MISSOURI COURT OF APPEALS
WESTERN DISTRICT

J.B.,
APPELLANT

vs.

PAUL C. VESCOVO, III., ET AL.,
RESPONDENTS

DOCKET NUMBER WD84010

DATE: AUGUST 31, 2021

Appeal from:

The Circuit Court of Clay County, Missouri
The Honorable K. Elizabeth Davis, Judge

Appellate Judges:

Division Three: Edward R. Ardini, Jr., Presiding Judge, Mark D. Pfeiffer., Judge and W. Douglas Thomson, Judge

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Attorneys:

Matthew A. Radefeld, for Appellant

Gregory M. Goodwin, for Respondent Colonel Eric T. Olsen (MSPH) and Intervenor-Respondent Missouri Attorney General

Paul Vescovo, III, Respondent Acting Pro-se

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

J.B., APPELLANT,
v.
PAUL C. VESCOVO, III, ET AL., RESPONDENTS.

WD84010 Clay County

Before Division Three Judges: Edward R. Ardini, Jr., Presiding Judge, Mark D. Pfeiffer, Judge, and W. Douglas Thomson, Judge

J.B. appeals the trial court's judgment denying his petition for removal from the Missouri sex offender registry. On appeal, J.B. contends the trial court erred in determining J.B. was adjudicated a sex offender for a tier III sexual offense, rather than a tier I or II sexual offense.

AFFIRMED.

Division Three holds:

J.B. was adjudicated, as defined by the applicable statute, as a sex offender for a tier III sexual offense when he pled guilty to the offense of attempted endangering the welfare of a child in the first degree. The words of the applicable statutes are clear and free of ambiguity, thereby rendering the Rule of Lenity inapplicable. It is clear the legislature intended to designate J.B.'s offense as a tier III offense, regardless of its status as a misdemeanor. J.B.'s policy arguments should be made, if anywhere, to the legislature.

Opinion by: W. Douglas Thomson, Judge Date: August 31, 2021

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