

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI

**v.
KEITH A. YOUNGER**

RESPONDENT,

APPELLANT.

DOCKET NUMBER WD74675

DATE: November 6, 2012

Appeal From:

Lafayette County Circuit Court
The Honorable Dennis A. Rolf, Judge

Appellate Judges:

Division Three: Alok Ahuja, Presiding Judge, Victor C. Howard, Judge and Cynthia L. Martin,
Judge

Attorneys:

Karen L. Kramer and Terrence Messonnier, Jefferson City, MO, for respondent.

Scott C. Hamilton, Lexington, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI,

RESPONDENT,

v.

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No. WD74675

Lafayette County

Before Division Three: Alok Ahuja, Presiding Judge, Victor C. Howard, Judge and Cynthia L. Martin, Judge

Keith Younger appeals his conviction for failing to register as a sex offender and argues that there was insufficient evidence to establish each of the essential elements of the offense beyond a reasonable doubt. Specifically, Younger argues that there was insufficient evidence to establish that he was required to register as a sex offender, that he had changed his residence, or that he acted with knowledge.

AFFIRMED

Division Three holds:

1. The essential elements of a violation of section 589.425 predicated upon a failure to report a change of residence as required by section 589.414 requires proof beyond a reasonable doubt: (1) that an offender has been convicted of an offense that requires registration as a sex offender; (2) that the offender changed his registered residence; and (3) that the offender knowingly failed to report the change in residence within three business days.

2. The State's evidence at trial was sufficient to establish that Younger was required to register as a sex offender, and thus to comply with the registration requirements set forth in section 589.414. That evidence included statutorily proscribed offender registration forms setting forth "the crime which requires registration," testimony from an officer about Younger's prior offense, and testimony that Younger registered in Lafayette County in 1998, and reported for status updates every ninety days thereafter which permitted the reasonable inference that Younger acknowledged an obligation to abide by the registration requirements.

3. Section 589.414 requires an offender to notify the chief law enforcement officer in the county where he was last registered of any change in residence within the same county or to another county. The word "residence" and the phrase "change of residence" are not defined. Younger argues that the "change of residence" should be construed to require the State to prove that an offender has left a registered residence with no intent to return. The State argues that the word "residence" should be defined to mean both the place where a person actually lives and a place a person intends to return to live. The State thus argues that a "change of residence" is any change in the permanent or temporary registered residences reported by an offender.

4. The plain and ordinary meaning of "residence" is the place where one actually lives or dwells and is distinguishable from a transient or temporary visit to a location. "Residence" is distinguishable from a person's domicile, separately defined as the place with which a person has a settled connection for important legal purposes.

5. The obligation to report a change of residence encompasses an obligation to report any temporary or permanent change in the place where an offender is actually living or dwelling regardless the intent to return. Applied to this case, Younger was obligated to report a change in his residence if the evidence established that for a period of time he was not actually living or dwelling at his registered address.

6. The evidence was sufficient to establish that at the time Younger was charged, Younger was not actually living or dwelling at his registered address.

7. There was sufficient evidence from which the trial court could have concluded that Younger knew he changed his residence and knew he failed to report the change to authorities.

Opinion by Cynthia L. Martin, Judge

November 6, 2012

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