**THE INFORMATIONAL CORRLINKS NEWSLETTER (ICON) # 86**

**DEC 2022 – “SOCIETAL GROOMING” AND TRUE VS LIES**

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

**LEGAL ROUNDUP**

*US v. Bardell*, Case# 6:11-cr-401-RBD-DAB (MD FL 10/04/22): BOP was condemned by US Dist Judge & ordered to pay restitution to family for mistreatment of SO in care. BOP knew Bardell had cancer & refused to treat it until condition became terminal; defying a court order for compassionate release, BOP tried hiding the diagnosis, but then dropped off the dying Bardell at the airport w/o a wheelchair, & the family had to pay for the ticket to get Bardell home. He died 9 days later. In the 14-page order, in unusually agonized & aggrieved language, the judge accused the BOP of being “indifferent to the human dignity of an inmate in its care.” “Frederick Marvin Bardell was a convicted child pornographer,” Judge Dalton wrote. “He was also a human being.”

*Commonwealth vs. Roderick*, No. SJC-13212 (MA 2022): This case requires the MA Sup Jud Ct to determine whether GPS monitoring as a condition of probation is constitutional as applied to the defendant, a first-time offender convicted of rape. MA asserts that GPS monitoring will further its interests in enforcing the court-ordered exclusion zone surrounding the victim's home, deterring the defendant from engaging in criminal activity, & assisting authorities in investigating any future criminal activity by the defendant. Court concluded that MA has not established how the imposition of GPS monitoring in this case would further its interest in enforcing the exclusion zone. Although MA has demonstrated that GPS monitoring might aid in deterring & investigating possible future criminal activity by the defendant, in the circumstances here, those interests alone do not justify the depth of the intrusion into the defendant's privacy that GPS monitoring entails. Accordingly, the imposition of GPS monitoring on the defendant as a condition of probation would constitute an unreasonable search in violation of art. 14.

*Doe, SORB No. 22188 v. Sex Offender Registry Board*, No. AC 21-P-584 (MA App Ct, 10/4/22): John Doe, appeals from a Superior Court judgment affirming his final classification by the SORB as a Lvl2 offender. See GL.c.6, §178K(2)(b). The hearing examiner relied on a regulatory factor (repetitive & compulsive behavior) that SORB agrees is invalid as applied here, & the only questions before us are whether Doe's substantial rights may have been prejudiced by this error & how to make that determination. In considering how to determine whether Doe's substantial rights may have been prejudiced, we conclude that the proper question is whether the error may have affected the classification. As the error here may have affected the classification, we vacate the judgment & remand to SORB for further proceedings.

*In the Matter of the Bar Application of Zachary Leroy Stevens*, No. 201,997-8 (WA Sup Ct, 11/4/22): 5-4 ruling allows Stevens to practice law despite being on the registry. In 2018, this court held that “for purposes of bar admission, a moral character inquiry is determined on an individualized basis,” & that “there is no categorical exclusion of an applicant who has a criminal or substance abuse history.” *In re Bar Application of Simmons*, 190 Wn.2d 374, 378, 414 P.3d 1111 (2018)…“Stevens’ most serious offenses occurred when he was a teenager. As an adult, he has abstained from engaging in any unlawful conduct since 2013. In that time, he has graduated from college & law school, he has been steadily employed, & he has developed a supportive network of friends & family. It is apparent from the record that Stevens has taken responsibility for his prior misconduct & shows remorse. We therefore hold that despite his past wrongdoing, Stevens has met his burden of showing that he is currently a person ‘of good moral character’ who ‘possesses the requisite fitness to practice law.’”

*Lake Naomi Club, Inc. et al v Rosado et al*, No. 1164 C.D. 2021 (PA App. Ct 10/28/2022): PA App Ct ruled a private housing development does not have the right to entirely ban registered RCs from living within their community. Court ruled that a prior ruling that state law (which doesn’t authorize residency restrictions) preempt municipalities & counties laws, & a private community cannot impose more restrictive standards than local authorities.

*Does v Swearingen,* No. 21-10644 (11th Cir 2022): In partially overturning a dismissal for a registration at the Dist Ct level due to FL’s 4 yr statutes of limitation, 11th Cir ruled that ongoing registration is a "continuing violation" doctrine that overrides the statute of limitations.

State v. McMahon, No. 54,740-KA (La. Ct. App. 2022): Held La. R.S. 14:91.5, which prohibits the use of social networking sites by select categories of required registrants, is narrowly tailored and does not violate 1st Amdt rights.

**SOCIETAL GROOMING - by David W. McDaniel**

For decades, American society has been covertly sexualizing every aspect of childhood while at the same time overtly condemning - even demonizing the one who would wrongly act upon or even notice the paradigm shift in the sexuality & non-age-appropriate behavior of our youth.

We are actually breeding offenders by the very actions we take regarding our children, most of which is being promoted to our youth by mainstream media. Such subtle sexualization of our youth is in reality "societal grooming" & is no different than what an offender might do (not that we are condoning any form of sexual abuse against anyone, & especially not against our children).

With each passing year, the hypersexualization of our own children becomes more & more common place, acceptable, & even considered to be normal, giving ground to the sexual exploitation of our youth, stripping our children of their innocence & contributing to the explosion in the multi-billion dollar global sex trafficking industry which is fed by the ultra-rich such as the late Mr. Epstein, a man with rich & powerful "clients".

We must act to ensure the placement of effective safeguards such as educational programs & treatment initiatives rather than the draconian sex offender management protocols now in place such as SORNA, Civil Commitment, & Supervised Release. All of these efforts fail miserably in achieving their stated objectives of lowering recidivism & reducing or eliminating the number of victims of sexual offenses.

All the while, such counterproductive measures continue to undermine the Constitutional Rights & Civil Liberties of nearly one million American Registered Citizens, succeeding only in the manufacture of quasi-criminals to help feed the "Great American Prison Industrial Complex", itself being a multi-billion dollar annual business. In a ‘slow year,” the Federal Bureau of Prisons UNICOR facilities alone earned a hefty $11B in 2021.

We must open our eyes & see America's societal grooming practices for exactly what they are & then we must reverse course if we want to stop manufacturing new offenders due to the increase sexualization of our nation's youth.

**AN INCONVENIENT TRUTH OR A REASSURING LIE?**

In 2006, Clay Bennett of the Christian Science Monitor made a great political cartoon for our time depicting a movie theater showing two movies, “An Inconvenient Truth” & “A Reassuring Lie.” No one was in line for the Truth movie, while the Lie movie had a line wrapped around the block. Sometimes, I feel like Col. Jessup from A Few Good Men. Some folks simply can’t handle the truth, & that is why I end up devoting so much newsletter space to debunking the latest rumors heard through “inmate.com.” Some folks complain I’m too “negative” because I give a lot of bad news. Thankfully, many appreciate the fact I give them the truth about the Registry, even if the truth hurts.

I have spent 15 years now maintaining a free website (to you not to me) that provides facts about life on the registry. When there is good news I gladly share it, but there will always be more bad news than good news. Sometimes, no news is good news, especially as it relates to legislation. But my “job” as I see it is giving you the facts, not just whatever makes you feel good.

Last year, I wrote that we need to start thinking “outside the box.” You largely cannot change the conditions of confinement so you adapt to those conditions, and, despite the efforts of anti-registry activists, you will have to prepare adapting to life on the list because our efforts to abolish such oppressive laws have not been fully achieved. You’ll have to think about the possibility of homelessness, social ostracism, & even the possibility of vigilante violence. Many of you may get lucky & experience few, if any issues. My life is still mostly the same as a non-RC but it is the isolated incidents in my life that reminds me that I’m still an RC & have to live a different & more difficult life than others. That is why I have tried my best since the mid-2000s to offer up some of the best advice you can get to prepare for life on the list.

I was going to write on this issue before the following statement was sent to me by a longtime reader (J. from FCI Ft Dix) set to be released soon, so I’ll share what he wrote instead:

“Many SOs here keep coming to me to see if I might know some way they can ‘Get out of Registering’ & I tell them that's basically impossible. You MUST register, no matter where you are, if you are ordered by a court to register for your offense. Then, backed into that corner, they try & ask me "Well, what state could I go to that's the best" & I have to explain that idea changes so there really isn't a best state. My advice to people in prison considering all this: You will drive yourself nuts planning how to thwart the Evil Empire & its agenda. When I came in other people who had been RC's & violated explained calmly to me that my focus was too far & too vague. What was driven home was the need to get to know why you did what you did, to change what you can NOW, & to focus on what you NEED vs what is ideal. Often what is ideal is unattainable. Here are a few keys to good living as I am close to leaving:

1. Focus your Registered Life goals into slots of time Year 1, Year 5, whatever it makes sense to divide based on your overall time. What do you want to do 3 years into your Registry? What do you want to do at year 5 or so? If you have Lifetime with no leeway, what do you want to do in the next 10 years?

2. Act as if you won't have transport or a car or money to move to another state. What resources are there in your state to make your life as a Registrant bearable? Who is your resource person? Don't act as if your parents, friend, colleague, or church can help you with everything all at once.

3. If you can get off the Reg at a set period, DO YOUR RESEARCH into states that reciprocate or honor your state's dereg. Not many states do this, but states like ME, VT, NM, & MD do honor people who are deregistered in other jurisdictions. This is where it may help to have a lawyer or a friend who can do research. When in doubt, Call & confirm BEFORE you plan to move your Jurisdiction.

4. Don't get swallowed up by fantasy. The Truth may hurt when it comes to what you will face on the outside, but it's far less dangerous then blindly putting faith in things that aren't real & will cause you to get in a jam with your PO.

5. Lastly, learn how to enjoy where you will end up. Find a good diner/dive bar/restaurant where you can unwind (a friend of mine who is out said this was key to his happiness), Go to local events that you are allowed to go to, take walks alone or with friends, dare to date, start a business, give to charity, work at a soup kitchen, etc. Even if all you can do is sit in your yard & enjoy the day, meditate on that. Make finding a reason to be alive & plugged in while registered a priority.”

No matter what, you are solely responsible for navigating the post-release laws. I am perhaps a navigator at best, but I am not a savior, nor are any other anti-registry activists able to solve your problems for you. Make the most of what time you have behind bars to prepare for life on the list.