

Summary of SC95049, *In the Interest of S.C. v. Juvenile Officer and Missouri Attorney General*

Appeal from the St. Louis circuit court, Judge David C. Mason

Argued and submitted September 30, 2015; opinion issued November 10, 2015

Attorneys: S.C. was represented by Patricia Harrison and several students certified under Rule 13 to appear in court and provide legal assistance in certain circumstances and under the supervision of a licensed attorney – Srishti Miglani, Katherine Otting, Daniel Primm, Elizabeth McQuage and Lauren Rodriguez – of the Saint Louis University Law Clinic in St. Louis, (314) 977-2778; and Jeffrey Estes of the public defender’s office in St. Louis, (314) 340-7625. The juvenile officer was represented by Laura Harrold of St. Louis, (314) 552-2104. The attorney general, who intervened in the case, was represented by Deputy Solicitor General Jeremiah J. Morgan and Matthew J. Laudano of the attorney general’s office in Jefferson City, (573) 751-3321.

The American Civil Liberties Union of Missouri Foundation and Children’s Law Center, which filed a brief as friends of the Court, were represented by Anthony E. Rothert and Andrew McNulty of the ACLU of Missouri Foundation in St. Louis, (314) 652-3114, and Gillian R. Wilcox of the ACLU of Missouri Foundation in Kansas City, (816) 470-9933.

This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: A juvenile adjudicated as guilty of first-degree attempted rape challenges the constitutional validity of a statute requiring registration as a sex offender for life. In a unanimous decision written by Judge George W. Draper III, the Supreme Court of Missouri dismissed the juvenile’s claims without prejudice (so he is not precluded from refileing them later). Because the juvenile has not been required to register for his lifetime or register on the adult sex offender registry, his challenge is premature.

Facts: S.C., a juvenile, was tried as a juvenile for first-degree attempted rape for an attack on his adoptive sister, an adult. The juvenile asked the juvenile division to declare the state and federal sex offender registration acts unconstitutional; the juvenile division took his motion under advisement. The juvenile division adjudicated S.C. as guilty as charged and, following a subsequent dispositional hearing, ordered that S.C. be placed in the custody of the division of youth services. In the form order, the juvenile division checked a box ordering that S.C. comply with all requirements of sex offender registration pursuant to section 211.425, RSMo, including registering on the juvenile sex offender registry. The juvenile division did not check the box that would have required S.C. to register on the adult sex offender registry. S.C. appeals.

DISMISSED WITHOUT PREJUDICE.

Court en banc holds: S.C.’s challenge to a requirement that he must register on the adult sex offender registry for life is premature. The judgment does not require him to register as a sex offender for his lifetime, nor does it require him to register on the adult sex offender registry.

Because he is a juvenile, because he is not required at this time to register for his lifetime and because there has been no attempt to compel him to register on the adult sex offender registry, there is no immediate, concrete dispute at this time. As such, his claim is not ripe (ready for review). Pursuant to Rule 84.14, this Court enters the judgment that the juvenile division should have entered – S.C.'s claims are dismissed without prejudice.