**THE INFORMATIONAL CORRLINKS NEWSLETTER (ICON) # 97**

**Nov. 2023 – SMART TECH, NEW DANGEROUS SCAM**

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

**LEGAL ROUNDUP**

*Ex Parte Danny Richard Lane*, 2023-wr-90-084-01-1 (TX Ct of Crim App 2023): Texas’s highest court in 6-3 decision ruled the state’s historical doctrine of “judicial clemency” does not forgive registry requirements. Lane was convicted in 1982 & completed 10-yr probation; in 1987, the trial court “set aside” Lane’s rape conviction through judicial clemency, which had provision that the offense could be considered if convicted for a future offense. Lane got a drug conviction in 1998. TX passed a registry in 1991 & updated it to make SOR for all offenses after 1970. Lane was then arrested for FTR in 2007 & again in 2017. Court ruled however, rejected that recommendation, finding that a duty to register can be terminated only for 2 reasons: the conviction requiring registration is reversed on appeal, or a full pardon based on proof of actual innocence.

*State of Montana v. Richard Hinman*, 2023 MT 116: Hinman was convicted in 1994. SVORA, known then as MT's SOR Act, required Hinman to maintain registration for 10 yrs. MT legislature amended SVORA in 2007, added more onerous steps & applied them retroactively. Hinman was charged with FTR in 2019. He appealed, arguing that the amended SVORA requirements rendered the statute an unconstitutional ex post facto punishment for his earlier crime. The MT Sup Ct reversed, holding SVORA as amended is punitive in nature; the requirements brought on by those amendments could not retroactively be applied to defendants whose convictions predate the amendments.

*LaCroix v State of Idaho*, #CV01-23-07121 (4th Jud Dist Ct ID 2023) – ID agrees to pay $319k under ID’s Wrongful Conviction Act for man wrongfully incarcerated for FTR & served 5 yr & 9mo. LaCroix was adjudicated as a juvenile of 3rd Deg sodomy in OR & shouldn’t have been required to register under ID law. Meanwhile, in VA, it was reported a man named David Kingrea served a year in jail & 12 yrs on the SOR for a crime he didn’t do & was recently exonerated, but only received $55k as time on the SOR doesn’t count towards compensation. Kingrea is fighting for more $$; he considered his time on the SOR a “death sentence.” Kingdrea told reporters, “I mean how much can a person take? It’s hard to put twelve years of terrorizing somebody.”

*Cornelio v. State of Connecticut*, No. 3:19-cv-1240 (JAM) (USDC CT, 9/14/23): Ruled that disclosure of online aliases chilled Cornelio’s ability to communicate freely & CT has yet to use the law to prevent or detect any criminal activity. Judge Jeffrey Meyer acknowledged that CT Gen. Stat. 54-251(a) & 54-253(b) do not bar anyone from speaking but agreed with Cornelio that the laws burden his 1st Amdt rights. "By compelling plaintiff to disclose to the state police all of his email addresses, social media accounts, & any other internet communication identifiers (such as the name he uses if he comments on an online news article), the law chills and inhibits his right to speak freely on the internet & to do so anonymously if he wishes." Note: This was NOT a class action suit so the ruling is only applied to Cornelio for now.

WA (9/8/23) –Jace Hambrick was arrested in 2017 after responding to a Vancouver detective’s post in the Casual Encounters category of Craigslist about a girl looking for someone to talk to about video games. Court records show the detective messaging Hambrick said multiple times they were a 13-yr-old girl before & after the conversation turned sexual in nature. Hambrick, then 20, expressed doubt that a 13-year-old would be posting on Craigslist, &, at one point, he said he thought the fictitious girl was joking about her age. Hambrick was arrested & convicted. He appealed on the basis of insufficient evidence & that his right to a jury trial was violated because he didn’t personally sign a waiver. The WA Ct of Appeals ruled his right to jury trial was violated due to lack of signature & conviction overturned (after he completed his sentence). On 9/5/23, A Clark Co Superior Ct jury acquitted Hambrick “attempted second-degree rape of a child & communicating with a minor for immoral purposes.” His story had previously appeared in a NY Times Magazine exposé entitled “Convicted of Sex Crimes, but With No Victims.” (Michael Winerip, 8/26/2020. Website link: https://www.nytimes.com/2020/08/26/magazine/sex-offender-operation-net-nanny.html)

MO – A MO man (Thomas L Sanderson) won a TRO against the state’s practice of forcing RPs to place signs in their yards on Halloween proclaiming there is no candy to be found there. On 10/27/23, Sanderson won a TRO in the US Dist Ct, ED MO, preventing the state from enforcing the No Candy signs, although other Halloween-related requirements – no handing out candy, no decorations, & turning lights off after 5pm – remained in place. The MO AG appealed to the 8th Cir, but was denied on 10/30/23. It should be noted that in recent years, placing signs in the yards of RPs have been declared unconstitutional. Perhaps most notably, last year’s McClendon v. Long, 22 F.4th 1330 (11th Cir. 2022) had ruled against a Georgia Sheriff, declaring signs proclaiming an RP lives at this address “compelled speech” and “not narrowly tailored.” The TRO is enforced for 14 days so it had prevented MO from enforcing the placement of the No Candy signs for Halloween 2023.

**SMART TECH**

As we continue to integrate “smart” technology into every device imaginable, it is no surprise that “Smart TVs” are now the norm. Smart TVs are TVs that allow access to the Internet &/or have integrated hardware to allow access to a cable service or Internet streaming service (like Netflix) w/o use of a box. Some Smart TVs even have USB Ports so you could view files downloaded from a computer & placed onto a USB drive. This could potentially cause problems should you be among the unfortunate ones who are banned from using the Internet while on post-release supervision (probation/parole, etc.).

I’ve never heard a single story of an RP being denied access to a Smart TV. In fact, as more devices are becoming “Smart”, like home appliances & automobiles, it is becoming difficult to buy modern devices that are not connected to the Internet in some way. Still, there may be the rare occasion that an RP on paper gets a PO &/or judge that sees Smart TVs as a threat & winds up with a ban.

Some of you may have other common concerns with all these “Smart” devices. The government might not be using Smart TVs to spy on private citizens, but some private companies collect viewing habit data to sell to advertisers. Other concerns by consumers include additional ads running on the devices when not watching TV & Smart TV software becoming obsolete in a few years.

Unfortunately, finding a “non-smart TV” or a “Dumb TV” is becoming increasingly difficult, & options are rather limited. Most Non-Smart TVs you will find on store shelves are >40” & not in 4K resolution, though a few larger TVs with higher resolution are available. Major Retailers like Walmart, Best Buy, & Target still sell some Non-Smart TVs, though many will be brands you may not recognize, like Sceptre, Supersonic, or Caixun. (Best Buy, for example, has its own “Insignia” brand.) One option may be buying older TVs from a thrift store or garage sale.

While this does not seem to be a major issue at the moment, it could become an issue if someone ever commits an offense through internet access via Smart TV & it makes headlines. In the near future, it will become virtually impossible to buy a car or home without dealing with “Smart” technology. You will face similar problems finding cell phones w/o internet access (“dumbphones”) since even these types of devices often have cameras on them, which may make them off-limits as well. Technology is constantly changing & the law (& Predator Panic) eventually catches up to new tech.

Regarding cell phones, there is a company called Light Phone that sells cell phones w/o internet. As described on their website (“https://www.thelightphone.com/), The Light Phone II is a premium, minimal phone. It will never have social media, clickbait news, email, an internet browser, or any other anxiety-inducing infinite feed. It's an experience we call going light. It's a phone, it calls & texts. There is a customizable menu of simple tools, & a dashboard website to manage everything. There is a headphone jack, bluetooth, & it can be used as a personal hotspot.” The screen is in black & white, similar to certain eBook readers like Amazon’s Kindle. Service plans start at $30/mo. If you buy their service plan but the phones are “unlocked,” meaning can be ported to any service that utilizes 4G service, which is virtually all major carriers. For those who are unaware, most budget services run on major carrier networks; for example, Straight Talk Wireless, a budget service sold at Walmart, runs on the Verizon Network, while Metro PCS runs on T-Mobile’s network. So this Light Phone may be useful for those who are banned from owning phones with internet access.

For now, there is still a chance that you may endure an internet or social media ban IF you are “on paper” (probation, parole, supervised released, etc.). Unfortunately, the Packingham v NC 2017 SCOTUS ruling, which unanimously upheld the right of RPs to use social media & the Internet, did not address those on paper. The conservative wing of SCOTUS wrote in their concurring opinion they were open to upholding a ban for those on paper. While most courts are applying Packingham to those on paper, some have ruled against those on paper particularly where the Internet/social media was used in the commission of the offense. So for now, it is important to keep up with the latest in “smart tech.”

On a related note, the potential death of “physical media”, i.e., DVDs, Blu-Rays, CDs, video game cartridges and discs – could be a huge problem should the practice of banning RPs under supervision continue without SCOTUS intervention. In 2024, it has been reported that Best Buy will stop selling physical copies of movies, & Walmart plans to quit selling Xbox games. However, movie & game sections at many major retailers have shrunk for years. In recent years, buyers have been moving in greater numbers to “streaming services” for both movies & video games. While all major retailers have games & movies for sale, they generally have a far larger selection of them online than in the stores. Thankfully, you’ll still find movies in abundance at second-hand stores & video games at used game stores, & both at flea-markets, yard sales, or other used item sales events.

But if an RP is banned from the Internet while on paper, that person can’t use such services. It will be years before this fully impacts RPs on paper & by then, hopefully the issue of banning RPs on paper from Internet services has been resolved.

**NEWEST SCAM ENCOURAGING VIGILANTES**

I really hope this does not become a widespread scam because it encourages vigilante violence.

(Source: Logan Jennes. “Scammer urges North Carolina residents to ‘bring in sex offenders’.” Fox 8 WGHP in NC. 10 Oct. 2023. https://myfox8.com/news/north-carolina/scammer-urges-north-carolina-residents-to-bring-in-sex-offenders/)

“The Caldwell Co. Sheriff’s Office received multiple calls from residents regarding a scam. People say they have been contacted by someone claiming to be an officer from the Lenoir Police Department. The scammer is telling residents that some SOs are violating their SO requirements. Residents are being told they’ll receive a $5,000 check if they bring the SO into the Caldwell Co. Sheriff’s Office. Law enforcement will never ask private citizens to take someone into custody, officials said…”