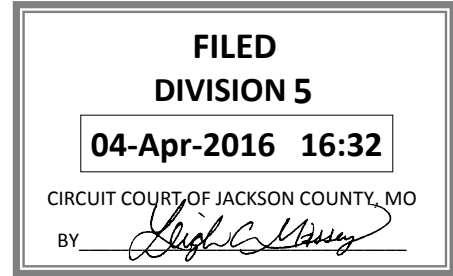


**IN THE CIRCUIT COURT  
OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**



STATE OF MISSOURI, ex inf. )  
JEAN PETERS BAKER, )  
PROSECUTING ATTORNEY )  
 )  
Relator, )  
 )  
vs. )  
 )  
Franklin D. Tatro, )  
and )  
Jackson County Election Board, )  
Respondents. )

Case No. 1616-CV08043  
Division 5

**JUDGMENT IN QUO WARRANTO AND WRIT OF PROHIBITION**

On April 4, 2016, Relator appears in person and with Assistant Prosecuting Attorney Caleb Clifford. The Respondent Franklin D. Tatro appears in person pro se. Respondent Jackson County Election Board appears by attorneys JD Williamson and Brad Constance.

**Procedural Background**

1. On April 3, 2016, the Jackson County Prosecutor's Office initiated a Petition in Quo Warranto seeking the disqualification of the Respondent in the aforementioned race.
2. On April 3, 2016, the Honorable Judge David Byrn, issued a Preliminary Order in Quo Warranto and ordered the Respondent to appear at a hearing on April 4, 2016, in Division 4 of the 16<sup>th</sup> Judicial Circuit at 1:30 PM.
3. On April 3, 2016, Det. Chad Albin of the Lee's Summit Police Department, served the Respondent with a copy of the Preliminary Order, including notice of the hearing date, time and location, and a copy of the Petition, in person.
4. On April 4, 2016, the Honorable Justine Del Muro issued an Amended Preliminary Order in Quo Warranto and ordered the Respondent to appear at a hearing on April 4, 2016, in Division 5 of the 16<sup>th</sup> Judicial Circuit at 2:30 PM.

5. On April 3, 2016, Det. Chad Albin of the Lee's Summit Police Department, served the Respondent with a copy of the Preliminary Order, including notice of the hearing date, time and location, and a copy of the Petition, in person.
6. The Jackson County Election Board appeared by counsel at the hearing on this date and voluntarily consented to being added as a named Respondent for the purposes of this suit that involved their agency.
7. Respondent Franklin D. Tatro requested a continuance of the hearing. Relator objected to the continuance request and the Court took said request under advisement.
8. Relator presented evidence. At the close of the Relator's evidence Relator requested a recess and the Court granted same.
9. Respondent Franklin D. Tatro withdrew his request for a continuance.
10. The parties announced they reached a settlement agreement in this cause and submitted same to the Court for approval.

#### Findings

By agreement of the parties, the Court makes the following findings, orders and judgments:

1. On or about April 30, 1996, the Respondent was found guilty of the Class C Felony of Stealing in case number CR5941810F.
2. On or about December 15, 2015, the Respondent filed, with the Lee's Summit City Clerk's Office, a Declaration of Candidacy for Lee's Summit City Council, 1<sup>st</sup> District.
3. On or about April 3, 2016, and April 4, 2016, the Respondent was properly served in this matter.
4. On or about April 4, 2016, the Respondent was provided with a hearing and an opportunity to be heard on this matter.
5. The Court finds that pursuant to RSMo 115.306.1, that Respondent Franklin D. Tatro is not qualified to be a candidate for elective public office in the State of Missouri.
6. The position of a Council Member of the City Council of Lee's Summit, Missouri, District #1 is an elective office in the State of Missouri.

7. The Court further finds that Quo Warranto is the appropriate relief under Missouri law to determine the candidate's eligibility.

It is therefore ORDERED, ADJUDGED AND DECREED, that:

1. Respondent Franklin D. Tatro is not qualified to be a candidate for election of Lee's Summit City Council District #1.
2. If elected to the position of Lee's Summit City Council District #1 by a majority of votes, Respondent Franklin D. Tatro is prohibited from being sworn into said office and prohibited from assuming the duties of said office.
3. Relator's Petition for Quo Warranto is hereby granted by this Court.
4. The Jackson County Election Board shall cause to be posted in each poll where the race for Lee's Summit City Council District #1 appears on the ballot the notice attached hereto as Relator's Exhibit 20. The Notice shall be prominently displayed in two locations in each such poll. First, at the point where the election judges issue a ballot to the voter and, second, adjacent to the posted sample ballot(s).
5. The Jackson County Election Board shall not release any information which would show the number of votes cast for Franklin Davere Tatro.
6. The Jackson County Election Board shall not certify any votes cast for Franklin Davere Tatro in its official certification issued pursuant to Section 115.507 RSMo.

So Ordered,

  
\_\_\_\_\_  
JUDGE JAMES F. KANATZAR