

22-138 COUNTERMAN V. COLORADO

DECISION BELOW: 497 P.3d 1039

LOWER COURT CASE NUMBER: 17CA1465

QUESTION PRESENTED:

Whether, to establish that a statement is a "true threat" unprotected by the First Amendment, the government must show that the speaker subjectively knew or intended the threatening nature of the statement, or whether it is enough to show that an objective "reasonable person" would regard the statement as a threat of violence.

CERT. GRANTED 1/13/2023