

NC RSOL; and JOHN DOES #'s 1)
and 2,)
))
Plaintiffs,)
))
v.)
))
JOSHUA STEIN, Attorney General)
of the State of North Carolina;)
))
DISTRICT ATTORNEYS Lorrin)
Freeman (District 10); and Pat)
Nadolski (District 15A),)
))
Defendants.)
))
)

COMPLAINT

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
PURSUANT TO 42 U.S.C. § 1983**

**NOTICE OF CHALLENGE TO CONSTITUTIONALITY OF
STATE STATUTE**

Preliminary Statement

1. North Carolina General Statute (N.C.G.S.) § 14-208.18(a) effectively bans almost all persons required to register as a sex offender in North Carolina from a wide array of public, semi-public, and private spaces on the specious grounds that “sex offenders,” as a class, represent a unique danger to young children.

2. As Plaintiffs will show, this statute places severe burdens on Plaintiffs' First Amendment liberties.

3. Plaintiffs will further show that the class of persons subject to N.C.G.S. § 14-208.18(a) does not represent a public danger sufficient to justify these burdens and that statutes such as N.C.G.S. § 14-208.18(a) decrease rather than increase public safety.

4. This is a Complaint for declaratory and injunctive relief pursuant to 42 U.S.C. § 1983 challenging the constitutionality of specific subsections of N.C.G.S. § 14-208.18(a) on the grounds that they are overbroad and vague in violation of the First and Fourteenth Amendments to the Constitution of the United States.

5. Specifically, Plaintiffs challenge N.C.G.S. § 14-208.18(a)(2) on the grounds that it is overbroad; N.C.G.S. § 14-208.18(a)(3) on the grounds that it is overbroad and vague; and N.C.G.S. § 14-208(a)(4) on the grounds that it is overbroad.

Jurisdiction and Venue

6. Plaintiffs' claims are brought pursuant to 42 U.S.C. § 1983.

7. Jurisdiction of federal claims is proper under 28 U.S.C. §§ 1331 and 1343. Plaintiffs seek redress for the deprivation of rights secured by the U.S. Constitution.
8. Venue is proper in the Middle District of North Carolina pursuant to 28 U.S.C. § 1391(b). All Defendants are residents of North Carolina and at least one Defendant resides in the federal Middle District of North Carolina.
9. The declaratory and injunctive relief sought by Plaintiffs is authorized by 28 U.S.C. §§ 2201 and 2202, Federal Rules of Civil Procedure 57 and 65, and by the legal and equitable powers of the Court.

Defendants

a. Joshua Stein (Attorney General)

10. Defendant Joshua Stein is the Attorney General of the State of North Carolina. He is sued in his official capacity.
11. The Attorney General is the State's authorized legal representative charged with defending the interests of the State in all criminal and civil suits.

12. Under N.C.G.S. §§ 114-11.6 and 114-2(1), the Attorney General has the authority, through special prosecutors, to bring or assist in criminal suits upon request of a district attorney.
13. Under N.C.G.S. § 114-3, the Attorney General consults with and advises district attorneys, provides legal opinions, and handles all criminal appeals from state trial courts.
14. The previous Attorney General actively pursued prosecutions under the registry laws, including N.C.G.S. § 14-208.18(a). The current Attorney General is expected to do the same.

b. Individual District Attorneys

15. Defendant District Attorneys are responsible for the prosecution of crimes in their respective judicial districts. They are each sued in their official capacities.
16. The District Attorneys each have statutory authority under N.C.G.S. § 7A-61 to prosecute individuals for violations of the registry laws, including N.C.G.S. § 14-208.18(a). The statute states that “[t]he district attorney shall . . . prosecute in a timely manner in the name of the State all criminal actions and infractions requiring prosecution in the superior and district courts of the district attorney’s prosecutorial district[.]”

17. Defendant Lorrin Freeman is the district attorney responsible for prosecutions in North Carolina judicial district 10 – wherein John Doe 2 resides.
18. Defendant Pat Nodalski is the district attorney responsible for prosecutions in North Carolina judicial district 15A – wherein John Doe 1 resides.
19. The Plaintiffs, including NC RSOL on behalf of its members, wish to engage in conduct proscribed by N.C.G.S. § 14-208.18(a)(2), (a)(3), and (a)(4) and are reasonably concerned that they will be prosecuted for doing so.
20. The State has not disclaimed any intention of enforcing each provision of the registry law against either the individual Plaintiffs or the affected members of NC RSOL.

Plaintiffs

a. John Doe 1

21. John Doe 1 currently resides in Alamance County, North Carolina – North Carolina Judicial District 15A.

22. He pled guilty to a qualifying offense in 2009, is registered as a sex offender in North Carolina, and is subject to the restrictions contained in North Carolina General Statutes Article 27A, specifically including N.C.G.S. § 14-208.18(a)(3) and (a)(4) (premises restriction).
23. John Doe 1 was convicted in 2009, pursuant to his plea, of two counts of misdemeanor sexual battery.
24. He received two suspended 75-day sentences and served two 15-day active sentences. He was placed on supervised probation for 18 months, but he successfully completed his requirements and was released from the probationary program early.
25. John Doe 1 is not currently on probation or subject to any court-ordered restrictions. He has not committed any misconduct nor has he been the subject of any allegations or charges (sexual or otherwise) since the 2009 conviction.
26. The victim in John Doe 1's case was a 30-year-old woman. There were not at that time, nor have there ever been, any allegations that John Doe 1 ever engaged in any inappropriate conduct with any minor.
27. As part of the sentencing process, John Doe 1 underwent a psychological evaluation at the direction of the State. Pursuant to this

evaluation, the trial judge specifically determined that John Doe 1 is *not* a threat to minors or others.

28. Based upon this finding, the trial judge directed that John Doe 1 would *not* be subject to sex offender counseling or other treatment.

29. Based upon this finding, the trial judge also directed that John Doe 1 would *not* be subject to the premises, housing, and work restrictions contained in Article 27A (including N.C.G.S. § 14-208.18(a)). However, this ruling was modified upon the State's objection that such ruling exceeded the trial judge's authority.

b. John Doe 2

30. John Doe 2 currently resides in Wake County, North Carolina – North Carolina Judicial District 10.

31. John Doe 2 pled guilty to a qualifying offense in 2011, is registered as a sex offender in North Carolina, and is subject to the restrictions contained in North Carolina General Statutes Article 27A, including N.C.G.S. § 14-208.18 (a)(2), (a)(3), and (a)(4) (premises restriction).

32. Pursuant to his plea, John Doe 2 was convicted of misdemeanor sexual battery after engaging in a consensual sexual relationship with a 16-year-

old girl – although 16 years old is the age of consent in North Carolina, this relationship was illegal as John Doe 2 was a coach of the victim.

33. John Doe 2 received a suspended sentence of sixty (60) days and was placed on supervised probation for sixty (60) months. He was released from probation early as he fulfilled all requirements.

34. John Doe 2 is married and has a son (now age 13).

35. At the time of his sentencing, the trial judge specifically found that John Doe 2 should be allowed to interact with minors (and attend his son's educational and social activities) provided there was another adult present.

36. However, the Wake County Sheriff's Office subsequently informed John Doe 2 that the registry laws, particularly N.C.G.S. § 14-208.18(a), superseded this finding and that John Doe 2 could be prosecuted for violation of that section of the registry law.

37. John Doe 2 attended and successfully completed sex offender counseling and treatment. As part of this treatment, John Doe 2 was assessed for risk of recidivism.

38. John Doe 2 was specifically found to be at “low” risk of recidivism and his counselor recommended that John Doe 2 be allowed to attend his son’s social and recreational activities.

39. John Doe 2 is not currently on probation or subject to any court-ordered restrictions. He has not committed any misconduct nor has he been the subject of any allegations or charges (sexual or otherwise) since the 2011 conviction.

c. NC RSOL

40. NC RSOL (standing for “North Carolinians for Rational Sexual Offense Laws”) is a non-profit organization organized under the laws of the State of North Carolina.

41. It is a voluntary membership organization.

42. Its purpose is to protect the constitutional rights of its members (and all persons required to register as sex offenders in North Carolina) and to advocate, both legislatively and legally, for the rational reform of statutes, regulations, and ordinances regarding sex offender registries and legal restrictions placed upon registrants.

43. To fulfill this purpose, NC RSOL seeks to educate legislators and the public regarding the facts of sex offender recidivism, the effect of current registry laws, and the availability of effective, constitutional alternatives to current registry schemes, as well as participating in and assisting litigants in lawsuits such as this one.
44. NC RSOL has members who are subject to N.C.G.S. § 14-208.18(a) – the statute challenged in this case.
45. John Doe 2, plaintiff in this case, is a member of NC RSOL.
46. In this lawsuit, NC RSOL seeks to protect the interests of its members by removing from them unconstitutional burdens on their First Amendment rights.
47. Such protection is germane to the interests of the organization.
48. This is a suit for declaratory and injunctive relief.
49. Neither the claims asserted nor the relief requested require the participation of individual members in this lawsuit.
50. The relief sought will inure to the benefit of the members of NC RSOL whose constitutional rights are injured by N.C.G.S. § 14-208.18(a).

Factual Allegations

51. North Carolina General Statute § 14-208.18(a) was hastily amended in 2016 after the Middle District of North Carolina struck down subsection (a)(2) of the previous version as overbroad in violation of the First and Fourteenth Amendment and subsection (a)(3) as unconstitutionally vague. *See* 2016 N.C. Sess. Laws 102; *Doe v. Cooper*, 842 F.3d 833 (4th Cir. 2016); *Doe v. Cooper*, 148 F. Supp. 3d 477 (M.D.N.C. 2015); *Doe v. Cooper*, 2016 U.S. Dist. LEXIS 53869 (M.D.N.C. Apr. 22, 2016);
52. The amendments made minor changes to subsections (a)(2) and (a)(3) and added a new subsection (a)(4).
53. It became effective when the 4th Circuit affirmed the district court's rulings and the State declined to seek *certiorari*. *See* 2016 N.C. Sess. Laws 102; *Doe v. Cooper*, 842 F.3d 833 (4th Cir. 2016).
54. As amended, the statute reads:
- (a) It shall be unlawful for any person required to register under this Article, if the offense requiring registration is described in subsection (c) of this section, to knowingly be at any of the following locations:
 - (1) On the premises of any place intended primarily for the use, care, or supervision of minors, including, but not limited to, schools, children's museums, child care centers, nurseries, and playgrounds.
 - (2) Within 300 feet of any location intended primarily for the

use, care or supervision of minors when the place is located on premises that are not intended primarily for the use, care, or supervision of minors, including, but not limited to, places described in subdivision (1) of this subsection that are located in malls, shopping centers, or other property open to the general public.

(3) At any place where minors frequently congregate, including, but not limited to, libraries, arcades, amusement parks, recreation parks, and swimming pools, when minors are present.

(4) On the State Fairgrounds during the period of time each year that the State Fair is conducted, on the Western North Carolina Agricultural Center grounds during the period of time each year that the North Carolina Mountain State Fair is conducted, and on any other fairgrounds during the period of time that an agricultural fair is being conducted.

N.C.G.S. § 14-208.18(a) (2017).

55. Pursuant to the revised statute, subsections (a)(1), (a)(3), and (a)(4) apply to persons required to register as a sex offender in North Carolina and who has committed either an offense listed under Article 7B of the North Carolina criminal code (listed below) or *any* offense where the victim of the offense was under 16 at the time of the offense. N.C. Gen. Stat. § 14-208.18(c)(1) (2017).

56. Pursuant to the revised statute, subsection (a)(2) applies to persons required to register as a sex offender in North Carolina and who belong to one of two categories: (1) those who have committed an offense under

Article 7B of the North Carolina criminal code and for whom “a finding has been made in any criminal or civil proceeding that the person presents, or may present, a danger to minors[;]” or (2) those who have “committed any offense where the victim of the offense was under the age of 18 years at the time of the offense.” N.C.G.S. § 14-208.18(c)(2) (2017).

57. Article 7B of Chapter 14 of the North Carolina General Statutes includes the following offenses:

- (a) First-Degree Forcible Rape (§ 14-27.21);
- (b) Second-Degree Forcible Rape (§ 14-27.22);
- (c) Statutory Rape of a Child by an Adult (§ 14-27.23);
- (d) First-Degree Statutory Rape (§ 14.27.24);
- (e) Statutory Rape of a Person who is 15 Years of Age or Younger (§ 14-27.25);
- (f) First-Degree Forcible Sexual Offense (§ 14-27.26);
- (g) Second-Degree Forcible Sexual Offense (§ 14-27.27);
- (h) Statutory Sexual Offense with a Child by an Adult (§ 14-27.28);
- (i) First-Degree Statutory Sexual Offense (§14-27.29);
- (j) Statutory Sexual Offense with a Person who is 15 Years of Age or Younger (§14-27.30);
- (k) Sexual Activity by a Substitute Parent or Custodian (§14-27.31);
- (l) Sexual Activity with a Student (§14-27.32); and
- (m) Sexual Battery (a misdemeanor offense) (§14-27.33).

58. Section 14-208.18 applies to substantially all persons required to register as a sex offender in North Carolina.
59. Section 14-208.18 applies automatically upon conviction of a qualifying offense. There is no judicial or administrative determination at the time of a person's conviction, or at any time thereafter, that the premises restrictions in section 14-208.18 are necessary for a particular offender.
60. Section 14-208.18 overrides and supersedes any judicial determination as to the necessity of such restrictions.
61. There is no judicial or administrative mechanism to seek exemption from the restrictions of 14-208.18.
62. Section 14-208.18 remains in effect unless and until an offender is removed from the registry. N.C. Gen. Stat. § 14-208.6A (2017).
63. The standard period of registration in North Carolina is thirty (30) years. *See id.*
64. A violation of section 14-208.18 is a Class H felony. N.C. Gen. Stat. § 14-208.18(h) (2017).
65. Persons convicted of a Class H felony in North Carolina are subject to a prison sentence of 4 to 25 months, depending on an offender's prior record

for convictions and the existence of mitigation or aggravating factors. N.C. Gen. Stat. § 15A-1340.17 (2017).

66. The North Carolina Court of Appeals has held that the previous version of N.C.G.S. § 14-208.18 (that did not have subsection (a)(4)) created three separate, substantive offenses, as designated in subsections (a)(1), (a)(2), and (a)(3). *State v. Daniels*, 224 N.C. App. 608, 612, 741 S.E.2d 354, 358 (2012), *petition den'd*, 366 N.C. 565, 738 S.E.2d 389 (2013).

i. North Carolina General Statute § 14-208.18(a)(2)

67. North Carolina General Statute § 14-208.18(a)(2) substantially burdens First Amendment liberties.

68. John Doe 2 is subject to N.C.G.S. § 14-208.18(a)(2).

69. Any person subject to N.C.G.S. § 14-208.18(a)(2) is barred from attending almost all church services in North Carolina (due to the presence of Sunday Schools and/or child care areas).

70. Plaintiffs are aware that citizens of North Carolina have been prosecuted for attending church under N.C.G.S. § 14-208.18(a)(2).

71. North Carolina General Statute § 14-208.18(a)(2) prohibits presence in almost all public libraries in North Carolina (due to the presence of children's sections).
72. North Carolina General Statute § 14-208.18(a)(2) prohibits presence in many state and local public buildings (including the State Capitol) due to the proximity of areas "intended primarily for the use, care, or supervision of minors."
73. North Carolina General Statute § 14-208.18(a)(2) prohibits presence at almost all community centers and substantial areas of public parks.
74. North Carolina General Statute § 14-208.18(a)(2) prohibits presence at a substantial number of public areas, including streets, sidewalks, and public squares due to the proximity of areas "intended primarily for the use, care, or supervision of minors."
75. These areas are intimately associated with the exercise of First Amendment liberties.
76. Additionally, North Carolina General Statute § 14-208.18(a)(2) prohibits presence at a substantial number of private areas, including offices, stores, restaurants, and medical care providers due to the

proximity of areas “intended primarily for the use, care, or supervision of minors.”

77. By banning registrants from such areas, N.C.G.S. § 14-208.18(a)(2) actually increases rather than decreases the risk of recidivism and thereby increases rather than decreases risk to the public.
78. Contrary to popular belief, the risk posed by registrants subject to N.C.G.S. § 14-208.18(a)(2) is not high and is not mitigated by the statute.
79. North Carolina General Statute § 14-208.18(a)(2) applies at all times, regardless of whether minors are actually present or may reasonably be expected to become present.
80. John Doe 2 specifically desires to attend church, to attend sessions of the General Assembly and other government meetings, to go to the public library, to go to movies, sporting events, recreation parks, amusement parks, and other areas made off-limits to him by §§ 14-208.8(a)(2).
81. John Doe 2 would go to such places, for the purpose of exercising First Amendment liberties, if not for the ban imposed by N.C.G.S. § 14-208.18(a)(2) and his resulting fear of arrest and prosecution.

ii. North Carolina General Statute § 14-208.18(a)(3)

(1) Overbreadth

82. North Carolina General Statute § 14-208.18(a)(3) substantially burdens First Amendment liberties.
83. Both John Doe 1 and John Doe 2 are subject to N.C.G.S. § 14-208.18(a)(3).
84. At the places proscribed by N.C.G.S. § 14-208.18(a)(3) a person under age 18 (a “minor” for purposes of the statute) will be present at all or substantially all times.
85. Even if a minor is not currently present, a minor may be expected to arrive in very little time, thereby effectively rendering all such places off-limits to persons subject to N.C.G.S. § 14-208.18(a)(3).
86. Any person subject to N.C.G.S. § 14-208.18(a)(3) is barred from all libraries and parks.
87. Any person subject to N.C.G.S. § 14-208.18(a)(3) is effectively precluded from substantially all church services in North Carolina.
88. Any person subject to N.C.G.S. § 14-208.18(a)(3) is effectively precluded from participating in activities and meetings held at community centers.

89. Any person subject to N.C.G.S. § 14-208.18(a)(3) is effectively precluded from attending community college and other public and private colleges.
90. Any person subject to N.C.G.S. § 14-208.18(a)(3) cannot be present at museums, entertainment venues, and like areas.
91. These areas are intimately associated with the exercise of First Amendment liberties.
92. By banning registrants from such areas, N.C.G.S. § 14-208.18(a)(3) actually increases rather than decreases the risk of recidivism and thereby increases rather than decreases risk to the public.
93. Contrary to popular belief, the risk posed by registrants subject to N.C.G.S. § 14-208.18(a)(3) is not high and is not mitigated by the statute.
94. North Carolina General Statute § 14-208.18(a)(3) applies to registrants who have never committed an offense against a minor.
95. John Doe 1 specifically desires to attend church, to be able to go to the public library, to go to movies, sporting events, recreation parks, amusement parks, and other areas made off-limits to him by § 14-208.8(a)(3).

96. John Doe 1 would exercise these rights if not for the ban imposed by statute and the resulting fear of arrest and prosecution.
97. John Doe 2 specifically desires to attend church, to attend sessions of the General Assembly and other government meetings, to go to the public library, to go to movies, sporting events, recreation parks, amusement parks, and other areas made off-limits to him by §§ 14-208.8(a)(3).
98. John Doe 2 would exercise these rights if not for the ban imposed by statute and the resulting fear of arrest and prosecution.

(2) Vagueness

99. North Carolina General Statute § 14-208.18(a)(3) is unconstitutionally vague.
100. North Carolina General Statute § 14-208.18(a)(3) fails to give a person of ordinary intelligence notice as to what conduct is proscribed.
101. North Carolina General Statute § 14-208.18(a)(3) invites arbitrary enforcement.
102. North Carolina General Statute § 14-208.18(a)(3) is unconstitutionally vague as to how many minors must be present or otherwise what it means for minors to “congregate” in a given area.

103. North Carolina General Statute § 14-208.18(a)(3) is unconstitutionally vague as to how often minors must “congregate” in order to do so “frequently.”

104. The examples given in N.C.G.S. § 14-208(a)(3) describe multiple areas that are either not self-evidently places where “minors frequently congregate” or they are places already proscribed by subsections (a)(1) and (a)(2).

105. John Does 1 and 2 are both unclear as to the meaning and extent of N.C.G.S. § 14-208(a)(3).

106. John Does 1 and 2 both avoid areas because they are unclear whether those areas are made off-limits by N.C.G.S. § 14-208(a)(3).

iii. North Carolina General Statute § 14-208.18(a)(4)

107. North Carolina General Statute § 14-208.18(a)(4) substantially burdens First Amendment liberties.

108. Both John Doe 1 and John Doe 2 are subject to N.C.G.S. § 14-208.18(a)(4).

109. Any person subject to N.C.G.S. § 14-208.18(a)(4) is barred from all state and agricultural fairs.

110. Such fairs typically host classes, lectures, competitions, concerts, entertainment shows, and the like.
111. Such fairs typically provide opportunities to meet and interact with elected representatives and candidates for political office.
112. Such fairs typically take place on public lands – most often park land.
113. These fairs are a locus for the exercise of First Amendment liberties.
114. By banning registrants from such fairs, N.C.G.S. § 14-208.18(a)(4) actually increases rather than decreases the risk of recidivism and thereby increases rather than decreases risk to the public.
115. Contrary to popular belief, the risk posed by registrants subject to N.C.G.S. § 14-208.18(a)(4) is not high and is not mitigated by the statute.
116. North Carolina General Statute § 14-208.18(a)(4) applies to registrants who have never committed an offense against a minor.
117. John Doe 1 specifically desires to attend such fairs and would do so if not for § 14-208.18(a)(4).
118. John Doe 2 specifically desires to attend such fairs and would do so if not for § 14-208.18(a)(4).

Claims for Relief

Claim 1

North Carolina General Statute § 14-208.18(a)(2) is substantially overbroad in violation of the First and Fourteenth Amendments to the United States Constitution

119. North Carolina General Statute § 14-208.18(a)(2) places substantial burdens on Plaintiffs' exercise of First Amendment liberties as stated in ¶¶ 69-75 above.

120. North Carolina General Statute § 14-208.18(a)(2) is not narrowly tailored to serve a significant governmental interest.

121. North Carolina General Statute § 14-208.18(a)(2) is substantially overbroad in violation of the First and Fourteenth Amendments to the United States Constitution.

Claim 2

North Carolina General Statute § 14-208.18(a)(3) is substantially overbroad in violation of the First and Fourteenth Amendments to the United States Constitution

122. North Carolina General Statute § 14-208.18(a)(3) places substantial burdens on Plaintiffs' exercise of First Amendment liberties as stated in ¶¶ 84-91 above.

123. North Carolina General Statute § 14-208.18(a)(3) is not narrowly tailored to serve a significant governmental interest.

124. North Carolina General Statute § 14-208.18(a)(3) is substantially overbroad in violation of the First and Fourteenth Amendments to the United States Constitution.

Claim 3

North Carolina General Statute § 14-208.18(a)(3) is unconstitutionally vague in violation of the Fourteenth Amendment to the United States Constitution

125. North Carolina General Statute § 14-208.18(a)(3) is unconstitutionally vague as stated in ¶¶ 100-105 above.

126. North Carolina General Statute § 14-208.18(a)(3) fails to provide a person of ordinary intelligence fair notice of what is required and what is prohibited under the statute, making it impossible for Plaintiffs to conform their conduct to statutory requirements, and making it likely that the statute will be arbitrarily enforced.

127. North Carolina General Statute § 14-208.18(a)(3) is unconstitutionally vague in violation of the Fourteenth Amendment to the United States Constitution.

Claim 4

North Carolina General Statute § 14-208.18(a)(4) is substantially overbroad in violation of the First and Fourteenth Amendments to the United States Constitution

128. North Carolina General Statute § 14-208.18(a)(4) places substantial burdens on Plaintiffs' exercise of First Amendment liberties as stated in ¶¶ 109-113 above.

129. North Carolina General Statute § 14-208.18(a)(4) is not narrowly tailored to serve a significant governmental interest.

130. North Carolina General Statute § 14-208.18(a)(4) is substantially overbroad in violation of the First and Fourteenth Amendments to the United States Constitution.

Lack of Legal Remedy

131. The Plaintiffs' harm is ongoing and cannot be alleviated except by the declaratory and injunctive relief sought here.

132. No other remedy is available at law.

Prayer for Relief

Wherefore, Plaintiffs request that this Court:

a. Issue a judgment, pursuant to 28 U.S.C. §§ 2201-2202, declaring that N.C.G.S. § 14-208.18(a)(2) is unconstitutionally overbroad in violation of the First and Fourteenth Amendment and further issue a preliminary and permanent injunction restraining Defendants from enforcing N.C.G.S. § 14-208.18(a)(3) against the individual plaintiffs and other persons required to register on the North Carolina Sex Offender Registry;

b. Issue a judgment, pursuant to 28 U.S.C. §§ 2201-2202, declaring that N.C.G.S. § 14-208.18(a)(3) is unconstitutionally overbroad in violation of the First and Fourteenth Amendment and further issue a preliminary and permanent injunction restraining Defendants from enforcing N.C.G.S. § 14-208.18(a)(3) against the individual plaintiffs and other persons required to register on the North Carolina Sex Offender Registry;

c. Issue a judgment, pursuant to 28 U.S.C. §§ 2201-2202, declaring that N.C.G.S. § 14-208.18(a)(3) is unconstitutionally vague in violation of the Fourteenth Amendment and further issue a preliminary and permanent injunction restraining Defendants from enforcing N.C.G.S. § 14-208.18(a)(3)

against the individual plaintiffs and other persons required to register on the North Carolina Sex Offender Registry;

d. Issue a judgment, pursuant to 28 U.S.C. §§ 2201-2202, declaring that N.C.G.S. § 14-208.18(a)(4) is unconstitutionally overbroad in violation of the First and Fourteenth Amendment and further issue a preliminary and permanent injunction restraining Defendants from enforcing N.C.G.S. § 14-208.18(a)(4) against the individual plaintiffs and other persons required to register on the North Carolina Sex Offender Registry; and

e. For such other relief as the Court finds just and proper.

Respectfully submitted this the 5th day of July, 2018.

/s/ Paul Dubbeling
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