

MASSACHUSETTS APPEALS COURT

John Doe, Sex Offender Registry Board No. 190908 v. Sex Offender Registry Board

No. 24-P-752 (Mass. App. Ct. June 5, 2026) · No. 24-P-752 · Decided June 5, 2026

SUMMARY

The Massachusetts Appeals Court affirmed a Superior Court judgment upholding the Sex Offender Registry Board's reclassification of John Doe from a level two to a level three sex offender. The court held that Doe's subsequent criminal convictions rendered moot his challenge to the reliability of hearsay evidence concerning the new offenses, while his remaining challenges to the application of regulatory risk factors were not moot and lacked merit.

CASE DETAILS

COURT	Massachusetts Appeals Court
WRITING FOR THE COURT	Massing, J.; Neyman, J.; Smyth, J.
JURISDICTION	Massachusetts Appeals Court
DECIDED	June 5, 2026
DOCKET	24-P-752
DISPOSITION	affirmed
PROCEDURAL POSTURE	John Doe sought judicial review of the Sex Offender Registry Board's amended decision reclassifying him from a level two to a level three sex offender. The Superior Court upheld the amended decision, and Doe appealed to the Massachusetts Appeals Court.
STANDARD OF REVIEW	The court reviews the Board's classification decision under G. L. c. 30A, § 14(7), setting it aside or modifying it if it exceeds statutory authority or jurisdiction, violates constitutional provisions, rests on an error of law, or lacks substantial evidence. The court gives due weight to the hearing examiner's experience, technical competence, and specialized knowledge, and reviews the application and weighting of regulatory factors for abuse of discretion.
PRECEDENTIAL VALUE	published
PARTIES	John Doe, Sex Offender Registry Board No. 190908 v. Sex Offender Registry Board

TOPICS

judicial review of agency action

hearsay

mootness

standard of review

evidence

PRACTICE AREAS

administrative law

sex offender registration

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether Doe's subsequent convictions rendered moot his challenge to the reliability of hearsay evidence concerning the new sex offenses.
2. Whether hearsay and other information contained in Department of Children and Families records constituted sufficiently reliable evidence to support the reclassification decision.
3. Whether the hearing examiner abused her discretion or lacked substantial evidence when applying regulatory factors concerning substance abuse, criminal-justice contact, nonsexual violence, hostility toward women, and sexual misconduct in a public place.
4. Whether the Superior Court properly upheld the Board's level-three classification decision.

HOLDINGS

1. Doe's subsequent criminal convictions rendered moot his challenge to the reliability of the hearsay evidence used to establish that he committed the new sex offenses.
2. The hearing examiner did not abuse her discretion by relying on hearsay and other information in DCF records apart from facts established by Doe's convictions because the records were sufficiently reliable.
3. The Board's classification decision must be supported by clear and convincing evidence and may be disturbed only on the grounds specified by the administrative-review statute, including lack of substantial evidence, legal error, or abuse of discretion.
4. The hearing examiner did not abuse her discretion by considering Doe's history of substance abuse, criminal-justice contact, and nonsexual violence, despite the age or disposition of some underlying offenses.
5. The record supported application of factor 15 because abuse-prevention orders had been obtained by three different women in different years.
6. Substantial evidence supported application of factor 16 to Doe's sexual misconduct in both a wooded hut and the living room of his home.

KEY QUOTATIONS

"Here, we need not decide whether the hearsay reports relied upon in this case bear such indicia, because Doe's criminal convictions for the rape of his son and dissemination of harmful matter have resolved the issue for us." (6)

"The board "is constitutionally required to prove the appropriateness of an offender's risk classification by clear and convincing evidence."" (11)

“As substantial evidence supports the hearing examiner’s decision to apply each of the challenged factors, we see no reason to disturb the classification decision.” (16)

FACTUAL BACKGROUND

Doe was classified as a level two sex offender in 2008 based on a prior rape conviction. After allegations that he sexually assaulted his six-year-old son and showed him pornography, the Sex Offender Registry Board reclassified Doe as a level three sex offender, relying in part on hearsay reports and on various statutory and regulatory risk factors. During the appeal, Doe was convicted of the new offenses, including rape and abuse of a child and dissemination of matter harmful to minors. The record also included Doe's history of substance-related offenses, other criminal conduct, domestic abuse, restraining orders obtained by different women, and prior sexual misconduct in locations the hearing examiner found sufficiently public.

PROCEDURAL HISTORY

The civil action commenced in the Superior Court on September 27, 2022. After an initial remand for a more thorough exploration of the reliability of hearsay concerning alleged misconduct involving Doe's son, the hearing examiner issued an amended reclassification decision. A different Superior Court judge upheld that decision. While Doe's appeal was pending, he was convicted of the new sex offenses underlying the classification decision.

DISPOSITION

affirmed

CASES CITED

- Doe, Sex Offender Registry Board No. 10800 v. Sex Offender Registry Board, 459 Mass. 603, 606 (2011)
- Doe, Sex Offender Registry Board No. 3177 v. Sex Offender Registry Board, 486 Mass. 749, 757 (2021)
- Doe, Sex Offender Registry Board No. 339940 v. Sex Offender Registry Board, 488 Mass. 15, 26 (2021)
- Doe, Sex Offender Registry Board No. 523391 v. Sex Offender Registry Board, 95 Mass. App. Ct. 85, 89-90 (2019)
- Jarosz v. Palmer, 436 Mass. 526, 530 (2002)
- Doe, Sex Offender Registry Board No. 356011 v. Sex Offender Registry Board, 88 Mass. App. Ct. 73, 80 (2015)
- Commonwealth v. Milot, 462 Mass. 197, 201-202 (2012)
- Commonwealth v. Pena, 462 Mass. 183, 186-188 (2012)
- Doe, Sex Offender Registry Board No. 380316 v. Sex Offender Registry Board, 473 Mass. 297, 298 (2015)
- Doe, Sex Offender Registry Board No. 496501 v. Sex Offender Registry Board, 482 Mass. 643, 649 (2019)
- Doe, Sex Offender Registry Board No. 528042 v. Sex Offender Registry Board, 496 Mass. 437, 447 (2025)
- Doe, Sex Offender Registry Board No. 136652 v. Sex Offender Registry Board, 81 Mass. App. Ct. 639, 651 (2012)
- Doe, Sex Offender Registry Board No. 527962 v. Sex Offender Registry Board, 496 Mass. 543, 551 (2025)

- Doe, Sex Offender Registry Board No. 10216 v. Sex Offender Registry Board, 447 Mass. 779, 789 (2006)
- Doe, Sex Offender Registry Board No. 390261 v. Sex Offender Registry Board, 98 Mass. App. Ct. 219, 225 (2020)

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