

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
SIXTEENTH JUDICIAL CIRCUIT
AT KANSAS CITY**

| | | |
|---------------------------|---|------------------------|
| JOHN DOE I, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Case No. 0616-CV-35929 |
| |) | Division 15 |
| JAMES F. KEATHLEY, et al. |) | |
| |) | |
| Defendants. |) | |

DEFENDANT KEATHLEY'S MOTION FOR SUMMARY JUDGMENT

Defendant Keathley, through counsel, moves for summary judgment in its favor, pursuant to Mo. R. Civ. P. 74.04. There exists no genuine issue of material fact and defendant is entitled to judgment as a matter of law. In support of his Motion for Summary Judgment, defendant states as follows:

Plaintiffs John Does I, II, III, IV, V, VIII, and IX are individuals who have been convicted before January 1, 1995, in other states of sex offenses and who now reside in Missouri. Plaintiff John Doe VI was convicted of a sex offense in a military court before January 1, 1995, and now resides in Missouri. Plaintiffs John Does VII, X, and XI were convicted of misdemeanor sex offenses in Missouri after January 1, 1999. Plaintiffs seek a declaration that application of the Sex Offender Registration Act (SORA; also known as Megan's Law), §§ 589.400 to 589.425, RSMo, to them and requiring them to register as sex offenders under SORA is inconsistent with the Missouri Supreme Court's opinions in *Doe v. Phillips*, 194 S.W.3d 833 (Mo. banc 2006), and *Doe v. Blunt*, 225 S.W.3d 421 (Mo. banc),

and, thereby, unconstitutional. The Court in these cases did not, however, consider out-of-state, federal, and military offenders in the *Doe* decision and its reasoning does not apply to these offenders. Neither did these decisions consider the impact of federal law and regulations that require all sex offenders to register in their states of residence, regardless of the date of their conviction.

All plaintiffs are required to register as sex offenders in Missouri because federal law requires them to register. John Does I, II, III, IV, V, VI, VIII, and IX are also required to register because they have been required to register in other jurisdictions and/or they became Missouri residents after the effective date of SORA. John Doe X is also required to register because his plea of guilty to a sex offense occurred after the date on which that offense became one that required registration under SORA.

Statement of Material Facts

Defendant Keathley adopts the Stipulation of Facts entered into by the parties and filed in this case on November 20, 2007.

WHEREFORE, based on the foregoing, the Stipulation of Facts, and the Suggestions in Support of Defendant Keathley's Motion for Summary Judgment filed contemporaneously with this Motion, defendant prays this Court to grant summary judgment in his favor.

Respectfully submitted by

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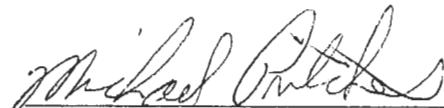
ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid, this 25th day of November, 2007, to:

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