

"Getting sued in this kind of case is an occupational hazard..." **PORTSMOUTH HERALD**
 — City Attorney Robert Sullivan **PORTSMOUTH, N.H.**

Officials sued in porn case

Acquitted store owner claims prosecution violated his rights

By Larissa Pawula
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PORTSMOUTH — An adult book and video store owner who was found innocent of obscenity charges in February filed a lawsuit in federal court Wednesday against city and county officials who brought the case against him.

Spaulding Book and Video store

owner Vincent St. Louis seeks unspecified monetary damages against the officials for violating his free speech and civil rights. St. Louis was acquitted Feb. 15 on one count of selling obscene material, a misdemeanor, following a jury trial in Portsmouth District Court. Prosecutors claim he sold an obscene videotape to an undercover police officer.

Through his attorney Brian Stern, St. Louis claims he suffered "emotional

distress, defamation of character, and economic loss as a result of the malicious prosecution, abuse of process, denial of due process, denial of equal protection, violation of the right to free speech... interference of contractual relations and intentional infliction of emotional distress," according to the 32-page document.

The lawsuit, filed in U.S. District Court in Concord, names former Rock-

ingham County Attorney Carleton Eldredge and present County Attorney William Hart; Assistant County Attorney Robert Ducharme; Portsmouth Police Chief William Burke; Portsmouth City Attorney Robert Sullivan; Assistant City Attorney Sharon Cuddy; Assistant Mayor William Wagner; the City of Portsmouth and Rockingham

County.

St. Louis says he completed the full array of permitting procedures prior to opening his business on June 3, 1993, and that the Portsmouth officials named in the lawsuit had full knowledge the business would engage in the sale and distribution of adult material.

The lawsuit claims that St. Louis' business neighbor Janice Wood, who owns the bridal shop next door, used influence and political pressure to urge the city to act against Spaulding Book and Video.

Adult businesses have operated

in the city and county for many years without exclusionary zoning, prosecution, or other efforts to halt distribution of adult material, the lawsuit claimed.

The lawsuit claims former County Attorney Carleton Eldredge targeted St. Louis for investigations into distribution of adult materials and the activities of customers at the establishment. The lawsuit claims Assistant County Attorney Ducharme caused St. Louis to be charged without probable cause and that the new county attorney, William Hart, caused or allowed the plaintiff to be tried on the charge of obscenity.

The suit claims Assistant Mayor

William Wagner told the City Council that St. Louis had "lied" to the Board of Adjustment to obtain his business permits, and said in effect that the city should shut down the business regardless of the law and the expense.

City Attorney Robert Sullivan was surprised to hear of the lawsuit, adding he had not seen or read the document. Sullivan was confident that officials did not violate the plaintiff's constitutional rights.

"I think the record will show both the Portsmouth City Council and my office in particular demonstrated great respect for the First

Amendment in trying to deal with the difficult issues, as in the public health, public safety, and other legitimate concerns which arise out of conducting an adult business," Sullivan said.

"I am very certain that there has been no impropriety on the part of the City Council and City Attorney's office. We live in a very litigious society, however, and lawsuits such as this have to be expected from time to time, and it will be vigorously defended from my point of view."

"Getting sued in this kind of case is an occupational hazard of the job," Sullivan said.

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