

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

JOHN DOE,

Respondent,

v.

**COL. RON REPLOGLE IN HIS OFFICIAL CAPACITY AS SUPERINTENDENT OF
THE MISSOURI HIGHWAY PATROL,**

Appellant.

DOCKET NUMBER WD72188

Date: April 26, 2011

Appeal from:
Cole County Circuit Court
The Honorable Richard G. Callahan, Judge

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

Attorneys:
Jamie K. Lansford and Arthur A. Benson, II, Kansas City, MO, for appellant.
Jeremiah Morgan, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY COURT OF APPEALS -- WESTERN DISTRICT

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The plaintiff, John Doe, pled guilty to a charge of sexual abuse in the first degree on April 27, 1992, in the Circuit Court of Jackson County. Doe received a suspended imposition of sentence (“SIS”) and three years’ probation. Doe completed his probation and was released from supervision. He registered as a sex offender in 2009 under the federal Sex Offender Registration and Notification Act (“SORNA”), 42 U.S.C. §§ 16901-16929. Doe filed a petition for declaratory judgment in the Circuit Court of Cole County, seeking a declaration that he was not subject to SORNA’s registration requirements because he had not been “convicted” in the 1992 Jackson County proceeding. The circuit court entered judgment in Doe’s favor, concluding that “[u]nder Missouri law, a suspended imposition of sentence is not a conviction,” and that “a suspended imposition of sentence will not satisfy a federal statute that requires a conviction to trigger its application.” Appellant Ron Replogle, Superintendent of the Missouri Highway Patrol, now appeals.

REVERSED.

We have held in *Doe v. Keathley*, No. WD72121, also decided today, that federal law, not state law, controls the question whether an individual has been “convicted” of a sex offense and is therefore subject to SORNA’s registration requirements. In addition, *Doe v. Keathley* holds that, under federal law, a Missouri state-court disposition of criminal charges in which the defendant receives probation and an SIS *is* a “conviction,” subjecting the defendant to SORNA’s registration requirements. *Doe v. Keathley* requires reversal in the present appeal.

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

Opinion by: Alok Ahuja, Judge

April 26, 2011

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