No. 20A-108

IN THE
SUPREME COURT OF THE UNITED STATES

STATE OF LOUISIANA, *Applicant,*

v.

TAZIN ARDELL HILL, *Respondent.*

OPPOSITION TO APPLICANT'S EMERGENCY APPLICATION FOR A STAY

To the Honorable Samuel A. Alito

Associate Justice of the Supreme Court of the United States and

Circuit Justice for the Fifth Circuit

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STATEMENT OF THE CASE

By a vote of 7 to 1 (with one concurring opinion), the Louisiana Supreme Court struck down an idiosyncratic provision of state law requiring that registered sex offenders carry with them at all times an identification card branded with orange capital letters that say "SEX OFFENDER." The State requested rehearing, which the Court denied. Then the State moved to stay the judgment pending disposition of a petition for certiorari, which the Court also denied. The State now asks this Court for a stay pending the filing and disposition of a petition for certiorari. Because there is no reasonable prospect this Court will grant certiorari, no reasonable prospect this Court would reverse the Louisiana Supreme Court, and no harm done to Louisiana while this Court considers its petition in the ordinary course, the request should be denied.

Respondent Tazin Hill has been required to register as a sex offender since his release from incarceration in 2013 following a guilty plea to Felony Carnal Knowledge of a Juvenile in violation of La. R.S. 14:80. As part of this registration requirement, R.S. 40:1321(J) requires him to carry an identification card on his person at all times branded with orange capital letters that say "SEX OFFENDER" (the "branded identification requirement"). This requirement is rare among States. Only nine States have any requirement that a person who has to register as a sex offender have any indication on their identification reflecting this fact, and even fewer require a disclosure as prominent or explicit as Louisiana's.

On April 10, 2017, Mr. Hill was charged by Bill of Information with violating R.S. 15:542.1.4(C) by altering his State of Louisiana Identification Card to conceal the designation that he was a registered sex offender. Mr. Hill moved to quash, arguing that the two statutes, R.S. 40:1321(J) and R.S. 15:542.1.4(C), taken together, violate the prohibition against compelled speech under the First Amendment to the U.S. Constitution. The motion argued that the requirement that a person convicted of a sex offense must have "SEX OFFENDER" branded prominently on their official state identification card and must carry that card at all times compels speech from Mr. Hill in a manner that is not the least restrictive means of advancing a compelling state interest.

After hearing argument and evidence, the trial court granted Mr. Hill's motion to quash. The court ruled that the requirement that persons convicted of a sex offense must have "SEX OFFENDER" written boldly on their identification card is unconstitutional under the First Amendment because it is not the least restrictive means of furthering the State's interest in notifying law enforcement of a registered sex offender's status; rather, the State could accomplish that interest using more discreet labels such as the codes used by other States.

The State then brought a direct appeal to the Louisiana Supreme Court. After briefing and oral argument, the Louisiana Supreme Court affirmed the district court's judgment by a 7-1 vote, with one concurring opinion. The Court ruled on the same grounds as the district court: that the branded identification requirement

violates the First Amendment protection against compelled speech, as it is not the least restrictive means of furthering a compelling state interest.

The State moved the Louisiana Supreme Court for rehearing, which was denied without a hearing. The State then moved for a stay pending disposition in this Court, which was also denied without a hearing.

ARGUMENT

Louisiana has a heavy burden in persuading this Court to stay the judgment below, particularly where the Louisiana Supreme Court has itself refused a stay. "The judgment of the court below is presumed to be valid, and absent unusual circumstances we defer to the decision of that court not to stay its judgment." *Wise v. Lipscomb*, 434 U.S. 1329, 1333 (1977) (Powell, J., in chambers); *Graddick v. Newman*, 453 U.S. 928, 933 (1981) (accord). A stay "is appropriate only in those extraordinary cases where applicant is able to rebut the presumption that the decisions below—both on the merits and on the proper interim disposition of the case—are correct." *Rostker v. Goldberg*, 448 U.S. 1306, 1308 (1980) (Brennan, J., in chambers).

To warrant this "extraordinary" relief, Louisiana must make "a four-part showing." *Id.* "First, it must be established that there is a 'reasonable probability' that four Justices will consider the issue sufficiently meritorious to grant certiorari or to note probable jurisdiction." *Id.* (quoting *Graves v. Barnes*, 405 U.S. 1201, 1203–1204 (1972) (Powell, J., in chambers)). "Second, the applicant must persuade [the Circuit Justice] that there is a fair prospect that a majority of the Court will conclude that the decision below was erroneous." *Id.* "Third, there must be a demonstration

that irreparable harm is likely to result from the denial of a stay." *Id.* "And fourth, in a close case it may be appropriate to 'balance the equities'—to explore the relative harms to applicant and respondent, as well as the interests of the public at large." *Id.*; *see also Maryland v. King*, 567 U.S. 1301, 1302 (2012) (Roberts, C.J., in chambers) (an applicant for a stay "must demonstrate (1) a reasonable probability that this Court will grant certiorari, (2) a fair prospect that the Court will then reverse the decision below, and (3) a likelihood that irreparable harm will result from the denial of a stay") (internal quotation marks and citation omitted).

The State's application fails at every step.

I. THERE IS NO REASONABLE PROBABILITY THAT CERTIORARI WILL BE GRANTED

The decision below concerns the straightforward application of this Court's First Amendment jurisprudence to an idiosyncratic Louisiana statute. The decision is fully consistent with this Court's case law, and there is no split in authority in the courts below. Because there is no reasonable probability that any petition would be granted, the application should be denied.

This case concerns an unusual state identification requirement; unsurprisingly then, there is no split in authority in the courts as to the constitutionality of such a requirement. The State points to no decision upholding such a provision.[1]

[1] As the State concedes, the sole decision addressing a First Amendment challenge to a similar requirement, like the decision here, found it unconstitutional. *See Doe 1 v. Marshall*, 367 F. Supp. 3d 1310 (M.D. Ala. 2019). That decision invalidated regulations requiring registered sex offenders to carry identification bearing the phrase "criminal sex offender" in bold red letters. *Id.* at 1321, 1324-1327. Alabama now requires a discreet code known to law enforcement. *See* Alabama Law Enforcement Agency, Sex Offender Driver License Designation (2019),

The State also asserts no split of authority or open question regarding the general standards distinguishing compelled speech from government speech or defining when either is constitutionally impermissible. The State simply disagrees with how the Louisiana Supreme Court applied this Court's settled precedent on those issues. For example, the State disagrees with the state court as to whether the statute at issue here is factually analogous to the compelled-speech requirement at issue in *Wooley v. Maynard*, 430 U.S. 705 (1977), but in doing so the State seeks nothing more than fact-bound error correction. Similarly, the State disagrees with the state court's conclusion that less restrictive alternatives are available, but the State nowhere contends that the state court applied the wrong strict scrutiny test. In short, the State largely seeks review of what it considers to be the Louisiana Supreme Court's erroneous application of this Court's settled precedent to Louisiana's unusual—and extreme—branded identification requirement.

To the extent the State suggests any relevant conflict between the decision below and decisions of this Court or other appellate courts, it appears to concern two narrow points: a supposed "essential operations of government" doctrine and the First Amendment's application to fraud. But there is no split or other important question warranting this Court's review on either issue.

First, the State argues (at 9-10) that other courts have "recognized that including information on IDs and protecting the public from sex offenders are

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https://www.alea.gov/dps/driver-license/license-and-id-cards/sex-offender-driver-license-designation; Ala. Code § 15-20A-18.

essential operations of government" that accordingly constitute government speech exempt from the operation of the First Amendment. But no such "essential operations" doctrine has ever been recognized by this Court, and the Louisiana Supreme Court correctly distinguished this case from the two Court of Appeals cases the State cites as allegedly invoking this concept. *See* App. 21a-22a. *United States v. Arnold*, 740 F.3d 1032 (5th Cir. 2014), involved a compelled-speech challenge to the federal sex-offender statute's registration requirements. The case involved no branded identification requirement and did not adopt any different test for identifying compelled speech; it simply held that the First Amendment does not allow people to withhold from the government information necessary to the performance of an essential government operation. *Id.* at 1035. Similarly, in *United States v. Sindel*, 53 F.3d 874 (8th Cir. 1995), a First Amendment challenge was brought against the IRS for collecting information for the purpose of federal taxes, and the court similarly found no right to refrain from speaking when the government requires information to perform an essential government function. *Id.* at 878. That can hardly be said of the branding requirement at issue here, which does not involve the mere collection of information. This case does not challenge the government's authority to maintain a sex offender registry or to require people convicted of sex offenses to provide information for that purpose.[2]

[2] The State also quotes *Carney v. Okla. Dep't of Public Safety*, 875 F.3d 1347 (10th Cir. 2017), but the quoted language concerned a Fourteenth Amendment challenge to Oklahoma's license requirement. The Tenth Circuit held that the plaintiff's compelled-speech challenge had been waived. *Id.* at 1351-1352.

Second, there is no open or important question about the application of the First Amendment to the criminalization of fraud. The Louisiana Supreme Court held that R.S. 40:1321(J)—the branded identification requirement—unconstitutionally compels speech. Because that statute is incorporated by reference into R.S. 15:542.1.4(C), which prohibits the destruction of the branded statement, the latter statute must be found unconstitutional as well—as authoritatively construed by the state supreme court, it contains as an element the unconstitutional compelled-speech requirement. *See* App. 9a (holding as a matter of state law that the State must prove, as an element of the crime of altering the identification card with intent to defraud, that the defendant is legally obligated to obtain and carry the card).

The State's principal complaint (at 12) is that the state court "did not discuss or even cite" the case law the State had relied on, but rested its decision instead on *Wooley*'s analysis of a state criminal prosecution for alteration of a license plate. The State nonetheless assumes (at 13) the Louisiana Supreme Court held—despite "not discuss[ing]" the matter—that any "statute prohibiting fraudulent alteration of government property must be struck down under the First Amendment." But the state court nowhere said so, and nothing that it did say conflicts with any precedent of this Court. The cases the State cites all involve First Amendment challenges to the criminalization of speech or expressive activity that is itself alleged to constitute fraud. *Illinois ex rel. Madigan v. Telemarketing Assocs.*, 538 U.S. 600 (2003) (reversing, in a civil context, the Illinois Supreme Court's decision that an action for fraud raised an as-applied First Amendment violation); *Donaldson v. Read Magazine*,

333 U.S. 178 (1948) (upholding the statute criminalizing federal mail fraud under the First Amendment); *Schneider v. State*, 308 U.S. 147 (1939) (noting, in *dicta*, that a State can create a criminal punishment for fraud). The State cites no case considering the distinct circumstances here—*i.e.*, whether a statute premised on a legal requirement that unconstitutionally compels speech can be saved from invalidity merely because it also punishes fraud. The Louisiana Supreme Court was correct to reject the State's fraud arguments, which implicate no split in authority.

Finally, the State tries (at 10-11) to conjure a question of nationwide importance by suggesting that the Louisiana Supreme Court's decision is somehow incompatible with sex-offender registration schemes in every State, but it cannot explain why. The challenge here is to Louisiana's unusual branding requirement and nothing more. As the State concedes (at 20), the only court to consider a challenge similar to the one brought here found Alabama's similar requirement to be compelled speech. *See Doe 1 v. Marshall*, 367 F. Supp. 3d 1310 (M.D. Ala. 2019). The State also cites (at 19-20) the federal government's decision to place a sex-offender designation on passports, but the State fails to explain how the Louisiana Supreme Court's ruling would change the legal landscape with respect to passports. The two laws are distinct in several respects, as the Louisiana Supreme Court itself explained. App. 17a-19a. Indeed, in the single case challenging passport branding, the district court upheld that requirement, and the plaintiffs did not dispute that the passport identifier was government speech, confirming that legal challenges to the two regimes would likely entail different considerations. *See Doe v. Kerry*, 2016 U.S. Dist. LEXIS 130788 (N.D.

Cal. Sept. 23, 2016). The State accordingly identifies no basis to think there is any likelihood that this Court would grant certiorari in this case.

II. THERE IS NO PROSPECT OF REVERSAL BECAUSE THE LOUISIANA SUPREME COURT'S OPINION IS CORRECT UNDER THIS COURT'S FIRST AMENDMENT JURISPRUDENCE

Even if the Court were to grant certiorari, there is no fair prospect that a majority of the Court would find the decision below erroneous.

A. The Louisiana Supreme Court correctly found compelled speech

Contrary to the State's assertion, the Louisiana Supreme Court's ruling that the branded license requirement is compelled speech does not expand the doctrine but is instead wholly consistent with this Court's prior decisions.

The First Amendment's guarantee of "freedom of speech" includes "the decision of both what to say and what *not* to say." *Riley v. Nat'l Fed'n of the Blind*, 487 U.S. 781, 796–97 (1988) (emphasis in original); *see also Wooley v. Maynard*, 430 U.S. 705 (1977); *West Virginia Board of Education v. Barnette*, 319 U.S. 624 (1943). Compelled speech occurs when the government "[mandates] speech that a speaker would not otherwise make." *Riley*, 487 U.S. at 795; *see also Agency for Int'l Dev. v. Alliance for Open Soc'y Int'l*, 570 U.S. 205, 213 (2013) ("It is … a basic First Amendment principle that freedom of speech prohibits the government from telling people what they must say." (quotation marks omitted)).

This includes both statements of "opinion" and statements of "fact," as "either form of compulsion burdens protected speech." *Riley*, 487 U.S. at 797–98; *see also*

Hurley v. Irish-Am Gay, Lesbian and Bisexual Grp. Of Boston, 515 U.S. 557, 573 (1995) ("[T]his general rule, that the speaker has the right to tailor the speech, applies not only to expressions of value opinion, or endorsement, but equally to statements of fact the speaker would rather avoid."); *McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334, 341–42 (1995). At issue in *Riley* was whether North Carolina could compel professional fundraisers to disclose the percentage of charitable contributions collected during the previous 12 months that were actually turned over to charity. *Riley*, 487 U.S. at 795. In finding that such speech was compelled under the First Amendment, this Court reasoned that "[m]andating speech that a speaker would not otherwise make necessarily alters the content of the speech," making it a "content-based regulation of speech." *Id.*

It is similarly settled—and the State concedes (at 7)—that the First Amendment protects private speakers from being conscripted to serve as a channel for conveying a government message. As the Louisiana Supreme Court noted, this Court ruled in *Wooley* that the State of New Hampshire could not compel a person to disseminate a government message to which they objected. The defendant therefore could not be punished for obscuring the state motto of "Live Free or Die" on a state-issued license plate.

The Louisiana Supreme Court correctly applied those well-settled principles. The State argues (at 6-11) that the court erred in its application of those standards to the facts of this case, but it relies mainly on *Walker v. Texas Div., Sons of Confederate Veterans*, 576 U.S. 200 (2015), which addressed the distinct question

whether a private person can compel the government to endorse a particular viewpoint. In *Walker*, Texas citizens sought to compel Texas to issue license plates bearing a Confederate flag. *Id.* at 219 ("And just as Texas cannot require SCV to convey 'the State's ideological message,' SCV cannot force Texas to include a Confederate battle flag on its specialty license plates."). The Court rejected that effort on the ground that license plate designs constitute government speech, and the government was free to determine the content of its own message. But in so holding, this Court acknowledged that license-plate designs still "implicate the free speech rights of private persons," and it expressly distinguished *Walker* from cases such as *Wooley* where "drivers who display a State's selected license plate designs convey the messages communicated through those designs." *Id.*; *see Wooley*, 430 U.S. 705. The Louisiana Supreme Court adhered precisely to that distinction. App. 14a-15a.

The State also relies (at 9) on *Johanns v. Livestock Marketing Association*, 544 U.S. 550 (2005), and its emphasis on whether a private speaker would appear to have endorsed a government message. But that case concerned only whether speech by the government itself could be considered compelled speech merely because private citizens were required to help fund it. The challengers themselves did not have to undertake any speech like the branded identification requirement.

According to the State (at 7-8), these cases establish a two-factor test for determining whether the government has impermissibly compelled speech—i.e., "(1) whether the speech is publicly displaced, like a 'billboard,'" and "(2) whether a speaker is 'closely linked with the expression in a way that makes them appear to

endorse the government message." This Court has never adopted such a test. But even if it had, the Louisiana Supreme Court considered both of those factors. The State may disagree with the state court's analysis, but it cites no reason why that analysis would warrant this Court's review.

As to "whether the speech is publicly displayed, like a 'billboard,'" the state court correctly found that the branded identification card must often be displayed in the course of every-day tasks. App. 15a-16a n.4, 17a. Government-issued identification cards are frequently and publicly used by members of society broadly. They are used even more publicly and frequently by individuals in Mr. Hill's position, who are required to carry their branded identification with them at all times. R.S. 40:1321(J). The State itself emphasizes the public contexts in which Mr. Hill's identification is displayed: to "property manager[s]," at a "church or Red Cross facility" where he might seek "shelter from a storm," or even – apparently – to "[p]eople trick-or-treating." *State's Brief* at 18–19. Indeed, the State freely admits (at 23) that its purpose is for the "SEX OFFENDER" brand to appear "conspicuous[ly]" so it is "likely to be noticed [and] clearly understood by the public."

As to "whether a speaker is 'closely linked with the expression in a way that makes them appear to endorse the government message,'" the state court correctly concluded that speech on an identification card is readily associated with the bearer. App. 15a. The State bases its contrary view on the premise that an appearance of endorsement can arise only if the speaker agrees or desires to be associated with the message. *State's Brief* at 8 ("Indeed, Hill's actions here confirm his desire to

disassociate himself from that speech, not endorse it."). But a message can be associated with or attributed to an unwilling speaker and appear to have been endorsed by them even when the person disagrees or does not want to be associated with it. Indeed, that desire to freedom to disavow a government message forms the very basis of most compelled-speech challenges. In *Riley*, for example, the compelled statement about the percent of charitable contributions the challengers gave was associated with and appeared to be endorsed by the challengers – even though some may have been embarrassed by it and did not wish to be associated with the statement. Surely, if the State imprinted "SEX OFFENDER" on the identification card of someone who had never been convicted of a sex offense, that person could petition the state to remove the branding and the State would do so. When the branding appears, the speaker is closely linked with it in a way that makes her appear to confirm the correctness of the government's message.

Under this Court's precedent, the state supreme court thus correctly found compelled speech, and there is no prospect of reversal on this ground.

B. The Louisiana Supreme Court correctly held that the branded identification card is compelled speech that does not pass strict scrutiny

There is also no prospect that this Court would find reversible error in the Louisiana Supreme Court's holding that the branded-identification requirement is not narrowly tailored to further a compelling state interest.

The Louisiana Supreme Court found that while the State "certainly has a compelling interest in protecting the public and enabling law enforcement to identify

a person as a sex offender, Louisiana has not adopted the least restrictive means of doing so" given its failure to show that the more discreet codes in use by other States are adequate to protect that interest. App 023a. As an initial matter, Mr. Hill does not concede that the State met its burden to prove that the branding requirement actually furthers any compelling state interest. While protecting the public from dangerous sex offenders is certainly a valid interest of states generally, the State must show—not merely speculate—that a challenged regulation is "necessary" to serve that interest. *Boos v. Barry*, 485 U.S. 312, 345 (1988); *see also Consol. Edison Co v. Public Serv. Comm'n*, 447 U.S. 530, 543 (1980). The State had to prove that "the harms it recites are real and that its restriction will in fact alleviate them to a material degree." *Edenfield v. Fane*, 507 U.S. 761, 770 (1993). At no point in this litigation, however, has the State provided any reliable evidence that the branded identification requirement alleviates a real harm. Instead, it has relied on the same speculation and generalization that it recites again in its Application for Stay.

But even assuming *arguendo* that the requirement actually furthers a compelling interest, the Louisiana Supreme Court properly held that it is not narrowly tailored to be the least restrictive means of furthering that interest. The vast majority of States use less restrictive means than the challenged statute to protect their communities, a fact that weighs as heavily against the State here as it did in the court below. *See Doe*, 367 F. Supp. 3d at 1327 n.4 (finding that the use of alternatives by other states demonstrates that Alabama's practice of branding "CRIMINAL SEX OFFENDER" on identification cards is not the least restrictive

means of furthering a government interest). Indeed, the overwhelming majority of States do not require people convicted of sex crimes to have *anything* written on their licenses. Forty-one States and the District of Columbia currently do not require anything to be printed on a license or identification card. Of those States that do require some marking, several use a discreet marking known only to law enforcement; only a small minority use a branding requirement similar to Louisiana's. [3]

The State had every opportunity in the trial court to develop a factual record showing that less restrictive alternatives—including no marking at all or a discreet code known to law enforcement—would be ineffective in advancing the State's interests. But the State chose to present no evidence on that matter. The State is bound by that record, and it therefore cannot meet its burden to "ensure that speech is restricted no further than necessary to achieve [its] goal." *Ashcroft v. ACLU*, 542 U.S. 656, 666 (2004).

Applying the First Amendment and guided by this Court's precedents, the Louisiana Supreme Court struck down Louisiana's unusual—and extreme—

[3] Of the nine states that require marking on an identification card or driver's license, only four besides Louisiana require that all registered offenders must use a variation of the words "sex offender" on their identification card. *See* Kan. Stat. Ann. §8-1325a; Miss. Code Ann. § 45-35-3; Okla. Stat. tit. 47 § 6-111; Tenn. Code Ann. § 55-50-353. Florida requires people adjudicated to be "sexually violent predators" must have that written on an identification, but all other people convicted of sex offenses must have only the marking "943.0435." Fla. Stat. §322.141.West Virginia requires that a person's identification display that they are a sex offender only if a court has determined that the person is dangerous after a hearing. *See* W. Va. Code, §17B-2-3; W. Va. Code §15-12-2a. Delaware requires only a "Y" symbol. 21 Del.C. § 2718(e). And as a result of the decision in *Doe*, Alabama has now replaced the words "CRIMINAL SEX OFFENDER" with a code known to law enforcement. *See* Alabama Law Enforcement Agency, Sex Offender Driver License Designation (2019), https://www.alea.gov/dps/driver-license/license-and-id-cards/sex-offender-driver-license-designation; Ala. Code § 15-20A-18.

branding requirement and then declined to grant a stay of its order pending an application for review in this Court. The State has asserted that the court below erred but has failed to carry its burden of demonstrating a reasonable probability that four justices are likely to grant certiorari or that a majority of the court is likely to find the decision below erroneous.

III. LOUISIANA WILL NOT BE IRREPARABLY HARMED WITHOUT A STAY, BUT A STAY WOULD FORCE THOUSANDS OF CITIZENS TO ENGAGE IN UNCONSTITUTIONAL SPEECH

At no point in this litigation has the State presented evidence that the branded identification requirement actually furthers the State's proffered interest in protecting the public. In its Application for Stay, the State merely recites the same speculative harm, repeating baseless allegations that sexual predation and crime will result without a stay. Notably, the State cites to a single study by the Bureau of Justice Statistics finding that people released from prison after being convicted of sex offenses were more likely to commit another sex offense (5.3%) than people released from prison who had not been convicted of a sex offense (1.3%). Dept. of Justice, Bureau of Justice Statistics, P. Langan, E. Schmitt & M. Durose, *Recidivism of Sex Offenders Released in 1994*, 1 (Nov. 2003). This same report, however, notes that, as a whole, people convicted of sex offenses are actually *less* likely to commit any future crime at all. *Id.* at 2.

What the State fails to demonstrate is any evidence that the branding requirement *itself*—as opposed to the many other restrictions and requirements

Louisiana and federal law impose—has played any part in preventing sex offenses or other harms. If it did, one would expect to see evidence of such harms occurring with greater frequency in the overwhelming majority of States that do have no branding or other identification requirement at all. But again, the State cites nothing but speculation. Moreover, most of the State's speculative harm is already prevented by other statutes that forbid people convicted of sex offenses from visiting or living near schools and parks; require people convicted of sex offenses to declare their status upon arriving at an emergency shelter; and impose similar restrictions and requirements. *See* La. R. S. 15:542 *et. seq.*; La. R. S. 15:543.2.

The Louisiana Supreme Court, as the highest court in its jurisdiction, is better placed to consider the potential harm to Louisiana residents than this Court. Its conclusion that there is no irreparable harm and its denial of a stay deserve deference, as there are no "unusual circumstances" to overcome its presumption of validity. *Wise*, 434 U.S. at 1333.

On the other hand, should a stay be entered, Mr. Hill and many other citizens of Louisiana will be forced to engage in the compelled speech that the Louisiana Supreme Court has ruled unconstitutional according to this Court's precedents. The requirement violates the constitutional rights of the approximately 2,200 people required to register in Louisiana[4] and the entering of a stay would allow this harm to continue. Under a balancing of the equities, the continued violation of constitutional

[4] *See Access the Louisiana Sex Offender & Child Predator Registry*, La. Dep't of Pub. Safety & Corr., http://doc.la.gov/public-programs-resources/la-sex-offender-registry (last visited Dec. 15, 2020).

rights on such a large scale strongly outweighs the purely speculative damage suggested by the State.

It is the State's burden to prove that this Court will likely grant certiorari and reverse on the merits, and that irreparable harm will be incurred without a stay. The State has not met its burden and the Application for Stay should be denied.

Respectfully submitted,

/s/ Richard Bourke
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