

**IN THE CIRCUIT COURT OF CAMDEN COUNTY
TWENTY-SIXTH JUDICIAL CIRCUIT
STATE OF MISSOURI**

JOHN THOMAS,

Plaintiff,

v.

CAMDEN COUNTY SHERIFF'S OFFICE,

Defendant.

Case No. 23CM-CC00295

FIRST AMENDED PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

This case involves five different requests the Plaintiff, John Thomas, made for public records held by the Camden County Sheriff's Office ("the Sheriff's Office"). The Office's regular Custodian of Records, Tonia Bailey, started out handling the Office's responses to Thomas's requests, but ultimately delegated Attorney Lynne Brand the authority to communicate with Thomas and his attorneys regarding Thomas's several requests and to make decisions about what records would be produced. In the course of responding to Thomas's various requests, Bailey and/or Brand made a number of false statements to Thomas on behalf of the Sheriff's Office regarding the existence of records Thomas had requested and they also intentionally chose to withhold from Thomas records that the Sunshine Law expressly and unambiguously required the Sheriff's Office to produce to him.

Ultimately, due to an impending statute of limitations, Thomas had no alternative but to file this lawsuit in order to obtain the records the Sheriff's Office had wrongfully failed to produce. The evidence reveals that the Sheriff's Office has committed multiple gross and intentional violations of Thomas's rights under the Sunshine Law. This Court must hold the Sheriff's Office accountable for these violations to the fullest extent the law allows.

THE SUNSHINE LAW

1. Chapter 610, RSMo., contains statutes requiring—with a few specified limitations—that the meetings, records, and votes of all public bodies must be open to the public; this set of statutes is commonly referred to as the “Sunshine Law.”
2. Section 610.010(4), RSMo.,¹ in relevant part, defines “public governmental body” as “any legislative, administrative, or governmental entity created by the constitution or statutes of this state[.]”
3. Section 610.010(6) defines “public record” as “any record, whether written or electronically stored, retained by or of any public governmental body[.]”
4. Section 610.011 declares:
 1. It is the public policy of this state that meetings, records, votes, actions, and deliberations of public governmental bodies be open to the public unless otherwise provided by law. *Sections 610.010 to 610.200 shall be liberally construed and their exceptions strictly construed to promote this public policy.* [emphasis added]
 2. Except as otherwise provided by law, all public meetings of public

¹ Unless otherwise noted, all statutory citations refer to the version of the Missouri Revised Statutes in effect on the date the Plaintiff initiated this litigation.

governmental bodies shall be open to the public as set forth in section 610.020, all public records of public governmental bodies shall be open to the public for inspection and copying as set forth in sections 610.023 to 610.026, and all public votes of public governmental bodies shall be recorded as set forth in section 610.015.

5. Put more simply, transparency is the rule for public entities in Missouri. Courts are not at liberty to infer exceptions to this rule; the only permissible exceptions are those established by statute and courts are instructed to construe those exceptions strictly in order to preserve the rule of transparency.
6. Section 610.023.2 requires each public governmental body to make its public records available to the public for inspection and copying.
7. If a public governmental body refuses to produce records that a citizen has requested, its custodian of records is required to “provide, upon request, a written statement of the grounds for such denial.” § 610.023.4.
8. The written statement “shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date that the request for the statement is received.” *Id.*
9. Section 610.027.1 states that “[a]ny aggrieved person, taxpayer to, or citizen of, this state . . . may seek judicial enforcement of the requirements of sections 610.010 to 610.026.”
10. Section 610.027.2 states that once a party bringing suit under the Sunshine Law has demonstrated to the court “that the body in question is subject to the

requirements of sections 610.010 to 610.026 and has held a closed meeting, record, or vote, *the burden of persuasion will be on the body and its members to demonstrate compliance*” with the Sunshine Law. [emphasis added]

11. Section 610.027.3 states:

Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has knowingly violated sections 610.010 to 610.026, the public governmental body or the member shall be subject to a civil penalty in an amount of up to one thousand dollars. If the court finds that there is a knowing violation of sections 610.010 to 610.026, the court may order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing a violation. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the public governmental body or member of a public governmental body has violated sections 610.010 to 610.026 previously.

12. Section 610.100 contains a number of subsections that govern citizens’ access to specific types of records retained by law enforcement agencies.

13. Section 610.100.1(4) defines “incident report” as “a record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency.”

14. Section 610.100.1(5) defines “investigative report” as “a record, *other than an arrest or incident report*, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties.” (emphasis added)

15. Due to the way § 610.100.1(5) defines “investigative report,” an “incident report” *cannot* be considered an “investigative report.”
16. Section 610.100.2(1) requires each law enforcement agency of any county to “maintain records of all incidents reported to the agency, investigations and arrests made by such law enforcement agency.”
17. Section 610.100.2(1) then specifies that “[a]ll incident reports and arrest reports shall be open records.”
18. Section 610.100.2(2) states in relevant part that “investigative reports of all law enforcement agencies... are closed records until the investigation becomes inactive.”
19. Although § 610.100 allows for (or requires) closure of certain types of records, § 610.100.4 states that any person “involved in any incident or whose property is involved in an incident, may obtain *any records closed pursuant to this section or section 610.150* for purposes of investigation of any civil claim or defense, as provided by this subsection.” (emphasis added)
20. Section 610.100.4 further clarifies that if such a person requests it, they are entitled to “a complete unaltered and unedited incident report concerning the incident, *and may obtain access to other records closed by a law enforcement agency pursuant to this section.*” (emphasis added)
21. The language of 610.100.4 establishes that, even if a law enforcement agency might be justified in redacting certain information from an incident report

where it has been requested by a person who was *not* involved in that incident,² the law enforcement agency has no authority to redact or otherwise to alter or edit a copy of an incident report before producing it to a person who *was* involved in that incident.

22. The only exception to the broad access this subsection gives to persons “involved in any incident or whose property is involved in an incident” is that the law enforcement agency may—within thirty days of receiving a request for records under 610.100.4—file a motion with the circuit court having jurisdiction over the agency “stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized;” if the circuit court agrees with the law enforcement agency’s assertions, the court is empowered to “either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this subsection.”
23. Section 610.100.6 authorizes persons to apply to the appropriate circuit court for an order requiring a law enforcement agency to produce incident reports and arrest reports that have been unlawfully withheld.
24. If the court determines that a law enforcement officer or agency knowingly violated the law by withholding records, “the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars” and “the court may

² See *State ex rel. Goodman v. St. Louis Bd. of Police Comm’rs*, 181 S.W.3d 156 (Mo. App. E.D. 2005) (allowing law enforcement agency to redact certain information before producing incident reports in response to citizen request).

order payment by such officer or agency of all costs and attorneys' fees, as provided by section 610.027.”

25. If the court determines that a law enforcement officer or agency purposefully violated the law by withholding records, “the officer or agency shall be subject to a civil penalty in an amount up to five thousand dollars and the court shall order payment by such officer or agency of all costs and attorney fees, as provided in section 610.027.”

PARTIES

26. Plaintiff John Thomas is a resident of Camden County who has requested a number of records from the Camden County Sheriff’s Office pursuant to the Sunshine Law, Chapter 610, RSMo.
27. Defendant Camden County Sheriff’s Office is an administrative entity created by § 57.010; as such, it is subject to the requirements of the Sunshine Law. *Pride v. Boone County Sheriff’s Dept.*, 667 S.W.3d 210, 212 (Mo. App. W.D. 2023); *Charlier v. Corum*, 774 S.W.2d 518, 520 (Mo. App. W.D. 1989).
28. Tonia Bailey was at all times relevant to this litigation the Custodian of Records for the Sheriff’s Office; the Sheriff’s Office may be held liable for violations of the Sunshine Law attributable to Bailey’s actions, decisions, and failures to act.
29. Attorney Lynne Brand was at all times relevant to this litigation acting as in-house counsel for the Sheriff’s Office and also performing duties delegated to her by the Office’s Custodian of Records; the Sheriff’s Office may be held liable

for violations of the Sunshine Law attributable to Brand's actions, decisions, and failures to act.

JURISDICTION AND VENUE

30. The Plaintiff brings this action pursuant to Chapter 610 of the Missouri Revised Statutes.
31. The Plaintiff is authorized to bring this action pursuant to section 610.027 and section 610.100 because he is a person who was involved in certain incidents and whose property was involved in certain incidents, and he requested copies of records retained by the Defendant for purposes of investigating civil claims or defenses related to those incidents; the Defendant has not complied with the Sunshine Law in responding to the Plaintiff's requests.
32. Venue for this action is proper in Camden County Circuit Court pursuant to sections 610.027 and 610.100 because the Defendant's principal place of business is in Camden County and this Court has jurisdiction over the Defendant.
33. Section 610.030 authorizes this Court to issue injunctions to enforce the provisions of the Sunshine Law.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

A. A dispute leads Thomas to file two complaints against his neighbors.

34. This case involves a number of public records requests that John Thomas submitted to the Camden County Sheriff's Office between December 28, 2022, and August 2024.

35. In 2022 Thomas and one of his neighbors, Doug Kelley, got into a dispute that eventually led Thomas to file two complaints against Kelly with the Defendant, the Camden County Sheriff's Office.
36. Thomas's complaints were assigned the numbers 2022-1413 and 2022-3091, respectively.
37. On June 16, 2022, the Sheriff's Office initiated an "Offense/Incident Report" for Complaint No. 2022-1413, which included information related to Thomas's first complaint against Kelley; it retained an unredacted copy of a version of this report at all times relevant to this lawsuit. A true and accurate copy of this document is attached as Exhibit 1.
38. On December 28, 2022, the Sheriff's Office initiated an "Offense/Incident Report" for Complaint No. 2022-3091, which included information related to Thomas's second complaint against Kelley; it retained an unredacted copy of a version of this report at all times relevant to this lawsuit. A true and accurate copy of this document is attached as Exhibit 2.

B. Both neighbors submit requests for public records.

39. On December 28, 2022, Tonia Bailey, the Custodian of Records for the Sheriff's Office, received the first of Thomas's requests for public records ("the First Request"). A true and accurate copy of this document is attached as Exhibit 3.
40. At the Sheriff's Office's instruction, Thomas filled out pre-printed "Request for Copy of Records" forms the Sheriff's Office provided to him.

41. Where one page of these forms asked what “Report Number” the requester wanted, Thomas filled in “2022-1413” and he provided information about the date, location, and type of incident, as well as his name and contact information.
42. On the other page of the form Thomas indicated that he wanted video associated with Case Number 2022-1413 and indicated that he was the victim in that case.
43. On that same day Bailey also received a similar records request from Theresa and Doug Kelly which asked for reports, video, and audio related to “Case Number: 2022-1413.” A true and accurate copy of this request is attached as Exhibit 4.
44. On January 26, 2023, a copy of the Kellys’ Sunshine Law request was attached to the Offense/Incident Report for Case Number 2022-1413 as Supplemental Report Number 5, and also attached to Offense/Incident Report for Case Number 2022-3091 as Supplemental Report Number 16.
45. At all times relevant to this lawsuit Bailey was aware that she had received the Kellys’ December 28, 2022 records request.
46. At all times relevant to this lawsuit Bailey was aware that the Sheriff’s Office retained an unredacted copy of the Kellys’ request.

C. The initial handling of Thomas’s First Request.

47. In a conversation on January 3, 2023, Thomas told Bailey he wanted copies of the incident reports and video recordings related to both of the complaint

numbers (2022-1413 and 2022-3091) associated with the dispute with his neighbors.

48. Bailey added handwritten notes to a copy of the First Request memorializing her conversation with Thomas; the annotated version of this document was stamped “Received Jan 03 2023.” A true and accurate copy of this document is attached as Exhibit 5.
49. On January 5, 2023, Bailey sent an email to one or more persons within the Sheriff’s Office to let them know that there had been a records request related to incident numbers 2022-1413 and 2022-3091.
50. On or around January 5, 2023, Sheriff’s Office Deputy Marcus Martin prepared a four-page probable cause statement associated with Complaint No. 2022-3091. A true and accurate copy of this document is attached as Exhibit 92.
51. Upon information and belief, on January 6, 2023, Marcus Martin responded to Bailey’s email, saying that he had “submitted body came [sic] for 2022-3091 also I have completed the pc [probable cause] and report for 3091 all video provided was submitted to evidence[.]”
52. In a supplemental report dated January 9, 2023, and included in the full, unredacted Offense/Incident Report for Complaint 2022-3091,³ Officer David Henderson noted that he had spoken with Thomas and “advised him a PC [probable cause statement] had been completed on this case[.]”

³ This supplemental report was *not* included in the redacted version of this Offense/Incident Report that the Sheriff’s Office eventually provided Thomas on August 3, 2023. Thomas only obtained this information in discovery after initiating this lawsuit.

53. On January 14, 2023, Sheriff's Office Lieutenant Jim Elkin sent an email to others within the Sheriff's Office, in relevant part advising that this probable cause statement had been approved and that "Sgt. Schilling will be bring [sic] a copy of everything to records on January 17[.]"
54. On January 26, 2023, Bailey sent Thomas a letter stating that she was "unauthorized" to release the requested records because they involved a case in which there was still a pending investigation. A true and accurate copy of this document is attached as Exhibit 6.
55. On February 2, 2023, a copy of the four-page, signed probable cause statement regarding Doug Kelly was added as Supplemental Report No. 20 to the Offense/Incident Report for Case No. 2022-3091.

D. Attorney Beachem notifies the Sheriff's Office that § 610.100 entitles Thomas to copies of the requested records.

56. On February 8, 2023, Attorney Greg Beachem sent Bailey a letter on Thomas's behalf, clarifying that Thomas was invoking his rights under § 610.100 to obtain "a complete unaltered and unedited incident report concerning the incident" as well as "other records closed by a law enforcement agency pursuant to this section," including "a complete, unaltered, and unedited copy of a recording" involving Thomas and which was made in Thomas's own home. A true and accurate copy of this document is attached as Exhibit 7.
57. Beachem's letter specified that, among other things, "Mr. Thomas [was] requesting copies of the 'incident reports' made when he reported two incidents

to the Camden County Sheriff's Department in June 2022, and again in December 2022.”

58. Beachem's letter not only identified the legal basis that entitled Thomas to copies of the requested materials, it directed the Sheriff's Office to § 610.100.6, which allows a successful plaintiff to recover civil penalties, costs, and attorney fees if a law enforcement agency knowingly or purposefully violates § 610.100.
59. The Sheriff's Office did not respond to Beachem's letter until March 3, 2023.

E. Thomas discusses probable cause statements with Sheriff's Office officials.

60. On February 10, 2023, Thomas had a phone conversation with Sheriff's Office Sergeant Abe Schilling about the probable cause statements related to incident numbers 2022-1413 and 2022-3091.⁴
61. Schilling told Thomas that Deputy Martin had prepared at least one probable cause statement, that the probable cause statement[s] had been reviewed either by Schilling or by Lieutenant Elkin, and that the probable cause statement[s] had either already been sent to the Sheriff's Office Records Department or soon would be sent there.

F. Thomas submits his Second and Third Requests for public records.

62. On February 13, 2023, Thomas sent Bailey two separate emails containing requests for public records.

⁴ As of July 19, 2023, two signed two-page probable cause reports were added as Supplemental Report No. 8 to the Offense/Incident Report for Complaint No. 2022-1413; it is unclear whether drafts of these probable cause statements already existed at the time of this February 10, 2023 conversation.

63. The email Thomas sent at 7:56 a.m. (“the Second Request”) asked for “[t]he unredacted four-page probable cause statement in reference to incident report numbers” 2022-3091 and 2022-1413, as well as “[t]he Camden County Sheriff’s Department records policy and or procedure regarding the receipt of probable cause statements (chain of custody requirements) to include the logging, maintenance, timelines for holding probable cause statements and the process regarding the final submission to the prosecutor’s office.” A true and accurate copy of this document is attached as Exhibit 8.
64. The email Thomas sent at 7:59 a.m. (“the Third Request”) sought “any requests made, outside of myself or Mr. Greg Beachem, requesting copies or review of incident report numbers: 2022-3091; 2022-1413,” specifying that the request included “the date and time of the request, the name or names of the parties making the request and whether the request made by these parties was denied or approved.” A true and accurate copy of this document is attached as Exhibit 9.
65. Bailey received the Second Request no later than February 14, 2023 and forwarded it via email to Attorney Lynne Brand. A true and accurate copy of this document is attached as Exhibit 10.
66. Upon information and belief, Bailey received the Third Request about the same time she received the Second Request; upon information and belief, she also forwarded the Third Request to Brand.

67. On February 16, 2023, Bailey sent Thomas two separate emails acknowledging that she had received the Second and Third requests and stating that she had forwarded the requests to the Sheriff's Office's "in-house counsel." A true and accurate copy of these documents are attached as Exhibit 11 and Exhibit 12.
68. Brand was copied on both of the above emails and, upon information and belief, she was the "in-house counsel" to whom Bailey was referring in those emails.
69. Attorney Beachem followed up with an email sent on February 21, 2023, asking for an update on Thomas's requests. A true and accurate copy of this document is attached as Exhibit 13.

G. The Sheriff's Office refuses to produce complete unaltered and unedited incident reports Thomas requested.

70. On February 22, 2023, Brand sent an email to Beachem stating that she was still reviewing the request "to determine if there is a portion of the information that could be released." The text of Brand's email is included as part of an email Beachem sent in response that same day, a true and accurate copy of which is attached as Exhibit 14.
71. Brand asserted in that email that she understood the distinction between investigative reports and incident reports, stating that "[t]hese investigative reports are still open and are therefore closed records."
72. Beachem responded to Brand in a February 22, 2023 email which reiterated the distinction the Sunshine Law makes between an "incident report" and an "investigative report," and explaining why the Sheriff's Office had no legitimate basis for withholding the *incident* reports Thomas had requested.

73. Brand responded with a second email sent on February 22, 2023, in which she claimed “There is not an incident report that contains only the items you are requesting. I would need to redact all the information that does not fall into the definition of incident report from the investigative report.”
74. Brand did not cite any statute or caselaw to support her position that, particularly in light of § 610.100.4 (which Beachem had cited in his February 8, 2023 letter to Bailey), there might be a legal reason the Sheriff’s Office could not provide Thomas with unredacted copies of the Offense/Incident Reports for Complaint No. 2022-1413 and Complaint No. 2022-3091.
75. Brand also did not cite any statute or caselaw to support her position that she “would need to redact all the information that does not fall into the definition of incident report from the investigative report.”
76. Upon information and belief, neither Brand nor Bailey had located any statute, caselaw, or any other legal authority that suggested that a public governmental body could withhold “a complete unaltered and unedited incident report” from “a person involved in an incident or whose property is involved in an incident” insofar as § 610.100.4 expressly authorizes such persons to “obtain any records closed pursuant to [610.100] or 610.150 for purposes of investigation of any civil claim or defense[.]”
77. On or around February 23, 2023, Brand received a letter from Beachem that attempted to clarify the information Thomas was seeking, which included:
- The incident report for Case No. 2022-1413;

- The incident report for Case No. 2022-3091;
- The bodycam footage from Thomas’s interaction with Deputy Martin at his home;
- A copy of a probable cause statement sent to the Camden County Prosecutor's Office about two weeks prior;
- Copies of policies and procedures the Sheriff’s Office uses in receiving, logging, and maintaining probable cause statements; and
- Other requests made from December 28, 2022, to the time Thomas sent this request “from anybody other than [him]self, requesting copies or review of incident report numbers: 2022-1413; 2022-3091.”

78. On March 1, 2023, Elkin sent Thomas an email confirming that the Sheriff’s Office had forwarded a probable cause statement to the Prosecuting Attorney’s Office, and also that Elkin was personally present when “SSgt Henderson” provided the Missouri State Highway Patrol with a manila envelope “which contained both incident reports (June & December)[.]”

79. Elkin’s email confirmed Thomas’s belief that the Sheriff’s Office retained incident reports for Complaint No. 2022-1413 and Complaint No. 2022-3091.

80. On March 7, 2023, Bailey sent an email to Beachem which included a letter from “in-house counsel” Brand which stated “there are not separate incident reports maintained by our agency for the above case numbers.” A true and accurate copy of Brand’s letter is attached as Exhibit 15.

81. Brand's statement was false and/or intentionally misleading because the Sheriff's Office *did* at that time retain incident reports for Complaint No. 2022-1413 and Complaint No. 2022-3091.
82. Rather than releasing the actual Offense/Incident Reports to Thomas, Brand stated in her March 6, 2023 letter that she would "release information that would be released in an incident report[;]" she then provided limited information related to the two relevant complaint numbers.
83. Brand also suggested that there were no records requests related to the relevant incidents other than the requests made by Beachem and Thomas.
84. Brand's statement regarding other records requests related to the relevant incidents was false and/or intentionally misleading because the Sheriff's Office at that time also retained the records request submitted by Theresa and Doug Kelly on December 28, 2022, which asked for reports, video, and audio related to "Case Number: 2022-1413."
85. Brand closed her March 6, 2023 letter by stating that if Thomas was "unsatisfied with this response," he should "feel free to seek the appropriate remedy."
86. On March 28, 2023, Beachem sent Brand a letter noting that the Camden County Prosecuting Attorney's Office had said it would not pursue charges based on the incidents Thomas had reported and suggesting that, since there did not appear to be any "on-going investigation" related to those incidents, the Sheriff's Office should either provide the requested records or provide its legal

basis for refusing to do so. A true and accurate copy of this document is attached as Exhibit 16.

H. Thomas submits a much broader records request, to no avail.

87. On April 3, 2023, Thomas sent Bailey a new request (“the Fourth Request”) that asked for “[a]ll documents received and created by any employee, contractor and or representative of the Camden County Sheriff’s Department relating to incident numbers 2022-1413, 2022-3091, 1108 Sweetwater Drive, Four Seasons, Missouri 65049, and John Thomas individually including any and all emails, materials, phone call logs[,]” and the recording of a specific call for service made on April 1, 2023. A true and accurate copy of this document is attached as Exhibit 18.
88. The Fourth Request was unambiguously much broader and more inclusive than the First Request, specifying that it was seeking a wide range of public records, not just “incident reports.”
89. On April 11, 2023, Brand sent Beachem an email stating that the relevant incident reports were still “active” and that she would “forward once the files are closed and subject to release;” Bailey was copied on this email. A true and accurate copy of this document is attached as Exhibit 18.
90. For the next eight weeks Neither Bailey nor Brand communicated further with Thomas or his attorney.
91. On June 5, 2023, Attorney Dave Roland sent Brand a letter on Thomas’s behalf. A true and accurate copy of this document is attached as Exhibit 19.

92. Roland's June 5, 2023 letter clarified the dates and contents of Thomas's four separate requests, including the fact that he was making those requests pursuant to § 610.100.4 "for the purpose of investigating civil claims that he may bring based on the information he expects to gather from the records the Sheriff's Office has been asked to provide."
93. Roland's letter noted that because Thomas and his property were involved in the relevant incidents, § 610.100.4 expressly allows a requester to obtain "a complete unaltered and unedited report concerning" those incidents, even including records that would otherwise have been closed pursuant to §§ 610.100 or 610.150.
94. Roland's letter asked the Sheriff's Office to confirm that it would produce unredacted copies of the requested records and, if it would not do so immediately, to comply with § 610.023 by giving "a detailed explanation of the cause for further delay and the place and earliest time and date that the record[s] will be available for inspection."
95. Roland's letter also highlighted the consequences provided under § 610.100.6 should a law enforcement agency knowingly or purposefully fail to provide records in accordance with § 610.100.4.
96. On June 7, 2023, Brand sent an email that acknowledged receiving Roland's June 5, 2023 letter and stated that she had forwarded it to Bailey; Bailey was copied on this email. A true and accurate copy of this document is attached as Exhibit 20.

97. Other than this bare acknowledgement, the Sheriff's Office did not respond to the June 5, 2023 letter and, although the Sheriff's Office eventually did produce *redacted* copies of the incident reports and a few other records responsive to some of Thomas's requests, prior to the initiation of this lawsuit the Sheriff's Office had produced to Thomas neither *unredacted* copies of the requested incident reports, nor many other records the Sheriff's Office retained that were responsive to Thomas's Fourth Request.
98. The Sheriff's Office did not at any time exercise the option provided by § 610.100.4 to file a motion with the circuit court asking for permission to withhold part or all of the records Thomas had requested.
99. On July 11, 2023, Roland sent a letter notifying the Sheriff's Office that it was in violation of § 610.100.4. A true and accurate copy of this document is attached as Exhibit 21.
100. Roland's July 11, 2023 letter reiterated that § 610.100.4 entitled Thomas to receive "not only 'a complete unaltered and unedited report concerning the incident,' but also 'other records closed by a law enforcement agency pursuant to' § 610.100.
101. Roland's July 11, 2023 letter demanded for the Sheriff's Office "*no later than Friday, July 14, 2023*" either to produce the requested records or, in the alternative, state its statutory basis for withholding the records.
- I. More than seven months after Thomas submitted his First Request, the Sheriff's Office provides redacted, incomplete incident reports and omits scores of records responsive to Thomas's Second, Third, and Fourth Requests.**

102. On July 13, 2023, Brand sent Roland an email stating that the Sheriff's Office was "still processing the request," that "several discs" containing responsive documents had been prepared, and that she anticipated "everything will be ready for release no later than next week[;]" Bailey was copied on this email. A true and accurate copy of this document is attached as Exhibit 22.
103. On July 17, 2023, Bailey sent Roland an email including an invoice for \$137.40; she stated that once she had received payment she would mail "all the requested information[;]" Brand was copied on this email. A true and accurate copy of the email is attached as Exhibit 23; a true and accurate copy of the invoice is attached as Exhibit 24.
104. On July 19, 2023, Bailey sent Roland another email with a revised invoice for \$117.40; this email stated that she was "unauthorized to release the requested records regarding 2022-1413 pursuant to Missouri Revised Statutes, Chapter 610, and any subsection thereof if ***any case that is pending investigation or prosecution shall not be releasable***" (quotes and emphasis in original); Brand was copied on this email. A true and accurate copy of the email is attached as Exhibit 25; a true and accurate copy of the amended invoice is attached as Exhibit 26.
105. Later that day Roland responded with an email to Brand asking the Sheriff's Office to identify the origin of the emphasized phrase, as it did not appear to come from any Missouri statute; Roland once again pointed to the language from § 610.100.4 which states that persons covered by that subsection "may

obtain any records closed pursuant to this section or section 610.150 for purposes of any civil claim or defense;” Bailey was copied on this email. A true and accurate copy of this document is attached as Exhibit 27.

106. Thomas mailed Bailey a check for \$137.40, which Bailey acknowledged receiving on July 27, 2023. A true and accurate copy of this check is attached as Exhibit 28; a true and accurate copy of Bailey’s acknowledgment is attached as Exhibit 29.

107. On August 3, 2023, Roland received in the mail a package containing (1) a receipt for Thomas’s \$137.40 check, (2) a copy of the first invoice (marked “Paid”), (3) a version of the Offense/Incident Report for Case No. 2022-1413 that was not “complete, unaltered and unedited,” (4) a version of the Offense/Incident Report for Case No. 2022-3091 that was not “complete, unaltered and unedited,” (5) discs containing several videos recorded by Thomas’s security system, which Thomas had provided to the Sheriff’s Office, and (6) bodycam footage from Thomas’s interaction with Deputy Martin at his home. A true and accurate copy of the receipt is attached as Exhibit 30; a true and accurate copy of the redacted Offense/Incident Report for Case No. 2022-1413 is attached as Exhibit 31; a true and accurate copy of the redacted Offense/Incident Report for Case No. 2022-3091 is attached as Exhibit 32.

108. The August 3, 2023 version of the Offense/Incident Report for Case No. 2022-1413 comprised only three pages and had various pieces of information blacked out, including (1) the street address of the incident location, (2) the reporting

party's date of birth, (3) the reporting party's street address, (4) the reporting party's phone number, (5) the reporting party's email address, (6) the reporting party's Driver License number, and (7) the street address of the incident location in the first sentence of the "offense narrative."

109. The August 3, 2023 version of the Offense/Incident Report for Case No. 2022-1413 also lacked much information that is included in the full, thirteen-page version of this Offense/Incident Report that the Sheriff's Office produced in discovery after the Plaintiff initiated this lawsuit.

110. Specifically, the August 3, 2023 version of the Offense/Incident Report for Case No. 2022-1413 does not include:

- (1) notice of video submitted by the victim;
- (2) Any of the fields that include "victim/person" information;
- (3) any of the fields that include "suspect information;"
- (4) any of the fields that include information labeled "other person;"
- (5) the "supplemental report" denominated "Supp. No. 0001" filed by Officer Marcus A. Martin on December 28, 2022;
- (6) the "supplemental report" denominated "Supp. No. 0002" filed by Staff Sergeant David Henderson on December 28, 2022;
- (7) the "supplemental report" denominated "Supp. No. 0003" filed by Staff Sergeant David Henderson on December 30, 2022;
- (8) the "supplemental report" denominated "Supp. No. 0004" filed by Staff Sergeant David Henderson on January 25, 2023;

- (9) the “supplemental report” denominated “Supp. No. 0005” filed by Officer Pamela Hagenow on January 26, 2023;
 - (10) the “supplemental report” denominated “Supp. No. 0006” filed by Officer Pamela Hagenow on January 26, 2023;
 - (11) the “supplemental report” denominated “Supp. No. 0007” filed by Officer Tiffany Blakely on January 31, 2023;
 - (12) the “supplemental report” denominated “Supp. No. 0008” filed by Officer Susan Payne-Brewster on July 19, 2023;
 - (13) the “supplemental report” denominated “Supp. No. 0009” filed by Staff Sergeant David Henderson on July 31, 2023;
 - (14) the “supplemental report” denominated “Supp. No. 0010” filed by Officer Susan Payne-Brewster on July 31, 2023;
 - (15) the “supplemental report” denominated “Supp. No. 0011” filed by Officer Pamela Hagenow on August 3, 2023;
 - (16) the “supplemental report” denominated “Supp. No. 0012” filed by Officer Pamela Hagenow on September 18, 2023; and
 - (17) information regarding six scanned images related to the case.
111. The August 3, 2023 version of the Offense/Incident Report for Case No. 2022-3091 comprises only three pages and has various pieces of information blacked out, including (1) the street address of the incident location, (2) the reporting party’s date of birth, (3) the reporting party’s street address, (4) the reporting party’s phone number, (5) the reporting party's email address, (6) the reporting

party's Driver License number, and (7) the street address of the incident location in the first sentence of the “offense narrative.”

112. The August 3, 2023 version of the Offense/Incident Report for Case No. 2022-3091 also lacks much information that is included in the full, twenty-four-page version of this Offense/Incident Report that the Sheriff’s Office produced in discovery after the Plaintiff initiated this lawsuit.

82. Specifically, the August 3, 2023 version of the Offense/Incident Report for Case No. 2022-3091 does not include:

- (1) notice of a DVD with Body Cam footage;
- (2) notice of a DVD with video footage;
- (3) Notice of two discs containing additional video;
- (4) Any of the fields for “Victim/Person” information;
- (5) Any of the fields for “Witness” information;
- (6) Any of the fields that include “Suspect Information;”
- (7) Any of the fields that include information labeled “Other Person;”
- (8) Any of the fields that include information labeled “Vehicle;”
- (9) Any of the fields that include information labeled “Vehicle Owner;”
- (10) The “supplemental report” denominated “Supp. No. 0001” filed by Staff Sergeant David Henderson on December 30, 2022;
- (11) The “supplemental report” denominated “Supp. No. 0002” filed by Staff Sergeant David Henderson on December 30, 2022;
- (12) The “supplemental report” denominated “Supp. No. 0003” filed by Staff

- Sergeant David Henderson on December 30, 2022;
- (13) The “supplemental report” denominated “Supp. No. 0004” filed by Staff Sergeant David Henderson on January 25, 2023;
- (14) The “supplemental report” denominated “Supp. No. 0005” filed by Officer Pamela Hagenow on January 26, 2023;
- (15) The “supplemental report” denominated “Supp. No. 0006” filed by Officer Pamela Hagenow on January 26, 2023;
- (16) The “supplemental report” denominated “Supp. No. 0007” filed by Officer Tiffany Blakely on January 31, 2023;
- (17) The “supplemental report” denominated “Supp. No. 0008” filed by Officer Susan Payne-Brewster on July 19, 2023;
- (18) The “supplemental report” denominated “Supp. No. 0009” filed by Staff Sergeant David Henderson on July 31, 2023;
- (19) The “supplemental report” denominated “Supp. No. 0010” filed by Officer Susan Payne-Brewster on July 31, 2023;
- (20) The “supplemental report” denominated “Supp. No. 0011” filed by Officer Pamela Hagenow on August 3, 2023;
- (21) The “supplemental report” denominated “Supp. No. 0012” filed by Officer Pamela Hagenow on September 18, 2023; and
- (22) Information regarding six scanned images related to the case.

113. Both Bailey and Brand were aware at the time they sent these redacted versions of the Offense/Incident Reports for Complaint No. 2022-1413 and

Complaint No. 2022-3091 that they were not sending Thomas “complete unaltered and unedited incident report[s] concerning the incident[s].”

J. Thomas notifies the Sheriff’s Office that it had not properly fulfilled his records requests; the Sheriff’s Office repeatedly insists that it has provided all available records and that Thomas’s requests are “closed.”

114. On August 23, 2023, Thomas sent an email to Bailey noting that the Sheriff’s Office had sent some records responsive to his requests, but that the records did not appear to respond completely to his requests; he asked when he might receive the remaining records. A true and accurate copy of this document is attached as Exhibit 33.

115. Thomas’s August 23, 2023 email specifically noted that the Sheriff’s Office had not provided “emails, data, the call made by the 1109 Sweetwater owner, policy information, etc.”—these were documents Thomas had requested in the Second and Fourth requests.⁵

116. On August 25, 2023, Brand sent Thomas an email taking the position that the Sheriff’s Office had “provided all the available records” for Thomas’s requests and stating that his “request is now closed;” Bailey was copied on this email. A true and accurate copy of this document is attached as Exhibit 34.

117. On August 31, 2023, Thomas clarified for Brand that the Sheriff’s Office had not yet produced certain specific documents covered by his Second Request (made on February 13, 2023) and his Fourth Request (made on April 3, 2023);

⁵ Thomas did not at this time pursue his Third Request because the Sheriff’s Office had—falsely—told him that it did not have a copy of the Kellys’ December 28, 2022 records request.

Bailey was copied on this email. A true and accurate copy of this document is attached as Exhibit 35.

118. A week and a half later, on September 8, 2023, Thomas sent an email to Brand asking where they were in regard to the records mentioned in his August 31 email; Bailey was copied on this email. A true and accurate copy of this document is attached as Exhibit 36.

119. A few days later, having received no further communication from either Brand or Bailey, Thomas sent another email to Brand stating that he and Attorney Roland needed a response to Thomas's requests; Bailey was copied on this email. A true and accurate copy of this document is attached as Exhibit 37.

120. Brand responded to this email later that day, stating that she was "checking on the list [Thomas] sent;" Bailey was copied on this email.

121. One week later, on September 20, 2023, Brand sent Thomas an email to which she had attached a letter that was incorrectly dated March 6, 2023; Bailey was copied on this email. A true and accurate copy of the letter is attached as Exhibit 38.

122. In this letter Brand specifically addressed Thomas's Fourth Request, which he sent to Bailey on April 3, 2023, and listed the records Thomas had asked for on that date, including "[a]ll documents received and created by any employee, contractor and or representative of the Camden County Sheriff's Department relating to incident report numbers 2022-1413, 2022-3091, 1108 Sweetwater

Drive, Four Seasons, Missouri 65049 and John Thomas individually including any and all emails, materials, phone call logs.”

123. In regard to the Fourth Request, Brand’s letter said “this request has been fulfilled. You have received all the information related to incident numbers 2022-1413 and 2022-3091.”

124. Brand’s letter further stated “The Camden County Sheriff’s Office has fulfilled all pending requests from Mr. Thomas. If you are unsatisfied with this response, please feel free to seek the appropriate remedy through the Attorney General.”

125. Later that day Attorney Roland responded by sending Brand an email which noted the Sheriff’s Office had thus far only provided incident reports and videos, and that it had not provided any of the other materials sought in the Fourth Request, “including any emails, materials, or phone call logs[;]” Bailey was copied on this email. A true and accurate copy of the letter is attached as Exhibit 39.

126. In that email Roland summed up the situation as follows:

So the question seems to come down to this: Has the Sheriff’s Office searched for any additional materials - including "any and all emails, materials, [or] phone call logs" - that are related to (1) these incident numbers; (2) 1108 Sweetwater Drive, Four Seasons, Missouri 65049; and/or (3) John Thomas individually? If the Sheriff’s Office has not searched for these additional records, it must do so. If it has searched for additional records and did not locate any that have not already been produced, please confirm this. If it has searched for additional records and did locate one or more - including "emails, materials [or] phone call logs" - but has not yet produced those additional records, please identify any basis the Sheriff’s Office has for withholding them.

127. Not having received any further communication from Brand or Bailey more than a week later, on September 29, 2023, Thomas sent an email to Brand in which he responded to her most recent letter; Bailey was copied on this email.
128. In this email Thomas disputed Brand's claim that the Sheriff's Office had provided all the records responsive to his Fourth Request, the one submitted on April 3, 2023, specifically identifying certain types of communications that would have been responsive to the request, that Thomas believed the Sheriff's Office to retain, and yet which the Sheriff's Office had not provided to him.
129. In the final paragraph of his email, Thomas cited § 610.023.3 and invoked his right to have "a detailed explanation of the cause for further delay as well as a clarification as to the place and earliest time and date" the Sheriff's Office would produce the records to him.
130. On October 3, 2023, Brand sent Thomas an email which stated in relevant part that she considered Thomas's April 3, 2023 request to be "fulfilled" and "closed." A true and accurate copy of this document is attached as Exhibit 40.

K. Thomas's attorney insists that the Sheriff's Office must confirm whether or not it has records responsive to the Fourth Request.

131. Later that day Roland sent Brand an email expressing confusion as to how Brand could contend that the April 3, 2023 request had been "fulfilled" and was "closed;" he pointed out that Thomas had identified "very specific records (and categories of records)" that had not yet been provided. A true and accurate copy of the letter is attached as Exhibit 41.

132. Roland asked, “Did the Sheriff’s Office search for the records Mr. Thomas described and not find them? Or is the Sheriff’s Office contending that the records Mr. Thomas has described do not constitute ‘information related to incident numbers 2022-1413 and 2022-3091?’”

133. Brand responded to Roland later that afternoon with an email that said, “My understanding is that all records related to the two incident numbers, 2022-1413 and 2022-3091, *that are able to be released to Mr. Thomas* have been released.” (emphasis added). A true and accurate copy of this document is attached as Exhibit 42.

134. Roland sent an email to Brand that evening, noting that the unusual phrasing of her position suggested that “the Sheriff’s Department does indeed retain records that would be responsive to [Thomas’s] requests, but which (in [Brand’s] opinion) are not ‘able to be released.’” A true and accurate copy of this document is attached as Exhibit 43.

135. Roland then asserted Thomas’s right under § 610.023.4 to have the Sheriff’s Office provide “a written statement of the grounds for withholding records responsive to his April 3, 2023 request.”

136. Roland closed his email as follows:

Simply put, if the Sheriff’s Office retains records responsive to any part of Mr. Thomas’s request (not just “related to incident numbers 2022-1413 and 2022-3091”), the Sheriff’s Office has an obligation to acknowledge that it has such records and, if it believes that it has a legal basis for withholding the records, to state the basis for withholding them. It will then be up to the courts to decide whether the Sheriff’s Office has stated a legitimate basis for withholding them. But I assure you the courts will not treat the Sheriff’s Department gently if it tries to

sidestep judicial review by refusing to acknowledge that it has chosen to withhold public records that are responsive to a citizen's request. Please be sure that your client is aware of the penalties that section 610.027 provides against public governmental bodies that purposefully reject the Sunshine Law's requirements. Refusing to acknowledge that the Sheriff's Office holds records responsive to a citizen's request will absolutely be considered a purposeful violation of the Sunshine Law. *See Malin v. Cole County Prosecuting Attorney*, 565 S.W.3d 748 (Mo. App. W.D. 2019).

137. On October 4, 2023, Brand sent Roland an email stating that she would verify with the Custodian of Records that “a thorough search has been completed for any additional materials - including ‘any and all emails, materials, [or] phone call logs’ - that are related to (1) these incident numbers ; (2) 1108 Sweetwater Drive, Four Seasons, Missouri 65049; and/or (3) John Thomas individually” and she added that if additional records were located she would provide an estimate for obtaining those records or a written statement detailing the grounds for denial. A true and accurate copy of this document is attached as Exhibit 44.

138. On Thursday, October 12, 2023, Roland sent Brand an email noting that it had been more than a week since her last communication; he requested “an update as to the situation, including ‘a detailed explanation of the cause for further delay.’” A true and accurate copy of this document is attached as Exhibit 45.

139. Brand responded with an email sent later that day, saying:

We are working on the request. The request is time consuming, and staff has had medical issues that have prevented a quicker response. I should have an answer next week.

A true and accurate copy of this document is attached as Exhibit 46.

140. Upon information and belief, as of October 12, 2023, the Sheriff's Office had not actually conducted a search or otherwise devoted any substantial time or effort to locating records responsive to Thomas's Fourth Request other than the records it had previously produced.

141. On Monday, October 23, 2023, Brand sent Roland an email stating: "I am waiting to hear back from staff regarding the search of department emails. I followed up this morning but wanted to provide you with an update. As soon as I get a response, I will contact you again." A true and accurate copy of this document is attached as Exhibit 47.

L. Thomas provides an ultimatum and a deadline.

142. More than two weeks later, on November 8, 2023, Roland sent Brand an email stating that if by close of business on Friday (November 10, 2023) the Sheriff's Office did not "provide a thorough explanation why it has not yet confirmed which responsive records it retains, which it intends to withhold, and its legal basis for withholding those records," Thomas would have no option other than to file a lawsuit for failure to comply with the Sunshine Law. A true and accurate copy of this document is attached as Exhibit 48.

143. Brand responded to Roland's email later that day, saying that several different people had been checking into the records and that she would reach out to them that day for an update. A true and accurate copy of this document is attached as Exhibit 49.

144. No one associated with the Sheriff's Office provided any further updates to Thomas or Roland prior to December 12, 2023, the date on which Thomas initiated this litigation.

145. As of December 12, 2023, the date on which Thomas initiated this litigation, the Sheriff's Office retained dozens of additional documents responsive to one or more of Thomas's requests that the Sheriff's Office had not previously acknowledged possessing or withholding from Thomas, specifically including:

- 1) A copy of the unredacted version of the Offense/Incident Report for Complaint No. 2022-1413, Exhibit 1;
- 2) A copy of the unredacted version of the Offense/Incident Report for Complaint No. 2022-3091, Exhibit 2;
- 3) A copy of the December 28, 2022 Sunshine Law request submitted by Theresa and Doug Kelly for records related to Complaint No. 2022-1413 and Complaint No. 2021-1480, Exhibit 4;
- 4) A copy of the four-page probable cause statement related to Complaint No. 2022-3901, a true and accurate copy of which is attached as Exhibit 92;
- 5) The copy of Thomas's December 28, 2022 public records request that included Bailey's handwritten notes and was stamped as "Received Jan 03 2023," Exhibit 5;
- 6) A copy of an email Elkin sent to j.martin@camdenso-mo.us on July 12, 2022, a true and accurate copy of which is attached as Exhibit 50;

- 7) A copy of emails exchanged between Bailey and m.martin@camdenso-mo.us on December 28-29, 2022, a true and accurate copy of which is attached as Exhibit 51;
- 8) A copy of an email Thomas sent to j.lake@camdenso-mo.us on December 30, 2022, a true and accurate copy of which is attached as Exhibit 52;
- 9) A copy of an email Deputy Lake sent to Thomas on December 30, 2022, a true and accurate copy of which is attached as Exhibit 53;
- 10) A copy of an email Thomas sent to Lake on January 1, 2023, a true and accurate copy of which is attached as Exhibit 54;
- 11) A copy of an email Bailey sent to “Tiffany Borg/Blakely” on January 3, 2023, a true and accurate copy of which is attached as Exhibit 55;
- 12) A copy of a second email Bailey sent to “Tiffany Borg/Blakely” on January 3, 2023, a true and accurate copy of which is attached as Exhibit 56;
- 13) A copy of a third email Bailey sent to “Tiffany Borg/Blakely” on January 3, 2023, a true and accurate copy of which is attached as Exhibit 57;
- 14) A copy of an email Thomas sent to Lake on January 3, 2023, a true and accurate copy of which is attached as Exhibit 58;

- 15)A copy of an email Corporal Tiffany Blakely sent to so-computerservices@camdenso-mo.us on January 4, 2023, a true and accurate copy of which is attached as Exhibit 59;
- 16)A copy of an email Darrell Domenico sent to Blakely on January 4, 2023, a true and accurate copy of which is attached as Exhibit 60;
- 17)A copy of an email Blakely sent to Domenico on January 4, 2023, a true and accurate copy of which is attached as Exhibit 61;
- 18)A copy of an email Thomas sent to Lake on January 4, 2023, a true and accurate copy of which is attached as Exhibit 62;
- 19)A copy of an email Bailey sent to several others within the Sheriff's Office on January 5, 2023, a true and accurate copy of which is attached as Exhibit 63;
- 20)A copy of an email that an unknown person sent to Bailey on January 6, 2023, a true and accurate copy of which is attached as Exhibit 64;
- 21)A copy of an email that Schilling sent to Susan Payne-Brewster of the Sheriff's Office Records Department on January 13, 2023, a true and accurate copy of which is attached as Exhibit 65;
- 22)A copy of an email that Elkin sent to Payne-Brewster on January 14, 2023, a true and accurate copy of which is attached as Exhibit 66;
- 23)A copy of an email that Beachem sent to Bailey on February 8, 2023, a true and accurate copy of which is attached as Exhibit 67;

- 24)A copy of an email that Bailey sent to Beachem on February 8, 2023, a true and accurate copy of which is attached as Exhibit 68;
- 25)A copy of an email that Beachem sent to Bailey on February 9, 2023, a true and accurate copy of which is attached as Exhibit 69;
- 26)A copy of an email that Thomas sent to Elkin on February 13, 2023, a true and accurate copy of which is attached as Exhibit 70;
- 27)A copy of an email that Bailey sent to Brand on February 21, 2023, a true and accurate copy of which is attached as Exhibit 71;
- 28)A copy of an email that Thomas sent to Elkin and Schilling on February 21, 2023, a true and accurate copy of which is attached as Exhibit 72;
- 29)A copy of an email that Thomas sent to Henderson on February 22, 2023, a true and accurate copy of which is attached as Exhibit 73;
- 30)A copy of an email that Elkin sent to Thomas on March 1, 2023, a true and accurate copy of which is attached as Exhibit 74;
- 31)A copy of an email that Madison Tullier sent to Blakely on March 1, 2023, a true and accurate copy of which is attached as Exhibit 75;
- 32)A copy of an email that Thomas sent to Elkin on March 1, 2023, a true and accurate copy of which is attached as Exhibit 76;
- 33)A copy of an email that Thomas sent to Bailey on March 3, 2023, a true and accurate copy of which is attached as Exhibit 77;

- 34)A copy of an email that Beachem sent to Brand on March 28, 2023, a true and accurate copy of which is attached as Exhibit 78;
- 35)A copy of an email that Thomas sent to Bailey on April 3, 2023, a true and accurate copy of which is attached as Exhibit 79;
- 36)A copy of a written statement Doug and Theresa Kelly provided to the Sheriff's Office dated January 3, 2023, a true and accurate copy of which is attached as Exhibit 82;
- 37)A copy of an email from Doug Kelly dated July 22, 2022, a true and accurate copy of which is attached as Exhibit 83;
- 38)A copy of a letter from Attorney John Shikles to Doug Kelly dated June 12, 2022, a true and accurate copy of which is attached as Exhibit 84;
- 39)A photograph of a black truck that the Sheriff's Office retained in connection with Complaint No. 2022-3091, a true and accurate copy of which is attached as Exhibit 85;
- 40)A copy of an email that Thomas sent to Henderson on January 9, 2023, a true and accurate copy of which is attached as Exhibit 86;
- 41)A copy of an email that Henderson sent to Thomas on January 17, 2023, a true and accurate copy of which is attached as Exhibit 87;
- 42)A copy of an email that Thomas sent to Henderson on January 15, 2023, a true and accurate copy of which is attached as Exhibit 88;
- 43)A copy of an email that Thomas sent to Henderson on January 16, 2023, a true and accurate copy of which is attached as Exhibit 89;

- 44)A copy of a second email that Thomas sent to Henderson on January 16, 2023, a true and accurate copy of which is attached as Exhibit 90;
- 45)A copy of a letter that Thomas sent to Captain Chad Bailey on January 18, 2023, a true and accurate copy of which is attached as Exhibit 91;
- 46) A copy of Event Report No. 2023-00002221, a true and accurate copy of which is attached as Exhibit 93;
- 47)A copy of Event Report No. 2023-00002260, a true and accurate copy of which is attached as Exhibit 94;
- 48)A copy of Event Report No. 2021-00034394, a true and accurate copy of which is attached as Exhibit 95;
- 49)A copy of Event Report No. 2019-00034496, a true and accurate copy of which is attached as Exhibit 96;
- 50)A copy of Event Report No. 2019-00031109, a true and accurate copy of which is attached as Exhibit 97;
- 51)A copy of Event Report No. 2021-00034299, a true and accurate copy of which is attached as Exhibit 98;
- 52)A copy of Event Report No. 2022-00040664, a true and accurate copy of which is attached as Exhibit 99;
- 53)A copy of Event Report No. 2022-00016931, a true and accurate copy of which is attached as Exhibit 100.

146. As of December 12, 2023, the date on which Thomas initiated this litigation, the Sheriff's Office had not acknowledged retaining any records responsive to

Thomas's Sunshine Law requests other than those the Sheriff's Office had produced on August 3, 2023, and it had not provided any statutory justification for withholding any of the responsive records that they had not yet produced.

147. As of December 12, 2023, the date on which Thomas initiated this litigation, the Sheriff's Office had not provided Thomas with an estimated cost for locating and producing any of the records responsive to his still-outstanding Sunshine Law requests.

148. As of December 12, 2023, the date on which Thomas initiated this litigation, the Sheriff's Office had not indicated that it would require Thomas to pay any specific amount of money before it began locating and producing the records responsive to his still-outstanding Sunshine Law requests.

149. Upon information and belief, the third party vendor the Sheriff's Office hired to search for responsive records did not even conduct the search for those records until after January 24, 2024, the day Thomas submitted his First Request for Production of Documents.

150. On January 25, 2024—more than six weeks after Thomas filed this lawsuit to require the Sheriff's Office to produce the records he had requested in early 2023 and the day after Thomas submitted his first discovery request—an attorney for the Sheriff's Office sent Roland a \$600 invoice that allegedly reflected “the actual cost of research time anticipated for fulfilling” Thomas's Sunshine Law request.

CLAIMS FOR RELIEF

COUNT I – Violation of the Sunshine Law as to the First Request.

151. Thomas incorporates by reference the allegations made in each preceding paragraph as if each allegation was set forth herein.
152. Any record, “whether written or electronically stored” that is retained by a law enforcement agency is a “public record” within the meaning of § 610.010(6). *Malin v. Cole County Prosecuting Attorney*, 565 S.W.3d 748, 750 (Mo. App. W.D. 2019) (“no question” that records retained by law enforcement agency constitute “public records”).
153. The incident reports Thomas asked the Sheriff’s Office to provide in the First Request were retained by the Sheriff’s Office and, thus are “public records” within the meaning of § 610.010(6), as well as specifically being declared “open records” under § 610.100.2(1).
154. Thomas is a person who was involved in an incident and whose property was involved in an incident, as those terms are used in § 610.100.4.
155. As such, § 610.100.4 conferred upon Thomas a legal right “to obtain a complete unaltered and unedited incident report concerning the incident” and also to “obtain access to other records closed by a law enforcement agency pursuant to” § 610.100 or § 610.150.
156. No later than February 8, 2023, the Sheriff’s Office was aware that Thomas was requesting “a complete unaltered and unedited incident report” concerning each of the two incidents Thomas in which Thomas was personally involved and which he had reported to the Sheriff’s Office.

157. Beachem's February 8 letter specifically noted the language of § 610.100.4 that entitled Thomas to receive unredacted copies of incident reports and other records related to incidents in which he or his property was involved, *even if* those records might otherwise be closed pursuant to §§ 610.100 or 610.150.
158. The Sheriff's Office never provided Thomas with "a complete unaltered and unedited incident report" related to Complaint No. 2022-1413 prior to his initiating this litigation.
159. The Sheriff's Office never provided Thomas with "a complete unaltered and unedited incident report" related to Complaint No. 2022-3091 prior to his initiating this litigation.
160. Thus, the Sheriff's Office violated § 610.100.4 by failing within thirty days of becoming aware that Thomas was invoking his rights under this section either to provide Thomas the requested materials or to file a motion with a court seeking an order that would allow it to redact or withhold the requested materials.
161. The Sheriff's Office further violated § 610.100.4 by belatedly providing Thomas with incomplete, redacted versions of the requested incident reports rather than the "complete unaltered and unedited incident report[s]" that this section required the Sheriff's Office to provide to him.

WHEREFORE, the Plaintiff respectfully asks the Court to:

- a. Enter a declaratory judgment finding that

- 1) Thomas's First Request asked for a copy of specific documents, the Offense/Incident Report for Case No. 2022-1413 and the Offense/Incident Report for Case No. 2022-3091, rather than asking simply for a limited set of information that might have been contained in those documents;
- 2) The Sheriff's Office retained unredacted versions of these incident reports at the time Thomas requested them;
- 3) Thomas was a person involved in the incidents that led to the filing of Complaint No. 2022-1413 and Complaint No. 2022-3091 and, as such, § 610.100.4 entitled him to obtain "a complete unaltered and unedited incident report" related to each of those complaint numbers;
- 4) Section 610.100.2(1) makes incident reports—including the Offense/Incident Reports for Complaint No. 2022-1413 and Complaint No. 2022-3091—open public records;
- 5) Even if some part of §§ 610.100 or 610.150 might have allowed the Sheriff's Office to redact part of these incident reports had they been requested by someone not involved in the relevant incidents, § 610.100.4 requires a law enforcement agency within thirty days of receiving the request to provide "a complete unaltered and unedited incident report" to someone involved in the incidents unless the agency seeks and obtains an order to that effect from a court as provided in that subsection

- 6) The Sheriff's Office violated § 610.100.4 by failing within thirty days of becoming aware that Thomas was invoking his rights under this section either to provide Thomas the requested materials or to file a motion with a court seeking an order that would allow it to redact or withhold the requested materials; and
 - 7) The Sheriff's Office violated § 610.100.4 by belatedly providing Thomas with incomplete, redacted versions of the requested incident reports rather than the "complete unaltered and unedited incident report[s]" that this section required the Sheriff's Office to provide to him.
- b. Enter a permanent injunction against the Sheriff's Office requiring it to take all appropriate steps to ensure:
- 1) The Sheriff's Office must treat all incident reports as open public records, providing them to any member of the public who requests them unless a specific law allows or requires otherwise; and
 - 2) If a person involved in an incident or whose property was involved in an incident requests the incident report related to that incident, within thirty days of receiving the request the Sheriff's Office must either provide the requester with a "complete unaltered and unedited" copy of that report or it must ask a court to order the record to be closed, either in whole or in part; and
- c. Award such other and additional relief as the Court deems just and appropriate.

COUNT II – Violation of the Sunshine Law as to the Second Request.

162. Thomas incorporates by reference the allegations made in each preceding paragraph as if each allegation was set forth herein.
163. Section 610.011 states that “except as otherwise provided by law,” all public records of public governmental bodies shall be open to the public for inspection and copying[.]”
164. Section 610.015 reiterates that “public records shall be open to the public for inspection and duplication.”
165. Section 610.023 requires public governmental bodies to “make available for inspection and copying by the public of that body’s public records.”
166. Section 610.027.2 provides that where a party seeking judicial enforcement of sections 610.010 to 610.026 demonstrates that the defendant is subject to the Sunshine Law and has withheld a public record, “the burden of persuasion shall be on the body and its members to demonstrate compliance with the requirements of sections 610.010 to 610.026.”
167. In relevant part, Thomas’s Second Request asked the Sheriff’s Office to provide him with “[t]he unredacted four-page probable cause statement in reference to incident report number[]” 2022-3091.
168. Probable cause statements are open public records under the Sunshine Law. *See Malin v. Cole County Prosecuting Atty.*, 678 S.W.3d 661 (Mo. App. W.D. 2023) (requiring prosecuting attorney’s office to search for and produce probable cause statements responsive to Sunshine Law request).

169. As of February 13, 2023, the date Thomas submitted his Second Request, the Sheriff's Office retained a copy of the four-page probable cause statement Thomas was asking for.
170. A week and a half prior to the submission of the Second Request this signed four-page probable cause statement had been added as Supplemental Report No. 20 to the Offense/Incident Report for Case No. 2022-3091.
171. The Sheriff's Office never identified any statute that might justify the closure of this public record, nor did it otherwise explain its failure to produce this probable cause statement to Thomas prior to the initiation of this lawsuit.
172. The Sheriff's Office did not provide Thomas with a copy of this probable cause statement until after he filed this lawsuit, when the Sheriff's Office produced it in response to Thomas's First Request for Production of Records.
173. The Sheriff's Office violated §§ 610.011, 610.015, and 610.023 by failing to make the probable cause statement available to Thomas for inspection and copying.

WHEREFORE, the Plaintiff respectfully asks the Court to:

- a. Enter a declaratory judgment finding that
 - 1) Thomas's Second Request asked for a copy of the unredacted four-page probable cause statement prepared in reference to Complaint No. 2022-3091;

- 2) The Sheriff's Office retained a copy of the unredacted four-page probable cause statement prepared in reference to Complaint No. 2022-3091 at the time Thomas requested it;
 - 3) This probable cause statement was an open public record within the meaning of the Sunshine Law;
 - 4) The Sheriff's Office did not identify any statute that would allow it to redact or otherwise withhold the probable cause statement from Thomas; and
 - 5) The Sheriff's Office violated §§ 610.011, 610.015, and 610.023 by failing to produce to Thomas a copy of the unredacted four-page probable cause statement the Sheriff's Office retained in reference to Complaint No. 2022-3091;
- b. Enter a permanent injunction against the Sheriff's Office requiring it to treat probable cause statements as open public records unless it identifies a statute that authorizes redacting or closing those records; and
 - c. Award such other and additional relief as the Court deems just and appropriate.

COUNT III – Violation of the Sunshine Law as to the Third Request.

174. Thomas incorporates by reference the allegations made in each preceding paragraph as if each allegation was set forth herein.

175. In relevant part, Thomas's Third Request asked the Sheriff's Office to provide him with "any requests made, outside of myself or Mr. Greg Beachem,

requesting copies or review of incident report numbers: 2022-3091; 2022-1413,” specifying that the request included “the date and time of the request, the name or names of the parties making the request and whether the request made by these parties was denied or approved.”

176. As of February 13, 2023, the date Thomas submitted his Third Request, the Sheriff’s Office retained a copy of Theresa and Doug Kelly’s December 28, 2022 request for records related to Complaint No. 2022-1413.

177. Two and a half weeks before Thomas submitted his Third Request a copy of the Kellys’ Sunshine Law request was attached to the Offense/Incident Report for Case Number 2022-1413 as Supplemental Report Number 5, and also attached to Offense/Incident Report for Case Number 2022-3091 as Supplemental Report Number 16.

178. The Sheriff’s Office never identified any statute that might justify the closure of this public record, nor did it otherwise explain its failure to produce the Kellys’ request for records related to Complaint No. 2022-1413 to Thomas prior to the initiation of this lawsuit.

179. The Sheriff’s Office violated §§ 610.011, 610.015, and 610.023 by failing to make the Kellys’ request for records related to Complaint No. 2022-1413 available to Thomas for inspection and copying.

WHEREFORE, the Plaintiff respectfully asks the Court to:

- a. Enter a declaratory judgment finding that

- 1) Theresa and Doug Kelly's December 28, 2022 request for records related to Complaint No. 2022-1413 was responsive to Thomas's Third Request;
 - 2) The Sheriff's Office retained a copy of the Kellys' public records request at the time Thomas requested it;
 - 3) The Kellys' public records request was an open public record within the meaning of the Sunshine Law;
 - 4) The Sheriff's Office did not identify any statute that would allow it to redact or otherwise to withhold the Kellys' public records request from Thomas; and
 - 5) The Sheriff's Office violated §§ 610.011, 610.015, and 610.023 by failing to produce to Thomas a copy of the Kellys' public records request;
- b. Enter a permanent injunction against the Sheriff's Office requiring it to treat written requests for public records submitted to the Sheriff's Office as open public records unless it identifies a statute that authorizes redacting or closing those records; and
 - c. Award such other and additional relief as the Court deems just and appropriate.

COUNT IV – Violation of the Sunshine Law as to the Fourth Request.

180. Thomas incorporates by reference the allegations made in each preceding paragraph as if each allegation was set forth herein.

181. In relevant part, Thomas's Fourth Request asked the Sheriff's Office to provide him with "[a]ll documents received and created by any employee, contractor and or representative of the Camden County Sheriff's Department relating to incident numbers 2022-1413, 2022-3091, 1108 Sweetwater Drive, Four Seasons, Missouri 65049, and John Thomas individually including any and all emails, materials, phone call logs[.]"
182. As of April 3, 2023, the date Thomas submitted his Fourth Request, the Sheriff's Office retained more than fifty records responsive to this request, including each of the records identified in paragraph 145 above.
183. Upon information and belief, the Sheriff's Office did not even conduct a search for these responsive records until after Thomas initiated this litigation.
184. Prior to Thomas's filing of this lawsuit, the Sheriff's Office had not even notified him that most of the records identified in paragraph 145 existed, nor had it offered any legal basis that would allow the Sheriff's Office not to produce those records to Thomas.
185. Other than the documents produced on August 4, 2023, the Sheriff's Office only produced most of the records responsive to Thomas's Fourth Request in discovery after Thomas initiated this litigation.
186. The Sheriff's Office violated §§ 610.011, 610.015, and 610.023 by failing to make the records identified in paragraph 145 available to Thomas for inspection and copying.

WHEREFORE, the Plaintiff respectfully asks the Court to:

- a. Enter a declaratory judgment finding that
 - 1) The records identified in paragraph 145 of this Amended Petition were responsive to Thomas's Fourth Request;
 - 2) The Sheriff's Office retained a copies of these records at the time Thomas requested them;
 - 3) The records identified in paragraph 145 of this Amended Petition are open public records within the meaning of the Sunshine Law;
 - 4) The Sheriff's Office did not identify any statute that would allow it to redact or otherwise to withhold the Kellys' public records request from Thomas; and
 - 5) The Sheriff's Office violated §§ 610.011, 610.015, and 610.023 by failing to produce to Thomas a copy of the records identified in paragraph 145 of this Amended Petition;
- b. Enter a permanent injunction against the Sheriff's Office requiring it in a timely manner to search for and produce records responsive to Sunshine Law requests submitted to the Sheriff's Office unless it identifies to the requester a statute that would justify redacting or closing those records; and
- c. Award such other and additional relief as the Court deems just and appropriate.

COUNT V – Violation of the Sunshine Law as to Thomas's Fifth Request.

187. Thomas incorporates by reference the allegations made in each preceding paragraph as if each allegation was set forth herein.

188. On August 7, 2024, Thomas sent an email to Bailey that included a new

request for public records (“the Fifth Request,”) a true and accurate copy of which is attached as Exhibit 101.

189. As of August 7, 2024, Bailey was still serving as the Custodian of Records for the Sheriff’s Office.

190. The Fifth Request specified that Thomas was making it pursuant to § 610.100.4 and that he was asking for a broad array of records “created or obtained in the course of responding to or investigating a call to the Camden County Sheriff’s Office on April 1, 2023, made by Marie and or Stan Krolkowski regarding an incident at 1109 Sweetwater Drive, Four Seasons, MO 65049 involving contracting work being performing [sic] on behalf of 1108 Sweetwater Drive, Four Seasons, MO 65049.”

191. The Fifth Request specifically invoked Thomas’s right under § 610.023 to be given “a detailed explanation of the cause for further delay and the place and earliest time and date the record[s] will be available for inspection” if the Sheriff’s Office would not provide the records immediately.

192. Upon information and belief, Bailey received this request on or about August 7-8, 2024.

193. The Sheriff’s Office did not respond to Thomas in any way by August 13, 2024.

194. The Sheriff’s Office and the Custodian of Records violated § 610.023.3 by failing to respond to Fifth Request within three business days of the Custodian receiving this request.

195. On August 13, 2024, Thomas sent Bailey a follow-up email noting that it had

been three business days since he submitted his most recent request, but he had received no response.

196. On August 14, 2024, Bailey sent Thomas an email, the body of which said: “I apologize for the delayed response. Be advised that this matter will take longer than the three business days to research and fulfill. If you have any questions in the meantime, please let me know. Thank you.”
197. Despite Thomas’s explicit request for “a detailed explanation of the cause for further delay and the place and earliest time and date the record[s] will be available for inspection,” Bailey’s August 14, 2024 email did not provide any such explanation, nor did it identify the place and earliest time and date the Sheriff’s Office would make the requested records available to Thomas.
198. The Sheriff’s Office violated § 610.023.3 by failing to provide Thomas with a detailed explanation for its delay in producing the requested records.
199. In the nearly six months that have passed since Bailey’s August 14, 2024 email, neither Bailey nor anyone else associated with the Sheriff’s Office has communicated with Thomas regarding the Fifth Request, nor have they provided the requested records or any legal justification for failing to do so.
200. The Sheriff’s Office has not asserted that it has no records responsive to the Fifth Request.
201. The Sheriff’s Office has not asserted that it has some legal basis for withholding any records it retains that are responsive to the Fifth Request.
202. Upon information and belief, as of February 9, 2025, the Sheriff’s Office has

not even conducted a search to locate records it retains that are responsive to Thomas's Fifth Request.

203. Section 610.100.4 requires a law enforcement agency within thirty days of receiving a request for records pursuant to that section either to provide the requested material or file a motion with a court seeking an order that would allow the law enforcement agency to redact the requested records or to withhold them from the requester.

204. The Sheriff's Office violated § 610.100.4 by failing within thirty days of receiving Thomas's Fifth Request either to provide him the requested materials or to file a motion with a court seeking an order that would allow it to redact or withhold the requested materials.

WHEREFORE, the Plaintiff respectfully asks the Court to:

- a. Enter a declaratory judgment finding that
 - 1) The Sheriff's Office violated § 610.023.3 by failing to respond to Thomas's Fifth Request within three days of receiving it;
 - 2) The Sheriff's Office violated § 610.023.3 by failing to provide "a detailed explanation of the cause for further delay and the place and earliest time and date" it would make the records responsive to Thomas's Fifth Request available for his inspection;
 - 3) The Sheriff's Office violated §§ 610.011, 610.015, and 610.023 by failing to search for or produce to Thomas a copy of the records responsive to his Fifth Request; and

- 4) The Sheriff's Office violated § 610.100.4 by failing within thirty days of receiving Thomas's Fifth Request either to provide him the requested materials or to file a motion with a court seeking an order that would allow it to redact or withhold the requested materials;
- b. Enter a permanent injunction against the Sheriff's Office requiring it to comply with the requirements of §§ 610.023.3 and 610.100.4; and
- c. Award such other and additional relief as the Court deems just and appropriate.

COUNT VI – Each of the above violations of the Sunshine Law were knowing and/or purposeful.

205. Thomas incorporates by reference the allegations made in each preceding paragraph as if each allegation was set forth herein.
206. To establish a “knowing” violation of the Sunshine Law, a plaintiff only needs to show by a preponderance of the evidence that the defendant had actual knowledge that the conduct at issue would violate the Sunshine Law. *See Strake v. Robinwood West Community Improvement Dist.*, 473 S.W.3d 642, 645 (Mo. banc 2015).
207. To establish a “purposeful” violation of the Sunshine Law, a plaintiff must show by a preponderance of the evidence that the defendant manifested “a conscious design, intent, or plan to violate the law and [that they did] so with awareness of the probable consequences.” *Id.* (finding purposeful violation even where attorney had advised public governmental body that they need not produce certain records).

208. The Missouri Court of Appeals has noted that a public official would commit a purposeful violation of the Sunshine Law if the “forestall[ed] production of public records until the requester sues[.]” *Buckner v. Burnett*, 908 S.W.2d 908, 911 (Mo. App. W.D. 1995).
209. At all times relevant to this lawsuit, the Sheriff’s Office, Bailey, and Brand were aware that the Sheriff’s Office was obliged to comply with the Sunshine Law’s requirements.
210. At all times relevant to this lawsuit, the Sheriff’s Office, Bailey, and Brand were aware that the Sunshine Law required the Sheriff’s Office to search for and produce records responsive to a citizen’s requests.
211. At all times relevant to this lawsuit the Sheriff’s Office, Bailey, and Brand were aware that § 610.100.2(1) makes “incident reports” open public records.
212. Although under certain circumstances Missouri law allows a law enforcement agency to redact an incident report before producing it to a requester, there is no statute or Missouri appellate opinion that permits a law enforcement agency to withhold or otherwise delay production of an incident report without first obtaining a court order authorizing the redaction or delayed production.
213. No later than February 8, 2023, the Sheriff’s Office, Bailey, and Brand were aware that Thomas’s First Request was invoking his rights under § 610.100.4, which included the right to obtain the incident reports related to Complaint No. 2022-1413 and Complaint No. 2022-3091.
214. Despite being aware that § 610.100.4 required the Sheriff’s Office to provide

Thomas “a complete unaltered and unedited” version of the incident reports he had requested, the Sheriff’s Office, Bailey, and Brand did not provide this to Thomas until after he initiated this litigation; this was a knowing and/or purposeful violation of § 610.100.4.

215. Despite being aware that the Sheriff’s Office retained a copy of the unredacted four-page probable cause statement that was filed in reference to incident report number 2022-3091, the Sheriff’s Office falsely claimed that it did not have or could not produce records responsive to Thomas’s Second Request and it did not provide Thomas with a copy of the unredacted four-page probable cause statement that was filed in reference to incident report number 2022-3091 until after he initiated this litigation; this was a knowing and/or purposeful violation of §§ 610.011, 610.015, and 610.023.

216. Despite being aware that the Sheriff’s Office retained a copy of the Kellys’ December 28, 2022 records request, the Sheriff’s Office falsely claimed that it did not have or could not produce records responsive to Thomas’s Third Request and it did not provide Thomas with a copy of the Kellys’ December 28, 2022 records request until after he initiated this litigation; this was a knowing and/or purposeful violation of §§ 610.011, 610.015, and 610.023.

217. Despite being aware that the Sheriff’s Office retained many emails and other materials received or created by any employee, contractor and or representative of the Sheriff’s Office relating to incident numbers 2022-1413, 2022-3091, 1108 Sweetwater Drive, Four Seasons, Missouri 65049, and John

Thomas, the Sheriff's Office did not produce—and does not appear to have searched for—these records that were responsive to Thomas's Fourth Request; this was a knowing and/or purposeful violation of §§ 610.011, 610.015, and 610.023.

218. No later than June 5, 2023, the Sheriff's Office, Bailey, and Brand were specifically informed as to what the Sunshine Law required of them, the consequences the law provided for failure to comply with the law's requirements, and Thomas's intent to sue to enforce his rights under the Sunshine Law.

219. Brand straightforwardly acknowledged understanding the distinction the Sunshine Law makes between "incident reports" and "investigative reports," but never made *any* effort to explain why, in light of Thomas's involvement in the incidents about which he was attempting to gather information, the Sheriff's Office was not required to comply with § 610.100.4.

220. Furthermore, at least twice Brand specifically invited Thomas to "seek the appropriate remedy" in light of the Defendant's refusal to produce records Thomas had requested.

221. Even if the Sheriff's Office, Bailey, and Brand could plausibly have claimed to be ignorant of what the Sunshine Law required at the time Thomas submitted his First Request, Thomas submitted his Fifth Request long after he had filed this lawsuit based on the facts related to his first four requests—specifically, he submitted the Fifth Request after the Sheriff's Office had filed its response

to Thomas's May 16, 2024 motion for summary judgment.

222. By that point in time, and particularly in light of Thomas's lawsuit against the Sheriff's Office and its responses to that lawsuit, there could be no question whatsoever that the Sheriff's Office understood its obligation to provide timely responses to Thomas's Sunshine Law requests.

223. Thus, the Sunshine Law violation described in Count V, in particular, is a textbook example of a "purposeful" violation.

WHEREFORE, the Plaintiff respectfully asks the Court to:

- a) Enter a declaratory judgment finding that
 - 1) The Defendant's violation of the Sunshine Law described in Count I was knowing and/or purposeful;
 - 2) The Defendant's violation of the Sunshine Law described in Count II was knowing and/or purposeful;
 - 3) The Defendant's violation of the Sunshine Law described in Count III was knowing and/or purposeful;
 - 4) The Defendant's violation of the Sunshine Law described in Count IV was knowing and/or purposeful; and
 - 5) The Defendant's violation of the Sunshine Law described in Count V was knowing and/or purposeful;
- b) Award Thomas appropriate civil penalties in light of his demonstration that the Sheriff's Office committed these knowing and/or purposeful violations of the Sunshine Law;

- c) Award Thomas his reasonable costs and attorney fees associated with proving these knowing and/or purposeful violations of the Sunshine Law;
and
- d) Grant the Plaintiff such other relief as this court deems just and proper under the circumstances.

Respectfully submitted,



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