

Nude photos haunt woman Cellphone contents were stolen at store during transfer - Cellphone contents were stolen at store during transfer

Tampa Tribune, The (FL) - October 4, 2015

- Author/Byline: BY ELAINE SILVESTRINI Tribune staff
- Edition: Tribune first
- Section: Metro
- Page: 1
- Readability: 11-12 grade level (Lexile: 1260)

TAMPA — The restaurant was abuzz as reporters showed up to cover the arrest of an employee at a neighboring cellphone store on charges of stealing a customer's nude pictures from her phone.

No one realized at the Beef 'O' Brady's that the victim was a waitress there — no one but the waitress, anyway.

She stood there, stunned, trying not to give herself away amid the chatter.

"I didn't know how to react to it," said the woman, A.Z., whom the Tribune is not naming because the crime was of a sexual nature.

"When I went to work and everybody was talking about it, no one knew it was me," A.Z. said. "My tables were talking to me about it. People were bashing me. ... They were saying, 'She's an idiot for taking nude photos and sending them out.' And a lot of people were on my side, saying they have no right to look through your phone, let alone steal photos."

Ultimately, two employees at the Verizon retailer in Bartow pleaded no contest to a felony charge of committing an offense against computer users. Gregory Lambert, 28, of Brandon, and Joshua Stuart, 27, of Riverview, were each sentenced to 30 days of weekend work release and three years of probation. A judge withheld adjudication of guilt, according to Brian Haas, spokesman for the Polk State Attorney's Office.

Now, A.Z. is suing Verizon Wireless Services and Cellular Sales of Knoxville, the owner of the store.

Nicole Gavin, spokeswoman for Verizon Wireless, said Lambert and Stuart were not Verizon employees. The store wasn't owned by Verizon, but was a Verizon-authorized retailer.

"I can't comment on these employees because they weren't our employees," Gavin said. "I wouldn't be able to comment on the lawsuit because it's pending litigation."

Melissa Bodnar, an attorney representing Cellular Sales of Knoxville, likewise said that company "does not comment on pending litigation."

A.Z.'s lawyer, Barry Cohen, said Verizon is "the real bad guy here" for not having policies in place that could have prevented what happened.

"There should be precautions because of this," A.Z. said. "This should have never have happened."

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Now 23 and living in Tampa while she attends the University of South Florida, A.Z. was 20 when, in 2012, she was working at Beef 'O' Brady's in Bartow. The employees at the restaurant knew a worker at the Verizon store named Ed who had helped them get good deals on

their phones.

When she dropped her old phone and it broke, A.Z. said she went to see Ed, who helped her. But she wanted a white phone, and it had to be ordered. When the new phone was ready, Ed wasn't working, so he told her to see Stuart.

At the time, she said, a yearlong romantic relationship had been on the wane for months. Wanting to spice it up, A.Z. said, she used a candle holder in her bedroom to hold her phone on her dresser. Wearing sexy lingerie, she set the camera's timer and posed on her bed.

Altogether, she says, she took about 15 provocative photos and sent them to her boyfriend by text message. But the relationship died anyway, and they had broken up by the time she went to the cellphone store.

A.Z. said there were thousands of photos on her phone. She'd forgotten the provocative shots were even there.

The day she went to the store to get her new phone, she was running late to work and was in a rush, she said. Stuart was with another customer. When he got to her, he told her it would take a while to transfer the contents of her old phone to the new one.

A.Z. said she asked Stuart if he could bring the new phone to her at work next door, and he agreed.

"I wasn't even thinking twice about it," she said.

The other waitresses at Beef 'O' Brady's trusted Ed. So she went to work and clocked in. It was a busy shift, and she didn't keep track of time. But she guesses it was about an hour before Stuart showed up with her new phone.

He was smiling. She offered him a soft drink in thanks, which he declined. He asked her to check to make sure all the contents were there, and she looked at a few pictures and contacts and told him it looked good.

"And then we shook hands, and that was it," A.Z. said. The store kept her old phone, and she trusted the contents had been wiped.

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A couple of months later, out of nowhere, she received a Facebook message from an old friend she hadn't talked to in a while. He had something serious he needed to tell her.

"He was really unsure how to present the situation to me," she said.

The friend, also named Josh, met with her the next day and told her he had been in the cellphone store when someone showed him some photos, she said. "I'm pretty sure they were yours," he said. "But the thing is, they were nude."

"What are you talking about?" she remembers saying. She asked him to describe the details.

He told her about the lingerie, the heels she was wearing, the color of her comforter and the ribbons on the wall of her bedroom.

"I was just in shock," A.Z. said. "I was like, 'Those are my photos.'?"

She asked him how he came to see the photos.

He told her had gone to the store to get his phone fixed, she said. It was taking a while, so he asked if it would be all right if he went next door to Beef 'O'Brady's to get a beer.

The store employee asked him if he knew anyone who worked there, and he mentioned one of the bartenders.

So the store employee, Stuart, told A.Z.'s friend that he had some "banging hot" pictures of one of the waitresses there. He looked for them on the store computer but couldn't find them.

Then he called Lambert over and asked him to pull the pictures up on his phone. Although Lambert hesitated, he found the pictures after Stuart assured him it would be all right. Josh recognized A.Z. but didn't say anything. He went out to his car and sent her the Facebook message.

A.Z. said her first reaction was to call her ex-boyfriend, with whom she was still on good terms. He denied having anything to do with it, and she believed him. She realized what had happened.

A.Z. said she was reeling, not sure how to react.

"I felt violated," she said. She was embarrassed and upset. She was angry. She wondered how many people had seen the photos. It had been months since she switched phones. She wanted to take action.

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A.Z. went to her best friend, whose stepfather was a detective in the Bartow Police Department. The idea of going to her friend's father was embarrassing. But she trusted him.

Police searched Lambert's phone and found her pictures, and also a file of 16 pictures of another unidentified female, according to a police investigation report.

A.Z. said she was told they had found pictures of a younger victim who didn't want to be involved with the prosecution.

A.Z. said she still feels the emotional effects of what happened and thinks she will never get away from the fear that someone she knows will see the pictures or share them online. She worries it could damage her future career prospects.

But, still, it could have been worse.

“The way I see it is what if there’s more out there and what if there’s girls that are so damaged that they commit suicide because something like this easily could happen,” she said. “You never know.”

Why not sue the two store employees, rather than the store and cell phone companies?

Cohen said the young men are “judgment-proof.” In other words, they don’t have the financial resources to make it worthwhile.

And the companies should have policies in place to prevent something like this from happening, he said.

Wouldn’t that fall under the category of things they shouldn’t have to tell their employees?

“No,” Cohen said, “because we know that people like these two guys are going to do something like that. They’re young guys, and they’re going to see that kind of stuff and they’re likely to do that. ... They don’t have the maturity; they don’t have the value system.”

He added, “These companies know that or should know that.”

Cohen said he hopes this case will make companies take this threat more seriously.

On that day when the news crews came, when customers and restaurant employees were talking about the investigation, A.Z. felt herself getting hot with embarrassment.

Trying not to draw attention, she made vague comments about how crazy it was what happened. She later read the harsh comments at the end of online news stories from people judging her, saying she was stupid and what happened was her fault.

Anticipating that will happen again with this story, she had this to say to commenters: “I’ve been violated. You underestimate what privacy really is until it’s presented to you in a negative way, which this is. People need to be more cautious, including myself, about what you do.”

Apple and Android provide advice online about cleaning off your phone, in general suggesting you back up the contents first, then delete contents and perform a reset.

Added A.Z., “Be more cautious. If you go to a store if you have photos on your phone, maybe go through them. ...

“But I still don’t feel like I should have to worry about that. I should not have to think twice about that. When I go to a store to take care of my phone, that’s what you should be doing.”

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