



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

JOHN DOE,)	No. ED99249
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Charles County
vs.)	1111-CV10942
)	
TOM NEER, et al.,)	Honorable Jon A. Cunningham
)	
Respondents.)	Filed: June 25, 2013

OPINION SUMMARY

John Doe appeals the judgment entered after a bench trial in favor of Tom Neer, Sheriff of St. Charles County, Missouri, and Colonel Ronald Replogle, Superintendent of the Missouri State Highway Patrol, on Doe's amended petition for declaratory and injunctive relief. Doe's amended petition alleged that Doe is not required to register as a sex offender in Missouri, sought removal of Doe's name from Missouri's sex offender registry, and requested an injunction prohibiting future prosecution for failure to register.

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 Doe 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 Doe's state registration requirement is based on an independent federal registration requirement, Doe's substantive obligation to register as a

sex offender does not arise only from state law and article I, section 13 of the Missouri Constitution is not implicated.

- (2) SORNA requires Doe to register as a sex offender in Missouri irrespective of whether he is an intrastate offender.
- (3) Doe's claim that section 16913(a) is unconstitutional as applied to intrastate offenders such as Doe 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 Edward Hoeynck, 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.