

## **ICON CONSOLIDATED NEWSLETTER 2024B (July-Dec, #105-#110)**

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 the year 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/RP (registered citizen/registered person, 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 09/30/2024

### **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](mailto: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” (YLOTL) 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](https://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/>

**YLOTL Edition 4 coming soon (estimated Dec. 2024). Visit [OnceFallen.com](https://oncefallen.com) (or have a loved one check it out for you) to see if a newer edition is available before ordering.**

## COURTS & LEGISLATION WATCH

*Bell v. Raoul*, 88 F.4th 1231 (7th Cir. 2023): Held an IL prisoner's challenge to civil commitment as a SVP after release cannot be raised under 42 USC §1983, unless the underlying civil commitment is first terminated in his favor or shown to be invalid "through another outlet." The ruling extended application of the principal laid out in *Heck v. Humphrey*, 512 US 477 (1994), that a civil rights challenge to prison disciplinary action is barred whenever a favorable ruling for the prisoner would necessarily imply that it was invalid. The Court said that Bell had several administrative options to challenge his continued commitment, or he could appeal the decision of a periodic review board to continue his commitment all the way to the state supreme court; should he exhaust his state appeals, he could file a federal petition for a writ of habeas corpus pursuant to 28 US §2254(b)(1)(A) & possibly a state law habeas petition as well.

*Martell v. X Corp.*, Case # 23-C-5449 (N.D. IL, 6/13/24): A US Dst. Ct dismissed Martell's complaint pursuant to Fed. Rule of Civil Procedure 12(b)(6), claiming Martell failed to state a claim upon which relief can be granted. Martell sued X (Twitter) for violating IL's Biometric Information Privacy Act. Martell alleges that he uploaded a photograph of himself on X, which X analyzed for nudity & other not-safe-for-work (NSFW) content using a Microsoft product called PhotoDNA (used by tech companies to scan for CP). Martell argued that PhotoDNA created a unique digital signature of the photograph, known as a "hash", to compare against other photographs' hashes. Martell alleges that creating this hash necessarily created a scan of his facial geometry in violation of BIPA. As PhotoDNA "only scans photos" it doesn't meet the definition of "biometric information"; Martell failed to prove PhotoDNA could ID him; however, Martell can file an amended complaint since the Court couldn't find X to be acting in good faith, necessary for immunity under 47 USC §230(c)(2)(A).

*Alliance for Constitutional Sex Offense Laws v. Bonta*, #C098492 (CA 3rd App Ct, 6/27/2024): Ruled every person convicted of Penal Code §288.2, providing harmful material to a minor, must register for life even if the felony conviction was reduced to a misdemeanor. The Court based its opinion on an interpretation of PC §17(e) which states that judges can't remove those offenses from the registry. ACSOL supported the tiered registry, but when it passed, CP offenses were placed on Tier 3, the highest level.

*Gonzalez v. Trevino*, 602 US \_\_ (2024): In *Nieves v. Bartlett*, 587 US 391, SCOTUS held that an arrest can violate the 1st Admt even if it was based on probable cause, provided the claimant can present "objective evidence that he was arrested when otherwise similarly situated individuals not engaged in the same sort of protected speech had not been." But in this ruling, SCOTUS held that showing doesn't require "very specific comparator evidence" indicating that "identifiable people" engaged in very similar conduct but were not arrested. This case may be useful when suing police over retaliatory arrests for filing complaints against them.

BILLS: AZ, CT, LA, NH, NC, NY, & RI completed their legislative sessions in June; only 6 states (CA, MA, NJ, MI, OH, PA) remain. Below are ONLY the bills that were signed into law:

- CT: HB1038, Prohibits those with "any felonious offense involving (CP), or of a felonious physical assault on a minor, or of any sexual assault, he or she knowingly engages in employment or volunteer service...either as the employer or provider of such service or as an employee or volunteer, that consists of acting as a public or private school teacher, school administrator, guidance counselor, coach, a worker of any kind in child athletics, a day care worker, a boy or girl scout master or leader or worker, a camp counselor, or any employment or volunteer activity that provides services exclusively or predominantly to minors, that involves direct supervision of minors, or that involves one on one work with minors, or any employment or volunteer service that involves the direct supervision of minors, or one on one work with other minor employees. RSA §632-A:10

- LA: SB371, requiring surgical castration of persons convicted of certain crimes when the victim is under age 13. L.R.S. §14:43.7

Of the remaining bills, CA SB1128 (2024) is the most bothersome; if it passes, it would require those guilty of engaging in an act of unlawful sexual intercourse with a minor 3+ years younger than the offender, or if the offender was 21 years of age or older, engaging in an act of unlawful sexual intercourse with anyone under age 16, to register for 10 years as a Tier 1 offender, unless the offender was not more than 10 years older than the minor and if that offense is the only one requiring the offender to register, It is retroactive & would add 32k RPs to the list. (ADDENDUM: CA SB1128 stalled in committee as of 9/30/24)

*Commonwealth of Pennsylvania v. Torisilieri*, No. 97 MAP 2022, A.3d (Pa. 2024): Held: that PA SORN law does not create an unconstitutional irrebuttable presumption of dangerousness that violates substantive due process, in particular state constitutional right to reputation; & PA SORN law does not constitute punishment, & therefore does not violate 6th Amdt right to a jury trial & 8th Admt prohibition of cruel & unusual punishment.

*Doe v. Burlew*, No. 4:2024cv00045 (W.D. Ky. 2024): An emergency TRO has been granted preventing KY from enforcing 2024 KY SB 249 against Doe, a bill recently signed into law that requires RPs to use their real names on social media profiles, pending further hearing, though court stated RPs would likely win on 1st Amdt anonymous speech grounds & the law being overbroad.

*Session v. State*, 887 SE 2d 317 (Ga. 2023): GA Sup Ct held GA SORN does not violate (Reconstruction Era) state constitutional provision providing that “[t]he social status of a citizen shall never be the subject of legislation.”

*People v Brown*, 41 NY3d 279 (NY 2023): Court of Appeals (NY’s highest court) agrees that it was unlawful to require registration for a non-sexual offense. This ruling discussed why the wrong label is harmful because of the unique stigma associated with the SO label.

*Doe v. Keel*, 892 S.E.2d 282 (S.C. 2023) SC Sup Ct held that an RP in SC, based on CO conviction, who then moved to GA, where he was removed from its registry), remains subject to continued lifetime public registry in SC even though not required to physically register & update in SC.

*Cornelio v. Connecticut*, 691 F. Supp.3d 529 (D. Conn. 2023) US Dist Ct ruled that VT law requiring registration of email addresses, instant messaging addresses, & other identifiers violates 1st Amdt.

*People v. Corr*, N.E.3d (NY 2024) Held the statutory phrase “initial date of registration” refers to the date the individual first registered under NY SORA, not when he was required to register under the law of another state. Newcomers to NY are not given credit for any period of time registered in another state. The Court acknowledged that other states do afford credit & that NY law “as written, may lead to unfair results in some circumstances. For example, an offender with a minimal risk of reoffense who has spent substantial time compliant with an effectively administered out-of-state registry scheme without having reoffended would seem to deserve credit for that time as a matter of policy. Moreover, the diversion of public resources & attention towards offenders such as these arguably undermines the state's effort to protect the public against genuinely dangerous offenders.”

*State v. Schilling*, 224 N.E.3d 1126 (Ohio 2023) Schilling was convicted in OH, then moved to KY, complying w/ KY SORN for 10 years, then returned to OH to seek termination of his registration requirement. OH Sup Ct holds that the date of the OH conviction 10 years ago is the key date & that his 10 years of compliance in KY satisfied Schilling’s OH registration requirement.

*State v. Fritsche*, 895 S.E.2d 347 (N.C. 2023): NC Sup Ct. held that NC does not count registration period in other state: “The legislature’s purposes in protecting the public & ensuring public safety are not served if SOs can avoid registering or maintaining registry in NC as a result of time spent on another state’s SOR. It is an offender’s registration in NC—not in other jurisdictions—that protects NC citizens.”

*Drewe v. Missouri State Highway Patrol*, 672 SW 3d 284 (Mo. App. 2023): Drewe was convicted in 2001 in MO; under state law, he was required to register a minimum 15 yrs, but he was denied release from the registry; the Court held that a state conviction also requires under federal SORNA & is subject to lifetime registration under MO law, even though both MO & Fed law only requires 15 yrs registration. (This applies prior holding of MO Sup Ct in *Smith v. St. Louis Co. Police*, 659 S.W.3d 895 (Mo. en banc 2023).)

*National Association of Rational Sex Offense Laws v. Stein*, et al., No. 23-2040 (4th Cir. 2024): Rejected Ex Post Facto challenge to NC’s SO laws; the Court found NARSOL “failed to show by the ‘clearest proof’ that the effects were sufficiently punitive.” It also rejected an overbroad challenge, adding, “registration statutes need not make individualized determinations of dangerousness.” “Although the restrictions at issue here are severe, their effects aren’t akin to banishment... only 411 out of the State’s 25,063 registrants are homeless, shows that registrants have managed to find some housing despite these restrictions.”

*People ex rel. Rivera v. Superintendent, Woodbourne Corr. Facility*, 221 N.E.3d 1 (N.Y. 2023): Held that 1000ft prohibition with regard to those on parole does not violate Ex Post Facto Clause.

*Interest of Sternberg*, 987 N.W.2d 340 (N.D. 2023): In applying Crane/substantive due process requirements, court reverses lower court civil commitment determination: state failed to show by clear & convincing evidence that petitioner had serious difficulty controlling his behavior.

*Kitterman v. City of Belleville*, 66 F.4th 1084 (7th Cir. 2023): Upheld dismissal of Kitterman’s complaint for failure to state a claim under FED. R. CIV. P. 12(b)(6); the Court declared complaint was “doomed from the start, insofar as he thought he could prove federal constitutional violations by showing only that the state officials misapplied state law.”

*State v. Hinman*, 530 P.3d 1271 (Mont. 2023) MT Sup Ct held that the MT SOR, as the result of numerous changes since 2007, is punitive; Hinman’s FTR charge is dismissed because SVORA’s retroactive application to Hinman violated the ex post facto clause in Art. II, Sec. 31, of the Montana Constitution.

*Rick v. Harpstead*, 678 F. Supp.3d 1068 (D. Minn. 2023): Trial court grants federal habeas relief to MN committee based on several findings, substantiating procedural due process claim: (1) study of recidivism rates of those released from MN prisons & study of relative recidivism rates of SOs who had completed treatment versus those who didn’t were scientifically valid & could be relied on; (2) testimony of forensic psychologist offered by petitioner was credible; (3) new testimony of first court-appointed examiner, who recanted prior testimony supporting commitment of petitioner as an SDP, offered by petitioner was highly credible & persuasive; (4) new testimony of second court-appointed examiner, who recanted prior testimony supporting commitment of petitioner as an SDP, offered by petitioner was credible; (5) testimony of county’s expert opposing petition was less credible than testimony of petitioner’s experts; & (6) it was more likely than not that no reasonable jurist would have found by clear & convincing evidence that petitioner met the standard for being civilly committed as an SDP, & the improprieties in petitioner’s commitment proceeding were so egregious that they rendered it fundamentally unfair.

*Rick v. Harpstead*, \_\_\_ F.4th \_\_\_, 2024 WL 3615453 (8th Cir. 2024): Involuntary committee in MN denied habeas relief based on actual innocence exception to one-year habeas filing requirement. Petitioner based his claim on empirical work, available post-commitment, calling into question the risk instrument employed when he was committed 12 years before. The two psychologists who recommended petitioner's commitment reviewed the new evidence & changed their minds regarding his commitment-eligibility. Actual innocence exception did not apply because Petitioner admitted his guilt when he initially pled guilty in 1993. The court went on to note a variety of doctrinal & practical problems that would arise if Petitioner were granted relief.

*Johnson v. Madigan*, 880 F. 3d 371 (7th Cir. 2018): Johnson was convicted in 1983 in IL, when he was 19 years old & was required to register 10 yrs. In 2011, IL amended its SOR Act to define as a "sexual predator" a person who had been convicted of any felony offense after 7/1/2011, & had been required to register under a conviction that required registration for 10+ yrs. 730 ILCS 150/2(E)(7); 730 ILCS 150/3(c)(2.1). By 2011, IL offenders who committed rape or deviate sexual assault were required to register for life. Johnson was convicted of a felony in 2013 (stealing \$12 worth of meat) & was classified as a "predator" & required to register for life. Court held that IL's 2011 SORA amendments did not have a retroactive effect because the new registration requirements were triggered by a later felony & didn't operate as an increased penalty for the old sex offense. Court likened the lifetime registration requirement to habitual criminal sentencing enhancements.

*People of Michigan v Lymon*, Docket No. 164685 (MI 2024): MI Sup Ct ruled that forcing people to register for offenses w/o a sexual element is cruel & unusual punishment. Lymon was convicted in 2015 of holding his wife & two children at gunpoint for hours. After his release from prison, he would face 15 years on the SOR because his unlawful-imprisonment conviction involved minors. "Although defendant's offense was undoubtedly severe, that offense contained no sexual element & no indication that defendant poses a risk of committing sexual crimes in the future," Chief Justice Elizabeth Clement said.

*Does v. Labrador*, 679 F. Supp. 3d 1019 (D. Idaho 2023): Rejects Gov's motion to dismiss challenge to ID's SORN law, finding that registrants plausibly alleged that law is punitive & therefore violates Ex Post Facto & Double Jeopardy Clauses, & that law's burdens violate FERPA. Key takeaways: (1) for facial claim, at the MTD stage, court should consider "generally felt" effects of SORN & (2) "clearest proof" standard applies at MTD stage, but court need only consider whether challenge "plausibly alleges, on its face" that the law is punitive. If plaintiffs do so, they will later (at MSJ/trial) face a "heavy burden" to override a threshold determination that challenged SORN law is civil in intent. Summing up, the court states: Only when assessing a motion to dismiss would the Court need to accept Plaintiffs' allegations as true. On summary judgment or at trial, "only the 'clearest proof' will suffice to override legislative intent & transform what has been denominated a civil remedy into a criminal penalty." Court provides lengthy analysis of why, at MTD stage, claims need only be plausibly alleged with regard to analysis of Mendoza-Martinez punishment factors (key concerns re new law: more burdensome reporting requirements, including travel, & residence & job restrictions).

*Tawakkol v. Vasquez*, 87 F.4th 715 (5th Cir. 2023): Held that 11th Amdt state sovereign immunity bars challenge to TX registration based on prior federal conviction. Court reasons that claim is not based on challenge to state actors enforcing a state law that violated federal law, as sovereign immunity exception (Ex parte Young) requires. In this case, "the state is not performing an ongoing violation of federal law, instead, [petitioner] is contesting that federal law...Ex parte Young is not about stopping states from following federal law & determinations of same by federal officers."

*State v. Shine*, 334 Or App 360 (8/14/2024): OR App Ct overturned a sx crime conviction after a Washington Co due to a judge's attempt at saving time by declining to read aloud a lengthy set of legal principles to a jury, including that the defendants are presumed innocent unless they are proven guilty.

The Court said it recognized the “extreme importance” that jurors understand the “fundamental constitutional” rules at play before determining if a person is guilty.

*In re Tellez*, No. S277072 (CA 2024): CA Sup Ct ruled trial courts will be required to advise defendants of the consequences of pleading guilty to crimes that could make them eligible for designation as an SVP.

*The People v. Williams*, No. S262229 (CA 2024): CA Sup Ct ruled those serving life terms for violent sex crimes committed between ages 18-25 are not entitled to a parole hearing after 25 yrs, even though such hearings are available for some convicted murderers; courts erroneously concluded “risk of recidivism is high, that rehabilitation is unlikely, and therefore these offenders would not likely be eligible for parole, much less early parole.”

*Doe v. Olson*, \_\_ S.W.3d \_\_, 2024 WL 3792192 (Mo. 2024): The court held that even though Doe's felony conviction record was sealed, he had no fundamental constitutional right to privacy. This was because he freely admitted his guilt in open court, and the information contained in the record was public for 5 yrs. Sealing the record does not prevent any information related to the conviction from remaining in the public domain. Applying a rational basis review standard, Doe's lifetime registration was rational even though he was unlikely to reoffend. The legislature made a rational decision when it required lifetime registration for all. State law was not punitive and therefore did not violate the state and federal ex post facto prohibitions, despite statutory amendments retroactively making SORN more demanding (e.g., use of the internet to effectuate notification).

*Persheck v. Johnson*, \_ F.4th \_, 2024 WL 3648288 (7th Cir. 2024): Petitioner is WI SVP involuntary committee & was allowed release but was unable to secure housing because of state residence restrictions regarding supervised release. He sued under 42 USC 1983 in federal court alleging violations of Due Process & Equal Protection & urged the court to declare unconstitutional & enjoin enforcement of the statute's supervised release residency conditions. He alleged that identification of compliant housing was all but impossible in densely populated counties. The situation, he alleged, risked indefinite civil commitment prohibited by the 14th Amdt. Court held that petitioner could not bring a 42 USC 1983 claim against WI state actors because of Younger abstention, noting that he had a state court case pending.

## CIVIL STATUTES OF LIMITATION

When you hear the term “Statutes of Limitation” (SOLs), you’re probably thinking of criminal cases, or if you are thinking of civil SOLs for liability & damages directly related to sex offenses, you’re probably thinking of lawsuits against the Catholic Church &/or the Boy Scouts of America. But in some states, you CAN be sued by when victim(s) in your case. According to the Child USA website (<https://childusa.org/2024sol/>), 19 States, 2 territories, & the Federal gov’t has no SOL for at least some types of civil litigation & against some offenses (This is ONLY a list of SOLs w/o expiration dates):

- AK: None for felony sexual abuse of a minor; felony sexual assault; unlawful exploitation of a minor; felony sex trafficking; or felony human trafficking. AK Stat. §09.10.065
- AZ: None for action based on sex trafficking of minors & adults. AZ Stat. §12-721
- AR: None for sexual abuse of minors & adults with disabilities. Ark. Code §16-118-118(b)(1)
- CA: None for CSA claims arising on/after 1/1/2024. CA Code of Civ. Proc. §340.1
- CO: None for 1st Degree misdemeanor/felony offenses, human trafficking, a federal sex offense, CP offenses, or attempt/conspiracy to commit trafficking of minors (CRS §13-80-103.7); Under §13-20-1203, those who were victimized as a minor between 1/1/1960 & 12/31/2021 have until 1/1/2025 to file litigation (could be extended by further laws), while offenses committed on/after 1/1/2022 have no SOLs.

- CT: None if events forming the civil claim led to conviction of 1st-degree aggravated sexual assault or sexual assault. CT Gen. Stat. §52-577e
- DE: None for action based on sexual abuse of a minor by an adult. 10 Del. Code §8145
- FL: None for sexual battery offenses committed against victims under 16 years old.. FS §95.11
- GU: None for action based on child sexual abuse. (7 Guam Code §11301.1).
- IL: None for action based on childhood sexual abuse. Effective 1/1/2014 also applies to non-expired claims arising before that date. (735 ILCS §5/13-202.2).
- LA: None for actions based on sexual abuse of a minor. (LA Rev Stat § 9:2800.9)
- ME: None for action based on sexual contact or sexual act with a minor. (MRS 14 §752-C).
- MD: None for sexual abuse of a minor. (MD Courts & Judicial Proceedings Code § 5-117, 2024 version)
- MN: None for action based on sexual abuse of a minor. Effective 5/25/2013, also applies to non-expired claims arising before that date. (MN Stat. §541.073(b)).
- NE: None for action based on sexual assault of a child against a perpetrator. NE Rev Stat §25-228.
- NV: None for action based on child sex abuse against a perpetrator where there is clear & convincing evidence of the abuse. (*Petersen v. Bruen*, 106 Nev. 271, 281 (1990)). None for claims against a perpetrator or someone criminally liable for sexual abuse or exploitation of a minor (including trafficking, prostitution, & pornography) & a promoter, possessor, or viewer of CP. NRS §11.215
- NH: None for action based on sexual assault or related offenses against minors & adults. (NHRSA, §508:4-g).
- NMI: None for action based on child sexual abuse. 7 CMC §2515
- UT: None for action based on intentional or negligent sexual abuse of a minor against a perpetrator. Utah Code §78B-2-308(3)
- VT: None for action based on childhood sexual or physical abuse. 12 V.S.A. § 522
- WA: None for childhood sexual abuse occurring on or after 6/6/2024; previous SOLs remain in place for offenses before that date. See RCW 4.16.340 & 1991 c212 s2
- Federal: None for offenses against minors, including child sex abuse, sex trafficking, exploitation, & CP offenses. 18 USC §2255

This doesn't mean, of course, that other states don't allow civil litigation. Of the remaining states, age caps on those who were minors when the offense have up until a certain age to file a claim:

- Age <35: AL, AS, GA, HI\*, ID, IN, IA, KS, KY, MI, MS, MO\*, MT, NM, NC, OH, PR, SC, SD, TN, VI, WY
- Age 35-49: ND, OK\*, OR, TX, VA, WV, WI, DC
- Age 50+: MA, NJ, NY, PA, RI
- No age cap for some claims: AK\*, AZ, CT, FL, NE\*, NV\*, UT\*
- No age cap for all claims: AR, CA, CO, DE, Fed, GU, IL, LA, ME, MD, MN, NH, MP (Mariana Is.), VT, WA

The asterisk denotes the states that have a lower age limit for claims for those who did not directly commit the act (such as those who were considered an "accessory" or failed to report abuse); 30 states & 3 territories continue to create new windows for people who missed previous abuse claim deadlines, although in 5 states (AL, IN, IA, MI, OH) this only applies to institutions, like the recent claims against the Boy Scouts or doctors. The federal Amy, Vicky, & Andy Child Pornography Victim Assistance Act of 2018 (AVAA) a law passed in 2018, allows victims of CP offenses to sue those who viewed their photos. It is codified in various sections of US Code Title 18 & Title 34, particularly 18 USC §2259. Payments are a minimum of \$3k with maximum payments of \$17k, \$35k, or \$50k, depending on the type of CP offense.

This means there is always the small chance you may be sued by a victim in your case; this chance may be higher if your case involved CP on the federal level as the result of the AVAA. Not every statute places limits on an award set against you. You may also have to pay attorney's fees if you lose. I cannot find any stats regarding the number of RPs that have been sued; most lawsuits have involved abuse within certain organizations or businesses like churches, schools, or businesses that cater to children rather than lawsuits targeting individuals.

## POTENTIAL IMPACT OF OVERTURNING THE 1984 CHEVRON RULING

In the highly praised (by conservatives) ruling in *Oper Bright Enterprises et al. v. Raimondo, Secretary of Commerce*, SCOTUS overturned the previous SCOTUS ruling in *Chevron USA Inc. v. Natural Resources Defense Council, Inc.*, 467 US 837, a 1984 ruling that courts must defer to executive agencies' interpretations of ambiguities in the law, so long as that interpretation is "reasonable." SCOTUS held the Administrative Procedure Act requires courts to exercise their independent judgment in deciding whether an agency has acted within its statutory authority, & courts may not defer to an agency interpretation of the law simply because a statute is ambiguous; courts "must exercise their independent judgment in deciding whether an agency has acted within its statutory authority." What this means in layman's terms is that Congress must make actual guidelines for the laws they pass, & that the courts, not a regulatory agency, is tasked with determining how the law actually works. Executive branch agencies will likely have more difficulty regulating the environment, public health, workplace safety & other issues now. We're already bad laws, like FL abolishing work breaks for those working outside in extreme temps, or states allowing the return of child labor.

I have to admit I have a lot of skepticism that RPs will actually receive positive impact from this ruling, while we endure the eradication of federal regulations on dumping waste into our rivers & streams. Conservatives already had a chance to make a similar ruling in *Gundy v US*, 588 US 128 (2019), the case challenging the Adam Walsh Act section where Congress delegated the authority to determine the retroactivity of the registry to the Attorney General. The conservative wing (which has been the majority for years) was expected to use to overturn the ability of regulatory agencies to make rules for citizens. But in a shocking turn of events, Alito sided with the liberal wing to uphold the AWA & avoid addressing the nondelegation doctrine, the long-dormant principle that Congress cannot transfer its power to legislate to another branch of government. It seemed the Courts simply did not want to make a ruling favorable to RPs. In my article written after the passage of Ruth Bader Ginsburg, liberals have generally ruled in favor of RPs, though we've failed to win cases in a conservative SCOTUS aside from the unanimous 1st Amdt ruling in *Packingham v NC*. It must also be noted that the ruling was divided—the 4 liberal justices wrote the "plurality" opinion, with Gorsuch concurring, with three conservative dissenters; Kavanaugh was not yet a justice at the time. It was a confusing mess. Pundits stated they felt the ruling was not really about RPs but about protecting agencies that were tasked with federal regulations, like the EPA.

But some folks see this as a potential positive, including challenges to the registry. To that end, I'm sharing an opinion from one activist organization. This is all speculation, of course, but so is my skepticism.

U.S. Supreme Court's Chevron Decision: Potential Impacts on Registries  
(From: Nebraskans Unafraid Newsletter, July 2024)

Does SCOTUS's Chevron decision open up new avenues to challenge registries?

Does the Chevron ruling open the door to constitutional challenges?

Could the Chevron ruling affect funding & implementation for the agencies that have made a living off registries?

SCOTUS might have just helped Nebraskans Unafraid achieve its goal of ending registries. The recent SCOTUS decision overturning the Chevron deference doctrine could have far-reaching implications across various areas of law & regulation, including registries. While the full effects remain to be seen, this ruling may significantly alter how criminal registry laws are interpreted & enforced.

### Challenges to Registration Requirements

Individuals forced to register might have new avenues to challenge their registration requirements, especially if they believe the relevant agency has overstepped in its interpretation of the law. Here's how this might play out:

\*Statutory Interpretation: Without Chevron deference, courts may be more willing to reconsider the interpretation of laws governing registries. Individuals could argue that the plain text of the law doesn't support certain registration requirements that were previously upheld based on agency interpretations.

\*Constitutional Challenges: The ruling might embolden more constitutional challenges to registration requirements. For instance, arguments about due process or ex post facto application of registry laws might gain traction if courts are less inclined to defer to agency justifications.

\*Scope of Registration: People forced to register might challenge the scope of information they're required to provide or the duration of their registration. Without automatic deference to agency guidelines, courts may scrutinize these requirements more closely.

\*Tiered Systems: Many registries use tiered systems to determine the level of registration required. The criteria for these tiers, often detailed in agency regulations, could face new scrutiny & potential legal challenges.

\*Interstate Consistency: As different courts interpret registry laws without deferring to a central agency view, there may be increased inconsistency across states. This could lead to challenges based on equal protection grounds or issues with interstate enforcement.

\*Retroactive Application: The retroactive application of registration requirements, often justified through agency interpretations, may face renewed challenges. Courts might be more willing to limit the retroactive reach of these laws.

\*Removal from Registries: Processes for removal from registries, often governed by agency rules, could be challenged. Courts might interpret the underlying statutes differently, potentially making it easier (or in some cases, harder) for individuals to be removed from registries.

\*Burden of Proof: The burden of proof in registration-related proceedings might shift. Without deference to agency interpretations, courts may require more substantial evidence to justify continued registration or specific requirements.

\*Individualized Assessments: There might be more room to argue for individualized risk assessments rather than blanket registration requirements based on offense categories.

\*Technology & Privacy: As registries increasingly involve digital tracking & online disclosure, challenges related to privacy rights & the scope of technological monitoring might gain more traction without automatic deference to agency policies.

Here are a few other potential impacts:

\*Interpretation of Registry Laws: Under the Chevron doctrine, courts typically deferred to federal agencies' interpretations of ambiguous statutes. With this overturned, courts may now have more leeway to interpret registry laws themselves. This could lead to variations in how these laws are applied across different jurisdictions.

\*Agency Guidelines: Many registries rely on guidelines issued by federal agencies like the U.S. Department of Justice. These guidelines often fill in gaps or clarify ambiguities in the laws. Without Chevron deference, these guidelines may carry less weight in court challenges.

\*State vs. Federal Interpretations: The ruling might empower state courts to diverge more readily from federal interpretations of registry laws, potentially leading to a patchwork of differing standards across states.

Legislative Clarity: To maintain consistent application of registry laws, legislators may need to draft more detailed & specific statutes, leaving less room for agency interpretation.

Funding & Implementation: If agency interpretations are more frequently challenged & overturned, it could affect how registry programs are funded & implemented at both state & federal levels.

This expanded landscape for legal challenges doesn't necessarily mean that registration requirements will be easily overturned. However, it does suggest that courts may engage in more detailed, case-by-case analyses of these requirements. This could lead to a more nuanced application of registry laws, potentially resulting in some requirements being upheld while others are modified or struck down. Individuals forced to register, as well as advocacy groups & legal professionals, will watch closely for opportunities to test the boundaries of these laws in the post-Chevron legal environment.

## LATEST EMIGRATION & TRAVEL NEWS

**From Issue #105:** Recently I was asked a few questions regarding emigration, & I wanted to discuss the answers below. First, I want to point out that stats on RPs who have emigrated from the US are hard to find. This is a relatively rare occurrence. At this time I can find no stats or studies reviewing the rate by which RP have successfully left the US. A count of RPs from the NY Division of Criminal Justice Services in 2016 found that 165 out of 39,377 RPs, including 28 who were classified as Level 3 (“high-risk”) were listed as residing outside of the US. Thus, it is not entirely impossible to emigrate in general, just difficult & rare, but this stat did not mention if any succeeded in emigrating while On Paper. On a post on the Reddit.com sub-forum r/SexOffenderSupport, the general consensus is that emigration is not an option while On Paper.

Because I'm not an expert in moving to another country, & because I cannot find even a single study covering this topic, I have to defer to anecdotes written by various Q&A websites like Quora. In general, you will find emigration a touch uphill climb even if you weren't on the registry. Many countries share similar immigration beliefs to the US, i.e., they do not want people moving there without resources or talents they can bring with them. According to a few resources, if you're poor, then you'd emigrate the same way one would move to the US, generally through obtaining work visas or sponsorship.

**From Issue # 107:** As of July 2024, two websites, pfr.guide & justfactsnotfear.org have created travel matrixes to pick up the slack for the Registrant Travel Action Group (RTAG), which has not been updated since 2022 & is seemingly abandoned. Both websites offer the same information but with one key difference; the PFR Guide (run by anti-registry activists in VA) contains a “notes” section where volunteers reached out to representatives from that nation to discuss their laws regarding entry, while the Just Facts website (run by Steven Whitsett) contains info on length of stay & visa policy. Below is the updated list of nations that has impeded visitation by Registered Persons in recent years according to these websites, current as of 7/10/2024:

- **Reports of some RPs turned away at the border** (this section relies on self-reports; does not imply all RPs will be turned away, nor is it explicitly stated that the reason for denial due to registry status) – Argentina, Australia (incl. Norfolk Is.), Bahamas, Barbados, Belize, Brazil, Cambodia, Canada, Cayman Islands, Chile, China, Colombia, Costa Rica, Dominican Republic, Dubai, Ecuador, El Salvador, Fiji, Greece, Guatemala, Haiti, Honduras, Hong Kong, India, Indonesia, Ireland, Israel, Jamaica, Japan, Kenya, Laos, Malaysia, Mexico, New Zealand (incl. Cook Is., Niue, Tokelau),

Nicaragua, Panama, Peru, Senegal, Singapore, South Africa, South Korea, Spain, St. Lucia, Taiwan, Thailand, The Philippines, Ukraine, United Kingdom/Great Britain (incl. Anguilla, Bermuda, Brit. Virgin Is., Montserrat, Pitcairn Is., Turks & Caicos), Venezuela, Vietnam

- **Laws barring RPs from entry** – Argentina, Australia, Brazil, Canada, China, Ireland, Japan, Mexico, New Zealand, Panama, South Africa, The Philippines, United Kingdom
- **Laws barring felons from entry** – Australia, Canada, China, Fiji, Ireland, Japan, Mexico, New Zealand, South Africa, Syria (bans ALL US visitors), The Philippines, United Kingdom

While legal info on foreign registries is outside of the scope of my work, a summary of SOR laws in foreign nations can be found here (don't ask me to print this; it is 225-pages long):

[https://smart.ojp.gov/doc/SORN-Laws-Around-the-World\\_FINAL\\_REPORT.pdf](https://smart.ojp.gov/doc/SORN-Laws-Around-the-World_FINAL_REPORT.pdf)

Based off this 2022 report, & some supplemental search, the following nations currently have at least some form of a Sex Offense Registry: Albania, Argentina, Australia, Bailiwick (UK dependent), Belize, Bermuda\*\*, Botswana, Brazil (only in State of Mato Grosso do Sul), Canada, Chile\*, Colombia\*\*, Cyprus, El Salvador, France, Germany, Gibraltar (UK dependent), Guatemala\*\*, Guernsey (UK dependent), Hungary\*, India, Ireland, Jamaica, Japan, Jersey (UK dependent), Kenya\*, Malaysia\*\*, Maldives\*, Mauritius, New Zealand, Malta, Nigeria\*, North Macedonia\*, Pakistan\*, Palau\*\*, Paraguay, Peru\*, Poland\*, Portugal, Rwanda\*, Samoa, Senegal, South Africa, South Korea\*\*, Spain, Taiwan, Trinidad & Tobago\*, Ukraine\*\*, United Kingdom\*\*, Uruguay

The following nations reportedly have registry schemes “in the works” according to the media &/or the 2022 report: Dominican Republic, Ethiopia (public registry to be released in 2025), Ghana, Grenada, Namibia, Sierra Leone, Slovenia, Uganda, Zimbabwe. While Ecuador's Supreme Court found the SOR unconstitutional, but is also considered an unsafe nation for an American due to high civil unrest & transnational organized crime.

Notes: UK dependent territories dependent territories are self-governed & have their own laws. Asterisk\* denotes that the registry is posted publicly online, a double-asterisk\*\* denotes that the registry info can be released to the general public under certain circumstances, such as by request or by discretion of a government official.

Both the group known as ECPAT (formerly “End Child Prostitution in Asian Tourism”, an international group) & the federal SMART Office is actively compelling nations to pass sex offense registries. In one iteration of the bill that eventually passed in 2016 as “International Megan's Law” (IML), lawmakers stated they intended to spread Megan's Law across the world. It is, unfortunately, a successful effort. Many of the nations that have public registries have only passed these laws since 2010. The existence of a sex offense registry in a foreign nation does not imply you will be required to register while visiting or be banned from visiting, but you should expect some difficulties planning a trip to any nation mentioned on the list of nations with registries.

Even if a nation is not listed above, it may be simply an unsafe region to travel due to war or open hostility to the US. As of 7/10/2024, the following countries were listed as “Do Not Travel” areas: Afghanistan, Belarus, Burkina Faso, Burma, Central African Republic, Haiti, Iran, Iraq, Libya, Mali, Mexico (some parts), North Korea, Russia, Sudan, Syria, Ukraine, Venezuela, Yemen. Source: The US State Department interactive travel safety map at: <https://travelmaps.state.gov/TSGMap/>

In regards to emigration while On Paper, JustFactsNotFear.org, the organization run by Steven Whitsett, sent a reply to my question on this subject:

“The chances of anyone on probation or parole leaving the country are very slim. It will depend on whether they can be granted permission by the sentencing court to travel at all, let alone internationally (outside US jurisdiction). Barring a death in the family or some other immediate emergency, it will not be allowed because of the expectation of escaping punishment. As far as entry into another country, the conditions on SOs are the same on anyone with a criminal history: the country will look at the crimes individually & assess them accordingly based on their own laws to decide how they should be treated. Granted, a few sex crimes are particularly heinous & therefore judged harshly in other countries. BS crimes that result from sting operations or possessing CP, for example, aren’t going to be viewed the same as rape. Most countries require the prospective immigrant to apply for a long-term visa from their home country where their application will be vetted by a consulate. If they pass the scrutiny, then there’s no problem – but it’s never a guarantee that the visa will be granted. The registry alone is not enough to stop people from moving overseas, but being on paper will. I can’t speak for all countries but I can say the above based on lots of research into other countries & their immigration practices.”

Whitsett himself also sent an email adding, “In February 2024 the German immigration authorities changed the official policy on dealing with American RSOs who come to Germany looking for asylum. RSOs are now automatically blocked from the asylum process & are strongly encouraged to just go find a job. In order for anyone to have success in transplanting themselves in a new country, they need to be willing to do whatever it takes. Like anyone who has overcome drug addiction, they need to reach a point in their lives where they are willing to do anything to change (ie., save) their lives for the better. That means being willing to live in a cheap apartment & take any job – no matter how menial – in order to get started, & then work their way up. They need to avoid attaching to any particular dream or fantasy that they have concerning how their lives will be in the new country & instead accept that they will need to work hard to get the life they want. I have already seen too many people who come over & think that the new country is just going to hand them a great-paying job just because they are Americans. That’s delusional. Unfortunately, I think that too many people are seeing how my life is today & dreaming about that for themselves, without considering or noticing how much very hard work went into building that life for myself. No one handed me anything. Everything I have, I had to work for. I created my own opportunities.”

Fleeing to a nation that lacks an extradition treaty with the US does not mean you can escape a FTR charge. The USDOJ website notes that, “Generally under US law (18 USC §3184), extradition may be granted only pursuant to a treaty. However, some countries grant extradition without a treaty, & of those that do, most require an offer of reciprocity.” US News & World Report’s website states, “Non-extradition countries can always choose to extradite criminals. These countries just do so on a case-by-case basis, rather than due to the automatic obligations that arise out of a treaty. They may find also other ways to hold criminals accountable. Non-extradition countries can decide to deport or expel someone due to their wrongdoing. And the countries can always choose to prosecute the criminal in their own courts.” They add that not having a treaty does NOT imply you cannot be extradited; one or both nations may simply desire not to have one for various reasons, such as hostility or uneven dependence upon the resources supplied by a nation. Furthermore, virtually all countries that lack extradition treaties can be found in Africa, the former Soviet nations, the Middle East, SE Asia, & Indonesia; these are primarily countries that are openly hostile to US travelers/immigrants. The only countries w/o any diplomatic ties to the US are Bhutan, Iran, North Korea, Palestine, Syria, Taiwan, & Western Sahara.

According to the World Population Review website, the US has extradition treaties with 107 out of the 193 UN-recognized nations as of July 2024. Even in nations with treaties in place, geopolitical issues or legal concerns can lead to disputes over extradition. For example, countries that have extradition treaties with the United States, but which are known to often refuse extradition requests anyway include Ecuador, Cuba, Bolivia, Nicaragua, Iceland, Switzerland, Venezuela, & Zimbabwe. On the other hand, countries such as Spain & Yemen are known for returning fugitives even without an official extradition treaty. As a

rule, extradition is highly likely when both countries involved have an established extradition treaty. When the two countries involved lack a formal treaty, but have existing diplomatic relations, extradition is entirely possible, but with reduced likelihood. Extradition is least likely in countries that have neither a treaty nor diplomatic relations with one another. The only countries w/o any diplomatic ties whatsoever to the US are Bhutan, Iran, North Korea, Palestine, Syria, Taiwan, & Western Sahara.

In short, if you want to leave the US, do it the right way—legally, with a work visa leading to naturalization, & be sure to register before leaving the US. Don't rely on tricks like asylum status or fleeing to a nation w/o extradition treaties; you may just find yourself in greater danger than being forced to register in the US.

### **PRESIDENTIAL CANDIDATES & SO LAWS\***

(\*Written BEFORE the 2024 Election)

Note: I consider myself a true leftist; I've largely been a third party voter since my release from prison. I have mostly voted for Green/Socialist parties in Presidential elections. I voted for Bernie Sanders in the 2016 Primary & Jill Stein in the 2016 General Election because I felt both candidates espouse true leftist views. If these two parties existed anywhere else in the world, Democrats would be considered conservative, while Republicans would be considered reactionary (far-right). Even Sanders would be considered a Centrist by European standards.

But I feel it is important to discuss the upcoming election & what it means for you. Let's be honest, even if I ultimately vote third party again, we're stuck with either Donald Trump or Kamala Harris as the next US President. This piece focuses ONLY on the relationship between these two candidates on SO issues, not any other policy. I'm not telling anyone how they or their loved ones should vote, but criminal justice reforms should always influence our voting decisions.

DEMS: I wish the Dems had picked anyone but Kamala Harris. Biden picked Harris of all people in 2020 in part because Biden ran on tough-on-crime platforms in past election campaigns & 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 Sex Offense Legislation on the federal level. Joe Biden helped create the controversial Omnibus Crime Bill of 1994, which he largely wrote & 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, & 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" & the vigilante group Perverted-Justice.) During the passage of the AWA, Biden stated, "Plain & simple: This legislation will help save children's lives. Sexual predators must be tracked & 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, & 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."

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. As AG, Harris 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 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 & decided to no longer enforce the law.

On the upside, Harris’s VP pick Tim Walz is very progressive; while none of his policies has impacted SO laws, he’s anti-death penalty & in favor of other legal reforms & legalizing pot, so that may be beneficial to us. Walz may provide a counterweight to Harris’s prior tough-on-crime actions.

REPUBS: Some folks were lulled into the belief a Donald Trump presidency is good for us based on him signing the First Step Act, an act that helped expand good time for federal prisoners taking treatment/rehab courses, but SOs were excluded from the benefits of the bill, except a single offense but I’m sure that was merely an oversight they may add to the exclusion list once the bill is up for reauthorization. An equally fallacious argument is because Trump is a convicted felon & held to be liable for rape (in a civil, not criminal court), Trump will be sympathetic to our cause. But SCOTUS Justice Clarence Thomas, yet has consistently voted in favor of the state in challenges to registry laws. Trump said in a July 2024 rally that you can’t “teach a criminal not to be a criminal.” Back in 2015, Trump likened Ben Carson to an SO during a rally, stating, “If you’re pathological, there’s no cure for that, folks. There’s no cure for that... If you’re a child molester, a sick puppy, you’re a child molester, there’s no cure for that. There’s only one cure, we don’t want to talk about that cure. That’s the ultimate cure. Well, there’s death, and there’s the other thing. But if you’re a child molester, there’s no cure, they can’t stop you. Pathological, there’s no cure.”

But the thing that concerns me deeply is that Trump plans on implementing the Heritage Foundation's Project 2025. P2025's chapter on reforming the DOJ mostly covers stuff directly related to ending the investigations into Trump’s criminal activities while in office & the J6 insurrectionists. BUT, this passage disturbs me: “Enforce the death penalty where appropriate & applicable. Capital punishment is a sensitive matter, as it should be, but the current crime wave makes deterrence vital at the federal, state, & local levels. However, providing this punishment without ever enforcing it provides justice neither for the victims’ families nor for the defendant. The next conservative Administration should therefore do everything possible to obtain finality for the 44 prisoners currently on federal death row. It should also pursue the death penalty for applicable crimes—particularly heinous crimes involving violence & sexual abuse of children—until Congress says otherwise through legislation.”—p.554

It sounds to me like they want to allow death penalty for ALL cases UNLESS Congress EXPLICITLY states this crime should not be punishable by death. No doubt this was thrown into the mix after FL Gov. Ron DeSantis pushed to challenge *Kennedy v Louisiana* 554 US 407 (2008), which stated execution for non-murder offenses was unconstitutional, by signing a law in FL to execute folks convicted of sex offenses against those under age 13. TN passed a similar statute earlier this year & other states like MO & ID considered it. While Trump has claimed he “knows nothing” about P2025, his Agenda47 is reposting numerous suggestions from P2025 & over 200 Trump staffers worked on P2025. The Heritage Foundation sponsored the RNC. In Aug 2024, the Trump campaign announced that Trump will seek the death penalty for “child rapists & child traffickers.”

Trump never got the chance to sign such sweeping legislation tied to SOR laws, he signed FOSTA-SESTA — the Allow States & Victims to Fight Online Sex Trafficking Act & Stop Enabling Sex Traffickers Act, an internet censorship bill. Both these laws have led to massive internet censorship & helped exacerbate the existing wave of human trafficking panic. P2025 seeks to “Ensure that (the DOJ) is agile enough to devote sufficient resources and attention to other emerging threats that involve federal interests such as increases in sextortion, ransomware, and the continued proliferation of CP.” P2025 also wants to outlaw ALL porn. “Pornography should be outlawed. The people who produce and distribute it

should be imprisoned. Educators & public librarians who purvey it should be classed as RSOs. And telecommunications and technology firms that facilitate its spread should be shuttered.”-p.5

One other issue of concern—vigilante groups that harass RPs &/or engage in online entrapment operations are promoting right-wing conspiracies. Recently, the Millersville PD (in TN) worked with an online vigilante group “Veterans for Child Rescue”; the asst. chief Shawn Taylor promoted debunked conspiracies like Pizzagate (the false claim a Pizza shop in DC tied to Clinton’s campaign mgr. was a front for human trafficking). An arrestee was even sent to a jail “where it was likely that he might not come out alive.” Taylor is still on the force. Police are largely turning a blind eye to crimes against RPs. A Trump win may encourage more vigilante activity & may be sanctioned by police. Trump also told rally-goers in July he would grant immunity to police in all actions, which could lead to cops violating our rights during compliance checks or at the registration office.

Trump’s VP pick JD Vance has only been a US Senator since 2022 & none of his sponsored bills impact RPs; he has yet to give his stance on criminal justice issues since media attention is focused on his weird, authoritarian statements.

**WHY IT MATTERS WHO WINS:** The President may not influence SO laws directly, but they can pass 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.) SO Laws have always been passed by legislation, not by Executive Order. If a federal SO bill is placed on the desk of Trump, Harris, or whoever else is elected in 2024 & beyond, I doubt it would get vetoed.

The Presidential election still matters to us in one key matter—the President selects SCOTUS justices. In my article following the death of Ruth Bader Ginsburg, I noted that liberal justices like RGB, Sotomayor, & Kagan have voted against SO law expansion, while conservative justices like Gorsuch, Thomas, & Alito have consistently voted in favor of stricter penalties for us. Repubs accused Justice Katanji Brown-Jackson of being “soft on SOs.” Chief Justice Roberts was the state’s attorney in the 2003 Smith v. Doe, where he successfully argued the SOR was NOT punishment. We now have a 6-3 conservative supermajority, which ends any hope of revisiting that terrible ruling anytime soon. A win by Dems may help us return SCOTUS to balance as Alito & Thomas, the two most conservative justices, may soon retire (or be arrested for corruption).

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 & real crime victims & the belief they are protecting the vulnerable. Senate Majority leader Mitch McConnell has a long record of rejecting criminal justice reforms, & 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.

## **REAL TEENS USING ENTRAPMENT OPERATIONS TO LURE FOLKS FOR EXTORTION**

Many of you who write me ask about online dating, so I feel it is important to remind readers to be cautious should you decide to try to use online dating services to meet a potential lover. Entrapment operations have already been used by police & private citizen vigilante groups, but a new disturbing trend has arisen.

Many people caught in these entrapment operations are approached by these folks on legitimate adult dating sites. Most often, they claim to be (usually just) over age 18. They often form online relationships with their victims, then perform a bait-&-switch by then claiming they’re really under age 18 later on, most often just as the victim has already made arrangements to meet. In some cases, the bait-&-switch did

not even occur on time. The victim is then harassed, assaulted, &/or extorted. Many of these entrapment busts are posted online for further humiliation & harassment. In a recent case, one person was entrapped by an online vigilante group & the person took his own life; the vigilantes mocked & celebrated his death.

Even if your offense didn't involve an online entrapment operation, RPs are likely to be directly targeted by online vigilantes. There are some who do scour the Internet looking to find RPs on dating or social media sites to target them. We live in a culture where vigilante actions are not only being overlooked by cops, it is being encouraged. Often, Cops are working with these online vigilante groups

(Sarah Robinson. "Scottsdale police warning of dangerous teen trend, luring child predators." AZ Family. 2 Aug 2024. <https://www.azfamily.com/2024/08/03/scottsdale-police-warning-dangerous-teen-trend-luring-child-predators/>)

A new social media trend is causing concern among Valley police officers. In the past few weeks, there have been multiple cases of teens attempting to lure potential child predators & then posting their encounters online.

The trend is reminiscent of a 2000s TV show, To Catch a P\*\*\*ator. But police say these operations should only ever be done by trained professionals, not teen vigilantes. Scottsdale police officers want parents to talk to their kids about this social media trend & help stop it. Experts say luring a potential child predator is extremely dangerous & can turn violent in an instant. Scottsdale Police Sgt. Allison Sempsis says it can also end in charges against the teens. "No. 1, someone can get seriously hurt, even killed in these types of situations," Sempsis said. "Please do not do this. Stop if you're doing it. & check & see if your children are doing it."

She says many things can go wrong in these encounters, & the teens involved could get into trouble. "We don't want anyone to get arrested if they were to do something like criminal damage or assault, where there is not probable cause to arrest the actual alleged child predator but to arrest the people luring this person in," Sempsis said.

Sempsis says there have been two cases in Scottsdale in the past few weeks. "As the alleged suspect pulled into the parking lot he saw that he was surrounded by cars full of teenagers," Sempsis said. "Once he backed out, one of the teenagers threw a rock through his back window, breaking it & then he took off." In a second case, after teens confronted a would-be predator in person, they demanded money or said they would report him to the police. "That is extortion & it is a felony offense in Arizona," said Russ Richelsoph, a criminal defense attorney.

Even if teens did successfully expose a would-be predator, Richelsoph says attorneys would have a tough time prosecuting that person. "When police conduct these sting operations, they have to be very careful to not engage in something called entrapment. Entrapment is a situation where the police plant an idea into the mind of an otherwise innocent person & kind of convince them to commit the crime," Richelsoph said. Both cases in Scottsdale are under investigation; so far, no arrests have been made. Still, Sgt. Sempsis says it's a good idea to explain to your teen why this social media trend is a bad idea.

## **END OF YEAR 2024**

First, the bad news: the ICoN is coming to an end due to the new Corrlinks restrictions. The ICoN began in the spring of 2015, thanks to David E., a federal prisoner who sent a donation & a suggestion. While we didn't make it to ten full years, this suggestion led to 110 newsletters & my book, YLOTL. I will try to partner with another group to bring back a newsletter in some capacity. Until then, I just want to thank

everyone who helped me with this project over the years. Of course, my newsletter will likely be called something else because the “Co” in ICoN stands for Corrlinks.

Every year, I try to write a more uplifting message than the mostly bad news that gets printed here. For my final message to my ICoN subscribers, I want to talk about Gerry Sandusky. No, not Jerry Sandusky with a J, but Gerry with a G, & as he’ll tell you, “no relation to the former Penn State assistant coach.” Gerry is an announcer for the Baltimore Ravens football team, & when the high-profile allegations of abuse were first publicized, the internet lynch mob started sending Gerry some very nasty messages, including death threats. Gerry Sandusky also works as a life coach, & there are two articles that he wrote that I feel are important to share.

ART. 1: “Okay, Let’s Talk About the Name” by Gerry Sandusky, 10/2/2020  
(Source: <https://www.sanduskygroup.com/okay-letx27s-talk-about-the-name>)

All these years later I still get the flinch, the visible look of startle in people’s eyes when they hear my name.

“What?”

Nine years later. Yes, former Penn State coach Jerry Sandusky—Jerry with a J—is still in prison. And I am still Gerry Sandusky—Gerry with a G—& unrelated to the former Penn State coach. I still remember the day the story first broke thinking, \$%! this is going to be a nightmare marathon. Even to this day I get several recommendations a week on social media that I should change my name. I just chuckle & wonder how those people handle the challenges in their lives.

The Reasons for Keeping the Name: I was adamant then & remain so now that changing my name was not an option. I had a few good reasons at the time:

1. My parents are gone & this is the name they left in my stewardship
2. What am I teaching my children if I run & hide from challenges?

The passage of time has certainly reinforced my thinking. There is something I call “The Penn State Principle.” It’s the principle that school forgot in the original handling of the case:

The easy decision in the short term is rarely the right decision in the long term.

Time has a way of teaching us that lesson over & over. My father didn’t take the easy way out by avoiding fighting in World War II as an 18-year-old. He landed on the shores of France. He risked his life. And he did it with the name Sandusky on his dog tags. He wore that same name on his football uniform as a member of the Cleveland Browns, the only expansion team in NFL history to win a championship. That same name was on the hospital bracelet he wore on his wrist on the day he died holding my hand.

I believe I will see my father & my mother again. What exactly do I say if I change my name? Sorry, things got a little tough what with social media & all. I folded. Hope you don’t mind. Not a chance.

Lessons Learned: There is a higher good we are all called to serve at different times in life. When the storm hits, when the unpredictable challenge presents itself you have the opportunity to be one of two things:

1. A lighthouse that shows others the way in a storm

2. An outhouse, the kind of person who is full of ‘you know what’ & falls apart in the storm

It’s really that simple. Whether you lead a family, a business, a community or any other group of people, here is the most important lesson I can share with you from my experience. Do you want to be a lighthouse or an outhouse? No matter what life throws at us, we can always choose our response.

ART 2 - “The Elephant in the Room” by Gerry Sandusky, 5/29/24

(Source: <https://www.linkedin.com/pulse/elephant-room-gerry-sandusky-kkvse/>)

If you've ever attended one of my seminars or talks, you have likely heard me reference the Gerry Sandusky / Jerry Sandusky name & identity confusion. It always gets a laugh. but I don't do it for the laugh. I do it because it's the elephant in the room & if I don't address it the audience will spend so much time wondering if I'm related to the former Penn State coach who is in prison (not related!), that they'll actually stop listening to what I am saying.

It works the same way with you (okay, hopefully not the whole name thing but you get the idea). In many communications—formal presentations, informal meetings, Zoom calls, emails— there is an elephant in the room, an issue that everyone is wondering about, thinking about, or hung up on. Here are some common elephants in the room:

1. You didn't hit a projected target.
2. There's a strained relationship over a personality clash.
3. Someone failed to deliver on a promise.
4. Market conditions have changed.
5. A negative media story or viral social media thread.

Any issue that everyone present knows about & is uncomfortable talking about is an elephant in the room. You have three options when it comes to dealing with the elephant:

1. You bring it up.
2. Wait for them to bring it up.
3. Ignore it.

Option 1 is best. Here's why. When you address the elephant you earn the audience's respect because they're uncomfortable talking about it too, & you control the narrative. If you wait for them to bring it up or ignore it all together, you lose the audience's respect & they wonder if you handle all tough situations by avoiding the uncomfortable thing. Here's the most powerful part: No matter which option you choose, your audience (in person, virtual, or written) will reach their positive or negative conclusion of how you handle the elephant in a few minutes, sometimes a few seconds!

Yes, it takes courage & humility to address the elephant in the room—regardless if the elephant was or was not your creation. And if you worry that you don't or won't have the courage to address the elephant, remember this: If you are standing in the presence of a five ton elephant & pretend he isn't there, there's a good chance the elephant will ignore you too & accidentally step on you. When you address the elephant in the room, the elephant usually goes away & the room always has more respect for you.”

Comments: We can all take something from this message. Here is my own takeaway from this message. First, we must recognize what we DON'T have in common with Gerry. The majority of my readers are convicted of sx offenses & will be a RP upon release. Those who are RPs or will be upon release will not be able to easily change that label. I get tired of getting asked about it, quite frankly. There are only a handful of ways you may be able to NOT have to register after release—you are live in a state with a tier

system that allows lower levels to be removed after a set period of time & you're placed on the lower tier, you obtain a pardon (in some states) or are exonerated, you become a citizen of a foreign nation that will accept you & you renounce your US citizenship, or you die in any state but Florida. That's it. Every state & territory has a registry & until SCOTUS overturns the 2003 *Smith v Doe* ruling (unlikely to happen in the Roberts-led court), every state & territory will have a registry.

As a PFR for life, I've had to learn to simply deal with certain truths. The one thing I do have in common with Gerry (aside from being a fan of the Baltimore Ravens) is that I have personally experienced vitriol from online lynch mobs. Just this year, I experienced a coordinated attack on social media, headed by Christina Pushaw, the campaign manager for the failed presidential campaign of Ron DeSantis. For a solid week, my Twitter page was flooded with death threats & posts of my mugshot. (Ironically, they used the one from when I was falsely accused of theft in 2019 as part of an effort to intimidate me.) I put my Twitter page into "protected mode" (i.e., only those I follow can see my posts) & reported &/or blocked hundreds of people. Eventually those folks found other things to hate & moved on, & I continued on with my life as I have done for the past 22 years since my release.

One takeaway from the public's reaction to the high-profile case from over a decade ago is that it shows how stupid the general public can be and how easily people were whipped up into a frenzy. The town of Sandusky OH also had to deal with the name. A local bar owner told Yahoo News in 2011, "You tell people you're from Sandusky and they're like, 'What?' You say, 'We're not affiliated.' It's like trying to recuse yourself from something that happened in your family and it wasn't you. It's just embarrassing." A suggestion to rename the city was even brought up at a town hall meeting (it was denied). But eventually, the media storm eventually quelled. Even Penn State U., which had faced fines & bowl bans for allegedly not reporting allegations of abuse, eventually recovered.

All I can do is try to act as a lighthouse, but at times I'm treated like an outhouse. While I've never been a "lift yourself up by your bootstraps" guy, there is only so much I can offer. My job is to offer some practical advice & give you knowledge on various problems you MAY experience, but I can't tell you how to feel or think or prepare for life's hardships if/when it happens. Sometimes these storms last longer than others, but your own recovery from them is entirely up to you.—End.

ONE FINAL NOTE: This was not intended to be a final message. But it is for the ICoN. It had a good run. I will continue to answer individual emails for as long as I'm able to on Corrlinks and by mail. The 4th Edition of "Your Life on The List", my registry survival guide, is in the final editing phase, and should be out by Dec. 2024. Please continue to send feedback, ask questions, & continue to educate yourselves & prepare for life on the outside.

Take care. Derek W. Logue from OnceFallen.com