

Thursday, August 21, 2008

Putting the brakes on disorderly conduct prosecutions.

Â Bill of Rights.Â (From the public domain.)Â Â Too often, police arrest for disorderly conduct when they cannot think of any other crimes to charge. That is beyond unjust. Â Fortunately, the Oregon Supreme Court recently put some strong limits on disorderly conduct prosecutions where a suspect allegedly tailgated another car, and called out some choice words to passersby, all over around a five-minute period. Oregon v. William Johnson, ___ P.3d _ (Oregon August 14, 2008). Oregon's Supreme Court relied on Oregon's version of the First Amendment in reaching its decision, so it is not clear aboutÂ the extent to whichÂ a similar victory canÂ beÂ achievedÂ in other states.Â Â Jon KatzÂ ADDENDUM:Â Thanks to the person who sent me this Oregon v. William JohnsonÂ case.

Posted by Jon Katz in Criminal Defense at 00:00