

**Md. Court Rules Spam Law Applies to All.
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Annoying e-mails offering home financing deals or other offers can violate Maryland law, even if they're sent from out of state, a state appeals court judge ruled.

Court of Special Appeals Judge Sally D. Adkins rejected an argument by a New York state marketer who said he could 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 in Thursday's ruling.

The ruling overturned a lower court decision that a pioneering 2002 state law to penalize junk e-mail senders was unconstitutional because it sought to regulate commerce across state lines.

The case began in 2003 when law student Eric Menhart set up a company to go after illegal spammers. In two months he received more than 80 e-mails from Long Island marketer Joseph M. Frevola. One e-mail listed the sender as "Exceptional Deals."

Menhart replied to some of the e-mails, but his responses were returned as undeliverable. At the end of 2003, he sent a message to Frevola's e-mail company _ First Choice Internet Inc. _ saying Frevola had violated Maryland's anti-spam law and that Frevola should pay damages or be sued.

"My client felt like he was being blackmailed," defense lawyer Andrew Dansicker said.

He said Adkins' ruling could open a door for people to make a living by extracting damages from e-mail marketers.

Menhart's attorney, Michael Rothman, called Maryland's anti-spam law an essential tool to keep e-mail functioning. Maryland was one of the first states to try to control junk e-mail through legislation. Its 2002 law predates the 2004 federal CAN-SPAM Act.

"Part of our goal was to take back the medium of e-mail from spammers who have really hijacked it," Rothman said.

Dansicker said his client would like to appeal the ruling but that his company has gone out of business and he may not be able to afford it.