

# Court sides with DCSD in expulsion

By AP

A federal appeals court has upheld Douglas County High School's decision to expel a former student who referenced the Virginia Tech massacre and threatened violence against classmates through social media five years ago.

The 9th U.S. Circuit Court of Appeals ruled last week that Landon Wynar's threat to massacre classmates at the Minden school were not a form of speech protected by the First Amendment.

Wynar was a 16-year-old sophomore when he was arrested in 2008 after students reported his comments in messages on MySpace. He filed a lawsuit in 2009 saying the school board had no authority to suspend him for things done off school property.

The San Francisco-based appellate court upheld the suspension partly because his comments evoking images of the slayings at Virginia Tech presented a clear danger to others.

Wynar was jailed for 31 days and suspended for 10 days until an expulsion hearing before the Douglas County school board led to him being removed from school.

The 9th Circuit Court concluded Wynar "engaged in a string of increasingly violent and threatening instant messages sent from his home to his friends, bragging about his weapons, threatening to shoot specific classmates, intimidating that he would 'take out' other people at a school shooting on a specific date and invoking the image of the Virginia Tech massacre," Judge Margaret McKeown wrote in the opinion on Thursday.

The Virginia Tech campus was the scene of the worst mass shooting in modern U.S. history when a student-gunman killed 32 students and faculty before killing himself on April 16, 2007.

Wynar said in interviews with two sheriff's deputies that he sent the messages but also said they were a joke, prosecutors said.

The MySpace messages included threats against two or three specific students and disturbed friends who reported them to school officials. They included references to "that stupid kid from vtech" and said, "I bet I could get 50+ people and not one bullet would be wasted."

"The nature of the threats here was alarming and explosive," the court ruled. "The messages presented a real risk of significant disruption to school activities and interfered with the rights of other students. Under the circumstances, the school district did not violate Landon's rights to freedom of expression or due process."

The court said that in such a circumstance, the district could take disciplinary action against off-campus speech and was responsible to do so.

"Landon specified a date for the attack and described how he would kill two specific named classmates," the justices wrote, adding, "Douglas County did not need to wait for an actual disruption to materialize before taking action."