No. 121094

IN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

Plaintiff-Appellant

v.

WALTER RELERFORD

Defendant-Appellee.

Appeal from the Appellate Court of Illinois,
First Judicial District, No. 1-13-2531

There on appeal from the Circuit Court of Cook County,
No. 12 CR 8636
The Honorable William G. Lacy, Judge Presiding

BRIEF OF *AMICUS CURIAE* THE AMERICAN CIVIL LIBERTIES UNION OF ILLINOIS IN SUPPORT OF DEFENDANT-APPELLEE WALTER RELERFORD

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POINTS AND AUTHORITIES

INTERESTS OF THE AMICUS

The American Civil Liberties Union of Illinois is the state affiliate of the nationwide American Civil Liberties Union, a nonprofit, nonpartisan organization with more than 500,000 members dedicated to the principles of liberty and equality embodied in the U.S. Constitution. The American Civil Liberties Union has a well-earned reputation as a vanguard for protecting free speech nationally and in Illinois. *See, e.g. Ashcroft v. ACLU*, 542 U.S. 656 (2004); *United States v. Am. Library Ass'n*, 539 U.S. 194 (2003); *ACLU of Ill. v. Alvarez*, 679 F.3d 583 (7th Cir. 2012); *People v. Clark,* 2014 IL 115776; *People v. Melongo*, 2014 IL 114852.

SUMMARY OF ARGUMENT

The Illinois Stalking Statute, 720 ILCS 5/12-7.3 (2012), and the Illinois Cyberstalking Statute, 720 ILCS 5/12-7.5 (2012) (collectively, the "Statutes"), criminalize every "communicat[ion] to or about, a person" that an individual "should know ... would cause a reasonable person to ... suffer ... emotional distress." 720 ILCS 5/12-7.3(a)(1)-(2), (c)(1); 720 ILCS 5/12-7.5(a)(1)-(2), (c)(1). Criminalizing such a broad range of speech violates the First Amendment.

Most fundamentally, the Statutes fail because they criminalize speech even if the speaker does not intend to cause harm. They instead criminalize speech whenever a speaker "should know" that speech will cause harm. This substitution of the traditional requirement of *mens rea* with a mere negligence standard in the context of criminal laws that punish speech simply cannot be

squared with the demanding requirements of the First Amendment. Indeed, the Statutes are all the more overbroad because they appear to punish, without clear limitation, speech that causes only a scintilla of "emotional distress" in any listener. This almost boundless coverage is particularly distressing in the context of online communication, where a speaker's words may be encountered by an almost limitless array of listeners without appropriate context.

The Statutes also fail because they are content-based regulations of speech. When statutes regulate speech based on the speaker's message, they are unconstitutional unless they are narrowly tailored and serve a compelling state interest—that is, if they survive strict scrutiny. Here, the State lacks any credible argument that the Statutes meet the exacting standards of strict scrutiny.

If the Court were to endorse such far-reaching criminal laws, it would have consequences that go far beyond the criminalization of what the General Assembly has labeled "stalking." It would grant the State a license to punish individuals based upon nothing more than a belief that individuals should not take actions that they "should know" might cause others to experience "emotional distress." That seemingly boundless rule would depart from fundamental and longstanding constitutional principles. The Statutes as drafted, therefore, cannot stand.

ARGUMENT

I. The Statutes Violate The First Amendment Because They Are Overbroad In Their Reach.

A. The Statutes Impermissibly Criminalize Speech That Was Not Intended To Cause Harm.

The Statutes criminalize speech "to or about" a person that a speaker "should know" will cause "emotional distress." 720 ILCS 5/12-7.3(a)(1)-(2), (c)(1); 720 ILCS 5/12-7.5(a)(1)-(2), (c)(1). Among other things, this means speakers who are merely negligent as to the effects their communications have on others may be held criminally liable for their speech. The First Amendment does not allow this result.

Even outside the First Amendment context, with only rare exceptions, criminal statutes must require proof that the defendant "intended to harm" the victim in order "to separate those who understand the wrongful nature of their act from those who do not." *United States v. X–Citement Video, Inc.*, 513 U.S. 64, 72 n.3 (1994); *People v. Stiles*, 334 Ill. App. 3d 953, 956 (1st Dist. 2002) (noting that "'[t]he common law recognized that a crime required both *actus reus*, a guilty act, and *mens rea*, a guilty mind. . . .'") (citation omitted). This "subjective intent element" draws the clear line that divides the innocent from the guilty. *See Morissette v. United States*, 342 U.S. 246, 251–52 (1952); *see also People v. Gean*, 143 Ill. 2d 281, 286 (1991). The general requirement that there be a subjective intent element thus has long been a defining component of the criminal law, in part because "'[t]he combination of stigma and loss of liberty involved in a conditional or absolute sentence of imprisonment sets that

sanction apart from anything else the law imposes.'" *McMillan v. Pennsylvania*, 477 U.S. 79, 98 n.2 (1986) (Stevens, J., dissenting) (citation omitted).

These concerns are heightened when a statute regulates speech. A statute that criminalizes speech because the speaker "should know" it will cause harm imposes a "negligence standard, charging the defendant with responsibility for the effect of his statements on his listeners." *Rogers v. United States*, 422 U.S. 35, 47 (1975) (Marshall, J., concurring). It is one thing for courts to allow punishment of "well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem." *See Chaplinsky v. New Hampshire*, 315 U.S. 568, 571–72 (1942); *accord People v. Heinrich*, 104 Ill. 2d 137, 145–46 (1984) (quoting *Chaplinsky*, 315 U.S. at 571–72). It is quite another for courts to authorize the criminalization of speech without regard to whether the speaker had "a guilty mind" if the speaker *should have* anticipated that the listener would be harmed. Because the Statutes do the latter, they do not pass constitutional muster.

1. The Statutes Do Not Provide For A Constitutionally Adequate *Mens Rea* Element.

A subjective intent *mens rea* element is essential to upholding basic First Amendment values. For public discussion to remain "'uninhibited, robust, and wideopen,'" the First Amendment must protect speech that is "vituperative, abusive, and inexact." *Watts v. United States*, 394 U.S. 705, 708

(1969) (per curiam) (citation omitted); *Imperial Apparel, Ltd. v. Cosmo's Designer Direct, Inc.*, 227 Ill. 2d 381, 393–94 (2008) ("The protections afforded by the first amendment to freedom of speech ... [is] designed to assure unfettered interchange of ideas.... [T]he best test of truth is the power of the thought to get itself accepted in the competition of the market.") (citations and internal quotation marks omitted). But when a statute proscribes speech without regard to the speaker's intended meaning, speech may be unlawful simply because it is crudely or zealously expressed. Furthermore, when the line between criminal and non-criminal speech does not depend upon the speaker's objectives, this line between what is criminal and non-criminal is unclear, thus requiring prospective speakers to self-censor in order to avoid the serious consequences of misjudging how their words will be received. This sort of self-censorship inevitably stifles protected First Amendment expression.

To ensure adequate breathing room for speech, therefore, this Court should hold that subjective intent to threaten is an essential element of all criminal statutes that restrict speech. Without that protection, the guilty include all those who should have expected that another person would feel aggrieved by their remarks. That is why the weight of precedent rightly holds that the State may not criminalize speech that is merely crude or zealous if that speech is wholly lacking in malicious intent. *See Watts*, 394 U.S. at 706–08 (construing statute prohibiting the making of knowing and willful threats against the President as not prohibiting "crude offensive method[s] of stating

a political opposition to the President" based upon First Amendment principles); *Virginia v. Black*, 538 U.S. 343, 360 (2003) (statute prohibiting cross-burning is constitutional only to the extent that it requires proof of "intent of placing the victim in fear of bodily harm or death"); *People v. Dye*, 2015 IL App (4th) 130799, ¶ 10 (citing First Amendment principles as basis for construing statute prohibiting threatening of public official to include intent element); *People v. Diomedes*, 2014 IL App (2d) 121080, ¶ 30 (explaining that "'true threats'" only "'encompass those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence ....'") (citation omitted).

The First Amendment exists to preserve the space that facilitates the free exchange of ideas in an open society. That space cannot exist if the legislature criminalizes negligent speech. *See Rogers*, 422 U.S. at 44, 47 (Marshall, J., concurring) (arguing that the Court "should be particularly wary of adopting ... a [negligence] standard for a statute that regulates pure speech," because replacing a showing of intent with objective criteria alone "would create a substantial risk that crude, but constitutionally protected, speech might be criminalized"); *City of Chicago v. Pooh Bah Enters., Inc.*, 224 Ill. 2d 390, 436–37 (2006) ("[A]n overbroad statute might serve to chill protected speech. A person contemplating protected activity might be deterred by the fear of prosecution."); *see also People v. Sikora*, 32 Ill. 2d 260, 267 (1965) (explaining with regard to a criminal statute "[s]cienter is required because

without it a bookseller could be safe only if he engaged in self-censorship, which might impede the distribution of nonobscene books.").

Statutes that criminalize speech under a negligence standard constrict the breathing space required for robust debate. That is because they place the burden on the speaker to anticipate and account for the full range of potential responses to that speech. The inevitable result is self-censorship, even of speech at the heart of the First Amendment, such as political, artistic, and ideological speech. *See Watts*, 394 U.S. at 708 ("The language of the political arena" "'may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials'") (citation omitted); *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 928 (1982) ("Strong and effective extemporaneous rhetoric cannot be nicely channeled into purely dulcet phrases. An advocate must be free to stimulate his audience with spontaneous and emotional appeals for unity and action in a common cause."); *Brandenburg v. Ohio*, 395 U.S. 444, 451 (1969) ("Congress certainly cannot forbid all effort to change the mind of the country."); *Colson v. Stieg*, 89 Ill. 2d 205, 213 (1982) ("[T]he constitutional first amendment protections . . . are present in this case, especially the necessity for free and uninhibited discussion and the need to avoid self-censorship."). This type of discussion cannot survive if speakers may be held criminally responsible for the unintended reactions to their speech.

Accordingly, if the legislature wishes to criminalize speech, it must, at a minimum, require that the State prove more than negligence. It must require

that the State prove beyond a reasonable doubt that the speaker *intended* to harm the listener.

2. A Subjective Intent Element Is Even More Crucial Where A Statute Purports To Regulate Speech Causing "Emotional Distress."

The Statutes criminalize speech that causes a listener to experience "emotional distress." *See* 720 ILCS 5/12-7.3(a); 720 ILCS 5/12-7.5(a). Because the range of speech that may cause "emotional distress" is virtually unlimited, an intent requirement is all the more critical.

The Statutes' "emotional distress" element is expansive by its very nature. Emotional distress depends upon the listener's highly subjective evaluation. One person's emotional distress may be another person's biting satire. *See Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46 (1988). Because emotional distress is so subjective and particular, it is difficult for a speaker to predict whether speech will evoke such a response.

This is particularly true because the Statutes do little to define the minimum quantum of emotional distress needed to trigger criminal liability. The Statutes provide only that "emotional distress" is "significant mental suffering, anxiety or alarm," 720 ILCS 5/12-7.3(c)(3); 720 ILCS 5/12-7.5(c)(3). But this definition offers little guidance. The term "significant mental suffering" is hardly more precise than the term "emotional distress." Anyone who has ever told an off-color joke, ended a romantic relationship, or delivered constructive criticism knows how difficult it is to predict what speech will cause "significant mental suffering." Without a strong *mens rea* requirement,

therefore, all must live in fear that they might unwittingly cause another person to experience emotional distress. This creates a profound chilling effect on speech in Illinois.

A few examples illustrate how a criminal statute that prohibits speech when the speaker "should know" that it would cause "emotional distress" reaches reams of constitutionally protected speech. Consider the following:

- A community activist leading an anti-gang violence initiative after the shooting death of a child specifically identifies the child's killer in print and through oral advocacy (for example, social media posts or radio shows). The community activist states during a radio appearance or community meeting: "To the killer of that young child: This community will bring you to justice!" The killer experiences fear or great emotional distress after learning that the community activist and community are working together to ensure his arrest.

- A manager seeks an urgent report from an employee. When the employee misses the deadline for delivering the report, the manager repeatedly contacts the employee via telephone and email demanding that the report be submitted. This could cause the employee to experience fear and emotional distress, although there is no reason to believe that the manager intended that effect.

Each would seem to constitute a crime under the Statutes. If so, the Statutes undeniably are overbroad.

3. The Statutes Must Have A Subjective Intent Element Because Of Their Impact On Online Speech.

The internet is now a major medium of communication for nearly every purpose, and the First Amendment is fully applicable to online speech. As the Court made clear in *Reno*, there is "no basis for qualifying the level of First Amendment scrutiny that should be applied" to speech conducted on the

Internet. *Reno v. ACLU*, 521 U.S. 844, 870 (1997); *Hadley v. Doe*, 2014 IL App (2d) 130489, ¶16 ("[I]t is well established that [ ] first-amendment principles apply to speech on the Internet.") (citation omitted).

The need for a subjective intent requirement is especially apparent in the context of online speech. Online speakers often have less information about their audience than traditional speakers. An online speaker may communicate online with the expectation that a small number of people will encounter that speech, without anticipating that it could be read—and understood differently—by a much broader audience. *See e.g.*, Danah Boyd, *It's Complicated: The Social Lives of Networked Teens* 31-32 (2014) ("In speaking to an unknown or invisible audience, it is impossible and unproductive to account for the full range of plausible interpretations [of a statement]."). Indeed, a speaker's online communications can lose important context as unintended listeners forward those communications on to others, triggering unintended reactions, including "emotional distress."

Consequently, the lack of a subjective intent element in the Statutes chills protected online speech. Under the Statutes, all those who communicate online must assume that their statements will be read by others, free of context, and then must reasonably anticipate whether that statement could trigger emotional distress in another person. Subjecting all online posters to such a guessing game is absurd and in clear violation of the First Amendment.

B. The Statutes Impermissibly Criminalize Speech That Does Not Harm Any Supposed Victim.

The Statutes are fatally overbroad in a second respect—they criminalize speech that does not cause any actual harm to any actual person. In particular, they criminalize speech that the speaker "should know" could cause "a reasonable person" to suffer emotional distress. 720 ILCS 5/12-7.3(a); 720 ILCS 5/12-7.5(a). That is, the putative victim need not suffer any actual emotional distress, as long as a hypothetical person reasonably could have experienced emotional distress and the speaker should have anticipated that result.

The connection between the speech and any potential harm is further attenuated because the statute encompasses "communica[tion] to *or about*" the alleged victim. 720 ILCS 5/12-7.3(c)(1); 720 ILCS 5/12-7.5(c)(1). This means the Statutes penalize speech that is not directed at an individual, so long as the speech would cause a reasonable person emotional distress if discovered. This is impermissible. *See Clark,* 2014 IL 115776, ¶¶ 21, 25 (eavesdropping statute held unconstitutionally overbroad in part because it infringes on protected private speech); *Melongo*, 2014 IL 114852, ¶ 24 (same). If this aspect of the Statutes survives constitutional scrutiny, a court potentially could hold that any of the following are criminal acts:

- After a fight with his spouse, a person writes public posts on Facebook complaining about his marriage and declaring that he will seek a divorce. The posting could cause the spouse emotional distress, but even if the spouse never sees it, the person could be convicted if a jury concludes that the person

"should have known" that the speech could "reasonably" cause the spouse to suffer such distress.

- In preparation for a high school football game, a coach creates a series of inspirational videos for his players announcing that his team will destroy their rival and send their rival's star player to the hospital. Even if the star player never sees the videos, a jury could convict the coach if it finds that the coach "should have known" that the videos could "reasonably" cause the player emotional distress.

II. The Statutes Violate The First Amendment Because They Do Not Withstand Strict Scrutiny.

Statutes directed at speech itself or at "conduct with a significant expressive element" are subject to strict scrutiny if they discriminate based on the content of expression. *Arcara v. Cloud Books, Inc.*, 478 U.S. 697, 706–07 (1986); *People v. Minnis*, 2016 IL 119563, ¶ 32; *People v. Jones*, 188 Ill. 2d 352, 357–58 (1999). As the Court explained in *United States v. Alvarez*:

> [C]ontent-based restrictions on speech have been permitted, as a general matter, only when confined to the few historic and traditional categories [of expression] long familiar to the bar. Among these categories are advocacy intended, and likely, to incite imminent lawless action; obscenity; defamation; speech integral to criminal conduct; so-called fighting words; child pornography; fraud; true threats; and speech presenting some grave and imminent threat the government has the power to prevent, although a restriction under the last category is most difficult to sustain.

132 S. Ct. 2537, 2544 (2012) (citations and internal quotation marks omitted); *Jones*, 188 Ill. 2d at 357 ("A far more stringent test is applied to a regulation that restricts speech because of its content. At the heart of the First Amendment lies the principle that each person should decide for himself or herself the ideas and beliefs deserving of expression, consideration, and

adherence.") (citations and internal quotation marks omitted). Even in those limited circumstances, content-based speech regulations must be narrowly tailored. *See Sable Commc'ns of Cal., Inc. v. FCC*, 492 U.S. 115, 126 (1989) ("[t]he Government may, however, regulate the content of constitutionally protected speech in order to promote a compelling interest if it chooses the least restrictive means to further the articulated interest."); *Pooh Bah Enters.*, 224 Ill. 2d at 407 ("[T]he first amendment prevents the government from proscribing speech or expressive conduct because of disapproval of the ideas expressed. Content-based regulations are presumptively invalid.").

The Statutes at issue in this case prohibit two or more acts of communication to or about a particular person if the speaker should have known that the speech could cause a reasonable person emotional distress. That is a content-based restriction, which triggers strict scrutiny under the First Amendment. The Statutes, however, do not survive such scrutiny.

A. The Statutes Impose Content-Based Restrictions On Speech That Trigger Strict Scrutiny.

Both Statutes restrict speech and expressive conduct based upon content. "Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed." *Reed v. Town of Gilbert, Ariz.*, 135 S. Ct. 2218, 2227 (2015). *See also Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 641 (1994) ("[g]overnment action that stifles speech on account of its message . . . contravenes th[e] essential right" of self-determination that "lies" "[a]t the heart of the First

Amendment."); *Jones,* 188 Ill. 2d at 358 ("Generally, laws that by their terms distinguish favored speech from disfavored speech on the basis of the ideas or views expressed are content-based.")

The Statutes criminalize speech that causes emotional distress. 720 ILCS 5/12-7.3(a)(1)-(2); 720 ILCS 5/12-7.5(a)(1)-(2). The Statutes are based on the content of speech because they criminalize speech based on the effect on the listener—an effect which arises because of the specific content of the expression. *See Reed,* 135 S. Ct. at 2227; *Turner Broad. Sys.,* 512 U.S. at 641; *Jones,* 188 Ill. 2d at 358. Thus, the Statutes amount to content-based restrictions on speech.

B. The State Cannot Carry Its Burden Under The Strict Scrutiny Standard.

Because the Statutes criminalize speech based on content, they are subjected to strict scrutiny. The Statutes fail that demanding test.

Content-based restrictions on speech survive "only in the most extraordinary circumstances." *Bolger v. Youngs Drug Prods. Corp.*, 463 U.S. 60, 65 (1983); *see Kalodimos v. Vill. of Morton Grove*, 103 Ill. 2d 483, 509 (1984) (discussing the Illinois Constitution and observing that "the search for less onerous alternative means of securing a governmental interest is a hallmark of strict scrutiny"); *see also People v. Alexander*, 204 Ill. 2d 472, 477 (2003) (holding that child pornography laws satisfy strict scrutiny). The Statutes, however, do not address the most extraordinary circumstances. They penalize "*any* action, method, device, or means" by which a person "directly [or]

indirectly" "communicates to or about, a person. . . ." 720 ILCS 5/12-7.3(c)(1) (emphasis added); *accord* 720 ILCS 5.12-7.5(c)(1). The Statutes are not narrowly tailored to restrict only unlawful speech. Instead, the Statutes' broad sweep impinges on a vast amount of constitutionally protected speech.

It makes no difference that the Statutes penalize speech that offends others. As the United States Supreme Court has held, "the point of all speech protection . . . is to shield just those choices of content that in someone's eyes are misguided, or even hurtful." *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Grp. of Boston*, 515 U.S. 557, 574 (1995); *see Alexander*, 204 Ill. 2d 472; *People v. Douglas*, 29 Ill. App. 3d 738, 742–43 (1st Dist. 1975) (stating "[v]ulgar language, however distasteful or offensive to one's sensibilities, does not evolve into a crime because people standing nearby stop, look, and listen. The State's concern becomes dominant only when a breach of the peace is provoked by the language."). It therefore is axiomatic that the First Amendment protects speech that some find "'offensive or disagreeable.'" *Snyder v. Phelps*, 562 U.S. 443, 458 (2011) (quoting *Texas v. Johnson*, 491 U.S. 397, 414 (1989)); *see People v. Sanders*, 182 Ill. 2d 524, 529–30 (1998) (citing *Johnson*, 491 U.S. at 414). The same is true of Article I, Section 4 of the Illinois Constitution. *See Douglas*, 29 Ill. App. 3d at 742–43. Indeed, if permissible speech were limited to that which no one would find offensive, there would be no need for the First Amendment's protection of free speech.

Here, the Statutes criminalize speech merely because that speech will cause "emotional distress" or "fear." 720 ILCS 5/12-7.3(a)(1)-(2); 720 ILCS 5/12-7.5(a)(1)-(2). The Constitution does not allow such a standard. If a law survives because it may cause "emotional distress" or "fear," then *any* speech may be criminalized because it causes psychological distress to another. This would mean that wearing certain clothing, *see City of Harvard v. Gaut*, 277 Ill. App. 3d 1 (2d Dist. 1996), or engaging in peaceful labor picketing, *see Police Department of the City of Chicago v. Mosley*, 408 U.S. 92 (1972), might not have constitutional protection. This is not the law; indeed, the very purpose of the First Amendment is to protect speech that some might find offensive.

CONCLUSION

For the foregoing reasons, *amicus curiae* the American Civil Liberties Union of Illinois urges this Court to hold that the Illinois Stalking Statute, 720 ILCS 5/12-7.3 (2012), and the Illinois Cyberstalking Statute, 720 ILCS 5/12-7.5 (2012) violate the First Amendment and to affirm the judgment of the court below.

Dated: March 15, 2017

Respectfully Submitted,

THE AMERICAN CIVIL LIBERTIES UNION OF ILLINOIS

s/Robert R. Stauffer
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RULE 341(c) CERTIFICATE OF COMPLIANCE

I, Robert R. Stauffer, an attorney, certify that this brief conforms to the requirements of Supreme Court Rules 345(b) and 341(a) and (b). The length of this brief, excluding pages containing the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, and the certificate of service, is 17 pages.

s/Robert R. Stauffer
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No. 121094

IN THE SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, Plaintiff -Appellant, v. WALTER RELERFORD, Defendant-Appellee.	Appeal from the Appellate Court of Illinois, First Judicial District, No. 1-13-2531 There on appeal from the Circuit Court of Cook County, No. 12 CR 8636 Hon. William G. Lacy, Judge Presiding.

NOTICE OF FILING

To: See Attached Certificate of Service

PLEASE TAKE NOTICE that on March 15, 2017, I caused the foregoing **Brief Of *Amicus Curiae* The American Civil Liberties Union Of Illinois In Support Of Defendant-Appellee Walter Relerford** to be electronically submitted with the Clerk of the Supreme Court of Illinois by using the i2File system.

March 15, 2017

Respectfully Submitted,

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CERTIFICATE OF SERVICE

Robert R. Stauffer, an attorney, hereby certify that on March 15, 2017, I caused the foregoing **Notice of Filing** and **Brief Of *Amicus Curiae* The American Civil Liberties Union Of Illinois In Support Of Defendant-Appellee Walter Relerford** to be submitted to the Clerk of the Supreme Court of Illinois by using the i2File system. Pursuant to the "Supreme Court of Illinois Electronic Filing User Manual," upon acceptance of the electronic notice for filing, I certify that I will cause an original **Notice of Filing** and an original and twelve copies of the **Brief Of *Amicus Curiae* The American Civil Liberties Union Of Illinois In Support Of Defendant-Appellee Walter Relerford** to be transmitted to the Court via UPS overnight delivery within 5 days of that notice date.

I further certify that I will cause one copy of the Notice of Filing and three copies of the above named brief to be served upon the counsel listed below via UPS overnight delivery:

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