

Verdicts & Settlements

Oklahoma Man Misidentified As Sex Offender By Website Awarded \$3.7M Judgment

By Nora Lockwood Toohar

Dennis L. Stewart had no idea his neighbors were being warned about him until his daughter came home from school and said her friend was not allowed to come to their house because a sex offender lived there.

Stewart soon learned that, for more than two months, his address had been included on a sex offender registry published on a website jointly operated by a local TV station and newspaper.

Horrified, Stewart sued the media outlets for defamation and invasion of privacy and recently won a \$3.7 million verdict. The suit was filed against The Daily Oklahoman, television station KWTV and their joint website, NewsOK.com.

The media defendants had refused to settle, contending that they merely published information that was supplied directly to them by the Oklahoma Department of Corrections (DOC), and that they had no responsibility to verify the information.

However, plaintiffs' attorney Douglas Stall argued that the website and its media partners were aware that the data supplied by the DOC was loaded with inaccuracies, and that they should have included a disclaimer warning readers that the information was not reliable.

Robert Nelson, an attorney for the defendants, said he plans to appeal the decision.

NewsOK.com was "simply making a database available," he said. "We're not responsible for the quality of the data; that's not our job as the media."

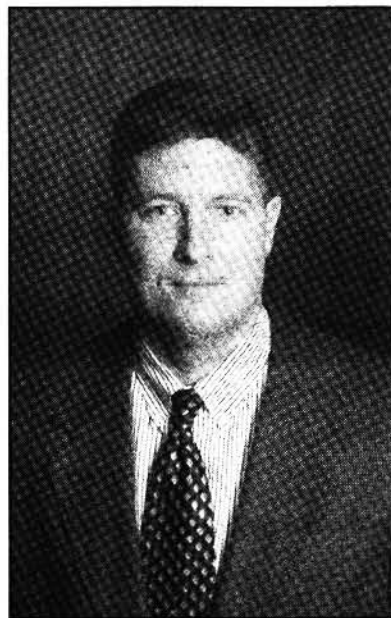
Whether the case will open the door to other lawsuits involving inaccuracies in states' sex offender registries is unclear. But Laura Ahearn, director of Parents for Megan's Law, a New York organization that advocates registration of sex offenders, said, "This is the first time I've ever heard of someone winning damages for an inaccurate address listed on a registry."

Stewart had moved to Collinsville, Okla., in May 2001. His address was listed as that of a convicted child sex offender on the website from December 2001 through February 2002. He first learned that his address was listed on the sex offender registry when a police officer came to his home in early February to verify the address. Later that day, his daughter came home from school and

said that her friend was not allowed to come to their house because a sex offender lived there.

According to Stall, a neighbor had found the address on NewsOK.com's website, and told about a half dozen of her neighbors that a sex offender lived at Stewart's address.

"It injured his reputation," Stall said. "It caused him a lot of anxiety not knowing who in his neighborhood thought he was a sex offender."



'It injured his reputation. It caused him a lot of anxiety not knowing who in his neighborhood thought he was a sex offender,' said Douglas Stall.

It's unclear whether Ron Wesley Lyon, the sex offender whose name was listed as residing at that address, had ever lived there. Stall said Lyon might have falsely provided the address to appear to be in compliance with Oklahoma's law requiring convicted sex offenders to list their current addresses with the DOC.

In fact, at the time his address was listed as the home where Stewart lived, Lyon was actually serving a term in an Oklahoma prison, according to Stall.

Damaging Articles

Stall said a critical piece of evidence in the

nine-day trial in September was a series of five articles published by the Daily Oklahoman several years ago that detailed inaccuracies in the Oklahoma sex registry. A March 22, 1998 article stated that:

"Some newspapers have been publishing the lists. Rabon (the Oklahoma Department of Corrections spokesman) considers that dangerous because the offender may have moved. 'We wouldn't want that out there for some completely innocent person who is now living at that address

management at NewsOK had been fully aware of problems the Department of Corrections had keeping up with the data, their decision would have been the same: We're just making a database available and we're not responsible for the quality of the data."

Stall countered with testimony by DOC officials that they always issue a warning about the accuracy and reliability of the data in the sex offender registry when they release the information directly to the public.

In contrast, he said, the media defendants did not provide any type of warning, and instead went to the other extreme, including a statement on their sex offender registry database search form that said: "Those offenders without verified addresses will not show up under a search for city, county or zip."

That notation, Stall argued, was tantamount to endorsing the accuracy of the information.

Megan's Law

Both critics and supporters of state databases to register and track sex offenders agree that many have high error rates.

A survey by Parents for Megan's Law found that at least 100,000 of the nation's paroled sex offenders are currently unaccounted for. Oklahoma's sex offender registry tied Tennessee's for the highest error rates in the nation, according to Ahearn.

At the time of the survey, which was released in February, Oklahoma said it had 5,415 convicted sex offenders and an error rate in its registry of 50 percent.

Passed by Congress in 1996, Megan's Law was named after a 7-year-old girl who was raped and murdered by a repeat child molester. Megan's Law requires states to release relevant information concerning registered child molesters and sexually violent offenders.

Currently, 35 states and the District of Columbia post their sex offender registries on websites, although Ahearn said she is aware of only one media outlet—a Fox News website in Baltimore—that provides a link to a state sex offender registry.

Attorneys on both sides of the Oklahoma case said the reason there are so many errors in Oklahoma's sex offender registry is that it is a self-reporting mechanism that relies on sex offenders to notify officials of address changes. When offenders move or fail

Continued on page 22