

In the United States District Court
for the Western District of Texas
Austin Division

Jack Darrell Hearn, <i>et al.</i> ,	§	
Plaintiffs,	§	
v.	§	Civil Action No. 1:18-cv-00504-LY
Vincent Castilleja, <i>et al.</i> ,	§	
Defendants.	§	Jury

Defendants’ Reply to Plaintiffs’ Response to their Motion to Dismiss with Brief in Support

Defendants Vincent Castilleja and Steven McCraw file this reply to Plaintiffs’ response to their motion to dismiss with brief in support, asking the Court to dismiss the Plaintiffs’ complaint with prejudice.

Brief in Support

1. Plaintiffs cite to *Santobello v. New York*, 92 U.S. 495 (1971) in support of their allegation that Castilleja and McCraw are violating their substantive due process rights by imposing the requirement that they register as sex offenders even though they never agreed to do so in their plea agreements¹. The phrase “substantive due process” never appears in the *Santobello* opinion. Nor does the Supreme Court ever couch it’s holding in terms of “substantive due process.” Put simply, *Santobello* is a case in which the Supreme Court admonishes prosecutors to be fair in their dealings with the accused when entering a plea agreement. It **does not create a substantive due process right in the context of a plea agreement.**

2. The Plaintiffs also cite to *Mabry v. Johnson*, 467 U.S. 504, 509 (1984) in support of it’s argument that *Santobello* created a substantive due process right in the context of a plea agreement.

¹What should be noted is that there is no **indication that it is in fact Castilleja or McCraw who are requiring the Plaintiffs’ to actually register as sex offenders.**

Again, nowhere in it's opinion does the Supreme Court state that a plea agreement creates a substantive due process right.

3. Plaintiffs fail to articulate a substantive due process right that has been denied by either Castilleja or McCraw. Therefore, the motion to dismiss should be granted.

Respectfully submitted,

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Notice of Electronic Filing

I, Seth Byron Dennis, Assistant General of Texas, do hereby certify that I have electronically submitted for filing, a true and correct copy of the above and foregoing **Defendants' Reply to Plaintiffs' Response to their Motion to Dismiss with Brief in Support** in accordance with the Electronic Case Files System of the Western District of Texas, on this the 30th day of July, 2018.

/s/ Seth Byron Dennis
SETH BYRON DENNIS
Assistant Attorney General

Certificate of Service

I, Seth Byron Dennis, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing **Defendants' Reply to Plaintiffs' Response to their Motion to Dismiss with Brief in Support** has been served by means of the Western District of Texas's CM/ECF filing system, in accordance with the Federal Rules of Civil Procedure on this the 30th day of July, 2018, addressed to all parties of record.

/s/ Seth Byron Dennis
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