

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

JANE DOE I, et al.,)
)
 Plaintiffs,)
)
 v.) Case No. 03-CV219085
)
 THOMAS PHILLIPS, et al.,) Division No. 18
)
 Defendants.)

**ORDER GRANTING PERMANENT INJUNCTION
(JUDGMENT)**

Plaintiffs were previously compelled to register pursuant to the Sex Offender Registration Act (SORA), Mo. Rev. Stat. §589.400-589.425. As part of their registration obligation, they were required to submit photographs of themselves to the Defendant James F. Keathley, designated Superintendent of the Missouri State Highway Patrol. The photographs submitted by plaintiffs were made a part of their SORA registration and disseminated to the public by posting them on websites on the Internet and by other means. On June 30, 2006, the Missouri Supreme Court held in *Doe v. Phillips*, 194 S.W.3d 833 (Mo. 2006), that, as applied to the plaintiffs (except Jane Doe III¹), the registration requirements of MO. REV. STAT. §§ 589.400 to 589.425 (SORA) violated the Missouri Constitution's prohibition on retrospective application of the laws.

In accordance with the Supreme Court's decision, defendants have ceased requiring

¹Plaintiffs are Plaintiffs other than Jane Doe III. Jane Doe III was convicted in 1998 and, accordingly, as to her, SORA was not retrospective in its application. *Doe v. Phillips*, 194 S.W.3d at 852.

plaintiffs and others similarly situated to register, however, Defendant Keathley has continued to disseminate to the public the photographs referred to above by posting them on websites on the Internet and by other means of publication. The continued use of said photographs by Defendant James F. Keathley constitutes the continuation of an aspect of the plaintiffs' registration that was held unconstitutional. Defendant would not have the photographs of plaintiffs but for their compelled compliance with a provision of SORA that has now been determined to be unconstitutional.

The Court has considered the Plaintiffs' Motion for Order Prohibiting Use of Photographs of SORA Registrants Whose Convictions Predated January 1, 1985. For the reasons stated in the Supreme Court's opinion in *Doe v. Phillips* herein expressed, the Court believes that plaintiffs are entitled to permanent injunctive relief. The Court finds and concludes that continued use and dissemination to the public by Defendant James F. Keathley of the photographs obtained from plaintiffs constitutes an unlawful retrospective application of the laws as prohibited by Article I, Section 13 of the Missouri Constitution and was specifically deemed unconstitutional by the Missouri Supreme Court in *Doe v. Phillips*, 194 S.W.3d 833(Mo. 2006). Accordingly, the Plaintiffs' Motion is sustained and injunctive relief will issue in aid of enforcement.

Now therefore, Defendant James F. Keathley, Superintendent of the Missouri State Highway Patrol and his successors in office shall be and are HEREBY PERMANENTLY AND FOREVER ENJOINED from publishing the photographs of plaintiffs on websites on the Internet or otherwise disseminating such photographs to the public of the plaintiffs, except Jane Doe III. The defendant shall immediately and forthwith cease and desist from

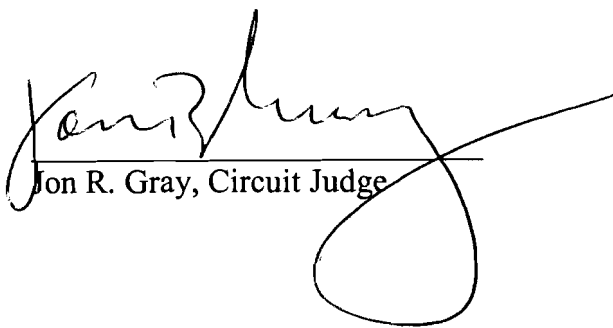
publishing photographs and identifying information of persons registered under SORA whose convictions predated January 1, 1985.

Final judgment is hereby entered in favor of all Plaintiffs, except Jane Doe III. Final judgment is hereby entered against Plaintiff Jane Doe III and all Defendants in this cause of action.

SO ORDERED.

1-8-07

Date



Jon R. Gray, Circuit Judge

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