

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF DAKOTA

FIRST JUDICIAL DISTRICT

John David Emerson,

Court File No.: 19HA-CV-17-1586

Plaintiff,

Case Type: OTHER CIVIL

vs.

ORDER

Timothy Leslie,
Dakota County Sheriff,

Defendant.

PERMANENT INJUNCTION

Pursuant to the Stipulation of the parties, Plaintiff John David Emerson ("Emerson") and Defendant Timothy Leslie, in his official capacity as Dakota County Sheriff ("the Sheriff"),

IT IS HEREBY ORDERED THAT:

1. Subject only to the following paragraph of this Injunction, the Sheriff, and all persons acting under his command, direction, supervision, or control, or acting or purporting to act on his behalf or in active concert or participation with him, are hereby **PERMANENTLY ENJOINED AND RESTRAINED** from taking or causing to be taken biological specimens pursuant to Minn. Stat. § 299C.105, subs. 1(a)(1) and (3) for the purpose of DNA analysis ("DNA samples") from persons who appeared in court and have had a judicial probable cause determination on a qualifying charge.

FILED FIRST JUDICIAL DISTRICT
DAKOTA COUNTY, Court Administrator

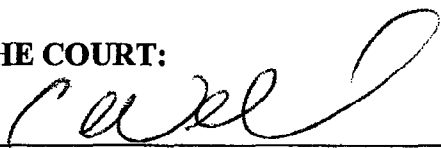
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2. The Sheriff may resume collection of DNA samples pursuant to Minn. Stat. § 299C.105, subs. 1(a)(1) and (3) without violating this Injunction only if:
- a. in litigation other than the above-captioned action, a Minnesota appellate court holds in a final judgment that Minn. Stat. § 299C.105, subs. 1(a)(1) and (3) do not violate Article 1, Section 10, of the Minnesota Constitution;
 - or
 - b. after the date of this Injunction, Minnesota enacts legislation amending or re-enacting Minn. Stat. § 299C.105, subs. 1(a)(1) and (3); provided, however, that nothing in this Injunction is intended to prevent, or determine the result of, any challenge by Emerson or others to such legislation.
3. This Court shall retain jurisdiction of this action to the extent necessary to enforce this Injunction and to enforce or interpret the parties' Settlement Agreement in this action.

Dated: October 20, 2017

BY THE COURT:



Christian S. Wilton
Judge of District Court