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HOME SCHOOL  
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August 18, 2008

Timothy Kaumo, Mayor  
212 D Street  
Rock Springs, WY 82901

VIA FACSIMILE: 307-352-1516

RE: Proposed Daytime Curfew Ordinance

Dear Mayor Kaumo:

I have read Rock Springs' proposed daytime curfew ordinance. In my opinion, it is constitutionally defective in that it violates the rights of minors and their parents in four respects.

- 1) It violates minors' fundamental right to travel and move about freely.
- 2) It violates the search and seizure protections of the Fourth Amendment to the U.S. Constitution.
- 3) It is unconstitutionally vague.
- 4) It violates the fundamental right of parents to direct the upbringing of their children.

I am transmitting to you and your attorney a copy of a an 8-page legal memorandum explaining and detailing these violations, citing U.S. Supreme Court cases as well as other authority.

Daytime curfew laws are litigation magnets. Causing law-abiding citizens to feel like criminals for going outside in the broad daylight does not promote community good will. Creating a scenario where armed police officers confront frightened children sets the stage for citizens to be justifiably outraged.

Home School Legal Defense Association has significant experience litigating against daytime curfews. This will be available to our members if litigation against the proposed ordinance becomes necessary.

I urge the City Council to reject this ill-conceived and costly experiment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael P. Donnelly". The signature is written in a cursive style with a large, sweeping flourish at the end.

Michael P. Donnelly, Esq.  
Staff Attorney

Cc: Vince Crow, City Attorney