

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SHIRLEY L. PHELPS-ROPER)	
)	
Plaintiff,)	
)	
v.)	No. 4:10-cv-1125 JCH
)	
DANIEL BULLOCK, individually and in his)	
official capacity as Sheriff of St. Francois)	
County, Missouri,)	
)	
Defendant.)	

CONSENT DECREE AND JUDGMENT

Pursuant to the Joint Motion of Plaintiff and Defendant
for Entry Of Consent Judgment and Injunction (Doc. No. ____),

IT IS ORDERED:

1. Mo. Rev. Stat. § 578.501 states:

578.501. Funeral protests prohibited, when--citation of law—definitions

1. This section shall be known as “Spc. Edward Lee Myers’ Law”.

2. It shall be unlawful for any person to engage in picketing or other protest activities in front of or about any location at which a funeral is held, within one hour prior to the commencement of any funeral, and until one hour following the cessation of any funeral. Each day on which a violation occurs shall constitute a separate offense. Violation of this section is a class B misdemeanor, unless committed by a person who has previously pled guilty to or been found guilty of violation of this section, in which case the violation is a class A misdemeanor.

3. For the purposes of this section, **“funeral”** means the ceremonies, processions and memorial services held in connection with the burial or cremation of the dead.

(emphasis in original).

2. Mo. Rev. Stat. § 578.502 states:

578.502. Funeral protests prohibited, when--funeral defined

1. This section shall be known as “Spc. Edward Lee Myers’ Law”.

2. It shall be unlawful for any person to engage in picketing or other protest activities within three hundred feet of or about any location at which a funeral is held, within one hour prior to the commencement of any funeral, and until one hour following the cessation of any funeral. Each day on which a violation occurs shall constitute a separate offense. Violation of this section is a class B misdemeanor, unless committed by a person who has previously pled guilty to or been found guilty of a violation of this section, in which case the violation is a class A misdemeanor.

3. For purposes of this section, **“funeral”** means the ceremonies, processions, and memorial services held in connection with the burial or cremation of the dead.

(emphasis in original).

3. Mo. Rev. Stat. § 578.095 states:

1. Any person who purposefully and publicly mutilates, defaces, defiles, tramples upon or otherwise desecrates the national flag of the United States or the state flag of the state of Missouri is guilty of the crime of flag desecration.

2. National flag desecration is a class A misdemeanor.

4. Defendant agrees, and it is ordered, that he and his agents, employees, successors, or assigns, will not issue citations, make arrests, or file or pursue criminal charges against the plaintiff or any other person for violations of Mo. Rev. Stat. §§ 578.501, 578.502, or 578.095.

5. The parties agree, and it is ordered, that prior to initiating any citation or prosecution of plaintiff or any other person for picketing or any related expressive activity, including but not limited to singing, talking, chanting, using flags for expressive activities, or otherwise or prior to involving this Court in any motion alleging a violation of this Consent Decree, counsel for plaintiff and for defendant will confer and attempt to reach an amicable resolution concerning any allegedly unlawful speech or conduct or alleged violation of this Consent Decree.

6. Defendant is hereby ordered to pay attorney's fees to plaintiff's counsel in the amount of \$2,160.00, representing hours spent on this litigation through June 24, 2010, the date on which Plaintiff obtained a temporary restraining order.

Defendant is hereby ordered to pay expenses of \$773.00 to Plaintiff's counsel, representing the filing fee and cost of service. Plaintiff waives any further claim she might have to attorney's fees; however she may assert a claim for fees if further proceedings are required in this case to enforce this consent judgment or in response to a motion to alter or vacate this judgment.

7. All remaining claims asserted in this case are dismissed without prejudice.

This Court shall retain jurisdiction of this action solely for the purpose of enforcing the terms of this Consent Decree and Judgment, should such need arise.

IT IS SO ORDERED.

Dated this 22nd day of November, 2010.



HONORABLE JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE