

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

TIM GUERRA,

Appellant,

v.

GEORGE LOMBARDI and RON REPOGLE,

Respondents.

**DOCKET NUMBER WD71787
MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

Date: March 8, 2011

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

Appellate Judges:
Division Four: Lisa White Hardwick, Chief Judge, Presiding, Alok Ahuja and Gary D. Witt, Judges

Attorneys:
Timothy Guerra, Appellant Pro Se, Wheatland, MO.
Andrew W. Hassell, Jefferson City, MO, for respondent.

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

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Before Division Four: Lisa White Hardwick, Chief Judge, Presiding,
Alok Ahuja and Gary D. Witt, Judges

Timothy Guerra appeals the judgment denying his petition for a declaratory judgment regarding the conditions of his parole. He contends the circuit court erred in entering judgment on the pleadings in favor of the defendants, who are state and county law enforcement officials. Guerra has also filed a habeas petition seeking relief from his convictions on two counts of promoting child pornography.

JUDGMENT AFFIRMED AND HABEAS RELIEF DENIED.

Division Four holds: The circuit court properly entered the judgment on the pleadings because Guerra's petition failed to state a claim on which he was entitled to declaratory relief. Specifically, Guerra failed to provide any legal basis for his claim that he could not be required to register as a sex offender or participate in the Missouri Sex Offender Program (MOSOP) as a condition of his parole. Guerra also failed to demonstrate any legal basis for his habeas claim because he admitted the

facts underlying the State's claim that he promoted child pornography by videotaping a seventeen year old minor involved in sexual conduct. The judgment is affirmed, and the habeas petition is denied.

Opinion by: Lisa White Hardwick, Chief Judge

March 8, 2011

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