

15-1194 PACKINGHAM V. NORTH CAROLINA

DECISION BELOW: 777 S.E.2d 738

LOWER COURT CASE NUMBER: 366PA13

QUESTION PRESENTED:

The North Carolina Supreme Court sustained petitioner's conviction under a criminal law, N.C. Gen. Stat. § 14-202.5, that makes it a felony for any person on the State's registry of former sex offenders to "access" a wide array of websites-including Facebook, YouTube, and nytimes.com-that enable communication, expression, and the exchange of information among their users, if the site is "know[n]" to allow minors to have accounts. The law-which applies to thousands of people who, like petitioner, have completed all criminal justice supervision-does not require the State to prove that the accused had contact with (or gathered information about) a minor, or intended to do so, or accessed a website for any illicit or improper purpose.

The question presented is:

Whether, under this Court's First Amendment precedents, such a law is permissible, both on its face and as applied to petitioner - who was convicted based on a Facebook "post" in which he celebrated dismissal of a traffic ticket, declaring "God is Good!"

CERT. GRANTED 10/28/2016