

COMMONWEALTH OF MASSACHUSETTS

HAMPSHIRE, ss.

**SUPERIOR COURT DEPARTMENT
Civil Action No.**

**JOHN DOE 530714,
Plaintiff/Appellant**

HAMPSHIRE SUPERIOR COURT

V.

APR - 6 2026

**SEX OFFENDER REGISTRY BOARD,
Respondent/Appellee**

*DANIEL R. CAREY
CLERK OF COURTS*

COMPLAINT FOR JUDICIAL REVIEW

1. This is a complaint for judicial review, pursuant to G.L. c.6, §178M, G.L. c.30A, §7, 12(5) & 14 and G.L. c. 231A §§ 1-5., of certain decisions and orders of the Sex Offender Registry Board (hereinafter the Board).
2. Plaintiff, JOHN DOE 530714 resides in South Hadley, Massachusetts.
3. The Sex Offender Registry Board is an agency of the Commonwealth of Massachusetts with offices located in Salem, Massachusetts.
4. Venue for this action lies in HAMPSHIRE County in accordance with G.L. c. 231A et seq, G.L. c.30A, et seq. and G.L. c. 223A § 2.
5. Plaintiff, JOHN DOE 530714, was notified by the Board that it had preliminarily determined that he must register as a Level 2 sex offender and had preliminarily designated him a Moderate risk offender.
6. Plaintiff, JOHN DOE 530714 timely filed a request pursuant to G.L. c.6, §178L(l)(c) for an administrative hearing to challenge the Board's preliminary determinations.
7. A remote evidentiary hearing was held on January 25, 2026 before Hearing Examiner Cindy Sargent. Attorney Nancy Morency represented the Board and Thomas D. O'Connor, Jr. represented John Doe 530714.

8. This was an initial Classification
9. The parties exchanged discovery. The hearing was followed by a Decision on March 4, 2026, Finally Classifying JOHN DOE 530714 as a Level 2 offender.
10. Plaintiff, JOHN DOE 530714, is aggrieved by the actions of and decisions by of the Board.
11. In its decision, the Board committed the following errors, among others:
 - a. It disregarded the weight of research by the preeminent expert in the field which shows that offenders over the age of 70 are not just among the least likely to reoffend but that they virtually never reoffend according to the statistics cited in Petitioner's submissions, specifically the transcript of a hearing quoting the foremost expert, Dr. Karl Hansen. Then, nonsensically, the Hearing Officer applied the age factor (30) with reduced weight because the offending had occurred between Petitioner's
 - b. The Plaintiff, even using the factors that the Board has chosen to use, should have been classified among the least likely to reoffend.
 - c. The Hearing Examiner found that, despite being found not guilty of one charge of indecent assault and battery of a child under the age of 14, that Petitioner had actually committed that crime. This was done without reference to the Wife's testimony that she had never seen Petitioner indecently assaulting the Victim. That allowed the Hearing Examiner to put a plural to the "charges".
 - d. Factor 3 can be ascribed to the Petitioner but should have been considered to have reduced weight because victim was interfamilial and is no longer a child. With rote justification and ignoring the fact that there had been no abuse of the victim

for many intervening years, the Hearing Examiner applied Factor 3 with increased weight.

- e. The Hearing examiner found only two high risk factors, 3 and 16, applying one with increased weight.
- f. The Hearing examiner found five risk mitigation factors, applying two with minimal weight, one with moderate weight, and two with full weight. Factor 30, advanced age, was applied with minimal weight though it arguably should be the most important factor because the literature introduced by Petitioner shows that those over the age of 70 virtually never reoffend.

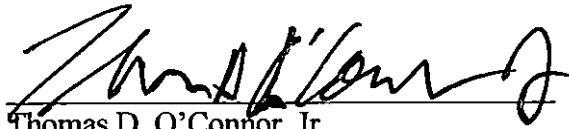
12. The decision of the Board should be set aside on the grounds that it is:

- a. In violation of constitutional provisions; or
- b. In excess of the statutory authority or jurisdiction of the agency; or
- c. Based upon an error of law; or
- d. Made upon unlawful procedure; or
- e. Unsupported by substantial evidence; or
- f. Unwarranted by facts found by the court on the record as submitted or as amplified under paragraph (6) of G.L. c. 30A § 14, in the case the court is constitutionally required to make independent findings of fact; or
- g. Arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with law.

WHEREFORE, plaintiff, respectfully requests that this Court grant the following relief:

1. Set aside the Board's decision and remand the matter for entry of an order that the plaintiff be designated a low risk offender and that public dissemination be limited to that mandated by statute for low risk offenders.
2. Set aside the Board's final decision and find that the Plaintiff is of a low risk to reoffend, with a low risk of dangerousness and that the presence of his information on the Sex Offender Database, available on the internet is not necessary to protect the public in light of the foregoing.
3. Order any other relief that this Court deems reasonable and just.

Respectfully submitted,
JOHN DOE 530714
By his attorney,



Thomas D. O'Connor, Jr
BBO# 649876
1 Monarch Place, Suite 340
Springfield, MA 01103
tom@tomoconnor.net
413-731-6598

VERIFICATION BY THE PLAINTIFF ATTORNEY

I declare under the pains and penalties of perjury that I have read the foregoing complaint and the facts stated therein are true to the best of my knowledge, information and belief.

Signed under the pains and penalties of perjury this ~~31st~~ 31st day of March, 2026.



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