

**13-983 ELONIS V. UNITED STATES**

DECISION BELOW: 730 F.3d 321

LOWER COURT CASE NUMBER: 12-3798

**QUESTION PRESENTED:**

It is a federal crime to "transmit[] in interstate or foreign commerce any communication containing \* \* \* any threat to injure the person of another," 18 U.S.C. § 875(c). Numerous states have adopted analogous crimes. The question presented is:

Whether, consistent with the First Amendment and *Virginia v. Black*, 538 U.S. 343 (2003), conviction of threatening another person requires proof of the defendant's subjective intent to threaten, as required by the Ninth Circuit and the supreme courts of Massachusetts, Rhode Island, and Vermont; or whether it is enough to show that a "reasonable person" would regard the statement as threatening, as held by other federal courts of appeals and state courts of last resort.

**IN ADDITION TO THE QUESTION PRESENTED BY THE PETITION, THE PARTIES ARE DIRECTED TO BRIEF AND ARGUE THE FOLLOWING QUESTION: "Whether, as a matter of statutory interpretation, conviction of threatening another person under 18 U.S.C. §875(c) requires proof of the defendant's subjective intent to threaten."**

CERT. GRANTED 6/16/2014