



Registry Matters Podcast

Episode 157

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Andy 00:00

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Larry 00:26

I get roped into this every single week.

Andy 00:32

You think you would learn by now?

Larry 00:34

You'd think so.

Andy 00:37

But obviously not. Anyway, what do we have going on this evening?

Larry 00:43

We have some audience participation. And we have a case out of the Ninth Circuit, but mostly it's gonna be the audience participation and the, and a case review.

Andy 00:55

So, tell us about what case you're talking about there.

Larry 01:02

We're talking about the case of Does, John and Jane Number 1 through 134 v. versus Lawrence Wasden, the Attorney General of the state of Idaho and like dozens of other defendants. We're talking about that case just decided by the Ninth Circuit Court of Appeals. And we're going to dig into it a little bit in terms of what the Ninth Circuit decided. So you don't want to tune out just yet.

Andy 01:38

Excellent. I guess then with that said, we can just dive right into that participation thing you were just alluding to. The first question comes to us and reads:

Listener Question

I really enjoy all of your podcasts and appreciate everything you both do for the PFRs. The question that I have is what, if any, difference it is if it's a federal case. I will be going to federal prison soon for receipt of CP and would like to, would like to one day exit federal prison to a PNW state. (Andy: I'll ask you about that in a second.) I am curious when I am on federal supervised release, if the same interstate compact exists. Also for future podcasts, can you mention if something will be different for a federal case than a state case?

Andy 2:24

What in the flippety flip is a PNW state?

Larry 02:26

I was hoping you would be able to explain that because I was not clear either.

Andy 02:31

I don't have any references to it. I don't know what a PN... I mean, we can, let's see here. Person notwithstanding state? That's probably not it. pro-neutered women? I don't know what this would be. Pacific Oh, Pacific Northwest. Smart person in chat helped us. Thank you. That's probably right. He wants to go to a Pacific Northwest state. That makes sense Larry.

Larry 02:56

Well, so that's why we have this vast audience of ours.

Andy 03:02

All right, so somebody is going to federal prison soon for receipt of CP and they would like to one day exit federal prison to a Pacific Northwest state. That makes a lot more sense now. So what is the difference between federal charges and state charges as far as transferring supervision?

Larry 03:19

It's a, it's a great deal easier. Because the federal, the US government is one sovereign. And the federal law is uniform. So you don't have 50 separate sovereigns plus the territories, who've had to make an agreement among themselves. So when you're in federal custody, you're likely going to be released to where you were convicted. But that's not a given. Because of the nature of the system. You're, it's one America, it would be like if you were in Canada, rather than having 50 separate sovereigns, they just, it's an interprovincial transfer in Canada, so if you get accused of a crime in a Canadian province, it's a crime against the crown. And, and it doesn't matter which province you're in. Well the same thing in the federal system, you can be, you can be released anywhere. But oftentimes, and I'm not a federal expert, so I'm gonna, I'm gonna say take this with a grain or whatever they say salt. Right? (Andy: Um, sure). But, but you're gonna, you're gonna be offered to be released to the jurisdiction of where you were convicted, but that doesn't mean you have to remain there or even be released there. My understanding is that you can propose to through the process because months before you before you're going to be released from federal prison, they begin the process. You're gonna have some some time in a halfway house or some form of reintegration. And actually, we've got we've got Brenda in chat, she she recently went through it in the last three, four years but but there, there's there's there's participation in terms of worth of what the person proposes as their living arrangements when they get out. And it's not all that complicated to move them to another jurisdiction. What gets a little bit more complicated is the jurisdiction for the case itself. If you were sentenced in Georgia, and you move to Idaho, there was a federal court in Idaho. But there's some process, I'm not expert enough to try to explain where you actually move the jurisdiction of the case. So if you violate your, your supervised release, as they refer to it, then it could be handled by the judge in Idaho, rather than having to go back to Georgia. But I don't know enough to explain how that process works. But the jurisdiction of the court can be switched as well, because the US is still just one sovereign.

Andy 05:45

What about, so I knew that there was a comment coming from someone in chat that has federal charges, says federal fed chiming in to transfer, you need proof of appropriate residents and usual community ties, otherwise, you're released to the district in which you were charged. But that's just the release part. We're asking about getting transferred somewhere else? What about the registry side of it, Larry, what about specifically, I'm thinking of a place like Florida, where you end up on the registry there for life though your charges were federal, but you get snuckered into their registry, and then you move to somewhere else. I'm assuming you still stay on the Florida registry.

Larry 06:23

That's my understanding. But your registry requirements would be wherever you're living. And as I keep telling the people, it drives them bananas, you may be on Florida's list, but you're not registering with Florida, you're not reporting anybody, you're not, you don't have any obligations, you're not paying any money. You're not having any restrictions of Florida law imposed on you about 2500 feet of this. All it is, and I'm not minimizing when I saw all, but all it actually is, is that they are keeping your likeness on the website. So you may have a 5, 10, 15 20, 30 year old picture, the last picture they have in their collection of you. But you're not technically registering in Florida, you're listed on Florida's website. And it generally shows you're living out of state and it'll give the state of the last place that has reported to them that they hit that they've registered you it'll say, living out of state, New Mexico. Living out of state, whatever.

Andy 07:17

And not and not continuing to go update. I mean, cuz that would be can you imagine, like 72 hours within, you know, prior to your birthday, you have to then trek over to Florida to go update your registry. It's not that way is what I'm going after.

Larry 07:30

That is correct. Now we do have the state of Wisconsin who sent you your form when you're out of state, and they tell you to send in your \$100 I believe it is and people dutifully do that. I would not be able to force myself to do that. But there are people who, who, and they're some who don't. Everybody doesn't send it in. But there there's a combination of people who laugh at it and there's people who send in \$100. As far as I know, that's the only state that tries to continue to assert jurisdiction over you, in terms of you still have to comply with our registry, even though you're no longer here.

Andy 08:02

Yeah, I was like, when we covered that whole thing of people that still send in that money. That's kind of amusing, and I'm not surprised Larry that you've been the renegade, that you are that you would be like fyp, I am not sending you that money.

Larry 08:16

Well, there's, that's one of the ways you could have a test case to find out if, if they have the constitutional authority, and someone did send us a case which did not support their supposition, you know, their assertion that it was nuanced. But I did look at a case that someone said that had already been

decided that they have jurisdiction. But I could easily distinguish that if I wanted to make the argument so that that case wouldn't worry me if I were needing to litigate this.

Andy 08:43

Very well, I don't think we need to dig around this one any longer. Ready to move on?

Larry 08:49

Sure.

Andy 08:51

All right. This one is sort of like Warren Piece. Says:

Listener Question

Question about a comment Larry made fairly early on in 156. Namely, the idea of not being able to forward a message or portion of it to an inmate in prison due to rules prohibiting acting as a conduit. I ask about this because I'm currently corresponding with three inmates at three different facilities, one of them a federal institution. These particular guys are known to each other and having been roommates at one point or another. Sometimes they asked me to relay greetings or short letters because they believe they would not be allowed to communicate directly. Until your comment, I frankly hadn't even given a thought and I just sent them on. They are completely innocuous communications, and I can't imagine anyone objecting. But now you've got me wondering if I might be running afoul of some policy, or worse, some law. I tried a few internet searches but couldn't really come up with anything useful. I was in prison in the early 90s. In Tennessee, where I regularly corresponded with other inmates, both in county jails and other prisons in Tennessee. Of course, we always understood our mail was opened and inspected and therefore possibly read in detail, but the things we were just communicating were no kind of security threat or anything that would have caused anyone concern. So generally, we didn't care. Anyway, just wanting about the specific rules you are aware of regarding this topic and what level they lie. That is institutional policy, state or federal department policy or legal statute, please advise. By the way, love the podcast, I am a low-level patron, (Andy: but thank you anyway, for being a patron.) fyp to appropriate parties, et cetera.

Larry 10:28

et cetera.

Andy 10:30

Well, someone criticized me for saying eq cetera. So I don't do that anymore.

Larry 10:34

I remember that person. I do not know of any law that says that you can't do that. But I'm looking at it through a prism slightly different than what he would need to look at. We're looking at it as the publisher of the transcript as the podcast goes, and we want prisoners to have access to the transcripts. And we don't want to give the institutions any reason to say no. So therefore, we're very careful about what we do. I think I said on podcasts a couple back that the prison administration would have a hard time finding any fault with us, because we try to be factual, we try to be fair. And so relaying messages would be frowned on by most

prison management. And they do that because, they frown on it because they, they they're, they're very good at analyzing cryptic messages. But even though they're good at it, they don't, they don't get everything. And prisoners are very adept at communicating in cryptic messages. And therefore, since I don't have any interest in trying to decipher cryptic messages and figure out if there's anything in there, I choose just as a matter of policy, the Registry Matters podcast that we are not going to be in that business at all. So that way, they won't be able, they won't be able to say that and as smart as you think you are, prisoners will have nothing but time on their hands can figure out ways to outsmart almost everyone. That's just a given. And so therefore there could be hidden messages. There are very unique ways of trying to sneak contraband in prisons. That's the reason why so many prisons are scanning mail these days, rather than actually handing off the real, the correspondence. I just don't want there to be any doubt about we're up to. We're trying to provide information to people who don't have access to what we're doing. And we don't want prison administrators to think that we're trying to subvert or in any way help prisoners communicate with one another. But in terms of him doing that, I don't think there's anything that he has to fear unless there's an escape plot or something that would be adverse to institutional security that he passed on. And it turned out that they wanted to come talk to him because he was the originator of that correspondence. And then when they finally did decipher it, but it's just I'm a cautious person by nature. And I don't, I don't want to get in the middle of something like that. So, I choose not to do it.

Andy 13:15

So, like every fifth word of the letter is like the plans on how to work through the tunnel system of the of the institution.

Larry 13:24

Well, it wouldn't have to be that sinister. It could be anything in terms of just trying to... administrators do not want you trying to organize prisoners, because they see that as a threat. I mean, it's the reality of it. I've never ran a prison, so I can't tell you why they think that way. But it's like companies that are anti-union. Try organizing a union and see how long you last. When they get word that that's what you're doing. Well, prison administrators do not, they're not favorable to inmates trying to organize in anyway. They do everything they can to infiltrate and figure out what they're up to. And so so I just choose that it is the best policy that the podcast be as direct as it is. And it's an informational source for people that have legitimate needs to know this what we're doing, and we're not a conduit to help people communicate and we are really sorry that we can't do that. But that's the policy until we can think of some reason why it should be altered.

Andy 14:27

Groovy, groovy. All right, then I'm pretty sure this came in from Super patron Mike. Pretty, pretty sure. And he says:

Listener Question

Larry, in the news, the term latches is being used. Please explain to our legal minds what this legal term is and why it is important to court cases. Thank you Oh, great one. Also, thank you, Andy. You guys rock.

Andy 14:50

I have no idea what this one is about.

Larry 14:52

And I since I didn't read that question prior I don't think, I think we should come back to it. But it has to do with timeliness. As I recall, it's a doctrine of timeliness, but we can come back to it a little bit later.

Andy 15:04

Oh, okay. All right then. And then this is mostly a comment that was received over on the Discord server. And let me just point out that someone asked me about listening to the show live. And I just want to tell you that if you specifically if you become a patron, then you can head over to our Discord server and listen to us record it live. Otherwise, you can just ask me and I'll probably let you in. But it is mostly for the Patreon supporters, to whom I thank very much for being Patreon supporters. And this says hi, Andy, this is Derrick, a fairly new Patreon supporter wanted really to thank you and Larry for all the hard work and dedication you put into the podcast each and every week. I learned so much from each episode, even on issues that do not directly impact me. It's very insightful. And it's caused me to definitely look at moving to Vermont or Washington State once I'm finished with my probation in a little over a year. Currently, I'm on an interstate compact in Texas from California because my family lives here. They've been wonderful and supportive throughout this whole ordeal. And I feel like I've been blessed. They're also supportive of me going somewhere where I stand a better chance of getting off with the registration, even if that means I'm far away from them. Per last week, I don't understand why anyone would want to live in a state like Mississippi, that is so prohibitive. I know there's personal reasons, but I just can't fathom why those reasons run so deep. Anyway, keep up the good work. And thank you again.

Andy 16:30

You want to revisit talking about Mississippi, just or any state that is just super crappy?

Larry 16:33

Well, I can't imagine that a person would want to leave the south to go to live with a bunch of heathens, liberals, airheads. I mean, this is just shocking to me. Yeah, I mean these people are something else. But Mississippi has that in that group of southern states that are just... First of all, it's not a very attractive state in terms of economic opportunity. It's 48th, 49th, and 50th in everything that's worthwhile to measure. And, and the laws are particularly oppressive in terms of the penalties they they impose. And the registry requirements, I think I mentioned on the podcast recently that we had a head registry official from a large county in Mississippi contact me a few years ago and said When are you people gonna come down here and do something? And just recently, they passed a law that took effect that that without a court order that you can't have any communication in any fashion with your victim. And, and like one of one of our people that does a lot of volunteer work for NARSOL, it affects a familial relationship that's been healed and happy and healthy for many years. And that should be litigated. Trying to find ways to litigate that has been challenging because the attorneys see it as so hopeless you know, the litigation doesn't fare well in Mississippi, and but I would encourage him, actually I was being tongue in

cheek, I would encourage anybody to evaluate what your chances are of success in these oppressive states and if you have the option to look at other alternatives, then that that would be what I would do myself. I would not stay in Mississippi and Louisiana unless I had no choice.

Andy 18:31

I understand. it's also really flat state Larry like you drive across I10 across the southern part and it is a straight line all the way across and there's no up or down

Larry 18:40

Is that right?

Andy 18:41

It is pretty, it's pretty flat for real. There's some hills up there I guess by Huntsville and whatnot but otherwise it's uh all right, so don't move to Mississippi. I'm surprised of moving, California is lifetime registration. So doesn't California kind of don't doesn't fit the blue model of being a better place and I'm super painting broad brushes for moving from California to Texas, Texas is a pretty rough place to be too.

Larry 19:07

California, California, remember that hasn't been blue that long. People forget about that. They act as if it's always been a bastion of liberalism. But we had California Governor Ronald Reagan. We had California Governor George Deukmejian. We had California Governor Pete Wilson, we had California Governor Arnold Schwarzenegger. We've had on and on with Republican governors in California. Now, it has been heavily blue for the last decade or so. For the last 15 years, it's been heavily blue. And that has not made it a panacea. They've made some mistakes as a blue state. But they have also a problem that many states don't have. They have that ballot initiative where some interest group can get enough signatures to get something on a ballot and they can whip up a frenzy of voters and they can get voters to approve something that's really bad public policy because they can they sensationalized it enough. And that's what they did with three strikes. That's what they do a lot of things. That's what they did with proposition 13 back in '78, when, when Ray Jarvis and his people went out saying about how oppressive the taxes were in California, and they passed prop. 13. I mean, they so California, even though it's now blue state, it hasn't always been. And it has initiative of the citizens where they are they enact some bad things by voter referendum.

Andy 20:28

All right, so Mooney Mac in chat says evaluate desired states. SO ranking system, i.e. tiered versus risk based, I know that that's going to open up a can of worms with you.

Larry 20:39

Okay, repeat that one more time.

Andy 20:43

It says evaluate the desired states. SO ranking system, i.e. tiered versus risk based.

Larry 20:52

Well, you really can't do that. Because many states, several states have a tiered system, but they didn't do it correctly. And Mississippi has a tiered system, but everybody's lifetime. So what benefit is it to be a tier? If they actually did the tiers correctly, which few states have done, but if they actually did it correctly, you would have a group of offenders who would be able to be off in 10 years, it's technically 15, but five years for, for felony convictions and for, for completing treatment and a couple of other things. And then you have a significant number, who would be in tier two, which would be 25 years that they would be off. And there's no petition process required by the Adam Walsh criteria. It's merely those times pass, and you roll off the registry. And then the tier three, which is supposedly the most serious offenses, that would be a much smaller group, and there is no way for those people to be removed. Well, obviously, everybody would like to have a way to be removed. So a true tier system is never a good thing, even if it's done incorrectly, because there's a group of people that are stuck 'till death. If you have a state that has, that doesn't have a tier system, if it's lifetime, and there's no meaningful removal process, Texas has a removal process. Unfortunately, no one ever gets off. They don't have a tier system. So Texas isn't all that hot of a place to be. It's not all that fantastic, because the removal process removes virtually no one, California is creating a removal process that takes effect either this year or next year, very few will ever get off. And they're going to a tiered registry.

Andy 22:41

We might need a deep dive, yeah, I was gonna say you owe me a deep dive on that one.

Larry 22:46

We're gonna do that one these days. But it's a system... (Andy: One of these days.) Well, it'd be great if we could get a Californian that that actually understands how horrible it's going to be for those who try to get off.

Andy 22:57

I bet you no one in California understands this, because they think it's the best thing since sliced bread. You're the only one Mr. Doom and Gloom again, thinks that that the scope of what it would cover is going to be so narrow that no one's ever going to qualify for it.

Larry 23:11

Well, now I have said that, if you don't have a removal process, and you create one, any process is better than no process. We all have to agree to that. Right? If everyone's on for life, and no one can get off, and you create a process that theoretically let people off, that's better than what you had previously. (Andy: Certainly.) Because there was no there was no theoretical way out. But what they've created in California is so cumbersome. You have to file, you have to file with the police department first. You have to serve them your petition. And they have to clear you. They have like 45 days to clear you to say that you're eligible, meaning you haven't had any, any convictions during your term of registration, which is like I say, either 15, 25, and I'm not sure what they're doing with the with the longer people but under the AWA recommendations it's 15, 25, or life. And, and and when you reach those, those mileposts You don't have to file anything. The states are just

allowed to let you roll off. But this is a nice money-making opportunity for attorneys because they created this process where you serve the police. Then the police give you clearance. They say yes, we don't find anything in our criminal records repository. Then you serve the prosecuting attorney in the jurisdiction where you were convicted, and they get time. And because we want it to be fair to the victims, they get notified and they get to have a say. And then the judge gets to decide. And the standards are so innocuous in terms of what the judge gets to decide. It's not that the person shall be removed from registration, absent a showing by the state that they present a threat. It's that the judge may remove the person and they may keep them registered. It's like a very mushy standard, that the judge may keep the person on with very little showing by the state of anything and they put all the burden on the offender to prove something. But yet it's very vague what they have to prove and under that standard with all those hoops, it would be a stretch for me to imagine that people are just going to easily get off. Of course, someone would get off. There'll be a few to get off in. I think in some jurisdictions, maybe where you have reformed mining prosecutors, maybe they won't be so zealous about fighting that but my hunch is that there'll be a lot of... you know, California, is not all liberal. There are prosecutors that are very hardnosed. I mean, I remember the Attorney General, that's been elected vice president and was pretty hardnosed on everybody. Can you recall her name for us?

Andy 25:36

That would be Kamala Harris. Yeah. A bunch of people are running around bitching about how terrible she was for just criminal justice stuff in general. Yeah, totally.

Larry 25:43

Well, yeah, we did that on the podcast. We we said that she needs to be held accountable. If she had an epiphany, that it would be nice to know, what caused the epiphany, how much she epiphanized. And, and and what she's gonna do to try to, to move the reform forward, because she did everything she could to block it. And she said it was only me doing my job. But that's what everybody says. That's what they all say. But, but anyway, I don't think there'll be a whole lot of people removed in California. That's why I gripe about that system, when you bring the victims into it, into a civil regulatory scheme. And they have to be heard, you've almost wrecked the train from the get-go. Because how many victims are going to come in and say that, Yes, we agree the person's reformed, they should be removed, they're not going to do that in all likelihood.

Andy 26:37

Sure. This last one I picked up off of Reddit, there is a PFR support, whatever subreddit, and somebody is asking about sending Christmas cards says:

Question

I know there is a random act of cards. And I also recently informed about a group that sends cards to isolated members of the LGBTQ community. And there are also a lot of us who are isolated even from resources like the sub. Personally, I'm still struggling with connections and believe that I'm worthy of love. So, I'm thinking of mailing out a dozen or so Christmas cards to random people from the list. I'm guessing I'm posting two questions. Does anyone see a possible legal hiccup here? And does anyone have any

recommendations on who to pick? I'm probably going to send a few local to areas I know are isolated. Can anyone tell me where to look to find SOs that aren't allowed internet or otherwise pretty isolated? So, my question to you is basically, is there any sort of legal challenge that you would run into? Because I know that many of the registry sites say you can't use this to go harass people. Could someone, could our people go reach out to our local registry sites and go randomly snag some people on the list and send them greeting cards for the holiday season to let them know that there are people out there that, you know, we still love them?

Larry 27:52

Well, first of all, I've never heard of anyone being prosecuted under that, under any of those laws. I've never heard of it. That doesn't mean it's not theoretically possible. Yeah, I know that we have people that believe there's a hovercraft following them when they're when they're on the road.

Andy 28:06

Don't you keep calling me about that hovercraft?

Larry 28:09

Well, but that's because I pick it up when when, when I try to track it to make sure you're safe. And I pick it up on my tracking device that there's a hovercraft over you. But in terms of that, it would be a very bizarre prosecution, to say the least if someone went... Can you imagine, the complaint would read as follows: It comes now to the state of Georgia, they allege that about this date, that the person used the sex offender registry to send holiday greeting cards to people who otherwise would not have been, would not have had any anything for the holidays. Can you imagine? I think even a jury in conservative plains Georgia would probably dump that case. So I don't see that as being a realistic prosecution. But on the other hand, having said that, sending in we have learned at NARSOL, sending in unsolicited mail sometimes gets an unexpected... we've got a guide in Clayton County, Georgia that has been rather adamant about us contacting him by mail. I think you're familiar with who I'm talking about. (Andy: Mhmm.) So, it has it has some downside risk to it. But I would like to think during the holiday season that even someone who really doesn't celebrate the holidays, they would give it the benefit of the doubt that the person was trying to be kind and I don't think you, I don't think they would run to a police station. I think it would be a very kind thing to do. But remember, I'm not a lawyer, can't give legal advice. And if I were inclined to do it, I wouldn't hesitate based on... that wouldn't come into my mind. I would hesitate because I would wonder if the people are going to react in a way that would be, remember you're going to have to send it for it to have any kind of credibility, you're gonna have to put some kind of return address on it right? I'm guessing. It's not required by postal but do you want them to be just totally anonymous without a return address and just think that they came from above?

Andy 30:05

Yeah, I don't, that part wasn't really described in that. I was just, I go through this forum and I look for interesting questions to lob in your direction to see if I can trip you up and you go, man, I've never heard that before. Those are my favorite questions Larry.

Larry 30:19

So let's get back to latches. (Andy: Oh, so you wanted to circle back? Very good.) So I'm gonna read from the legal deck and I said it had to do with timeliness. This is reading straight from the legal dictionary; the doctrine of latches is based on the added to equity aids to vigilant and not those who sleep on their rights. In many situations, the delay of filing a lawsuit has the effect of preventing the opposing party for putting on a fair defense. This is because witnesses go their ways, evidence disappears and memories falter. If a plaintiff has knowledge of a problem that might be a subject of legal dispute, but puts off asserting the claim for an unreasonable amount of time, he may be barred by recovering by this doctrine. So that's what it is. It's not the same as a statute of limitations, which is an absolute, but it's a legal theory that a person could put forward as a defense. Hey, he's known about this for all these years and he should be barred by the doctrine of latches. But But yeah, it can bite you in the rear when you sit on a claim that you know about.

Andy 31:22

Okay, interesting. Well, very good. So that'll be the legal definition of the week, that'll be our new featured segment where you have to pull out some sort of legal term that we got to share.

Larry 31:32

So yeah, well, I haven't had to had to cite to latches in a while, but I knew it had to do with timeliness.

Andy 31:41

Groovy. Ready to be a part of Registry Matters? Get links at registrymatters.co. If you need to be all discreet about it, contact them by email, registrymatterscast@gmail.com. You can call or text a ransom message to (747)227-4477. Want to support Registry Matters on a monthly basis? Head to patreon.com/registrymatters. Not ready to become a patron? Give a five-star review at Apple podcasts or Stitcher or tell your buddies at your treatment class about the podcast. We want to send out a big heartfelt support for those on the registry. Keep fighting. Without you, we can't succeed. You make it possible. Well, Larry, it is that time, that time of like the featured segment of the evening. And so this is the Ninth Circuit rules in favor of registrants in ex post facto case. Which funny, Florida have spelled it clase, c-l-a-s-e. How 'bout that?

Larry 32:47

Now I've heard about this case.

Andy 32:49

All right. Um, so we have some late-breaking news for everyone. And it's an important case that was just decided by the Ninth Circuit. And I think you covered all of that stuff. I believe so?

Larry 33:01

I think so. Yeah.

Andy 33:02

All right. Well, then I think we can really start with this.

Patron Supporter Message 33:08

Oh, great. Here we go again. I mean, I just know this is gonna happen. You're gonna be so pessimistic and you're always like this.

I mean, it is just sickening that you are so over the top pessimistic on everything you talk about on this podcast.

Andy 33:28

That is one of our patrons that was being a little critical of you. Says, try your best to be an optimist for once in your life. Larry, this is great news. And even you have to admit that, don't you? It's Christmas. And this is exciting that the Ninth Circuit has come into alignment with the Sixth Circuit, correct?

Larry 33:45

Ah, not exactly. (Andy: Oh, why not?) No, that is not what happened. That's not what happened.

Andy 33:54

Ah, well, is it fake news then?

Larry 33:58

No, I wouldn't, I wouldn't call it fake. There was a decision from the ninth circuit that was released. So that part of it wasn't fake. It's just that the analysis wasn't completely spot on in terms of what the decision was about.

Andy 34:12

Then what did it do?

Larry 34:16

Well, it didn't do much.

Andy 34:19

It says I mean, there's 134 people or whatever that it was it signed on to this thing. It had to do something.

Larry 34:27

So well, it did do something. It I'm gonna focus mostly on the process, because there's too many issues. There're too many plaintiffs and too many issues. But what this did was it reversed a trial judge's dismissal of the case. And we've had a lot of cases dismissed recently. And so people are hearing cases were thrown out, thrown out. So that's what happened here. This case was thrown out by the trial judge and the those 134 people filed an appeal saying that the trial judge got it wrong. And that's in fact, what happened. And let's just set it up with a story. Do you remember a case by Richard Gladden in Texas charging, uh, challenging the city of Lewisville and their residency restrictions?

Andy 35:17

That's not the one with the home authority, whatever. That's not that one, is it?

Larry 35:23

No, this is the one where they had a party named Duarte, they had asserted that as family of registrants that they had standing. And they were challenging the city of Lewisville in terms of basically about 95%, 97% of it was off limits. Some high amount of it was off limits Richard gladden made that challenge on behalf of the Duarte's and the trial judge dismissed it saying that the Duarte's lacked standing. And therefore, we don't even need to get into this case. Well, the place where the appeal would go in Texas would be to the Fifth Circuit, which is based in New Orleans. So he filed an appeal to the Fifth Circuit. And the Fifth Circuit, reversed

the trial judge and said, actually, the Duarte's do have legal standing. And you need to consider this case on the merits. So therefore, we're giving you order to reinstate the case. It didn't decide the case, it merely put the case back on the trial judge's docket and said you jumped too soon. You didn't determine this case on the merits. You determined this case based on a flawed analysis of standing. These people do have standing, and therefore, consider this case on the underlying merits. And that's what happened. It was very similar to what happened in the Duarte case, out of out of Lewisville, Texas,

Andy 36:46

Something in the news very recently, completely different subject matter. Texas is suing about election stuff about how Georgia came out and they thrown the cases saying Texas doesn't have any standing to say anything about the Georgia election. Not trying to go down that path. But it was thrown out for saying that they didn't have any legal standing Texas versus Georgia.

Larry 37:06

That was correct. (Andy: I don't know if you're following any of that.) Yes, Yes, that is correct. And that was a predictable outcome.

Andy 37:13

Of course, you're always so fixated on words. It's obvious that something good happened here and that the Ninth Circuit found that Trial Court made some mistakes. This is what I was reading when I was reading through it, Larry, is that they said that this didn't, they threw it out because this was an error. What were those mistakes?

Larry 37:28

The Trial Court did make. Remember on an appeal to the circuit court, these appeals are decided by a three-judge panel. So you'll hear people use the term the panel, and that's what they're talking about. So, the panel of three judges held that the district court erred at dismissing the ex post facto claim on the basis that SORA was civil in intent and not punitive in effect, and specifically, the panel held that the district court erred by construing appellant ex post facto claim as an applied challenge versus facial. And they misapplied a standard, the clearest of proof at this early stage. And that was wrong. And then the trial court found that that the case could not win because *Smith v. Doe* was controlling. And the Ninth Circuit three-judge panel said no, *Smith v. Doe* isn't necessarily controlling. And so therefore, therefore, these mistakes, this case needs to go to trial. And that that's that's what's gonna happen. It may not go to trial, it might be it might be a summary judgment, but this case it needs to go back to be decided on the merits.

Andy 38:44

We're getting murky. All right. The state filed a motion to dismiss, which was granted. Do I have that right, Larry?

Larry 38:53

Yes, yes, that that is exactly what happened.

Andy 38:56

And we've talked about a plethora of cases being dismissed lately. Why do courts dismiss cases? Is it simply that they don't want to

be bothered? We've talked about the Supreme Court like maybe 20 years ago, they heard 150 cases, and now they're only hearing like in the double digits, maybe they're just getting old and crotchety and lazy?

Larry 39:12

So well, it's not what people think. They think that the judges don't want to be bothered. And what it is, is the litigants are arguing, the defending party, you cannot lose a case that you don't have to go to trial on. If you can, if you can prevent a case from being decided on the merits. There's absolutely no way that you can lose. If you're a defendant, and the case is kicked out without a decision on the merits. Would there be any way you could lose that case?

Andy 39:46

I guess, I'm really trying to like piece your words together and play the scenario in my head. But I'm, I have a case of the dumbs and it's not working very well.

Larry 39:55

Okay. Okay, well, then there's a great football coach that coached at the University of Georgia. A defensive coordinator, he went to Georgia Southern as head coach. And he was a big defense guy. And he said to his team as a motivation, if they can't score, we can't lose. (Andy: Well, that's true. Sure.) Okay, well, if you're served a complaint that you have to be defendant in, if you can keep this from being heard, there's no way you can lose. If it doesn't make it to court, there can't be an adverse decision against you.

Andy 40:34

Sure yeah. I follow hockey. You can't get scored on if the puck is always on the other side of the rink.

Larry 40:40

Well, that's the same thing in litigation. As a defendant, you cannot lose if the case never goes forward. So therefore, your first strategy as a defendant is you don't take the losses. I can't wait to spend a bunch of money on having a two-week trial on this. Your first reaction as a defendant is how can I get this case to go away? Okay, is there any Is there a procedural thing I can do? So if the state is the defendant with the registry, rather than having an argument, they're going to first file a motion to dismiss, claiming that there's no way that that if everything in the complaint is true, that you could prevail, that you're barred by various reasons. And that's what this court got wrong. It was argued that, that that *Smith v. Doe* was controlling. That that doesn't control because the state made... the challengers may be able to distinguish themselves from *Smith v. Doe*. They weren't given that opportunity. And then in their motion to dismiss, the standard is not clearest of proof. And I can't even believe that a judge of any caliber would put that, because you don't need that standard. When you're considering a motion to dismiss, everything in the complaint is construed as true. Because you're not having a trial. It's similar to the summary judgment. So to survive, to survive a motion to dismiss, the party making the motion to dismiss has to show that in every way, you're barred, that you can't go forward. And the state, I don't put it past the state to have argued in their brief, I haven't read it, but they could have easily argued that the clearest of proof was required for this case to go forward. But that

is not the case at all. And the Ninth Circuit said clearly, that's not the case. You're supposed to take the complaint at face value. It has to be a well-pled complaint, which we're going to get to later. These complaints, even the admitted complaints were not particularly well-pled. But the well-pled complaint has to be assumed factual and true. And for you to survive that motion to dismiss, or for them to actually be granted that motion to dismiss, they have to bar you in every way to say that the law doesn't support you in the case. All the statutory law, all this stuff, you're doomed from the get-go. And that's what this judge got wrong, that they were not doomed from the get-go. So this case goes back to the same judge and that same judge is going to have to do a further development on the case before it goes away again.

Andy 43:30

Ah, okay. I'm trying to put all your words together and figure out and make sense of it all, but we'll move on. Can you give me some background on Idaho's registration scheme? Can you walk, can you people walk us through how registration has evolved in Idaho? I'm assuming that what they require today is not what it was like when that was first enacted. And that's pretty much the case everywhere I believe.

Larry 43:51

That is the case everywhere. The state of Idaho began according to the, I pulled this directly from the case, from the text of the case. They started requiring registration in '93. And it initially only imposed the need on persons convicted of certain felony, sex crimes to register with their local sheriff. But they didn't stop there. In 1998, they passed SORA imposing the more expansive framework still in place today, designed to create public access to information about persons convicted of sexual offenses. Remember, that was the year that the Megan's Law passed by the Congress encouraging states to make the registry public. The 1998 act was applied retroactively to any person convicted of a newly eligible offense after July 1993. And then, after the 1998 amendments, Idaho legislature amended it again in 2001, 2002, 2004 2005, 2006, 2008, 2009, 2010, 2011, 2012, and 2013.

Andy 45:00

So almost every year after from '98, there's like only like four years in that whole run where they didn't amend something until 2013 and after 2013 they didn't. That's a lot of years that they amended things Larry.

Larry 45:15

It is. (Andy: What were they changing?) Yeah, I was gonna say what were they changing? Well, each set of amendments was applied retroactively the same way as they did in '98. And in general, these amendments expanded source framework adding to the list of eligible offenses and heightening the obligation of registrants. SORA was significantly amended and again, in 2011, as with prior years, new offenses were added to the list of crimes requiring registration. There was also a significant increase in the amount of information required for registration. And of course, that was after the Adam Walsh Act passed on states moving towards, complying with the suggestion of the federal government and the registrants were now required to provide advance notice of any travel lasting longer than seven days, and to provide in person notice of their presence to law enforcement in any jurisdictions they travel to. Now that one really bothers me,

because I don't know how you can oppose an obligation to do something in another state, but that's what they put down.

Andy 46:20

Uh, can you describe that one a little bit more? So somebody travels from Idaho to, you know, someplace nearby, so they go to Colorado, they say that you have to follow the Idaho rules in Colorado?

Larry 46:36

That's what it appears to say. This is from the court. I haven't researched this independently, but I'm assuming the law clerks at the at the Ninth Circuit are very good at what they do. And it says to provide in person notice of their presence to law enforcement jurisdictions they travel to. So that that is to me saying that we don't care what Colorado says. Their Sheriff is only open once a week to collect registry information. You will do this because we say so. I don't know how they can claim that jurisdiction over you outside the state of Idaho. I don't know how they can do that. You're no longer in Idaho, you're in Colorado. You'll register in compliance with what they tell you, not what Idaho tells you.

Andy 47:15

Well, you know, I ran into those situations when I would travel. And they did not know, the handlers here did not know about the rules in these other states. So when you come visit, Georgia, you would have to, if you were moving here, because this came up when the conference was here, if you're moving here, you have three days to register. But if you're just visiting. It's even vague whether it's seven or 14 days, but if you're just passing through, if you want to go to the beach, whatever, and then you're out, you don't have to go visit the sheriff in three days. Pennsylvania is also different, but they said, Well, no, you're going to be there longer than three days so you have to go register. And I'm like, that's not what they tell me to do. Now, I know supervision is different Larry. So the handlers can tell you to do whatever they want you to do. And you probably should comply. I'm just using this as an example of Pennsylvania didn't require me to register when I would go visit. So, I wouldn't go register and my handlers just kind of gave up bothering me about it. But they would tell me, I would have to go register when I got up there. Like, they don't make me do that.

Larry 48:11

And I understand that. And what bothers me is that this would be in statute, because I don't know how you can control a person that's outside your borders. You're no longer subject to the regulatory scheme of that state. But anyway, that's what appears to be in the law.

Andy 48:32

Okay, and then all these amendments to Idaho's registration laws sound eerily similar to what has occurred in many states, including Michigan. Did the Snyder case for Michigan play any role in the ninth circuit's analysis?

Larry 48:48

It did, indeed. It was mentioned. It's certainly not binding, as I remind people. That is a completely different circuit, and it's not binding, but they are certainly well aware that that case exists. They're aware of the fact that Michigan asked the Supreme Court to review it, and it's a Supreme Court didn't, which was effectively

an affirmance. At least you can credibly argue that. And the Snyder case, quoting from, which was in the opinion, they quoted this, "A regulatory regime that severely restricts where people can live, work, and loiter that categorizes them into tiers ostensibly corresponding to present dangers without individualized assessment, and that requires time consuming, cumbersome in-person reporting, all supported by at best scant evidence that such restriction serve the professed purpose of keeping Michigan communities safe is something altogether different from a more troubling than Alaskans first generation registry law. Alaska's registration law didn't require much. That's why it was upheld. It was very non-intrusive. And people keep saying this. Supreme Court said you could do anything you want to do. They didn't say that, folks. They said you can do *that*."

Andy 50:12
They said this registry was okay.

Larry 50:15
Yeah, they said you could do that. And in fact, they fired the warning shot over the bow on page 100 of that decision. They said, this is constitutional, only because it doesn't impose any disabilities or restraints, and for some reason, the law enforcement apparatus has gotten away with saying, well, the Supreme Court... every time they come up with a new list of amendments, now let's go back. How many years straight was that they amended it 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 years straight of amending the law. Everybody was being told that we can do this because of *Smith v. Doe*. And I will guarantee you there was not a single advocate standing there saying, Well, no, actually, you can't. *Smith v. Doe* doesn't stand for that. *Smith v. Doe* actually said you can do it because it's not imposing any disabilities, restraints. All these things you're proposing in this legislation are disabilities and restraints, you can't do that in a regulatory scheme, there was nobody there. But anyway, this did come up in the decision. And it's the basis for the Ninth Circuit saying you cannot just rest your laurels on the on *Smith v. Doe*, because they just might be able to distinguish themselves based on what was pled in this complaint. So it's kind of a warning shot to the state of Idaho, that you might not be on as safe a ground as you think you are in defending this registration requirement regime in our state. In your state, I should say, because that's a Circuit Court of Appeals. They're not, they're not based in Idaho.

Andy 51:47
Yeah. You said that you read the dissent. Did you? (Larry: I did.)
You don't ever read the dissents. Why did you, why did you read this dissent?

Larry 51:58
I read this one because the potential is there that this could make its way to the Supreme Court. I do not believe that Idaho will just folder their tent and say, Yeah, we got it all wrong. We don't want to do this anymore. If they would lose this, if they should lose this, it's got to go back through the through the trial judge level and be decided by full blown trial or summary judgment, which seems to be everybody's favorite way to resolve disputes. And one way or the other, then a losing party is going to appeal. You do not put together 134 plaintiffs and expect them to walk away and say, Yep, we gave it our best shot at the trial court we'll just walk away. On the other hand, you've got 134 plaintiffs and the state of Idaho,

if they lose, they're not going to say, Oh, well, I reckon we'll just let turn over the other cheek and walk away from this. So this is going to be appealed back to the Ninth Circuit again, regardless of who wins or loses, it's going back to the Ninth Circuit. And depending on what the Ninth Circuit does with it, it could be a cert petition to the Supreme Court again, because if Idaho should lose, they're going to do exactly what Michigan and Pennsylvania did. They're not going to say, Oh, well, I reckon that's the best we can do. They're gonna try every last, you could kind of look at the presidential challenges. What is there about 65 of them now? (Andy: I heard it was 50. But 65 whatever.) So So I mean, they're not going to just go away and give up. So so that's why I read the dissent. And I don't normally do that, but I did.

Andy 53:30
And But back to the 134. I think I recall, one of Janice Bellucci's had seven probably Does. Seven seems like a legit number to cover all of the bases of this person has this kind of specific one. And you know, just give you a mix of people. 134 you've got some kind of pissed off people that were willing to sign on to it, doesn't that add some level of impact to it that you had enough pissed off people to sign on to? I mean, you know, you're sticking your head up into the firing line when you end up on these court documents?

Larry 54:04
Well, I would say that'd be one way to look at it. Since I've never been a party to litigation, that's this large, I don't even know how to, I wouldn't even be able to comprehend the undertaking this would be to put together a complaint that represents. The complaint would have had to be extremely long, because each person's issues has to be pled separately in the complaint. And that brings me to the point of what the judge, the dissenting judge said about the complaint.

Andy 54:33
which is why they threw the kitchen sink at it even in the decision that part I was reading, they said they did everything and it wasn't necessarily well filed, but they threw everything at it saying that you know jaywalking is not a legit thing that you could do on the registry and they didn't seem to like it very much.

Larry 54:51
Well, I've picked out some, picked out a quote here. And the dissenting judge, Van Dyck I believe it was, "This is a difficult case made all the more so by appellants John and Jane Doe's 1-34 woefully inadequate briefing. Despite repeated reprimands below, and he's referring to the trial judge, the Does counsel continue to require the court to parse through pages upon pages of allegations voluminous to decipher their actual arguments on appeal. And indeed when reading the documents, brief and record below, one wonders if they, if they, if they in their own version of spaghetti approach, have heaved the entire contents of a pot against the wall and hope something will stick." This is what I tell people about when you throw everything but the kitchen sink at it. This does not go over well with courts when you do that because it makes it too darn complicated.

Andy 55:43
So these, the judges at this level are not hearing new evidence. And you'll correct me if I'm wrong here, they are basing what they are receiving based on what has been presented at the lower

level. So they're not going to do fact checking. And it seems like it would be in our as plaintiffs kind of best interest to make it as easy for them to decipher all of the language as much as possible for them to know what's going on so they don't have to work too hard. making them work hard would make them angry and not necessarily so much in favor of supporting what you're going after.

Larry 56:18

That's one facet of it. But remember, there's a there's a deeper facet that goes into SV. The people make these laws through their legislative process, which everyone who is eligible to participate and has had that opportunity to do so. And to nullify the will of the people requires an enormous amount of proof of how someone has gone afoul of the Constitution. When you put forth in a complaint is complicated with all the different issues, and we've only touched on the issues here. We didn't even go into all the different things regarding the Religious Freedom Restoration Act and Idaho's version of that, and the Takings Clause, and all these things. When you do that, what you're saying is the people got it wrong over and over and over and over and over again. And courts don't like to nullify the will of the people begin with because the people are the closest. That's our system of government, we rely on people to self-govern, and decide what rules they want for society. So you come in, and you have 20 years' worth of stuff that you're unhappy with. And you have 130 plaintiffs, and you have 12 different causes of action, 12 different counts in your complaint of all of the things you're alleging are defective, you're basically saying the people got it wrong over and over again. And that's just a difficult pill to swallow for courts. You need to be more sharply focused on what it is that you're trying to litigate. I'm not making this up. This is what the dissenting judge said about what he thought about throwing everything but the kitchen sink. He's not in a minority of judges that think that way.

Andy 58:03

Remind me, when you say disability, disabilities and restraints, that takes us to the Kennedy Mendoza Martinez decision that you often reference is that, is that right?

Larry 58:13

That is correct. (Andy: That's what seven factors?) It's seven factors. And that is how something that's labeled as a civil regulatory scheme, that's the framework established by the US Supreme Court in '63, which is still utilized almost exclusively today by every reviewing court, they look at those factors to say they can call it civil regulatory, if they like. But here's what we're going to look at. And when they look at those factors, some look at them, and liberally construe the factors. Some look at them, it would be like the Lewisville case in Texas. That was a very conservative judge, and it was a very conservative panel on appeal in New Orleans. And they looked at it and they said, Well, now are we talking about, there is a constitutional prohibition against banishment. But banishment as it was understood in colonial times meant telling a person that they couldn't be in town at all. And as I look at this statute, they can be in town all they want to, they just can't live here. So this ain't banishment as banishment was understood in the time that those words were written. That's your originalist interpretation. Well, that that's that could be very much in play here. You know, it's like, it's like you depending on how broadly you want to interpret or how narrow you want to interpret. The same reviewing court can look at the same facts and

one can say there's a constitutional intrusion and one can say there isn't. So.

Andy 59:44

And remind me I believe you've said that they're one of those Mendoza Martinez challenges is one that you are particularly fond of, as far as challenging how the registry works. I think I've asked that the right way.

Larry 59:57

Yep, that's always the disabilities and restraints.

Andy 1:00:01

Okay, yeah, that's where that comes from. Because there are other things, obviously, but the disabilities and restraints.

Larry 1:00:06

Yes, that to me that is the key to winning or losing. If you've got a registration scheme that does not impose any disabilities or restraints, you're going to be hard pressed to win that. I don't care what you try, if it's not requiring you to do anything... I bring up the draft over and over again. Young men 18 to 26 years of age, they have to register for the draft, they're subject to prosecution if they don't. They don't have to do anything else other than keep their address current with Selective Service. And they make it very easy. I think they can go online, I think we've got a young listener in the audience right now in chat, that could probably tell us that, but I think you can update Selective Service online. But if you do not do that, you will forfeit various government aid. And you're subject to a felony prosecution that carries up to five years in federal prison if you don't do that. But it doesn't impose a single disability or restraint. And no one has ever argued that it's unconstitutional. I think there is possibly an argument that since it only requires young men, that it violates the Equal Protection Clause of the Constitution. If you're going to be subject to Selective Service requirements, I think everyone between 18 and 26, barring those who are exempt for whatever reasons, medical or religious should have to register. But that's an argument to my knowledge that has not been raised, or at least if it has, it hasn't been successful.

Andy 1:01:29

And to continue down that path just for a minute, making someone go to the registration office every three months. Sounds like some kind of disability and restraint that you now have to ask your boss to take off work, maybe you have transportation problems, it creates a level of hurdle if you have to do registration every handful of months.

Larry 1:01:49

That is one part of the analysis. But it would depend on, depending on how rigorously the court wanted to look at that. A court looking at that giving the most lenient interpretations would say, well, it's more frequent than a driver's license, but it's not frequent enough that it really impairs your life. Another court would say, well, that's a huge impediment, you, if you're constantly having to be in a law enforcement office every 90 days, that would be an extreme impediment. But when you stack additional requirements, not only do you have to be at the law enforcement office every 90 days, you have to be restricted on where you can live, where you can be present, who you can

associate with, it goes on and on all the requirements. In Mississippi, as we talked about earlier, that you can't even have contact with your with your victim without you going back to the court that convicted you and you have to get the court to grant you that permission. Now how often do you think they're going to do that? And the victim has to initiate the way I read the law.

Andy 1:02:40

Probably pretty rarely. All right, then.

Patron Supporter Message 1:02:47

I just knew it. You just can't help yourself. Even Christmas can't even change you.

Andy 1:02:54

What happens next? Is the case return to what happens next? Is this the end of the road does it go to the Supreme Court what happens?

Larry 1:03:02

It goes back to the district court with instructions to develop the case. And the district courts gonna do whatever it decides to do in terms of bringing the Council of the parties together and deciding if this case if it's going to go to trial. Or maybe they could be briefed and it could be decided on joint motions for summary judgment or the state may file a motion for summary judgment, but the judge is going to be a be required to consider these arguments and rule on each one of them that wasn't dismissed. Now the Ninth Circuit affirmed the dismissal of some of the claims, which like I say it's too complicated. I don't want to try to get into it, but there were surviving claims that the judge is going to have to rule on and who knows how it's going to be decided, I hope always hope for trials, but nobody seems to do trials anymore.

Andy 1:03:52

What exactly do attorneys do? Again, if not go to trial?

Larry 1:03:56

They file a motion for summary judgment.

Andy 1:04:02

Okay, I guess, um, do you have any parting thoughts on this before we then move into anything extra? I don't we don't really have anything else to do. Is there anything else that you wanted to highlight about this particular case?

Larry 1:04:16

Well, it is a victory. And we're always glad to have a victory because the case is not going to be allowed to die. It's a victory. But it's a temporary victory. It could be that it turns just like the Lewisville case. That trial judge got the case back, he made a decision on the merits. And he decided that his initial hunch was correct, that it was not banishment. It went up to the Fifth Circuit. And the Fifth Circuit affirmed him and they said by golly, this is not banishment. The people can be in town all day long. So this is not a foregone conclusion that we're going to win. But this is a case that now that we're aware of it, for some reason or another, it wasn't on my radar. Now I'm going to be I'm going to be looking at it and trying to figure out if there's anything we could do to help the process along.

Andy 1:04:59

Okay. Hmm, interesting. Interesting. Well, Larry, we, we didn't receive any new patrons this week. But I wanted to make sure to highlight that Brian and I don't believe it's Brian in Louisiana, doubled his Patreonage, Patreon, his contribution. And I wanted to say so thank you very, very, very, very much. And it is greatly appreciated. Doubled it, Larry doubled it.

Larry 1:05:21

Well, that could go from \$1 to \$2.

Andy 1:05:25

That is correct. But this was not that. And it wasn't three to six either. It was a nice chunk of change and I was very appreciative.

Larry 1:05:34

Was it the amount of a federal stimulus payment?

Andy 1:05:37

It was not stimulus money level either. It was not.

Larry 1:05:41

Alright, well, then, since there might be another stimulus in 2021, we gotta put that option again. When we find out how much it's gonna be, we're gonna put that option up.

Andy 1:05:51

We're gonna have to roll back to whatever the September episode was where you're like, you're, there's another one coming. I was like, man, we need to go spend some money. I was like scheduling to go out and hang out with friends and whatnot and go have a big party. But no, no stimulus came. And you said it was coming Larry. It's all your fault.

Larry 1:06:04

It is. So now I'm optimistic again, that even with the change in administrations, we might get another stimulus? I mean, we need to get deeper in debt. I mean 37 trillion is not really enough.

Andy 1:06:20

Haha. In chat, somebody asked, are we still on track for a 501c3? I have no idea what the state of the process is or where we are with the statuses.

Larry 1:06:28

It's lagging because of, what is it, lethargy? Yeah, it's it's lagging. I haven't done the application yet. It is really not that cumbersome an application but but it is going to happen. We've probably missed, we've probably missed 100 grand by now by not having it.

Andy 1:06:51

That is possible. Remember when we first started, someone asked if we had some kind of they wanted to do a contribution through a trust fund. And I was like, I don't have any clue what you're talking about. But we weren't anywhere near to be able to receive anything like that.

Larry 1:07:03

Oh, we could receive it now. If they feel they must, we can take care of it. We have foundations that would receive it on our behalf.

Andy 1:07:11

Outstanding. That is all I have Larry. So if you want to find the podcast, head over to registrymatters.co. And you can find show notes. You can find instructions on how to join the live stream. Find all the places that you could get the podcast. All of those things exist at registrymatters.co. Nobody left any voicemail this week, Larry, but of course it is your favorite place to receive questions. But how would they do that if they were so inclined?

Larry 1:07:39

Well, you would pick up the phone and you would call Sarah at the switchboard. And ask Sarah to dial 747-227-4477.

Andy 1:07:50

And email is over at the Gmail. It's registrymatterscast@gmail.com and Larry, what is the best way for people to support the podcast?

Larry 1:07:59

That would be patreon.com/registrymatters

Andy 1:08:05

I so very much appreciate your time and attention to detail and all of those things.

MacArthur Movie Clip 1:08:11

That is why I am here.

Andy 1:08:14

You missed your cue again. We're never gonna get this right. We're gonna have to have like some sort of Sunday morning, extra training or something on how we can get you to coordinate with that one. Love you Larry very much.

Larry 1:08:27

Thanks, everybody. Bye. Good night.

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