

Anthony Douglas Elonis, Petitioner v. United States of America

December 1, 2014

The National Center for Victims of Crime is particularly interested in this case because of its commitment to serving victims of stalking and domestic violence. We know that over three-quarters (76 percent) of women murdered by a current or former intimate partner were stalked in the 12 months prior to their deaths. A poor decision by the Supreme Court could create new tools for offenders allowing them to use social media to communicate threats without consequences.

The issues in *Elonis v. United States* could invalidate stalking laws across the country. The majority of these laws require prosecutors to prove that the defendant knowingly engaged in behaviors that would cause a reasonable person fear or emotional distress regardless of the defendant's subjective intent to do so.

With stalking, context is critical in understanding a defendant's behavior. Conduct, which may be otherwise legal, can be illegal if it is part of a series of acts that places a victim in fear of their safety. A subjective standard would allow offenders to avoid accountability by simply claiming they meant no harm as Elonis contends in this case. Victims experience harm regardless of the defendant's intent. In this particular case, the victim testified, "I felt like I was being stalked. I felt extremely afraid for mine and my children's and my families' lives."

Stalking often escalates leading to more serious violence including homicide. In the interest of protecting victims and saving lives, the Supreme Court should affirm the lower court ruling. This case is about threats regardless of the platform in which they are conveyed.

The National Center for Victims of Crime is the nation's leading resource and advocacy organization for all crime victims. The National Center's Stalking Resource Center works to enhance the ability of professionals, organizations, and systems to effectively respond to stalking.