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May 8, 2018

Mr. Gino J. Agnello
Clerk, United States Court of Appeals
for the Seventh Circuit
Room 2722
219 South Dearborn Street
Chicago, Illinois 60604

Re: *Vasquez v. Foxx*, 17-1061

Dear Mr. Agnello:

Pursuant to Federal Rule of Appellate Procedure 28(j) and Circuit Rule 28(e), State's Attorney Foxx cites *Valenti v. Lawson*, ___ F.3d ___, 2018 U.S. App. LEXIS 11873 (7th Cir. May 7, 2018) as supplemental authority in the *Vasquez* appeal.

In *Vasquez v. Foxx*, No. 17-1061, plaintiffs filed constitutional challenges to 720 ILCS 5/11-9.3(b-10), a statutory provision which makes it unlawful for a child sex offender to knowingly reside within 500 feet of various cites that children frequent. In *Valenti*, the plaintiffs filed a constitutional challenge to Ind. Code Ann. § 35-42-4-14, a statute that prohibits serious sex offenders from knowingly or intentionally entering school property.

In their substantive due process arguments, plaintiffs argued that 720 ILCS 5/11-9.3(b-10) is not rationally related to a legitimate end. (Plaintiffs' Br. at 34-36; Plaintiffs' Reply Br. at 14-15.) *Valenti* is relevant to this point of law, as it discusses what is required to satisfy the rational basis test in the context of a challenge to a statutory restriction on sex offenders. *See Valenti*, 2018 U.S. App. LEXIS 11873 at *7-*8.

Plaintiffs also rely upon *Does#1-5 v. Snyder*, 834 F.3d 696 (6th Cir. 2016) in support of their *ex post facto* and substantive due process claims. The State's Attorney argued that *Snyder* was inapposite with respect to the *ex post facto* claim, State's Attorney's Br. at 13, and that *Snyder* does not show that 720 ILCS 5/11-9.3(b-10) lacked a rational basis. State's Attorney's Br. at 23-23. *Valenti* is relevant to this point of law as it held that *Snyder* did not establish that Ind. Code Ann. § 35-42-4-14 lacked a rational basis. *See Valenti*, 2018 U.S. App. LEXIS 11873 at *5.

Respectfully submitted,

s/Paul Castiglione
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CERTIFICATE OF SERVICE

I, Paul A. Castiglione, Assistant State's Attorney, hereby certify that I electronically filed the foregoing letter with the Clerk of the United States Court of Appeals for the Seventh Circuit using the CM/ECF system which will send notification of such filing to the persons referenced above on May 8, 2017.

/s/ Paul A. Castiglione