

No. 26-34

IN THE
Supreme Court of the United States

CATHERINE L. HANAWAY, IN HER OFFICIAL CAPACITY AS
ATTORNEY GENERAL OF THE STATE OF MISSOURI, AND
JAMES HUDANICK, IN HIS OFFICIAL CAPACITY AS CHIEF
OF POLICE OF THE CITY OF HAZELWOOD, MISSOURI,

Petitioners,

v.

THOMAS L. SANDERSON,

Respondent.

**On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Eighth Circuit**

BRIEF IN OPPOSITION

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(i)

QUESTION PRESENTED

Missouri prohibits people convicted of sex offenses from participating in Halloween. They must remain at home, with the lights off, avoiding any Halloween-related contact with children. They must also post a sign: “No candy or treats at this residence.”

Because police told Thomas Sanderson that these restrictions did not apply to him, he kept up his long tradition of creating elaborate Halloween displays for his extended family and neighbors. After he was prosecuted for doing so, he challenged the sign mandate prospectively under the First Amendment.

After a bench trial, the district court agreed that the State had a compelling interest in protecting children. It found, however, that Missouri “did not provide any evidence ... that sexual offenders are more likely to re-offend on Halloween”; that the “evidence presented has not shown that the sign posting requirement adds any value to protect children”; and that “the other restrictions mandated in the Halloween Statute adequately address” the State’s concerns. App. 34a–35a. The court thus held, and the Eighth Circuit agreed, that the sign mandate unconstitutionally compelled speech and failed strict scrutiny. The question presented is:

Whether a State can compel any person convicted of a sex crime to post a sign at his home on Halloween saying “No candy or treats at this residence” where the trial evidence shows this requirement does not meaningfully further the State’s substantive aims or help enforce its separate conduct restrictions.

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INTRODUCTION

The Eighth Circuit’s unanimous decision—invalidating one narrow aspect of Missouri’s Halloween restrictions, based on the State’s failure to substantiate its justifications at trial—does not warrant review.

To start, this case involves no split. Only one other circuit has considered an equivalent Halloween sign requirement, and it agrees with the court below: A State may not force a person convicted of a sex offense to display a sign disclaiming participation in Halloween without satisfying strict scrutiny. Missouri’s attempt to concoct a split relies solely on a Fifth Circuit case rejecting a *pro se* habeas challenge to a federal mandate that sex offenders register *with the government*. No circuit has applied the same reasoning to uphold compelled, verbatim statements *directly to the public*. Missouri did not even get a dissent from the denial of rehearing *en banc* below. There is no conflict here.

Seeking to distract from that fact, Missouri plays up the outrage. It accuses Mr. Sanderson of “ignor[ing]” or “flagrantly violat[ing]” its Halloween restrictions for years; it claims that the threat of sex-offender recidivism “is especially serious every year on Halloween”; and it declares that its sign mandate “is important to protecting children.” Pet. 1, 8, 17. None of that is true. Mr. Sanderson was told by two different law enforcement agencies that none of the State’s Halloween rules applied to him because they postdated his offense—a question the Missouri Supreme Court still has not resolved. And the district court found *as fact* that the State failed to establish either a heightened risk of sexual abuse on Hallow-

een or that the sign mandate furthers the State's interest in protecting children.

For the same reasons, this case has scant public importance. States are free to enforce any number of conduct-based restrictions on Halloween participation, as Missouri already does. Adding a scarlet-letter law does not meaningfully protect children or aid in enforcing the other restrictions, as Missouri's witnesses all but admitted below. And this case does not implicate the validity of sex-offender registration regimes.

The decision below is also correct. Missouri's sign mandate is compelled speech because it requires people to express verbatim the government's chosen message, on a controversial topic. The Eighth Circuit did not ignore the "speech incident to conduct" doctrine, as Missouri claims; the court correctly explained and applied that rule. Likewise, the State's suggestion that a "factual disclosure" cannot be compelled speech, Pet. 9, is disproved by its own lead authority, which makes clear that "compelled statements of fact . . . like compelled statements of opinion, are subject to First Amendment scrutiny." *Rumsfeld v. FAIR*, 547 U.S. 47, 62 (2006). Missouri's contrary examples involve commercial advertising, so they are inapt.

The petition should be denied.

STATEMENT OF THE CASE

1. Respondent Thomas Sanderson's annual Halloween display is part of his neighborhood's holiday tradition. Since moving to his current home in the early 2000s, Mr. Sanderson celebrated Halloween along with his grandchildren, nieces and nephews, and the hundreds of neighbors who visit each year. See App. 64a. His displays started small, with "little spooky

zombies, and lights, and tombstones,” and got “bigger and bigger” over time, to the delight of family members, neighbors, and passersby. *Id.*

From 2006 to 2008, Mr. Sanderson served two years in prison for felony sodomy, an offense requiring sex-offender registration, because he digitally penetrated a 16-year-old family friend.

During Mr. Sanderson’s incarceration, Missouri passed Missouri Revised Statute § 589.426.1, which requires people convicted of certain sex offenses to “[a]void all Halloween-related contact with children,” including “[r]emain[ing] inside his or her residence between the hours of 5 p.m. and 10:30 p.m.” except for work or emergency reasons, and “[l]eav[ing] all outside residential lighting off during the evening hours after 5 p.m.” Anyone covered by the statute must also “[p]ost a sign at his or her residence stating, ‘No candy or treats at this residence.’”

It is unclear whether these requirements apply retroactively. In 2010, the Missouri Supreme Court ruled that the statute could not be applied to people, like Mr. Sanderson, convicted before its enactment. See *F.R. v. St. Charles County Sheriff’s Dept.*, 301 S.W.3d 56, 60, 66 (Mo. 2010) (“As applied to [a party convicted of a sex offense in 1990], the Halloween requirements of section 589.426 are unconstitutional.”) However, this ruling was called into doubt three years later by *State v. Wade*, 421 S.W.3d 429, 434 (Mo. 2013). The issue appears to remain unsettled.

Upon his release, Mr. Sanderson inquired whether the statute barred his annual celebrations. He was told, by both St. Louis County Police Department and the Hazelwood Police Department, that he was “grandfathered in” under the prior scheme, meaning his activities were not restricted. App. 65a–66a. He

thus continued to participate in Halloween yearly with his family. *Id.* Nevertheless, in 2022, Mr. Sanderson was arrested, charged, and convicted of a misdemeanor for violating the statute.

2. Mr. Sanderson then brought this civil suit, prospectively challenging the statute’s sign mandate (but no other part of the law) under the First Amendment. The district court preliminarily enjoined the sign mandate’s enforcement and then conducted a bench trial. App. 4a.

At trial, no evidence suggested that children face a heightened risk of being sexually abused on Halloween. *Id.* at 10a. Moreover, the State’s expert could not opine on whether the sign mandate was “more or less effective than any other legal restrictions intended to deter [the] grooming” of children. *Id.* at 205a. Thus, the “evidence presented [did] not show[] that the sign posting requirement adds any value to protect children.” *Id.* at 34a–35a. And the State’s own testimony showed that, while the sign mandate might make it slightly easier to enforce the State’s Halloween-participation restrictions, police still must verify compliance with those restrictions—and the sign need not provide any actual notice, since it can be any size and be posted in any location (including by a backdoor or inside). See *Id.* at 9a–10a; 154a–155a (police officer testifying: “we actually have had that issue . . . where we went to a house, and he had a little Post-it stamp [with the required language on it],” which was “in compliance”).

After trial, the district court held the sign mandate invalid as a form of compelled speech. Agreeing with the only other federal courts to address similar Halloween sign laws, the court held that Missouri compelled speech by “requir[ing] the use of private property to reflect [its] own message ‘for the express pur-

pose that it be observed and read by the public,’ thereby depriving registered offenders of their freedom to speak in their own words or to not speak at all.” App. 31a; see *id.* at 29a (citing *McClendon v. Long*, 22 F.4th 1330 (11th Cir. 2022); *Doe v. City of Simi Valley*, 2012 WL 12507598, at *1 (C.D. Cal. Oct. 29, 2012)).

The district court thus applied strict scrutiny, which the sign mandate failed because—while the State has “a compelling interest in restricting certain conduct of sexual offenders on Halloween”—the mandate is not narrowly tailored. App. 33a (emphasis omitted). The State failed to provide any evidence “that sexual offenders are more likely to re-offend on Halloween” or that the mandate “is the least restrictive alternative to serve its interest in protecting children on Halloween.” *Id.* at 34a. In part, the sign mandate was not narrowly tailored because it has little practical benefit: The sign may be at any location and of any size. *Id.* “More significantly,” the State’s *conduct* restrictions “adequately address all of Defendants’ interests” because they “prevent sex offenders from being in contact with children outside trick-or-treating and also deter children from venturing onto the properties of sex offenders.” *Id.* at 35a. The court thus entered a “statewide permanent injunction” against the sign mandate’s enforcement. *Id.* at 39a.

3. The Eighth Circuit unanimously agreed. “Because the sign mandate (1) explicitly requires registrants to speak the government’s message in the form of a sign at their residence, and (2) dictates specifically what that sign must say, it compels speech,” and is not merely incident to a valid conduct regulation. App. 7a–8a. Strict scrutiny thus applied, and could not be satisfied, because the State’s trial evidence

“failed to show” that the sign mandate furthered its goals of aiding enforcement or protecting children. *Id.* at 9a. Indeed, “[t]here was no evidence to support the idea that children would be at risk if there was no sign, so long as the registrant complied with the remaining provisions of the statute.” *Id.* at 10a.

Because, however, the district court’s permanent injunction was entered before this Court’s decision in *Trump v. CASA*, 606 U.S. 831 (2025), the court of appeals vacated and remanded “for the district court to consider the appropriate scope of injunctive relief in accordance with that opinion.” *Id.* at 13a. On remand, the district court concluded that *CASA* “only precludes nationwide injunctions on federal officials,” but (with Mr. Sanderson’s acquiescence) it narrowed the permanent injunction to apply solely to him. *Sanderson v. Hanaway*, No. 4:23-cv-1242, 2026 WL 1505958, at *2 (E.D. Mo. May 29, 2026).

The Eighth Circuit denied the State’s petition for rehearing *en banc* without noted dissent. App. 46a.

REASONS FOR DENYING THE PETITION

The Eighth Circuit applied settled First Amendment doctrine to strike down an unusual speech compulsion not narrowly tailored to the State’s aims. Because no court of appeals or state high court disagrees with that ruling, and the decision has scant practical import, review is unwarranted.

I. No circuit split exists.

A. Only one court of appeals has addressed a similar law, and its rule aligns with the decision below. In *McClendon*, the Eleventh Circuit held that requiring a person convicted of a sex offense to post signs stating “no trick-or-treat at this address” “impermissibly burdens [that person’s] First Amendment right to be

free from being forced to host a government message on his private property.” 22 F.4th at 1340.

The Eleventh Circuit’s analysis tracks the Eighth Circuit’s. It looked to *Wooley v. Maynard*, which held—with respect to New Hampshire’s “live free or die” motto on license plates—that a state cannot “require an individual to participate in the dissemination of an ideological message by displaying it on his private property in a manner and for the express purpose that it be observed and read by the public.” 430 U.S. 705, 713 (1977). Recognizing that “compelled speech doctrine applies to . . . purely factual, non-commercial speech” too, the Eleventh Circuit likewise held the state could not require a person to post a “no trick-or-treat” sign at their residence. 22 F.4th at 1336 (citation omitted). Such compelled speech does not pass strict scrutiny because—while the state’s “interest in protecting children from sexual abuse is compelling”—there was no evidence that such yard signs “would prevent the sexual abuse of children” and “the signs [were] not tailored narrowly enough.” *Id.* at 1338.

The Eighth Circuit’s logic is materially identical. Indeed, both it and the district court expressly relied on *McClendon* and *Wooley* below. See App. 11a, 30a. The petition recognizes that the Eighth and Eleventh Circuits’ reasoning and holdings are consistent. Pet. 11–12.

B. Missouri nonetheless claims the circuits “are split over whether *sex-offender notifications* unconstitutionally compel speech.” Pet. 10 (emphasis added). This generic phrasing obscures that the State is relying entirely on a case about sex-offender registration *with the government*, not sign-posting requirements that force those people to communicate directly to the public from their private homes.

United States v. Arnold involved a *pro se* habeas challenge, on First Amendment grounds, to a conviction for failing to register in accordance with the federal Sex Offender Registration and Notification Act (SORNA). 740 F.3d 1032 (5th Cir. 2014). SORNA required (and still requires) a sex offender to “register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student.” 42 U.S.C. § 16913(a) (2012). A person registers under SORNA by providing specified information “to the appropriate [government] official” in each jurisdiction. *Id.* § 16914(a) (2012). Each jurisdiction must make registry information publicly available on the internet. *Id.* § 16918(a) (2012).

The *Arnold* petitioner argued that “SORNA’s registration requirements violate the First Amendment’s prohibition of compelled speech.” 740 F.3d at 1033. The Fifth Circuit disagreed. Relying on Eighth Circuit precedent, the court analogized SORNA’s registration requirements to the “compelled disclosure of information on an IRS form”: “When the government, to protect the public, requires sex offenders to register their residence, it conducts an ‘essential operation of the government,’ just as it does when it requires individuals to disclose information for tax collection.” *Id.* at 1034–35 (citing *United States v. Sindel*, 53 F.3d 874, 878 (8th Cir. 1995)) (cleaned up). Such disclosures are akin to the “compulsion to give evidence in court.” *Id.* at 1035 (citation omitted).

Arnold thus approved (i) the mandatory disclosure of specific factual information *to the government*, (ii) as necessary to enable a regulatory program to function. It did not consider, and its logic does not reach, an additional government mandate to post a sign bearing specific language outside one’s home so

the general public can read it. Because this case involves just such a mandate, *Arnold* is distinguishable. Cf. *State v. Hill*, 341 So. 3d 539, 552 (La. 2020) (distinguishing *Arnold* and *Sindel*, which addressed “information provided solely to the government,” from a requirement to “display” a state-mandated message directly to the public).

Moreover, *Arnold* itself rebuts the petition’s claim that, “[u]nder the logic of the Eighth and Eleventh Circuits, any sex-offender disclosure—including SORNA—would qualify as compelled speech subject to strict scrutiny.” Pet. 3. Again, *Arnold* relied on Eighth Circuit precedent upholding the compelled disclosure of information directly to the government. See *Sindel*, 53 F.3d at 878 (“The IRS summons requires Sindel only to provide the government with information”). If a case like *Arnold* were brought in the Eighth Circuit, it would be controlled by *Sindel*, not the decision below. Cf. Pet. 20–21 (citing district court cases upholding registration laws on various grounds).

Beyond that, *Arnold* emphasized the necessity of compelled disclosures for registration to work. A registration program cannot function if people cannot be required to register in the first place. See 740 F.3d at 1035. Here, though, Missouri’s sign mandate has nothing to do with the State’s sex-offender *registration* program. And the district court’s undisputed factual findings establish that the sign mandate is not necessary (or even especially helpful) to effectuate even the State’s Halloween-participation restrictions.

Arnold does not conflict with the decision below. But even if some tension existed with *Arnold*, the Fifth Circuit has not had a chance to consider a sign mandate like Missouri’s, and none of the three relevant circuits has considered any of these issues *en*

banc. No other circuit has not considered these questions at all. And Missouri’s attempt to generate broader “confusion” relies largely on district court cases addressing registration and ID-label requirements, not Halloween sign rules. Pet. 20–21. There is no conflict requiring this Court’s resolution.

II. The decision below is correct.

The Eighth Circuit correctly applied settled First Amendment doctrine to the district court’s undisputed factual findings, concluding that “the sign mandate burdens more speech than necessary and fails strict scrutiny.” App. 11a. Missouri does not seriously dispute the ultimate conclusion, arguing mainly that strict scrutiny does not apply in the first place. That is wrong.

A. Missouri’s lead contention is that the Eighth Circuit “disregarded” “this Court’s instruction that strict scrutiny does not apply to speech rules that are ‘plainly incidental’ to the regulation of conduct and thus not compelled speech.” Pet. 2. But the court acknowledged that “the First Amendment is not implicated when the speech ‘is plainly incidental to the law’s regulation of conduct.’” App. 7a (brackets omitted). It concluded, however, that the sign mandate “is not merely incidental to conduct.” *Id.* Rather, the mandate “explicitly requires registrants to post a sign bearing a specific message” verbatim. *Id.* Missouri’s challenge to the Eighth Circuit’s case-specific application of the correct legal rule is not grounds for this Court’s review.

In any event, the Eighth Circuit was correct. Missouri’s claim—that the sign mandate is “incidental” to conduct regulation because it “ensures that children do not approach the doors of sex offenders (and that police can more easily enforce the no-

participation rule),” Pet. 13—does not pass muster. The district court found, and the Eighth Circuit agreed, that the sign mandate is not necessary to achieve either of these ends. Missouri does not grapple with these conclusions or the supporting evidence. In fact, Missouri failed to present any evidence “to support the idea that children would be at risk if there was no sign, so long as the registrant complied with the remaining provisions on the statute.” App. 10a. Nor was there any evidence “that the statute was more difficult to enforce without the signs than with them.” *Id.* at 9a–10a.

In any event, Missouri has the analysis backwards. A speech restriction is “incidental” if a regulation of conduct necessarily restricts some expression too. For example, a ban on race discrimination would *of its own force* forbid an employer from posting a “White Applicants Only” sign, but that does not make it a speech restriction. *FAIR*, 547 U.S. at 62. Here, however, the State’s *conduct* restrictions have no expressive aspect, and the sign mandate is a separate provision aimed solely at speech. App. 7a–8a.

The State’s reliance on *FAIR* is thus misplaced. *FAIR* upheld a law requiring law schools to “afford equal access to military recruiters”—without regulating “what they may or may not say.” 547 U.S. at 60. That distinction was critical to the Eighth Circuit’s reasoning below; it distinguished *FAIR* because the law there did “not dictate the content of speech at all, which [was] only ‘compelled’ if, and to the extent, the school provide[d] such speech for other recruiters” (for example to “send e-mails or post notices on bulletin boards on an employer’s behalf”). *Id.* at 61–62; see App. 8a. In this way, any effect on speech was truly incidental to, and a direct effect of, the equal-access requirement itself.

Not so here. Missouri’s Halloween-participation restrictions operate fully without compelling the posting of any signs, much less dictating specific language—and they do so effectively. The incidental effect in *FAIR* is a far cry from Missouri’s mandatory, verbatim sign requirement.

B. Missouri also contends that this Court’s “compelled-speech precedents” do not apply to a law that “merely requires a *factual* disclosure.” Pet. 14. This argument lacks merit.

To start, the State’s premise—that the sign mandate “is purely factual” and does not require expressing any “belief,” Pet. 10—is mistaken. As the district court recognized, the sign mandate “compels [Mr. Sanderson] to speak a viewpoint in written words, directed to the public, that he does not adhere to,” namely to post a sign effectively telling his neighbors he is dangerous to children. App. 31a. That is hardly “uncontroversial information.” *Contra* Pet. 21–22.

In any event, “compelled statements of fact . . . like compelled statements of opinion, are subject to First Amendment scrutiny.” *FAIR*, 547 U.S. at 62. For example, the Court struck down a law requiring professional fundraisers to disclose the percentage of charitable contributions collected during the prior year that were actually turned over to charity, even though “the State may itself publish” the same information after collecting it from them. *Riley v. Nat’l Fed’n of the Blind of N.C., Inc.*, 487 U.S. 781, 800 (1988). That information is purely factual. Likewise, a state law requiring pregnancy clinics to “provide a government-drafted script about the availability of state-sponsored services, as well as contact information for how to obtain them,” was a content-based speech regulation. See *NIFLA v. Becerra*, 585 U.S. 755, 766 (2018).

Missouri's remaining authorities are inapt because they address the mandatory disclosure of "purely factual and uncontroversial information" in "commercial advertising." *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Grp. of Bos.*, 515 U.S. 557, 573 (1995) (citing cases). For example, *Milavetz, Gallop & Milavetz, P.A. v. United States* involved a law requiring bankruptcy "professionals to include certain disclosures in their advertisements"; this requirement was subject to "less exacting scrutiny" because it was reasonably "directed at *misleading* commercial speech." 559 U.S. 229, 249 (2010). And *American Meat Institute v. Department of Agriculture* addressed a law that "required country-of-origin labels on a variety of foods, including some meat products"; this requirement properly advanced Congress's interest in ensuring that consumers have adequate information about their food. 760 F.3d 18, 20 (D.C. Cir. 2014) (en banc) (citation omitted). This case, by contrast, does not involve commercial or professional speech, let alone uncontroversial factual disclosures in the consumer safety context. Cf. *NIFLA*, 585 U.S. at 768–69. Strict scrutiny thus applies.

C. Missouri does not meaningfully contest that, if strict scrutiny applies, the sign mandate fails. Nor could it. The evidence presented below fails to show the mandate furthers the State's compelling interest in protecting children or in helping to enforce the law. The State's conduct restrictions adequately protect the State's interest: "On cross examination Dr. Simpson [the State's expert] agreed that even without the sign posting requirement, a sex offender's compliance with the other restrictions of the Halloween statute would prevent the offender from having contact with children at their residence on Halloween." App. 19a. Similarly, testimony presented by law enforcement

officers below confirmed that “you can drive by and see if the lights are on the house without getting out of the car . . . the fact that a sign isn’t posted isn’t going to make it more necessary for an officer to get out of their car.” *Id.* at 178a; see *id.* at 9a.

III. The record belies Missouri’s importance arguments.

Missouri asserts an “especially serious” threat from sex offenders on Halloween, both to support the validity of its sign mandate and to entice this Court’s review. Pet. 1. But the State failed to substantiate these claims below. Both the district court and Eighth Circuit noted that Missouri “did not provide any evidence . . . that sexual offenders are more likely to re-offend on Halloween.” App. 34a. What’s more, the “evidence presented [did] not show[] that the sign posting requirement adds any value to protect children,” and “the other restrictions mandated in the Halloween Statute adequately address” the State’s concern. *Id.* at 34a–35a.

The public record confirms the basic point. “The simple fact is that there are no significant increases in sexual crimes on or around Halloween. There is no “Halloween effect.” Minnesota Association for the Treatment & Prevention of Sexual Abuse, *Halloween and sexual abuse prevention: the mythical Halloween effect* (Oct. 1, 2019); see The Marshall Project, *Is Halloween Really More Dangerous for Kids?* (Oct. 28, 2015) (“In a year-by-year comparison that zeroed in on Halloween, the researchers found no variation in number or types of crimes committed, even as more laws were added.”). Likewise, as much as Missouri’s amici play up the “unique, door-to-door” nature of the holiday, see Amicus Br. 4, they too offer no evidence that Halloween sign mandates have any practical ef-

fect at all, let alone that they are critical to public safety.

This case also poses no risk to *registry* statutes. *Contra* Pet. 19. As noted, *Arnold* upheld SORNA's registration requirements based on Eighth Circuit law. 740 F.3d at 1034–35. There is no sign that the Eighth Circuit would invalidate a registry requirement and, as explained above, this case and *Arnold* are wholly consistent. Compelled disclosures to the government differ from compelled speech to the public. Cf. *Buckley v. Am. Const. L. Found., Inc.*, 525 U.S. 182, 197 (1999) (striking down a mandate that people circulating ballot-initiative petitions “wear identification badges,” in part because the state already validly required the disclosure of the same information directly to the government via affidavit).

At base, the State may prevent Mr. Sanderson from participating in Halloween; it can force him to remain in his home, with exterior lights off, for the duration of the holiday. And it can penalize his failure to comply with these requirements—as it has done. It need not and cannot infringe his First Amendment rights too.

IV. This case is not an ideal vehicle.

This is not the “clean vehicle” Missouri says it is. Pet. 3. Missouri claims if “strict scrutiny does not apply,” the sign mandate “easily” passes muster. *Id.* at 12. But the district court held the opposite: “Even assuming that the less stringent form of First Amendment review applies, the Halloween Statute’s sign posting requirement still does not pass.” App. 36a n.9. Indeed, both the district court and the Eighth Circuit held, based on the trial record, that Missouri had not substantiated any incremental need for the sign mandate. Missouri’s argument that the sign

mandate would survive lesser scrutiny because it is “crucial,” Pet. 12, is really just a request to reweigh the trial evidence. Thus, even if Missouri’s threshold legal arguments had merit, that would not resolve the case in Missouri’s favor.

Finally, Missouri’s claim that this case could resolve the validity of other kinds of sex-offender status disclosures, Pet. 4, fails for the reasons above: The Eighth Circuit’s logic does not implicate registration requirements or driver’s-license labels. And even upholding Missouri’s “no-candy notice,” *id.* at 1, would not resolve the legality of different kinds of disclosure requirements. *Contra id.* at 21.

CONCLUSION

The Court should deny the petition.

Respectfully submitted,

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