



**In the Missouri Court of Appeals  
Eastern District  
DIVISION ONE**

JASON D. GRIESHABER,	)	No. ED98948
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of St. Louis County
vs.	)	10SL-CC02108
	)	
COLONEL TIMOTHY FITCH, et al.,	)	Honorable Gloria Clark Reno
	)	
Respondents.	)	Filed: June 25, 2013

**OPINION SUMMARY**

Jason D. Grieshaber appeals the grant of summary judgment in favor of Colonel Timothy Fitch, Chief of the St. Louis County Police Department, Robert P. McCulloch, Prosecuting Attorney of St. Louis County, and Colonel Ronald K. Replogle, Superintendent of the Missouri State Highway Patrol, on Grieshaber's amended petition which sought removal of Grieshaber's name and identifying information from Missouri's sex offender registry.

AFFIRMED.

Division One holds:

- (1) 42 U.S.C. section 16913(a) (2006) ("section 16913(a)") of the federal Sex Offender Registration and Notification Act ("SORNA") imposes an independent, federally mandated registration requirement upon Grieshaber which triggers his duty to register in Missouri pursuant to section 589.400.1(7) RSMo Supp. 2010 of Missouri's Sex Offender Registration Act. Because Grieshaber's state registration requirement is based on an independent federal registration requirement, Grieshaber's substantive obligation to register as a sex offender does not arise only from state law and Grieshaber may not file a petition for removal from Missouri's sex offender registry pursuant to section 589.400.8 RSMo Supp. 2010.

- (2) SORNA requires Grieshaber to register as a sex offender in Missouri irrespective of whether he is an intrastate offender.
- (3) Grieshaber's claim that section 16913(a) is unconstitutional as applied to intrastate offenders such as Grieshaber is not "real and substantial." Section 16913(a) is a reasonable means to track intrastate offenders if they move across state lines and is constitutionally authorized under Congress' authority pursuant to the Commerce Clause and the enabling Necessary and Proper Clause.

Opinion by: Glenn A. Norton, J.      Clifford H. Ahrens, P.J., & Sherri B. Sullivan, J., concur

Attorney for Appellant:      Gilbert C. Sison

Attorneys for Respondents:      Christ Koster, Attorney General,  
Mary Delworth Morris, Assistant Attorney General  
Jeremiah J. Morgan, Deputy Solicitor General  
Robert Fox, Office of the St. Louis County Counselor

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.**