**Commonwealth of Kentucky**
**Union Circuit Court**
**Division I**
Case No. 25-CR-65
(Electronically Filed)

Commonwealth Of Kentucky — Plaintiff

v.

**Attorney General's Response to the Defendant's Constitutional Challenge to 2024 Kentucky Acts Ch. 15 (HB 207)**

Kenneth James Moore — Defendant

Defendant Kenneth James Moore filed a "Motion to Declare 2024 Ky. Acts. Ch. 15 § 2-14 Unconstitutional, and To Dismiss All Counts Relying on Those Provisions." The Court should deny that motion.

The law that he challenges, 2024 Kentucky Acts Ch. 15 (HB 207) ("the Act"), in part, added and amended sections of Kentucky Revised Statutes Chapter 31 to create offenses relating to child sex dolls and to include in existing offenses the creation or possession of computer-generated images of identifiable persons who are minors engaging in sexual conduct. 2024 Ky. Acts. ch. 15, §§ 2–15.

Moore was charged by a grand jury with ten counts of possession or viewing matter portraying sexual performance by a minor, in violation of KRS 531.335; five counts of promoting a sexual performance by a minor (less than 16 years of age), in violation of KRS 531.320; and trafficking a child sex doll, in violation of KRS 531.366.

### A. Moore's Constitutional Challenge and His Burden to Overcome the Presumption of Constitutionality

Moore challenges the constitutionality of the entire Act.[1] He argues that the incorporation of computer-generated images into offenses under KRS Chapter 531 violates the First Amendment of the United States Constitution as it was construed in *Ashcroft v. Free Speech Coal.*, 535 U.S. 234 (2002), as well as Section 1 of the Kentucky Constitution. And he argues that the prohibitions on possessing and trafficking a child sex doll violate the First, Fourth, and Fourteenth Amendments to the United States Constitution and Sections 1, 2, and 10 of the Kentucky Constitution.

The Kentucky Supreme Court recently restated that it can interpret the Constitution of Kentucky such that it differs from how the parallel federal constitutional rights are interpreted by the United States Supreme Court. When it does so, that's "typically 'because of Kentucky constitutional text, the Debates of the Constitutional Convention, history, tradition, and relevant precedent.'" *Hardin v. Louisville/Jefferson Cnty. Metro. Gov't*, 701 S.W.3d 155, 167 (Ky. 2024) (quoting *Commonwealth v. Cooper*, 899 S.W.2d 75, 778 (Ky. 1995)). Moore relies on one decision that interpreted a right under the Constitution of Kentucky differently than a parallel federal right, in applying a right of privacy. *Wasson v. Commonwealth*, 842 S.W.2d 487, 492–99 (Ky. 1992), *overruled on other grounds by Calloway Cnty. Sheriff's Dep't v. Woodall*, 607 S.W.3d 557 (Ky. 2020). As explained

[1] Motion to Dismiss, 1.

in Subsection C-3 of this Response, that right is not interpreted as broadly as Moore wishes.

In this case, the ten counts of possession or viewing of matter portraying sexual performance by a minor were not brought under the Act's amendments to KRS 531.335. Thus, they aren't addressed here.

That leaves the remaining six counts. The five counts of promoting a sexual performance by a minor, which implicate alleged speech not protected by the First Amendment under *Ashcroft*, will be addressed in Section B of this Response. And the count of trafficking a child sex doll, which doesn't implicate speech and isn't protected by other constitutional rights, will be addressed in Section C of this Response.

Duly enacted statutes are strongly presumed to be constitutional. *Graham v. Adams*, 684 S.W.3d 663, 675 (Ky. 2023). When "considering an attack on the constitutionality of legislation," our courts have "continually resolved any doubt in favor of constitutionality rather than unconstitutionality." *Commonwealth v. Frazier*, 722 S.W.3d 541, 547 (Ky. App. 2025) (quoting *S.W. v. S.W.M.*, 647 S.W.3d 866, 873 (Ky. App. 2022)). For that reason, any "constitutional infringement must be clear, complete and unmistakable to render the statute unconstitutional," and any "doubt should be resolved in favor of the voice of the people as expressed through their legislative department of government." *Id.* (cleaned up). In other words, courts "are obligated to give [a statute], if possible, an interpretation which upholds its constitutional validity." *Id.* (cleaned up). And the party challenging a

statute's validity bears the burden of establishing its unconstitutionality. *Seum v. Bevin*, 584 S.W.3d 771, 775 (Ky. App. 2019).

Though Moore challenges the entire Act, not all the statutes and provisions enacted or amended under the Act are implicated in this prosecution. The Attorney General will address where Moore focuses on a provision that isn't implicated here. Courts are not permitted to render advisory opinions. *Nordike v. Nordike*, 231 S.W.3d 733, 739 (Ky. 2007).

And under Kentucky's severability statute, if part of a statute is held unconstitutional, the remaining parts shall remain in force unless one of the following applies: the statute states otherwise; the remaining parts are "essentially and inseparably connected with and dependent upon the unconstitutional part"; or "the remaining parts, standing alone are incomplete and incapable of being executed in accordance with the intent of the General Assembly." KRS 446.090; *see also S.W.*, 647 S.W.3d at 875 (applying KRS 446.090).

### B. Prohibitions Relating to Computer-Generated Images of Sexual Conduct by a Minor

The Act changed the definition of "sexual conduct" unsubstantially, replacing "deviant" with "deviate." 2024 Ky. Acts ch. 15, § 2. Now, that term "means acts of masturbation, homosexuality, lesbianism, bestiality, sexual intercourse, or deviate sexual intercourse; or physical contact with the genitals, flagellation, or excretion for the purpose of sexual stimulation or gratification." KRS 531.010(9). The term "computer-generated image" is new under the Act, and it "means any visual depiction, including any photograph, film, video, or picture, where the depiction has

been created, adapted, or modified by a computer to appear to be an identifiable person." KRS 531.010(3). The term "identifiable person" is separately defined, and "means a person who is recognizable by the person's face, likeness, or other distinguishing characteristic." KRS 531.010(5).

Those definitions apply to Moore's charged conduct. "A person is guilty of promoting a sexual performance by a minor when, knowing the character and content thereof, he or she produces, directs, or promotes any performance which includes sexual conduct by a minor or computer-generated image of a minor." KRS 531.320(1). They also apply to other Chapter 531 offenses prohibiting acts relating to matter portraying a sexual performance by a minor.

In this case, the performances included sexual conduct by computer-generated images of a minor—specifically "morphed" pornographic video images adapted or modified to include the face of an identifiable person who Moore knows.[2] This matter is not protected by the First Amendment, regardless of whether it is obscene.

As background, in *Miller v. California* the United States Supreme Court articulated the test for defining what works depicting sexual conduct may be prohibited as obscene:

> (a) whether 'the average person, applying contemporary community standards' would find that the work, taken as

[2] This information comes from the written report of Detective Shawn Elder, mentioned in the Motion to Dismiss at page 3, and from the video images seized. The statutory definition of "computer-generated image" would also apply to a pornographic image of an identifiable minor created using artificial intelligence alone. But that isn't before this Court.

> a whole, appeals to the prurient interest; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

413 U.S. 15, 24 (1973) (citations omitted); *see also* KRS 531.010(7) (adopting the *Miller* test in defining "obscene").

But pornographic materials involving children may be prohibited regardless of whether they're obscene under the *Miller* test. *New York v. Ferber*, 458 U.S. 747, 764 (1982). That's because "the use of children as subjects of pornographic materials is harmful to the physiological, emotional, and mental health of the child"; the circulation of the materials exacerbates the harm to the child; and the entire distribution network must be closed to control the production. *Id.* at 758; *see also Purcell v. Commonwealth*, 149 S.W.3d 382, 387 (Ky. 2004) (summarizing *Miller* and *Ferber*), *overruled on other grounds by Commonwealth v. Prater*, 324 S.W.3d 393 (Ky. 2010).

Moore relies on *Ashcroft v. Free Speech Coalition*, which reviewed provisions of the Child Pornography Prevention Act of 1996 (CPPA) that "extend[ed] the federal prohibition against child pornography to sexually explicit images that appear to depict minors but were produced without using any real children." 535 U.S. 234, 239 (2002). Those provisions—including a prohibition on computer-generated images of what appears to be a minor engaging in sexually explicit conduct—were held unconstitutional because they prohibited forms of speech that

neither were obscene, under *Miller*, nor involved actual children, under *Ferber*. 535 U.S. 234, 246–58 (2002).

Moore incorrectly claims that *Ashcroft* resolves the issue here. It does not. The CPPA included as prohibited "child pornography" "any visual depiction, including . . . computer or computer-generated image or picture . . . created, adapted, or modified to appear that *an identifiable minor* is engaging in sexually explicit conduct." 18 U.S.C. § 2256(8)(c) (emphasis added). *Ashcroft* stayed clear of that provision. The Court stated:

> Section 2256(8)(C) prohibits a more common and lower tech means of creating virtual images, known as computer morphing. Rather than creating original images, pornographers can alter innocent pictures of real children so that the children appear to be engaged in sexual activity. Although morphed images may fall within the definition of virtual child pornography, they implicate the interests of real children and are in that sense closer to the images in *Ferber*. Respondents do not challenge this provision, and we do not consider it.

*Id.* at 242.

The Sixth Circuit Court of Appeals noted that distinction in *Ashcroft* and held that morphed pornographic images created using innocent pictures of real children aren't protected by the First Amendment. *Doe v. Boland*, 698 F.3d 877, 883–886 (6th Cir. 2012). There, the civil defendant Boland, an attorney, acted as an expert witness for defendants in prosecutions for child pornography. He "downloaded images of children from a stock photography website and digitally imposed the

children's faces onto the bodies of adults performing sex acts . . . to show that the defendants may not have known they were viewing child pornography." *Id.* at 879.

The court in *Boland* characterized plaintiffs Doe and Roe as real children who were identifiable from Boland's images. *Id.* at 883. The court noted the reputational and emotional harm and the personal intrusions inflicted on child victims of pornography, and held that "morphed images are of a piece, offering a difference in degree of injury but not in kind." *Id.* at 881. And, the court held, the expressive value of morphed images is weak. "[U]nlike pornography that 'appears to' depict children, morphed images are never necessary to achieve an artistic goal. Virtual children or actual adults create the same visual effect as a morphed image, yet do no harm to the interests of identifiable minors." 698 F.3d at 883–84 (internal citation omitted).

The Court rejected Boland's theory that the collector of child pornography causes harm only in distributing the images while the children are still minors and, even then, only if they suffer actual harm. The court held that "in today's digital world, any image is 'primed for entry into the distribution chain' of underground child pornographers. *Id.* 884 (quoting *United States v. Hotaling*, 634 F.3d 725, 730 (2d Cir. 2011). *Hotaling* likewise held that morphed "sexually explicit images that use the faces of actual minors are not protected expressive speech under the First Amendment." 634 F.3d at 730; *see also United States v. Mecham*, 950 F.3d 257, 263–67 (5th Cir. 2020); *Brasse v. State,* 333 A.3d 593, 607–08 (Md. App. 2025) (summarizing federal and state decisions); *cf. Shoemaker v. Taylor*, 730 F.3d 778,

786–88 (9th Cir. 2013) (reviewing under the deferential federal habeas corpus standard and determining that no clearly established United States Supreme Court precedent applies First Amendment protection to morphed child pornography); *United States v. Anderson*, 759 F.3d 891, 895 (8th Cir. 2014) (applying First Amendment strict-scrutiny review to Section 2256(8)(c) and still upholding it based on the need to protect real minors from the harms of being featured in morphed pornography).

As the court stated in *Mecham*, "[*Ashcroft v.*] *Free Speech Coalition* and every circuit to consider the question have recognized that morphed child pornography raises this threat to a child's psychological well-being." 950 F.3d at 267.

Moore relies on the new KRS 531.306, which states that for specified offenses involving "matter or material portraying a computer-generated image of a minor, the Commonwealth shall not be required to prove the actual identity or age of the minor or that the minor actually exists." He argues that because the Commonwealth wouldn't be required to prove that the minor actually exists, *Ashcroft* controls.[3] But because here the Commonwealth will prove that the minor depicted in Moore's morphed video files is an "identifiable person," as defined in KRS 531.010(5), who Moore knows, the last clause of KRS 531.306—"or that the minor actually exists"—doesn't raise an issue before this Court. Until there's a prosecution where the Commonwealth must rely on that clause—or a proper declaratory judgment action is brought—any ruling on that clause would be an

[3] Motion to Dismiss, 4, 6.

improper advisory opinion. And even if that six-word clause were ever held to render any part of the Act unconstitutional, the clause could easily be severed under KRS 446.090 while still effectuating the General Assembly's intent to prohibit acts involving computer-generated images of sexual conduct by a minor that depict an identifiable person.

### C. Prohibitions Relating to Child Sex Dolls

Moore is charged with trafficking in a child sex doll, in violation of KRS 531.366. Other statutes—KRS 531.365, 531.367, and 531.368—prohibit possessing a child sex doll, importing a child sex doll, and permitting or promoting the use of a child sex doll, respectively. Depending on the evidence at trial, possession of a child sex doll is a potential lesser included offense. Moore claims that the statutory definition of a child sex doll is vague, that the prohibitions violate his rights to free expression and privacy, and that the trafficking statute unconstitutionally imposes a burden of proof on him.[4] None of those assertions are correct.

#### 1. The Prohibitions Are Not Void for Vagueness.

Moore claims that the statutory definition of "child sex doll" is void for vagueness as applied to him and thus violates his due process.[5] A state violates due process under the Fourteenth Amendment when it "enacts a criminal law 'so vague that it fails to give ordinary people fair notice of the conduct it punishes, or so standardless that it invites arbitrary enforcement.'" *Commonwealth v. Curry*, 607 S.W.3d 618, 622–23 (Ky. 2020) (quoting *Johnson v. United States*, 576 U.S. 591, 595

[4] Motion to Dismiss, 9–16.
[5] Motion to Dismiss, 12–15.

(2015)). "So long as the law provides sufficient warning to persons about what conduct is prohibited," it may be upheld, regardless of whether it could have been drafted more precisely. *Id.*

Under the statutory definition, "child sex doll" means "an anatomically correct or anatomically precise doll, mannequin, or robot that may consist of an entire body, pelvis, or any other body part, with features of, or with features that resemble, those of a minor and intended for use in sexual acts." KRS 531.010(1).

Moore complains that "anatomically correct" and "anatomically precise" aren't statutorily defined, and that the statute doesn't say what features would differentiate a minor from an adult.[6] But "the legislature need not define every term or factual situation in a statute, and terms left undefined are to be accorded their common, everyday meaning." *Wilfong v. Commonwealth*, 175 S.W.3d 84, 96 (Ky. App. 2004). Certainly, children and adults have anatomical differences. And the appeal of a child sex doll to those who have a sexual interest in children is that it looks like a minor.

Moore argues that the definition should be read in an absurd way to render it unconstitutional—such that any doll is a child sex doll if an individual wants to incorporate it in a sexual act. He claims that anatomically correct dolls that aren't child sex dolls, such as a—presumably unmodified—"newborn, realistic, silicone baby, a Cabbage Patch Doll, and American Girl Doll, [or] even a Barbie Doll" can

[6] Motion to Dismiss, 13–14.

fall under the definition.[7] That's not a reasonable or proper interpretation of the definition. The commercial dolls he refers to aren't even anatomically correct. And the presumption of constitutionality requires this Court to interpret even an ambiguous statute in a way that upholds its validity if at all possible. The test is whether "those who are affected by the statute can reasonably understand what it requires." *Gurnee v. Lexington-Fayette Urb. Cnty. Gov't*, 6 S.W.3d 852, 856 (Ky. App. 1999). It's easily understandable that to be a child sex doll, the object must be intended for that particular use. Moore's statement that a child sex doll is "a masturbatory tool"[8] acknowledges the intended use for such a doll.

And the child sex dolls seized from Moore weren't the sort of harmless toys he mentions in his motion.[9] One who engaged in clearly proscribed conduct cannot claim that the law is impermissibly vague under the due process clause as applied to the conduct of others. *Kutchinski ex rel. H.K. v. Freeland Cmty. Sch. Dist.*, 69 F.4th 350, 360–61 (6th Cir. 2023); *see also Commonwealth v. Looper*, 294 S.W.3d 39, 43 (Ky. App. 2009) (holding that due-process vagueness analysis requires examination of the facts before the court).

Moore had notice that his conduct was unlawful under the statutes, and the definition of "child sex doll" did not invite arbitrary enforcement. That definition isn't unconstitutionally vague.

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[7] Motion to Dismiss, 14.
[8] Motion to Dismiss, 10.
[9] To the best of the Attorney General's knowledge, the seized items are stored in evidence, and the Commonwealth can produce them for this Court's examination.

**2. The Prohibitions Do Not Infringe on the Right to Free Speech.**

Moore states that "a child sex doll is both an act of expression, and a masturbatory tool."[10] His claim that it's an act of expression is conclusory—he offers no argument that it is, only a statement of the law that speech is entitled to First Amendment protection unless it meets the definition of obscenity. But child sex dolls are not a form of protected speech or expression.

Courts have not accepted a view "that any conduct can be labeled 'speech' and thereby become entitled to First Amendment protection 'whenever the person engaging in the conduct intends thereby to express an idea.'" *Rest. Ventures, LLC v. Lexington-Fayette Urb. Cnty. Gov't*, 60 S.W.3d 572, 576 (Ky. App. 2001). Thus, for example, artistic flourishes or text applied to a device that an individual uses for ingesting illegal drugs wouldn't protect the device as a form of expression.

Moore's statement that a child sex doll is "a masturbatory tool"[11] recognizes that it is a sexual device. It's a particularly harmful sexual device. And sexual devices aren't protected under the First Amendment. *See Sewell v. Georgia*, 435 U.S. 982 (1978). There, the Court had granted review of the defendant's conviction under the Georgia obscenity statute based on his sale of a pornographic magazine and a device characterized as an artificial vagina. Police seized other sexual devices from his store. Sewell's conviction may have rested on the magazine, the sexual devices, or both. And he claimed, among other things, that the seizure of the sexual devices violated his First Amendment rights. *Id.* at 982–85 (Brennan, J. dissenting).

[10] Motion to Dismiss, 10.
[11] Motion to Dismiss, 10–11.

The Court dismissed the case "for want of a substantial federal question." *Id.* at 982. Though the court rendered no opinion, a dismissal for want of a substantial federal question is a disposition on the merits. *Hicks v. Miranda*, 422 U.S. 332, 344 (1975).

Federal circuit courts that have examined whether the sale of sexual devices generally can be prohibited have not categorized them as protected expression under the First Amendment. *See Reliable Consultants, Inc. v. Earle*, 517 F.3d 738, 745–47 (5th Cir. 2008) (holding that the prohibition was primarily justified by public morality, and impermissibly burdened consensual, private, intimate conduct); *Williams v. Morgan*, 478 F.3d 1316, 1323 (11th Cir. 2007) (reaffirming that the State's interest in the preservation of public morality provides a rational basis for the prohibition).

Moore fails to support his claim that child sex dolls are protected expression. They aren't. So whether they can be characterized as obscene under the *Miller* test is irrelevant.

**3. The Prohibitions Do Not Infringe on a Right to Privacy.**

Just as not all conduct can be labeled "speech" simply because the individual intends to express an idea while engaging in it, not all conduct is entitled to privacy protection simply because it's clandestine.

Moore quotes a holding in *Wasson* in arguing that "with respect to a sex doll's role as a masturbatory tool, 'immorality in private which does "not operate to the detriment of others," is placed beyond the reach of state action by the guarantees of liberty in the Kentucky Constitution.'" 842 S.W.2d at 496. Note that Moore refers

only to a "sex doll" rather than a "child sex doll" in trying to link his conduct to that holding. He also cites *Lawrence v. Texas*, 539 U.S. 558 (2003), which held that laws criminalizing sexual intimacy by same-sex couples violated their liberty interests under the Due Process Clause by seeking to control their personal relationships and private, consensual sexual conduct. *Reliable Consultants, Inc.* relied on *Lawrence* in holding that Texas's public-morality interest in prohibiting the sale of devices for sexual stimulation impermissibly burdened consensual, private intimate conduct. 517 F.3d at 743–47.

But prohibiting child sex dolls isn't simply about morality, and they aren't just "a masturbatory tool." To potential child rapists and abusers, child sex dolls can help overcome any fears of initiating sexual conduct with a child. Child sex dolls also allow those individuals to practice both overcoming resistance from a child and the abusive acts themselves. Use of a child sex doll will whet the appetite of such individual for sex with a real child, and it's unrealistic to believe that the child sex doll will sate that appetite. Also, child sex dolls can be shown to minors to normalize sex with adults and to promote submissiveness. And the availability of child sex dolls normalizes sexual abuse of children generally.

The Court in *Ashcroft* rejected the government's arguments about similar repercussions because there the law encroached protected speech. The Court didn't deny the potential for harm to children but stated that those harms were too contingent, remote, and unquantifiable to bar speech. 535 U.S. at 241–42, 250, 253. The Court applied the *Brandenberg* test, under which speech advocating illegal

action is protected unless it is directed to, and likely to, incite or produce imminent lawless action. *Id.* at 253 (citing *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969). But as demonstrated above, the child sex dolls seized from Moore aren't protected speech. So stating this a different way, speech is protected regardless of whether it will harm others—with only narrow exceptions—while any constitutional privacy protection depends first on its not operating to the detriment of others.

Given the downstream harms, the legislature is entitled to conclude that child sex dolls are far worse than just "a masturbatory tool." Moore complains that the legislature made no findings.[12] But findings aren't required. And, again, the burden is on Moore to establish the Act's unconstitutionality. *Seum*, 584 S.W.3d at 775.

In *Seum*, the plaintiffs, who claimed to use marijuana for medical purposes, advanced a similar theory that the prohibition on trafficking and possessing marijuana violated their constitutional right to privacy, as restated in *Wasson*. 584 S.W.3d at 775. The Court held that the statutes "do not criminalize the private possession and sale of marijuana out of misplaced concerns about morality or public decency." Rather, "the health, safety and well-being of the citizens of Kentucky" are implicated. *Id.* at 776 (citing *Commonwealth v. Harrelson*, 14 S.W.3d 541, 547 (Ky. 2000)).

The prohibitions relating to child sex dolls do not impermissibly burden a constitutional right to privacy and thus are subject to only rational-basis review.

[12] Motion to Dismiss, 11.

"Under this deferential standard, the challenger has the burden of proving that the law is not rationally related to a legitimate government purpose." *Beshear v. Acree*, 615 S.W.3d 780, 816 (Ky. 2020). "In order to pass rational basis scrutiny, laws 'need not be supported by scientific studies or empirical data; nor need they be effective in practice.'" *Seum*, 584 S.W.3d at 775 (quoting *Sheffield v. City of Fort Thomas*, 620 F.3d 596, 614 (6th Cir. 2010)). With the potential harms described above, the statutes pass that limited scrutiny. In fact, even if a fundamental right were implicated and strict scrutiny is applied, the government interest in preventing child sex abuse is most compelling, and the statutes are narrowly tailored in prohibiting only a single type of sexual device. *See Acree*, 615 S.W.3d at 815–16 (defining strict scrutiny and stating when it applies).

So again, the prohibitions do not impermissibly infringe on a right to privacy and are constitutional.

**4. KRS 531.366(2) Does Not Unconstitutionally Shift the Burden of Proof.**

KRS 531.366(2) creates a rebuttable presumption that an individual who possesses more than one child sex doll intends to traffic in a child sex doll. "'Traffic' means to manufacture, distribute, sell, transfer, or possess with intent to manufacture, distribute, sell, or transfer." KRS 531.300(6).

Moore argues that KRS 531.366(2) is unconstitutional because instructing the jury on it would relieve the Commonwealth of proving the trafficking element beyond a reasonable doubt.[13] But the presumption shouldn't be included in the jury

[13] Motion to Dismiss, 15–16.

instructions. In *Commonwealth v. Collins*, the Kentucky Supreme Court examined a statutory presumption that growing 25 or more marijuana plants was for purposes of sale. 821 S.W.2d 488, 490–91 (Ky. 1991). The Court held that the presumption was merely a guide to be used by the court in evaluating the evidence. *Id.* at 490. When the presumption applied, there was a prima facie case of an intent to sell, sufficient to submit the question to the jury. *Id.* So long as the presumption was not included in the jury instructions, there was no due-process violation. *Id.* at 490–91; *see also Lindsay v. Commonwealth*, 500 S.W.2d 786, 790 (Ky. 1973) (presumption of knowledge based on the possession of stolen property). KRS 531.366(2) does not shift the burden of proof to the defendant.

**Conclusion**

For these reasons, the laws enacted under 2024 Ky. Acts. Ch. 15 do not infringe on Moore's constitutional rights to speech, expression, or due process. His motion should be denied.

Respectfully submitted,

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**Certificate of Service**

On April 8, 2026, this response was electronically filed with the clerk of the Union Circuit Court and served on the following:

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