

MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:

September 2014

CONSIDERATION TO DISCIPLINE THE
LICENSE TO TEACH OF MATTHEW ROGERS, CASE # HR 14-001

STATUTORY AUTHORITY:

Section 168.071, RSMo

Consent
Item

Action
Item

Report
Item

DEPARTMENT GOAL NO. 3:

Missouri will prepare, develop, and support effective educators.

SUMMARY:

Matthew Rogers holds a career professional certificate set to expire on May 15, 2108. In February 2013, he pled guilty to one felony count, conspiracy to commit sexual assault. He was given a suspended imposition of sentence of five years probation.

PRESENTER(S):

Mark Allan Van Zandt, General Counsel, will participate in the presentation and discussion of this agenda item.

RECOMMENDATION:

It is recommended that the State Board of Education revoke Matthew Rogers' teaching certificate.

BEFORE THE STATE BOARD OF EDUCATION
STATE OF MISSOURI

IN THE MATTER OF:)	
)	
Department of Elementary and Secondary)	
Education,)	
)	
Petitioner,)	
)	
v.	)	Case No. HR 14-001
)	
)	
Matthew Rogers,)	
)	
Respondent.)	

Introduction

This matter was held on April 3, 2014, before Cynthia Quetsch, Hearing Officer, designated by the Commissioner of Education. Those present were:

Curtis Schube, Counsel for the Department of Elementary and Secondary Education;
Margery Tanner, Director of Educator Certification; and
Dana Keilholz, Legal Assistant.

Findings of Fact

1. Matthew Rogers, Respondent, holds a career professional certificate in the area of elementary education issued on May 13, 2009, and expiring May 15, 2108 (Petitioner’s Exhibit 2) (Transcript page 6, line 21 to page 7, line 12).
2. On or about February 1, 2013, Respondent pled guilty to one felony count, conspiracy to commit sexual assault in violation of Mo. Rev. Stat. § 566.040 and 564.016 in the circuit court of Franklin County, Missouri. Respondent was given a suspended imposition of sentence of five (5) years supervised probation. The underlying offense occurred on April 24, 2011. (Petitioner’s Exhibit 3).
3. On April 3, 2014, a hearing was held before Cynthia Quetsch, the designated Hearing Officer. Respondent was not present and was not represented by counsel. Petitioner

was represented by Assistant Attorney General Curtis Schube. (Transcript page 2, lines 2-23).

4. Respondent received notice of the hearing by letter dated January 22, 2014, sent to the last known address of Respondent both by certified mail and first class mail. The return receipt was signed by Respondent (Petitioner's Exhibit 1) (Transcript page 4, line 1 to page 5, line 14).

Conclusions of Law

1. Respondent pled guilty to one felony of conspiracy to commit a sexual assault in circuit court in Franklin County admitting guilt to violations of Mo. Rev. Stat. § 566.040 and 564.016.
2. The charges concerning Respondent's teaching certificate were set for hearing and notice was served on the Respondent in compliance with the requirements of Mo. Rev. Stat. § 536.067 (Supp. 2013).
3. Mo. Rev. Stat. § 168.071.1 (Supp. 2013) provides the following authority to the State Board of Education:

(1) The state board of education may refuse to issue or renew a certificate, or may, upon hearing, discipline the holder of a certificate of license to teach for the following causes: (1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state, any other state, of the United States, or any other country, whether or not sentence is imposed;

4. The Missouri Supreme Court has defined "moral turpitude" as:

An act of baseness, vileness, or depravity in the private and social duties which man owes to his fellowman or to society in general, contrary to the accepted and customary rule of right and duty between man and man; everything 'done contrary to justice, honesty, modesty and good morals'. In re Frick, 694 S.W.2d 473, 479 (Mo. banc 1985).

5. At the time Respondent committed the crime (2011) Mo. Rev. Stat. § 566.040 (Supp 2011) provided that a person commits the crime of sexual assault if he has sexual intercourse with another person knowing that he does so without that person's consent.
6. Mo. Rev. Stat. § 564.016 (Supp. 2013) provides that a person is guilty of conspiracy "if, with the purpose of promoting or facilitating its commission

he agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such offense.”

7. Conspiracy to commit a crime of sexual assault involves moral turpitude.
8. Based upon Mo. Rev. Stat. § 168.071.1 (1) and (6) (Supp. 2013) the State Board of Education is authorized to revoke any certificate held by Respondent.

Recommendation

It is recommended that the State Board of Education revoke the certificate of license to teach of Matthew Rogers, pursuant to its authority under Mo. Rev. Stat. § 168.071 (Supp. 2013).

Submitted this 22nd day of August 2014, by the designated Hearing Officer for the Commissioner of Education.



Cynthia Quetsch
Hearing Officer

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BEFORE THE MISSOURI
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

DISCIPLINARY HEARING
Of
MATTHEW ROGERS
APRIL 3, 2014
Jefferson State Office Building
205 Jefferson Street
Jefferson City, MO 65101

Before:

Dana Keilholz
Margery Tanner
Cynthia Quetsch - Hearing officer

Also present: Curtis Schube - Counsel for the Department

Reported by:

Jenna Petree
Midwest Litigation Services
401 Locust Street
Columbia, MO 65201
573-449-0561

1 PROCEEDINGS

2 HEARING OFFICER: This is the hearing in the
3 matter of the Department of Elementary and Secondary
4 Education versus Matthew Rogers and has been designated
5 Hearing 14-001. This hearing is being held pursuant to
6 Section 168.071 of the Revised Statutes of Missouri, which
7 authorizes the State Board of Education to suspend or
8 revoke a certificate of license to teach if the certificate
9 holder has pleaded to or been found guilty of a felony or
10 crime involving moral turpitude under the laws of this
11 state or any other state or the United States or any other
12 country whether or not sentence is imposed.

13 Administrative rules adopted by the State
14 Board of Education pursuant to the statute authorizes the
15 Commissioner of Education to designate a hearing officer in
16 these matters. My name is Cynthia Quetsch and I have been
17 designated to hear this case. Unless otherwise provided
18 under Section 168.071, this hearing is being held pursuant
19 to procedural rules of Chapter 536, the Administrative
20 Procedures Act. The certificate holder, Matthew Rogers is
21 not present at the hearing, neither personally or through
22 counsel. Curtis Schube is present on behalf of the state.
23 Mr. Schube, did you want to make an opening statement?

24 MR. SCHUBE: Just a quick one.

25 OPENING STATEMENT

1 MR. SCHUBE: Good morning. This case is about
2 a teacher, Matthew R. Rogers, who pled guilty to one count
3 of committing sexual assault, a Class D felony. The
4 evidence does not dispute his plea of guilty to a felony is
5 grounds for discipline pursuant to Section 168.071 RSMo.

6 HEARING OFFICER: Would you like to call your
7 first witness?

8 MR. SCHUBE: Yes, I call Dana Keilholz.
9 DANA KEILHOLZ, having been duly sworn, testifies as
10 follows:

11 QUESTIONS BY MR. SCHUBE:

12 Q Can you state your name and spell it for the
13 record?

14 A Dana Keilholz, D-a-n-a; K-e-i-l-h-o-l-z.

15 Q And by whom are you employed?

16 A Department of Elementary and Secondary
17 Education.

18 Q What is your position?

19 A I'm legal assistant for the General Counsel
20 and I work with the disciplinary.

21 Q What are your responsibilities as a legal
22 assistant?

23 A I set up the hearings for discipline,
24 including notice to the certificate holder about the time
25 and place.

1 Q And did you send such a notice to Mr. Rogers?

2 A I did.

3 Q Do you have a copy of it?

4 A I don't.

5 Q I will walk one over to you. Okay. You have
6 in front of you what's been marked as Exhibit 1. Do you
7 recognize that document?

8 A I do. This is in our file and it shows the
9 letter that was sent to Mr. Rogers on January 22 and it
10 also has a copy of the card that we received back that he
11 had signed for it.

12 Q And the letter and card is that something that
13 you maintain as part of your records?

14 A It is.

15 Q And is it made in the ordinary course of
16 business?

17 A Yes.

18 Q Is it a true and accurate copy of the notice
19 and the green card that you sent to Matthew Rogers?

20 A Yes.

21 MR. SCHUBE: I would like to offer Exhibit 1.

22 HEARING OFFICER: It's received.

23 Q When was this notice sent out?

24 A January 22, 2014.

25 Q And what information did it contain?

1 A In the information that is sent first class
2 and certified mail, it gives the date and time of the
3 hearing and also has enclosed the original complaint that
4 was received.

5 **Q What address did you send that to?**

6 A 2409 Water Tower Drive in Union, Missouri.

7 **Q Was this the last known address for Mr.**
8 **Rogers?**

9 A As far as I know. It was the address we had.

10 **Q And does the green card show that he received**
11 **that?**

12 A It showed that he signed for it. It doesn't
13 have a date on it but we received the card back on the
14 25th.

15 MR. SCHUBE: That's all the questions I have
16 for Ms. Keilholz.

17 HEARING OFFICER: Call your next witness.

18 MR. SCHUBE: I call Margery Tanner.

19 MARGERY TANNER, having been first duly sworn, testifies as
20 follows:

21 QUESTIONS BY MR. SCHUBE:

22 **Q Could you state your name and spell it for the**
23 **record, please?**

24 A Margery Tanner; M-a-r-g-e-r-y, T-a-n-n-e-r.

25 **Q And by whom are you employed?**

1 A The Department of Elementary and Secondary
2 Education.

3 **Q What is your position with the department?**

4 A I am the director for educator certification.

5 **Q What are you responsibilities?**

6 A I license educators for the state of Missouri.

7 **Q Do you obtain teacher certification records as
8 part of your duties?**

9 A I do.

10 **Q And you have in front of you what's been
11 marked as Exhibit 2. Do you recognize that exhibit?**

12 A Yes.

13 **Q What is that exhibit?**

14 A This is a certification record for Matthew
15 Rogers.

16 **Q Are these records kept in the ordinary course
17 of business by the department?**

18 A Yes.

19 MR. SCHUBE: I offer Exhibit 2.

20 HEARING OFFICER: It's received.

21 **Q Does Mr. Rogers hold any certificates with the
22 department?**

23 A Yes, he does.

24 **Q What type of certificates?**

25 A He has a career continuous specialist

1 certificate for grades 1-6.

2 Q And when was it issued?

3 A It was issued on May 13, 2009.

4 Q And you said it's a career certificate. Can
5 you explain what that means?

6 A It means that it's a 99 year certificate so it
7 is valid for 99 years.

8 Q So it wouldn't be set to expire until when?

9 A May 13 of 2108.

10 Q Okay. So that would be active and current as
11 of today?

12 A Yes.

13 MR. SCHUBE: That's all I have for Ms. Tanner.

14 HEARING OFFICER: Ms. Tanner does it indicate
15 if he is currently teaching?

16 A No. The most recent report we have from a
17 school district was from the Union school district for the
18 2010/2011 school year, but nothing since that time.

19 HEARING OFFICER: Did you have anything else
20 you wanted to offer?

21 MR. SCHUBE: I do have another exhibit, it's
22 marked as Exhibit 3. It's a court records from Franklin
23 County Circuit Court and it establishes that Mr. Rogers had
24 pled guilty to the count of conspiracy to commit sexual
25 assault. His imposition of sentence was suspended and he

1 did receive five years of probation with that imposition of
2 sentence.

3 HEARING OFFICER: That's received. Is there
4 anything else you would like to offer?

5 MR. SCHUBE: No, ma'am.

6 HEARING OFFICER: Would you like to make a
7 closing statement?

8 CLOSING STATEMENT

9 MR. SCHUBE: Again, the evidence does
10 establish that Mr. Rogers had pled guilty to a Class D
11 felony. The state requests that the board impose the
12 appropriate discipline.

13 HEARING OFFICER: If there is nothing this
14 will conclude the hearing. Let the record reflect that the
15 hearing was scheduled to commence at 10:00 a.m. and we
16 waited until 10:05. Thanks.

17 (Hearing concluded at 10:08 a.m.)

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CERTIFICATE OF REPORTER

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, Jenna Petree, Certified Court Reporter
#1347(T), do hereby certify that the witness whose
testimony appears in the foregoing deposition was duly
sworn by me; that the testimony of said witness was taken
by me to the best of my ability and thereafter reduced to
typewriting under my direction; that I am neither counsel
for, related to, nor employed by any of the parties to the
action in which this deposition was taken, and further that
I am not a relative or employee of any attorney or counsel
employed by the parties thereto, nor financially or
otherwise interested in the outcome of the action.

Certified Court Reporter



U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
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 For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage \$		#3 Postmark Here 7 1/23/14
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees \$		

7006 0100 0005 2165 1059

Sent To
 Street, Apt. No., or PO Box No. Rogers 14-001
 City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

1. Complete items 1, 2, and 3. Also complete item 4 if return receipt is desired. Print your return address on the reverse side of the mailpiece and attach it to you. Attach this receipt to the back of the mailpiece or on the front if you permits.

Article Addressed to:
 Mr. Matthew Rogers
 409 Water Tower Drive
 Union MO 63084

2. Article Number (Transfer from service label) 7006 0100 0005 2165 1059

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-11/040

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] Agent Addressee

B. Received by (Printed Name) Matthew Rogers C. Date of Delivery FEB 5 2014

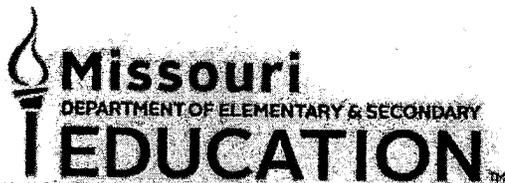
D. Is delivery address different from sender's? Yes No
 If YES, enter delivery address below.

3. Service Type Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail G.O.D.

4. Restricted Delivery? (Extra Fee) Yes

RECEIVED FEB 5 2014

PENGAD 800-831-8989
EXHIBIT
1
 4.3.14



Mark Allan Van Zandt • General Counsel

205 Jefferson Street, P.O. Box 480 • Jefferson City, MO 65102-0480 • dese.mo.gov

January 22, 2014

Mr. Matthew Rogers
409 Water Tower Drive
Union MO 63084

RETURN RECEIPT REQUESTED
CERTIFIED MAIL # 7006 0100 0005 2165 1059
And VIA FIRST-CLASS MAIL

RE: *Department of Elementary and Secondary Education v. Matthew Rogers*
Case No. HR 14-001

Dear Mr. Rogers:

Pursuant to §168.071, RSMo Supp. 2013, the Missouri State Board of Education is initiating disciplinary proceedings against your teaching certificate. A copy of the complaint is enclosed.

In accordance with the procedures found in §168.071, RSMo Supp. 2013, and 5 CSR 20-400.230, you are notified that a hearing will be held on April 3, 2014, by a hearing officer designated by the Commissioner of Education. Enclosed is a copy of the cited statute and regulation for your reference.

The hearing will commence at 10:00 a.m. on April 3, 2014. Please report to the State Board of Education room on the first floor of the Jefferson State Office Building, located at 205 Jefferson Street, Jefferson City, Missouri. You are strongly encouraged to be present at the hearing, either personally and/or through legal counsel, together with witnesses of your choice to give information relative to these allegations and to show cause as to why disciplinary action should not be taken against your teaching certificate.

If you wish to offer documents into evidence at the hearing, please bring three copies of each document. The information gathered at the hearing and the findings of the hearing officer will be provided to the State Board of Education for a decision in this case.

Mr. Matthew Rogers

Page 2

January 22, 2014

If you will be represented by legal counsel, please have counsel file an entry of appearance with this office as soon as possible. Should you have any questions in this matter, please feel free to contact my office at (573) 751-3527.

Sincerely,



Mark Allan Van Zandt

Enclosure

C: Curtis Schube, Counsel for Petitioner
Paul Katnik, Assistant Commissioner, Educator Quality
Margery Tanner, Director, Educator Certification



DESE - Certificate Status

▶ Selection Criteria

Educator ID: Social Security Number:

Name:

Address:

City: State: Zip:

Personal Phone: () -

Work Phone: () -

Email Address:

1 record(s)

Certification							
	Subject Area/Grade Level	Classification	Effective Date	Expiration Date	Analysis Indicator	Status	Evaluation
<input type="button" value="Edit"/>	ELEMENTARY ED 1-6	CAREER CPC	05/13/2009	05/13/2108	COLLEGE RECOMMENDED	ISSUED	

▼ Evaluations

0 record(s)

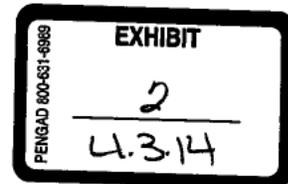
Evaluation			
Subject Area/Grade Level	Evaluation Date	Status	Evaluation

Email: certification@dese.mo.gov

Current User: MTANNER Last Modified User: CONVERSION_05312011 Last Modified Date: 5/28/2011 7:04:03 PM
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1 of 1 100% Find | Next

REPORT NO: HQ01 MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Page 1 of 1
 RUN DATE: 4/2/2014 STAFF ASSIGNMENTS REPORT
 RUN TIME: 3:16:57 PM ROGERS, MATTHEW R 4/1/2014

Year: 2006

036-131 UNION R-XI		Class/Org: A - K624		Supv: FLAKNE		Dist Yrs Exp: 1		Degree: BACC												
Schl	Pos	FTE	CTE	Asgn	Course	No/Name	Seq	Gr	Pr	DS	S	Min	Crdt	Enr	AC	AC MSG	HQ	HQ MSG	Lt Strt	Ery End
4010	60	0.50		4	990088	TRAV TIME	0				0	85	0.00	0						
				3	990000	PLAN TIME	0				0	250	0.00	0						
				1	195000	DSI SPEC	0	16	06	IG	0	740	0.00	5	Y			Y		
				5	991900	SE CONTACT	0				0	0	0.00	14						
				2	198600	CASE MNAGE	0	16	06		0	60	0.00	7	Y			Y		
4020	60	0.40		1	195000	DSI SPEC	0	16	06	IG	0	592	0.00	4	Y			Y		
4040	60	0.10		18		ELEM	0	01			0	0	0.00	23	Y					
				1	195000	DSI SPEC	0	16	06	IG	0	148	0.00	2	Y			Y		

Year: 2007

036-131 UNION R-XI		Class/Org: A - K624		Supv: FLAKNE		Dist Yrs Exp: 2		Degree: BACC												
Schl	Pos	FTE	CTE	Asgn	Course	No/Name	Seq	Gr	Pr	DS	S	Min	Crdt	Enr	AC	AC MSG	HQ	HQ MSG	Lt Strt	Ery End
4010	60	1.00		1		ELEM	0	06			0	1745	0.00	23	Y			P		
				2	990000	PLAN TIME	0				0	250	0.00	0						

Year: 2008

036-131 UNION R-XI		Class/Org: A - K624		Supv: REESE		Dist Yrs Exp: 3		Degree: BACC												
Schl	Pos	FTE	CTE	Asgn	Course	No/Name	Seq	Gr	Pr	DS	S	Min	Crdt	Enr	AC	AC MSG	HQ	HQ MSG	Lt Strt	Ery End
4010	60	1.00		1		ELEM	0	06			0	1745	0.00	28	Y			P		
				2	990000	PLAN TIME	0				0	250	0.00	0						

Year: 2009

036-131 UNION R-XI		Class/Org: A - K624		Supv: REESE		Dist Yrs Exp: 5		Degree: BACC												
Schl	Pos	FTE	CTE	Asgn	Course	No/Name	Seq	Gr	Pr	DS	S	Min	Crdt	Enr	AC	AC MSG	HQ	HQ MSG	Lt Strt	Ery End
4010	60	1.00		2		ELEM	0	06			0	1690	0.00	25	Y			P		
				1	990000	PLAN TIME	0				0	250	0.00	0						

Year: 2010

036-131 UNION R-XI		Class/Org: A - K624		Supv: REESE		Dist Yrs Exp: 6		Degree: BACC												
Schl	Pos	FTE	CTE	Asgn	Course	No/Name	Seq	Gr	Pr	DS	S	Min	Crdt	Enr	AC	AC MSG	HQ	HQ MSG	Lt Strt	Ery End
4010	60	1.00		2	990000	PLAN TIME	0				0	250	0.00	0						
				1		ELEM	0	06			0	1700	0.00	25	Y			P		

Year: 2011

036-131 UNION R-XI		Class/Org: A - K624		Supv: NICHOLS		Dist Yrs Exp: 7		Degree: MAST												
Schl	Pos	FTE	CTE	Asgn	Course	No/Name	Seq	Gr	Pr	DS	S	Min	Crdt	Enr	AC	AC MSG	HQ	HQ MSG	Lt Strt	Ery End
4010	60	1.00		2		ELEM	0	06			0	1700	0.00	26	Y			P		
				1	990000	PLAN TIME	0				0	250	0.00	0						

Report: CZR0026

20TH JUDICIAL CIRCUIT
FRANKLIN COUNTY
CIRCUIT COURT DOCKET SHEET

Date: 20-Mar-2014

Time: 11:04:02AM

Page: 1

11AB-CR01290-01 ST V MATTHEW R ROGERS**Security Level: 1 Public**

Case Type: CC Felony **Case Filing Date:** 29-Jun-2011
Status: Judgment Entered
Disposition: Guilty Plea **Disposition Date:** 01-Feb-2013
OCN#: K8001782
Arresting Agency: MO0360700

		<u>Release/Status</u>	<u>Reason</u>
		<u>Change Date</u>	
Judge	ROBERT D. SCHOLLMAYER (38566)		
Judge	GAEL D. WOOD (24684)	07-Nov-2011	Recusal
Judge	I. I. LAMKE (28266)	01-Nov-2011	Recusal
Defendant	MATTHEW R ROGERS (ROGMR3337)		
Attorney for Defendant	STEVEN P KUENZEL(25658)		
Prosecuting Attorney	ROBERT E PARKS II (36333)		
Attorney for Defendant	JONATHAN DOWNARD (34585)	13-Jul-2012	Attorney Withdrawn

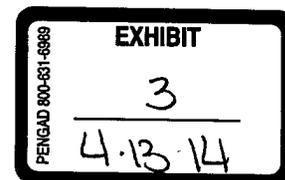
Current Bond: Bond Refunded 14-Jan-2014

	<u>Charge #</u>	<u>Charge Date</u>	<u>Charge Code</u>	<u>Charge Description</u>
Original Charge:	1	24-Apr-2011	1104000	Sexual Assault (Felony C RSMo : 566.040)
Amended To:	1	24-Apr-2011	1104003	Cnsp-Sexual Assault (Felony D RSMo : 566.040/564.016)
Disposition:	01-Feb-2013	Guilty Plea		
Order Date:	24-Oct-2013			Sentence or SIS: Suspended Imposition of Sent.
Length:	5 Years			Start Date: 24-Oct-2013
Text:	SIS, 5 YRS SUP PROB			

Original Charge: 2 24-Apr-2011 1110000 Deviate Sexual Assault (Felony C RSMo : 566.070)

Disposition: 24-Oct-2013 Dismissed by Prosec/Nolle Pros**Program:** PROBATION**Agency:** MISSOURI BOARD OF PROBATION & PAROLE**Associated To:** Charge 1**Classification:** SUPERVISED**Start Date:** 24-Oct-2013**Due to End** 24-Oct-2018

<u>Filing Date</u>	<u>Description</u>
29-Jun-2011	Grand Jury Indictment Filed IN OPEN COURT THE GRAND JURY, BY ITS FOREMAN, RETURNS A TRUE BILL CHARGING DEFENDANT WITH THE LISTED COUNT(S). ASSOCIATE COURT DIVISION VI SENDS FILE TO CIRCUIT FOR GRAND JURY FILING. TRUE BILL ACCEPTED AND ORDERED FILED. Judge Assigned



Report: CZR0026

20TH JUDICIAL CIRCUIT
FRANKLIN COUNTY
CIRCUIT COURT DOCKET SHEET

Date: 20-Mar-2014

Time: 11:04:02AM

Page: 2

Case continued from previous page.

11AB-CR01290-01 ST V MATTHEW R ROGERS**Security Level: 1 Public**

29-Jun-2011 **Judge/Clerk - Note**
AT TIME OF CIRCUIT INITIATION, DIV VI WARRANT ISSUED AND SERVED. PERCENTAGE CASH BOND POSTED.

Order
AS A CONDITION OF RELEASE FOR THE DEFENDANT, THE ORIGINAL BOND IS CONTINUED. GDW/JUDGE

OCN Filed

08-Jul-2011 **Criminal Setting Scheduled**
Scheduled For: 06-Sep-2011; 9:00 AM; I. I. LAMKE; **Setting:** 0; Franklin County
ARRAIGNMENT

10-Aug-2011 **Motion for Disclosure**
Filed By: ROBERT E PARKS

06-Sep-2011 **Hearing/Trial Cancelled**
STATE APPEARS BY APA LASSITER. DFT APPEARS IN PERSON AND W/ADFT HEAD. DFT FILES WAIVER AND ENTERS NOT GUILTY PLEA WHICH IS ACCEPTED. CASE CONTINUED TO 11/1/11 AT 9:00 A.M. FOR SETTING. IIL/DG
Scheduled For: 06-Sep-2011; 9:00 AM; I. I. LAMKE; **Setting:** 0; Franklin County
ARRAIGNMENT

Waiver of Formal Arraignment

Criminal Setting Scheduled
Scheduled For: 01-Nov-2011; 9:00 AM; I. I. LAMKE; **Setting:** 0; Franklin County
SETTING

01-Nov-2011 **Judge Assigned**

Judge/Clerk - Note

Judge Recuses
STATE APPEARS BY APA LAWHORN. DFT APPEARS IN PERSON AND W/ADFT DOWNARD. JUDGE LAMKE RECUSES AND CASE TRANSFERRED TO DIVISION I FOR FURTHER PROCEEDINGS. IIL/DG
Scheduled For: 01-Nov-2011; 9:00 AM; I. I. LAMKE; **Setting:** 0; Franklin County
SETTING

07-Nov-2011 **Judge Recuses**
JUDGE WOOD RECUSES. GDW/cw

14-Nov-2011 **Judge/Clerk - Note**
FILE SENT TO PJ SECRETARY FOR SUPREME COURT ASSIGNMENT

17-Nov-2011 **Judge Assigned**
SUPREME COURT ASSIGNMENT TO JUDGE SCHOLLMEYER.

22-Nov-2011 **Criminal Setting Scheduled**
Scheduled For: 16-Dec-2011; 10:00 AM; ROBERT D. SCHOLLMEYER; **Setting:** 0; Franklin County

16-Dec-2011 **Criminal Setting Scheduled**
State by P.A. Parks. Mr. Downard for Defendant. Passed to 2/17/12at 10:00am for setting. RDS
Filed By: ROBERT D SCHOLLMEYER
Scheduled For: 16-Dec-2011; 10:00 AM; ROBERT D. SCHOLLMEYER; **Setting:** 0; Franklin County

Report: CZR0026

20TH JUDICIAL CIRCUIT
FRANKLIN COUNTY
CIRCUIT COURT DOCKET SHEET

Date: 20-Mar-2014

Time: 11:04:02AM

Page: 3

Case continued from previous page.

11AB-CR01290-01 ST V MATTHEW R ROGERS**Security Level: 1 Public**

- 16-Dec-2011 **Criminal Setting Scheduled**
Scheduled For: 17-Feb-2012; 10:00 AM; ROBERT D. SCHOLLMAYER; **Setting:** 0; Franklin County passed from 12/16/11. For setting
- 02-Feb-2012 **Filing:**
CORRESPONDENCE FROM CRIME VICTIMS' COMPENSATION REQUESTING REIMBURSEMENT IN AMOUNT OF \$1,349.37 FILED. RK
- 16-Feb-2012 **Hearing Continued/Rescheduled**
CASE PASSED TO 03/23/12 @ 1:00 P.M. FOR SETTING. RDS/RK
Hearing Continued From: 17-Feb-2012; 10:00 AM
- Criminal Setting Scheduled**
Scheduled For: 23-Mar-2012; 1:00 PM; ROBERT D. SCHOLLMAYER; **Setting:** 0; Franklin County
- 23-Mar-2012 **Hearing Held**
STATE BY APA BARTLETT. DEFENDANT IN PERSON AND WITH COUNSEL DOWNARD. CASE SET FOR JURY TRIAL 09/12/12 @ 9 A.M., #2 SETTING. RDS/RK
Scheduled For: 23-Mar-2012; 1:00 PM
- Jury Trial Scheduled**
Scheduled For: 12-Sep-2012; 9:00 AM; ROBERT D. SCHOLLMAYER; **Setting:** 2; Franklin County
- 11-Jun-2012 **Motion to Withdraw**
Filed By: JONATHAN DOWNARD
- 12-Jun-2012 **Entry of Appearance Filed**
AND REQUEST FOR CONTINUANCE FILED. RK
Filed By: STEVEN P KUENZEL
- Notice**
NOTICE OF HEARING FOR 07/13/12 @ 9 A.M. RK
Filed By: STEVEN P KUENZEL
- Criminal Motion Hearing Sched**
Scheduled For: 13-Jul-2012; 9:00 AM; ROBERT D. SCHOLLMAYER; **Setting:** 0; Franklin County MOT/CONTINUANCE FROM JURY TRIAL AND MOT/WITHDRAW
- 06-Jul-2012 **Notice**
FOR 07/13/12 @ 9 A.M. RK
Filed By: JONATHAN DOWNARD
- 13-Jul-2012 **Order**
State by P.A. Parks. Mr. Downard granted leave to withdraw. Mr. Kuenzel appears. Over objection of State, case continued. Placed on docket of 10-10-12 at 9:00am for resetting. RDS
Filed By: ROBERT D SCHOLLMAYER
Scheduled For: 13-Jul-2012; 9:00 AM; ROBERT D. SCHOLLMAYER; **Setting:** 0; Franklin County MOT/CONTINUANCE FROM JURY TRIAL AND MOT/WITHDRAW
- Criminal Setting Scheduled**
Scheduled For: 10-Oct-2012; 9:00 AM; ROBERT D. SCHOLLMAYER; **Setting:** 0; Franklin County continued from 7/13/12 docket. For resetting.
- 23-Aug-2012 **Hearing/Trial Cancelled**
Scheduled For: 12-Sep-2012; 9:00 AM; ROBERT D. SCHOLLMAYER; **Setting:** 2; Franklin County

Report: CZR0026

20TH JUDICIAL CIRCUIT
FRANKLIN COUNTY
CIRCUIT COURT DOCKET SHEET

Date: 20-Mar-2014

Time: 11:04:02AM

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Case continued from previous page.

11AB-CR01290-01 ST V MATTHEW R ROGERS**Security Level: 1 Public**

- 31-Aug-2012 **Filing:**
COPY OF LETTER TO PA FROM RESTITUTION COORDINATOR AT CRIME VICTIMS' COMPENSATION FILED. RK
- 10-Oct-2012 **Hearing Held**
STATE BY APA BARTLETT. DEFENDANT BY ATTORNEY MCGETTIGAN. CASE SET FOR TWO-DAY JURY TRIAL 02/14/13 @ 9 A.M., #1. RDS/RK
Scheduled For: 10-Oct-2012; 9:00 AM; ROBERT D. SCHOLLMEYER; **Setting:** 0; Franklin County continued from 7/13/12 docket. For resetting.
Jury Trial Scheduled
Scheduled For: 14-Feb-2013 ; 9:00 AM; ROBERT D. SCHOLLMEYER; **Setting:** 0; Franklin County; **Length:** 2 Days
- 01-Feb-2013 **Plea Hearing Scheduled**
Scheduled For: 01-Feb-2013; 11:00 AM; ROBERT D. SCHOLLMEYER; **Setting:** 0; Franklin County Plea
Hearing Held
DEFENDANT WITH MR. KUENZEL. STATE BY PA PARKS. BY AGREEMENT, STATE GRANTED LEAVE TO FILE SUBSTITUTE INFORMATION IN LIEU OF INDICTMENT. DEFENDANT WAIVES FORMAL ARRAIGNMENT THEREON. GUILTY PLEA TO COUNT I. PLEA FOUND TO BE KNOWINGLY, VOLUNTARILY AND INTELLIGENTLY MADE WITH FULL UNDERSTANDING AND WAIVER OF ALL RIGHTS. PLEA ACCEPTED. DEFENDANT FOUND GUILTY BEYOND A REASONABLE DOUBT ON COUNT I. SENTENCING SET FOR 04/26/13 @ 9 A.M. SAR WAIVED. RDS/RK
Scheduled For: 01-Feb-2013; 11:00 AM; ROBERT D. SCHOLLMEYER; **Setting:** 0; Franklin County Plea
Substitute Information Filed
COUNT I AND COUNT II
Filed By: ROBERT E PARKS
Sent Assessment Report Waived
Sentencing Hearing Scheduled
Scheduled For: 26-Apr-2013; 9:00 AM; ROBERT D. SCHOLLMEYER; **Setting:** 0; Franklin County
Judge/Clerk - Note
COPY OF LOG SHEET FILED. RK
Correspondence Filed
REQUESTING CD OF PLEA HEARING FILED BY ATTORNEY CARLSON. RK
Guilty Plea
- 04-Feb-2013 **Hearing/Trial Cancelled**
Scheduled For: 14-Feb-2013 ; 9:00 AM; ROBERT D. SCHOLLMEYER; **Setting:** 0; Franklin County; **Length:** 2 Days
Hearing/Trial Cancelled
Scheduled For: 15-Feb-2013 ; 9:00 AM; ROBERT D. SCHOLLMEYER; **Setting:** 0; Franklin County; **Length:** 2 Days
- 24-Apr-2013 **Hearing Continued/Rescheduled**
Hearing Continued From: 26-Apr-2013; 9:00 AM

Report: CZR0026

20TH JUDICIAL CIRCUIT
FRANKLIN COUNTY
CIRCUIT COURT DOCKET SHEET

Date: 20-Mar-2014

Time: 11:04:02AM

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Case continued from previous page.

11AB-CR01290-01 ST V MATTHEW R ROGERS**Security Level: 1 Public**

24-Apr-2013 **Sentencing Hearing Scheduled**
Scheduled For: 23-Aug-2013; 9:00 AM; ROBERT D. SCHOLLMEYER; **Setting:** 0; Franklin County

28-Jun-2013 **Correspondence Filed**
REQUESTING TRANSCRIPT OF PLEA ON 02/01/13. (AUDIO COPY PROVIDED).
Filed By: ROBERT E PARKS

16-Aug-2013 **Motion for Continuance**
DEFENDANT'S MOTION FOR CONTINUANCE, FILED.
Filed By: STEVEN P KUENZEL

Hearing Continued/Rescheduled
SENTENCING PRESENTLY SCHEDULED FOR AUGUST 23, 2013, IS HEREBY CONTINUED TO SEPTEMBER 16, 2013 AT 1:00PM, CONTINUED BY CONSENT OF THE PROSECUTING ATTORNEY. SO ORDERED: RDS
Filed By: ROBERT D SCHOLLMEYER
Hearing Continued From: 23-Aug-2013; 9:00 AM

Judge/Clerk - Note
Motion Granted/Sustained

20-Aug-2013 **Sentencing Hearing Scheduled**
Scheduled For: 16-Sep-2013; 1:00 PM; ROBERT D. SCHOLLMEYER; **Setting:** 0; Franklin County
sentencing continued by consent from the 8/16/13 docket

09-Sep-2013 **Judge/Clerk - Note**
LETTER RECEIVED BY MAIL

16-Sep-2013 **Hearing Continued/Rescheduled**
SENTENCING CONTINUED TO 10/24/13 AT 11AM IN OSAGE COUNTY. PROSECUTING ATTORNEY, ROBERT PARKS AUTHORIZED TO CHECK OUT COURT FILE FOR DELIVERY TO OSAGE COUNTY.
Filed By: ROBERT D SCHOLLMEYER
Hearing Continued From: 16-Sep-2013; 1:00 PM

Sentencing Hearing Scheduled
Scheduled For: 24-Oct-2013; 11:00 AM; ROBERT D. SCHOLLMEYER; **Setting:** 0; Osage County
SENTENCING CONTINUED FROM 9/16/13. PARKS AUTHORIZED TO BRING FILE

24-Oct-2013 **Sentencing Hearing Held**
Sound Recording Log Sheet
RECORDING LOG on the Sentencing Hearing filed. (ce)

Dismissed
Order of nolle prosequi; Electronic Filing Certificate of Service.
Filed By: ROBERT E PARKS

Certificate of True Copy

STATE OF MISSOURI, }
County of Franklin } ss. I, Bill D. Miller, Clerk of the Circuit Court of Franklin County, hereby certify the above and foregoing to be a true copy of original as the same appears of record in my office. IN TESTIMONY WHEREOF, I have hereunto set my hand affixed the seal of said Court at office in Union, Mo. this the 20 day of March 2014.

Seal Bill D. Miller
Clerk of the Circuit Court Franklin County
By Sh. Anglin D.C.

Report: CZR0026

20TH JUDICIAL CIRCUIT
FRANKLIN COUNTY
CIRCUIT COURT DOCKET SHEET

Date: 20-Mar-2014

Time: 11:04:02AM

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Case continued from previous page.

11AB-CR01290-01 ST V MATTHEW R ROGERS**Security Level: 1 Public**

24-Oct-2013 **Defendant Sentenced**
CASE TAKEN UP IN OSAGE COUNTY BY AGREEMENT OF PARTIES. STATE BY PA ROBERT PARKS. DEFENDANT IN PERSON WITH ATTY STEVEN KUENZEL. ALLOCUTION GRANTED. DEFENDANT SENTENCED: SIS, 5 YEARS SUPERVISED PROBATION WITH SPECIAL CONDITIONS: 1) NO ALCOHOL. 2) DO NOT ENTER ESTABLISHMENT WHERE ALCOHOL IS PRIMARY ITEM FOR SALE. 3) SUCCESSFULLY COMPLETE PROGRAM REGARDING VIOLENCE AGAINST WOMEN. 4) COSTS TAXED TO DEFENDANT INCLUDING CRIME VICTIMS COMPENSATION FUND. 5) IF RESTITUTION IS REQUESTED BY PROSECUTING ATTORNEY FOR COMPENSATION TO VICTIM, DEFENDANT ORDERED TO PAY SAME, JOINT AND SEVERALLY WITH CO-DEFENDANT. DEFENDANT ORDERED TO REPORT TO BOARD OF PROBATION & PAROLE FOR SUPERVISION. /s/ Judge Robert D Schollmeyer. (ce)

Judgment CVC Entered
Judgment Against: MATTHEW ROGERS; **Amount:** \$46.00; **Satisfied Date:** 14-Jan-2014

Judgment Entered
COURT COSTS
Judgment Against: MATTHEW ROGERS; **Amount:** \$283.50; **Satisfied Date:** 14-Jan-2014

Judge/Clerk - Note
COURT COSTS

06-Nov-2013 **Probation Order**

08-Nov-2013 **Order**
SUPPLEMENTAL SENTENCING ORDER. RDS

18-Nov-2013 **Request Filed**
FOR CERTIFIED RECORDS

19-Nov-2013 **Correspondence Sent**
SENT CERTIFIED RECORDS TO MO DEPT OF ELEMENTARY AND SECONDARY EDUCATION IN JEFFERSON CITY

14-Jan-2014 **Order**
BOND TO BE APPLIED TO COURT COSTS AND RESTITUTION AND BALANCE REFUNDED. RDS.

Bond Refunded

Bond Refunded

IN THE CIRCUIT COURT OF THE COUNTY OF FRANKLIN
STATE OF MISSOURI

STATE OF MISSOURI,
Plaintiff,

VS

MATTHEW R ROGERS
White/Male DOB: 11/06/1981
SSN: [REDACTED]
Defendant.

) Cause No. 11AB-CR01290-01
) Division No. II
) OCN: K8001782
) PA File No. 071112993
)
)
) INDICTMENT

FILED

JUN 20 2011

BILL MILLER, CLERK
FRANKLIN COUNTY, MISSOURI
By: [REDACTED]

The Grand Jurors of the County of Franklin, State of Missouri, charge that:

COUNT I CLASS C FELONY SEXUAL ASSAULT

Charge Code Number: 11040980

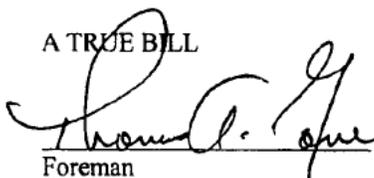
The defendant, in violation of Section 566.040, RSMo, committed the class C felony of sexual assault, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about April 24, 2011, in the County of Franklin, State of Missouri, the defendant had sexual intercourse with S.M.W., knowing that he did so without the consent of S.M.W.

COUNT II CLASS C FELONY DEVIATE SEXUAL ASSAULT

Charge Code Number: 11100990

The defendant, in violation of Section 566.070, RSMo, committed the class C felony of deviate sexual assault, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about April 24, 2011, in the County of Franklin, State of Missouri, the defendant had deviate sexual intercourse with S.M.W. by putting his mouth on her genitals knowing that he did so without the consent of S.M.W.

A TRUE BILL


Foreman

NO TRUE BILL

Foreman


(Assistant) Prosecuting Attorney

As a condition of release for defendant, the original bond is continued.


Judge

STATE WITNESSES:

DET John Biser, Union Police Department, 119 South Church Street, Union, MO 63084
Jennifer Gadsby, P.O. Box 223, Union, MO 63084
Stephen Parmentier, 1149 White Stone Way, Virginia Beach, VA 23454
S.M.W.

IN THE CIRCUIT COURT OF THE COUNTY OF FRANKLIN
STATE OF MISSOURI

STATE OF MISSOURI,)	
Plaintiff,	)	Cause No. 11AB-CR01290-01
	)	Division No. SC
VS	)	OCN: K8001782
	)	PA File No. 071112993
MATTHEW R ROGERS)	
White/Male DOB: 11/06/1981)	
SSN: [REDACTED]	)	<u>SUBSTITUTE INFORMATION</u>
Defendant.	)	<u>IN LIEU OF INDICTMENT</u>

The Prosecuting Attorney in the County of Franklin, State of Missouri, charges that:

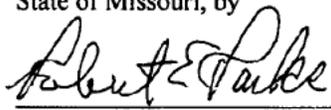
COUNT I CLASS D FELONY CONSPIRACY SEXUAL ASSAULT
Charge Code Number: 11040983

The defendant, in violation of Section 564.016, RSMo, committed the class D felony of conspiracy, punishable upon conviction under Section 558.011, RSMo, in that on or about April 24, 2011, in the County of Franklin, State of Missouri, the defendant, with the purpose of promoting or facilitating the offense of Sexual Assault agreed with Brad Julius that they would have sexual intercourse with S.M.W. and that in furtherance of the conspiracy they completed the act of sexual intercourse with S.M.W.

COUNT II CLASS C FELONY DEVIATE SEXUAL ASSAULT
Charge Code Number: 11100990

The defendant, in violation of Section 566.070, RSMo, committed the class C felony of deviate sexual assault, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about April 24, 2011, in the County of Franklin, State of Missouri, the defendant had deviate sexual intercourse with S.M.W. by putting his mouth on her genitals knowing that he did so without the consent of S.M.W.

ROBERT E. PARKS
Prosecuting Attorney
of the County of Franklin,
State of Missouri, by


Robert E. Parks - 36333
Prosecuting Attorney

FILED
FEB - 1 2013

BILL D. MILLER, Circuit Clerk
FRANKLIN COUNTY MISSOURI
Sy _____ D.C.

STATE WITNESSES:

DET John Biser, Union Police Department, 119 South Church Street, Union, MO 63084
S.M.W.



IN THE 20TH JUDICIAL CIRCUIT COURT, FRANKLIN COUNTY MISSOURI

Judge or Division :

ROBERT D SCHOLLMAYER (38566)

DIV1

Case Number : 11AB-CR01290-01

Change of Venue from

Offense Cycle No : K8001782

State Of Missouri

vs.

Defendant: MATTHEW R ROGERS (ROGMR3337)

409 WATER TOWER DR

UNION, MO 63084

Prosecuting Attorney/MO Bar No:

ROBERT E PARKS (36333)

Defense Attorney/MO Bar No :

STEVEN P KUENZEL (25658)

DOB : 06-Nov-1981

SSN : XXXXXXXXXX

SEX : M

Pre-Sentence Assessment Report Waived

Appeal Bond Set Date :

Amount :

Judgment

FILED
NOV - 8 2013
 BILL D. MILLER, CLERK
 FRANKLIN COUNTY, MISSOURI
 By _____

	Charge #	Charge Date	Charge Code	Charge Description
Original Charge:	1	24-Apr-2011	1104000	Sexual Assault (Felony C RSMo: 566.040)
Amended To:	1	24-Apr-2011	1104003	Cnsp-Sexual Assault (Felony D RSMo: 566.040/564.016)

Disposition: 01-Feb-2013 Guilty Plea

Order Date: 24-Oct-2013 **Sentence or SIS :** Suspended Imposition of Sent.

Length : 5 Years **Start Date :** 24-Oct-2013

Text : SIS, 5 YRS SUP PROB

	Charge #	Charge Date	Charge Code	Charge Description
Original Charge:	2	24-Apr-2011	1110000	Deviate Sexual Assault (Felony C RSMo: 566.070)
Disposition:	24-Oct-2013	Dismissed by Prosec/Nolle Pros		
Program :	PROBATION	Agency :	MISSOURI BOARD OF PROBATION & PAROLE	

Classification : SUPERVISED

Start Date : 24-Oct-2013 **Due to End :** 24-Oct-2018

The court informed the defendant of verdict/finding, asks the defendant whether (s)he has anything to say why judgment should not be pronounced, and finds that no sufficient cause to the contrary has been shown or appears to the court.

The Court orders:

That Judgment entered in favor of the State of Missouri and against the defendant for the sum of **\$46.00** for the Crime Victims Compensation fund. Judgment is **Not Satisfied**.

The Court further orders:

24-Oct-2013 Defendant Sentenced

CASE TAKEN UP IN OSAGE COUNTY BY AGREEMENT OF PARTIES. STATE BY PA ROBERT PARKS. DEFENDANT IN PERSON WITH ATTY STEVEN KUENZEL. ALLOCUTION GRANTED. DEFENDANT SENTENCED: SIS, 5 YEARS SUPERVISED PROBATION WITH SPECIAL CONDITIONS: 1) NO ALCOHOL. 2) DO NOT ENTER ESTABLISHMENT WHERE ALCOHOL IS PRIMARY ITEM FOR SALE. 3) SUCCESSFULLY COMPLETE PROGRAM REGARDING VIOLENCE AGAINST WOMEN. 4) COSTS TAXED TO DEFENDANT INCLUDING CRIME VICTIMS COMPENSATION FUND. 5) IF RESTITUTION IS REQUESTED BY PROSECUTING ATTORNEY FOR COMPENSATION TO VICTIM, DEFENDANT ORDERED TO PAY SAME, JOINT AND SEVERALLY WITH CO-DEFENDANT. DEFENDANT ORDERED TO REPORT TO BOARD OF PROBATION & PAROLE FOR SUPERVISION. /s/ Judge Robert D Schollmeyer. (ce)

24-Oct-2013 Judgment Entered

COURT COSTS

So Ordered on: **11AB-CR01290-01 ST V MATTHEW R ROGERS**

Date 11-8-13 Judge 

I certify that the above is a true copy of the original Judgment and Sentence of the court in the above cause, as it appears on record in my office.

(Seal of Circuit Court)

Issued on:

Date

Clerk

IN THE CIRCUIT COURT OF FRANKLIN COUNTY
STATE OF MISSOURI

STATE OF MISSOURI,)	
Plaintiff,	)	Cause No. 11AB-CR01290-01
	)	(Count II)
VS	)	Division No. SC
	)	Judge: Schollmeyer
Matthew R Rogers)	
Defendant.)	

ORDER OF NOLLE PROSEQUI

COMES NOW Robert E. Parks, Prosecuting Attorney, within and for the County of Franklin, State of Missouri, and enters an order of nolle prosequi on Count II in the above styled cause.

Respectfully submitted,

/s/ Robert E. Parks

Robert E. Parks- 36333
Prosecuting Attorney
County of Franklin
Union, Missouri 63084

PROOF OF SERVICE

This is to certify that a copy of the above and foregoing was sent through the Missouri e-filing system on this October 24, 2013, to Steven P. Kuenzel, attorney for defendant, at P.O. Box 228, Washington, MO 63090.

/s/ Robert E. Parks

IN THE CIRCUIT COURT OF THE COUNTY OF FRANKLIN
STATE OF MISSOURI

STATE OF MISSOURI,)	
Plaintiff,	)	Cause No. 11AB-CR01290-01
	)	Division No. SC
VS	)	OCN: K8001782
	)	PA File No. 071112993
MATTHEW R ROGERS)	
White/Male DOB: 11/06/1981)	
SSN: [REDACTED])	
Defendant.	)	<u>SUBSTITUTE INFORMATION</u>
	)	<u>IN LIEU OF INDICTMENT</u>

The Prosecuting Attorney in the County of Franklin, State of Missouri, charges that:

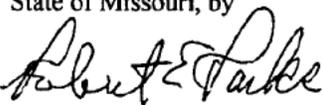
COUNT I CLASS D FELONY CONSPIRACY SEXUAL ASSAULT
Charge Code Number: 11040983

The defendant, in violation of Section 564.016, RSMo, committed the class D felony of conspiracy, punishable upon conviction under Section 558.011, RSMo, in that on or about April 24, 2011, in the County of Franklin, State of Missouri, the defendant, with the purpose of promoting or facilitating the offense of Sexual Assault agreed with Brad Julius that they would have sexual intercourse with S.M.W. and that in furtherance of the conspiracy they completed the act of sexual intercourse with S.M.W.

COUNT II CLASS C FELONY DEVIATE SEXUAL ASSAULT
Charge Code Number: 11100990

The defendant, in violation of Section 566.070, RSMo, committed the class C felony of deviate sexual assault, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about April 24, 2011, in the County of Franklin, State of Missouri, the defendant had deviate sexual intercourse with S.M.W. by putting his mouth on her genitals knowing that he did so without the consent of S.M.W.

ROBERT E. PARKS
 Prosecuting Attorney
 of the County of Franklin,
 State of Missouri, by



Robert E. Parks - 36333
 Prosecuting Attorney

FILED
FEB - 1 2013

BILL D. MILLER, Circuit Clerk
FRANKLIN COUNTY MISSOURI
Sy _____ D.C.

STATE WITNESSES:

DET John Biser, Union Police Department, 119 South Church Street, Union, MO 63084
S.M.W.