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April 13, 2015

Sheriff Dennis Crane
Custodian of Records for MUSTANG Drug Task Force
1201 State Road O
P.O. Box 817
Fulton, Missouri 65251

Sheriff Crane:

In phone calls last Friday I confirmed with the office of Sheriff White, the Project Director for MUSTANG, and your own office that you are the designated custodian of records for MUSTANG. As such, you have certain legal obligations when citizens, acting pursuant to Missouri's Sunshine Law, submit requests for public records related to MUSTANG. Namely, you are obligated to respond to any and all Sunshine Law requests within three business days of receiving the request. § 610.023.3, RSMo. There is no question that under Missouri law, sheriffs are subject to the requirements of the Sunshine law and the penalties for its violation. *See Charlier v. Corum*, 774 S.W.2d 518 (Mo. App. W.D. 1989). Missouri courts have further held that a Sheriff may not excuse failure to respond to Sunshine Law requests on the basis that a single individual has submitted multiple requests. *See Pennington v. Dobbs*, 235 S.W.3d 77, 79-80 (Mo. App. S.D. 2007).

My client, Aaron Malin, has notified me that on two separate occasions, March 23 and April 1, 2015, he submitted to you Sunshine Law requests for public records related to the MUSTANG Task Force. Malin has informed me that you have not responded in any way to either of these requests. Failure to respond to a Sunshine Law request for public records within three business days of receiving the request is a violation of the Sunshine Law, pure and simple. Knowing violation of the Sunshine Law subjects the public government body *or the individual member* of that public body to a civil penalty in an amount up to \$1,000, and the court is also authorized to require the defendant to pay the plaintiff's attorney fees accrued in enforcing the law against the violator. Purposeful violation of the Sunshine Law is punishable by a civil penalty in an amount up to \$5,000 and the court is *compelled* to require the defendant to pay the plaintiff's attorney fees.

Malin made his requests as part of research he is doing on behalf of Show-Me Cannabis. Both Malin and Show-Me Cannabis recently initiated a litigation campaign to remedy law enforcement agencies' violations of the Sunshine Law, launching lawsuits against drug task forces and law enforcement officials in St. Louis City, Kansas City, and Audrain County.

Although Malin and Show-Me Cannabis are of the opinion that a sheriff, of all people, cannot claim to be ignorant of his or her statutory responsibilities, this letter is intended to remove any question that you are fully aware of your obligations under Missouri's Sunshine Law and the consequences for failing to fulfil those obligations. If you continue to disregard your duty under the law to timely and properly respond to citizens' Sunshine Law requests, this letter will be used as evidence of your purposeful violation of the law.

If you contend that you *have not* been appointed as the custodian of records for MUSTANG, please consider this to be a formal request, pursuant to § 610.023.1, RSMo., for you to identify who *has* been identified as the custodian of records or, in the alternative, to state that MUSTANG has not appointed a custodian of records. In addition, if you do claim to be the custodian of records for MUSTANG, I am making a formal request pursuant to § 610.023.2 for a copy of any and all records reflecting the process through which you were appointed or designated as the custodian of records for MUSTANG. Please send any documents responsive to this request in a digital format via email to libertyandjustice@gmail.com.

Feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Dave Roland". The signature is written in a cursive, flowing style with a large initial "D".

Dave Roland