No. _____

In The
Supreme Court of the United States

CASEY BRANDON SIBLEY,

Petitioner,

V.

STATE OF ARIZONA,

Respondent.

On Petition for a Writ of Certiorari
to the Arizona Court of Appeals

PETITION FOR A WRIT OF CERTIORARI

DENNIS I. WILENCHIK
Counsel of Record
JOHN D. WILENCHIK
DAVID A. TIMCHAK
WILENCHIK & BARTNESS, P.C.
2810 N. Third St.
Phoenix, AZ 85004
(602) 606-2810
diw@wb-law.com
davidt@wb-law.com
admin@wb-law.com
Counsel for Petitioner

January 28, 2019

LANTAGNE LEGAL PRINTING
801 East Main Street Suite 100 Richmond, Virginia 23219 (800) 847-0477

QUESTION PRESENTED

Casey Brandon Sibley was charged and convicted of threatening or intimidating pursuant to ARIZ.REV.STAT. § 13-1202(A)(1). Under ARIZ.REV.STAT. §13-1202(A)(1)

> [a] person commits threatening or intimidating if the person threatens or intimidates by word or conduct:
>
> 1. To cause physical injury to another person or serious damage to the property of another

The prior version of ARIZ.REV.STAT. § 13-1202(A)(1) provided that a person commits threatening or intimidating

> if such person *with the intent to terrify* threatens or intimidates by word or conduct ... [t]o cause physical injury to another person or serious damage to property of another.

1978 Ariz. Sess. Laws, ch. 201, § 128 (emphasis added). In 1994, the legislature amended ARIZ.REV.STAT. § 13–1202(A) by deleting the phrase "with the intent to terrify." 1994 Ariz. Sess. Laws, ch. 200, § 11. Consequently, since the effective date of the 1994 amendment, a person commits threatening or intimidating without proof of the speaker's subjective wrongful intent.[1]

---

[1] Nor can a subjective wrongful intent element be read into the statute due to the Arizona Legislatures removal of such

The Arizona Court of Appeals found no violation of the First Amendment because it deemed Sibley's speech a "true threat" despite their being no consideration of the speaker's subjective intent. This analysis (1) flouts this Court's controlling precedent, (2) conflicts with the Ninth, Tenth, and Seventh Circuit decisions regarding free speech protection and "true threats", and (3) deepens an existing conflict amongst state courts of last resort. Finally, this case allows this Court the opportunity to definitively and unequivocally establish the definition of a "true threat" as required by the First Amendment for such speech to be deemed unprotected and subject to criminal prosecution and conviction.

The question presented is:

Whether the First Amendment requires proof of a speaker's subjective wrongful intent in order for speech to be deemed a "true threat" subject to criminal prosecution and conviction.

---

requirement. *State v. Averyt,* 179 Ariz. 123, 128 (App. 1994) ("When the legislature modifies the language of a statute, we must presume it intended to change the existing law.").

PARTIES TO THE PROCEEDING

Petitioner Casey Brandon Sibley is an individual who resides in Maricopa County, Arizona.

The Respondent is the State of Arizona.

Pursuant to Ariz. Rev. Stat. § 12-1841 notice of Petitioner's challenge of Ariz. Rev. Stat. § 13-1202(A)(1) was provided to the Arizona Attorney General, the Speaker of the Arizona House of Representatives, and the President of the Arizona State Senate who have declined the right to participate in this matter pursuant to Ariz. Rev. Stat. § 12-1841.

TABLE OF CONTENTS

APPENDIX

TABLE OF AUTHORITIES

Cases

Statutes

Other Authorities

Treatises

Constitutional Provisions

INTRODUCTION

The First Amendment provides that a threat may only be proscribable, in the constitutional sense of the word, if the statement constitutes a "true threat". Unfortunately, courts have struggled to define the contours of the term "true threat" and numerous courts have taken various approaches to defining this category of unprotected speech. This Court has decided very few cases directly addressing the threat exception. For many years, its only significant pronouncement on the subject was its opinion in *Watts v. United States,* 394 U.S. 705 (1969).

Recently, this Court revisited the topic of threats in *Virginia v. Black,* 538 U.S. 343 (2003). In *Black* this Court offered this definition of unprotected "true threats"

> "True threats" encompass those statements ***where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals***. The speaker need not actually intend to carry out the threat.... Intimidation in the constitutionally proscribable sense of the word is a type of true threat, where a speaker directs a threat to a person or group of persons ***with the intent of placing the victim in fear of bodily harm or death.***

Id. at 359–60 (citations omitted) (emphasis added). A natural reading of this language embraces the

requirement that the speaker *intend* for his language to *threaten* the victim.

This Court's insistence on intent to threaten as the *sine qua non* of a constitutionally punishable threat is especially clear from its ultimate holding that the Virginia statute was unconstitutional precisely because the element of intent was effectively eliminated by the statute's provision rendering *any* burning of a cross on the property of another "prima facie evidence of an intent to intimidate." Because the prima facie evidence provision made it unnecessary for the government to actually prove the defendant's intent, Justice O'Connor's plurality opinion held that the statute violated the First Amendment.[2] *See id.* at 365, ("[T]he prima facie provision strips away the very reason why a State may ban cross burning with the intent to intimidate.").

---

[2] Although Justice O'Connor's opinion was only for a four-Justice plurality of the Court, each of the other opinions—with the possible exception of Justice Thomas' dissent—takes the same view of the necessity of an intent element. Justice Scalia agreed that the Virginia statute was unconstitutional insofar as it failed to require the state to prove the defendant's intent. *Id.* at 368 (Scalia, J., concurring in part, concurring in the judgment in part, and dissenting in part). Justice Souter, joined by Justices Kennedy and Ginsburg, agreed that the prima facie evidence provision rendered the statute facially unconstitutional because it effectively eliminated the intent requirement. *Id.* at 385 (Souter, J., concurring in the judgment in part and dissenting in part) (noting that "the symbolic act of burning a cross ... is consistent with both intent to intimidate and intent to make an ideological statement").

Despite this Court's pronouncement in *Black*, numerous courts remained conflicted regarding whether the speaker's subjective intent was indeed required for speech to be considered a "true threat" outside the protections of the First Amendment. *Cf. United States v. Cassel,* 408 F.3d 622 (9th Cir. 2005) (holding that a plain reading of *Black* requires proof of speaker's subjective intent for speech to be deemed a "true threat"); *United States v. Heineman,* 767 F.3d 970 (10th CIR. 2014) (accord); *United States v. Parr,* 545 F.3d 491, 500 (7th Cir. 2008) ("It is possible that the Court was not attempting a comprehensive redefinition of true threats in *Black;* the plurality's discussion of threat doctrine was very brief. It is more likely, however, that an entirely objective definition is no longer tenable."); *United States v. Jeffries,* 692 F.3d 473 (6th Cir. 2012) (holding *Black* does not create a requirement that proof of a speaker's subjective intent is necessary for speech to be deemed a "true threat"); *U.S. v. Martinez,* 736 F.3d 981, 987 (3rd Cir. 2013) (accord); *U.S. v. White,* 670 F.3d 498, 523 (4th Cir. 2012) (accord); *People v. Stanley,* 170 P.3d 782 (Co. App. 2007) (accord); *People v. Lowery,* 52 Cal.4th 419 (2011) (accord).

In an effort to resolve this conflict, this Court accepted review and issued an opinion in *Elonis v. U.S.,* 135 S.Ct. 2001 (2015). However, in that case the Court utilized statutory construction to establish that the Federal threatening statute required proof of the speaker's wrongful subjective intent. Indeed, Justice Samuel A. Alito, Jr. and Justice Clarence Thomas argued that the Court's ruling did not resolve the confusion as it did not address what level of subjective intent was or is necessary to comply

with the First Amendment. Because the constitutional question was not answered in *Elonis* numerous state courts, including the Arizona Court of Appeals in this matter, have concluded that the First Amendment does not require any proof of the speaker's subjective wrongful intent. A conclusion that does not comport with this Court's precedent in *Virginia v. Black,* 538 U.S. 343 (2003), ignores Chief Justice John Roberts statement in *Elonis v. U.S.,* 135 S.Ct. 2001 (2015) ("Given our disposition, it is not necessary to consider any First Amendment issues."), and deepens the confusion regarding what is required by the First Amendment for speech to be deemed a "true threat".

This Court's review is needed to once and for all clearly and unequivocally establish that the First Amendment requires proof of a speaker's subjective wrongful intent in order for speech to be deemed a "true threat" subject to criminal prosecution and conviction.

PETITION FOR A WRIT OF CERTIORARI

Casey Brandon Sibley ("Mr. Sibley") respectfully petitions for a writ of *certiorari* to review the judgment of the Arizona Court of Appeals.

DECISIONS BELOW

The Arizona Court of Appeals decision is not reported but is available at 2018 WL 2440236 and is reprinted at App. A. The Arizona Supreme Court's order denying Mr. Sibley's Petition for Review is not reported but is reprinted at App. B.

The Maricopa County Superior Court's decision is not reported but is reprinted at App. C. The Scottsdale City Court's orders denying Petitioner's Motion to Dismiss and Motion to Vacate are not reported but are reprinted at App. D and E respectively.

STATEMENT OF JURISDICTION

On October 30, 2018, the Arizona Supreme Court issued an order denying Petitioner's Petition for Review, thus leaving in place the Arizona Court of Appeals' decision rejecting Petitioner's claims that his conviction for "threating" without proof or consideration of his subjective intent violates his First Amendment rights as applied to the State of Arizona through the Fourteenth Amendment. This Court has jurisdiction pursuant to 28 U.S.C. § 1257(a).

PERTINENT CONSTITUTIONAL AND STATUTORY PROVISIONS

The text of the First and Fourteenth Amendments to the United States Constitution is found at App. F. The text of ARIZ.REV.STAT. § 13-1202(A)(1) is set forth at App. F.

STATEMENT OF THE CASE

On or about June 1, 2016 Mr. Sibley was charged with violating ARIZ.REV.STAT. §13-1202(A)(1). In accordance with ARIZ.REV.STAT. § 13-1202(A)(1)

> [a] person commits threatening or intimidating if the person threatens or intimidates by word or conduct: 1. To cause physical injury to another person or serious damage to the property of another

It is important to recognize at the outset that this case involves a criminal prosecution based on pure speech. Mr. Sibley did not touch anyone or cause public unrest.[3]

As is clear from the text of ARIZ.REV.STAT. § 13-1202(A)(1) proof of the speaker's subjective intent is not required to convict a person of threatening thereunder. To the contrary, because of the legislative history of ARIZ.REV.STAT. § 13-1202(A)(1)

---

[3] Mr. Sibley was also charged with violating ARIZ.REV.STAT. § 13-2904(A)(1) "Disorderly Conduct – Disruptive Behavior – or Fighting" the trial court found Mr. Sibley not guilty as to this count. [App. G]

the speaker's intent is prohibited from being considered.[4] For this reason, ARIZ.REV.STAT. §13-1202(A)(1) is unconstitutional on its face.

On August 9, 2016 Mr. Sibley filed a motion to dismiss in the Scottsdale City Court based upon the fact that ARIZ.REV.STAT. §13-1202(A)(1) is unconstitutional on its face due to its failure to require proof of a wrongful intent in violation of the First and Fourteenth Amendments of the U.S. Constitution [App. F.]; s*ee also discussion infra; see also Virginia v. Black,* 538 U.S. 343 (2003); *Elonis v. U.S.,* 135 S.Ct. 2001 (2015); *United States v. Cassel,* 408 F.3d 622 (9th CIR. 2005).[5] After holding oral argument and taking the motion under advisement, on August 31, 2016 the Scottsdale City Court denied

---

[4] The prior version of ARIZ.REV.STAT. § 13-1202(A)(1) provided that a person commits threatening or intimidating "if such person *with the intent to terrify* threatens or intimidates by word or conduct ... [t]o cause physical injury to another person or serious damage to property of another." 1978 Ariz. Sess. Laws, ch. 201, § 128 (emphasis added). In 1994, the legislature amended ARIZ.REV.STAT. § 13–1202(A) by deleting the phrase "with the intent to terrify." 1994 Ariz. Sess. Laws, ch. 200, § 11. But the legislature did not insert any words describing a culpable mental state. Consequently, since the effective date of the 1994 amendment, a person commits threatening or intimidating without proof of the speaker's subjective wrongful intent.

[5] Out of an abundance of caution, and in accordance with ARIZ.REV.STAT. § 12-1841 a Notice of Claim of Facial Unconstitutionality of § 13-1202(A)(1) was served on the Arizona Attorney General Mark Brnovich, the Speaker of the House, and the President of the Senate. None of these parties exercised their right under ARIZ.REV.STAT. § 12-1841 to intervene. [App. F].

Mr. Sibley's Motion to Dismiss. [App. D].

Thereafter, on December 5, 2016, the Scottsdale City Court held a single day bench trial. After taking the case under advisement, on December 9, 2016 the Scottsdale City Court found—in violation of the First and Fourteenth Amendment to the U.S. Constitution—that Mr. Sibley was guilty of violating ARIZ.REV.STAT. § 13-1202(A)(1) without regard to Mr. Sibley's subjective intent. [App. G]. On December 21, 2016 Mr. Sibley filed a motion arguing that the State failed to produce sufficient evidence—even under the unconstitutional requirements of ARIZ.REV.STAT. § 13-1202(A)(1)—and again argued that ARIZ.REV.STAT. § 13-1202(A)(1) is unconstitutional on its face for failure to require proof of the speaker's subjective intent in violation of the First and Fourteenth Amendment to the U.S. Constitution. The Scottsdale City Court summarily denied this motion.

On January 3, 2017 Mr. Sibley was sentenced. On January 4, 2017 Mr. Sibley filed a Motion to Vacate, again based on the States failure to present sufficient evidence, and upon the fact that ARIZ.REV.STAT. § 13-1202(A)(1) is unconstitutional on its face. On January 5, 2017 Mr. Sibley filed his Notice of Appeal challenging the final judgment and all intermediate orders of the Scottsdale City Court. On January 11, 2014 the Scottsdale City Court summarily denied Mr. Sibley's Motion to Vacate. [App. E]. On January 19, 2017 Mr. Sibley amended his notice of appeal to include the denial of his Motion to Vacate.

On appeal to the Maricopa County Superior Court Mr. Sibley challenged his conviction based on the States failure to present sufficient evidence, and upon the fact that ARIZ.REV.STAT. § 13-1202(A)(1) is unconstitutional on its face for failure to require proof of the speaker's intent. On October 27, 2017 the Maricopa County Superior Court affirmed the judgment and sentence of the Scottsdale City Court and remanded "for all further appropriate proceedings." [App. C]. On October 30, 2017 the Defendant timely filed his Notice of Appeal to the Arizona Court of Appeals. In the Arizona Court of Appeals Mr. Sibley challenged his conviction based upon the fact that ARIZ.REV.STAT. § 13-1202(A)(1) is facially unconstitutional for failure to require proof of the speaker's subjective wrongful intent. On May 31, 2018 the Arizona Court of Appeals issued an unpublished memorandum decision affirming Mr. Sibley's conviction and holding that a "true threat" punishable under the First Amendment does not require proof of the speaker's subjective wrongful intent. The Arizona Court of Appeal's decision is not reported but is available at 2018 WL 2440236 and is reprinted at App. A.

On June 19, 2018 Mr. Sibley filed a timely Petition for Review with the Arizona Supreme Court again arguing that his conviction under ARIZ.REV.STAT. § 13-1202(A)(1) violated the First and Fourteenth Amendments to the U.S. Constitution for failure to require proof of the speaker's subjective wrongful intent. On October 30, 2018 the Arizona Supreme Court denied Mr. Sibley's Petition for Review thus leaving in place the Arizona Court of Appeals' decision rejecting Petitioner's claims that

his conviction for "threating" without proof or consideration of his subjective intent violates his First Amendment rights. The Arizona Supreme Court's order denying the Petition for Review is not reported but is reprinted at App. B. This Court has jurisdiction pursuant to 28 U.S.C. § 1257(a).

REASONS FOR GRANTING THE PETITION

This case is a superior vehicle for resolving conflicting opinions of state courts of last resort regarding the requirements of the First Amendment to the U.S. Constitution and the contours of the "true threat" exception thereto; specifically, whether—as recognized by Justice O'Connor's plurality opinion in *Virginia v. Black,* 538 U.S. 343 (2003)—threatening in the "constitutionally proscribable sense of the word is a type of true threat, where a speaker directs a threat to a person or group of persons ***with the intent*** of placing the victim in fear of bodily harm or death." *Id.* at 359 – 60.

This Court previously acknowledged the fact that this issue was of exceptional importance and granted review ostensibly in an effort to resolve the conflict in *Elonis v. U.S.,* 135 S.Ct. 2001 (2015). Unfortunately, because this Court was able to address the issue in that case on non-constitutional grounds—finding that based on statutory construction the Federal "threatening" statute, 18 U.S.C. § 875(c), required proof of the speaker's subjective intent—it never reached the constitutional issue. Because of the unique legislative history of Arizona's threatening statute—which prior to 1994 required proof of the speaker's subjective intent but now does not—this Court would be required to

finally and definitively pronounce that for speech to be unprotected as a "true threat" proof of the speaker's subjective intent is required.

I. THE LOWER COURTS, BOTH STATE AND FEDERAL, HAVE FAILED TO FOLLOW THIS COURT'S PRECEDENT.

This Court has held that a "category of speech" cannot be "exempted from the First Amendment's protection without a long-settled tradition of subjecting that speech to regulation." *U.S. v. Stevens*, 559 U.S. 460, 469 (2010). This Court has no tradition of subjecting speech to criminal liability as a "threat" absent proof of a subjective intent to threaten.

The "true threat" exception was carved out in *Watts v. U.S.*, 394 U.S. 705 (1969). This Court concluded from the remark's context that it was not a true threat. It was made at a rally, was conditioned on another event, and both the speaker and the crowd responded with laughter—as was the case here. *Id.* at 707-708. While this Court refrained from addressing the required mental state, it stated that it had "grave doubts" about the D.C. Circuit's opinion—which rested on the belief that a threat was made "willfully" if "the speaker voluntarily uttered the charged words". *See id.* (*citing Watts*, 402 F.2d at 686–93 (D.C.Cir.1968) (Skelly Wright, J., dissenting)).

Not six years later, Justice Marshall wrote that it is the intent to threaten rather than the

intent to carry out the threat that is dispositive. *Rogers v. United States*, 422 U.S. 35, 46–47, 95 S.Ct. 2091, 45 L.Ed.2d 1 (1975) (Marshall, J., concurring). More recently, this Court, in *Black* stated "[t]he First Amendment permits a State to ban 'true threats' … which encompass those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals." 538 U.S. at 359 (emphasis added). A plain reading makes clear that for speech to be a "true threat" the speaker must "mean to communicate" everything following the word "communicate". A "natural reading" of *Black's* definition of true threats "embraces not only the requirement that the communication itself be intentional, but also the requirement that the speaker intend for his language to threaten the victim." *Cassel*, 408 F.3d at 631. *Black's* overbreadth analysis made clear that "intent to threaten [is] the sine qua non of a constitutionally punishable threat". *Id.* An interpretation that is consistent with thus Court's holding that the Virginia statute was unconstitutional precisely because proof of intent was eliminated by the statute's prima facie provision. *Black*, 538 U.S. at 365 (holding that because the prima facie provision made it unnecessary for the government to prove the defendant's intent the Black court held that the statute violated the First Amendment.).

Contrary to this Court's decisions, the Arizona court of appeals contended that the First Amendment does not require proof of subjective intent, but only the particular statute at issue in *Black* did. If so, how could the Court invalidate the

statute under the First Amendment for allowing a jury to find subjective intent on improper or inadequate grounds? *See U.S. v. White*, 670 F.3d 498, 523 (4th Cir. 2012) (Floyd, J., dissenting) ("If the First Amendment did not impose a specific intent requirement, 'Virginia's statutory presumption was superfluous to the requirements of the Constitution, and thus incapable of being unconstitutional in the way that the majority understood it.'" (quoting Frederick Schauer, *Intentions, Conventions, and the First Amendment: The Case of Cross–Burning*, 55 Sup.Ct. Rev. 197, 217 (2003))). Why would the First Amendment care how a jury finds an element that is a matter of indifference to the Amendment?

Indeed, the very next sentence of the *Black* opinion states: "The speaker need not actually intend to carry out the threat." 538 U.S. at 365. This is a helpful qualification only if there is a requirement that the defendant intend the victim to feel threatened. It would be nonsensical to argue that the defendant must still intend to carry out the threat they did not intend to make.

The opinion goes on to state: "Intimidation in the constitutionally proscribable sense of the word is a type of true threat, where a speaker directs a threat to a person or group of persons with the intent of placing the victim in fear of bodily harm or death." *Black*, 538 U.S. at 360 (emphasis added). Contrary to the court of appeals, the Black opinion did not say "intimidation [as proscribed by the Virginia statute]" it said "in the constitutionally proscribable sense". *Id.* (emphasis added). This Court was not referring to "intimidation" as defined by the Virginia statute

but the meaning that is required by the First Amendment.

Given the history of this Court's pronouncements on this subject, as well as the plain text of *Black*, it is clear that this Court's definition of a "true threat" requires proof of the speaker's subjective intent to threaten. Unfortunately, numerous state courts have strained to come to a contrary conclusion. And indeed many commentators have recognized the confusion that still remains in state courts after *Elonis*. *See* Crane, Paul, *"True Threats" and the Issue of Intent,* 92 Va. L.Rev. 1225, 1254 (2006) ("For the first time, the Court in *Black* defined the term 'true threat'; however, in providing a definition, the Court created more confusion than elucidation.").

II. THIS COURT'S DECISION IN *ELONIS V. U.S.*, 135 S.CT. 2001 (2015) HAS FAILED TO CORRECT THE SPLIT OF AUTHORITY REGARDING THE THRESHOLD ISSUE THAT THE FIRST AMENDMENT REQUIRES PROOF OF A SPEAKER'S SUBJECTIVE INTENT TO BE CONSTITUTIONALLY PROSCRIBABLE.

While this Court's decision in *Elonis v. U.S.*, 135 S.Ct. 2001 (2015) arguably resolved the split in the federal circuits by holing, based on statutory construction, that 18 U.S.C. § 871(a), required proof of the speaker's subjective intent—without deciding what level of subjective intent was required by the First Amendment for speech to be deemed a "true threat". Because this decision turned on statutory construction rather than Constitutional analysis,

this Court's opinion in *Elonis* is only binding on federal courts and has, unfortunately, done nothing to resolve the split in state courts as to the threshold issue of whether the First Amendment requires any level of subjective intent in the first instance for speech to be deemed a "true threat".

At least Florida[6], Georgia[7], Idaho[8], Massachusetts[9], Missouri[10], Montana[11], New

---

[6] *Sult v. State*, 906 So. 2d 1013, 1022 (Fla. 2005); *Rodriguez v. State*, 906 So. 2d 1082, 1089 (Fla. Dist. Ct. App. 2004), *aff'd,* 920 So. 2d 624 (Fla. 2005).

[7] *Major v. State*, 301 Ga. 147, 151, 800 S.E.2d 348, 352 (2017) (determining that recklessness suffices under the First Amendment to criminalize speech as a "true threat").

[8] *State v. Poe*, 139 Idaho 885, 895, 88 P.3d 704, 714 (2004) ("we construe the word 'threatening' to encompass statements where the speaker intends to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals. As so construed, the state may criminalize such speech.")

[9] *O'Brien v. Borowski*, 461 Mass. 415, 426, 961 N.E.2d 547, 557 (2012), *abrogated on other grounds by Seney v. Morhy*, 467 Mass. 58, 3 N.E.3d 577 (2014) ("The intent requirements in the act plainly satisfy the 'true threat' requirement that the speaker subjectively intend to communicate a threat.")

[10] *C.G.M., II v. Juvenile Officer*, 258 S.W.3d 879, 883 (Mo. Ct. App. 2008) (reversing because statement did not express intent to cause an incident involving danger to human life)

[11] *State v. Dugan*, 369 Mont. 39, 56, 303 P.3d 755, 768 (2013) ("Dugan's speech did not constitute an unprotected 'true threat.' Calling Redmond–Sherrill a 'fucking cunt' is not a statement meant to communicate an intent to commit an act of unlawful violence against her.")

Jersey[12], Ohio[13], Pennsylvania[14], Rhode Island[15], and Vermont[16] have recognized that this Court's decision

---

[12] *State v. Carroll*, 456 N.J. Super. 520, 540, 196 A.3d 106, 118 (App. Div. 2018) ("We are persuaded that both tests should apply. Consistent with *Black*, a defendant must intend to do harm by conveying a threat that would be believed; and the threat must be one that a reasonable listener would understand as real.")

[13] *State v. Laber*, 2015-Ohio-2758, ¶ 23 (App. 2015)("Courts subsequent to *Black* seem to agree that a 'true threat' must convey an actual 'intent' to carry out the threat.")

[14] *Commonwealth v. Knox*, 190 A.3d 1146, 1156–57 (Pa. 2018) ("As we read *Black*, an objective, reasonable-listener standard such as that used in *J.S.* is no longer viable for purposes of a criminal prosecution pursuant to a general anti-threat enactment.")

[15] *State v. Grayhurst*, 852 A.2d 491, 515 (R.I. 2004) ("The reasonableness of the victim's fear is not an element of the crime; rather, the crucial question is the defendant's subjective intent") (internal quotation omitted)

[16] *State v. Cahill*, 2013 VT 69, ¶ 17, 194 Vt. 335, 342, 80 A.3d 52, 57 (2013) ("The jury did not have to find that defendant actually intended to harm the farmhand, but only that he intended to threaten him.") (citing *Black,* 538 U.S. at 359 – 60).

in *Black* requires proof of a subjective intent to threaten on the part of the speaker.[17]

However, Arizona[18], California[19], Colorado[20], Connecticut[21], the District of Columbia[22], Hawaii[23],

---

[17] Numerous other states have a required subjective intent element by statute and have thus avoided this Constitutional issue. *See e.g.,* Ala.Code § 13A-11-8; AS § 11.61.120(a)(4); *Andrews v. State*, 930 A.2d 846, 852 (Del. 2007) (Recognizing split in authority and stating "[w]e need not decide which test to adopt"); *People v. Sucic*, 401 Ill. App. 3d 492, 504, 928 N.E.2d 1231, 1243 (2010) ("However, this court need not resolve whether the Supreme Court in *Black* intended to add a subjective intent requirement to the test for true threats in order to address the constitutionality of the cyberstalking statute."); Neb.Rev.Stat. § 28-311.01 (requiring intent to threaten); *In re M.C.*, No. 64839, 2015 WL 865320, at *2 (Nev. Feb. 26, 2015) ("Presently, it is unclear if the First Amendment allows states to punish a speaker for speech that, although threatening, was not subjectively intended to be threatening. … ***Although this is an issue of great constitutional importance, it is not implicated in this matter.*** M.C. was adjudicated delinquent for violating NRS 202.448, which punishes speakers who 'knowingly make any threat ... with [] intent'" (emphasis added)); *State v. Hanes*, 192 A.3d 952, 958 (N.H. 2018) ("we assume, without deciding, that the First Amendment requires proof that the speaker subjectively intended his words to be understood by the recipient as a threat."); TX PENAL §§ 22.01(a)(2), 22.07(a)(1), & 29.02(a)(2)).

[18] *State v. Sibley*, No. 1 CA-CR 17-0768, 2018 WL 2440236, at *1 (Ariz. App. May 31, 2018), *review denied* (Oct. 30, 2018)

[19] *People v. Lowery*, 52 Cal. 4th 419, 430–31, 257 P.3d 72, 80–81 (2011)

[20] *People v. Stanley* (Colo.App.2007) 170 P.3d 782, 789 ("*Black* does not hold that subjective intent to threaten must be proved")

Michigan[24], Mississippi[25], New York[26], South Dakota[27], and Wisconsin[28] have indicated that they do not read *Black* as requiring proof of the speaker's subjective intent in order for speech to be deemed an unprotected "true threat".

That is, nineteen (19) states either have interpreted *Black* as requiring proof of the speaker's subjective intent (11) or have statutes that require proof of the speaker's subjective intent (8) while eleven (11) states have interpreted *Black* as not requiring proof of the speaker's subjective intent for speech to be deemed an unprotected "true threat".

---

[21] *State v. Deloreto* (2003) 265 Conn. 145, 827 A.2d 671, 680

[22] *In re S.W.*, 45 A.3d 151, 156 (D.C. 2012)

[23] *State v. Nishihara*, No. 27537, 2006 WL 2642177, at *2 (Haw. Sept. 15, 2006)

[24] *People v. Pilette*, No. 266395, 2006 WL 3375200, at *5 (Mich. Ct. App. Nov. 21, 2006) ("We conclude that the Court in *Black* did not interject an intent element into "true threat" analysis.")

[25] *Hearn v. State*, 3 So. 3d 722, 739 (Miss. 2008) ("The protected status of threatening speech is not based upon the subjective intent of the speaker.")

[26] *People v. Mitchell*, 24 Misc. 3d 1249(A), 899 N.Y.S.2d 62 (Sup. Ct. 2009)

[27] *State v. Draskovich*, 2017 S.D. 76, ¶ 9, 904 N.W.2d 759, 762 (2017)

[28] *State v. Maier*, 2014 WI App 71, ¶ 21, 354 Wis.2d 623, 848 N.W.2d 904 (App. 2014).

Given the prevalence of extreme, impulsive, and unfiltered commentary on social media, news media, and in every day conversation, in today's society it is not uncommon that a speaker may thoughtlessly make rash or hyperbolic statements. *See* Scott Hammack, *The Internet Loophole: Why Threatening Speech On-line Requires a Modification of the Courts' Approach to True Threats and Incitement,* 36 Colum. J. L. & Soc. Probs.65, 97-98 (2002) (advocating a test addressing both the subjective intent of the speaker to cause fear and the objectively reasonable reaction of a listener to perceive a serious threat). As is clear, now more than ever it is imperative for this Court to firmly and definitively establish that for speech to be deemed a "true threat" unprotected by the First Amendment and subject to criminal prosecution proof of the speaker's subjective intent is required.

III. IT IS IMPERATIVE IN TODAY'S SOCIETY THAT THIS COURT CONFIRM THAT A "TRUE THREAT" UNPROTECTED BY THE FIRST AMENDMENT REQUIRES PROOF OF THE SPEAKER'S WRONGFUL SUBJECTIVE INTENT.

The law is clear that the United States Constitution "demands that content-based restrictions on speech be ***presumed invalid***, and that the government bear the burden of showing their constitutionality." *Ashcroft v. ACLU,* 542 U.S. 656, 660 (2004) (emphasis added); *Ariz. Minority Coal. for Fair Redistricting v. Ariz. Indep. Redistricting Comm'n,* 220 Ariz. 587, 595 ¶ 20 n.7 (2009) (If a law burdens fundamental rights, such as free speech, any presumption in its favor falls away,

observing that "content-based restrictions on speech are '***presumptively invalid***,'" so "the burden shifts to the government to demonstrate that a legislative enactment is constitutional" (emphasis added)) (quoting *R.A.V. v. City of St. Paul,* 505 U.S. 377, 382 (1992)).

A "[l]isteners' reaction to speech is not a content-neutral basis for regulation." *Forsyth Cnty., Ga. v. Nationalist Movement,* 505 U.S. 123, 134 (1992). Moreover, a statute creates a content based restriction on speech if it requires "enforcement authorities" to "examine the content of the message that is conveyed to determine whether" a violation has occurred. *Federal Communications Commission v. League of Women Voters of Cal.,* 104 S.Ct. 3106 (1984); *see also Boos v. Barry,* 485 U.S. 312, 315 (1988); *Carey v. Brown,* 447 U.S. 455, 465 (1980). To find a violation of ARIZ.REV.STAT. § 13-1202(A)(1), in accordance with *Kyle M.* the State

> must demonstrate that the defendant made a statement in a context or under such circumstances wherein a reasonable person would foresee that the statement would be ***interpreted by those to whom the maker communicates the*** statement ***as a serious expression*** of an intention to inflict bodily harm upon or to take the life of [a person].

In re Kyle M., 200 Ariz. 447 (2001). To establish this, the content of the speech must be examined to determine whether a violation has occurred. *See United States v. Cassel*, 408 F.3d 622, 627 (9th Cir.

2005) (stating that a statute that "punishes speech precisely because of the 'intimidat[ing]' message it contains" is a content-based restriction). Indeed, the Arizona Court of Appeals in this very case recognized that ARIZ.REV.STAT. § 13-1202 is a content based restriction citing *United States v. Alvarez,* 567 U.S. 709, 717 (2012) for the proposition that a "'true threat' is a category of expression permissibly subject to ***a content-based restriction on speech***." [App. A (emphasis added)]. Therefore it is clear that ARIZ.REV.STAT. § 13-1202, like other statutes criminalizing "threats", is a content based restriction on speech and is presumptively invalid.

A. The Courts that Have Declined to Read *Black* as Imposing a Subjective-Intent Requirement are Fundamentally Flawed.

The states that have declined to recognize that the First Amendment requires proof of the speaker's wrongful subjective intent for speech to be deemed a "true threat" have done so through a strained and unavailing reading of *Virginia v. Black.*

To begin with, these courts argue that *Black* had no need to impose a subjective-intent requirement because the Virginia statute already required that intent. Such a contention is not only at odds with the plain language of *Black* it defies common sense. Such a reading is belied by the plurality's overbreadth analysis. As described in detail above, one of the predicates for the plurality's overbreadth ruling was the Court's view that a threat was unprotected by the First Amendment only if the speaker *intended to instill fear* in the recipient. If the First Amendment does not require subjective

intent, how could it invalidate the statute for allowing a jury to find subjective intent on improper or inadequate grounds? *See Cassel,* 408 F.3d at 631 (*Black's* overbreadth analysis made clear that "intent to threaten [is] the *sine qua non* of a constitutionally punishable threat"); *U.S. v. White,* 670 F.3d 498, 523 (4th Cir. 2012) (Floyd, J., dissenting) ("If the First Amendment did not impose a specific intent requirement, 'Virginia's statutory presumption was superfluous to the requirements of the Constitution, and thus incapable of being unconstitutional in the way that the majority understood it.'" (quoting Frederick Schauer, *Intentions, Conventions, and the First Amendment: The Case of Cross–Burning,* 55 Sup.Ct. Rev. 197, 217 (2003))). Why would the First Amendment care how a jury goes about finding an element that is a matter of indifference to the Amendment?

The next argument made by these court's is that *Black's* definition of *true threat* did not include subjective intent. They claim that *Black's* language—"'"True threats" encompass those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence"'—conveys only that a defendant "means to communicate" when she knowingly says the words. However, the natural reading is that the speaker intends to convey everything following the phrase *means to communicate, see Cassel,* 408 F.3d at 631; *White,* 670 F.3d at 522 (Floyd, J., dissenting), rather than just to convey words that *someone else* would interpret as a "serious expression of an intent to commit an act of unlawful violence". Later in the same paragraph of *Black* two sentences resolve any

possible ambiguity that could however remotely remain. The sentence immediately after the quote is, "The speaker need not actually intend to carry out the threat." *Black,* 538 U.S. at 359–60, 123 S.Ct. 1536. The proposition that the speaker need not intend to carry out the threat is a helpful qualification if there is a requirement that the defendant intend the victim to feel threatened. *See White,* 670 F.3d at 522 (Floyd J., dissenting). But no such qualification is called for if the preceding sentence means that the only requisite *mens rea* is that the defendant "knowingly says the words." Once it is established that the sole requisite intent is to say the threatening words, no reasonable person would then need to be informed that the defendant need not intend to carry out the threat. If there is no requirement that the defendant intend the victim to feel threatened, it would be nonsensical to argue that the defendant must still intend to carry out the threat.

A later sentence in the paragraph is still more definitive about *Black's* meaning. It says, "Intimidation *in the constitutionally proscribable sense of the word* is a type of true threat, where a speaker directs a threat to a person or group of persons *with the intent of placing the victim in fear of bodily harm or death*." *Black,* 538 U.S. at 360, 123 S.Ct. 1536 (emphasis added). The courts that contend only an objective standard is required do not dispute that this sentence means that intimidation cannot be proscribed unless the speaker utters the threatening words "with the intent of placing the victim in fear of bodily harm or death." 692 F.3d at 480 (internal quotation marks omitted). Rather, they

completely ignore the sentence by contending that intimidation is *one* type of "true threat" a reality that does little to inform a statute that prohibits *all* types of threats to injure a person. Why should the First Amendment require a subjective intent for intimidation but not other "true threats"? *See White,* 670 F.3d at 522 (Floyd, J., dissenting). Nothing in *Black* so much as hints at a reason for such a distinction. What is it about non-intimidation threats that makes them so much worse than intimidation threats of bodily harm or death that the First Amendment allows them to be prosecuted even when the speaker did not intend to instill fear? One would have thought the opposite—that there should be less First Amendment protection for intimidation threats of bodily harm or death. The sentence in *Black* about "intimidation" is best read as merely applying the propositions stated earlier in the paragraph to the specific statute before the Court.

Courts applying an objective standard finally attempt to garner support for their position by claiming while the First Amendment generally permits individuals to say what they wish, it allows government to "protect[ ] individuals" from the effects of some words—"from the fear of violence, from the disruption that fear engenders, and from the possibility that the threatened violence will occur." *R.A.V.,* 505 U.S. at 377, 388, 112 S.Ct. 2538; *Black,* 538 U.S. at 344, 123 S.Ct. 1536. That is, these courts claim that what is excluded from First Amendment protection are threats rooted in their effect on the listener. The claim that the effect on the listener supports a "threat" exception to the freedom of speech does not mean that no other

considerations comes into play. The Constitution protects freedom of speech, not freedom from fear.

In short, despite arguments to the contrary, the only logical conclusion—and constitutional sound conclusion—is to adhere to the requirements of *Black*; namely that the First Amendment requires a finding of subjective wrongful intent for speech to be unprotected as a "true threat". Because ARIZ.REV.STAT. § 13-1202 does not require proof of such an intent ARIZ.REV.STAT. § 13-1202 is unconstitutional on its face.

B. Even Ignoring this Court's Plurality Opinion in *Black*, Criminalizing Speech Without Proof of the Speaker's Subjective Intent Constitutes a Clear Violation of the First Amendment as it Violates Strict Scrutiny and is Overbroad and Vague.

Even if this Court had not held that a wrongful intent element is required by the First Amendment to criminalize speech, ARIZ.REV.STAT. § 13-1202—and other state statutes criminalizing threats without regard to the speaker's subjective intent—would still be unconstitutional. This Court has repeatedly insisted, in a variety of contexts, that before a person can be held liable for speech, there must be proof a speaker acted with culpable intent. "*[M]ens rea* requirements … provide 'breathing room' for more valuable speech by reducing an honest speaker's fear that he may accidentally incur liability for speaking." *U.S. v. Alvarez,* 132 S. Ct. 2537, 2553 (2012). The "bedrock principle underlying the First

Amendment … is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable." *Texas v. Johnson,* 491 U.S. 397, 414 (1989). Accordingly, the Constitution "demands that content-based restrictions on speech be presumed invalid, and that the government bear the burden of showing their constitutionality." *Ashcroft v. ACLU,* 542 U.S. 656, 660 (2004) (citation omitted). "From 1791 to the present, however, the First Amendment has permitted restrictions upon the content of speech in a few limited areas," "well-defined and narrowly limited classes of speech, the prevention and punishment of which" have, as a matter of "histor[y] and traditio[n]," been deemed constitutionally permissible. *United States v. Stevens,* 559 U.S. 460, 468 (2010) (internal quotation marks omitted). ARIZ.REV.STAT. § 13-1202's imposition of criminal penalties irrespective of a defendant's intent is "a stark example of speech suppression" that fundamentally conflicts with the First Amendment. *Ashcroft v. Free Speech Coalition,* 535 U.S. 234, 244 (2002).

This Court has consistently held that a "category of speech" cannot be "exempted from the First Amendment's protection without a long-settled tradition of subjecting that speech to regulation." *Stevens,* 559 U.S. at 469; *Alvarez,* 132 S. Ct. at 2544 (opinion of Kennedy, J.). There is, however, no established tradition of subjecting speech to criminal liability as a "threat" absent a subjective intent to threaten; to the contrary, history confirms that such an intent is a fundamental prerequisite to imposing liability.

In *Watts v. United States,* 394 U.S. 705, 708 (1969), as discussed above, this Court carved out a limited exception for "true threats" of physical violence. In a brief *per curiam* opinion, the Court concluded from the remark's context that it was not a true threat. It was made at a political rally, was conditioned on another event, and both the speaker and the crowd responded with laughter—as was the case here[29]. *Id.* at 707-708. This Court expressed "grave doubts about" the lower court's holding that it was enough to voluntarily utter words with the "*apparent* determination to carry them into execution." *Id.* at 707 (internal quotation marks omitted, emphasis in original).

"It seems to be well settled that the making of threats, in words not written, followed by no result more serious than the terror of the person threatened, is not an indictable offense at common law." 25 *The American & English Encyclopaedia of Law* 1064 (Charles F. Williams ed., 1894); *accord* 2 Francis Wharton, *Criminal Law & Proc.* § 803 (Ronald A. Anderson ed., 12th ed. 1957); Model Penal Code § 212.5 cmt. 1. The *Model Penal Code* commentary confirms that the law provides liability for "one who ***intentionally*** placed another in fear of bodily injury." § 211.1 cmt. 1 (emphasis added).

---

[29] [Hearing Transcript 47:5-16 ("Julie Law: Well, I recall when – I recall one moment when Casey said – had mentioned about shooting somebody, or killing somebody and – Joe was leaving the office. And Joe made a comment if you're gonna shoot anybody, shoot me. And I said don't joke about that, or don't say that. I don't recall my exact words, ***but they were laughing about it,*** so I – I do recall that exact moment" (emphasis added))].

There is simply no established historical tradition of imposing criminal liability based on a speaker's negligent failure to anticipate that it would be perceived as a threat.

Simply stated, ARIZ.REV.STAT. §13-1202 is unconstitutional because it is "not reasonably restricted to the evil with which it is said to deal." *Butler v. Michigan,* 352 U.S. 380, 383 (1957). If a statute regulates speech based on its content, it must be narrowly tailored to promote a compelling Government interest. *Sable Communications of Cal., Inc. v. FCC,* 492 U.S. 115, 126 (1989). If a less restrictive alternative would serve the Government's purpose, the legislature must use that alternative. *Reno v. American Civil Liberties Union,* 521 U.S. 844, 874 (1997); *Sable Communications, supra,* at 126. To do otherwise would be to restrict speech without an adequate justification which the First Amendment does not permit. As discussed below, ARIZ.REV.STAT. § 13-1202(A)(1) is not reasonably restricted to the evil that it is intended to deal.

A statute is unconstitutionally overbroad if it proscribes expression protected by the First Amendment. *State v. Jones,* 177 Ariz. 94, 99, (App.1993). Even if the conduct generating the criminal charge is not constitutionally protected and falls within the statute's legitimate scope, a defendant may challenge it on the basis of overbreadth "if it is so drawn as to sweep within its ambit protected speech or expression of other persons not before the Court." *Doran v. Salem Inn, Inc.,* 422 U.S. 922, 933 (1975). In a similar vein, a statute is void for vagueness "if it fails to give persons of average intelligence reasonable notice of

what behavior is prohibited or is drafted in such a manner that it permits arbitrary and discriminatory enforcement." *State v. Steiger,* 162 Ariz. 138, 141 (1989), (citing *Kolender v. Lawson,* 461 U.S. 352, 357 (1983)).

Because the Arizona legislature removed any requirement of "wrongful intent" in ARIZ.REV.STAT. §13-1202 to establish a conviction, the statute is both unconstitutionally overbroad and vague. A conviction under ARIZ.REV.STAT. §13-1202 rises or falls on the trier of fact's determination of a reasonable person.

This Court has consistently held that criminal prohibitions are "matter[s] of special concern" under the First Amendment because "[t]he severity of criminal sanctions may well cause speakers to remain silent rather than communicate even arguably unlawful words, ideas, and images." *Reno,* 521 U.S. at 871-872; accord *Alvarez,* 132 S. Ct. at 2553 (Breyer, J., concurring in the judgment). "Because First Amendment freedoms need breathing space to survive, government may regulate [speech] ... only with narrow specificity,"[30] "extreme care,"[31] and "exacting proof requirements."[32]

---

[30] *National Ass'n for Advancement of Colored People v. Button,* 371 U.S. 415, 433 (1963).

[31] *National Ass'n for the Advancement of Colored People v. Claiborne Hardware,* 458 U.S. 886, 927 (1982).

[32] *Illinois ex. rel. Madigan v. Telemarketing Associates, Inc.,* 538 U.S. 600, 620 (2003).

Failing to require proof of the speaker's subjective wrongful intent for their speech to be deemed a "true threat" subject to criminal prosecution is diametrically opposed to regulating with "narrow specificity," "extreme care," and "exacting proof requirements". Without concern for the speaker's subjective intent, by definition, it does not matter what the defendant thinks or the message he intends to communicate. Instead, criminal liability is imposed based solely on the finder of facts determination years later that he has violated what they now believe to be reasonable—a standard which can dramatically change in a short period of time.

In the words of Justice Marshal "we should be particularly wary of adopting such a standard for a statute that regulates pure speech," which "create[s] a substantial risk that crude, but constitutionally protected speech might be criminalized." *Rogers v. U.S.,* 422 U.S. 35, 47 (1975) (Marshall, J., concurring). The reasonable person standard, by definition, criminalizes "poorly chosen words." Jennifer E. Rothman, *Freedom of Speech and True Threats,* 25 Harv. J.L. & Pub. Pol'y 283, 350 (2001); *see also e.g., United States v. Fulmer*, 108 F.3d 1486, 1490 (1st Cir. 1997).

Uncertainty is inherent in the "reasonable person" standard. Indeed, the "reasonable person" standard has been recognized as "a vague test,"[33] that results in "biased, inconsistent, and

---

[33] Oliver Wendell Holmes, *The Common Law* 112 (Little, Brown & Co. 1909) (1881).

unpredictable verdicts."[34] It demands that the fact finder substitute their personal attitudes about what is acceptable based upon their widely variable perspectives that have been shaped by their own individual experiences and perceptions. Liability under such a standard turns on the happenstance of the individual fact finder, which guarantees uncertainty in an ever fractured society.

Indeed, this "reasonable person" standard promotes criminalization of speech even when the speaker correctly judges how his audience will perceive his speech; as in this case where the arresting officer[35] and those that heard the statement did not take it seriously and perceived it as a joke.[36]

---

[34] Robert J. Rhee, *Tort Arbitrage,* 60 Fla. L. Rev. 125, 172 (2008) (standard is inherently "uncertain and thus unpredictable")

[35] The arresting officer testified as follows: "Q. Isn't it true that you told one of the people … that you did not believe the comment to be serious? A. I believe I made that comment … after I interviewed him, Mr. Sibley, regarding the matter." [Hearing Transcript 83:24 -84:4].

[36] Every witness testified that they did not believe the statement was a serious expression.

> Prosecutor: I would object … [Lindsey Ward] already said that she didn't think it as a threat to her, and that it was said quietly to her and that nobody else heard it. She's already said that.

[*Id.* at 31:21-25 (emphasis added)].

It is without question that the use of only a "reasonable person" standard without consideration of a "wrongful intent" makes it so that no person can say what behavior is prohibited by ARIZ.REV.STAT. §13-1202, and convictions thereunder can, and do,

---

> Julie Law: Well, I recall when – I recall one moment when Casey said – had mentioned about shooting somebody, or killing somebody and – Joe was leaving the office. And Joe made a comment if you're gonna shoot anybody, shoot me. And I said don't joke about that, or don't say that. I don't recall my exact words, but they were laughing about it, so I – I do recall that exact moment –
>
> Q. Okay. So –
>
> A. – when he said that.
>
> Q. ***So Joe and the defendant were kind of joking around?***
>
> A. ***Yes. Um-hum.***

[*Id.* at 47:5-16 (emphasis added)].

> Q. Okay. And, finally, ***you didn't think that the defendant's comment was serious***, did you?
>
> Julie Law. I mean, ***I honestly didn't***.

[*Id.* at 49:20-22 (emphasis added)].

> Q. Okay. And when he made that comment, ***did you take it to be serious***?
>
> Joe Tonn: ***No, I – I didn't***.

[*Id.* at 90:24 – 91:1 (emphasis added)].

lead to completely arbitrary and discriminatory enforcement that proscribes expression protected by the First Amendment. Thus, ARIZ.REV.STAT. § 13-1202, and other statute's criminalizing speech as a "true threat" without proof of the speaker's subjective intent, are unconstitutionally overbroad and vague.

CONCLUSION

For the foregoing reasons, the petition for a writ of *certiorari* should be granted.

Respectfully submitted,

DENNIS I. WILENCHIK
JOHN D. WILENCHIK
DAVID A. TIMCHAK
WILENCHIK & BARTNESS, P.C.
2810 N. Third St.
Phoenix, AZ 85004
diw@wb-law.com
davidt@wb-law.com
admin@wb-law.com

Counsel for Petitioner