



---

**RALEIGH,  
NORTH CAROLINA**

---

**For Immediate Release . . .**

Contact: Robin Vanderwall  
919.780.4510

## **Justice Bob Edmunds' Packingham opinion gets skeptical look from nation's highest court**

**Raleigh, NC . . .** After spending an inordinate amount of time rescheduling it for Friday conferences, the US Supreme Court granted Lester Gerard Packingham's [petition](#) for a Writ of Certiorari on Friday, October 28, setting the stage for a major showdown on the First Amendment rights of registered sex offenders in North Carolina and throughout the nation.

Mr. Packingham was convicted in 2012 of violating North Carolina's [social networking ban](#) after police in Durham discovered a post on his Facebook page celebrating the dismissal of a traffic ticket by proclaiming 'God is good.'" Packingham argued that the law was an unconstitutional violation of his First Amendment rights, but a Durham County superior court judge refused even to consider the argument. Packingham appealed.

In 2013, the N.C. Court of Appeals unanimously ruled the statute unconstitutional holding that Packingham's First Amendment rights had indeed been violated. His conviction below was vacated. The state appealed to the NC Supreme Court which, in 2015, split 4-to-2 in ruling the law constitutional "in all respects" and holding that any restrictions on free speech were incidental to the prohibition against conduct: "accessing" a social media website. Writing for the majority, Justice Robert H. "Bob" Edmunds, Jr. reasoned that "ample alternative means" already existed whereby registered sex offender could engage in a variety of online forums for exercising their First Amendment rights.

North Carolina RSOL ([NCRSOL](#)) has followed the case closely since the Petition was filed in January, 2016, and has remained in close contact with the attorneys representing Packingham. NCRSOL represents the nearly 17,000 registered citizens in North Carolina who have a stake in the outcome of the Packingham case and are hopeful for a final disposition that reverses the NC Supreme Court and restores their civil rights.

"This is very plain to me. Sex offenders—most especially those who are no longer under any court imposed supervision—are entitled to the full and absolute protection of the Bill of Rights. That's precisely what the Bill of Rights is for: to protect minority or otherwise despised Americans from being deprived of their fundamental rights under the Constitution," said Robin Vanderwall, president of the NC affiliate of RSOL ([www.ncrsol.org](#)) and vice chair of National RSOL ([www.nationalrsol.org](#)).

“Justice Edmunds penned one of the most tortured decisions in the last half century of First Amendment jurisprudence. This thing gets laughed at by first year law students. It's embarrassing! Based on his reasoning, he must surely be expected to believe that depriving someone of 'access' to a telephone would not necessarily hamper his ability to communicate with other people since there are still other methods by which he may communicate. It's nuts! Crazy talk...or writing, as the case should be,” concluded Vanderwall.

**--30--**

*North Carolina RSOL was organized and incorporated in early 2016 when several registrants and their supporters formed to create a more visible presence throughout the state after being urged on by reports of resurgent legislative efforts to enact tougher laws against North Carolina's nearly 17,000 registered sex offenders.*