

**IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE**

STATE OF TENNESSEE

Plaintiff/Appellee,

v.

CHRISTOPHER BASSETT, Jr.

Defendant/Appellant.

No. E2019-02236-CCA-R3-CD

Docket No. 110855

*Appeal from a Jury Verdict of the Criminal Court for Knox County,
Docket No. 110855*

**MOTION FOR LEAVE FOR
AMERICAN CIVIL LIBERTIES UNION AND
AMERICAN CIVIL LIBERTIES UNION OF TENNESSEE TO FILE
BRIEF AS *AMICI CURIAE***

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American Civil Liberties Union, Inc. (“ACLU”) and American Civil Liberties Union of Tennessee, Inc. (“ACLU-TN”), by and through the undersigned counsel, pursuant to Tenn. R. App. P. 31, move this Court for leave to file a brief in this action as *Amici Curiae*. As grounds for this Motion, ACLU and ACLU-TN show this Court as follows:

1. The ACLU is a nationwide, nonprofit, nonpartisan organization dedicated to defending the principles embodied in the Constitution and our nation’s civil rights laws. The ACLU-TN is the Tennessee affiliate of the ACLU. Since its founding in 1920, ACLU has been deeply committed to defending the rights of the criminally accused and protecting the right to freedom of speech and association enshrined in the First Amendment to the United States Constitution. Founded in 1968, ACLU-TN is similarly dedicated to the principles of liberty and equality embodied in the United States Constitution and the Tennessee Constitution.

2. The above-styled case and controversy squarely implicate ACLU’s and ACLU-TN’s concerns with the violation of the free speech and free association rights. This case involves evolving First Amendment jurisprudence against the introduction of protected speech

– here, a rap music video – into evidence at trial where that evidence has no relevance to any issue being decided by the court or jury.

3. ACLU and ACLU-TN believe their amicus brief will aid the Court in making its determination in this case. Both organizations regularly participate in both state and federal courts in cases involving the First Amendment right to freedom of speech through direct representation and amicus briefs. *See, e.g., Weidlich v. Rung*, 2017 WL 4862068 (Tenn. Ct. App. 2017) (direct representation); *Young v. Giles Cty. Bd. of Educ.*, 181 F. Supp. 3d 459 (M.D. Tenn. 2015) (direct representation); *Reno v. ACLU*, 521 U.S. 844 (1997) (direct representation); *Matal v. Tam*, 137 S. Ct. 1744 (2017) (amicus).

4. This case has profound ramifications that reach far beyond the evidentiary ruling at issue that threaten the right to freedom of artistic expression and association. The proffered amicus brief provides an analysis of relevant case law and takes the position that the trial court violated Defendant's First Amendment Rights to speech and association by admitting the rap music video into evidence.

5. ACLU-TN and ACLU submit with this motion their proposed *amici curiae* brief.

November 5th, 2020

Respectfully submitted,

/s/ Thomas H. Castelli

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CERTIFICATE OF SERVICE

I hereby certify that on November 5th, 2020, I served a true and exact copy of the foregoing document via the Court's e-file system upon the following Counsel of Record:

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