

Nebraska Judge Says Woman 'Not Harmed' by ID Theft

By Denise Richardson

I need to start a regular feature in this blog, something like "What Makes My Blood Boil Today." A woman in Nebraska, Jaimee Napp, sued the person who stole her identity in civil court, and the judge made fun of her during closing arguments!

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Traumatic events leave scars--visible or not, they are there for a lifetime. And those scars serve as a constant reminder of pain suffered at the hands of someone else. When something goes wrong--like the foreclosure of your house or the theft of your identity--it can feel like you're all alone, battling a huge and unfeeling system that seems bent on your destruction. It shouldn't be that way --but it is.

Shame on this Nebraska judge for failing to understand the harm brought about by ID theft!!! Why should victims of crime be made to feel bad for trying to hold the perpetrator accountable?

On MSNBC's Red Tape Chronicles blog, Bob Sullivan reports:

"District Judge John Hartigan interrupted the closing arguments by beginning a debate on the meaning of term 'identity theft' ('It's not like someone took her soul.'). After Napp's therapist said she was suffering from symptoms consistent with post-traumatic stress disorder, defense attorney Tim Mikulicz said that claim was a 'slap in the face to every soldier returning from Iraq.'

"Civil court, for now, is unfriendly territory for identity theft victims. In fact, a new study being released this week shows that ID theft victims are denied rights granted other crime victims -- like restitution hearings or notice of court appearances -- in 14 states."

According to Sullivan's story, Napp produced 77 pages of receipts and doctor's bills to back up her claim of \$46,000 in damages. A former co-worker had gotten into Napp's personnel file and handed over Napp's Social Security number to her boyfriend. The co-worker, who testified she was addicted to meth at the time, spent five months in jail and nine

months in a halfway house.

Napp testified that the incident sent her into a tailspin. She dyed her hair, sold her car and isolated herself from others because she was afraid of being retaliated against or victimized again at work. She eventually lost her job.

In court Monday, the judge said Napp "has not testified to any loss," and added, "She hasn't been charged more for credit." The defense attorney said she should "move on" and said her claim of PTSD was an insult to combat vets and rape victims.

Is your blood boiling yet?

I am someone who's been in her shoes. It's these experiences--especially the traumatic or life-altering ones--that prompt many of us to speak out. By sharing our personal stories, we shed light on the real problem. We humanize it and expose the effects it has on our lives.

Harm is both financially and emotionally based -and lawsuits are not something consumers look forward to. I know this firsthand, from my own lawsuit to recover my true and accurate credit that was destroyed by credit reporting errors and reckless mortgage servicing practices. We often find ourselves in the middle of courtroom battles ONLY after first exhausting all other avenues, and then and only then do we hope our rights will be protected in the courtroom. The crime of identity theft steals more than your credit, money, time and energy --it steals your very peace of mind. What price would you place on your right to live in peace?

Consumer protections are too weak. Even with all the ID theft cases showing up in the news every day, there is no good precedent for courts to follow. Data thieves can do time, but their victims don't have the rights other crime victims have to be compensated for their losses.

No rights YET. This case clearly demonstrates the very real need to focus our efforts on educating individuals, businesses, legislators and our judges on the very real impact identity theft crimes have on victims. The more news stories we hear about people having their lives ruined by misuse of their info, the more people's attitudes are bound to change. This judge in Omaha surely has never suffered the pain of stolen identity, the feeling of being violated and helpless and the uncertainty of not knowing how to recover from a crime such as this. A crime where the victim knows full well, that the odds are great that their personal information will be used again and again. Identity theft is a crime. It should be treated as such

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