ICoN Consolidated Newsletter, 2021A (Jan. to Dec. 2021, #63-#68)

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 /30/2023.

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

Gasca v Precythe, Case # 17-cv-04149-SRB (WDMO 11/12/20): Judge passes order MO's DOC implement over two dozen reforms related to the agency's unconstitutional handling of parole revocation proceedings. Court found the MODOC has been intentionally failing to provide state-funded counsel to eligible parolees. The court ordered the department to ensure all eligible parolees have an atty appointed for any proceeding to move forward.

Bilal v GEO Care, No. 16-11722 (11th Cir., 11/9/20): Held depriving civilly committed man of bathroom break for 1200 mile round trip to attend a continued commitment hearing deprived Bilal of substantive due process rights under the 14th Andt.

The People ex rel. Johnson v. Superintendent, Adirondack Correctional Facility, Nos. 74 & 75 (NY Ct of Apps, 11/13/20): NY Court of Appeals (state's highest court) upheld the practice of temporarily confining level 3s in correctional facilities, after the time they would otherwise be released to parole or post-release supervision (PRS), while they remain on a waiting list for accommodation at a shelter compliant with Executive Law § 259-c (14).

The People ex rel. McCurdy v. Warden, Westchester Co. Corr. Facility, No. 73 (NY Ct of Apps, 11/23/20) "This appeal presents us with a question of statutory interpretation. Penal Law §70.45(3) provides that, "notwithstanding any other provision of law, the board of parole may impose as a condition of post-release supervision (PRS) that for a period not exceeding 6 Mo immediately following release from the underlying term of imprisonment the person be transferred to and participate in the programs of a residential treatment facility (RTF)." Correction Law § 73 (10), in turn, authorizes the DOCCS "to use any RTF as a residence for persons who are on community supervision," which includes those on PRS (see Correction Law § 2 [31]). The question before us is whether Correction Law § 73 (10) authorizes DOCCS to provide temporary housing in an RTF to SOs subject to the mandatory condition set forth in the Sexual Assault Reform Act (SARA), Executive Law § 259–c (14), after the 6 Mo period specified in Penal Law § 70.45(3) has expired but before the offender on PRS has located compliant housing. We conclude that it does."

US v Bobal, No. 19-10678 (11th Cir. 11/30/20): Upheld a computer ban for a FL registrant on lifetime supervision. "Bobal argues that the prosecutor misled the jury in her closing argument and that his computer restriction is unconstitutional in the light of Packingham v NC, 137 S. Ct. 1730 (2017). We conclude that the prosecutor's closing argument was not improper. We also conclude that Packingham is distinguishable because Bobal's computer restriction does not extend beyond his term of supervised release, it is tailored to his offense, and he can obtain the district court's approval to use a computer for permissible reasons."

Does v Swearingen, Case 1:18-cv-24145-KMW (USDC So. FL, 11/23/20): "Plaintiffs claim that application of the FL SO Statute violates 1) the federal guarantee against ex post facto laws; 2) the cruel and unusual punishment clause of the 8th Amdt; 3) procedural due process under the 14th Amdt; 4) substantive due process under the 14th Amdt; and 5) the right to privacy under the FL constitution." However, the case was dismissed because of FL's statute of limitations law. "Plaintiffs have sought to distinguish their claims from existing authority by arguing that this is not a 'one-time act' case because Plaintiffs 'do not challenge their designation' but rather the 'constitutionality of 2nd-generation registration burdens and the continuing threat of imprisonment for failing to meet them.' However, Plaintiffs' distinction between their designation as SOs and the ensuing registration burdens does not pass muster in a statute of limitations analysis…And, even if the Court accepted Plaintiffs' argument, it is not enough for Plaintiffs to merely state that they challenge 'second-generation burdens and the continuing threat of imprisonment for failing to meet them.' The FL SO Statute has been repeatedly amended,

creating the alleged second-generation burdens as early as 1998. Plaintiffs have not pled—neither in their briefing, nor during the oral arguments held on Defendant's motion to dismiss—that despite "decades of amendments" they, or 'a reasonably prudent plaintiff, would have been unable to determine that a violation had occurred.'"

McCulley v People, 463 P.3d 254 (Colo. 2020): The en banc CO Sup Ct held that the successful completion of a deferred judgment for a sex offense, which resulted in the dismissal of that charge, does not count as a conviction for purposes of the bar to petitioning a court to discontinue requiring registration for a person who "is convicted" of more than 1 sex offense set forth in CRS § 16-22-113(3)(c) of the CO SORA.

MI: Passes new legislation in response to Does v Snyder, which invalidated the state's SORA. The MI House passed the Senate by a 21-17 vote and the Senate by a 80-24 vote. The proposed amendments to SORA in HB 5679 are:

- Giving RCs no more than 3 days to register or report status changes in person with local law enforcement.
- Requiring RCs convicted after 7/1/2011 to report all email addresses, social media names or other forms of "internet identifiers."
- Requiring all telephone numbers & vehicles used by the RC to be reported. Previously, they didn't need to report those used on a less regular basis.
- Allowing email addresses, social media usernames and other identifiers to be published on a public SOR.
- Removing prohibitions for offenders from living, working or loitering near school property or "student safety zones."
- No longer requiring an offender's tier classification to be included on the public website. Law enforcement personnel who willfully fail to periodically report on offenders would face a penalty.

People v Bott, 2020 CO 86 (CO Sup Ct, 12/14/20): Clarified that no matter how many CP images an individual possesses, large amounts of CP merits a single charge. At issue was whether prosecutors may charge a defendant per image of a child or, in the case of Joshua Christian Bott, group images together in batches of at least 20 to pursue the longer sentence for possession of more than 20 items. El Paso County prosecutors charged Bott with 12 counts of possessing more than 20 items, covering nearly 300 images in total. Bott appealed his conviction, arguing he should have only received a single charge for possessing more than 20 images. The CO Ct of Appeals agreed with him and reversed 11 of his 12 convictions. The three-judge panel decided Bott's multiple convictions violated the constitutional protection against double jeopardy for imposing more than one punishment for a single act. The CO Sup Ct upholds the lower Ct decision.

US v. Kokinda, 2:19-cr-00033 (NDWV 12/17/20): Released SO representing self on pre-trial bail after Court determined he was denied access to law library and his legal papers went missing since July.

State v. Proctor, 237 A.3d 896 (Me. 2020): Maine Sup Judicial Ct held that SORNA of 1999 was unconstitutionally applied to a defendant in violation of the ME and US Constitutions' ex post facto provisions. Craig A. Porter moved his camper to a friend's property in Dresden in May 2018 and did not notify the local sheriff's office of the change. Proctor had prior sex offenses and was thus indicted in Nov 2018 for failing to register in violation of 34-A MRS § 11222 (1-B) (2020). Proctor was convicted and sentenced to 90 days' imprisonment. The execution of the sentence was stayed pending resolution of his appeal as to whether SORNA of 1999 was unconstitutional as applied to him. In October 1990, Proctor was convicted of four counts of unlawful sexual contact in violation of 17-A MRSA § 255 (Supp. 1990).

He was sentenced to five years of imprisonment, with all but one year suspended and four years of probation. However, he was not then required to register because ME did not pass its first registration law until 1991 ("SORNA of 1991"). In Nov 1992, Proctor was convicted of gross sexual assault in violation of 17-A MRSA § 253 (Supp. 1992). He was sentenced to 10 years of imprisonment, with 5 years suspended & 4 years of probation. SORNA of 1991 required imposition of a duty to register but allowed a court to waive the requirement where it found "good cause" to do so. Proctor was not required to register as part of his criminal sentence. SORNA of 1999 was enacted and created a tiered system where SOs were required to register for 10 years, and SVPs were required to register for life. A 2001 amendment to the law "made the law apply retroactively to all persons sentenced for sex offenses or sexually violent offenses on or after 6/30/1992, and before 9/18/1999." State v. Letalien, 985 A.2d 4 (Me. 2009). This amendment applied to Proctor's November 1992 conviction, requiring him to register for life. A 2005 amendment was passed, which retroactively applied "to all SOs sentenced on or after Jan. 1, 1982." Doe v. Williams, 61 A.3d 718 (Me. 2013). This applied to Proctor's 1990 convictions. The Court found "the effect of applying SORNA of 1999 to Proctor's 1992 conviction appears to be a retroactive enhancement of the sentence imposed" and is thus unconstitutional. However, the limited record was vague as to whether Proctor would have still been required to register in 2018 as a result of his 1990 convictions. Accordingly, the Court vacated Proctor's conviction and remanded for a hearing regarding that registration obligation, a new trial, or both.

Does v Wadsen, No. 19-35391 (9th Cir. 12/9/20): Court panel reversed in part and affirmed in part the District Court's dismissal of an action alleging that the retroactive application of ID's SORN and Community Right-to-Know Act, ID Code § 18-8301, et seq., is unconstitutional. Dist Ct ourt erred in dismissing the ex post facto claim on the basis that SORA was civil in intent and not punitive in effect. Specifically, the panel held that the district court erred by (1) construing appellants' ex post facto claim as an as-applied challenge; (2) applying the "clearest proof" standard at the motion to dismiss stage; and (3) finding the outcome of the Smith v. Doe, 538 US 84 (2003) factors analysis to be controlled by precedent. Thus, the panel held that to survive a motion to dismiss, appellants only had to plausibly allege that the amended SORA, on its face, was punitive in effect and case law did not foreclose a finding that SORA was punitive. Because the district court's erroneous ex post facto analysis was incorporated as the sole basis for dismissing appellants' 8th Amdt & double jeopardy claims, the panel held that the Dist Ct erred by dismissing those claims as well. Dist Ct erred in dismissing the free exercise claim under Idaho's Free Exercise of Religion Protected Act ("FERPA"). The panel held that by alleging that SORA's amendments have, in fact, prevented some of the appellants from attending their houses of worship, appellants plausibly alleged that their free exercise of religion was substantially burdened in violation of FERPA. The panel found no error in the Dist Ct's analysis of appellants' vagueness, Free Association, Equal Protection, Contracts Clause, Takings, Separation of Powers, and state Police Power challenges, and affirmed the dismissal of those claims.

In re Gadlin, S254599 (CA Sup Ct, 12/28/20): Unanimous decision overturned regulations issued by the CDCR that prohibited all registrants from benefiting from the benefits of Prop 57; CDCR's current regulations prohibited early parole consideration for all registrants are void because they violate the state constitution.

US v Ellis, No. 19-4159 (4th Cir 1/8/21): Overturned lower court orders barring a NC SO on supervised release from possessing legal pornography or using the internet; restrictions "cannot be sustained as 'reasonably related' under 18 USC 3583(d)(1) and are overbroad under 18 USC 3583(d)(2)."

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.

US v. Rogers, No. 18-2097 (1st Cir. 2021): Appellant was required to complete a treatment program and complete polygraph examinations. Of note, the polygraph condition specified that a failure of a polygraph or invocation of 5th Amdt rights, standing alone, would not be a basis for revocation of supervision. Court affirmed the judgment, finding that appellant had not attempted to invoke his 5th Amendment rights and, in any event, the polygraph condition to which he was subjected did not violate his rights against self-incrimination, and due process rights were not violated.

Stradford v. Wetzel, No. 16-cv-2064 (ED PA 2021): PA in placing individuals granted parole in halfway houses in the community, considered "community sensitivity" as one concern for placement. This concern meant that SOs granted parole remained incarcerated for longer periods of time than individuals w/o an SO record. Court ruled practice of considering community sensitivity was not rationally related to a legitimate state interest & violated Equal Protection.

Commonwealth v. Daughtery, No. 2019-SC-0201-DG (KY 2021): Held multiple convictions for distribution of CP required lifetime registration under KY state law even though all charges stem from the same case.

Doe v. Lee, No. 16-cv-2862 (MD TN 2021): Granted Plaintiffs' motion for summary judgment (on a 1983 challenge) insofar as they brought an 'as-applied' Ex Post Facto challenge, but denied the same challenge on facial grounds. The Court also granted summary judgment to the Defendants with respect to the 1st Amdt claims that the Plaintiffs brought, but did not reach the other constitutional claims.

United States v. Burgee, No. 19-3034 (8th Cir. 2021): Appellant was convicted of a state sex offense and subsequently stopped registering. He was indicted for FTR in federal court, and sought to dismiss the indictment on three grounds. First, the court used an improper methodology to determine whether his offense was one that required registration. Secondly, even if the court used the proper methodology, it should only look to evidence adduced at the plea hearing. Finally, Appellant argued that the federal definition of what required registration was void for vagueness. The trial court denied Appellant's motion, and Appellant was convicted after a bench trial. Appellant sought review. 8th Cir. affirmed, holding that the trial court properly employed a circumstance-specific approach in determining whether his offense required registration, that it considered reliable evidence in doing so, and that the federal definition of "conduct that by its nature is a sex offense against a minor" is not void for vagueness.

State of Wisconsin v Jendusa, 2021 WI 24: Jendusa seeks discovery of a WIDOC database in an effort to challenge the sexually violent person commitment proceeding initiated against him over four years ago. Jendusa believes that the DOC's WI-specific data provides a more relevant basis upon which to calculate his risk of engaging in future acts of sexual violence——a calculation that may result in a lower estimate of his risk than that advanced by the State's expert witness…We hold that the court of appeals did not erroneously exercise its discretion in denying that petition. We nevertheless reach the underlying merits of that petition and conclude that the DOC database is discoverable pursuant to Wis. Stat. § 980.036(5). This is important because the state is using Canadian & Danish studies rather than WI recidivism rates; the WI rates are 30% LOWER than the foreign studies.

Harrison v State of Wyoming, 2021 WY 40 (WY Sup Ct, 3/8/21): "Jeffrey Earl Harrison began registering when he learned he was obligated to do so by a change in the statute, 13 years after his

conviction; 25 years after his conviction, he petitioned the court to be relieved of the duty to register, and the court granted his petition. The Division of Criminal Investigation intervened and moved for relief from the judgment. The district court then held that Mr. Harrison was eligible to petition for relief from the duty to register only if he had been registered for 25 years. Mr. Harrison appeals, and we affirm."

Barnes v. Jeffreys, No. 20-cv-02137 (N.D. Ill. 2021): Overturned IL's the policy of only allowing one registrant to reside at an address on supervision violated the 8th Amdt & the equal protection clause of the 14th Amdt.

In the Matter of the Civil Commitment of W.W., No. 083890 (NJ 2021): State law provided that the state was required to produce psychiatric testimony in support of continued commitment. At the hearing, the state produced testimony of a psychologist who supported continued commitment, and a psychiatrist who did not. The trial court ruled that continued commitment was warranted, and the intermediate appellate court affirmed. NJ Sup Ct reversed, finding that by statute the state was required to produce psychiatric testimony supporting commitment in order to commit an individual. Because they did not do so here, they failed to meet their burden of proof.

People v. Rollins, No. 2021 IL App (2d) 181040 (Ill. Ct. App. 2021): Appellant, an RC, subsequently took a photograph of a child without obtaining parental consent, in violation of state law. IL Ct App affirmed the conviction, finding that the statute was not unconstitutional under the 1st Amdt.

US v. Clemens, No. 20-1180 (8th Cir. 2021): Following CP conviction, court ordered Clemens to pay restitution to one of the children in the images that he was convicted of receiving. Clemens objected to these conditions, was overruled, and appealed. 8th Cir upheld the order, finding that the plain text of the federal restitution statute made Clemens liable for all of the victim's losses related to the illegal conduct regardless of when those losses were incurred in relation to a defendant's conduct. The Court also affirmed the condition prohibiting Clemens from possessing adult pornography, rejecting Clemens's arguments that the condition was void for vagueness, was not reasonably related to his offense conduct, and violated the 1st Amdt.

Doe v. Peterson, No. 18-CV-507 (D. Neb. 2021): Federal district court opinion finding no constitutional violation with regard to NE requiring juveniles adjudicated out of state and registered privately in their respective states to be placed on NE's public registry upon moving there.
People v. Hoffman (Cal. Ct. App. 2nd 2021): Advanced age, standing alone, does not raise sufficient doubt that would render an SVP commitment infirm.

Harrison v. Wyoming, No. 2021 WY 40 (Wyo. 2021): Held that Harrison was not eligible to petition for removal from state registry on the basis that he had not registered for 25 years under state law, fact that his conviction occurred 25 years ago notwithstanding.

Doe #1 v. Lee, et al., No. 3:16-cv-02862; Doe #2 v. Lee, No. 3:17-cv-00264 (MD TN 2021): The registry law established in 2004 cannot be applied retroactively to the two John Does. This may open up other lawsuits against TN on the same grounds.

Alaska v Wright, 593 US _ (2021): Wright was indicted for FTR. Appellant pled guilty and subsequently filed a habeas corpus petition challenging his conviction for the underlying sex offense. The district court denied the petition on the grounds that Appellant was not "in custody" on his prior sex offense. Appellant sought review. The 9th Cir reversed, finding that where an individual is in custody on a FTR offense, it is "positively and demonstrably related" to the predicate SO conviction and thus such individuals are in custody for habeas corpus purposes. The government petitioned SCOTUS for certiorari, which was granted. In a Per Curiam opinion, the United States Supreme Court reversed the 9th Cir, reasoning that if

an individual was serving a sentence for a federal failure to register offense due to his state sex offense conviction, that did not render him "in custody" for the purposes of collaterally attacking the state conviction.

Thomas v Blocker, No. 4:18-CV-00812 (MDPA 2021): Thomas was convicted in 1994 (before the PA registry existed) and served time until 2008. He fought registration on multiple grounds (1) violations of their due process rights by requiring them to register w/o first providing a hearing; (2) unconstitutional retaliation against Plaintiffs for exercising their 1st& 5th Amdt rights; (3) violations of the Ex Post Facto Clause (4) defamation under state law; and (5) invasion of privacy under state law. The court ruled in favor of the state on all (Thomas had appealed the case to the 3rd Cir but was also denied)

Hearn v McCraw. No. 20-50581 (5th Cir. 2021): Plaintiffs who pled guilty to various offenses and were subsequently required to register in TX brought a civil rights lawsuit, alleging that their subsequent registration was not a part of their original plea agreements, and thus violated their Due Process rights. 5th Cir affirmed the dismissal by a lower court, finding that the Plaintiffs' claims were time-barred, and that their ongoing registration did not qualify as a continuing violation.

Fortune v State, No. 19–1721 (Ia. 2021): Fortune petitioned to be removed from the registry after meeting Iowa's statutory criteria for being removed from the registry, and the trial court denied the petition after consideration of non-statutory evidence. The IA Sup Ct reversed and remanded the case, finding that the district court abused its discretion in denying the petition, and clarified the standard for registry modification in IA and evidence that courts are allowed to consider.

State v McCord, No. SC98546 (Mo. 2021): McCord appealed a conviction for violating MO's 1000 ft residency restrictions, arguing that the Rule of Lenity required his acquittal where the statute did not specify whether the measurement of the distance was to be taken from building to building or property line to property line. MO Court of Appeals affirmed the McCord's conviction and held that the proper interpretation of the statute was that the distance measurements were to be taken from property line to property line. McCord then requested review from the state Supreme Court but they also upheld the conviction on a finding that the legislature intended the statute to encompass school grounds in addition to school buildings, and that the rule of lenity was not applicable.

In re McHatton, No. 98904-4 (Wash. 2021): McHatton was conditionally released from civil commitment, but release was revoked after violating a rule. WA Sup Ct upheld a lower court order revoking McHatton's release because the revocation under supervised release was not — under state appellate rules — appealable as a matter of right.

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.

NOTICE RE: HOUSING LIST

For years I have been offering a housing list for those in need of housing upon release. However, some have argued that certain states (FL in particular) won't allow federal inmates to go to halfway houses. The answer if more complicated than that.

The housing options listed on my finding housing page may not be helpful to those seeking an approved "Residential Reentry Center" (RRC)/ Halfway House. Under the federal system, you serve 85% of your time with the last 10% (up to 6 months) spent in a halfway house. To get your 6 months halfway house, you need to have a halfway house that can take you. If none are available, you spend those 6 months behind the fence. Because each location are subject to state and local different residency restrictions, some of these programs may be unable to accept someone with a sex offense conviction. A directory of approved federal RRCs can be found at https://www.bop.gov/business/rrc_directory.jsp

These "halfway houses" look like and seem to work more like community correctional centers. Apparently, they may be subject to residency restriction laws in each state. That may explain why some of these programs may not accept an SO. The housing list I provide is still of benefit to those seeking housing upon release. This notice will be added to future editions of my book.

NOTE RE: STUDENT LOAN AID

Another note to be added to my book will be a mention under financial assistance regarding student aid.

FEDERAL STUDENT FINANCIAL AID: Registered Persons are eligible for student aid. In December 2020, the ban on prisoners receiving Pell Grants were lifted as part of the 2020 Omnibus Spending Bill.

HOUSING ERROR NOTICE

If you have my book or a copy of my housing list, the following info needs to be updated. The phone number that was listed on THOR for Beacon House in GA was incorrect and goes to a grade school, which leads to embarrassing moments. Please note the accurate info on your housing list

Male: Beacon House
House address: 2701 Beacon Ave., Columbus, GA 31904
Mailing Address: 7556 Old Moon Rd, Columbus GA 31909
Contact: Don Wilhite 706-681-3695
or Michael Krugg 706-466-7077

WHAT A BIDEN/ HARRIS PRESIDENCY MEANS FOR RCs

These past four years have truly brought out the worst in American politics, and in many ways, that nightmare is over. However, a transition of power in the White House has meant little to us in the past and will likely not matter this time, either.

First, consider the fact passing tough-on-crime laws have been a bipartisan effort. Democrat President Clinton signed Megan's Law in 1996. Republican President Bush signed the Adam Walsh Act (AWA) in 2006. Democrat President Obama signed International Megan's Law (IML) in 2016. While Republican President Trump never got the chance to sign such sweeping legislation tied to registration laws, he signed FOSTA-SESTA — the Allow States and Victims to Fight Online Sex Trafficking Act and Stop Enabling Sex Traffickers Act. Both these laws have led to massive internet censorship and helped exacerbate the existing wave of human trafficking panic. (Of course, the 2010s were a decade of various sexual panics from campus assault scares to the #MeToo movement to the PizzaGate/ QAnon conspiracy theories.) And while people were touting Trump's passage of the First Step Act, very few provisions benefited anyone convicted of anything but petty drug-offenses, as violent/ sex offenses were excluded from most beneficial provisions of the Act.

This brings us to Democrat President-Elect Joe Biden. In Joe Biden's first Presidential campaign in the 1980s, he ran on a tough-on-crime campaign and had been on the Senate Judiciary Committee since 1981, helping to pass tougher sanctions on drug offenses during Republican President Reagan's "War on Drugs."

Biden has been instrumental in the creation of SO legislation on the federal level. Joe Biden helped create the controversial Omnibus Crime Bill of 1994, which he largely wrote and shepherded through the legislative process as chairman of the Senate Judiciary Committee. The 1994 "Biden Crime Bill" as (Biden himself has called it as recently as spring 2020) created the Jacob Wetterling Act, mandatory minimums, and mass incarceration. Biden defended his passage of the bill during his campaign, claiming it decreased crime (a claim disputed by many criminologists.)

Biden has referred to the controversial AWA as the "Biden-Hatch Bill." (Orrin Hatch, R-UT, also was a supporter of the defunct Dateline TV series "To Catch a Predator" and the vigilante group Perverted-Justice.) During the passage of the AWA, Biden stated, "Plain and simple: This legislation will help save children's lives. Sexual predators must be tracked and parents have a right to know when these criminals are in their neighborhoods. We've done a lot to protect our kids against SOs - creating the NCMEC in 1984, enacting the Biden Crime Bill in 1994, and enacting the Amber Alert system in 2003 - but it is not enough. We must do more. The AWA will help prevent these low-life sexual predators from slipping through the cracks."

Vice-President-Elect Kamala Harris is a former sex crimes prosecutor in CA. As DA, Harris co-sponsored a state law that would have banned SOs from social media sites. And as AG, she presided over "Operation Boo," a mandatory curfew for all homeless SOs on Halloween. Conservative media attacked her for deciding against enforcing a 2000 foot residency restriction law for SOs on parole, which passed by popular vote as part of the state's "Jessica's Law. However, the AG office only decided against further enforcement of the restrictions due to In re Taylor, Docket # S206143 (CA Sup Ct, 3/2/2015), which ruled that San Diego Co's restrictions were unconstitutional as applied. Harris knew that any further enforcement would lead to more lawsuits and decided to no longer enforce the law.

On the one hand, the powers of the President and Vice-President to pass any laws by Executive Order. (An executive order is a type of written instruction that presidents use to work their will through the executive branch of government.) But SO laws have been passed by legislation, not by Executive Orders. But if a federal SO bill is placed on a President's desk, be it Trump's, Biden's, or whoever is elected in 2024 and beyond, I doubt it will get vetoed.

Part of the problem is SO laws have the support of both sides of the political aisle. Conservatives fulfil their moralistic, tough-on-crime agendas, while liberal receive their "justice" for alleged and real crime victims and the belief they are protecting the vulnerable. On a related note, Senate Majority leader Mitch

McConnell has a long record of rejecting criminal justice reforms, and had to be pressured by both parties just to get the First Step Act on the floor. This is why registry reform is a hard sell. It is not impossible, since some harsh laws have been scaled back, although most reforms were merely responses to lawsuits. Still, the leader of this country has great influence over public policy, so two tough-on-crime candidates leading this nation could be bad news for registry reformists.

WORK TO ABOLISH, NOT REFORM, THE REGISTRY

I usually share articles of encouragement at the end of each year but there's been so much news to cover lately, this tradition was pushed back until now. The article I wanted to was written at the Florida Action Committee (FAC) website in November. There has been a long debate within the registry reform movement regarding our end game. Do we fight to abolish the registry or merely reform it, and to what extent do we reform it? I believe the registry should be abolished, but my views have been seen as "radical" by many in the movement. This FAC editorial eloquently states my opinions better than I can do, so I wanted to share this here. And no, I didn't inspire this article.

"Dear Members and Advocates,

A few days ago I had a conversation with a friend and fellow advocate that made me completely re-think my identity. For the longest time I've always considered myself an advocate for "reform" and our movement as the "registry reform movement". Truth is, I'm not advocating reforming the registry. Unless the 'reform' in mind is to eliminate the registry entirely, I'm not into it. The reality is I'm advocating abolishing the registry because I don't think it needs to exist in any form.

As a member of a marginalized group, I suppose I've become so conditioned to the damnation, that anything less torturous seems like a gift. I need to stop thinking that way. It's as if I'm getting punched in the face every day, so if I were only getting punched in the face every other day, that would be a win, right? NO! Why am I getting punched in the face at all? The registry in any form is ineffective. So we should work towards abolishing the registry and not 'reforming' it.

Over the years I've participated in workshops that advocated for different reform ideas. One was seeking a "law enforcement only" registry – where people would still need to register, but the database would be available to law enforcement only. Why? Law enforcement already has our information. If we forget something trivial by a day we're still exposed to five years in prison, so a law enforcement only registry is a punch in the face 5 days a week instead of 7. There's also the concept that the registry should only be for "predators" and not "offenders". NO! There are so many dynamic factors that go into calculating risk that those labels are essentially meaningless when it comes to risk evaluation. Besides, if we're going to be advocates for "othering" a particular group, we have no right to complain when the ACLU felt it was perfectly alright to exclude murderers and sex offenders from restoration of voting rights. It's not alright!

A few years ago, when an individual challenged the Oklahoma law that branded people's driver's licenses with the words "Sex Offender", some reform advocates suggested a code or other less obvious mark might be a "reasonable alternative". Why is that? In Florida we have a statute printed on our licenses (for offenders, predators actually have the words) and I don't think its "reasonable" that I have to show my DL to my bank or store clerk or order a drink at a bar and get dirty looks because everybody knows what that code means. If law enforcement needs to know I'm on the registry they can scan my license. The cashier at Target does not need to know and anyone intent on recidivating is not stopping to say, "here, let me show you my ID before I sexually assault you." These practices need to be abolished, not reformed.

During the nineteenth century, African Americans were fighting for the abolition of slavery, not to modify its terms. During the sixties, women were fighting for equal rights and as recently as this past

decade same sex couples were fighting for marriage equality. That's equality, not just 'somewhat less discrimination than we're currently used to and we'll be content'. I'm not equating our population to those of a protected class, but I'm suggesting that in the absence of any empirical evidence as to the effectiveness of the registry and having served our sentences and repaid our debt to society, as long as we are fighting, why are we not more clear in our messaging and making it understood that we are looking to abolish the registry?

I get the theory that many in our movement think we will be more successful at chipping away at the registry rather than detonating it and I've employed that theory myself in many instances. But at the same time, others might see the 'reform' position as our agreement that there is a justification for the registry in some form, it just needs to be fixed. I have to accept there is legitimacy in both approaches and whether you are attacking the registry with a chisel or with a nuclear bomb, I appreciate the effort you are making towards the common goal… to ultimately ABOLISH the registry.

Sincerely, The Florida Action Committee"

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).

COURT RULINGS ON INTERNET BANS FOR THOSE ON PAPER

In Packingham v. NC, 137 S.Ct. 1730 (US 2017), the US Supreme Court decision declared social media bans targeting people listed on SOR were unconstitutional. However, the justices hinted they would be open to a upholding a legal challenge where a narrow internet ban was imposed as a condition of supervision for a Registrant if the offense involved the Internet. Since that decision, there have been numerous decisions, some good and some bad, have decided if/when internet bans can be imposed as a supervision condition. It seems only a matter of time before SCOTUS revisits this issue, especially given the split between US Circuit courts, with the 3rd, 4th, and 5th Circuits ruling in favor of the right to Internet access for Registrants on supervision, while the 4th, 8th, and 11th Circuits upheld various Internet bans while under supervision. (Note that the 4th Circuit make both a favorable and unfavorable ruling on Internet use while on supervision). There is also a split in state-level courts on the subject of Internet identifier disclosure (which impacts the right to free and anonymous speech); New York dismissed a charge for failing to disclose a Facebook page under the state's eSTOP law, while New Jersey and Florida have upheld criminal convictions based on failure to disclose Internet identifiers.

Favorable rulings:

- US v. Ellis, No. 19-4159 (4th Cir. 2021): Opinion vacating conditions of supervised release banning individual from the internet, and from possessing legal pornography.
- State v. Hotchkiss, No. 2020 MT 269 (MT 2020): MT Sup Ct opinion reversing a trial court's imposition of conditions of supervision restricting internet access, where the underlying offense had no nexus with the internet.
- US v. Becerra, 977 F.3d 373 (5th Cir. 2020): Vacating, on plain error review, a supervised release condition that imposed a ten year ban on internet and computer usage.
- US v. Herndon, No. 18–50541 (5th Cir. 2020): Vacating various conditions of supervised release imposing bans on internet access, computer use, and other activities and remanding for re-sentencing.
- State v. RK, No. A-2022-18T2 (NJ Super. Ct. App. Div. 2020): NJ appellate court finding that blanket social media ban imposed on people on supervised release was unconstitutional under the 1st Amdt
- US v. Arbaugh, No. 18–4575 (4th Cir. 2020): Opinion affirming in part a federal sentence for engaging in illicit sexual conduct with a minor in a foreign country, but reversing in part on the grounds that the district court failed to articulate reasons supporting computer-related conditions of supervised release.
- Fazili v. Commonwealth, No. 1379-18-4 (VA Ct. App. 2019): VA Court of Appeals reversing trial court's imposition of general internet usage restriction as a condition of probation without articulating why such a condition would be narrowly tailored.
- US v. Eaglin, 913 F.3d 88 (2nd Cir. 2019): Reversing trial court imposing internet ban and prohibition on viewing pornography as substantively unreasonable conditions of federal supervised release.
- US v. Holena, 906 F.3d 288 (3rd Cir. 2018): In context of revocation of Supervised Release, reversed imposition of lifetime internet use ban.
- Weida v. State, 94 N.E.3d 682 (IN 2018): IN Sup Ct holding that requirement that person on supervision for sex offense obtain approval from probation officer to access internet was unreasonable.
- People v. Ellis, No. 54 (NY 2019): NY Court of Appeals reversing decision of a trial court in refusing to dismiss an indictment charging Appellant with violating NY's e-stop law for failing to disclose a Facebook account.
- Doe v. Tilley 283 F.Supp.3d 608 (ED KY 2017): Federal civil rights lawsuit striking down KY state social media ban and internet identifier registration requirements.
- US v. Malenya, 736 F.3d 554 (DC Cir. 2013): DC Circuit Court of Appeals opinion reversing imposition of conditions of supervised release which, amongst others, prohibited defendant from using or possessing a computer or accessing any online service without prior approval.
- State v. Cornell, 146 A.3d 895 (VT 2016): VT Sup Ct reversal finding varied conditions of probation were overbroad and invalid.
- JI v. NJ State Parole Board, 155 A.3d 1008 (NJ 2017): NJ Sup Ct reversal of parole boards imposition of condition that registrant was banned from using internet-capable devices.

Unfavorable rulings:

- US v. Hamilton, No. 19-4852 (4th Cir. 2021): Opinion vacating lifetime supervised release conditions relating to employment where there was no connection between employment and the offense of conviction, but upholding two other conditions related to internet use and presence restrictions (unfavorable in terms of Internet use)
- US v. Bobal, No. 19–10678 (11th Cir. 2020): Lifetime computer restrictions for an individual on supervised release did not violate the 1st Amendment.
- US v. Carson, No. 17–3589 (8th Cir. 2019): Affirming imposition of social media-related restrictions for individual on federal supervised release.

- Iowa v. Aschbrenner, No. 18–1045 (Iowa 2019): IA Sup Ct Opinion affirming the conviction of Appellant who was charged with violating Internet Identifier reporting requirements over challenges based on Ex Post Facto and 1st Amdt grounds.
- Delgado v. Swearingen, No. 16-CV–501 (ND FL 2018) Held, in context of civil rights lawsuit under 1st & 14th Amendments, those FL statutes requiring those on SOR provide internet identifiers to authorities were constitutional, though enjoined FDLE from public disclosure.

Another reader pointed out something else that may be useful:

- 18 USC 3593 (d)(2) establishes any special conditions of supervised release must entail "no greater deprivation of liberty than is reasonably necessary for the purposes" of sentencing articulated in 18 USC 3553(a)(2)(B),(a)(2)(C), and (a)(2)(D).
- US v Scott, 316 F.3d 733 (7th Cir.2003): VACATED AND REMANDED special condition of supervised release requiring agent consent to access the Internet.
- US v Holm, 326 F.3d 872 (7th Cir.2003):VACATED AND REMANDED condition of probation banning computer and Internet access, despite serving sentence for posessing 10,000-20,000 images of CP.

"SHOW UP, STAND UP, SPEAK UP" BY JANICE BELLUCCI

There is a new book out for your reading pleasure. The Alliance for Constitutional Sex Offense Law s(ACSOL) and the registrant community is the focus of a newly published book by ACSOL Executive Director Janice Bellucci. The book, "Show Up – Stand Up – Speak Up", offers insights and identifies trends in the registrant community. "The purpose of the book is to educate the public regarding the daily challenges faced by registrants and their loved ones," stated Bellucci. "We believe that once the public fully understands that the registry is punishment, the public will demand that the registry be abolished." The book "Show Up – Stand Up – Speak Up" is available on Amazon in both print ($20) and electronic forms (i.e., Kindle, $10). All profits from the book will flow to ACSOL so that it can continue its mission to protect the Constitution by restoring the civil rights of registrants.

RC JAILED FOR BEING A DAY LATE TO REGISTER

Look, I hate registration as much as the next RC, but my advice is always to get it over with the earliest you're required to register. No one cares about whatever reasons you have for forgetting to register, so make it a point after release to register on time until the registry is abolished.

From: https://www.villages-news.com/2021/04/06/summerfield-sex-offender-jailed-after-showing-up-a-day-late-to-register/

"A Summerfield SO spent a night in jail last week after showing up a day late for his quarterly registration update.

ESR, 50, of --- 162nd St., was convicted in Orange Co in 10/1997... As a result, he was required to register… and must re-register four times a year, in the months of June, September, December and March.

He has re-registered 25 times since originally registering in 4/2015. He most recently re-registered in Marion Co on 12/4/20 and was reminded his next re-registration was scheduled for March, according to the MCSO report.

On the morning of 4/1, R reported to the sheriff's office to register. After being read his Miranda warning, he told a deputy he forgot he was required to register in March. R said he realized on 3/31 he had forgotten and came to the SO unit office, but it was closed. ESR has been provided with the unit's office hours in the past and is aware the office is closed on Wed, the report said.

R was arrested and charged with failure to comply with SO requirements. He was taken to the Marion Co Jail, where he was released shortly after midnight Saturday on $2,000 cash bond. Rolle is scheduled to appear in Marion County Court on 5/4."

TRUCKING AS AN RC

People have asked me about trucking as an RC, so here's the short answer; Truck driving is a feasible job for many RCs, but there is a catch. First, some states are trying to pass CDL restrictions for those convicted of human/sex trafficking. States with work restriction proximity laws (i.e., laws that prevent registrants from living within a set distance from prohibited areas) include AL, DE (if LII/LIII), GA, MI, MT (If considered high risk), SC (only if on paper), & TN; in AL, an RC volunteer firefighter was arrested for taking a service call within 2000 feet of a school, so making a delivery in a restricted zone could have the same effect in these states. Finally, there are states that place humiliating marks on your state ID/DL Cards: AL, AZ, DE, FL, KS, LA, MS, OK, TN, UT, VA (only on CDLs for passenger transport vehicles), & WV. There are many RCs employed as truck drivers, but that doesn't mean it is easy to find work. I've seen articles where some failed to find jobs after filing dozens of applications.

From "How I made it in trucking" by Jon, Titus House Ministries Newsletter Jan. 2021: "From what I understand, my story is different from many others in that I was employed in trucking pre-conviction and my company kept me on post-conviction. However, many of the issues remain the same for me as they would for anyone else. I started trucking in 1996. I attended a company-owned truck driving school. It consisted of classroom work, primarily, how to identify traffic control signs, the hours-of-service regulations, hazmat regulations, and map reading and trip planning. Following that, several hours were spent on a driving range learning to double clutch and shift a 13-speed transmission, backing, and eventually driving on the road. Afterwards, my company required 2 months driving over the road with a trainer. After a road test, I was assigned a truck of my own and sent on my way.

In 2015, I was convicted of a sex crime and required to register. I was worried about how I would travel interstate. It really isn't difficult. I am under OH jurisdiction which requires registration after 72 hours in one jurisdiction or another. As a truck driver, I am RARELY in one state for more than a day or two. I am subject to being inspected and I DO get inspected. In Ohio, your registry status is in your CDL info and it DOES come up. The general response from DOT and other law enforcement is a shrug and a 'Have a nice day!'

I was graciously allowed to keep my job after I got out of jail but eventually, I was offered a job through an owner-operator. The game changed. OH requires the truck be registered on my SO information page. This often causes issues when signing the truck on with a parent company. Some are very weary of having an RC attached to their company. Some are not. We found a company with no issues and I was off to the open road again. I quickly learned that owner operators end up being inspected more often than company maintained trucks. Eventually, I went through the arduous process of looking for a company job. It was more difficult than I expected.

Like I said before, companies generally don't want their name associated with RCs. The company I drive for is no different. Luckily, the owner knows me personally and he was able to sell his hiring committee on the idea of taking me aboard. He had a very difficult time doing this. He won in the end and so did I! I

was offered a generous sign on bonus and an excellent pay and benefit package. I now work as hard as I can to be a blessing and a productive addition to the company. Eventually, I won my supervisors over.

WORDS OF WISDOM: No matter what job you do, do it with pride, do it with dignity, do it with gratitude. THIS is what you will be remembered for. Your registry status is a stumbling block but it is NOT a brick wall. The day I was convicted closed many doors, but it also OPENED some doors. As a registrant, I have to work harder, prove my value, and be more compliant and productive than the person working beside me. I make sure any issue I have is a big enough issue that it disables my productivity before I complain. YES, I have coworkers who make me feel less than human. I have a mechanic who refuses to work on my truck. HEY, GUESS WHAT!! We have 5 mechanics! I don't make an issue out of it! I deal with it.

Overall, the trucking industry is a good place to work if you are a registered citizen. The pay is ok. I made $52,000 last year. Some drivers see $80,000. Most first-year drivers will make around $40,000 in their first year. It is important to check with your PO if you are under supervision. They will generally be enthusiastic and will jump through hoops to help you. Mine gave me a travel permit. I found it important to work only for companies within my home state, as a company located out of state could mean dual registration. Look for a company that has a terminal within your state…or a drop or a drop yard or a main customer that you can use as an address. And good luck. It has brought me great freedom!

OFFENDEX - EXTORTIONISTS OF RCs ARRESTED

One of the scams we've faced as RCs involve online extortion websites, scams that create private registries using publicly accessible data then charge hundreds of dollars to have that data removed from one site. They then post it at another site and demand more money. Sometimes, they even make threats against those refusing to pay. This takes advantage of gullible folks who believe they're paying to be removed from the registry.

Charles Rodrick and Brent Oesterblad ran such a scheme and had a history. Both were convicted in the 1990s of selling cable descramblers. In 2015, a federal court hit the duo with a $3.4 million settlement after the duo used the Offendex website to falsely claim certain people they hated were on the SOR. (Unfortunately, the RCs harassed by the duo were awarded nothing.) But the duo still believed they were untouchable for targeting RCs, even bragging to their victims they will get away with it because nobody cares. But after a decade of their campaign of extortion and threats against detractors, Rodrick was arrested and charged with multiple felonies including harassment and fraud. He now faces 12-23 years in prison if convicted.

While far too many scammers and vigilantes get away with crimes against RCs, this is one time the cops actually took steps to stop those abusing the registry. It needs to happen more often.

NOTE ON ADOPTION & FOSTER CARE

In appendix 2 of my book "Your Life on The List," I cover parental rights issues. While not all statutes specifically cover foster care or adoption, agencies will routinely deny Registrants (and oftentimes their family members) from adopting of fostering a minor. This can impact your own dating life as well as that of your loved ones. As told by one father on the list:

The daughter of a Registered Person was unable to have children of her own, so the daughter and her husband looked into both adoption and foster care as possible alternatives. One of the questions on the application asked, "Is anyone in your extended family a sex offender'?" She answered truthly, "Yes, my dad is." So they immediately denied her. She appealed.

They then the foster care agency told her the only condition in which they would consider allowing her to adopt was if she agreed to call the police any time that the Registrant was "within sight" of the child. She had to sign a form, which held her legally liable if she did not call the police if the child ever saw the Registrant, or if the Registrant ever saw the child.

They specifically gave this example: If she is in Walmart with the foster child, and happens to see her father shopping in that same Walmart, she is required to call the police and have the father removed from Walmart. She is not allowed to approach the father and ask him to leave, because that would endanger the child.

THE DIRTY HALF DOZEN: WORST STATES FOR REGISTERED PERSONS

I have stated often I really, REALLY hate the question, "What's the easiest state for an RC?" Here's the thing—it gives people the wrong idea. My response is, "Your mileage may vary." I've also stated that it is easier to list the worst states to live in because the laws are more stringent in certain states. Many others have made similar claims, from utilizing a "pain index" to media accounts. I think there is merit to both approaches. I've also been reluctant to say which states are the best, at least in part because it is assumed to be easy on us. ALL states have public registries. Not all list every registrant. Some have residency restrictions, some don't. Some states have fees, work restrictions, or anti-loitering laws. The result is a confusing mess. However, there are six states that stand out in this race. Although this is my own opinion, it is based on a number of factors regarding state laws, but not necessarily the result of public perception. It won't surprise you the Deep South (the "Bible Belt") dominates this category.

1. Alabama: While Florida gets more attention, AL just edges out FL. AL's 2000 foot restrictions from schools and daycares are for both work AND school and strictly enforced; in 2016, a volunteer firefighter on the registry was arrested for accepting a service call too close to a school. AL added work bans of 500 foot from playgrounds, parks, athletic field, or child-oriented business. AL also has $10 registry fees every time one needs to register. Many registrants can't live with their own children (depending on the offense). Everyone registers FOR LIFE. (Some juveniles only register 10 years.) Halfway houses are routinely shut down. AL used to place "CRIMINAL SEX OFFENDER" in red letters but after a court ruled it was unconstitutional, they replaced that with "CV606" (a reference to the court case.) In May 2017, I determined that 57% of RCs in the state were unemployed, and that may be an underestimation as the top job was "laborer" or "handyman." AL has chemical castration as a parole condition for offenses against minors under 12. AL is an AWA state. AL is a poor, backwater place with government content with keeping the state from joining the 21st Century.

2. Florida: FL gets all the attention thanks to their "scorched earth" policies. The primary issue in FL is residency restrictions; the state restriction is only 1000 feet from schools, child care, parks, and playgrounds, municipalities have increased restrictions as much as 3000 feet. At least a quarter of the state's homeless registrants are in Broward (Ft Lauderdale) or Miami-Dade Co. Everyone registers FOR LIFE (and beyond), and the state marks ID/DL with a code for offenders or the words "SEXUAL PREDATOR". FL has civil commitment and chemical castration, and a number of vigilante groups that harass RCs. Those on paper cannot participate in holiday events geared towards children (trick or treating, dressing up as Santa or Easter Bunny). Parental rights can be terminated for certain offenses and those labeled predators can be blocked from family reunification. FL is AWA compliant. Forget about shelter during a hurricane, unless you want to shelter in prison. The only Brightside here is no registry fees.

3. Louisiana: LA's worst policy is allowing registration offices to set their own fees, & some have been as high as $1200 a year. In hurricanes, RCs must go to segregated shelters (one blew away by Gustav in 2008); 1000 foot residency restrictions from schools, daycares, educational centers, parks (and for some,

video arcades & playgrounds) if victim was under 13; no custody rights if child was the victim but can claim inheritance; offers chemical castration to parolees; Halloween restrictions; and RCs are responsible for sending out their own community notification fliers.

4. Tennessee: RCs in TN can expect to pay $150-$200/yr to register; 1000 foot living, being present, AND work restrictions from schools, daycares, parks, playgrounds, rec centers, & athletic fields; cannot accept any job where you could be alone with a minor or attracts minors; can be banned from public libraries; little to no parental rights, especially if divorced; and marked drivers licenses (although TN doesn't publicly disclose the nature of the marks); is AWA compliant

5. Oklahoma: 2000 foot living restrictions and 500 anti-loitering from school, educational institutions, campsites for kids, parks, and daycares (higher levels cannot even strep foot in a park); "Sex Offender" stamped on ID/DLs, anti-cluster laws (two or more RCs cannot share a household); it is also assumed that allowing a child to live in a household with an RC is not in the child's best interests, and can be hounded by CPS; is AWA compliant.

6. Illinois: IL is the only non-AWA state (& northern state) on this list. If you visit any place in IL for any 3 days, even if the dates are 1/1 in East St Louis, 7/1 in Chicago, and 12/31 in Effingham, you're forced to register. There are $100 annual fees & 500 foot residence restrictions from schools, parks, playgrounds, or any place children gather. There is a long list of jobs banned by state laws, and some aren't even related to kids, like admission to medical school, executor of estates, drivers for public transport, or municipal employment. You can't vote at your polling place if it is at a school. You can't loiter 500 feet from a park or enter one, and you are banned from celebrating Halloween or Easter, or dress in costume. You must renew licenses annually, and have few parental rights, as anyone with an offense against minors can't live w/ kids unless they are biological or stepchildren.

Dishonorable Mention - North Carolina: NC was higher on the list until Does v Cooper overturned presence restrictions (preventing even church attendance) & Packingham overturned social media bans. There are still 1000 ft living restrictions from schools, daycares, and Boys/Girls clubs. Cannot obtain emergency services credentials, CDL for school buses or passenger vehicles, or work with minors. There are still existing presence restrictions prohibiting from many places where minors are present, which includes and state or county fair, arcades, and amusement parks. You must provide proof of registration to get a state ID/DL, but doesn't mark cards.