

No. 77982-6-I

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON,

Respondent,

v.

JEREMY DAWLEY,

Appellant.

MOTION FOR LEAVE TO FILE BRIEF OF *AMICUS CURIAE*
AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON

ACLU OF WASHINGTON
FOUNDATION

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I. RELIEF REQUESTED

Pursuant to RAP 10.6 the American Civil Liberties of Washington requests that the Court permit the filing of the attached *Brief of Amicus Curiae* in support of Jeremy Dawley. *Amicus* believes the brief will assist this court in evaluating the constitutionality of RCW 9A.76.180.

II. IDENTITY AND INTEREST OF *AMICUS*

The ACLU of Washington is a statewide, nonpartisan, nonprofit organization, with over 135,000 members and supporters, that is dedicated to the preservation of civil liberties, including the right to free speech, and that has advocated for free speech in Washington in both state and federal courts.

III. FAMILIARITY WITH THE ISSUES

Amicus is familiar with the briefing submitted by the parties to this Court, the opinion of the Superior 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 the parties.

IV. ISSUE TO BE ADDRESSED

Whether RCW 9A.76.180 is unconstitutionally overbroad and vague in violation of the First Amendment of the United States Constitution.

V. WHY *AMICUS* BRIEFING WILL ASSIST THE COURT

The Court's decision on the issues in this case will significantly impact the law on freedom of speech and how citizens may interact with

their public officials. Cases involving RCW 9A.76.180 and intimidating a public servant are not common, and therefore a fully informed decision from Washington's appellate court is essential. The additional argument provided by *amicus* will be helpful to the Court. RAP 10.6(a). The parties are naturally most interested in the 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 parties in this case. *Amicus* also has specific expertise in the area of First Amendment law and freedom of speech.

VI. CONCLUSION

Amicus requests that the Court grant this motion and permit it to file the attached *Amicus Curiae* Brief in support of Appellant, Jeremy Dawley.

Respectfully submitted this 22nd day of March, 2019.

By: /s/Lisa Nowlin

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AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON FOUNDATION

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