

"TIME TO LEGISLATE SNAPCHAT"

Jury did not hear messages sent minutes before crash

A Judge has called for the State to begin legislating for the use of Snapchat and other forms of social media communications as evidence in court cases. Judge Eugene O’Kelly was speaking during the sentencing of Edward O’Shea of Magh, Fenor, County Waterford, last week for careless driving causing the death of 16-year-old Katie Murphy. The crash took place on the Cliff Road on the outskirts of Tramore in October 2016 when Mr O’Shea’s Toyota Levin went sideways into a wall at the Carrigeenlea estate.

Judge O’Kelly referred to Snapchat messages sent from the occupants of the car which the jury was not allowed to hear during the trial.



The late Katie Murphy, who was killed in a car crash in Tramore in October 2016.

One of these messages, sent from Katie Murphy to a friend shortly before the crash, contained a female voice saying they were “probably going to die”. Another message contained a male voice saying the car was travelling at “twice over the speed limit”. It was not allowed on the basis that it was hearsay and could not be proven. Unless saved, Snapchat messages are automatically deleted once opened after a period of time ranging from seconds to hours. Due to the “ubiquitous” nature of social media communications, Judge O’Kelly said, “The State will sooner or later, and preferably sooner” have to legislate for such messages to be allowed as evidence.

Katie Murphy died as a result of severe head and chest injuries while the teen’s friends, Jessica Flynn and Joseph Walsh, suffered serious injuries.

Edward O’Shea had told Gardaí at the scene that he was “doing about 30” before the crash. He had been leading a convoy of cars belonging to his friends, with one losing sight of the Toyota Levin while travelling at 65kph. A Garda forensic crash investigator told the court that the speed of the car could not be determined as it had lost control so suddenly, there were no skid marks to help judge. Social media also featured in a letter written from the defendant’s father, Michael O’Shea who said his son had received messages criticising him for the crash. The court heard that Edward O’Shea is already “overwhelmed” by blame. “They cannot understand,” Michael O’Shea said. The court was told that a psychotherapist Edward has been attending found he has been suffering from depression, survivor’s guilt, shame, grief and insomnia.

Katie Murphy's family set up a road safety campaign following the tragedy, 'Odd Socks for Katie', asking drivers to remember the duty of care they have to their passengers, and also asking any child or young adult in a car being driven carelessly to have "the courage" to ask the driver to slow down. The aim of the campaign is that, "if any child or young is in a car which is being driven recklessly that they have the courage to ask the driver to slow down, stop the car and let them out". "Their parents would prefer a call to come collect them than have them brought home in a hearse