

# Man misidentified as sex offender gets \$3.7 million

► The award includes \$200,000 in actual damages and \$3.5 million in punitive damages.

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SAPULPA — A Collinsville man who claimed he was misidentified as a sex offender by a Web site shared by The Daily Oklahoman and Oklahoma City television station KWTW has been awarded \$3.7 million in damages by a Creek County jury.

The panel Thursday returned actual damages of \$200,000 and punitive damages of \$3.5 million against defendants Oklahoma Publishing Co. (OPUBCO), Griffin Television OKC and NewsOK LLC, said Doug Stall, a Tulsa attorney who represented plaintiff Dennis L. Stewart.

OPUBCO publishes The Daily Oklahoman, the state's largest newspaper, which is in Oklahoma City. Griffin Television owns Oklahoma City-based KWTW-Channel 9, which jointly operates the NewsOK.com Web site with the newspaper.

Griffin also owns KOTV-Channel 6 in Tulsa.

Attorneys alleged that Stewart's reputation was destroyed when NewsOK.com wrongly published on a sex offender registry that a sex offender lived at his Collinsville address.

The name attached to the address, Ron Wesley Lyon, didn't live at the home, but, indeed, was a sex offender. Lyon, 30, was convicted of assault with intent to commit lewd molestation in Tulsa County in July 1998.

By law, a sex offender is a convicted sex crimes felon.

"Throughout the trial, we agreed with the defense that the (sex offender) registry is very necessary," Stall said. "Every citizen wants to know this. But our contention was twofold.

"Either the defendant should never have put it out there. Or, if they were going to put it out there, they should have put a nice, big warning out there that says: 'Don't rely on this infor-

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mation.'"

An ordained minister who works at an area cement plant, Stewart, 46, moved to Collinsville in May 2001, Stall said. In February 2002, a neighbor of his contacted residents, telling them she had learned that he was a sex offender, the plaintiffs claim.

The woman, who reportedly said she obtained the information from the NewsOK.com Web site, distributed the data to neighbors in the form of a flier, Stall said.

Stewart learned of the resident's actions through a daughter who was preparing for a birthday slumber party. Returning from school visibly upset, the then-11-year-old said a schoolmate informed her she wasn't coming to the party because she'd learned that a sex offender lived at the residence, a statement from Stall's office says.

Stewart feared some people might believe he was a pedophile and try to inflict harm on him or his family, the statement says.

"They had no idea who did or did not believe they were sex offenders," Stall said. "You can understand, as well as I can, it would not be a pleasant experience to wonder who in your neighborhood is a sex offender."

The plaintiff was able to file the lawsuit in Creek County — Collinsville is in Tulsa County — because OPUBCO is a "foreign" corporation, or one that does business in a state other than the one in which it is incorporated. That classification allowed the plaintiff to base his action in Creek County, which offered a "more favorable" venue, Stall said.

Stewart, who was unavailable

immediately for comment, still lives at the same address, Stall said.

"We are disappointed with the outcome of the case," said Robert Nelon, an attorney who represented the defendants, who plan to appeal.

Nelon said NewsOK.com received an e-mail from Oklahoma Department of Corrections that contained the sex offender database. NewsOK.com put the database on its server and made it accessible through a search page.

"The gist of our argument is that the media have an absolute privilege to report accurately a government document and that NewsOK did accurately report a government document," Nelon said. "But the the court did not instruct the jury about the statutory privilege to do so."

DOC spokesman Jerry Massie said the department annually sends out certified letters to sex offenders telling them to re-register. If the letters come back as undeliverable, the DOC knows the address no longer is valid, he said.

For habitual or aggravated sex offenders, that process is done every 90 days. Habitual sex offenders have more than two sex-related convictions, and aggravated offenders have been convicted of certain, more serious sex crimes, he said.

"The problem is you have a lot of people who don't register," Massie said. "You may have them listed or you may not. You may have a last known address.

"I think what happened in that particular case is that they got a bad set of data or an old list."