

WILL: Wins first amendment lawsuit against Marquette County Sheriff

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WILL sued after Sheriff threatened teen with arrest for social media post

The News: U.S. District Court Judge Brett Ludwig issued a [decision](#) declaring a Marquette County Sheriff's threat to arrest a teenage girl over a social media post in March 2020, violated the teen's First Amendment rights. The Wisconsin Institute for Law & Liberty (WILL) filed the [lawsuit](#) on behalf of Amyiah Cohoon, a teen from Oxford, Wisconsin, who was threatened with arrest for posting that she had COVID-19. A Marquette County Patrol Sergeant was dispatched to Cohoon's home to demand she remove the social media or face arrest for disorderly conduct.

The Decision: U.S. District Court Judge Brett Ludwig wrote in his [decision](#), "The First Amendment is not a game setting for the government to toggle off and on. It applies in times of tranquility and times of strife. While Defendants in this case may have believed their actions served the greater good, that belief cannot insulate them. Demanding a 16-year-old remove protected speech from her Instagram account is a First Amendment violation."

The Quote: WILL Deputy Counsel, Luke Berg, said, "This decision underscores that First Amendment rights cannot be dispatched with in an emergency. More importantly, law enforcement has no business trying to regulate the social media posts of local teenagers."

Background: Rick and Angela Cohoon's teen daughter, Amyiah, developed a severe respiratory illness in March 2020, after a spring break trip to Florida, right when the COVID pandemic was breaking around the country. After one visit to a local hospital, her symptoms worsened, and she ended up at a hospital in Madison. She tested negative for the COVID-19 virus, but her doctors suggested that she likely had the virus and may have missed the window to test positive and told her keep quarantining. Amyiah posted updates to Instagram about her experience, including a post that she had "beaten the coronavirus."

Then, on March 27, a Marquette County Patrol Sergeant was dispatched to the Cohoon's home to demand Amyiah remove the Instagram posts or face arrest for disorderly conduct. The Instagram posts were removed after the threat from law enforcement. Law enforcement was dispatched at the behest of the local school district.

WILL issued a [demand letter](#) to Marquette County Sheriff Joseph Konrath on April 3, requesting an apology and acknowledgement that the Cohoons have a First Amendment right to freely express themselves on social media. Sheriff Konrath did not meet either demand and WILL filed a [federal lawsuit](#) in the Eastern District of Wisconsin on April 16, 2020.

U.S. District Court Judge Brett Ludwig's [decision](#) makes clear that the actions of the Marquette County Sheriff violated the First Amendment rights of Amyiah Cohoon.

Read More:

- [U.S. District Court Decision in Cohoon v. Konrath](#), September 24, 2021
- [The Coronavirus Cops](#), Wall Street Journal Editorial Board, April 19, 2020
- [WILL Complaint](#), April 16, 2020
- [WILL Demand Letter to Marquette County Sheriff](#), April 3, 2020