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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Marlene Baldwin, et. al.,
Plaintiffs,
v.
Michelle D'Andrea, et. al.,
Defendants.

No. CV-13-08161-PCT-NVW
**JUDGMENT AND PERMANENT
INJUNCTION**

For good cause shown, and pursuant to the parties' Stipulation for Entry of Agreed Order and Injunction, the Court orders, adjudges and decrees:

1. Arizona Revised Statutes ("A.R.S.") § 13-2905(a)(3) provides that "[a] person commits loitering if such person intentionally [i]s present in a public place to beg, unless specifically authorized by law[.]"

2. Plaintiffs have alleged, and Defendants concede, that A.R.S. 13-2905(a)(3) is facially unconstitutional and void under the First and Fourteenth Amendments of the United States Constitution, and under Section 6, Article 2 of the Arizona Constitution.

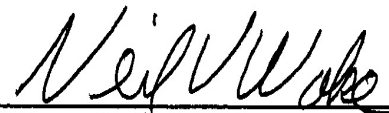
3. Pursuant to 28 U.S.C. 1331 and 1343 and Federal Rule of Civil Procedure 65(d)(2), Defendants, their officers, agents, servants and employees, and all persons in active concert or participation with them are hereby perpetually enjoined and restrained from in any manner enforcing the provisions of Ariz. Rev. Stat. § 13-2905(a)(3).

1 4. Within thirty (30) days of entry of this Order and Injunction, Defendants shall
2 provide notice of this Order and Injunction to all law enforcement agencies in the state by
3 transmitting a copy via the email listserv maintained by the Arizona Criminal Justice
4 Commission.

5 5. That pursuant to 28 U.S.C. 1331 and 1343 and Rule 65(d)(2), Federal Rule of
6 Civil Procedure, Flagstaff Defendants, their officers, agents, servants, employees and
7 attorneys, and all other persons who are in active concert or participation with the
8 Defendants, shall be permanently enjoined from interfering with, targeting, citing,
9 arresting, or prosecuting any person on the basis of their act(s) of peaceful begging in
10 public areas within the City of Flagstaff. This injunction does not prohibit content neutral
11 time, place or manner restrictions that are consistent with court decisions interpreting the
12 1st amendment of the U.S. Constitution and the free speech clause of the Arizona
13 Constitution.

14 6. That Plaintiffs' counsel may make application for reasonable attorneys' fees and
15 costs pursuant to the normal time lines as called for in Rule 54(d)(2).

16 Dated this 4th day of October, 2013.

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20 Neil V. Wake
21 United States District Judge
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