

CASE BRIEF: MILLER V. CALIFORNIA

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A. Case Name and Identification of the Parties

Miller (appellant) v. California (appellee)

Full case name: Marvin Miller v. State of California

Citation: 413 U.S. 15 (1973)

B. Cause of Action

Miller was charged for violating California Penal Code 311.2(a) with the distribution of obscene material. California believed his material passed the three prongs of the Memoirs test.

C. Facts

Miller ran an “adult” material, or porn, business and sent out a mass-mailing advertising his business. Miller was then charged for violating California Penal Code 311.2(a) about the distribution of obscene material. Miller claimed his material did not pass the “social value” prong of the Memoirs test.

D. Proceedings Below

After being found guilty at both the Superior Court of Orange County and the Appellate Division of the Supreme Court, he was granted Writ of Certiorari from the Supreme Court of the United States. Miller was then found guilty at the Supreme Court of the United States for the distribution of obscene material under the prongs of the Miller test.

E. Issue(s)

Is the sale and distribution of obscene materials by mail protected under the First Amendment’s freedom of speech guarantee?

F. Holding(s)

The First Amendment's freedom of speech does not protect the sale and distribution of obscene material.

G. Reasoning

Although a piece of obscene material may hold social value, if it does not hold serious literary, artistic, political, or scientific value, it is not protected by the First Amendment.

H. Rule of Law

Miller v. California established the definition of "obscene material" under the three prongs of the Miller test. The Miller test is as follows: (1) whether 'the average person, applying contemporary community standards' would find that the work, 'taken as a whole' appeals to 'prurient interest', (2) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and (3) whether the work, 'taken as a whole,' lacks serious literary, artistic, political, or scientific value.