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## **SUPREME COURT OF THE UNITED STATES RULES IN FAVOR OF POST & SCHELL CLIENT IN *ELONIS V. U.S.***

*Court's decision establishes intent requirement for speech on social media*

**PHILADELPHIA, PA – June 1, 2015** – On June 1, 2015, the Supreme Court of the United States (SCOTUS) ruled in favor of Post & Schell client Anthony Elonis in the case *Elonis v. U.S.* The 7-2 ruling overturns an earlier decision affirming the conviction of Mr. Elonis on charges related to allegedly threatening posts he authored on his own Facebook page. Elonis' conviction had been affirmed by the Third Circuit Court of Appeals in September 2013.

SCOTUS' decision establishes that internet, social media, and other online speech cannot be prosecuted as threats if the intent of the author is not clearly established, and that "wrongdoing" – even in connection with such online speech – "must be conscious to be criminal."

Consistent with Mr. Elonis's arguments, the Court, in an opinion authored by Chief Justice Roberts, explained:

....Elonis's conviction cannot stand. The jury was instructed that the Government need prove only that a reasonable person would regard Elonis's communications as threats, and that was error. Federal criminal liability generally does not turn solely on the results of an act without considering the defendant's mental state....Our holding makes clear that negligence is not sufficient to support a conviction....

Justices Alito and Thomas dissented.

Mr. Elonis is represented by Post & Schell [Internal Investigations & White Collar Practice Group](#) Chair and Principal [Ronald H. Levine](#) and Associate [Abraham J. Rein](#), and Vinson & Elkins Partner [John P. Elwood](#), via the University of Virginia School of Law's [Supreme Court Litigation Clinic](#).

"Our goal, very often successful, is to help our clients avoid conflicts with the government," Levine said. "But, when necessary, we will fight. This is an important victory, not only for Mr. Elonis but for others in danger of losing their freedom over words they uttered. We are pleased with this result."

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