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5 IN THE MUNICIPAL COURT OF THE CITY OF SEATTLE

6 CITY OF SEATTLE,

7 Plaintiff,

8 v.

9 MILES HUDSON,

10 Defendant.

No. 4240002153

DEFENSE MOTION FOR
RECONSIDERATION

11 COMES NOW, Miles Hudson who, by and through his attorney, Emma Rekart, moves
12 this Court to reconsider the order of the Court on July 29, 2024, prohibiting him from posting or
13 streaming “any content on the social media site Instagram and Twitch.” Mr. Hudson retains a
14 First Amendment right to speak; thus, any restraint this Court imposes on his future speech must
15 be narrowly tailored to protect a compelling government interest. The Court’s July 29, 2024
order fails that test, and defense counsel urges the Court to reevaluate it.

16 Under CrRLJ 8.2 (citing CrRLJ 59), a party may file a motion for reconsideration within
17 ten days after the entry of an order, to be considered within 30 days of the entry of such order.
18 The motion shall be granted if the challenged order or decision was contrary to law or caused
substantial justice to not be done. *See* CrRLJ 59(a).

1 The First Amendment right to free speech is a fundamental right that is safeguarded
2 against State interference by the due process clause of the Fourteenth Amendment. *See De Jonge*
3 *v. Oregon*, 299 U.S. 353, 364 (1937). The issuance of an order by this Court constitutes State
4 action. Thus, Mr. Hudson is entitled to the protection afforded by the First Amendment.

5 The government may limit speech in certain circumstances, such as when that speech
6 amounts to harassment, true threats, intimidation, and other unlawful conduct. However, the
7 Court did not specify that its order limited only these forms of speech. *See Court’s July 29, 2024*
8 *Order* (“The Defendant shall not post or stream *any content* on the social media site Instagram
9 and Twitch. *No posts/content/streaming or reels* are allowed from the social media accounts
10 @Srt.miles on Instagram and Blitzskii from any users” (emphasis added)). The Court did
11 reference a “nexus” between Mr. Hudson’s alleged criminal activity and his social media
12 presence, stating that his crimes were “inexorably tied” to his social media presence. *See Audio*
13 *Recording of 7/29/2024 Hearing at 29:10; 30:50*. However, the Court did not attempt to tailor its
14 restriction to account for this nexus. There are certain uses of social media that are already
15 criminalized – for example, the use of social media to contact a party protected by a No Contact
16 Order, or the use of social media to stalk or harass. The Court did not explain how its order was
17 necessary, in addition to these existing legal prohibitions, to prevent unlawful speech.

18 Further, the government may impose reasonable time, place and manner restrictions upon
all expression, whether written, oral or symbolized by conduct. *See generally Clark v.*
Community for Creative Non-Violence, 468 U.S. 228 (1984). But such restrictions are valid if
they are content-neutral, are narrowly tailored to serve a significant government interest, and
leave open ample alternative channels of communication. *See Perry Educ. Ass’n v. Perry Local*
Educators’ Ass’n, 460 U.S. 37, 45 (1983)). The Court did not engage in any analysis whatsoever

1 regarding whether the Court's restriction on Mr. Hudson's speech met these criteria. And indeed,
2 the Order is unconstitutional as it restricts *any and all* posts on Mr. Hudson's social media
3 accounts, without articulating a compelling government interest that is not already protected by
4 existing statutes such as anti-harassment or anti-stalking statutes.¹

5 Because the Court's order restricts a fundamental constitutional right without being
6 narrowly tailored to serve a compelling government interest, the Court should reconsider it.

7 Dated this 8th day of August, 2024.

8 s/Emma Rekart

9 Emma Rekart, WSBA No. 57601

10 Attorney for Mr. Hudson

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17 ¹ Defense also noted at Mr. Hudson's July 29, 2024 Hearing that multiple individuals control these social
18 media accounts. The Court stated that, regardless of this fact, it was incumbent on Mr. Hudson to ensure that no
content was posted on any of these accounts, even if by other individuals. *See* Audio Recording of 7/29/24 Hearing
at 51:10. In addition to being potentially logistically impossible to comply with, the Order seems to attempt to
regulate the speech of others vicariously through Mr. Hudson.