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One Step Closer

For the family of Nikki Catsouras, the fight to get images of their daughter's death off the Internet has seemed a never-ending battle. But important legal victories are inching them closer.



PHOTOS

Remembering Nikki

These are the photos the Catsouras family wishes you would see.

By [Jessica Bennett](#) | Newsweek Web Exclusive
Apr 19, 2010

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A year ago this month, we reported on [the story of Nikki Catsouras](#), the 18-year-old [Orange County, Calif., woman](#) who was killed in a devastating car crash. The gory photos of her body and the crash scene were posted on the Web for the world to see, [raising all sorts of questions about privacy online](#). In January, the Catsouras family, who had sued the California Highway Patrol, the agency responsible for the leak, for negligence and invasion of privacy, was handed an [important legal victory](#) when a California appeals court ruled, [in a 64-page published opinion](#), that the highway patrol's behavior—specifically, the actions of the [two dispatchers found to have disseminated the photos](#)—had been "morally deficient," causing emotional distress to the family for the mere purpose of creating a "vulgar spectacle." It was an important decision but, [in an ongoing legal battle](#), the CHP appealed to the California Supreme Court, hoping it would hear the case. Finally, last Thursday, the Catsouras family got another bit of good news: the California Supreme Court denied the highway patrol's appeal.

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In simple terms, what the ruling means is that the CHP will have the option to settle with the family out of court, hopefully agreeing to help rein in the photos that have spread virally on the Web, or face a jury trial. It will also have the option to appeal to the U.S. Supreme Court, though legal experts say the chances of the high court hearing the case are minuscule. Still, the Catsourases' win sets an important precedent that privacy rights can in some cases, now extend to the dead.



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Nikki's parents found out about [their daughter's accident](#), which took place on a toll road near their home, just moments after it happened. But they were forbidden by the coroner from identifying their daughter's body—it was simply too terrible for a parent to see. A few days later, however, Nikki's mother came across nine color images of her daughter's mangled body while searching for an online article about the crash. Soon after, her father, Christos, opened an e-mail he thought was from his office, only to find the images pasted into the body of the text. "Wooahoo Daddy!" the message read. "Hey Daddy, I'm still alive." Then the Catsouras family discovered a fake MySpace page set up in Nikki's name, where commenters proclaimed she "deserved it," and learned that the images had been posted on blogs devoted to pornography and death. In the worst of the photos, Nikki's nearly severed head is shown through the shattered window of her father's Porsche.

In the aftermath, the Catsouras family has had to take out a second mortgage on their home to cover the cost of their legal fees. They've forbidden Nikki's three younger sisters from using social-networking sites like MySpace, and took two of the girls out of school, for fear that the adolescent rumor mill would be too much. Their second-eldest daughter, Christiana, is now a junior at the local high school, but memories of her sister pop up when she least expects it: last year, a firefighter came to her class to lecture on driver safety. Not knowing Christiana was in the classroom, he mentioned Nikki, and Christiana fled the room crying, terrified he would show the images.

Google still delivers 175,000 results for "Catsouras," and there are multiple Web sites devoted solely to the gruesome photos. Media attention has brought a focus onto the family's struggle, but in many ways, [it's a Catch-22](#): with each article, there is a new round of people who search for their daughter's photos. "It's the simple things you never expect," [Christos told NEWSWEEK back in April 2009](#). "We live in fear of the pictures. And our kids will never Google their name without the risk of seeing them."

With the law on their side, the next challenge for the family will be this: How can they stop the spread of the remaining photos, everpresent on the Web? Many of the bloggers who post such images are anonymous, and it's nearly impossible from a practical perspective to hold every Web-hosting company accountable for the speech of each individual user. The family hopes that the CHP will agree to give them ownership of the images, which would allow them to go after anybody who was posting them without permission. "It's going to be hard to get them off the Net," says privacy-law expert Dan Solove, a professor at George Washington University. "But it's not impossible."

In the meantime, the Catsouras family takes solace in knowing they are one step closer to the end of a seemingly endless nightmare. "In a perfect world, I would push a button and delete every one of the images," says Nikki's mother, Lesli Catsouras. "But it feels good knowing that at least now, at least in California, our case will [help] prevent this from happening to anybody else." For the moment, it's the best possible outcome to any parent's worst fear.

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A Tragedy That Won't Fade Away

Jessica Bennett

When grisly images of their daughter's death went viral on the Internet, the Catsouras family decided to fight back.

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