

**Court: Maryland Spam Law Can Be Enforced.**  
**The America's Intelligence Wire**  
**January 27, 2006**

Byline: KRISTEN WYATT

Those annoying e-mails offering home financing deals or other offers can violate Maryland law, even if they're sent from another state, a state appeals court has ruled.

Court of Special Appeals Judge Sally D. Adkins sided with a law student who argued that he could sue a New York e-mail marketer who had sent him advertising messages.

The decision, issued Thursday, overturns a lower court ruling that Maryland's 2002 Commercial Electronic Mail Act was unconstitutional because it sought to regulate commerce outside state borders.

Adkins, in a 60-page decision, blasted the marketer's claims that he should not be punished for violating Maryland law because he had no way of knowing whether his e-mails would be opened in Maryland.

"This allegation has little more validity than one who contends he is not guilty of homicide when he shoots a rifle into a crowd of people without picking a specific target, and someone dies," the judge wrote.

The courts have yet to rule on whether the marketer, Joseph M. Frevola, had indeed violated the law.

Maryland was one of the first states to try to control junk e-mail through legislation, and its 2002 law predates the 2004 federal CAN-SPAM Act. The federal law superseded most state laws unless they specifically addressed deceptive or fraudulent e-mail, which Maryland's does.

The next step in the case is unclear. Baltimore lawyer Andrew Dansicker, who represents Frevola, said the marketer would like to appeal, but his company has since gone out of business.