



'Revenge porn' victim devotes life fighting to change nation's laws

By Cristina Corbin

Published September 12, 2013

When Holly Jacobs sent nude photographs of herself to a long-distance boyfriend she loved and trusted, the 23-year-old woman never imagined the horror that would befall her.

In August 2009, less than a year after the pair mutually ended their three-year relationship, Jacobs did a Google search of her name and discovered the naked photos on a so-called "revenge porn" website.

"I just went completely into shock," said Jacobs, who hired a lawyer and eventually changed her birth name from "Holli Thometz" to Holly Jacobs.

"This is cyber-rape," Jacobs, now 30, told FoxNews.com. "It's all about the guy having control over the woman and exploiting her in a sexual way -- the same way real-life rape does that. It violates you over and over again."

What came next was perhaps more shocking to Jacobs. Police in Miami, where she lived at the time, took no action. They told her that "because you are over 18 and you consented, technically they are his property and he can do whatever he wants with them," she recalled.

Jacobs, a 2005 graduate of Boston College who managed to earn a Ph.D during her ordeal, channeled her pain into advocacy for women similarly victimized by ex-boyfriends, who -- without their knowledge or consent -- posted photos meant to be private in the most public and humiliating way. Jacobs created the website "End Revenge Porn" and formed the group Cyber Civil Rights Initiative (CCRI), under which she serves as CEO and executive director.

With the advancement of technology, millions of people -- mostly teens and young adults -- turn to "sexting" pornographic or inappropriate photos to their boyfriends or girlfriends, with little or no foresight into what may one day become of them.

"At this time, 49 states do little or nothing to stop malicious individuals from endangering lives and reputations by distributing sexually graphic pictures of people without their consent," said Mary Anne Franks, a professor at University of Miami School of Law. "Both state and federal criminal laws are needed to prevent and address this form of sexual abuse."

For Jacobs, the initial discovery of nude photos on a website called "AmIHotOrNotNude.com" was only the beginning of her nightmare.

The young woman hired a lawyer, who wrote a letter to Jacobs' ex-boyfriend, Tampa resident Ryan Seay, to "just kind of scare him." The photos immediately came down, Jacobs said.

In November 2011, Jacobs began dating someone new, and posted a picture of the two on her Facebook page. Hours later, she was bombarded by emails from strangers saying, "There are pictures of you all over 'revenge porn' websites."

"My material went viral within three days. It was on over 200 websites, with my full name, my e-mail address, the school I attended, and a link to where I worked," said Jacobs, who at the time was a teaching assistant at Florida International University.

And then a chilling e-mail arrived in her inbox from a fake Yahoo e-mail address that was created using her name. The writer told her to "get in touch concerning your photos" and warned her that a "nice video" was awaiting distribution, she recalled.

"Have your boss and co-worker seen it?" the taunting e-mail read.

The sender wrote that if Jacobs did not respond by a certain time, he would upload the video, titled, "'Masturbation 201 by Professor Holli Thometz." And he did, she said.

According to Jacobs, the video was an old Skype interaction between her and Seay, which was recorded without her knowledge.

In April 2013, Jacobs filed a civil lawsuit against Seay as well as websites and servers that posted the photos and personal information. The lawsuit claims that Seay and the other defendants violated her privacy by posting such photos and information without her consent. The complaint also seeks a court order prohibiting additional publication by the defendant, and to retrieve or destroy all the photos in Seay's possession, Jacobs' Miami-based attorney, Patrick McGeehan, told FoxNews.com.

Seay, 28, could not be reached for comment. He has reportedly claimed someone hacked into his computer and stole the photos from him. In an e-mail to FoxNews.com, his attorney, Charles Arline, denied any wrongdoing by his client.

"At this time I can only relate that my client is eager to answer these charges and defend himself in the proper forum, i.e. the court system," Arline wrote. "He adamantly disputes the allegations and is in no remote way affiliated with any type of revenge porn and has previously extended his support to Ms. Thometz or Ms Jacobs efforts."

[Click here to view the lawsuit](#)

"The laws have not kept up with technology, that's the bottom line," Jacobs said.

In New York, for example, such behavior would be criminal if the plaintiff could prove the video was secretly taken, according to legal sources.

"If a person was surreptitiously recorded or unaware that the video was being made, and the recording is then disseminated on one of these websites, this is a crime," said Mark Bederow, a New York-based criminal defense attorney and former prosecutor. "In New York, posting a video made in such a manner would constitute Unlawful Surveillance in the Second Degree, which is a felony."

"Even if the person was aware she was being recorded, dissemination of this material in a manner designed to humiliate may constitute aggravated harassment. Other states have similar statutes," Bederow said.

But University of Maryland School of Law Professor Danielle Keats Citron notes that such dissemination would only be criminal if the defendant engaged in a "harassing course of conduct as an ongoing harassment campaign."

"One posting, even two, as damaging as it will be, would not constitute a crime in New York and other states," Citron said. "It can't be an isolated event."

New Jersey remains the only state that makes it a felony to share an individual's nude images without that person's consent. That law came about in 2004, and was used when Rutgers University student Tyler Clementi jumped to his death, distraught over a secret video that emerged of him kissing another man inside his college dorm room. To date, the state's law remains the toughest on revenge porn.

Legislation is currently pending in California that, if signed into law, would criminalize revenge porn – despite concerns from free speech advocates. But the legislation there does not cover "self-shots," images men or women take of themselves.

In Wisconsin, however, state lawmakers are drafting a comprehensive bill that appears to strike a balance between protecting victims of revenge porn and free speech rights.

"Wisconsin's law is carefully crafted so that it both protects victims and respects First Amendment values," said Franks, who is helping state lawmakers draft the bill. "It avoids the mistakes we've seen other states make, such as imposing arbitrary requirements on victims, like the existence of 'serious emotional distress' or 'personal identifying information,' or excluding from protection images taken by the victims themselves."

But First Amendment attorneys warn that revenge porn legislation, while well-meaning, might have unintended consequences on free speech rights.

"If the law goes beyond this specific prohibition against posting nude photos of someone without their consent, then you run the risk of unforeseen factual situations to which that legislation might apply that would violate the First Amendment," said Wayne Giampietro, a Chicago-based attorney and general counsel of the First Amendment Lawyers Association.

"The law ought to be very carefully and narrowly drawn. You have no idea to what kinds of concrete, specific situations the legislation might apply that might be different from this," he said.

UCLA Law Professor Eugene Volokh said people who take or allow others to take private photos of themselves put themselves at risk. But he believes a well-conceived law could pass Constitutional muster.

"The fact that you take a photo to share it with your lover doesn't mean that you are agreeing to let him show it to the whole world," Volokh said. "But of course there is this risk in allowing such photos to be taken."

For Jacobs, the drive to change the nation's laws has helped her triumph over an ordeal that would have defeated most people overwhelmed by self-blame.

"We have to shift the blame to the men that are maliciously distributing this material to ruin lives," Jacobs said. "If I can help just one other woman, then that is an amazing thing."