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Stupid Criminal Busted by Facebook Comments

February 10, 2012 By [Keith Ecker](#)



Dustin McCombs heckled the law, and the law won. The young fugitive was wanted on forcible rape charges by the [Jefferson County Sherriff's Office](#) in Alabama. Unable to locate McCombs, the **authorities turned to social media, posting an image of McCombs on the department's Facebook page. The first person to respond was McCombs himself.** "and [sic] a good thing I moved out of state," read McCombs post.

The Sheriff's Office immediately began engaging McCombs online, responding that it "doesn't matter where you moved the [sic] warrant calls for nationwide extradition. You will be brought

back to Alabama to stand trial. Please turn yourself in and spare yourself all the trouble. It will be easier on you and your family."

At this point, the Sheriff's Office figured that McCombs would cease to respond in such a public forum. At most, authorities thought McCombs might try to converse via email or private message. But instead, [McCombs continued to banter](#) with the department publicly, even after the department representative urged him to "be quiet" and to "not talk about the case here."

"When Mr. McCombs began interacting with us on Facebook, we were not surprised," says Jefferson County Chief Deputy Randy Christian. "**Social media is one of the most commonly used method of communication for his age group.**"

Within a few days, McCombs was captured in Ohio.

"As far as the role the conversation played, I would have to happily admit that **it did help lead to his capture,**" Chief Deputy Christian says. "We will just say that he was a pretty silly-acting individual to be facing such a serious charge."

McCombs' Facebook drama doesn't just highlight the actions of a dumb fugitive; it also highlights the law enforcement's increased usage of social media to fight crime.

"Law enforcement is actively tapping into social media information to investigate cases, to locate witnesses and defendants, and to just generally prepare a case for criminal prosecution," says [Mitch Jackson](#), an attorney at [Jackson & Wilson](#). "It can be a very inexpensive way to get foundational information that in the past required on-the-ground investigators. Now they have it available via their keyboards."

Digital Detectives

The Jefferson County Sheriff's Office has been relying on Facebook since May of 2010, largely as a means to interact with their citizenry. Chief Deputy Christian says it presents a number of uses, including transmitting alerts to the public and answering questions that area residents post.

Chief Deputy Randy Christian



“In a way, it is a real avenue for people to look inside the Sheriff’s Office and really get a vision of who we are, how we operate and what our responsibilities are,” Chief Deputy Christian said.

For example, when the Jefferson County region was struck by tornadoes just last month, the department used the social media platform to provide information on the office’s relief efforts and to notify the public about road closings, school closings and locations for disaster assistance and supplies. And, as demonstrated by the McCombs incident, the department also uses the page to post photos and profiles of those known to have outstanding [warrants](#).

“The information gained from these posts has led directly to the capture of several people,” Christian says.

One way law enforcement agencies turn a social media investigation into an arrest is by cross-referencing the information gleaned from social media sites with pre-existing databases of known criminals.

“We are seeing more and more of these state and federal agencies monitoring social media, taking that information and combining it with their existing registries to help them with their investigation,” Jackson says. “Oftentimes they’ll cross-reference this information to narrow down suspects and to ascertain whether they are tracking the right defendant on Facebook, Twitter or LinkedIn.”

For instance, authorities may try to pinpoint the specific future whereabouts of a suspect by scanning his or her Facebook page for clues. If the individual says he or she is going to a professional baseball game the next day, authorities may send officers to intercept the suspect at the stadium. They can also inform stadium employees to be on the lookout for the fugitive in order to further beef up their surveillance.

“Criminal defendants might not realize it, but they may be inadvertently disclosing where they are going to be at a certain point in time by posting information online,” Jackson says.

Don’t Play Dumb

McCombs’ run-in with the law also serves as a clear example of how not to react to a warrant for your arrest. One of the most important lessons to take away is to always exercise your [right to remain silent](#), whether in-person or online.

Mitch Jackson



“A good [criminal defense attorney](#), in most cases, will counsel his or her client not to talk to anybody and not to say anything,” Jackson says. “One of the reasons for this is because it is not what you say but how you say it. And if you are representing a client who is innocent, that client may not be able to articulate his or her innocence.” However, with the advent of social media, some criminal defense attorneys have begun to capitalize on this easily accessible and far-reaching platform to voice their client’s defense.

“Over the past two years, we have seen more and more criminal defense attorneys use social media, the Internet and mainstream media to argue their clients cases outside of the presence of a jury,” Jackson says.

Another crucial lesson to be learned from McComb’s Facebook incident is to not evade the authorities if you have a warrant out for your arrest.

“Retain an experienced criminal defense attorney and coordinate your surrender to the authorities with the attorney’s guidance,” Jackson says. “If you can’t afford a lawyer, it is usually best to immediately turn yourself in.”

Finally, if you do engage law enforcement in conversation, the last thing you want to do is taunt them.

“By cooperating with the authorities and by not thumbing your nose at them, you are maximizing your chances of a fair and reasonable prosecution and, if found guilty, a fair and reasonable sentence.”

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