In the Missouri Court of Appeals
Eastern District

DIVISION THREE

SHERMA JOHNSON, Appellant, v. MISSOURI STATE HIGHWAY PATROL, ET AL., Respondents.	)))))))))	ED113828 Filed: August 25, 2026

Appeal from the Circuit Court of St. Louis County
The Honorable Chastidy R. Dillon-Amelung, Judge

Before: Virginia W. Lay, Presiding Judge, Angela T. Quigless, Judge, and Thomas C. Clark, II, Judge.

Introduction

Sherma Johnson (Johnson) appeals from the circuit court's judgment dismissing her petition for exemption to register as a sex offender in Missouri for lack of jurisdiction. We affirm.

Factual and Procedural Background

In February 2001, Johnson was convicted in the United States District Court for the Southern District of Florida of the federal crime of sexual abuse of a ward, a

registerable offense under the federal Sex Offender Registration and Notification Act (SORNA).[1] In September 2006, Johnson was convicted of two counts of forgery in Cape Girardeau County and placed on probation, which was transferred to Tennessee. Johnson's probation was revoked in December 2012, and her sentence was executed, which she began serving in a Missouri prison.

In December 2013, Johnson was notified she was being transferred to a transitional residential facility in the City of St. Louis until she could establish an approved home plan for parole. At that same time, Johnson was notified of her obligation to register as a sex offender in Missouri as required by the Missouri Sex Offender Registration Act (MO-SORA).[2] Johnson completed the sex offender registration form prior to her transfer to the transitional residential facility. In April 2014, Johnson was released from the facility and transferred to Tennessee to complete her parole, which she ultimately did complete.

In 2021, Johnson filed a petition in the City of St. Louis seeking to be relieved of her duty to register as a sex offender in Missouri. On March 9, 2023, the circuit court denied Johnson's request, finding because she had been required to

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[1] 34 U.S.C. sections 20901–20932 (2018). In 2017, SORNA was transferred from 42 U.S.C. sections 16911–16929, without substantive change.

[2] Sections 589.400–589.425 RSMo (Cum. Supp. 2018). Both the 2008 version, which was in effect when Johnson was paroled in 2013, and the current version require notification to any person paroled, discharged, or otherwise released from the department of corrections or a mental health institution of the person's possible duty to register as a sex offender. *See* Section 589.403 (Cum. Supp. 2008 & Cum. Supp. 2018). If that person is required to register, the initial registration must be completed prior to release. *Id*.

register under SORNA, she has a lifetime obligation to register under MO-SORA. Johnson did not appeal this judgment.

On October 16, 2024, Johnson filed a petition against the St. Louis County Police Department (SLCPD) and Missouri State Highway Patrol (MSHP) (collectively, Respondents) in St. Louis County seeking an order exempting her from requiring to register as a sex offender in Missouri. SLCPD moved to dismiss Johnson's petition for failure to state a claim because she is ineligible for removal from the registry.

The circuit court denied SLCPD's motion, but dismissed the petition for lack of jurisdiction. In its reasoning, the circuit court cited section 589.401.2,[3] which states, in part, persons required to register in Missouri because of an offense adjudicated in another jurisdiction must file a petition for removal "according to the laws of the state … in which his or her offense was adjudicated." The circuit court stated it believed Johnson's remedy must be sought as set out in section 589.401.2 and it lacked the jurisdictional authority to hear the matter.

Johnson filed a motion to reconsider and, shortly thereafter, her notice of appeal. MSHP filed suggestions in opposition to the motion to reconsider,[4] arguing section 589.401.15 prohibited Johnson from requesting exemption or removal because it had not been five years since the denial of her previous petition. MSHP also claimed there was

[3] All section references are to RSMo (Cum. Supp. 2018), unless otherwise indicated.
[4] Despite being served with the petition, this was MSHP's first action taken in the case. Johnson sought a default judgment against MSHP, but the matter was disposed of with the circuit court's dismissal.

no justiciable controversy because, Johnson as a Tennessee resident, did not have a current obligation to register in Missouri and, further, she does not appear on the registry.

The circuit court did not rule on Johnson's motion to reconsider or address MSHP's arguments, which were deemed overruled by Rule 78.06.[5] This appeal follows.

Standard of Review

We review de novo the circuit court's dismissal of a petition for lack of subject matter jurisdiction. *Coleman v. Mo. Sec'y of State*, 313 S.W.3d 148, 151 (Mo. App. W.D. 2010). Our primary concern is the correctness of the result, rather than the route taken by the circuit court to reach it. *Mo. Soybean Ass'n v. Mo. Clean Water Comm'n*, 102 S.W.3d 10, 22 (Mo. banc 2003). Accordingly, we will affirm the circuit court's judgment "if it is correct on any ground supported by the record" regardless of whether the circuit court relied upon it. *Id.*

Discussion

Johnson raises five points on appeal, each of which challenge the circuit court's dismissal of her petition under section 589.401.2. First, she argues the circuit court misapplied MO-SORA by failing to determine whether she was required to register because she was not a Missouri resident when the registration requirement was imposed. Second, Johnson claims section 589.401 applies only after a valid registration obligation exists, and she was only seeking a judicial determination of whether she was required to register. Third, she contends the circuit court erroneously treated her federal conviction

[5] All rule references are to the Missouri Supreme Court Rules (2025).

as an out-of-state adjudication which requires petitioning for removal in that jurisdiction. Fourth, she asserts the circuit court's *sua sponte* dismissal on a ground not raised by Respondents denied her the opportunity to address it as a basis for dismissal. Finally, she alleges the circuit court erred by not ruling on her pending motion for default judgment against MSHP.

Jurisdiction

As a preliminary matter, we must consider our jurisdiction to hear this appeal. *Roach Law Firm v. Beilenson*, 224 S.W.3d 57, 60 (Mo. App. E.D. 2007). Because our jurisdiction derives from that of the circuit court, if the circuit court lacked jurisdiction, we also lack jurisdiction to review the matter on its merits. *Id.* SLCPD argues the circuit court lacked jurisdiction over Johnson's petition and consequently, this Court also lacks jurisdiction over the appeal. However, MSHP and Johnson contend the circuit court had jurisdiction. We find the court had jurisdiction to hear the matter.

Article V, section 14(a) of the Missouri Constitution provides "[t]he circuit courts shall have original jurisdiction over all cases and matters, civil and criminal." The present case involves a petition for exemption sought under MO-SORA which, with the exception of its provisions governing criminal punishment for failure to register, is civil in nature. *See Doe v. Olson*, 696 S.W.3d 320, 333 (Mo. banc 2024). Therefore, the circuit court had jurisdiction to hear the matter. *See J.C.W. ex rel. Webb v. Wyciskalla*, 275 S.W.3d 249, 254 (Mo. banc 2009) ("The present case is a civil case. Therefore, the circuit court has subject matter jurisdiction and, thus, has the authority to hear this dispute.").

Dismissal Was Proper

Although the circuit court erred in dismissing Johnson's petition for lack of jurisdiction, dismissal of the petition was the correct result due to a statutory limitation on Johnson's ability to petition for the type of relief sought.

"When a statute speaks in jurisdictional terms or can be read in such terms, it is proper to read it as merely setting statutory limits on remedies or elements of claims for relief that courts may grant." *Id.* at 255. Although MO-SORA permits petitioning for removal from the registry and exemption from registering, the circuit court must find the petitioner has satisfied five delineated conditions. Section 589.401.11. If the circuit court denies relief for reasons other than the five conditions listed in subsection 11, "no successive petition requesting such relief shall be filed for at least five years from the date the judgment denying relief is entered." Section 589.401.15.

Here, the circuit court denied Johnson's 2021 petition for removal on March 9, 2023. The circuit court did not rely on any of the reasons delineated in section 589.401.11. Rather, the circuit court denied her petition because section 589.400.1(7) imposes a registration requirement on any person who "has been or is required" to register under federal law. The circuit court also cited *Smith v. St. Louis County Police*, 659 S.W.3d 895, 901 (Mo. banc 2023), which held "[t]he registration requirement pursuant to [section] 589.400.1(7) continues even after the individual's federal registration obligation pursuant to SORNA has expired because the state registration requirement is based on the person's present status as a sex offender who 'has been' required to register pursuant to SORNA." (internal quotation omitted). Thus, Johnson is

barred from filing a successive petition for relief for at least five years under section 589.401.15.

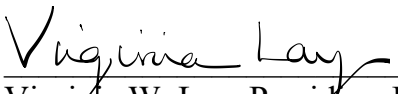
Johnson attempts to avoid the applicability of MO-SORA's cooldown provision by claiming her petition was for a declaratory judgment rather than exemption from registering. "The Declaratory Judgment Act authorizes trial courts 'to declare rights, status, and other legal relations whether or not further relief is or could be claimed.'" *Payne v. Cunningham*, 549 S.W.3d 43, 47 (Mo. App. E.D. 2018) (quoting section 527.010 RSMo (2016)). Courts "may grant a declaratory judgment if presented with: (1) a justiciable controversy; (2) legally protectable interests; (3) a controversy ripe for judicial determination; and (4) an inadequate remedy at law." *Id.* at 48.

Johnson's claim is undermined by the substance of her petition, which is titled "Petition for Exemption to Register as a Sex Offender in Missouri." The introductory paragraph sought an order exempting her from registering, and the procedural and factual history mirrors the pleading requirements of section 589.401.5. Furthermore, although Johnson loosely requested in her petition's conclusion a finding "that [she] was not and is not a resident and she should never had [sic] been required to register as a sex offender in the State of Missouri," her petition failed to invoke section 527.010 RSMo (2016) or otherwise plead the elements of a declaratory judgment action.

Therefore, although the circuit court erroneously found that it lacked jurisdiction, its dismissal was the correct result because Johnson is barred from seeking relief under section 589.401 until March 9, 2028. All of Johnson's points denied.

Conclusion

For the reasons set forth above, we affirm.



Virginia W. Lay, Presiding Judge

Angela T. Quigless, Judge, concurs.
Thomas C. Clark, II, Judge, concurs.