



Judge Says Sheriff Can't Post Sex Offender Warning Signs on Halloween

A federal judge filed a preliminary injunction on Tuesday preventing a sheriff in Georgia from placing signs at three sex offenders' homes, saying it violated their constitutional rights.



"The question is whether Sheriff Long's plan runs afoul of the First Amendment of the United States Constitution," a federal judge wrote in his opinion. "It does." Butts County Sheriff's Office, via Facebook

By Emily S. Rueb
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A federal judge has temporarily blocked a sheriff in Georgia from placing signs at three registered sex offenders' homes that warn trick-or-treaters on Halloween, saying that the action violated their constitutional rights.

Judge Marc T. Treadwell of the [United States District Court for the Middle District of Georgia](#) filed a temporary injunction on Tuesday in favor of the offenders who sued Sheriff Gary Long of Butts County and his office for placing signs that said "Warning! No Trick-or-Treat at this address!!"

"The question the court must answer is not whether Sheriff Long's plan is wise or moral, or whether it makes penological sense. Rather, the question is whether Sheriff Long's plan runs afoul of the First Amendment of the United States Constitution," Judge Treadwell wrote in his opinion. "It does."

A lawyer for the three men in the lawsuit filed last month, Mark Yurachek, said in a statement he was "thankful for the court's thoughtful and measured decision."

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"There is a long way to go in this action," Mr. Yurachek said, "and, although we decline further comment specifically addressing the litigation, we are hopeful that this decision indicates that, as with this preliminary issue, we will prevail in the permanent injunction action and the lawsuit in general."

Sheriff Long said he "respectfully and strongly" disagreed with the judge's opinion.

"I must abide by the ruling," Mr. Long said in a [statement posted to Facebook](#).

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But, he added, "I will continue to fight for and protect our children by any legal means necessary."

The three men — Christopher Reed, Reginald Holden and Corey McClendon — sued the sheriff last month after deputies placed signs in their yards shortly before Halloween in 2018.

According to court documents, Mr. Holden returned from work one day to find the sign with the warning in his yard and was told by a deputy sheriff that he would be arrested if he removed it. Mr. McClendon testified that deputies said he would face "criminal action" if he took it down.

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The three men argued, among other things, that the signs violated their First Amendment rights [against compelled speech](#) and constituted trespassing on private property.

According to state law, all sex offenders in the state of Georgia are required to register [in a statewide database](#). And sheriffs must inform community members of sex offenders living in the community.

[Unlike other states](#), such as [Missouri](#) and [Ohio](#), Georgia does not have what is known as a "no candy law," which prohibits offenders from handing out sweets.

California doesn't either, but it has implemented "[Operation Boo](#)," which entails law enforcement officials doing spot checks to make sure sex offenders are staying away from trick-or-treaters. Similarly, New York's department of corrections [dispatches parole officers](#) to ensure offenders are indoors and not handing out candy or in costume.

Georgia's law, however, "does not require or authorize sheriffs to post signs in front of sex offenders' homes," the court's opinion said, "nor does it require sex offenders themselves to allow such signs."

Judge Treadwell added that the three men "are rehabilitated," and "live productive, law-abiding lives."

Mr. Yurachek, the lawyer representing the three men as well as dozens of others who were not named in the complaint, said in an interview on Wednesday that they are "trying to live as quietly as possible."

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"The public image of who they are and what they do is wildly incorrect," he said.

Mr. Long had planned to place signs in front of all 57 offenders in the county, which he claimed would save money that would have otherwise been spent on patrolling the areas where they lived, according to court documents.

But the judge said the sheriff's office "provided no evidence that sex offenders residing in Butts County after their convictions have posed any safety risk to children in the past."

The judge also added that the office "should be aware that the authority for their blanket sign posting is dubious at best and even more dubious if posted over the objection of registrants."

"To be clear," Judge Treadwell wrote, "this injunction in no way limits Sheriff Long's discretion to act on specific information suggesting a risk to public safety. But he cannot post the signs over the named plaintiffs' objections simply because their names are on the registry."

Mr. Yurachek said that no additional hearings had been scheduled, but that the injunction would likely cover them until next year, when he expected a resolution in the case.

Sheriff Long said that this Thursday night, his staff will keep "a very strong presence in the neighborhoods where we know sex offenders are likely to be."

He added, "Deputies will have candy in their patrol vehicles and will interact with the children until the neighborhood is clear of trick-or-treaters to ensure the safety of our children on Halloween night."

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