
SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

K.L.B.,

Appellant.

MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF

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The American Civil Liberties Union of Washington (“ACLU”) respectfully moves, pursuant to RAP 10.1(e) and 10.6, to file a brief as *Amicus Curiae* regarding the constitutionality of RCW 9A.76.175, which criminalizes false speech made to a public servant. In support of this motion, the ACLU offers the following information:

I. IDENTITY AND INTEREST OF AMICUS

The American Civil Liberties Union of Washington (“ACLU”) is a statewide, nonpartisan, nonprofit organization of over 20,000 members, dedicated to the preservation of civil liberties. From its inception, the ACLU has sought to safeguard free expression under the First Amendment. The ACLU has participated in numerous cases involving challenges to law that infringe on protected speech, including the criminalization of protected speech, as *amicus curiae*, as counsel to parties, and as a party itself.

II. FAMILIARITY WITH ISSUES

Amicus has obtained copies of, and is familiar with, the briefing submitted by the parties to this Court, the opinion of the lower court and the proceedings below. *Amicus* is familiar with the scope of the argument presented by the parties and will not unduly repeat arguments raised by

any of the parties.

III. ISSUE TO BE ADDRESSED BY AMICUS

Whether RCW 9A.76.175 exceeds its legitimate scope and criminalizes protected speech, and whether the First Amendment requires a narrowing construction of the statute’s “materiality” and “public servant” elements.

IV. WHY AMICUS BRIEFING WILL ASSIST THE COURT

The Court's decision on the issue in this case will significantly impact individual free speech rights and give guidance to lower courts to avoid imposing criminal punishment for engaging in protected speech. A fully informed decision is essential, and the additional argument provided by the ACLU *amicus* brief will be helpful to the Court. RAP 10.6(a). The parties are naturally most interested in establishment of a rule that addresses the particular facts of this case and provides a favorable result to their clients. *Amicus* can provide a wider perspective, helping in the establishment of a rule that goes beyond the needs of the specific clients in this case.

V. CONCLUSION

For the foregoing reasons, the ACLU respectfully requests that the Court grant leave to file the attached *amicus* brief.

Respectfully submitted this 16th day of August, 2014.

By /s/ La Rond Baker

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