ICoN Consolidated Newsletter 2018A (Jan.-June 2018, #27 - #32)

The Informational Corrlinks Newsletter (ICoN) provides a variety of legal, treatment, activism news & practical info for incarcerated SOs via CorrLinks. This consolidated version covers all legal cases and articles covered in the ICoN newsletters for the first half of 2022 and are offered as a space-saving measure. To better make use of Corrlink's 13k character limit, abbreviations will be used, so ICoN readers need to familiarize themselves with the following acronyms: SCOTUS (Supreme Court of the United States, an acronym in current Internet use), RC (registered citizen, an "SO" currently forced to register), ARM (Anti-Registry Movement, a term sometimes used to describe our reform movement), SOR (SO Registry), AWA (Adam Walsh Act), SORNA (the part of the AWA covering Registration & Notification), Admt (Amendment) & the many abbreviations for states & court jurisdictions. Time dated announcements & resources are not included in this consolidated newsletter. – Compiled Dec. 4, 2022.

ORDERING BACK ISSUES OF THE ICoN & DONATING TO THE CAUSE

Due to a limited budget and manpower, **I do NOT have a regular physical mailing list for these newsletters**. Those with Internet access can print past issues from my site and the other resources I offer at https://oncefallen.com/icon/

Consolidated ICoN newsletters are sent out upon request and a payment of two stamps to help offset costs. Please note that some prisons place limitations on mail which may require a higher cost (example: some prisons limit printouts to five single-sided pages per envelope, so a printout taking up 22 pages would require 5 stamps.) Please note your facility's limitations before making a request. Checks/ MOs must be made out to Derek Logue. You can contact me for further info and a list of what I offer at:

Mail - Derek Logue, 2211 CR 400, Tobias NE 68453
Email – iamthefallen1@yahoo.com (this is also the email I use for signing up for the ICoN)
Phone – (513) 238-2873 (No collect calls)

YOUR LIFE ON THE LIST: Edition 3 (A registry survival guide) by Derek Logue

"Your Life on The List: Edition 3" is a registry survival guide, covering a variety of common concerns like housing, employment, compliance checks, travel, and other common questions. It also contains a housing list and a comprehensive overview of the registry, residency/ proximity laws, and other post-conviction laws you may experience as a Registered Person.

To download a free PDF Copy of the guide, visit the front page at oncefallen.com

To order a printed copy from Amazon.com ($14.95 plus tax & shipping):
https://www.amazon.com/Your-Life-List-Derek-Logue/dp/B0BSZWQCWV/

If you are thinking of becoming an activist, consider ordering a copy of "The Anti-Registry Activist Manual: A Guide to Effective Advocacy" by Jonathan Grund. It is available for $13.50 on Amazon.com:

https://www.amazon.com/Anti-Registry-Activist-Manual-Effective-Advocacy/dp/B09T893TNR/

LEGAL ROUNDUP: January-June 2018

OK: Carney v. Oklahoma Dep't of Pub. Safety, No. 16-6276 (10th Cir., Nov. 28, 2017): Rejected a claim that stamping driver's licenses in scarlet letters identifying the holder as a registered person violated the 8th and 14th Amendments. "Indeed, the Supreme Court has upheld a life sentence for three theft-based felonies totaling a loss of about $230, id. at 265–66, a 25- year sentence for stealing golf clubs, Ewing v. California, 538 U.S. 11, 28 (2003), a life sentence for possessing 672 grams of cocaine, Harmelin v. Michigan, 501 U.S. 957, 961 (1991), and a 40-year sentence for possessing nine grams of marijuana, Hutto v. Davis, 454 U.S. 370, 370 (1982). The license requirement is certainly not more disproportionate than these examples. Moreover, there are no risks of incarceration or threats of physical harm. See United States v. Juvenile Male, 670 F.3d 999, 1010 (9th Cir. 2012)… More specifically, this law limits only a very narrow right: the right to a state identification that does not indicate a person is a SO. Thus, it does not "sweep broadly." Id. at 1108. It also cannot be seen as "unusual," because the license requirement does not stray from what state governments do each and every day: communicate important information about its citizens on state-issued IDs."

Trey Sims v. Kenneth Labowitz, No. 162174.P (4th Cir. 12/5/2017): During a police investigation involving teen sexting, a cop (through a warrant) made a forced a teen to have an erection & took a picture of the teen's genitals. The Court ruled the search violated the 4th Amendment. "At the outset, we observe that a sexually invasive search 'constitutes an extreme intrusion upon personal privacy, as well as an offense to the dignity of the individual.' Courts have described such searches, including strip searches, as terrifying, demeaning, and humiliating. When the scope of a search exceeds a visual inspection of an individual's naked body, the magnitude of the intrusion is even greater."
CA: Kirk Clymer v. City of Adelanto, et al., EDCV 16-02535 JGB (JCx) (CD CA., Dec. 18, 2017): Ruled municipal or countywide residency restriction laws can only be applied to parolees.

Lacy v. Butts, 1:13-cv-00811-RLY-DML (S.D. Ind., Sept. 28, 2017): Ruled that Indiana's mandated SO classes for prisoners who oppose them violates the constitutional right to be free from self-incrimination. The ruling in the four-year-old case overrules an Indiana Supreme Court decision from 2014 that found the classes to be constitutional. The dispute hinges on what the classes require. The plaintiffs, all convicted of sex crimes, argued that since they pleaded not guilty to the crimes they were convicted of, they should not be forced to attend the SOMM program. The program, instituted by the Indiana Department of Correction in 1999, forces participants to confess guilt in the crimes for which they are charged, give written consent to disclosure of confession and submit to a polygraph test. Specifically, the program requires participants to disclose the details of the crimes for which they were convicted and confess to any past acts of sexual violence. (Condensed from the Indy Star article from 10/17/17)

RI- The Rhode Island Homeless Advocacy Project and six registered persons filed litigation in the US Dist Ct, arguing that the law passed in Sept limiting the number of SOs that can stay in a homeless shelter to 10% is unconstitutional. It argues, among other things, that the 10-percent rule violates the 14th Amendment's equal-protection clause and unfairly denies disabled sex offenders benefits provided by the Americans with Disabilities Act, the Rehabilitation Act and the Fair Housing Act.

CA- Coalinga City Council is suing Fresno County to overturn an election because 127 civilly committed SOs (all legal voters) voted against a one-cent sales tax increase; the tax increase was defeated city-wide by 37 votes in total. Sac Bee reported the measure would lead to staff cuts to both local police and firefighters. Because these SOs are not inmates (they're 'patients"), they are legally allowed to vote. An advocate for the patients told them reporters they voted no because they pay sales tax on items they use in the hospital.

CA- Judge denies a TRO against state hospital efforts to remove all personal electronic items from the Coalinga civil commitment center. The Center claims there is a "porn epidemic" inside the facility (which does not explain why they would take away MP3 players or video game devices that cannot connect to the internet). Earlier this month, the prisoners at the center held a protest, which led to a lockdown of the facility.

US Sup Ct: Denied a hearing regarding the PA Muniz decision, which means the State Sup Ct decision that ruled against the retroactive application of the Adam Walsh Act stand.

MN – Federal judge orders West St. Paul officials to allow a SO to remain in his home pending the outcome of his lawsuit challenging the constitutionality of a city ordinance restricting where SOs can live; the judge found that Evenstad is likely to succeed in his lawsuit. Despite the fact that federal courts have ruled in favor of SO residency restrictions in the past, West St. Paul's rule may be overly restrictive, Tunheim said in his order.

State of Iowa v Jose Willfredo Lopez, No. 16–1213 (IA Sup CT, Feb. 2, 2018): Ruled that the state's laws regarding indecent exposure do not apply to sending still photos of defendant's penis through electronic communication. The Court found the statute's definition of "expose" to be ambiguous, and that the court did not specifically state the law applied to electronic communication.

People v. Tetter, 2018 IL App (3d) 150243 (Jan. 31, 2018): Tetter was 21 when he met a girl on an online social media app. Her profile said she was 18. Even though he later learned she was 16, they continued the consensual relationship and eventually she became pregnant and her mother reported him to the police. Tetter was sentenced to 180 days in county jail, 4 years' sex offender probation, and lifetime on the registry. The Court found "defendant's lifetime subjection to the SO statutes constitutes grossly disproportionate punishment as applied to him. The facts underlying defendant's conviction do not suggest that he is a dangerous sexual predator who must be banned from areas near schools or public parks, or who must be monitored by law enforcement authorities and presented to the public as a dangerous sexual predator." It found IL's current SO statutes "are akin to probation or supervised release" and "satisfy the traditional definition of punishment." The Court also found the one-size-fits-all laws disproportionate to the man's offense.

CA: *Alliance for Constitutional Sex Offense Laws v California Dept of Corrections and Rehabilitation*, Case No.: 34-2017-80002581 (Sacramento Superior Ct, 8 Feb 2018): Ruled Proposition 57, in stating "Any person convicted of a nonviolent felony offense and sentenced to state prison shall be eligible for parole consideration after completing the full term of his or her primary offense", does not automatically disqualify anyone convicted of a sex crime from early release. "The court agrees the challenged regulations are overbroad and must be set aside. But the court does not direct CDCR to adopt any particular replacement regulations. Instead, the court remands this case to CDCR to adopt new regulations defining the term 'nonviolent felony offense' consistent with this ruling."

SCOTUS – Accepted to hear *Gundy v. United States*, Docket No 17-6086 on appeal from 2nd Cir. Issues: (1) Whether convicted SOs are "required to register" under the federal SORNA while in custody, regardless of how long they have until release; (2) whether all offenders convicted of a qualifying sex offense prior to SORNA's enactment are "required to register" under SORNA no later than August 1, 2008; (3) whether a defendant travels in interstate commerce for purposes of 18 U.S.C. § 2250(a) when his only movement between states occurs while he is in the custody of the Federal Bureau of Prisons and serving a prison sentence; and (4) whether SORNA's delegation of authority to the attorney general to issue regulations under 42 U.S.C. § 16913 violates the nondelegation doctrine.

FL: Passed H1301/SB1226, which shortens the registration period for SOs visiting or moving to the state from 5 days to 3 days and imposes mandatory electronic monitoring for FTR cases & certain other offenses.

Washington v. Boughton, No. 16-3253 (7th Cir., March 8, 2018) Overturned the conviction of a man accused of sexual assault, concluding it was error to deny Washington's request to proceed pro see at trial. And it was error for the WI Ct of Appeals to uphold that decision, a three-judge panel concluded, noting that the state appeals court unreasonably applied the SCOTUS decision of Faretta v. California, 422 U.S. 806 (1975). In Faretta, SCOTUS ruled that a court "may not force a lawyer upon a defendant based on his perceived lack of education, experience, or legal knowhow," explained Judge Elaine Bucklo of the No. Dist. of IL, sitting by designation. The panel ruled that the WI trial court's reasons for denying Washington's pro se motion did not square with Faretta, and the appeals court did not properly apply Faretta. The trial court had denied Washington's request to represent himself at trial because he did not know the rules of evidence, lacked the know-how to deal with DNA evidence, and it would have been "problematic" to let him directly cross-examine his accusers. But the 7th Circuit rejected the state's argument that prior cases, which cut in Washington's favor, were wrongly decided.

Willing King v. County of Los Angeles, Case No. 14-55320 (9th Cir., March 12, 2018) Plaintiff was incarcerated in a Los Angeles County jail for almost eight years as a civil detainee while awaiting the adjudication of an involuntary commitment petition under Cali's SVP Act. For more than 6 of his years in the County jail, plaintiff was confined in Ad Seg along with criminal detainees, and was forced to wear red, designating him as an SO, with led to an attack from another inmate. Citing Jones v. Blanas, 393 F.3d 918, 931–35 (9th Cir. 2004), the panel first noted that under Due Process, an individual detained under civil process cannot be subjected to conditions that amount to punishment. Under Jones, conditions are presumptively punitive if (1) they are similar to those that a pre-trial detainee's criminal counterpart would face, and (2) are more restrictive than conditions faced by individuals following civil commitment. The panel then held that plaintiff's confinement triggered both of the presumptions set forth in Jones. The Court reversed summary judgment against the county but since the plaintiff died before the case was decided, he never received injunctive relief.

Mutter v. Ross, case # 16-1156 (WV Sup Ct, March 12, 2018): A condition of parole prohibiting Respondent, an RSO, from possessing or having contact with a computer or other device with internet access was unconstitutional under the 1st Amendment. Respondent challenged the West Virginia Parole Board's decision to revoke his parole. The circuit court vacated the Board's decision, partly on the ground that Respondent's special condition of parole prohibiting his possession or contact with a computer with internet access was unconstitutional. The Supreme Court affirmed, holding that because Respondent's condition of parole was broader than the statute struck down in Packingham v. North Carolina, 137 S.Ct. 1730 (2017), which barred RSOs from accessing social media networking websites, it was an overboard restriction of free speech in violation of the 1st Amendment.

FL: Florida Action Committee reports that the municipal ordinance in the City of Ft. Lauderdale that prohibited registered sex offenders from living within 1400 feet of schools, parks, playgrounds, school bus stops, etc. was found to violate the Ex Post Facto Clause of the Constitution. Florida has a 1,000-foot State Statute, which was passed in 2004. So, to simplify; if your offense was after the Ft. Lauderdale ordinance was passed, you are subject to a 1,400 foot restriction in Ft Lauderdale. If your offense was before the Ft. Lauderdale ordinance, but after the State ordinance, you are subject to a 1,000 foot restriction. And, if your offense pre-dates the Florida State SORR (October 1, 2004), you are not subject to any residency restriction in Ft. Lauderdale. This is a local court ruling and the city will likely appeal it, but it is the first known victory against any SO laws in the state of Florida.

IL - A federal judge in Chicago says a corrections department ban on telephone contact between a mom with a sex-crime conviction and her 17-year-old daughter should be lifted. The Chicago Daily Law Bulletin says Tuesday's ruling is in a lawsuit filed for Robin Frazier and four others. It argues automatic, blanket bans on all contact by SOs with all children sometimes defy common sense. Frazier was convicted of having sex with a 17-year-old girl who wasn't a relative. Frazier was an authority figure as the girl's counselor, making the encounter a crime under Illinois law. Frazier recently began supervised release, when bans on contact kick in. Defense attorney Adele Nicholas says a "generalized fear" SOs will offend again isn't justification enough to ban phone contact in individual cases.

People v. Pepitone, 2018 IL 122034 (IL Sup Ct, 5 Apr 2018): Upheld conviction of RC for entering prohibited park; used "rational basis test," which merely relies on a "rational" basis for passing a law without the requirement a law is narrowly tailored. The Court found that "The legislature's judgments in drafting a statute are not subject to judicial fact finding and 'may be based on rational speculation unsupported by evidence or empirical data'… If there is any conceivable set of facts to justify the statute, it must be upheld… The problem for the defendant is that, regardless of how convincing that social science may be, 'the legislature is in a better position than the judiciary to gather and evaluate data bearing on complex problems.'" In other words, the Court does not care about the facts. In this case, numerous studies debunking the high recidivism rate was presented, but the courts rejected these studies by referring to the legislature rather than by science. Reason Magazine reports, "The decision, written by Justice Mary Jane Theis, shows how fear overrides logic in dealing with sex offenders and how toothless 'rational basis' review can be, allowing legislators not only to draw their own judgments but to invent their own facts…In this case, both the legislature and the judiciary have assumed crucial facts that simply are not true, as far as we can tell based on all of the research that has been done during the last few decades. Theis is saying laws should nevertheless be written and upheld based on those demonstrably false assumptions until legislators decide to gather data. Call that whatever you want, but it surely is not rational."

State v. Yetha L. Lumumba, 2018 VT 40 (VT Sup Ct., 6 Apr 2018): Ruled the state cannot uniformly declare pornography off-limits to SOs. The decision does allow a SO's probation to include such restrictions, but only if they are deemed specifically appropriate to the individual offender. (It may be worth noting a number of probation conditions were struck by the courts, but for the sake of brevity, I'm focusing on this particular case

IA- *In re the Detention of Nicholas Wygle, & Case No. 16-2141*: In re the Detention of Ronald Tripp (13 Apr 2018): The IA Sup Ct ruled two men could not be civilly committed. The court concluded state law only allows officials to commit sexual predators if they're "presently confined" or if they commit another sex-related crime. Wygle had not committed another crime and the court concluded being in a residential facility is not the same as being presently confined. In the second case, Tripp will be released from civil commitment after the court ruled his case should have been dismissed. The justices concluded the state lacked evidence to show Tripp committed another sex-related crime that justified civil commitment. "Preventive detention is very limited in American law because it is seen as antithetical to fundamental liberty interests and the presumption of innocence," wrote Justice Brent Appel in the Iowa Supreme Court's majority opinion Friday in Wygle's case. He said sexually violent predator statutes "threaten to deprive individuals of what from time immemorial has been the weightiest of interests — the interest in individual liberty." He said the vague and flexible standards of the statutes allows, if not encourages, "a better-safe-than-sorry approach" of locking up sex crime violators indefinitely. Both cases were decided by a split 4-3 decision. Justice Edward Mansfield wrote dissenting opinions in both. In the Wygle case he said a person in a residential facility should be considered to be in custody and the court should have upheld his civil commitment proceeding. In Tripp's case he said there was substantial evidence that Tripp committed another sex-related crime in 2013 by groping a woman and the court should have sent his case

back to district court for a trial to prove the groping met the definition of a sex-related crime that qualified him for civil commitment as a sexually violent predator. [Source: AP]

State of New Jersey in the Interest of C.K. (A-15-16) (077672):Ruling from the unanimous NJ Sup Ct says new studies on SOs, and obvious perceptions about juvenile immaturity and impulsivity, suggest that lifetime punishment for this population does more harm than good. "Indeed, categorical lifetime notification and registration requirements may impede a juvenile's rehabilitative efforts and stunt his ability to become a healthy and integrated adult member of society," Justice Barry Albin wrote for the seven-person court.

Ex Parte: Jordan Jones, Docket # 12-17-00346-CR (TX 12th Appeals Ct, 18 Apr 2018): Ruled that a law banning "revenge porn" (posting nude images of ex-lovers on the internet) is unconstitutional because of its broad-based content restrictions that infringe on free speech.

MN – Limmer, a Republican from Maple Grove, proposed SF3673, which would establish a higher standard for SOs and people committed as mentally ill and dangerous who are seeking an unconditional release. The proposal comes in direct response to a court decision earlier this year that permitted the full discharge of a 51-year-old SO, Kirk A. Fugelseth, who has admitted to molesting more than 30 boys and girls and who was confined to the MSOP.

OK – Governor Mary Fallin signed the "Justice for Danyelle Act" on Tuesday, which will keep RCs from living within 2,000 feet of their victim's home. The bill is named for Danyelle Dyer. The man who allegedly molested her had moved in right next door with his mother in what he said was a temporary arrangement. OK already has a 2000 ft residency restriction law in place.

Douglas Kirby v. State of Indiana, 18S-CR-79 (IN Sup Ct, 27 Apr 2018): Post-conviction relief is both limited and exclusive. It is available only within the strictures of the post-conviction rules, and when the rules allow post-conviction proceedings, relief generally cannot be pursued any other way. Here, the petitioner tried to use post-conviction proceedings to challenge a statute barring him, as a serious SO, from school property. But that restriction is a collateral consequence of his conviction—and the post-conviction rules generally allow challenges only to a conviction or sentence. While we thus affirm the denial of post-conviction relief, we note that the post-conviction rules do not bar the petitioner from pursuing his claim in a declaratory-judgment action.

People v Britton, SSM42mem18 (NY App Ct, 18 Apr 2018): The record supports the affirmed finding that defendant engaged in sexual intercourse, deviate sexual intercourse, or aggravated sexual abuse, warranting the imposition of 25 points under risk factor 2 in determining defendant's risk level under the SO Registration Act. Contrary to defendant's argument, his acquittal of charges at his criminal trial relating to such conduct, does not foreclose the hearing court from finding, by clear and convincing evidence, that he engaged in such acts. (see Reed v State of New York, 78 NY2d 1, 7-8 [1991]; see e.g. People v Headley, 147 AD3d 988, 988 [2d Dept 2017], lv denied, 29 NY3d 916 [2017]; People v Vasquez, 49 AD3d 1282, 1284 [4th Dept 2008]).

SC - Agents of the S.C. Law Enforcement Division arrested Samantha West Connell, 34, was charged with one count of Embezzlement for collecting registry fees from RSOs and taking the money for herself. The crime was committed between January 2015 and April 2016 while Connell was employed as an administrative assistant at the Kershaw County Sheriff's Office.

NV – After 10 years of legal battles, the NV Supreme Court lifted their stay on the state's 2008 adoption of the Adam Walsh Act. The state predicts the number of those listed as "Predators" in NV will jump from 300 to 3000 overnight.

Valenti v Lawson et al, No. 17-3207 (7th Cir, 7 May 2018): Ruled there is a rational relationship between an IN statute [I.C. 35-42-4-14(b)] prohibiting SOs from entering school property and the state's interest in protecting children. The court ruled the state does not violate a convicted SO's voting rights by prohibiting him from voting at a polling place located in a high school, and instead requiring him to vote via one of three alternatives (absentee ballot, at the county courthouse, or at the local civic center). neighborhood polling location wass in the Blackford County High School gym.

Frederick Gibson v. State of Rhode Island, No. 2015–108–M.P. (P2/12–2199A): Upheld a denial of appeals for 3 FTR charges and denial from relief from the registry. Gibson was convicted under a 1992 registration law, which listed no end of registration date. He was convicted in 2007, 2009, 2011, and 2012. In 2014, Gibson filed an application for postconviction relief seeking to vacate his three failure-to-notify convictions from 2007, 2009, and 2010. In his application, Gibson challenged his convictions on constitutional grounds. His primary contention was that each of those failure-to-notify convictions violated the ex post facto clause, pointing out two grounds as to why those convictions were constitutionally infirm. First, based on Gibson's contention that the duration of his duty to register was not for the remainder of his life, but for only ten years, he argued that the General Assembly unconstitutionally extended his duty to register when it amended the Registration Act in 1997 and 2003. (The law was amended to start registration date from date of conviction to date of release from prison.) The Court ruled, "We depart from the conclusions of the magistrate and the hearing justice that Gibson has a lifetime duty to register. Rather, we hold that, in accordance with the language of Sec. 11–37.1–18 and 11–37.1–4(a), Gibson's duty to register expires "ten (10) years from the expiration of sentence for the offense. Section 11–37.1–4(a). We also hold that Gibson's prior failure-to-notify convictions in 2007, 2009, and 2010 do not run afoul of the ex post facto clause." The Courts determined that he is eligible for relief from the registry in 2019.

Iowa v. Michael Kelso-Christy, No. 16–0134 (IA Sup Ct, May 4, 2018): "In this appeal, we must primarily decide if one person's consent to engage in a sexual encounter with another, obtained through the other actor's fraudulent misrepresentations that he is someone else, constitutes a valid consent to engage in the sexual encounter. We conclude such deception does not establish consent to engage in a sexual encounter." The defendant pretended online to be an old school acquaintance of a woman, and convinced her to have sex with him ("catfishing"). He was charged with burglary, i.e., entering a home to commit a felony. The Court found that, "[C]onsent to engage in a sexual act with one person is not consent to engage in the same act with another actor. Deception in this context is not collateral in any way, but goes to the very heart of the act. When a person is deceived as to who is performing the previously consented to act, the person ultimately experiences an entirely separate act than what was originally agreed to."

State of NC v Grady, No. COA17-12 (NC App Ct, 15 May 2018): Held lifetime GPS for convicted SO is constitutionally unreasonable, violates the 4th Amendment.

State v. Padilla, No. 94605-1 (WA Sup Ct, 10 May 2018): Ruled Padilla's community custody condition prohibiting him from "possess[ing] or access[ing] pornographic materials was unconstitutional as the definition of pornographic materials was vague and overbroad.

WI – *State v DeAnthony Muldrow* (Case # not known yet): Ruled judge wasn't required to tell a man he would face a lifetime of GPS monitoring upon pleading guilty to child sex crimes because such monitoring is a public safety measure, not a form of punishment; "In light of the 'frightening and high' rate of recidivism for SOs, the relatively minimal intrusion of lifetime GPS tracking ... is not excessive in relation to protecting the public."

WI – *State v Shaun Sanders* (Unknown #): State Supreme Court ruled that because there is no statute of limitations on sex crimes, a person can be tried as an adult for a crime committed at 9 years old when it was not reported until the offender became an adult. The court affirmed lower court rulings and stuck with previous decisions in similar cases. It said the defendant's age at the time he was charged, not his age at the time of the alleged criminal conduct, determines whether the case is in adult criminal court.

The State v Davis, S17G1333 (GA Sup Ct, 18 May 2018): Ruled pardons in GA remove registration requirement.

LAWSUIT OVER 'DEFAMATORY' ECSO BILLBOARD DISMISSED

From Florida Action Committee: "A man who claims he was falsely labeled as a sexual predator on a law enforcement billboard had his defamation lawsuit thrown out. Kenneth Cobb, 42, is currently incarcerated for FTR, but he claims a 2014 Escambia County Sheriff's Office billboard misrepresented him as a sexual predator — a designation that is reserved for sexually violent offenders. In 2016, Cobb filed a lawsuit claiming the billboard damaged his reputation. The suit named Escambia County, the city of Pensacola, the Escambia County Sheriff's Office and Sheriff David Morgan, in his official capacity as sheriff, as defendants. The case was dismissed not necessarily on the grounds Cobb's allegations were false, but rather because government entities and their agents are protected from defamation lawsuits under sovereign immunity."

REASON MAGAZINE ARTICLE: Kafkaesque Civil Commitment

4th Circuit Approves Imprisonment of SO Convicted of a Nonexistent Crime
Although his conviction was invalid, the appeals court says, his civil commitment as a "sexually dangerous person" remains legal.
Jacob Sullum of Reason Magazine
Jan. 17, 2018 1:15 pm

William Welsh has been imprisoned for seven years even though he was convicted of a crime that everyone agrees he did not commit. That's OK, according to a federal appeals court, because Welsh is not really a prisoner; he's a patient, lawfully committed under a federal statute that allows indefinite detention of "sexually dangerous persons."

In 2011 Welsh, who had "repeated convictions for child molestation, sodomy, and sexual abuse dating back to 1979," pleaded guilty to violating the federal SO Registration and Notification Act (SORNA) by failing to update his registration information when he moved from Oregon to Belize. Five years later, in an unrelated case, the Supreme Court ruled that the SORNA provision under which Welsh was convicted did not require a sex offender to notify the state where he used to reside when he moved to another country. But by then, Welsh, whose two-year prison sentence would have ended in 2013, had been deemed sexually dangerous and sent to a treatment program at the Butner Federal Correctional Institution in North Carolina.

The provision that supposedly authorized Welsh's transfer, which like SORNA was included in the Adam Walsh Child Protection and Safety Act of 2006, applies to a person "in the custody of the Bureau of Prisons" who "suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released." Challenging his commitment, Welsh argued that he was never legally in the bureau's custody because he was convicted of a crime that did not exist.

Last Friday a three-judge panel of the U.S. Court of Appeals for the 4th Circuit (which includes North Carolina) rejected that reading of the law, saying, "The government's interest in ensuring it doesn't release dangerous individuals into society exists whenever it asserts legal custody over a person, even if the underlying conviction is ultimately vacated." The court added that civil commitment of sexually dangerous persons does not "depend solely on a criminal conviction because the Adam Walsh Act also authorizes the government to civilly commit individuals deemed incompetent to stand trial or for whom all criminal charges have been dismissed for reasons relating to their mental condition."

Judge Stephanie Thacker dissented. "The majority affirms a district court order denying relief to an individual who has spent the last seven years in federal custody without a valid conviction," she writes. Welsh's continued confinement cannot be constitutional, Thacker argues, because "the Adam Walsh Act is intrinsically tied to Congress's authority to criminalize conduct." The 2010 Supreme Court ruling that upheld the law, she notes, deemed it a "'necessary and proper' means of exercising the federal authority that permits Congress to create federal criminal laws, to punish their violation, to imprison violators, to provide appropriately for those imprisoned, and to maintain the security of those who are not imprisoned but who may be affected by the federal imprisonment of others."

By saying the lack of a valid conviction has no bearing on the legality of Welsh's commitment, Thacker says, her colleagues ignore the careful balance struck by the Adam Walsh Act. "In the United States, we detain for criminal conduct, not mere propensity," she writes. "This principle is so deeply embedded in our understanding of due process that it is indispensable in a free society. The Adam Walsh Act walks a tightrope by detaining for propensity a narrow group of individuals: those in legal custody of the Bureau of Prisons who are deemed 'sexually dangerous.'...Detaining for propensity a citizen who never should have been in federal custody in the first place is not only inequitable, it is offensive to the most basic tenets of justice."

While I agree with Thacker's conclusion, it seems to me the principle she is defending—that "we detain for criminal conduct, not mere propensity"—was sacrificed long ago. Even before states and the federal government began recasting punishment as treatment by continuing to confine sex offenders who have completed their prison sentences, state laws allowed preventive detention in mental hospitals of people who supposedly posed a danger to others, or even just to themselves. If that does not amount to detaining people based on "mere propensity," what does? Psychiatric language should not blind us to the reality that the government routinely locks people up based on fear of crimes they might commit in the future.

MORE (POTENTIAL) SCAMS

It should come as no surprise I'm flooded with inquiries about which state is the best state for registrants (short answer is they are all bad but some are worse than others like Florida, Alabama, or Louisiana) or how to get relief from the registry (which generally take years and either a pardon or a special process set up by that state). But many of you will obviously be tempted/ lured by people willing to sell you on an easy out. There aren't any easy paths of this list and you should be made fully aware of that fact.

There are at least two companies that I have come across that you should use caution if approached—Clearmycase.com (based in Texas) and Correctional Services Network of America (csna.us). Neither of the companies are legal firms, as mentioned in the fine print, and even state they do not offer . Instead, these companies offer "consultation," "mediation" or "assistance" in helping you with your pro se case. In other words, this service is not unlike "jailhouse lawyering," but will cost you far more than a few items from commissary. These companies charge hundreds or even thousands of dollars for their services. If you can afford to pay thousands of dollars, you can hire an actual attorney to help you with your case. These services might be legit or they may be scams but paying someone thousands to basically fill out paperwork you can do for free seems like a waste of funds.

The second scam alert to consider is similar to a previous scam I mentioned in a previous ICoN. Someone will call you and claim he or she is from the local sheriff's office and threaten you with arrest for failure to pay registration fees. They may even ask for confirmation of registry info such as name, address, and vehicle info. (Keep in mind much of this info is on the public registry.) They will request credit card info or some alternative payment service to prevent you from getting a warrant issued for your arrest. They might direct you to a CVS/ Walgreens/ Walmart to send money through a prepaid service like GreenDot or MoneyPak (i.e., prepaid credit card services), or possibly more traditional wire transfer services like Western Union. This is a scam. If you live in a state that requires a registration fee, then you would be required to pay at the time of registration. Police never solicit fines or fees over the phone (nor will credit card companies, the IRS, your banks, etc.). It is important to NEVER, EVER, give your social security number to any phone solicitor.

ACTIVIST FORCES MN CITY TO SCALE BACK RESIDENCY RESTRICTIONS

The following is a condensed version of an article written by the Minneapolis-St. Paul City Pages:

Tom Evenstead is a MN activist. When he was released from jail in 2017, he moved in to a friend's apartment in West St. Paul. Three days later, police told his landlord that Evenstad he had to move due to a local ordinance banning RCs from living within 1,200 feet of any school, daycare, or group home. Those restrictions cover about 95 percent of the residential area of the city. The rest of the available units either don't rent to felons or are way too expensive for Evenstad. So he sued, alleging that West St. Paul's ordinance was thinly veiled "banishment" -- a punishment on top of the punishment he'd already served.

Judge John Tunheim acknowledged Evenstad had a pretty good case, and would likely succeed in his claim that the ordinance was unconstitutional, thus granting Evenstad's motion for a preliminary injunction in January. West St. Paul is planning to amend the ordinance so that Evenstad can stay permanently. The amendment will be read at the February 26 city council meeting. If it passes, it will have an effective date of March 18.

FEDERAL JURY FINDS STING DEFENDANT NOT GUILTY

Story from the Columbus (GA) Ledger Inquirer:

After less than one hour deliberation, a federal jury found Ji Won Kim of Auburn, AL not guilty of solicitation of a minor over the internet. "The prosecution contended Kim drove from Auburn to Atlanta for the purposes of having sex with a 14-year-old girl he had met online. Kim's defense was he did not know the girl was 14 and that she led him to believe by an online photo and a phone conversation that she was much older."

"The jury agreed that Ji Won was not a predator and had no intention or desire to meet a 14-year-old girl," Bernard said. "Also, they found that Ji Won clearly did not believe she was 14, which is what the government was required to prove at trial."

"Operation Hidden Guardian" was an internet sting ran by a joint effort of agents from the Columbus Police Department, Muscogee County Sheriff's Office, District Attorney's Office for the the Chattahoochee Judicial Circuit, United States Attorney's Office for the Middle District of Georgia, the Georgia Bureau of Investigation's Child Exploitation and Computer Crimes Unit, and the Georgia Internet Crimes Against Children Task Force.

The operation fell under a task force called the Internet Crimes Against Children, which was started by the United States Department of Justice's Office of Juvenile Justice and Delinquency Prevention, Brody said.

"He responded to an ad on Backpage.com looking for a prostitute," Brody said. "The ad was created by ICAC and it contained pictures of Hayleee Peacock, a 26 year-old GBI agent. "According to the agents, many people responded to the ad who were not looking for children but most of them turned away once the agent said she was 14."

Ji Won initially asked the agent to send him a selfie so he could be sure that the picture in the ad was real as many ads on Backpage contain fake pictures, Brody said. The agent said she was 14 and he was shocked since he had never run into a minor on Backpage before.

"She then sent the selfie of herself and it was clear that she was at least in her 20s," Brody said. "Then he called back and said, 'You're not really 14, right?' she stuttered and he then realized she was lying. Although she kept saying she was 14, he decided to go out to the house anyway. She was very attractive and he just was sure that she was not 14. He then got arrested and told the agents that he in no way believed she was 14, pointing to the ad, the selfie, her voice, etc." A search of Kim's phone showed no evidence of child pornography or any communications with minors, according to evidence presented at trial.

SO RELEASED 297 YEARS EARLY ON "TECHNICALITY"

In this age of sensationalist papers, it is not uncommon to see favorable decisions described as "technicalities" or "loopholes." Tis story may be beneficial despite the sensationalist headline.

From WBAL TV 11 in Colorado: "A Colorado man sentenced to more than 300 years in prison in 2015 for sex crimes is now free, released after his conviction was thrown out due to a technicality. That means his case can't be re-tried…

(District attorney Dan) Rubenstein Rubenstein said McFadden asked for a continuance of his trial twice, at which point a speedy trail was automatically waived. However, on his third continuance, McFadden decided to assert his speedy trial rights. "There's prior precedent from other cases where the court has said that constitutional rights outweigh statutory rights," Rubenstein said.

According to Rubenstein, there are two types of speedy trials: constitutional and statual. With a constitutional speedy trial, there is no time frame depending on the case. But in Colorado, statutory speedy right trials require a time frame of six months.

"We petitioned for cert through the attorney general's office who does our criminal appeals, petitioned for cert to the Supreme Court to see if they would overturn the Court of Appeals, and they decided not to hear the case, and left the Court of Appeals decision final," Rubenstein said. And because of that decision, McFadden was released from prison…

ANGRY LEGISLATOR IN CA PROPOSES VOTER RESTRICTIONS AFTER COALINGA DETAINEES VOTE AGAINST LOCAL TAX INCREASE

In Coalinga CA, a "civil commitment" center (i.e., an internment camp) keeps people incarcerated long beyond their EOS dates. However, they aren't considered prisoners but "patients," so they are allowed to vote. For all intents and purposes, they are "residents" of Coalinga.

The Fresno Bee reported that "Current law allows some patients at Coalinga State Hospital to vote in Coalinga, as the city annexed the hospital years ago to increase its population – a common tactic for small cities hoping to appear larger to attract potential businesses… In November, a group of patients and former patients – organized as a group called Detainee-Americans for Civic Equality (DACE) – opted to oppose Coalinga's Measure C, which would have raised the sales tax to pay for existing public services. Voting records show most of the hospital's 304 registered voters voted against the tax, which failed by just 37 votes."

In retaliation, CA Assemblyman Joaquin Arambula introduced AB 2839, which will add the following to election law: "The domicile of a person who has been adjudicated a SVP, as defined in Section 6600 of the Welfare and Institutions Code, and who is committed for an indeterminate term to the custody of the State Department of State Hospitals, shall be the last known address of the person before his or her commitment."

Coalinga has been a hub of protest activity. The engaged in a coordinated protest in 2008 and one earlier this year, which led to a lockdown. The residents believe the hospital banned electronics they were allowed to have under the guise of "stopping porn" is really retaliation for the election. The city is also suing to take away the patients' rights to vote.

You may have heard this line, "For if the constitutional conception of 'equal protection of the laws' means anything, it must, at the very least, mean that a bare congressional desire to harm a politically unpopular group cannot constitute a legitimate governmental interest." It was originally stated in United States Dept. of Agriculture v. Moreno, 413 U.S. 528 (1973) at 534, addressing food stamps for hippies. It was later recited in Romer v. Evans, 517 U.S. 620 (1996) at 634, addressing discrimination against homosexuals. There probably isn't a more unpopular group than registered citizens. This story is ongoing, but is worth watching. I'll be sure to update this story in future ICoNs.

ONCEFALLEN LOSES CASE AGAINST FL STATE SENATOR, PLANS APPEAL

OnceFallen (Derek Logue), which is the person responsible for this ICoN, has been taken to court by victim advocate organizations in recent years for protesting their efforts to increase restrictions against Registered Citizens. In March, a Florida judge granted a "protection order" to FL State Senator Lauren Book. She claimed that Logue's criticism both online and while engaged in a peaceful demonstration back in 2015 constituted "violent stalking." Logue countered that Book is a public official and criticism of her promotion of tougher sanctions against RCs constitutes a 1st Amendment right, and was actually the one threatened by the Book family. The judge made an immediate order without consideration of the case, granting the order the same day closing statements were presented. This is a blatant case of abuse of law in protecting a legislator from harsh criticism of those protesting bad public policy. There will be an appeal to this case, & this decision will not impact operations of OnceFallen or the ICoN. However, it means for the time being, there will not be any demonstrations in the "land of 'Duh."

ONE DAD'S FIGHT TO SEE HIS OWN SICK SON

Stuart Yates recently won a court battle against the Children's Hospital of Wisconsin in Milwaukee. Suffering in pain and severely ill, Kahlil Yates, 9, wants nothing more than to be comforted. "He can't understand why I can't be there all the time," said Stuart Yates. But Stuart was forced to leave his sick son's bedside on March 6 after he was kicked out of Children's Hospital -- told he had to leave because he was an RSO. "I've been a full-time dad and husband for the last 20 years. I paid my debt to society and my son shouldn't have to pay for it. It's been a very emotional time," Stuart Yates told Fox 6 in Milwaukee.

The judge had granted a temporary visitation order to allow Stuart to see his son. Yates' attorney, Mark Weinberg, said he's allowed to have two hours of supervised visits three days a week. He is to provide the hospital with 24 hours advanced notice and a "guardian ad litem" will be appointed. "The judge is putting a lot of faith in the guardian ad litem to make the determination about A) the best interest of the child and B) either increasing or decreasing the length of these visits," said Weinberg. For Stuart Yates, who hasn't been able to see his child in nearly a month -- these stipulations are a good start. "We have to look at things in a positive light, try to stay positive, in the moment -- and really try to get what's best for Kahlil," said Stuart Yates.

The boy has been in and out of the hospital his entire life. "Born one pound and a few ounces -- gastroschisis -- needed a stomach, a liver and pancreas," said Stuart Yates. With more surgeries and medical care in his future, this temporary order is vital.

On April 17, Stuart Yates was granted a permanent order from Judge William Pocan. The order carries restrictions, however. Stuart Yates, 49, must give two-hour advance notice for his visits and he can only stay for six hours each time. Yates must also be with his son at all times.

Sadly, even when loved ones are sick or dying and in the hospital, registered persons are forced to jump through many hoops just to visit their loved ones.

BAN THE BOX HELPS PROTECT SO EMPLOYMENT IN CA

This applies only to Cali, but “Ban the Box” initiatives are benefiting registered citizens seeking employment, and as these initiatives pass elsewhere, the info written here may prove as useful to those seeking jobs.

Can You Fire Someone for Being a Sex Offender?
By Nancy Yaffe on April 27, 2018
(From californiaemploymentlaw.foxrothschild.com)

It happens more often than you think. An employee in good standing is “outed” as being listed on a sex offender registry. His/her coworkers are up in arms. Now what? Can he/she be fired?

Given CA’s relatively new “ban the box” law, employers are limited in how they can use criminal history in employment decisions. For current employees, once a conviction is uncovered, you can’t automatically fire someone for it. Rather, employers must make an individualized assessment to determine if the conviction has a direct and adverse relationship with the actual job. To do so, employers must consider:

1. The nature and gravity of the offense or conduct;
2. The time that has passed since the offense or conduct and the completion of the sentence; and
3. The nature of the job held or sought.

This also means the employer must talk to the employee and get his/her side of the story. For example, if the offense was 20 years ago, and the employee is long-tenured without any formal discipline as to any inappropriate conduct (such as harassment), a termination would not be justified in most workplaces. However, if the workplace involves children, or law enforcement, or positions that require certain licenses, then that is a different story.

There are other avenues to address the situation, such as lying on an employment application. An employer with a well-worded employment application, where the conviction was omitted at the time of hire, could justify termination (especially if others have also been terminated for material

misrepresentations on the application). In addition, dishonesty (or lack of candor) in the investigation process once commenced can also justify termination. While many coworkers might not want to work with known sex offenders, the flipside is that there are over 100,000 RSOs in California. And the trend in California is to give more rights to those who want to work, not less. And yes, that applies to SOs.

FDLE Responds to INTERSTATE Travel Inquiry by Florida Action Committee

[ICoN Note: Keep in mind this pertains to FL only] On April 24, FAC wrote to the FDLE requesting clarification on INTERSTATE travel registration requirements. Some registrants were being advised by their Sheriff's offices (or under the mistaken belief) that you are required to report whenever you travel to another state. Not true; You are only required to report INTERSTATE travel (or intra, for that matter) when you will be establishing a residence (temporary, permanent or transient). This does not apply to INTERNATIONAL travel, which requires notice no matter whether you go for 1 or 100 days. Please see their reply below:

From: Sexual Predator Unit <SexPredator@fdle.state.fl.us>
Date: May 3, 2018 at 2:15:04 PM EDT
Subject: RE: Letter to FDLE RE: Domestic Travel

Per Florida Statutes 943.0435(7) and 775.21(6)(i), a SO or predator who intends to establish a permanent, temporary, or transient residence in another state or jurisdiction other than the State of Florida shall report in person to the sheriff of the county of current residence within 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction or at least 21 days before the date he or she intends to travel if the intended residence of 5 days or more is outside of the United States. Any travel that is not known by the SO 21 days before the departure date must be reported in person to the sheriff's office as soon as possible before departure. The SO or predator shall provide to the sheriff the address, municipality, county, state, and country of intended residence. For international travel, the SO or predator shall also provide travel information, including, but not limited to, expected departure and return dates, flight number, airport of departure, cruise port of departure, or any other means of intended travel.

There is no language in s. 943.0435, F.S. or s. 775.21, F.S. requiring an offender or predator who has registered as required to report domestic travel to another state if they will not establish a residency outside of Florida. The definitions of permanent, temporary, and transient residency can be located in s. 775.21(2)(k), (n), & (o), F.S. As you noted in your letter, these definitions will change from 5 days to 3 days effective July 1, 2018.

YMMV: THERE ARE NO "BEST" STATES FOR SOs

One of the most frequent questions I get is what states are "best" (read: most lenient) for SOs. The short answer is none of them. The long answer is complex. EVERY state has a publically accessible registry. Most states list 100% of everyone on the registry. Some states have mandatory GPS, some have lifetime supervision, some make you pay fees, some have residency restrictions and/or work restrictions, some won't let you go to church, and so on. The 50 state guides from ACSOL I send upon request & two stamps answers some questions about registry and residency restrictions. However, some rules may apply differently depending on date of conviction. For example, if your conviction date is before July 31, 2003, Ohio's residency restrictions don't apply to you as the state's Sup Ct determined residency restrictions violate ex post facto.

In this age of the Internet, we have a term called YMMV, "Your Mileage May Vary." I have fielded calls from people who have made a decent life in Florida, a state many consider the worst state in the USA, as well as calls from desperate people in Oregon, a state without residency restrictions (except certain

parolees) & only lists 5% of registrants publicly. I can't guarantee that a state like Oregon is the best while Florida is the worst for you. YMMV.

To be quite honest, your success in the "free world" is just as much on your actions as it is behind bars. In the simplest of term, if you want to succeed, don't screw up. I know it is easier said than done, but to hell with what others think. Let your neighbors murmur. Use it as motivation to prove folks wrong about us. If you want to piss them off, then succeed. Every day you are free, you win. When you get a job, get married, have a life, you win. People in prison thought I'd fail too. That was 15 years ago & I'm still free. These oppressive & humiliating laws suck but so did prison, yet I found a way to adapt. You will too. The key to success isn't finding a "best" state but in making the best of circumstances wherever you are. Having a support network & other needed resources helps. Best of all, you can help me fight back. Many of my best allies have been those who got my newsletters and corresponded with me. So please, focus a little less on "state shopping" and focus more on how you'll survive life on the list.

PRISONER SOUNDOFF Jan. 2018

This is a short but needed message for all those struggling to get on the Corrlinks email system: "I waited almost 3 years from entering the Federal Prison system to get CorrLinks activated. For those who wish to communicate via CorrLinks don't give up there are situations where patience does end up reaching you goal like I did with mine. Continue to have patience your day will come. A fallen member and survivor to return." – Todd B., new Corrlinks reader

In the meantime, please continue to share this newsletter with those who cannot get access to this newsletter.

PRISONER SOUNDOFF Feb. 2018

In response to last issue's soundoff, another reader adds his experience trying to gain use of Corrlinks: "I too had to wait nearly 3 years for email. My former Unit Manager said no, the AW said no, and then I got a new Unit Manager who was a God send as she did her job, she assisted all inmates regardless of what the crime was, didn't judge (if she did, she NEVER expressed it) and she reviewed my case file and she said and I quote 'There is no reason you should've never not had email.'" – Daniel

MUSINGS ON KINTSUGI AND THE PHOENIX by Derek Logue of OnceFallen.com

I was trying to come up with a last minute idea to fill space for this month's newsletter when I just happened to turn on CBS Sunday Morning. With December 31st falling on a Sunday this year, the show was filled with discussions of the events over the past year (as expected), but they discussed something interesting I felt was worth sharing. They discussed something called "Kintsugi." Kintsugi (or Kintsukuroi, which means "golden repair") is the Japanese art of repairing broken pottery with a special lacquer containing powdered gold (sometimes silver or platinum) which not only breathes new life into a broken vessel, but increases the beauty of the once broken piece. This repair method celebrates each artifact's unique history by emphasizing its fractures and breaks instead of hiding or disguising them.

"Kintsugi art dates back to the late 15th century. According to legend, the craft commenced when Japanese shogun Ashikaga Yoshimasa sent a cracked chawan—or tea bowl—back to China to undergo repairs. Upon its return, Yoshimasa was displeased to find that it had been mended with unsightly metal staples. This motivated contemporary craftsmen to find an alternative, aesthetically pleasing method of repair, and Kintsugi was born.

Since its conception, Kintsugi has been heavily influenced by prevalent philosophical ideas. Namely, the practice is related to the Japanese philosophy of wabi-sabi, which calls for seeing beauty in the flawed or imperfect. The repair method was also born from the Japanese feeling of mottainai, which expresses regret when something is wasted, as well as mushin, the acceptance of change." [From "Kintsugi: The Centuries-Old Art of Repairing Broken Pottery with Gold." MyModernArt.com. Apr. 25, 2017. https://mymodernmet.com/kintsugi-kintsukuroi/]

We in America live in a throwaway society. If something is broken or has imperfections, we throw it away or donate it to a thrift store. Vegetables that do not meet a specific standard for shape and overall looks are rejected for sale in grocery stores. This principle seemingly applies to people as well. We are considered "broken vessels," useless and ready to be discarded. However, those of us who are considered broken can not only repair our lives, we can strengthen what were once our imperfections and make them beautiful.

Two ways of applying Kintsugi on our souls is through personal healing and through an activist lifestyle. Whether you are still in prison or are in the "free world," we all have great struggles to endure. You don't have to face it alone. There are treatment organizations willing to help those still struggling with personal issues. There are online support groups like SOSEN that can help those in the "free world" but struggling with life on the list.

Even in prison, there are ways to prepare for life as an activist; activist organizations like OnceFallen help those adjusting to life on the registry and gain knowledge needed to navigate the confusing world of registration. (On a related note, OnceFallen turned 10 year old on December 5, 2017). This newsletter offers up resources and activist tools each month.

My slogan for OnceFallen.com is "Through Knowledge and Wisdom, We Rise from the Ashes." (It is by design my logo is a Phoenix). Like a repaired piece of broken pottery or the legendary Phoenix, we can overcome and be made whole again. That slogan I shared was for a treatment-focused group I was forming with some prisoners called SOPHIA (SOs Pursuing Healing In Adversity). I believe that knowledge ("book smarts") and wisdom ("street smarts") IS power. You may not be able to stop every bad thing that happens from here on out, but you can make the most of your life in whatever life situation you currently face. Many of us find contentment, peace, and life a good life even in the midst of this persecution.

To me, there is no greater beauty than one who can rise from the ashes of a broken life. Your success, however, won't be measured by income or material possessions, but in finding happiness in whatever situation you find. Imagine the looks on the faces of the "haters" when what were once cracks and imperfections now glitter with gold!