**THE INFORMATIONAL CORRLINKS NEWSLETTER (ICON) # 65**

**Mar. 2021 – MSOP HUNGER STRIKE, NEW SCAMS**

ICoN provides legal, treatment, activism news & practical info for incarcerated SOs. Send inquiries by CorrLinks email (iamthefallen1@yahoo.com) or to Derek Logue, 2211 Co. Rd. 400, Tobias NE 68453. Our focus is SO laws; we don’t advise or assist on appeals, sentencing issues, non-SO news, & services like people-finding, penpals & mail forwarding.

NOTE: I am donating 27 copies of my registry survival guide, “Your Life on The List”, to William A. Percy Foundation. They have a prisoner book program with a focus on promotion of sexual diversity (such as LGBTQ issues/sexual minorities.) You can write them for more info at: William A. Percy Foundation for Social and Historical Studies, 1421 Park Ave., Suite 100, Chico, California 95928

**LEGAL ROUNDUP**

Brian Hope v IN DOC, No. 19-2523 (7th Cir, 1/6/21): Plaintiffs have challenged IN’s SORA as it applies to certain offenders who have relocated to IN from other states after the enactment of SORA (7/1/2006), and who are forced to register under the law, but would not have been required to do so had they committed their crimes as IN residents prior to the enactment of the relevant portions of SORA and maintained citizenship there. The district court found the registration requirements to be unconstitutional, and we uphold the district court’s finding that this application of SORA violates the plaintiffs’ right to travel. This implicates the right to travel, protected by the Privileges or (yes, "or") Immunities Clause of the Fourteenth Amendment, and can't survive strict scrutiny.

State v Benjamin Batson, Docket # 97617-1 (WA Sup Ct, 12/24/20): Ruled that an out-of-state RC must register in the state even if the event causing registration is not a crime in WA. Previously WA did not require registration if the event would not have been a crime in the state, but that law was changed in June 2010. “Batson contends that RCW 9A.44.128(10)(h) is an unconstitutional delegation of legislative power… Batson is incorrect. The legislature has not permitted the State of AZ to define criminal conduct or the elements of a crime in the State of WA… Batson also challenges the constitutionality of his conviction on ex post facto, double jeopardy, and equal protection grounds. The Court of Appeals declined to reach those issues because it resolved the case on delegation grounds. Because we reverse the Court of Appeals on the delegation issue, we remand Batson’s remaining challenges to the Court of Appeals to be decided in the first instance.”

State v. Hakum Brown; State v. Rodney Brown (A-39-19) (083353) (NJ Sup Ct, 1/25/21) – The NJ Sup Ct ruled, “These consolidated appeals present a common legal issue: whether state or federal constitutional ex post facto prohibitions permit defendants to be charged with and convicted of the enhanced third-degree offense of failure to comply with SOR requirements when each defendant’s registration requirement arose from a conviction that occurred before the penalty for noncompliance was raised a degree… Defendants suffered no ex post facto violation as a result of being charged with failure-to-register offenses bearing the increased degree. The Legislature is free to increase the penalty for the offense of failure to comply with the regulatory registration requirement -- which is separate and apart from defendants’ predicate sex offenses -- without violating ex post facto principles as to those predicate offenses.

White v. LaClair, No. 19-cv-1283 (EDNY 2020): Held being subject to NY's SORA does not satisfy the "in custody" requirement for filing a habeas corpus petition.

State v. Brown, No. A-39-19 (NJ 2020): held that because Megan’s Law is administrative and non-penal in nature, and because failing to comply with it was a new crime, the enhanced penalties for failing to register could be applied retroactively without implicating ex post facto concerns.

US v. Hamilton, No. 19-4852 (4th Cir. 2020): Vacated and remanded on the condition of supervision that constituted a ban on employment without prior probation approval, in view of the fact that employment was not connected with the offense. However, the Court disagreed with Appellant regarding two other conditions related to internet use and presence restrictions.

State v. C.G., No. 2018AP2205 (Wis. Ct. App. 2020): Affirmed the trial court’s refusal to stay the registration order, holding that it did not abuse its discretion and that because Appellant was free to use whatever name she chose in her personal life, the First Amendment was not implicated.

Riley v. State Dep’t of Public Safety, No. 79389 (Nev. 2020): The rights of an individual who was required to register were not violated when a state trial court refused to grant his petition to terminate his registration status.

Lauren Book v Derek Logue, CASE # SC20-1063 (FL Sup Ct 2021): Tossed out final attempt to overturn appeals court ruling that upheld OnceFallen’s 1st Amendment right to protest Sen. Book for her role in advancing residency restriction laws.

Prynne v Settle, No. 19-1953 (4th Cir 2021): Plaintiff-Appellant appeals from a district court order dismissing her claim that the VA SO & Crimes Against Minors Registry (“VSOR”) violates the Ex Post Facto & Due Process Clause. Because Prynne’s complaint pleaded a plausible ex post facto claim, we reverse the district court’s dismissal of that claim. However, we affirm the dismissal of Prynne’s substantive due process claims.

**CHALLENGES OF ACTIVISM: EVER-SHIFTING LAWS**

It is difficult to keep up with the latest law changes. They often happen on a whim. In September 2020, “Your Life on The List”, the registry survival guide by Derek Logue OnceFallen.com (who also makes this newsletter), was released. Already, there were major changes to Michigan’s registry laws, some for the better (like repealing residency laws) and some for the worse (like public disclosure of internet identifiers and shortening registration requirements from within 3 business days to 3 solar days). Another recent change is that the ban on prisoners receiving Pell Grants was recently overturned as part of the Omnibus Spending bill; since I tend to create many newsletter topics two to three months in advance, the change was made (to little public fanfare) sometime around the time I created the February newsletter. (To be fair, the government site I used as a reference has not updated the info yet).

I work hard to try to give you the most accurate info, but there’s a reason I don’t typically cover prisoner issues. It is obvious many of you keep up with prisoner issues just as I keep up with post-release issues. But info can change at a moment’s notice. The MI registry law, as many have done, steamrolled through legislation as a Hail Mary effort to keep the scheme alive. Even in the pandemic, new laws are being discussed. Info is dependent on an adequate network, so feel free to share with me useful reentry info you here, but please cite resources—no rumor mills. And be patient and understanding, because the info in today’s newsletters could be obsolete just days later.

**MOOSE LAKE HUNGER STRIKE LEADS TO DEAL WITH OFFICIALS**

SOs at the Moose Lake civil commitment program recently went on a hunger strike to demand a clear pathway for release from the prisonlike conditions at the Moose Lake and St. Peter facilities. The hunger strike lasted 14 days; the strikers agreed to end the strike only after Dept. of Human Services Commissioner Jodi Harpstead offered to hold monthly meetings between the strikers and leaders of the MSOP, which will take place monthly between February and May. While the protest was going on inside the facility, loved ones of the prisoners organized outside the walls by hosting a Facebook page called “The Voices of OCEAN (MSOP Reform)” as well as hosting a public protest in front of Jodi Harpstead’s home.

There are currently about 700 people in the MN-MSOP; from about 1993, when the program began, to 2012, not a single person had been released from the program. It took a lengthy court battle to convince the MSOP to grant its first unconditional release in 2012. In 2015, the MSOP was ruled unconstitutional by a federal court, but that ruling was overturned by the 8th Circuit in 2017. While the MSOP has increased the number of releases since that time, only 13 SOs have been fully released from the program in 27 years, while 86 have died while inside the MSOP. About 30 are under intense supervision as part of their “conditional release” program. Three died during a recent COVID outbreak at the camp; inmates contend they the MSOP did not move fast enough to mandate mask-wearing, and complained that strict lockdown measures kept them confined in their rooms for nearly 24 hours a day.

While the terms of ending the protest (a series of meetings with officials to address grievances) may be seen as a small, symbolic victory, it should come as a reminder that change does not come about without a fight and without sacrifices. For years, I have held protests and calls for action that have largely gone unheeded. If those at the MSOP had not started fighting back, MSOP would never have released anyone in the first place. Are you willing to do whatever it takes to change the laws?

(Note: A 3-judge 8th Cir panel determined on 2/24/21 that a review of allegations that clients of the MSOP were subjected to improper punishment and inadequate treatment should proceed.)

**FRAUD SCHEMES GETTING MORE SOPHISTICATED USING REGISTRY DATA**

An RC shared a story with IL-Voices on a recent attempted fraud scheme which involved data from the SOR. He had received both an email and text message from his credit card company that there was an attempted charge of $3500 at an auto repair shop which was declined. After confirming with the credit card company it was indeed a fraudulent charge, the card was cancelled and a new card was sent.

Ten minutes later, the credit card company called the man and asked if he had called the company. He told the agent he had not called. The agent replied that as soon as the payment had been declined, a scammer called the company using a phone service that spoofed the Caller ID with the man’s cell phone number. The scammer gave the credit card company information like the Registrant’s height, weight, hair color, eye color, and other information listed on the IL-SOR, but could not provide the secret passcodes.

The Registrant updated his passcode, informing his wife of the changes. Soon, he received a call from what appeared to be the credit card company’s number. When he answered, a woman with a heavy accent said that his card had recently been used in a fraudulent transaction and asked if he had called them about the transaction yet. After the man said yes, the caller hung up. He was certain that was the scammer hoping to get info on the secret passcode.

Credit and debit cards are great for record keeping purposes and they are decent at handling fraud. Here are a few things to remember about using cards:

1. If you receive a text message, or email stating there is a “fraud alert” on your credit/ debit card, call the phone number on the back of the card. If you receive a phone call, tell the agent you’re hanging up and calling the number on the back of the card.

2. Never use personal info or simple, overused passwords (like “password” or “12345”) when making passwords you’ll use to access your account. Never give this info to someone who calls you first.

3. Check your bank and credit card statements frequently. Every bank and credit card company has a website so you can sign up and access the info regularly. Because of problems with postal mail due to COVID and the questionable hires at the top management level, payments should be made online to minimize check theft (bank routing numbers and account numbers are on checks so they can be compromised by thieves).