

# Officials seek to put illegal tag on dead body pics

By Dave Boucher  
CHARLESTON DAILY MAIL

CHARLESTON — Greenbrier County Prosecutor Patrick Via is quick to say his county doesn't have a "pervasive" problem with people taking pictures of dead bodies.

However, it's enough of an issue that he would like to see the West Virginia Legislature make the matter, when done illegitimately, a criminal offense.

"Just in general, if there's an individual who seeks to take photographs of dead bodies merely for the satisfaction of some desire to have a photograph of a dead body or to share that photograph with others for no purpose other than sharing for satisfaction," Via said Wednesday afternoon in a phone interview.

Delegate George Ambler, R-Greenbrier, introduced a bill Tuesday that would criminalize photographing

corpses except for "legitimate" purposes. Both Ambler and Via said the idea stems from a situation last April.

Jessie Luke Willis, 45, was working as a driver for Lobban Funeral Home and allegedly took pictures of the body of Caleb King while transporting it from Appalachian Regional Hospital in Summers County to the funeral home.

His wife, Angel Lynn Willis, 42, was accused of assisting in the act.

The pictures allegedly were transmitted via text messages or some other digital medium, Via said.

People in Greenbrier County were surprised to find out it wasn't illegal to take those pictures, said Via, who was first elected prosecuting attorney in 2008.

"I think a lot of people have had a knee-jerk reaction," he said. "My gosh, it's got to be a crime, isn't it? It isn't."

Even though the act wasn't illegal, Ambler said the incident was disturbing to King's family.

An indictment returned by a Greenbrier County grand jury in October says nothing about photography, but it did charge Jessie Willis with disinterment or displacement of a dead body. Both Jessie and Angel Willis were charged with conspiracy to commit the act as well, according to the indictment.

The indictment later was dismissed by the court, Via said.

The court determined the "apparatus" the body was in did not qualify as a temporary or permanent burial place, and therefore the law did not apply, Via said.

Via wishes something in state code had allowed him to prosecute. He said he knows of at least one other case of alleged photography of a corpse, but it never went to trial.

Ambler's bill would make photographing a corpse a misdemeanor. Photos taken for postmortem examination or criminal investigation would be exempt.

Repeat offenders would face up to a \$5,000 fine and six months in prison.

"It was just to protect you and I from seeing a picture ... captured on any cellphone and, 'Gosh, there's my granddad,'" Ambler said.

The bill is about respecting the dead, not infringing on rights, Ambler said. There's an exemption for relatives to take pictures of deceased family members at wakes, funerals, memorials or burial services.

In the course of reporting from accident or crime scenes, media outlets sometimes photograph corpses. The bill itself doesn't exempt news media, but both Ambler and Via said they thought "legitimate journalism" would qualify un-

der the statute.

"I would not get into the First Amendment at all," Ambler said. "This isn't about that at all."

The bill doesn't address whether publishing or disseminating a photograph of a corpse is a crime. Ambler said the bill was referred to the Judiciary Committee for a reason, and he's open to tweaks or suggestions.

He planned to speak with House Judiciary Chairman Tim Miley, D-Harrison, about finding a way to punish people who try to take pictures of dead bodies for fun.

"They should have to experience the face of a loved one being put out over the 'Net,'" Ambler said.

Ambler is the lone sponsor of the bill. Via said he was unaware of Ambler's measure, but he had heard at least one state senator from the area mention the idea of pursuing a law change.

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