

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

CHRISTOPHER SNYDER)	
)	
Plaintiff,)	
)	
v.)	Case No. 18-5037
)	
CITY OF JOPLIN, MISSOURI,)	
)	
Defendant.)	

COMPLAINT

Plaintiff Christopher Snyder alleges as follows:

INTRODUCTION

1. Missouri resident Christopher Snyder and his wife became homeless after Christopher Snyder unexpectedly lost his job.
2. Since then, they have been living out of their car and panhandling to secure donations of food and money.
3. Snyder's efforts to secure donations have been stymied by § 90-144 of the Joplin City Code, which codifies an content-based restriction on speech that is unconstitutional both facially and as applied, as well as a decision by the police department to leave enforcement decisions to individual officers.
4. Snyder has stopped panhandling in Joplin to avoid arrest or citation under § 90-144.

PARTIES

5. Plaintiff, Christopher Snyder, is a citizen of Missouri.
6. Defendant City of Joplin, Missouri, is a municipal corporation and political subdivision of the State of Missouri.

JURISDICTION AND VENUE

7. Snyder brings this claim pursuant to 42 U.S.C. § 1983; the Free Speech Clause of the First Amendment to the United States Constitution, incorporated as against States and their municipal divisions through the Fourteenth Amendment; and the Due Process Clause of the Fourteenth Amendment.
8. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1) & (2) because Defendant is located in Jasper County, Missouri, and its actions giving rise to the claim in this suit occurred in Jasper County.
9. Venue is proper in the Southwestern Division pursuant to Local Rule 3.2(a)(3)(B).

FACTS

10. Chapter 90 of the Joplin City Code, § 90-144, regulating panhandling in the city, prohibits: “Any person who in a public place solicits in any of the following ways or manners is guilty of a misdemeanor:
 - (1) By engaging in false or misleading solicitation by:
 - a. Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds and does not disclose such fact.
 - b. Knowingly stating a false situation or circumstance to induce a donation.
 - c. Knowingly stating the solicitation is for a specific person or exempt organization without authorization.
 - (2) By any statement, gesture or other communication which a reasonable person in the situation of the person solicited perceives to be a threat.
 - (3) By intimidating or obstructing pedestrian or vehicular traffic.
 - (4) By assaulting or aggressively soliciting.

- (5) By soliciting within 50 feet of any bank, savings and loan or other financial institution or building, including outdoor teller machines.
 - (6) By soliciting within 50 feet of any cash disbursal machine, outdoor vending machine, or other outdoor machine or device which accepts coins or paper currency, except parking meters.
 - (7) By soliciting on any private property, unless the solicitor has permission from the owner.
 - (8) By soliciting within 150 feet of any intersection, as measured from the middle of said intersection, where one or more of the intersecting highways or streets has a speed limit of thirty-five (35) miles per hour or more or on the length of any median separating the traffic at such intersection.”
- 11. The ordinance is codified as § 90-144 of the Joplin City Code.
 - 12. On February 5, 2018, § 90-144 was amended to add subsection (8) as an emergency ordinance allowing it to go into effect immediately.
 - 13. The decision to issue a citation is left to each individual police officer in Joplin.
 - 14. Snyder unexpectedly lost his job in May 2016, after which, he and his wife have been homeless and forced to live out of their car.
 - 15. Snyder and his wife panhandle to obtain donations of food and money in order to survive.
 - 16. On February 8, 2018, Snyder was soliciting donations with a sign that read: “Wife and I living in car, anything helps, God will bless you,” near the I-44 Business Loop and MO-43.
 - 17. While panhandling, Snyder was approached by a Joplin police officer.

18. The officer warned Snyder that he was violating the law by panhandling within the 150-foot area where panhandling is prohibited.
19. The officer requested Snyder's ID and notated an official warning in the department's computer system.
20. The officer told Snyder that if he was caught violating the law a second time, he would be cited, and that if he was caught a third time, he would be arrested and taken to jail.
21. Later that same day Snyder tried panhandling at a different location, near the intersection of 15th Street and Rangeline Road.
22. Snyder and his wife were trying to solicit donations to purchase food.
23. A second Joplin police officer approached Snyder and told him that panhandling was illegal in the city. This officer also yelled at Snyder: "*you don't got a job?*"
24. Snyder told the officer he believed he had a First Amendment right to panhandle in Joplin.
25. Snyder left the area after his interaction with the police officer.
26. Snyder and his wife, at various times while panhandling, also hold signs that read: "HUD's definition of family leaves my wife and I in the cold," and "anything helps, God bless."
27. Since February 8, 2018, Snyder and his wife have stayed out of Joplin for fear of citation or arrest.
28. At all times relevant to this Complaint, Defendant acts under color of law.

COUNT I: FIRST AMENDMENT

Joplin City Code § 90-144 is Unconstitutional under the Free Speech Clause of the First Amendment

29. Plaintiff repeats, re-alleges, and incorporates by reference the allegations in the foregoing paragraphs of this Complaint as fully set forth herein.
30. Section 90-144 violates the Free Speech Clause of the First Amendment to the Constitution, on its face and as applied, because it impermissibly curtails Plaintiff's expressive activities.
31. Solicitation of immediate donations for money or other items of value is an expressive communication subject to First Amendment protection.
32. Section 90-144 is a content-based regulation because it prohibits certain types of speech based on the content thereof and makes impermissible distinctions based on the function or purpose of the regulated speech.
33. Section 90-144 applies, by its own plain language, to traditional and designated public fora, as well as nonpublic fora and private property.
34. Section 90-144 is facially invalid because it prohibits a substantial amount of protected speech.
35. Plaintiff has been chilled from engaging in any solicitation or panhandling in Joplin because of his reasonable fear of citation, arrest, or prosecution.
36. Joplin has no significant or compelling interest that can justify the necessity of § 90-144.
37. Section 90-144 is not narrowly tailored to achieve a significant government interest.
38. Section 90-144 is not the least restrictive means to achieve a compelling government interest.

39. Section 90-144 does not leave open ample alternative avenues of communication for Plaintiff to convey his message.

WHEREFORE, Plaintiff prays this Court:

- a. Upon motion, grant a temporary restraining order and a preliminary injunction preventing the enforcement of § 90-144;
- b. Grant a permanent injunction preventing the enforcement of § 90-144;
- c. Enter a declaration that § 90-144 is unconstitutional on its face and as applied to Plaintiff;
- d. Award Plaintiff nominal damages;
- e. Award costs and attorneys' fees pursuant to 42 U.S.C. § 1988; and
- f. Allow such other and further relief as this Court finds just.

Respectfully submitted,

/s/ Anthony E. Rothert
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