

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

JOHN CHASNOFF,)	Nos. ED101748 and ED101753
)	
Plaintiff/Respondent,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	Honorable Robert H. Dierker, Jr.
COL. JOSEPH MOKWA, et al.,)	
)	
Defendants/Appellants,)	
)	
WENDELL ISHMON, et al.,)	
)	
Plaintiffs/Appellants,)	
)	
vs.)	
)	
ST. LOUIS BOARD OF POLICE)	
COMMISSIONERS, et al.,)	
)	
Defendants,)	
)	
and)	
)	
JOHN CHASNOFF,)	
)	
Intervenor Defendant/Respondent.)	Filed: April 14, 2015

Scalpers sold tickets to the 2006 World Series in apparent violation of a then-existing municipal ordinance. The St. Louis police seized the tickets as evidence. After some of the tickets were used to admit persons to the World Series, some of the citizens from whom police had seized the tickets complained to the police department. The department investigated and disciplined certain police officers for their misconduct in the handling of evidence. John Chasnoff requested records of the investigation pursuant to Missouri's Sunshine Law. The Circuit Court of the City of St. Louis ordered the production of 59 specific records and awarded attorneys' fees to Chasnoff.

AFFIRMED.

DIVISION FIVE HOLDS: We conclude that the police officers have no right under the Sunshine Law, the U.S. or Missouri Constitutions, common law, or Missouri statutes to

compel closure of public records regarding the officers' substantiated misconduct in the performance of their official duties.

Further, we find that while the police officers may have assumed, or hoped, that their *Garrity* statements would remain secret if used only for internal purposes, no one from the police department promised them anything more than that the statements would not be used against them in a subsequent criminal prosecution. Thus, the police officers have no right to compel closure of the records at issue on this basis.

Finally, the Board's conduct in failing to reveal the parallel criminal and IAD investigatory files and its sham consent agreement with the police officers, which sought to bypass Chasnoff in order to avoid disclosure of the records previously ordered disclosed, justifies the award of \$100,000 in attorneys' fees to Chasnoff for the enforcement of his 2010 judgment under the Sunshine Law.

We affirm the trial court's judgment. The clerk of the trial court shall release the remaining documents from the IAD investigation upon the issuance of this Court's mandate in accordance with the trial court's stay order.

Opinion by: Lawrence E. Mooney, J. Angela T. Quigless, C.J., and Mary K. Hoff, J. concur.

Attorneys for Appellants: Mark. E. Lawson and Neil J. Bruntrager.

Attorneys for Respondent: Anthony E. Rothert and Gillian R. Wilcox.

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
SHOULD NOT BE QUOTED OR CITED.**