

PHILLIP JORDAN

v.

KATHRYN SLATTERY et al.

Submitted on Briefs February 26, 2018  
Decided March 15, 2018

Panel: ALEXANDER, MEAD, GORMAN, JABAR, HJELM, and HUMPHREY, JJ.

## MEMORANDUM OF DECISION

Phillip Jordan appeals from a judgment of the Superior Court (York County, *O'Neil, J.*) granting Maine Attorney General Janet Mills and District Attorney Kathryn Slattery's motion to dismiss Jordan's complaint for failure to state a claim upon which relief can be granted. *See* M.R. Civ. P. 12(b)(6); M.R. App. P. 2(b)(3) (Tower 2016).<sup>1</sup> We affirm the judgment.

When considering an appeal of a motion to dismiss, we review "the legal sufficiency of the complaint de novo and view the complaint in the light most favorable to the plaintiff to determine whether it sets forth elements of a cause of action or alleges facts that would entitle the plaintiff to relief pursuant to some legal theory." *Nadeau v. Frydrych*, 2014 ME 154, ¶ 5, 108 A.3d 1254 (quotation marks omitted). "A dismissal should only occur when it appears beyond doubt that a plaintiff is entitled to no relief under any set of facts that he might prove in support of his claim." *Moody v. State Liquor & Lottery Comm'n*, 2004 ME 20, ¶ 7, 843 A.2d 43 (quotation marks omitted).

---

<sup>1</sup> This appeal was filed before September 1, 2017; therefore, the restyled Maine Rules of Appellate Procedure do not apply. *See* M.R. App. P. 1 (restyled Rules).

In his complaint, Jordan—who, in 1984, was convicted of multiple sex offenses after he pleaded guilty—challenges the retroactive application the Sex Offender Registration and Notification Act of 1999, 34-A M.R.S. §§ 11201-11256 (2017), which requires him to register in Maine as a sex offender. Although Jordan’s complaint presented that challenge on a number of legal grounds, some constitutional in nature, Jordan appeals only from the dismissal of his allegation that the SORNA registration requirement is a breach of the contract embodied in the plea agreement that led to his conviction.

Because registration on a sex offender registry was not part of either Jordan’s plea agreement or any of the sentences, *Doe v. Williams*, 2013 ME 24, 61 A.3d 718 is controlling. Contrary to Jordan’s assertion, the facts presented in *Williams* make clear that the challenge we rejected there was based on an alleged breach of the contract contained in the plea agreements, *see id.* ¶ 69—the identical claim that Jordan raises here. Because of the precedential effect of *Williams*, the court did not err by dismissing Jordan’s contract-based claim. *See Bourgeois v. Great N. Nekoosa Corp.*, 1999 ME 10, ¶ 5, 722 A.2d 369 (“*Stare decisis* embodies the important social policy of continuity in the law by providing for consistency and uniformity of decisions.”); *see generally Shaw v. Jendzejec*, 1998 ME 208, ¶¶ 8-13, 717 A.2d 367.

The entry is:

Judgment affirmed.

---

Philip Jordan, appellant pro se

Janet T. Mills, Attorney General, and Cathy S. Roberts, Asst. Atty. Gen., Office of the Attorney General, Augusta, for appellees Attorney General Janet Mills and District Attorney Kathryn Slattery