University campus with nappy head hoes via Twitter. Of course, Roth backtracked saying his Twitter account had been hacked (yeah right), before eventually delivering a mea culpa.

The same principle remains, the "tweets is (always) watching."

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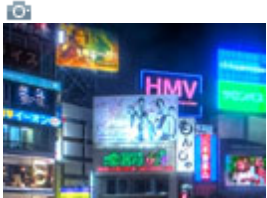
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