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Court Rules Against CHP Officer Over Grisly Tollway Crash Photos

Family of young Ladera Ranch woman who died on the 241 toll road in Lake Forest can recover legal costs in suit over leaked photos.

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A panel of appellate court justices in Santa Ana have rejected a retired California Highway Patrol officer's attempt to get out of a lawsuit involving the leaked photos of a [decapitated Ladera Ranch teenager](#), according to records obtained Thursday.

The Catsouras family, of Ladera Ranch, sued the CHP and two of its employees, Aaron Reich and Thomas O'Donnell, for negligence and violation of privacy, alleging two officers released ghastly photos of [Nikki Catsouras](#) after a deadly Halloween 2006 crash. Traveling at more than 100 mph along the 241 toll road in Lake Forest, Catsouras crashed her father's Porsche into a toll booth and was decapitated. Alcohol did not play a role in the crash.

Catsouras' family described her as a shy, free-spirited photography student at Saddleback College who loved to work with special education children, according to a report in the *Los Angeles Times*.

Appellate Court Justices Eileen Moore, who wrote the majority opinion, William Rylaarsdam and Richard Aronson ruled that the Catsouras family can recover their legal costs, but rejected the family's request for sanctions against Reich.

Reich argued that he was protected by the 1st Amendment because he emailed the photographs to friends and family along with an anti-drunk driving message.

Reich's attorney Jon Schlueter was encouraged that the justices, while not letting his client out of the lawsuit, they did not rule on the merits of the 1st Amendment claim.

Reich destroyed the emails that would show he sent anti-drunk driving messages with the photos at the request of his supervisors, Schlueter said.

The justices questioned during oral arguments whether the recipients of the emails still had them, but Reich's attorneys conceded they had not investigated that.

Schlueter said Reich's attorneys intend to find out if the recipients still had the emails so they can try to prove the retired officer's claims during a lower-court trial that could start in a year.

"This is a huge 1st Amendment case," Schlueter said. "What my client did is protected by the 1st Amendment. Some people might not like what he did, but the 1st Amendment protects speech."

Reich has until July 5 to appeal to the state Supreme Court, but Schlueter doubted his client would go to the higher court. If not, the appellate court will finalize the case July 25 and it will go back to the Orange County Superior Court and attorneys can begin discovery.

O'Donnell has previously argued that he did not forward any of the photos.

The family's lawsuit alleges that the officers sent the photos to personal email accounts and they were later spread virally on hundreds of websites.

—City News Service

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