

have an interest in obtaining a declaration by the Court of their rights, status and legal obligations pursuant to Ind. Code § 11-8-8-5.

2. In *Wallace v. State of Indiana*, 905 N.E.2d 371 (Ind. 2009), the Indiana Supreme Court found that the Indiana's Sex Offender registration Act as codified in Ind. Code § 8-11-11-1 *et al* could not be applied and or enforced against any person who committed a qualifying offense prior to July 1, 1994. The application of the law requiring a person to register as a sex offender if he committed a qualifying offense prior to July 1, 1994 is, and was, an *ex post facto* violation of Art. 1 § 24 of the Indiana Constitution.

Parties

3. John R. Farmer is citizen and resident of Hendricks County, Indiana.

4. The Indiana Department of Corrections is an agency of the State of Indiana located in Marion County, Indiana.

5. The Hendricks County Sheriff is the chief law enforcement official for Hendricks County, Indiana.

Factual Allegations

6. Since July 1, 1994, there has been a sex offender registry ("hereafter "Registry") in Indiana. (Act of March 2, 1994, Pub. L. No 11-1994, § 7, originally codified at Indiana Code § 5-2-12-1 *et seq.*, and now codified at Indiana Code § 11-8-8-5 *et seq.*)

7. The Registry requires persons convicted of certain sex offenses to register, and to be listed in the Registry. Moreover, the Registry is a public record that is accessible on the world-wide Web.

8. Furthermore, failure to register is a felony pursuant to felony pursuant to Ind. Code § 11-8-8-17.
9. The Registry is maintained by the Indiana Department of Corrections.
10. Current Indiana law requires a sex offender to register annually with the local law enforcement authority in the county where he resides pursuant to Indiana Code § 11-8-8-7.
11. The term "local law enforcement authority" is defined by Indiana Code § 11-8-8-2 as the "the (1) chief of police of a consolidated city; or (2) sheriff of a county that does not contain a consolidated city."
12. Dave Galloway in his official capacity as Sheriff of Hendricks County is the local law enforcement authority for Hendricks County, Indiana.
13. On November 18, 1986, the Grand Jury of Tennessee, Davidson County (Nashville), charged Farmer, with 8 counts of sexual assault under Case No.: 86-F-1570. See Attached Exhibit 1.
14. The conduct was alleged to have occurred between 1981 and 1984. See Attached Exhibit 1.
15. On July 1, 1987, Farmer was convicted of Counts 5 through 8. See Attached Exhibit 2.
16. On April 15, 1988, Farmer was sentenced to the Tennessee Department of Corrections for Twenty-Four (24) years. See Attached Exhibit 2.
17. Since Farmer was convicted of a sex offense, the State of Indiana and Hendricks County Sheriff have ordered him to register.

18. Since Farmer currently resides in Hendricks County, Indiana, he has registered annually with the Hendricks County Sheriff.

19. If Farmer does not register he is subject to criminal penalties.

20. At the time Farmer's offenses were committed, Indiana did not have a Registry, a Registration Act, or requirements to register of any kind.

21. Farmer continues to suffer irreparable harm by being required to register.

Legal Claim

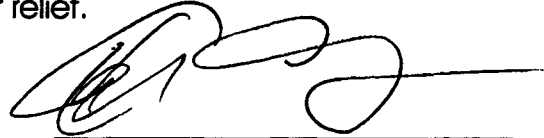
22. Farmer repeats and realleges each and every allegation contained in paragraphs 1 through 21 of this Complaint with the same force and effect as if set forth herein.

23. Subjecting Farmer to the requirements of Indiana's Sex Offender Registration Act that entails both registration and listing on the Registry when his offense was committed prior to the time the Registration Act was enacted is a violation of the Article I, § 24, Indiana Constitution which precludes imposition of *ex post facto* punishment.

Request for Relief:

- a. Declare that subjecting Farmer to the requirements of Indiana's Sex Offender registration Act that entails both registration and listing on the sex offender registry when he committed his offenses prior to the time the Registration Act applied to his offenses is unconstitutional as violating the *ex post facto* provision of the Indiana Constitution, Article I, § 24;
- b. Enjoin defendants from imposing on Farmer any of the requirements of Indiana's Sex offender registration Act, including both registration and listing on the sex offender registry;

- c. Direct defendants to remove Farmer from the sex offender registry;
- d. Award attorney's fees and costs; and
- e. Award Farmer all other proper relief.



Kathleen M. Sweeney, 2192-49
Attorney for Plaintiff

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Indianapolis, Indiana 46204
Phone: 317.491.1050
Fax: 317. 491.1043

State of Tennessee, Davidson County

COUNT ONE

September

TERM OF THE CRIMINAL COURT, 19⁸⁶

The Grand Jurors for the State of Tennessee, duly elected, impaneled, sworn, and charged, to inquire for the body of the County of Davidson and State aforesaid, upon their oath aforesaid, present: That

JOHN FARMER

a day in
heretofore, to wit, on the ~~XXXXXXXXXXXX~~ day of ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~, 19⁸¹
and prior to the return of this indictment
with force and arms, in the County aforesaid, unlawfully, and feloniously committed
the crime of Aggravated Sexual Battery by engaging in unlawful
sexual contact with one Angela Farmer and the said Angela Farmer
was a child less than thirteen years of age, in violation of
Section 39-2-606, Tennessee Code Annotated and against the peace
and dignity of the State of Tennessee.

Exhibit I

I, David C. Torrence, Clerk, hereby certify that this is an exact copy of the original.

John Farmer
This 25 day of Aug, 2009

DAVID C. TORRENCE, CLERK

By *[Signature]*

Pg 1

Attorney General

State of Tennessee, Davidson County

COUNT FOUR

September

TERM OF THE CRIMINAL COURT, 19 86

The Grand Jurors for the State of Tennessee, duly elected, impaneled, sworn, and charged, to inquire for the body of the County of Davidson and State aforesaid, upon their oath aforesaid, present: That

JOHN FARMER

heretofore, to wit, on the a day in 19 82 and prior to the return of this indictment with force and arms, in the County aforesaid, unlawfully, and feloniously committed the crime of Aggravated Rape by engaging in unlawful sexual penetration of one Angela Farmer, and the said Angela Farmer was a child less than thirteen years of age, in violation of Section 39-2-603, Tennessee Code Annotated and against the peace and dignity of the State of Tennessee.

I, David C. Torrence, Clerk, hereby certify that this is an exact copy of the original.

This 25 day of Aug, 2009 DAVID C. TORRENCE, CLERK

By: [Signature]

P4

Attorney General

State of Tennessee, Davidson County

COUNT FIVE

September

TERM OF THE CRIMINAL COURT, 19⁸⁶

The Grand Jurors for the State of Tennessee, duly elected, impaneled, sworn, and charged, to inquire for the body of the County of Davidson and State aforesaid, upon their oath aforesaid, present: That

JOHN FARMER

a day in

heretofore, to wit, on the ~~XX~~ 19⁸³

and prior to the return of this indictment with force and arms, in the County aforesaid, unlawfully, and feloniously committed

the crime of Aggravated Sexual Battery by engaging in unlawful sexual contact with one Angela Farmer and the said Angela Farmer was a child less than thirteen years of age, in violation of Section 39-2-606, Tennessee Code Annotated and against the peace and dignity of the State of Tennessee.

I, David C. Torrence, Clerk, hereby certify that this is an exact copy of the original.

John Farmer
This 25 day of Aug, 2009

DAVID C. TORRENCE, CLERK

By David Torrence

RS

Attorney General

State of Tennessee, Davidson County

COUNT SIX

September

TERM OF THE CRIMINAL COURT, 19 86

The Grand Jurors for the State of Tennessee, duly elected, impaneled, sworn, and charged, to inquire for the body of the County of Davidson and State aforesaid, upon their oath aforesaid, present: That

JOHN FARMER

a day in heretofore, to wit, on ~~the~~ ~~XXXXXXXXXX~~ ~~day of~~ ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~, 19 83 and prior to the return of this indictment with force and arms, in the County aforesaid, unlawfully, and feloniously committed the crime of Aggravated Rape by engaging in unlawful sexual penetration of one Angela Farmer, and the said Angela Farmer was a child less than thirteen years of age, in violation of Section 39-2-603, Tennessee Code Annotated and against the peace and dignity of the State of Tennessee.

David C. Torrence, Clerk, hereby certify that this is an exact copy of the original.

John Farmer
This 25 day of Aug, 2009

DAVID C. TORRENCE, CLERK

By *David C. Torrence* D.C.

Pg 6

Attorney General

State of Tennessee, Davidson County

COUNT SEVEN

September

TERM OF THE CRIMINAL COURT, 19 86

The Grand Jurors for the State of Tennessee, duly elected, impaneled, sworn, and charged, to inquire for the body of the County of Davidson and State aforesaid, upon their oath aforesaid, present: That

JOHN FARMER

a day in

heretofore, to wit, on ~~XX~~, 19 84

and prior to the return of this indictment with force and arms, in the County aforesaid, unlawfully, and feloniously committed

the crime of Aggravated Sexual Battery by engaging in unlawful sexual contact with one Angela Farmer and the said Angela Farmer was a child less than thirteen years of age, in violation of Section 39-2-606, Tennessee Code Annotated and against the peace and dignity of the State of Tennessee.

I, David C. Torrence, Clerk, hereby certify that this is a true and exact copy of the original.

John Farmer
This 3 day of July 1989
DAVID C. TORRENCE, CLERK
BY: *David C. Torrence*

pg 1

State of Tennessee, Davidson County

COUNT EIGHT

September _____ TERM OF THE CRIMINAL COURT, 19 86

The Grand Jurors for the State of Tennessee, duly elected, impaneled, sworn, and charged, to inquire for the body of the County of Davidson and State aforesaid, upon their oath aforesaid, present: That _____

JOHN FARMER

a day in
heretofore, to wit, on ~~the~~ ~~XXXXXXXXXX~~ ~~day~~ ~~of~~ ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~, 19 84
and prior to the return of this indictment
with force and arms, in the County aforesaid, unlawfully, and feloniously committed
the crime of Aggravated Rape by engaging in unlawful sexual
penetration of one Angela Farmer, and the said Angela Farmer was a
child less than thirteen years of age, in violation of Section
39-2-603, Tennessee Code Annotated and against the peace and
dignity of the State of Tennessee.

I, David C. Torrence, Clerk, hereby
certify that this is an exact copy of
the original.

John Farmer
This 25 day of Dec, 2007
DAVID C. TORRENCE, CLERK

By: David C. Torrence

Thomas H. Shinn
Attorney-General

PS 8

STATE OF TENNESSEE
vs.

Case # 86-F-1570 Count 5

JOHN FARMER
Defendant

Indicted Charge Aggravated Sexual Battery

DATE OF BIRTH 7/3/52
RACE W SEX M SSN 310-60-3656

Convicted Offense Aggravated Sexual Battery

JUDGMENT
(Strike all except applicable portions)

Come the District Attorney General for the State and the defendant with counsel of record, the Honorable Lionel Barrett, for entry of judgment.

On the 1st day of July, 19 87, the defendant having ~~(been found guilty)~~ ~~(or for not a trial or rendered a verdict or rendered a verdict of)~~ Aggravated Sexual Battery committed on (date) a day in 1983 the defendant is convicted of Aggravated Sexual Battery which (is) ~~(is not)~~ a felony.

After considering the evidence, the entire record, and all factors in T.C.A. Title 40, Chapter 35, all of which are incorporated by reference herein, the Court's findings and rulings are:

- The defendant shall pay a fine of \$ -0-
- The sentence imposed is: ~~(life imprisonment)~~ or (8 years) or (months) and/or (days).
- The place of confinement is the ~~(local jail)~~ or ~~(local workhouse)~~ or ~~(regional workhouse (if available))~~ or (Department of Correction)
- The defendant is ~~(a standard offender, Range I)~~ or ~~(a mitigated offender, Range II)~~ or ~~(a persistent offender, Range III)~~ or ~~(sentenced for an especially aggravated offense, Range II)~~ or ~~(a persistent offender and is sentenced for an especially aggravated offense, Range II)~~.
- The offense (is) ~~(is not)~~ a Class X Felony.
- This sentence shall be served (concurrently with) or ~~(consecutively to)~~ sentences in the following (cases) and/or (counts) Counts 7 & 8
- Restitution is ordered as follows: -0-
- The defendant shall be continuously confined in the ~~(local jail)~~ or ~~(local workhouse)~~ or ~~(regional workhouse (if available))~~ or (Department of Correction).

***** OR *****

The defendant shall be continuously confined in the ~~(local jail)~~ or (local workhouse) for a period of (years, months or days), followed by probation for a period of (years, months or days). The conditions of probation are enumerated in the attached supplemental order.

***** OR *****

The defendant shall be periodically confined in the ~~(local jail)~~ or (local workhouse) as follows: (specify total time in periodic confinement and days or parts of days the defendant is to be confined) , followed by probation for a period of (years, months or days). The conditions of probation are enumerated in the attached supplemental order.

***** OR *****

I, David C. Torrence, Clerk, hereby certify that this is an exact copy of the original. The defendant is granted immediate probation for a period of (years, months or days). The conditions of probation are enumerated in the attached supplemental order.

John Farmer The percentage of this sentence which must be served in the (jail) or (workhouse) or (regional workhouse) before the defendant is eligible for Release Classification Status is .

John Farmer The defendant is allowed jail credit of ? days on this sentence for in-custody dates of as determined by the clerk.

This 25 day of Aug, 2008 The defendant (is) ~~(is not)~~ rendered infamous.

DAVID C. TORRENCE, CLERK This costs of this cause shall be paid by the defendant

By [Signature] 4-15-88

[Signature]
JUDGE (Signature)

TOTAL COURT COSTS: \$

Ann Lacy Johns
(Print or Type Judge's Name)

OTHER LOCAL INFORMATION

Exhibit 2
Pg 1

STATE OF TENNESSEE
vs.

Case # 86-F-1570 Count 7

JOHN FARMER
Defendant

Indicted Charge Aggravated Sexual Battery

DATE OF BIRTH 7/3/52
RACE W SEX M SSN 310-60-3656

Convicted Offense Aggravated Sexual Battery

JUDGMENT
(Strike all except applicable portions)

Come the District Attorney General for the State and the defendant with counsel of record, the Honorable Lionel Barrett, for entry of judgment.

On the 1st day of July, 19 87, the defendant ~~having~~ having (been found guilty) (by jury verdict) ~~or (by a trial jury) or (entered a plea of guilty) or (of)~~ the offense of Aggravated Sexual Battery committed on (date) a day in 1984 the defendant is convicted of Aggravated Sexual Battery which (is) ~~(is not)~~ a felony.

After considering the evidence, the entire record, and all factors in T.C.A. Title 40, Chapter 35, all of which are incorporated by reference herein, the Court's findings and rulings are:

1. The defendant shall pay a fine of \$ 0.
2. The sentence imposed is: ~~(life imprisonment)~~ or (8 years) or (~~_____ months~~) and/or (~~_____ days~~).
3. The place of confinement is the (local jail) or (local workhouse) or (regional workhouse (if available)) or (Department of Correction).
4. The defendant is ~~a standard offender, Range I~~ or (a mitigated offender, Range I) or (a persistent offender, Range II) or (sentenced for an especially aggravated offense, Range II) or (a persistent offender and is sentenced for an especially aggravated offense, Range II).
5. The offense (is) ~~or (is not)~~ a Class X Felony.
6. This sentence shall be served (concurrently with) or (consecutively to) sentences in the following (cases) and/or (counts) Counts 5 & 8.
7. Restitution is ordered as follows: 0.
8. The defendant shall be continuously confined in the (local jail) or (local workhouse) or (regional workhouse (if available)) or (Department of Correction).

***** OR *****

The defendant shall be continuously confined in the (local jail) or (local workhouse) for a period of _____ (years, months or days), followed by probation for a period of _____ (years, months or days). The conditions of probation are enumerated in the attached supplemental order.

***** OR *****

The defendant shall be periodically confined in the (local jail) or (local workhouse) as follows: (specify total time in periodic confinement and days or parts of days the defendant is to be confined) _____, followed by probation for a period of _____ (years, months or days). The conditions of probation are enumerated in the attached supplemental order.

***** OR *****

The defendant is granted immediate probation for a period of _____ (years, months or days). The conditions of probation are enumerated in the attached supplemental order.

9. The percentage of this sentence which must be served in the (jail) or (workhouse) or (regional workhouse) before the defendant is eligible for Release Classification Status is _____

I, David C. Torrence, Clerk, hereby certify that this is an exact copy of the original. The defendant is allowed jail credit of 7 days on this sentence for in-custody dates of _____ as determined by the Clerk. The defendant (is) of (is not) rendered infamous. The costs of this cause shall be paid by the _____ defendant.

This 25 day of Aug DATE 20 00 4-15-88

DAVID C. TORRENCE, CLERK

By: [Signature] TOTAL COURT COSTS: \$ _____ OTHER LOCAL INFORMATION _____

[Signature]
JUDGE (Signature)

Ann Lacy Johns
(Print or Type Judge's Name)

Exhibit 2
Pg 2

STATE OF TENNESSEE

Case # 86-F-1570 Count 8

vs.

JOHN FARMER
Defendant

Indicted Charge Aggravated Rape

DATE OF BIRTH 7/3/52

Convicted Offense Aggravated Rape

RACE W SEX M SSN 310-60-3656

JUDGMENT
(Strike all except applicable portions)

Come the District Attorney General for the State and the defendant with counsel of record, the Honorable Lionel Barrett, for entry of judgment.

On the 1st day of July, 1987, the defendant having ~~(pleaded guilty)~~ ~~(been found guilty)~~ (by jury verdict) ~~xxx (by court trial) xxx (entered a plea xxx motion xxx) xxx~~ (of) the offense of Aggravated Rape committed on (date) a day in 1984 the defendant is convicted of Aggravated Rape which (is) ~~(is not)~~ a felony.

After considering the evidence, the entire record, and all factors in T.C.A. Title 40, Chapter 35, all of which are incorporated by reference herein, the Court's findings and rulings are:

1. The defendant shall pay a fine of \$ 0
2. The sentence imposed is: ~~(life imprisonment)~~ or (24 years) or (_____ months) and/or (_____ days).
3. ~~The place of confinement is the (local jail) or (local workhouse) or (regional workhouse (if available)) or (Department of Correction).~~
4. The defendant is (a standard offender, Range I) or (a mitigated offender, Range I) or (a persistent offender, Range II) or (sentenced for an especially aggravated offense, Range II) or (a persistent offender and is sentenced for an especially aggravated offense, Range II).
5. The offense (is) ~~(is not)~~ a Class X Felony.
6. This sentence shall be served (concurrently with) or (consecutively to) sentences in the following (cases) and/or (counts) Counts 5 & 7
7. Restitution is ordered as follows: 0
8. The defendant shall be continuously confined in the (local jail) or (local workhouse) or (regional workhouse (if available)) or (Department of Correction).

***** OR *****

The defendant shall be continuously confined in the (local jail) or (local workhouse) for a period of _____ (years, months or days), followed by probation for a period of _____ (years, months or days). The conditions of probation are enumerated in the attached supplemental order.

***** OR *****

The defendant shall be periodically confined in the (local jail) or (local workhouse) as follows: (specify total time in periodic confinement and days or parts of days the defendant is to be confined) _____, followed by probation for a period of _____ (years, months or days). The conditions of probation are enumerated in the attached supplemental order.

***** OR *****

The defendant is granted immediate probation for a period of _____ (years, months or days). The conditions of probation are enumerated in the attached supplemental order.

The percentage of this sentence which must be served in the (jail) or (workhouse) or (regional workhouse) before the defendant is eligible for Release Classification Status is _____

The defendant is allowed jail credit of 7 days on this sentence for in-custody dates of _____ as determined by the Clerk.

The defendant (is) or (is not) rendered infamous.

This costs of this cause shall be paid by the defendant

David C. Torrence, Clerk, hereby certify that this is an exact copy of the original.

This 25 day of July, 2087
DAVID C. TORRENCE, CLERK
By [Signature]

DATE
D.C.

4-15-88

TOTAL COURT COSTS: \$ _____

[Signature]
JUDGE (Signature)

Ann Lacy Johns
(Print or Type Judge's Name)

OTHER LOCAL INFORMATION

Exhibit 2
Pg 3