

## **North Carolina sex offender wins the right to use Facebook as Supreme Court rules law banning them from social media is unconstitutional**

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The Supreme Court has struck down a North Carolina law that bars convicted sex offenders from social media.

Lester Packingham Jr., a registered sex offender after having 'indecent liberties' with a 13-year-old girl when he was 21, won the right to use [Facebook](#), Twitter and similar sites following the ruling on Monday.

The 36-year-old was convicted in 2010 of breaking a North Carolina law that bans sex offenders from using commercial social networking sites, over fears they could connect with children, after he took to Facebook to celebrate his traffic court victory.

'No fine. No Court costs. No nothing. Praise be to God. Wow. Thanks, Jesus,' he wrote. That post landed him with a felony charge and a suspended prison sentence.

His lawyers had argued that Packingham, who wrote the post under an alias on Facebook, was not using the website or his computer to communicate with minors or that he posted anything inappropriate or obscene.

They said that the law, meant to prevent communications between sex offenders and minors via social media, was so broad that it violates the Constitution's free-speech protections.

The case reaches the Supreme Court after it was upheld by North Carolina's highest court in a divided ruling.

Earlier this year, the court heard from groups including the libertarian Cato Institute and the American Civil Liberties Union which argued the North Carolina law could ban sex offenders from online life that includes looking for jobs or reading the daily musings of President Donald Trump and is unconstitutional.

'Everyday Americans understand that social media - which includes Twitter, Facebook, Instagram - are absolutely central to their daily life and how the First Amendment is exercised in America today,' said Stanford law professor David Goldberg.

The 36-year-old was convicted in 2010 of breaking a North Carolina law that bans sex offenders from using commercial social networking sites such as Facebook (stock image)

Though the intent of North Carolina lawmakers may have been to block sexual predators from finding and grooming prey online, Goldberg said the law goes further and makes it a crime for someone on a sex-offender registry to say anything about any subject on social media.

'That goes way, way too far,' Goldberg said.

'It's a crime to do anything, including what Mr. Packingham did, which was to say "God is good" because he was victorious in traffic court. There's never been any suggestion that he was up to anything but exercising his freedom of speech.'

Georgia, Kentucky and Louisiana also have laws restricting sex offenders' use of use of social media sites.

Nine other states require offenders to disclose their online usernames and profiles, according to the National Conference of State Legislatures.

'We have to protect young people wherever they are, whether that's at school, or at summer camp or increasingly online,' said North Carolina Attorney General Josh Stein, earlier this year, whose office was defending the law.

'This North Carolina law keeps registered sex offenders off of social networking websites that kids use without denying the offenders access to the internet. It just keeps them off of certain web sites.'

The law's supporters contended that it doesn't regulate what sex offenders say, just the time, place and manner of their speech, which most people understand through the legal maxim that you can't yell 'fire' in a crowded movie theater.

Today, the Supreme Court rejected the state's argument that the law deals with the virtual world in the same way that states keep sex offenders out of playgrounds and other places children visit.

Justices voted unanimously to overturn the law, and allow sex offenders to use social media as long as they are not committing a crime, ruling that it comes under free speech.

That means that Americans now have a constitutional right to use Facebook and other social media.

“As a result,” Justice Anthony Kennedy wrote in the unanimous opinion, “the Court must exercise extreme caution before suggesting that the First Amendment provides scant protection for access to vast networks in that medium.”