



# ORIGINAL

THIS OPINION HAS BEEN RELEASED FOR PUBLICATION BY ORDER OF  
THE COURT OF CIVIL APPEALS

IN THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA

R.A.D.,

Petitioner/Appellant,

vs.

THE STATE OF OKLAHOMA,

Respondent/Appellee.

DIVISION II

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COURT OF CIVIL APPEALS  
STATE OF OKLAHOMA

AUG 14 2025

Case No. 121,351

APPEAL FROM THE DISTRICT COURT OF  
CANADIAN COUNTY, OKLAHOMA

HONORABLE KHRISTAN K. STRUBHAR, TRIAL JUDGE

**AFFIRMED**

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MICHAEL A. RISLEY  
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For Petitioner/Appellant

Walter Mengden  
ASSISTANT DISTRICT ATTORNEY  
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For Respondent/Appellee

OPINION BY JOHN F. FISCHER, JUDGE:

¶1 Petitioner/Appellant, R.A.D., appeals from the district court's order denying his petition for removal from the sex offender registry. Petitioner claims he met all

statutory prerequisites for seeking such relief and carried any burden required of him to demonstrate entitlement thereto. He claims the district court's admission of certain evidence, and ultimate decision denying him his requested relief, was in error. We affirm the district court's judgment, although on the separate ground that Petitioner's request for early removal from the registry was premature.

### **BACKGROUND**

¶2 On February 24, 2011, Petitioner was charged with a felony sex offense involving a minor victim, M.S., in Custer County, Oklahoma. According to the Petitioner's own admissions, he was M.S.'s manager at KFC, and while at work he exposed his genitalia to M.S. According to M.S., she was fifteen years old at the time of her employment, where Petitioner as her manager began grooming her and ultimately confronted her while she was cleaning the restroom, exposing himself to her and asking her to perform oral sex on him. She first reported the incident to her boyfriend, later to her father, and subsequently to police.

¶3 After charges were filed against him, Petitioner underwent a psychosexual evaluation and ultimately agreed to plead guilty to indecent exposure. On September 26, 2011, Petitioner was convicted and received a seven-year suspended sentence. On October 15, 2011, he registered as a level one sex offender pursuant to the requirements of the Oklahoma Sex Offenders Registration Act (SORA), 57

O.S.2021 § 583.<sup>1</sup> Petitioner's suspended sentence was completed without incident on September 26, 2018.

¶4 On December 14, 2022, Petitioner filed his application for relief pursuant to 57 O.S.2021 § 583(E), which permits certain level one sex offenders to petition the court for removal of the sex offender level designation assigned to them and for relief from the requirement to register as a sex offender.<sup>2</sup> He filed a Petition in Canadian County as his county of residence, and provided notice of his Petition to the Oklahoma Department of Corrections and the Canadian County District Attorney. The Department filed an Answer acknowledging Petitioner's registration, but took "no position" regarding Petitioner's request for removal from the sex offender registry. However, the District Attorney objected to Petitioner's request and asked that the district court exercise its discretion to deny Petitioner's request for early removal from the registry.

¶5 The parties to this appeal do not dispute Petitioner's assertion that at the time Petitioner requested removal from the sex offender registry, he had complied with the statutory prerequisites for petitioning for removal – he had registered as a sex offender in October 2011 and since then had no intervening arrest or conviction for

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<sup>1</sup> Because there is no difference between the 2011 version of section 583 applicable to Petitioner's request and the current version of that statute, we will cite to the current version unless otherwise noted.

<sup>2</sup> Petitioner employs the phrase "early deregistration" to describe the relief he seeks.

any crime. At the hearing on the Petition, however, the parties disagreed on which of them carried the burden of proof on the question of whether Petitioner's removal from the registry should be granted. Petitioner further objected at the hearing to the introduction of a psychosexual report and the introduction of evidence concerning a previous sex crime charge.

¶6 The district court determined that Petitioner was the party who must bear the burden to prove entitlement to his requested relief. The district court admitted the psychosexual report and other crimes evidence over Petitioner's objection and denied Petitioner's request for early removal from SORA's registration requirements. On these issues Petitioner appeals. Because we hold that Petitioner's request for early removal from the registry was premature, we affirm the district court but express no opinion concerning the procedural and evidentiary questions raised.

### STANDARD OF REVIEW

¶7 Legal questions concerning a district court's statutory interpretation of law are subject to de novo review. *McIntosh v. Watkins*, 2019 OK 6, ¶ 4, 441 P.3d 1094, 1096. In exercising such review, appellate courts possess "plenary, independent, and non-deferential authority to examine the issues presented." *Lee v. Bueno*, 2016 OK 97, ¶ 6, 381 P.3d 736, 740.

¶8 “Construction of a statutory provision by reference to its structure, purpose and the text of the entire enactment is a method familiar to Oklahoma courts.”

*Dobson Tel. Co. v. State ex rel. Okla. Corp. Comm’n*, 2017 OK CIV APP 16, ¶ 13, 392 P.3d 295, 302 (approved for publ’n by Okla. Sup. Ct.). Courts must look not solely “at the text of the provision at issue, but also at the text of related provisions in the same statute or legislative act, in a manner that achieves full force and effect for each provision.” *Hall v. Galmor*, 2018 OK 59, ¶ 45, 427 P.3d 1052, 1070-71. “[A]ll statutory provisions upon a particular subject will be considered and given effect as a whole.” *Tulsa Cnty. Deputy Sheriff’s Fraternal Ord. of Police, Lodge No. 188 v. Bd. of Cnty. Comm’rs of Tulsa Cnty.*, 2000 OK 2, ¶ 10, 995 P.2d 1124, 1129.

[S]tatutes will be interpreted in a manner which renders every word and sentence operative rather than in a manner which would render a specific statutory provision nugatory. All relevant provisions must be considered together, whenever possible, so that force and meaning is given to each provision. Statutes should be construed so as to reconcile the different provisions and render them consistent and harmonious and give intelligent effect to each.

*Bryan Cnty. Sheriff’s Dep’t v. Weatherly*, 2000 OK CIV APP 35, ¶ 5, 2 P.3d 383, 384 (internal citations omitted). “In ascertaining the Legislature’s intent, a court looks ‘to each part of an act, to other statutes upon the same or relative subjects, to the evils and mischiefs to be remedied, and to the natural and absurd consequences of any particular interpretation.’” *Schiewe v. Cessna Aircraft Co.*, 2024 OK 19,

¶ 19, 546 P.3d 234, 243 (quoting *Okla. Ass'n of Broadcasters, Inc. v. City of Norman, Norman Police Dep't*, 2016 OK 119, ¶ 16, 390 P.3d 689, 694).

## ANALYSIS

¶9 Petitioner, on his September 26, 2011 conviction for a registrable offense, became subject to SORA<sup>3</sup> and was required to register as a level one sex offender pursuant to the “Procedure for Registration” found at 57 O.S.2021 § 583. Four subsections within section 583 are particularly pertinent here: (A), (C), (D), and (E).

¶10 Subsection (A) sets forth the deadline within which time a sex offender convicted in Oklahoma must register. For those persons who are incarcerated, the registration deadline ends three business days prior to release of the person from a correctional institution. 57 O.S.2021 § 583(A)(1). For those persons who receive “a suspended sentence or any probationary term, including a deferred sentence,” the registration deadline ends three business days after conviction. *Id.* Because Petitioner was not incarcerated, he was required to register within three business days after receiving his suspended sentence:

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<sup>3</sup> A person convicted in Oklahoma becomes subject to the provisions of SORA on the date of his or her conviction. *Donaldson v. City of El Reno*, 2025 OK 9, ¶¶ 24-25, 565 P.3d 346, 358 (citing *Starkey v. Okla. Dep't of Corr.*, 2013 OK 43, ¶ 82, 305 P.3d 1004, 1031) (“*Starkey* and the date of conviction rule tell us that the law in effect on . . . the date of [the registrant’s] conviction . . . determines if and for how long [the registrant] is subject to SORA”).

A. Any person who becomes subject to the provisions of the Sex Offenders Registration Act on or after November 1, 1989, shall register, in person, as follows:

1. With the Department of Corrections within three (3) business days of being convicted or receiving a suspended sentence or any probationary term . . . if the person is not incarcerated, or not less than three (3) business days prior to the release of the person from a correctional institution . . . .

57 O.S.2021 § 583(A)(1). The parties do not dispute that Petitioner was convicted on September 26, 2011, was ordered to serve a suspended sentence, and that he registered as a sex offender on October 15, 2011.<sup>4</sup>

¶11 Subsections (C) and (D) of section 583 provide that as a level one offender Petitioner was required to register with the Department of Corrections and his local law enforcement authority for a period of fifteen years.

C. When a person has been convicted or received probation within the State of Oklahoma, the person shall be required to register with the Department of Corrections as follows:

1. For a period of fifteen (15) years, if the level of the person is one . . . .

D. When a person has been convicted or received probation within the State of Oklahoma, the person shall be required to register with the local law enforcement authority as follows:

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<sup>4</sup> Although Petitioner's district court petition pleads that Petitioner was "convicted" of indecent exposure on September 26, 2011, the district court docket sheet related to Petitioner's criminal case in Custer County, of which the Canadian County District Court took judicial notice, reflects that his plea was submitted on September 26, 2011, and the judgment and sentence was filed on October 12, 2011.

1. For a period of fifteen (15) years, if the level of the person is one . . . .

57 O.S.2021 § 583(C)-(D). Both subsections provide that “[t]he registration period shall begin from the date of the completion of the sentence<sup>5</sup> and *shall not conclude* until the offender has been in compliance for the total amount of time required by this act” *Id.* (emphasis added). Consequently, the statute provides one registration period for two classes of offenders, not two registration periods for any one person, as the Dissent maintains.

Finally, section 583(E) provides:

Any person assigned a level of one who has been registered for a period of ten (10) years and who has not been arrested or convicted for any felony or misdemeanor offense since being released from confinement,<sup>6</sup> may petition the district court in the jurisdiction where the person resides for the purpose of removing the level designation

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<sup>5</sup> The “date of completion of the sentence” for purposes of section 583 “means the day an offender completes all incarceration, probation and parole pertaining to the sentence.” 57 O.S.2021 § 583(G).

<sup>6</sup> Although not “incarcerated” after his conviction, Petitioner was on probation while serving his suspended sentence, was under the supervision and custody of the Department of Corrections, and was not “released from confinement” until the completion of his suspended sentence. 57 O.S.2021 § 583 (A) and (E). *Cf., Okla. Ass’n of Broadcasters, Inc. v. City of Norman, Norman Police Dep’t*, 2016 OK 119, ¶¶ 17-18, 390 P.3d 689, 695 (arrestee remains in custody, and subject to further court order and restrictions of freedoms, even though his arrest arose from a voluntary appearance in court as opposed to execution of a warrant by a police officer). For purposes of section 583(E), “release from confinement” means not only release from a penal institution, but also release from DOC custody during any period of parole, probation or other supervision. To hold otherwise would foreclose section 583(E) relief to any level one sex offender who was not sentenced to a term of physical incarceration, such as persons like Petitioner, who received suspended sentences and successfully completed them without revocation. *Id.* ¶ 22, 390 P.3d at 695 (When construing statutory language, Oklahoma courts must not “attribute the Legislature with [ ] discriminatory intent”).



and allowing the person to no longer be subject to the registration requirements of the Sex Offenders Registration Act.

57 O.S.2021 § 583(E).

¶12 Petitioner filed his request for removal from the sex offender registry on December 14, 2022, eleven years and two months after complying with subsection (A)(1)'s deadline to register as a sex offender within three days of his conviction. At the hearing on Petitioner's request for early removal from the registry, the District Attorney stated that, according to the Department of Correction's records, Petitioner would no longer be required to register after September 25, 2033, fifteen years from the date Petitioner completed his seven-year suspended sentence imposed on September 26, 2011. The district court raised the question of whether the interplay between subsections (C), (D), and (E) meant that Petitioner's request for relief was premature. But because the District Attorney stated: "[R.A.D.] does qualify for the opportunity to petition" for early removal from the registry, the district court continued to hear the request on its merits.

¶13 Despite the parties' agreement that Petitioner qualified for the opportunity to petition for early removal from the registry, we retain the independent power to identify and apply the proper construction of the governing law. *Keota Mills & Elevator v. Gamble*, 2010 OK 12, ¶ 19, 243 P.3d 1156, 1162 (citing *First Nat'l Bank of Cordell v. City Guar. Bank of Hobart*, 1935 OK 1105, ¶ 0, 51 P.2d 573 (Syllabus 5)) (party stipulations "cannot control the action of the court in a matter

of law, although they may stipulate respecting facts”). We hold that because Petitioner filed his request for removal from the registry before the time authorized by section 583, whether he qualifies for early removal cannot yet be determined.

¶14 Petitioner’s right to seek early removal from the registry is governed by statute. Statutory interpretation is a question of law. *Thurston v. State Farm Mut. Auto. Ins. Co.*, 2020 OK 105, ¶ 2, 478 P.3d 415, 417 (citation omitted). The purpose of SORA has been affirmatively stated since 1997:

The Legislature finds that sex offenders who commit other predatory acts<sup>7</sup> against children and persons who prey on others as a result of mental illness pose a high risk of re-offending after release from custody. The Legislature further finds that the privacy interest of persons adjudicated guilty of these crimes is less important than the state’s interest in public safety. The Legislature additionally finds that a system of registration will permit law enforcement officials to identify and alert the public when necessary for protecting public safety.

57 O.S.2021 § 581(B). In so finding, the Legislature did not distinguish between sex offenders who had been incarcerated and those whose incarceration was suspended.

¶15 Prior to 2004, section 583(C) and (D) stated that a sex offender was “required to register for a period of ten (10) years,” without further qualification or limitation. *See* 57 O.S.2001 § 583(C)-(D). In 2004, however, language was added

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<sup>7</sup> *But see Starkey v. Okla. Dep’t of Corr.*, 2013 OK 43, ¶ 43, 305 P.3d 1004, 1020 (“SORA also applies to first time offenders and persons who have not been determined to suffer from a mental illness.”).

to section 583(C) and (D), providing that the “registration period” shall begin “from the date of the completion of the sentence.” *See* 57 O.S. Supp. 2004 § 583(C)-(D); *Starkey v. Okla. Dep’t of Corr.*, 2013 OK 43, ¶ 33, 305 P.3d 1004, 1017 (citing 2004 Okla. Sess. Laws c. 162, § 1) (“[s]ection 583 was once again amended in 2004 to require registration to be 10 years ‘from the date of completion of the sentence.’”); *Donaldson v. City of El Reno*, 2025 OK 9, ¶ 24, n.67, 565 P.3d 346, 379 (Combs, J., dissenting) (noting the amendment’s “lengthening [of] the registration period well beyond the start-date for registration,” and the “seeming contradiction between when the obligation to register begins” and when the “period for registration begins . . .”).

¶16 In 2007, SORA was again amended, this time adding provisions establishing a sex offender level assignment committee and adopting a three-tiered risk level assignment system,<sup>8</sup> increasing registration time periods,<sup>9</sup> and adding subparagraph 583(E), authorizing certain persons to petition the court for early removal from registration requirements.<sup>10</sup> The “persons” authorized to petition for

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<sup>8</sup> The risk level assessment system requires the sex offender level assignment committee to determine, “based on federal law, the level a person subject to registration . . . shall be placed on.” 57 O.S.2021 § 582.5(B).

<sup>9</sup> *See* 2007 Okla. Sess. Laws c. 261, § 27 (eff. Nov. 1, 2007) (codified at 57 O.S. Supp. 2007 § 583(C)-(D)) (persons assigned a risk level of one must register for fifteen years, persons assigned a risk level of two must register for twenty-five years, and persons assigned a risk level of three must register for life).

<sup>10</sup> 2007 Okla. Sess. Laws c. 261, § 27 (eff. Nov. 1, 2007) (codified at 57 O.S. Supp. 2007 § 583(E)).

early removal from the registry were limited to level one offenders only. Level one offenders “who [had] been registered for a period of ten (10) years” could petition for removal if the offender had “not been arrested or convicted for any felony or misdemeanor offense since being released from confinement.” 57 O.S. Supp. 2007 § 583(E). Importantly, the Legislature retained the language in section 583(C) and (D) providing that the registration period would not begin until completion of the sentence.

¶17 The “system of registration” established by the Legislature, in its expression of intent as set forth at 57 O.S.2021 § 581(B), required that Petitioner begin a “registration period” of fifteen years from the date of the completion of his suspended sentence on September 26, 2018. *See* 57 O.S.2021 § 583(C)-(D). It is not until a level one sex offender’s fifteen-year “registration period” reaches the ten-year mark that he or she may petition for early removal from the registry, assuming the remaining requirements of the statute are met. This construction of the statute satisfies the goals of statutory construction “to reconcile the different provisions” of the statute to “render them consistent and harmonious and give intelligent effect to each.” *Eason Oil Co. v. Corp. Comm’n*, 1975 OK 14, ¶ 9, 535 P.2d 283, 286.

¶18 First, it avoids an absurd result. Under the Petitioner’s interpretation of the statute, he (or any other level one convicted sex offender) would be entitled to

removal from the registry ten years after the passing of his deadline to register, even if he had received an eleven-year suspended sentence and even if in year eleven he was “arrested or convicted for any felony or misdemeanor offense.” 57 O.S.2021 § 583(E). “Statutory construction that would lead to an absurdity must be avoided and a rational construction should be given to a statute if the language fairly permits.” *McIntosh v. Watkins*, 2019 OK 6, ¶ 4, 441 P.3d 1094, 1096.

¶19 Second, it recognizes the Legislature’s intent to require *all* level one sex offenders to register for a “period” of fifteen years whether on conviction they are incarcerated or receive a suspended sentence. In subparagraphs (C) and (D) of section 583, the Legislature clearly and unambiguously provided that “[t]he registration period shall begin from the date of the completion of the sentence . . . .” To interpret the section 583(E) phrase, “who has been registered for a *period*,” as providing a different start date for sex offenders who are not incarcerated in a correctional institution, simply because their section 583(A)(1) registration *deadline* begins sooner than that of an incarcerated person, would require us to ignore the clear, specific, and unambiguous designation of the start date for the registration *period* in subparagraphs (C) and (D).<sup>11</sup> This we cannot do.

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<sup>11</sup> The Dissent characterizes subsection (A) and subsections (C) and (D) as creating two distinct registration “periods,” rather than discerning their differences as we have by recognizing subsection (A) is a registration deadline that is distinct from the “registration period(s)” referenced in subsections (C), (D), and (E). In support, *compare Donaldson v. City of El Reno*,

“When statutory language is unambiguous, no further construction is needed . . . .”

*St. John Med. Ctr. v. Bilby*, 2007 OK 37, ¶ 6, 160 P.3d 978, 979. This construction eliminates any “seeming contradiction between when the obligation to register begins” and when the “period for registration begins.” *Donaldson v. City of El Reno*, 2025 OK 9, ¶ 24, n.67, 565 P.3d 346, 379 (Combs, J., dissenting).

### CONCLUSION

¶20 The Sex Offenders Registration Act is a comprehensive statutory registration scheme for all sex offenders residing in this State. The Act was designed to protect the public from the danger of recidivism posed by sex offenders and to aid law enforcement officials in protecting their communities. 57 O.S.2021 § 581(B). Early removal from the sex offender registry is authorized for level one offenders, like Petitioner, who have met certain requirements for a *period* of ten years. However, for all level one offenders, those who are incarcerated and those who receive a suspended sentence, the registration period does not begin until the person has completed their sentence. Petitioner’s position that his ten-year period began on the day he satisfied his deadline for registration misconstrues the applicable statute. Petitioner’s request to be removed from the registry, filed less

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2025 OK 9, ¶ 15, 565 P.3d 346, 376 (Combs, J., dissenting) (noting that H.B. 1729, among other things, amended section 583 “to shorten the **deadlines** for initial registration”) (emphasis added) with 1997 Okla. Sess. Laws c. 260, § 4 (eff. Nov. 1, 1997) (codified at 57 O.S. Supp. 1997 § 583(A)) (shortening the registration deadlines for convicted sex offenders from ten to three business days).

than ten years from the date he completed his suspended sentence, is premature. Because the district court reached the correct result, we affirm the district court's denial of Petitioner's request for relief from the registration requirements of the Sex Offenders Registration Act.<sup>12</sup>

¶21 **AFFIRMED.**

WISEMAN, P.J., concurs, and BLACKWELL, J., dissents.

BLACKWELL, J., dissenting:

¶1 I respectfully dissent. Since 2004 there have been, in effect, two distinct registration periods for sex offenders required to serve a deferred sentence. First, such offenders must register within three days of their conviction. 57 O.S. § 583(A)(1). This registration continues until the offender's sentence is complete, when a second period begins. *See id.* § 583(D). The second period begins "from the date of completion of the sentence" and continues for the time periods prescribed in § 583(D), which vary depending on the risk level assigned to the offender. *Id.*

¶2 As the majority notes, until 2007 this second period was ten years for all offenders. Beginning in 2007, for level-one offenders such as the petitioner, this

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<sup>12</sup> Where a district court reaches the correct result but for a wrong reason, its judgment is not subject to reversal. Instead, upon our review, we are not bound by the district court's reasoning but may affirm the judgment on separate legal grounds. *Hall v. GEO Grp., Inc.*, 2014 OK 22, ¶ 18, 324 P.3d 399, 406.

second period was set to fifteen years. Also beginning in 2007, the legislature allowed level-one offenders who had not reoffended to maintain a ten-year registration period. The majority correctly zeros in on the purely legal question that resolves this case: whether the language “registered for a period of ten (10) years” in § 583(E) unambiguously excludes the first period of registration.

¶3 The majority concludes that the language of § 583(E) unambiguously refers to only the second period of registration. I cannot agree. Under a straightforward reading of that section, all periods of registration must be included. The statute requires only that a petitioner be “registered for a period of ten (10) years,” to enjoy the reprieve the statute provides. It neither makes reference to when a petitioner first registered nor excludes any time during which a petitioner was registered for any reason. The petitioner unambiguously qualifies to seek deregistration because, all agree, he has been “registered for a period of ten (10) years,” and it is undisputed he meets all other elements of § 583(E).

¶4 This is all the law requires and therefore all this Court can require. The majority’s appeal to various rules of statutory interpretation and the policy embedded in the statute cannot overcome the clear and unambiguous text at issue here. Afterall,

canons of construction are no more than rules of thumb that help courts determine the meaning of legislation, and in interpreting a statute a court should always turn first to one, cardinal canon before all others. We have stated time and again that courts must presume



that a legislature says in a statute what it means and means in a statute what it says there. When the words of a statute are unambiguous, then, this first canon is also the last: judicial inquiry is complete.

*Connecticut Nat. Bank v. Germain*, 503 U.S. 249, 253–54, 112 S. Ct. 1146, 1149, 117 L. Ed. 2d 391 (1992) (citations and internal quotations omitted). Further, “policy goals, even laudable ones, must give way to unambiguous legislative commands.” *Wagner v. Office of Sheriff of Custer Cnty.*, 2021 OK CIV APP 20, ¶ 10, 492 P.3d 1240, 1244 (citing *Toxic Waste Impact Group, Inc. v. Leavitt*, 1988 OK 20, 755 P.2d 626, 630).<sup>1</sup>

¶5 No matter how much one squints in reading § 583(E), no matter how many outside provisions are reviewed in an effort to read the provision in context, and no matter how laudable the policy goals of SORA, the relevant language we must review is impossible to obfuscate: it requires a petitioner to have registered for ten years, nothing more and nothing less. And once a petitioner has been registered for

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<sup>1</sup> The majority fails—perhaps because it finds the statute unambiguous or perhaps for other reasons—to consider the rule of lenity, which should apply in favor of the petitioner in the event the statute is found to be ambiguous. “[A] primary rule of statutory construction, the ‘rule of lenity,’ requires that we construe statutes strictly against the state and liberally in favor of the accused.... ‘[W]ords not found in the text of a criminal statute will not be read into it for the purpose of extending it or giving it an interpretation in conformity with a supposed policy.’” *Newlun v. State*, 2015 OK CR 7, ¶ 9, 348 P.3d 209, 211 (quoting *State v. District Court of Cleveland County, State of Okl.*, 1991 OK CR 68, ¶ 6, 816 P.2d 552, 554). While SORA is generally regarded a civil statute, the Oklahoma Supreme Court has found its registration requirements punitive in nature. *Starkey v. Oklahoma Dep’t of Corr.*, 2013 OK 43, ¶ 77, 305 P.3d 1004, 1030 (disallowing retroactive application of certain amendments to SORA because “SORA’s registration is punitive and outweighs its non-punitive purpose”). And more to the point, violation of SORA’s registration requirements is itself a felony. 57 O.S. § 587(A).

ten years, he has “been registered for a period of ten (10) years.” 57 O.S. § 583(E).

As such, I would reverse and remand with instructions to grant the petitioner’s application.<sup>2</sup>

August 14, 2025

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<sup>2</sup> The parties and the court below veered far from the statutory text in presuming the trial court had any discretion to require the petitioner to continue to register even after it was conceded that he had met the requirements of § 583(E). The statute countenances no such discretion. Once it became clear the petitioner satisfied § 583(E), he should have been permitted to deregister. *All* of the evidence submitted below—which primarily concerned the gravity of the underlying offense, the petitioner’s proclivity to reoffend, and the purpose for which the petitioner sought to deregister—was wholly irrelevant to the inquiry § 583(E) invites. Indeed, it was error even to hold an evidentiary hearing where neither the district attorney nor the department of corrections contested the petitioner’s ability to meet the straightforward requirements of § 583(E).