



## Registry Matters Podcast

Episode 165

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Andy 00:00

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Larry 00:28

That's what it is, and it is just fine. Just fine today. It approached 60 degrees. But tomorrow the high is going to be 20 degrees and the low is supposed to be around nine.

Andy 00:41

Since we're about to start the Registry Matters weather forecast program, did you see the weather in Texas earlier in the week? It was 25 below the normal temperature? I don't know what, I think it was it was in the teens or something like that. But the average temperature across the state was 25 or 30 degrees below normal. It's insane.

Larry 00:56

I did hear. So it's global warming is what it is.

Andy 01:01

I don't even, like can we not go down that path? That's so complicated. Global warming or climate change and all that. Yes. Yes. But everyone then uses that trope, like who was it that brought a snowball into the Senate chamber saying global warming my tushy, here's a snowball. So as in one snow event makes global warming false? (Larry: that is correct.) We're gonna get a lot of hate mail. I know it's coming. Send it to crackpot@registrymatters.co. And Larry will be the one that gets it. And he will respond to every message that comes in.

Larry 01:39

Absolutely.

Andy 01:42

What do we have this evening? Mr. Larry?

Larry 01:46

We have several questions. I think they're all from inside prison facilities. And we have a deep dive on a case from the state of Tennessee. A very important case.

Andy 02:01

Super Important and good news or bad news, You want to tease it up front, or do you want to just like leave it dun-dun-dun, we'll talk about it later?

Larry 02:08

It's overall good news from Tennessee.

Andy 02:12

Okay, super awesome. I guess then I can start running the questions. Are you ready for me to start running questions?

Larry 02:20

Let's do it.

Andy 02:22

Cool. This one comes it says:

### *Listener Question*

I'm looking for information on which states it's best to... wait to I can't read people's handwriting anymore... post prison or even live after having to register. This will help me and my family to figure out if staying in Oregon is best overall or moving to another state would be mo betta. That's my editorial position on it. Thank you for your time on this matter. And God bless and stay safe and healthy.

Seems that we cover this question a lot, Larry, on which state because you know we are posting publishing a specific list on go to this state, say these keywords, do their secret handshake, and you will be okay moving to that state.

Larry 03:07

Oh, the reason why I put this in here is because it does come up frequently. But I would like to reiterate to people, when you're leaving prison, you're probably going to have a supervision period. Very few states just let you disappear. So going from state to state is not going to be so easy for you, if you have a period of supervision, you're going to have to move that supervision through the interstate compact for adult offender supervision, which is a complicated process. And the state that you'd like to go to, don't take it personally, but that state does not want you. And therefore

Andy 03:47

You mean personally t hey don't want or are we people in general?

Larry 03:49

As I said, don't take it personally, but they do not want you. Therefore, therefore you're going to have a lot of hoops to jump through to transfer your supervision and you may find yourself in that state that you're that you have that supervision period in until you're done. When you finish and conclude that supervision you can indeed leave. But I think I would be very careful about leaving Oregon because they are actually making progress in terms of making their registration better. They've got an effective group of advocates, very small but very effective. And they've been transitioning toward a risk-based model which some people like a lot. They're using the static-99 as the basis for for how they determine the risk level. But there would be some benefits. There are some benefits which I cannot articulate all of them. But if the risk if you come up level their static-99, the registration is not as onerous in terms of what what restraints and what obligations are imposed on you. So Oregon is moving in the right direction. So you may be trapped there for a while and be you might not want to move depending on depending on what your other options would be because you may not have options in all 50 states. You may have a connection in Florida, you may say, Well, my options are Oregon and Florida. Well, that would be a no brainer. I would stay in Oregon.

Andy 05:08

I am gonna say this mostly from anecdotal that when we cover stories about the nastiness of the registry, we frequently talk about a Texas or a Louisiana or a southern southeastern kind of states, and we never talk about, and I say never, like I know it's not never but it's pretty much never. We never talked about any of the states up in the northeast corner. And we we talk about how crappy California is like in certain respects, but the northwest side doesn't really ever come up as being a crappy place to be.

Larry 05:44

Well, that's what I was saying that Oregon is moving in the right direction. And it's not going to be a panacea. But if I were having to live with one or the other of any southeastern state or Oregon, all things being equal, I would stay in Oregon, I wouldn't worry about the fact that you might live in a state that doesn't have any income tax like Florida, I know that's a fixation for a lot of people not to pay taxes. But you, you you trade an awful lot of what you're required to register, what what Florida imposes on you versus what Oregon imposes on you.

Andy 06:19

And one other point I'd like to add is, I bet you Oregon would rate on the really high as far as pretty factor would go if you were to rate them. It's a gorgeous state. I've never been only seeing pictures, but it would be gorgeous.

Larry 06:33

Well, it does have, it has a little bit of everything to offer. I mean, you you name it. The terrain in Oregon, you can pick what you find attractive. Say you like mountains. They've got that. You like this seaside. They've got that.

Andy 06:48

Yep. Yep. The coastline is amazing to be out there.

Larry 06:55

if you like if you like barren desert, they've got some of that. Well, it's not really desert but they have they have pretty much anything you want in the way of climate. It's available.

Andy 07:04

Did you say anything about a removal process up that way?

Larry 07:08

I did not. I don't know anything about a removal process in Oregon.

Andy 07:14

Okay, so all right. Well, then let's move over to question quote number three because we dropped question number two, but I just left it the way it was. So this is the second question but listed as question number three.

#### *Listener Question*

I'm writing with the hope that you might be able to answer a question of mine as a registered SO incarcerated with I think it says within the federal system, I understand you are unable to help with most issues. But I hope you can help me here. I'm curious if you believe that parole will ever return to the feds? If so

has NARSOL ever advocated for it? Furthermore, do you believe that SOs with new definitions under *US v. Johnson Hobbs* robbery act regulation and 44b 1.2 clarifying crimes of violence, which apply to sex offenders say forcible sexual offense will ever be able to be eligible for the first step act benefits? Will we ever be able to attend federal camps despite most of us being first time offenders and low camp custody points? Or will we always be neglected based solely on public safety factors put on us due to bias against our offenses? Wow, this is a lot of stuff. Any answers you might have will be greatly appreciated. I do not expect a straight reply. But if you could answer me in your legal column, it would be a godsend. Thank you so very much.

That's a lot. That's a pretty detailed question with the sighting of the *US v. Johnson Hobbs*, whatever all that is, please say What's going on

Larry 08:35

Well, on that one, I'm going to have to pass on *US*. I don't I don't know that material well enough to comment. So I can focus on what I do know. Do I think parole will ever return to the federal system? Ever is a long time. I don't think it's going to be easy to return parole to the federal system. It was it was repealed in '84, with the sentencing reform act of 1984. And the theory was and the way it was sold in '84 and that was in the Reagan administration for those who don't remember. The theory was that we had the United States criminal code, and we had too much variation in what was imposed for the same crime. So you had a person in Alabama who would be convicted of which in those days bank robbery was the big federal crime, the sex, the all the stuff related to sex had not come to be yet because we didn't have the internet. A person who committed an infraction in Alabama would be given one level sentence and a person and in San Francisco would get probation. And in those days, more than half of all federal defendants got probation. And that just wasn't right. So they passed a sentencing reform act and they wanted a truth in sentencing which you have now. You have the guidelines of what each crime carries based on based on formula, and the offender's characteristics, and those, and those guidelines are fairly rigidly followed, you know, your, your, your analysis through Andy's famous computer model will come up that that person should get 84 to 96 months. And you're going to get 84 to 96 months unless you can qualify for a downward departure. But there's also upward departures where you can get additional time. And the prosecution sometimes seeks upward departures. Well, the attitude of the American people, as far as I can tell, has not changed on a dramatic enough scale, to put things back similar to what they were in 1984, which was, there was a lot more freedom in sentencing. And then there was a period of time and I don't recall, it's been so long, exactly how much time you had to serve before you were eligible for parole. But it was it was certainly a fraction of your time. I mean, I think it was it was along the lines of maybe half or even less. And I don't see that coming back because the public has been whipped up to into such a frenzy about a lot of people not paying their debt, that the thought of letting someone be eligible to be scot free, after serving only a third or half of their time would just not be tolerable to the average American. So I don't see that changing anytime real soon. So in terms of the first step, Act, the first step act, as I recall, and again, I'm not an expert, I'm only gonna I'm only gonna tiptoe around what I do know. What I do know is it was broader in terms of what it would have

done prior to the hijacking in the US senate of what was a compromised piece of legislation. And Senator Tom Cotton from Arkansas, led a group of conservative Republicans to strip out provisions of the first step act. And that's what happened. And do I think that they'll ever change that? I hope so. I don't, I don't know. But until until the public's attitude changes, I don't think that the low security camps are going to be opened up as options because there's that camera that's going to come inevitably, to an official when someone at one of these camps just walks away. And why were they able to walk away? And no mid-level bureaucrat wants to deal with that. So the best thing to do is to not have the option for that camera to come in. You don't have the people eligible to be in a walkaway camp where they can walk away, a camp that doesn't have a fence. And that's basically what we're talking about in the federal system, you can never reach one of those honor camps. If you have this safety factor following you they won't put you in there because it's a it's an issue of public safety that if something happened, what would we do? And how would we explain it? They'd rather not. So that's why I don't see that changing anytime soon, either.

Andy 13:00

Yeah, I guess you could look at that as being like a low, the risk is low that something would happen. But if it did happen, the impact would be great.

Larry 13:08

It would be something that would be highly sensationalized. And there would be so much blowback about it and you would end up having an overcorrection. You would end up having the industrial complex would come out and demand that the people that are even at medium security camps be that they would be locked. I mean, it would be it would be bad. And it's sad and tragic. But unfortunately, this is a mere reflection of where society is. That's what the public is demanding.

Andy 13:42

I understand, okay, and then we will move over to this one. This is sort of a two parter where we covered part of it before but so we are going to cover the new part first it says:

#### *Listener Question*

Dear registry matters. I need to get some like kind of like the at like the like on nine o'clock on a Saturday night you'd have like the love to dedication section on the radio. I could like get some like heartfelt music in the background. I was selected to receive the transcript to podcast episode 161 because my question to the legal corner was submitted to you to be answered. I'm the guy with dual citizenship in the United States and United Kingdom, England, that plans to renounce my US citizenship, citizenship and live the rest of my life in England, hopefully with a fresh start in life without a criminal record and without having to register any more, I hope. Anyway, in Episode 161, you guys said that you will get to my question in Episode 162. Due to many things planned for 161 to answer my questions. With that said, Can I please receive the transcript for 162? As that is the one with the answers to my question. I greatly appreciate it sincerely. What of the original question did you want to gloss over, go back over in any detail? And are we bringing our mystery person on his guest? I forgot if that's what we decided to do or can it.

Larry 14:59

He declined at the very end. So we'll do the best we can. So I'm, I'm going to, I'm going to just take the parts of the question that I feel comfortable in answering. So what he wants to know, is about renouncing his United States Citizenship to move to England as a dual citizen. I don't think that would be necessary if you're a dual citizen. My understanding, you would have, you would have the right to enter. And, and, and, first of all, we would never advise anyone to renounce their US citizenship. That's a prestigious passport to have. And if you need to move around the world, except for maybe in a few countries, I don't need to stir up the hornet's nest by naming, an American passport is going to be a great thing to have. So I would never renounce US citizenship or even contemplate such a thing. So that would be something where, if he's determined to do that, he'll have to seek advice elsewhere. But then he wants to know about a fresh start. Would he have a criminal record? And of course, you would have the American record of the conviction. And the United Kingdom, I'm pretty certain would know about that. So the question is, would they require you to register? We did consult with our, with our person that we were going to have on, and he felt a little uncomfortable, because he's not an attorney, and he wasn't sure. So I would assume just for the sake of being on the safe side, that if you have an American conviction, you're probably gonna have a duty to register. But what we have determined is that the registry in the UK looks nothing like the American system. You don't have all the disabilities or restraints that are imposed on you in the United States in terms of where you can live where you can work. It's apparently primarily law enforcement registration. And most of the registration periods are far shorter than what the US has. So if you end up with a registration obligation in the United Kingdom, it's probably going to be much shorter than in the US. And it's going to be much less onerous in terms of what you would have to, what you would have to deal with. And then his other question about, he has five years of extended supervision imposed by Wisconsin, and he wants to know if he can travel? Well, in terms of traveling legally with supervision, it's been the most rare situation where I've known, I think, maybe once or twice in my career where a person has been allowed to travel internationally while they were on supervision. So I think that's a long shot. But let's assume that you finish your Wisconsin supervision, the United States will not do anything to prevent you from traveling. You can travel anywhere you want to at any time you want to. You have a 21-day advance notice requirement imposed by federal law, which most states have adopted that either by regulatory integrating it into the requirements by simply having you sign a form, or it's in their state statutory scheme, that you have that duty. Well, that generates a notice to the foreign nation, that you have a conviction that they don't find particularly appealing. And some nations, a significant number of nations will not admit you. So you may end up landing in that nation and not be admitted. As I understand it, as a dual citizen, they will admit you, so this won't apply to you. If you get off supervision, we're told that you'll be able to get in. But if you're in normal circumstance, and you're not a dual citizen, oftentimes people are turned away after they've traveled. They're told you cannot enter our country. And just remember, this is a two-way street. People travel to the US and they're not admitted. This is an information sharing regime where the US receives information about people that may be criminal, or they may be on suspected terrorist watchlist or various reasons. And they are not admitted to the United States. But when you

travel, it's best to do everything you can to find out in advance if that country will admit you and I think Andy has a website that he can refer you to that will help you. We have an associated group that keeps that type of information. And and you could find out on their travel matrix, what the experience is for people who want to travel.

Andy 19:09

That's the Registrant Travel Action Group run by Paul Rigney, I think is the guy's name. (Larry: That is correct.) It's a super easy, simple website. It's almost like there's an embedded spreadsheet. Go on there. And it's organized by continent, I believe, mostly. So it'd be like Asia and America. And then you'll look to the next column and you'll see which country you're talking about. I happened to be looking at Barbados Recently, there was something where if you are a remote worker that they'll give you an extended work visa, I was just looking to see if maybe since I'm a remote worker anyway, could I go to Barbados for a year? Barbados is a country that'll let you in without question. It appeared.

Larry 19:47

So well, and I appreciate this person who's a subscriber to both the NARSOL Digest and to our transcript service. I wish I could be more specific, but we try to stay away from specifics because we don't have any way to give you the legal advice in terms of this. Hopefully you can find someone who can, who can do some research for you, and find out what more specifically the UK would require. But it looks like it would be very benign compared to what the US would require if you were having to register here.

Andy 20:17

What is your opinion, though, if the person is like, let's look at it from the US point of view. And if you acquired a conviction of some sort in another country, let's call it that it's some kind of PFR-related offense. And you were then traveling back to the US and you show up with your US passport. You're a US citizen. I don't, I struggle to say that they would refuse you entry. I'm not saying that they don't reprimand you, and all that stuff. Like, but I can't see them not letting you in.

Larry 20:47

They would let you in if you're a US citizen, they would let you in.

Andy 20:53

From that angle, if you then transpose that to their side, I'm inclined to think that they would let you in. That doesn't mean you have a cakewalk, what you get there just thinking that they would let you in?

Larry 21:02

Well, well, he's wanting to be forgotten. He's he's wanting to know if he would have the ability to vanish. And I would be very surprised if he would vanish but even not not vanish if he's registering, it appears that he would have very significantly reduced requirements on non public registry that's only with law enforcement. And for for a far shorter time that's required in the United States in most of our states.

Andy 21:28

I'll tell you, one of the things that I wanted to cover with you, when we first started the podcast, it was I remember reading somewhere that the United Human Rights Watch, I forgot what it's called. They had the United States and the sex offender registry of the United States listed as a crime against humanity almost, a human rights violations sort of thing. But you, as I recall, you said like, this doesn't matter, it's still the US, we can do what we want. And whether the international community shuns it and says it's a bad thing, whatever. But I just look at all of the International uproar about it, and other countries that will just turn a blind eye. We talked about the guy's YouTube channel six months ago, talking about Germany. And they asked him how long ago was his crime and his crime, he says it was 10 years ago, I don't know any details beyond all that, and I'm not trying to get into that. But they, if it was 10 years ago, they're like follow the law, they don't look at something as being 10 or 20, or 50 years old, and we're still gonna put the screws to you because you screwed up one day.

Larry 22:34

Well, that's Americans don't tend... there's an interesting thing about Americans and and I, I'm trying to say, trying to figure out stuttering to say it gently. We don't, we don't care much about what international organizations say, unless it suits our purposes. So most Americans are not going to be alarmed about any criticism of the US. I mean, we're the United States of America, we do everything right, we're the best at everything. So the fact that a human rights organization, would have published anything that was critical. Most Americans have never heard about it. And if they heard about it, they would poopoo it, they would say that was a whole bunch of just leftist extremists. But what they do is when they find something that they like, like, I'll find some of my conservative friends, they'll say, Well, according to international law. I'll say wait a minute, you, you, you scoffed at, when, when the senate was confirming, it was one of the women justices that's sitting right now, I don't remember which of the two, so I'm not gonna say. But when she said something about international law, she was ridiculed. Saying that we should never look at international law. So there's a little bit of hypocrisy there. We like international law when it's something that suits our purposes, but we we thumb, our nose at it, generally speaking. So most Americans, the fact that we were cited in an International Human Rights Report as being a violator of human rights, they wouldn't care about that. The average American could care less.

Andy 24:11

I hear you. Okay. All right. Then we have this one little section from a comment from someone that you posted as to be read. And it says:

#### *Listener Question*

To NARSOL I am currently being held under South Carolina's PFR violent predator law in civil commitment after having served my 20 year prison sentence. I am supposed to be here for treatment of a mental condition that was not present until I maxed out my prison time. Hmm, coincidence there, Larry, do you think? Yet due to the pandemic, there has been no type of treatment since March of 2020. The facility has been on a modified lockdown since March. So I keep asking myself, why am I still here, if they cannot provide and will not be able to provide treatment for years to come based on the COVID pandemic. I would appreciate any more

material and or assistance to include other resources I can contact with to help me in this situation. That's a catch 22. That's like a snake eating its tushy if there aren't going to provide him the treatment, and he is listed as needing the treatment, he's just stuck in limbo. But somehow he didn't end up with the mental condition until he was about to get out. Oh,

Larry 25:20

Well, that's the travesty of the sex offender civil commitment regimes, is it's really not about treatment. It's all about extending the confinement. If they really, if they really thought they had a mental issue. First of all, you don't have to prosecute someone, you can seek a civil commitment. Every state has a civil commitment process. But magically, they're a criminal until they serve out all the time that they can heap on them. And then they have this dubious, awful lack of due process in most instances of the 20 states that have civil commitment. They have this horrible process that is stacked against the person, and they commit them. And then they're sitting there with the goal normally in a civil commitment regime is to get the person out. Even John Hinckley, who shot President Reagan, and shot the press secretary to the president, and shot three individuals. He is free today. He's out. The goal was to rehabilitate Hinckley and get him out. It took a very long time because he did a very heinous act of shooting all those people. (Andy: He was down for like 40 years, right?) He was down for pretty well, well over 30 years. But But this, this is so tragic. And all litigation has failed. Now, when I when I read this, it occurred to me that although we don't have a magic answer, I'm wondering if there is an angle to work because he's supposedly being held for treatment. But if the treatment is shut down, and he's merely in a detention facility, without any treatment, like, for example, if you got caught in Never Neverland for when you're at prison, and then they filed a petition, and you continue to be held in a prison facility, which I'm not exactly clear where he's being held. But if you're still held in a prison facility, while you're waiting for your civil commitment, that would be an interesting litigation, how long they'd be able to hold you. And he's been committed already. So I'm guessing he's been transferred to the facility, but they're not providing any treatment? Does he have a cause of action? I don't know. But it'd be interesting to explore. So I'm asking everybody out there. If if we can raise \$50,000 at the end of this podcast, when it goes when it goes live for this, this might be a fun case to litigate to see if if we can force them to either release him or start him in treatment.

Andy 27:55

Alright, so should I give them your phone number to call for the telephone?

Larry 28:00

Well, we we've got we got this is all going to be expensive litigation. This is an issue that has been litigated over and over again. Civil commit is not unconstitutional. So we're starting out with we've got to come at it from a different angle that's been where all the body of case law has been built, built all across the country. We've got to come up with something novel and different. But this is slightly different. I mean, he's he's waiting for a treatment that's never going to come or at least not anytime soon.

Andy 28:33

Yeah. And how is this different? If it got to SCOTUS, just, for example, the Supreme Court if he got to them, is he having due process violations? Because the civil commitment thing seems to, you know, you go jump off, you threaten to go jump off of a water tower, they will confine you for a few days, and no one complains, if that's some sort of civil rights violation, because you were potentially going to hurt yourself. So they lock you up for a few days until you cool off. But this is indefinite. And we have talked about this before, like what what are the angles of attack that? What are the arguments that would be made to a court talking about this?

Larry 29:13

Well, I mean, you with this, the fact that if he's just being warehoused, and there truly is no treatment, then this is not a civil commitment. This is a detention. And so I mean, off the top of my head, since this is coming to me cold, I would argue that this is nothing more than extended detention. And, therefore, he has the right to be free or the right to be treated. I don't know if any courts gonna buy it. But I know that if you were sitting there, and if you had served 20 years in prison, and then if they had decided that you had a mental illness, and then they weren't, weren't providing you any treatment, you would be very upset, wouldn't you? (Andy: Totally.) And so, I'm not minimizing his complaint. I'm just telling you that the case law, it's not good. It's not good for this, the courts have repeatedly said civil commitment is just fine.

Andy 30:07

Ready to be a part of Registry Matters? Get links at [registrymatters.co](http://registrymatters.co). If you need to be discreet about it, contact them by email [registrymatterscast@gmail.com](mailto:registrymatterscast@gmail.com). You could call or text a ransom message to (747)227-44771. Wanna support Registry Matters on a monthly basis? Head to [patreon.com/registrymatters](https://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, okay, I guess I need to do the drumroll please. Because now we're going to go over to this featured segment with this incredibly awesome, most bestest decision out of Tennessee. And all right, you ready for this one part or you want to cover something else before we get here?

Larry 31:13

I think I'm ready. So is this recent enough to be late breaking news, or is it too many days old?

Andy 31:19

I mean, I can press the button if you want me to. Alright, I'll stop that. All right, late breaking news. Because I mean, I don't know when this... people started emailing me about this. I got I got a half dozen people sending me this case asking, Hey, is this worth talking about? Is this good news? And so here we are, says, You people, Larry, I send it to you a handful of days ago. I don't know if you heard about it before I sent it. But this is *John Doe v. William B. Lee, et al.* And it's a monster 87 pages. And I can't believe that you would even expect me to read any of those 87 pagee. It's from the United States District Court of the Middle District of Tennessee. And did you read all 87 pages? And are you ready to

talk about it? This just came out of nowhere, because I don't remember talking about it before? Have we talked about it before?

Larry 32:07

Actually, I did read all 87 pages. I got really tired. But I think we have talked about, I think we have talked about this. It's actually an old case. It was filed back November 8 2016. That's when the original complaint was filed, along with a motion for protective order so that they could be anonymous. And that's what the case, it had a different name. At that time, the governor of Tennessee was William Haslam. So so he was the defendant along with the Tennessee Bureau of Investigation director who was named Mark Gwyn. And it was two separate but identical complaints filed by the same attorney. And the two cases were consolidated for the purposes of case management, discovery and pretrial motions. So we we have talked about it. And the case, the state tried... see this is a four plus year old case. And they, the state did what states do, they filed every motion they could think of, and they tried like hell to get out of this, but they didn't get out of it. And they failed because the landscape has changed a lot due to the ruling from the Sixth Circuit in *Does v. Snyder*, and Tennessee is in the Sixth Circuit which makes *Does v. Snyder* controlling case law.

Andy 33:27

Darnit you just like preempted my one of my questions there towards the end about that. Can we hit that really quick? So if they're in the same district, it's not like if there was a case in the same state, it would have a huge amount of impact. But is it similar, if they're in the same federal district that it has a lot of controlling force over them? What's the word I'm looking for?

Larry 33:54

This is a circuit. So within the Sixth Circuit, all the states that are in the Sixth Circuit, *Does v. Snyder* is going to be what any attorney cites to when they're challenging any aspect of registration because that case is binding.. The defending party needs to distinguish themselves and say, no, we're not, our registry is not like Michigan's and here's how we're different. And they tried, they tried to do that. That's what any state would do in the Sixth Circuit, they would say, Nope, nope, we're not we're not like that. We're distinguishable.

Andy 34:32

But, Larry, if we were to make a matrix of, I don't know 10 things that registries do. And we would go to you know, like residency restrictions, the various disabilities and restraints of what we could come up with. I don't know how many we would actually come across. But if we like if we put x's in, they would all be very similar, some just less shitty than others, but they would all be I don't know how you would go out and say, well, ours is different because we have a 300 foot restriction versus 1000 foot. Like that's just the different color of apple.

Larry 35:04

Well, that's not necessarily true. If you jump over to the eight six circuit in the state of Arkansas, they have residency restrictions, but the residence restrictions only apply to level three and level four. And those were people who actually had due process, they had a risk assessment. Therefore, they have had the opportunity to be heard. So if you were, if you were trying to cite *Does v.*

*Snyder* in Arkansas, if I were the Arkansas AG, I would say totally irrelevant, Your Honor, totally irrelevant. We have a process in Arkansas, that allows an offender before they have residence restrictions to be evaluated on an individual basis, they have an opportunity to appeal that. They didn't do that. They're a level three, they're a level four, they pose an elevated risk to the community based on our process. And therefore, we are distinguishable. *Does v. Snyder* doesn't control here. And I would win on that if I were the state of Arkansas. So you can have restrictions, you can have restrictions, if they're narrowly tailored, I keep trying to tell you lawmakers out there, if you'll stop trying to do everything to everybody, you can do an awful lot of things to some people, legally. Now, I'm not going to tell you which ones unless you pay me a whole lot of money. But I'm telling you that things are not automatically unconstitutional, as long as they're narrowly tailored. And that's something you're gonna have to learn how to do.

Andy 36:34

Just as a little side note, there may be a drinking game going on in live chat, every time you say Bible, they have to take a shot, just saying. Did you think about bringing the the, the plaintiff's attorney on here, and, uh, you know, all 87 pages. It would be it would be better for them to explain it in their own words, because they were the ones that generated the 87 pages versus you trying to read it and figure it out from that side.

Larry 37:01

So I did, actually, I thought about that. And I invited, there's two attorneys of record. And I received a response from their office that reads as follows. Thank you for contacting us, the local rules of the court for the Middle District of Tennessee strongly discourage and limit comments by counsel of record on pending litigation. So unfortunately, we're not able to participate in the podcast at this time. So and even if they had agreed to come on, I would, I would still have to read 87 pages, or I wouldn't know what to ask them.

Andy 37:35

I understand that. Yes, it would help to be informed on the things that you want to talk to them about. Can we dig around that noodle around that for just a minute about them coming on? And I mean, hasn't this case already been decided then? Why would they have some sort of? What's the word? Gag order? I don't know if that's the right word. Why would they not be able to talk about an ongoing litigation?

Larry 37:59

Well, you know, since I didn't read the local rules that they're talking about, I don't know specifically what it says. I think it's an abundance of caution. We've heard that term a lot during the pandemic, an abundance of caution. I think it's probably that they don't know us, they don't know that we're not going to put them on the spot. They don't know that we're that we're that we're actually going to give them the questions in advance, and we're going to let them have a chance to modify the questions. They don't know all that. And they, they probably are afraid we're gonna try to ask them their strategy about what they might file in the way of an appeal, and they're probably afraid we're going to ask them what we think of what they think about the judge. And then itsomewhat would get back to the judge, I would never do

that. But they don't know that because they've never heard of us. But in this, in this case, what would have happened if they had expressed an interest is I would have given them a list of questions. And I would have said, please modify these questions. And tell me what anyone you feel uncomfortable with answering. And then submit your own questions. If you have particular things you'd like to be asked. That's what I would do. But they just said flat out no. And we did have the attorney from Tennessee on a call. I think we did a NARSOL in Action with him that brought the lawsuit about the children about the when they gave the people the order to vacate because they couldn't live without whether a minor child. And he he expressed the same concern. Now he did agree to come on, but he was very careful. And we did go through a couple of versions of the questions. But I would actually give you the chance not to answer something, and I would not push you to go where you don't feel comfortable in going but they don't know that.

Andy 39:39

Um, what was this case about and what were the issues that they brought?

Larry 39:44

Well, there was there were two John Doe plaintiffs who brought separate actions against the governor of Tennessee and the TBI Director, as I said before, and the plaintiffs allege that retroactive application of the Tennessee sexual offender and violent offender registry and verification act of 2004 is unconstitutional. And, and they said that it violates the Ex Post Facto Clause of the United States Constitution. It violates the right to free speech guaranteed by the First Amendment. And it imposes oppressive restrictions and violation of the rights to parent, work, and travel under the due process clause of the 14th. amendment. The two cases were consolidated for purposes of management of the case and discovery, as since it was the same attorney. And that's what this case was about. It actually was a mammoth complaint. I think it was 56 pages to start with. And here we are four plus years later, and we've gotten a ruling.

Andy 40:47

What's a first amendment violation? Do you know? I love first amendment violations. I'm really fascinated by the First Amendment. Do you know what the details were the first amendment complaint?

Larry 40:56

I don't recall what they specifically alleged.

Andy 41:00

Okay, that's cool. I was just curious, like, I mean, the whole thing with whether you can take the president off, or the First Amendment, just because all that's been going on with impeachment, not trying to go there either. Is that person different in having First Amendment protections? It's an amazingly interesting, nuanced and complicated conversation. I think it's super neat. So our people, so the we-you people want to know which side won. Which was victorious in this case?

Larry 41:30

Well, we won largely. So yes, our side one.

Andy 41:39

And what does that mean? What? What does it mean that our side won? Does the registry like completely go away?

Larry 41:46

No, the registry does not go away. So we can dig a little deeper into it about why our side did win. Our side won because the legal landscape has changed. The Sixth Circuit had previously upheld Tennessee Sex Offender Registry laws against similar challenges. And the federal decision out of the Sixth Circuit was the case called *Cutshall v. Sundquist* in 1999. But see, the problem is Andy, the legislatures, they just can't help themselves. And they keep piling on more and more restrictions. So the earlier versions of Tennessee law weren't so bad. So so the but but registration requirement that started in '94 evolved dramatically. And so it would consume a lot of time to, to talk about all the things but in 2000, they brought in lifetime registration for those convicted of actual or attempted aggravated rape, aggravated sexual battery or rape of a child. And then in 2004 is when they repealed their previous amended version, and they brought in the current version, and that added a bunch more requirements. While much of the former registry was brought over, they created new classifications of registrants and the new series of requirements depending on the registrants classification. And then they didn't stop. In 2014, they amended it again, to create a new offender classification called offender against children. And then registrants whose victims were 12 or under, they became subject to lifetime registration because they they just can't stop, regardless of whether their underlying offence was actually categorized as violent. And that was what hung them up here. John Doe, number one, he predated all registration in Tennessee. So they weren't happy just having him register his '94 conviction. His crime had occurred before there was any registration, they had to keep messing with him. They had to keep putting more and more disabilities and restraints on him. They eventually got it to where he couldn't do anything. And he was a violent offender when there was no violence. He had no, the offense wasn't violent and he had no history of violence that I could see. But that's what they keep doing. And that's what keeps thinking your ship, folks. You keep doing the same thing. And we're going to keep sinking your ship the same way. But they don't learn anything apparently.

Andy 44:33

Is the pressure just the voters? Is this just the currency of politics is elections and voters? So this is sort of easy money. It's getting in on, not a Ponzi scheme, but getting in early on the on the boom of something that they can ride this wave of saying we're tough on crime and we're gonna put the screws to PFRs? And like, that's just guaranteed to get you wins?

Larry 44:57

You know, I take a more positive approach. I don't think that... there are some who sell it as tough on crime. But I flip it over, you're going to be vilified for being soft on crime if you don't. And that's the fear. You know and when I intimately talk to our lawmakers in the state, that's what their fear is. They say, Larry, I'd like to help you. But here's what's going to happen to me. And since I understand politics, I know what's going to happen to them. I know that now that we have all this transparency, we have all this openness so that everybody, the sun shines in. Every comment you make in a committee hearing, it's being streamed

around the globe. And it's being saved for posterity. And so what happens is, if you make one comment, like you have any consternation about anything that's being proposed, guess where that ends up? That's in your opponent's literature the next time there's an election.

Andy 45:58

Does that mean you have to have these conversations with the lawmakers behind closed doors? You know, office visits thing, you have to build those relationships, which you've only mentioned once or twice?

Larry 46:10

Well, it does, but I'm talking about when they're debating, unlike some of our states, where apparently, they have the debates in the middle of the night, in a cloak and dagger filled room, we actually have our lawmakers have the debate in public, with the cameras rolling with the stream taking place. So if there's a bill being debated, that says that they're going to do X, Y, and Z on the registry, and a person raises their hand and say, Madam Chairman, I'm a little concerned about that. Because it would seem like to me, we might be having constitutional issues if we do that. Guess where that's going to end up? Where that comment is going to end up?

Andy 46:44

I recall something here in Georgia, I don't remember the details. But it was between the current governor and the one that was running against him. And the individual had voted against something that was going to put the screws to PFR. So then the next thing you see is a commercial talking about, we have to put the screws to PFRs. And this person voted against it, when it was a bad public policy bill, but just went to town on saying that she was all pro-PFR.

Larry 47:10

That is correct. And that's what I'm telling you, I don't believe that people stay awake at night and say, I can't wait to win votes being hard on PFRs. I think what people do stay awake at night is saying, How can I minimize the damage if I try to be rational on this issue? What can I do to keep from being vilified?

Andy 47:31

And that is an impossible car to parallel park.

Larry 47:35

It is.

Andy 47:38

Alright, I think you brought up some *Does v. Snyder* here along the way. And why do you bring that up? And why are you so hell bent on building a body of case law?

Larry 47:50

Well, it's so important because we are building a body of case law. This is real time illustration of that body of case law. So I'm going to quote from the opinion, and it's on page 19 of the opinion that anybody wants to look at. "Indeed, the sixth circuit's decision in *Snyder 1* has reshaped how district courts and this circuit analyzed challenges to sex offender registration laws under the Ex Post Facto Clause." That a powerful quote. "In their pretrial summary

judgment motion plaintiffs rely heavily on the ruling in *Snyder 1*, arguing essentially that SORA that's Tennessee's version is substantially identical to Michigan's law at issue in *Snyder 1*, and is in violation of the Ex Post Facto Clause." So so the body of case law is important, because if you remember, we just talked about *Cutshall*, where they said the same, the same. Actually, a less restrictive version had been declared just fine. A more restrictive version, after *Does verses Snyder*, which is binding, has changed the analysis. And by the way, this was an appointee of Donald John Trump. This wasn't some left wing radical, who was looking for a way to be a softy on criminals. This is a Trump appointee that's made this decision.

Andy 49:14

I think that means that you're going to convert to the other party then.

Larry 49:18

I don't know about that. But just in case we've got new new listeners here, in *Snyder*, the Sixth Circuit held at Michigan sex offender registration imposed punishment, and therefore the retroactive application of Michigan's SORA, the 2006 and 2011 amendments were unconstitutional and violate the Ex Post Facto Clause and you can find that in *Does vs. Snyder*, and that'll be at 834, federal third, page 696. And that's 2016. The court in that case in *Snyder* took issue with three parts of the statute which cumulatively made this statute unconstitutional and that was the prescription of restricted zones where plaintiffs could loiter, live and work. Remember I harp on disabilities are restraints? That's, that's what that tribunal focused on. Then they looked at the classification, which was done by the categorical approach to Adam Walsh Act, they had those tier designations. Now, Michigan has subsequently amended to take those tiers off. You're now no longer if you have an older conviction, they've taken those off. And then the enhanced reporting obligations of how frequently how frequently you had to report under the under the under the Adam Walsh criteria, the tier threes had to report four times a year. These are folks disabilities or restraints. You can come in when you want to, you can argue all you want to about recidivism, and it makes you feel good, do that. But what wins cases over and over again, is this right here. If you can't win, if you can't articulate what the disabilities or restraints are, you're not likely to win, and you can feel good with your recidivism. But you'll win cases when you prove disabilities or restraints.

Andy 51:10

Brenda asked she said, Wait a minute, this dude in Tennessee, was his decision because they classified him as violent retroactively, or because they pulled him onto the registry, retro?

Larry 51:21

It was a combination of all the above. It was okay to register him. But they weren't happy with just having them on the registry. They had to keep on keep on and they finally imposed enough disabilities restraints on him that he was able to prevail. And that's john doe number one. Now john doe number two, he was not. There was a registry in existence when he got convicted.

Andy 51:51

Okay, there was no registry when he got convicted. Okay. I gotcha.

Larry 51:54

There was for number two, but not for number one.

Andy 51:58

Okay. Oh, for John Doe number two, not for number one or vice versa?

Larry 52:03

Yeah, for John Doe number two, registration did exist for him.

Andy 52:04

Okay, okay. I gotcha. Because he's old as dirt. And his conviction was from 1940, or whatever, right? I mean, I don't know the details, but like that?

Larry 52:14

It wasn't long before, it was right before. But John Doe number two, there was a registry. But they kept on. They can't stop themselves. There's there's a, there's a there's an advocate in Maryland who will go nameless, but she gets paid big bucks. And that's why Maryland's fighting 20 or 30 pieces of legislation this year. They get paid the big bucks to come in and advocate for this kind of stuff. And they will not stop coming. Because there's money out there to pay these people to come up with these great ideas. But anyway, let's keep going.

Andy 52:49

I know I'm still trying to figure out what the what is the incentive to someone like that that's the advocate other than they're like a rotten book, and they just have some personal, some sort of issue internally that makes them want to keep doing it? I'm trying to like, put my head in their camp, wear their shoes and see why they are so hell bent on making things just worse, worse, worse, worse, worse, even though it doesn't technically accomplish anything.

Larry 53:15

Well, first of all, they're not making it worse, worse and worse. They're my they're making it better, better and better. They have a different perspective. This individual believes that she's protecting children. It's her full-time job. And that's what she does. So, she believes that all this stuff that she can dream up about if you visit a place for five hours, five times or more a month, or whatever that crazy language they have in Maryland is, she believes that she's keeping people safe. She's misguided, but she believes that.

Andy 53:45

So you know, you and I hang out for many hours on Saturday. I know we do it virtually. But if we were to do this in the same place, that means we're up to no good cuz we spent a couple hours a week all the time? (Larry: That's correct.) That would mean that we I have to register your address, because we do the podcast at your house, something like that, even though... (Larry: That's correct.) That's bullshit. All right. But literally, I did kind of like scan through the 87 pages and appears to me that the court dismissed some of the original counts before the recent ruling, and they dismissed others apparently deciding this on the Ex Post Facto Clause. Did I kind of glance over that right?

Larry 54:23

You did. The There was an issue about a year later in 2017, where the judge had dismissed a number of their complaints. It was a complicated case. So people don't want to know what got dismissed but but at that point, a lot of a lot of the of the allegations were dismissed. But the ones that have survived were the ones that I read at the beginning of the podcast, the beginning of this segment of the podcast. But they didn't all survive because they they in in rendering this final order here. They dismissed everything except the ex post facto. These plaintiffs were able to be awarded relief under the Ex Post Facto Clause. So therefore, the claims that the law violates the free speech guaranteed by the First Amendment, and it imposes, and that the law imposes oppressive restrictions in violation of the rights of to parent or to work or to travel. All those were not decided. The judge said that they are worthy. They are not frivolous. But they did need to be decided. Courts decide if you can get the relief you're looking for, with only a narrow ruling, which this violates the Ex Post Facto Clause, therefore, they can't subject this version of registration to these two, they don't need to decide those other claims, but they're still out there lurking.

Andy 55:48

So these issues can then be relitigated by the same plaintiffs?

Larry 55:55

Probably not by these plaintiffs, unless Tennessee forces them to register again. If they force them, if they go back and do what Michigan and Pennsylvania all the states seem to do when they lose something, if they go back and create a new version of registration. And if they have those same disabilities in there, they could litigate those again, but if they took those out, they wouldn't be able to. But what I would expect Tennessee to do is that they will probably appeal. Probably, they can't help themselves. They're wired that way. But these plaintiffs, if they don't ever have to register again, they won't be able to litigate those issues. If they never have to deal with the registry, then they would not have the requisite legal standing. So remember, you have to have standing. So if they don't have standing, they can't litigate these issues.

Andy 56:44

Can I take a quick detour on this disabilities and restraints because I really am kind of a fan of this that you introduced us on this podcast to the Kennedy Mendoza and that whole family of names?

Larry 56:55

Yes.

Andy 56:57

What is that? Can you remind me

Larry 57:00

In determining if a regulatory scheme imposes punishment, which is what everybody argues. That the registry as applied to sex offenders, there are dozens and dozens and hundreds of registries, but the sex offender registry they argue is punishment. So the court said that we will use the case decided in 1963 called the *Kennedy vs. Mendoza Martinez*. And they had seven factors that they said despite ...the legislature names everybody, they have that same preamble that this is non-punitive. And this is

merely to aid the law enforcement and keep the community safe and blah, blah, blah, the boilerplate language. So you can call anything what you want to. But the court said we will use these factors, there are seven of them, there's one or two that they're usually deemed almost irrelevant. And one of those two, I think should be relevant, but no one's actually figured out how to argue it to make it relevant. And so we won't go into that today. But to me, the biggie, as always, disabilities or restraints. We don't punish people by imposing disabilities or restraints on them. When you have a regulatory scheme, there's never any intent to inflict any punishment. We don't tell the person you have to keep your steam table at 180 degrees, because we're trying to punish you. We tell you that you have to keep your steam table 180 degrees, because we're trying to keep the public from getting botulism or whatever those foodborne illnesses are called. That is, there's no intent to punish the person. When we tell the young man between 18 to 26, he has to register for the draft, he has to do it, he can't opt out. We don't tell him he has to do that because he's ,we're trying to punish him. We're telling him we do have to do that, because we might need to contact you quickly in the event of the need for bodies. So that those factors help determine something that's labeled civil regulatory, if it's actually civilly regulatory, and I focus always on the disabilities or restraints. Of the five that are deemed most relevant, I focus on that one. The others have merit. You want to you want to win on all five of them because most courts look heavily at five of the seven. You want to win on as many of those as your has historically been regarded as punishment. And it is excessive, I forget what they are, but you want to look at all those. But you build your case around the disabilities or restraints. You build that, if you have to put on testimony. If you have to call experts, you build a case about disabilities or restraints, and you build it around how it's not narrowly tailored. You can actually impose disabilities and restraints like they do in Arkansas, on people who have had due process and it's more narrowly tailored. They have challenged the residence restrictions in Arkansas, all the way to the 8th circuit and they've lost because they provide due process it's narrowly tailored.

Andy 1:00:03

Um, I think I recall in *Doe v. Rausch*, you were all consternated the case did not order removal from the registry? Did they order removal in this case?

Larry 1:00:15

Gee, that's pretty astute that you remember that because that that is something that we did. We did harp about I couldn't understand that. And no, they didn't order removal on this case. And according to the court, that was not one of the specific requests made and for prayer for relief. The the court noted that Tennessee actually has a removal process or had one at one time. And it might be that these two could qualify for removal under that process. And this is one of the things where I would ask the attorney, if they were here, why did you not put that in your prayer for relief? Because I'm familiar with with suing for getting off the registry. And that would be right at the top of my prayer for relief would be removal from the registry, so I can't explain why it's not in there.

Andy 1:01:02

Can I posit it that because they aren't you? That they attorneys come in different calibers. And I should let me say a legal thinker comes in different calibers. You have disagreements with the various attorneys that we work with all the time. And you see things from a much more policy, like a politics point of view, maybe? I don't know, I don't know how to word that exactly. But is it just do you think it's just through inexperience, and I'm not trying to get you to call out the attorney, but this happens kind of on a regular basis with all kinds of different attorneys, that you you see things, you know, in 4d chess, and they only see in 2d or 3d chess and you see something more detailed and expanded version of how you look at the world.

Larry 1:01:45

I think there's some truth in that. This, this is a big part of my life. Very few attorneys make this the sole part of their practice, because a there's not much money in it. Most people that are that are in the PFR category, I shouldn't say most, a significant number have very limited resources, and those who have resources that are more plentiful, they don't seem to be as impacted as much and they're not anxious to spend money because they've been able to adapt their life to accommodate the requirements. I mean, if you have a lot more money, you can put more space between you and your neighbor, right? So a 1000 foot buffer is not going to be as important to you, if you have the ability to put some space. And and it's just a matter of reality. Generally, people who have are more affluent tend to be treated slightly different when they encounter law enforcement, because the capacity they have to push back is greater than a person who's living at a shelter. But I think it's because it's my life. And it's been my life for so long, that I've read so much. And I've thought it through so much like Yeah, I was just talking to the law professor that's helping us on the on the cert petition to the US Supreme Court on the on the May case out of the Ninth Circuit. And I was describing the Halloween sign challenge in Georgia. And he says, Well, why can't they put the signs up? I suppose the biggest reason is because the law doesn't allow it. And I said, they can't require these people to do that. And we went round and round. He says, well can't they restrict...? Now, this is a distinguished law professor, an amazing guy. He really is. And he says, Well, but can't they... he said you haven't won me over yet. Can't they restrict their behavior? I said, Yes, they can. They can do it through statute. But a sheriff can't unilaterally invent requirements that's not in the law and impose those restrictions on people. I said that's the essence of our argument. He said sounds kind of dubious to me. He said, I'm not convinced you're going to win. I said, Well, I'm not convinced we're gonna win. I have confidence that we've got a good case, but I don't know that we're gonna win. But I know one thing. I'm going to try very hard to win. I mean, play that little clip from Coach Bryant, We're trying to win the game.

Andy 1:04:09

Just keeps saying I'm trying to win the game. Why did you do this? Just trying to win the game. Why did you do that? I'm just trying to win the game.

Larry 1:04:16

That's what we're trying to do here. We're trying to win the game.

Andy 1:04:19

What do you think that they're going to do next? I think you already asked. I've heard you answer this a million times. They will appeal but just because they can't hep (help) themselves. H-e-p, hep.

Larry 1:04:30

Well, this one's an interesting one because I mean, they are hardwired to appeal and that they they don't like losing and they're sitting there scratching their head saying the floodgates are gonna open. So what they see here coming at them is like what happened in Michigan. When the six Does I think it was won their case, they know that if this stands that there's going to be a new cause of action on issue on behalf of everyone in Tennessee. They know that. So but they're in a different position than what Michigan was in. Michigan, this was relatively novel to them for anybody to actually find what the Sixth Circuit did. Now, they have the Sixth Circuit has found that, and then the US Supreme Court indirectly affirmed it by declining cert. So now they have to figure out in Tennessee, they have to figure out how they can distinguish themselves. They are hardwired, and they have unlimited resources almost. And they're going to want to appeal. But they're going to try... what can we distinguish ourselves where we we've got a predicament here, because the circuit is binding. The precedent's not good. And we're going to ask, when we lose it to the Sixth Circuit, remember, this is a district. This is a trial judge's decision, when they when they lose at the Sixth Circuit in all likelihood, cause one panel won't overturn another panel unless there's significant distinguishing factors, then another cert petition has to go to the US Supreme Court, and they're going to have to come up with something again that distinguishes themselves from why Michigan's law is different. It's a longshot for them, but I still think that, that they're so desperate to not lose that they have, that the odds are really good that they'll do it. But yeah, who knows?

Andy 1:06:16

And we already talked about this briefly, but I just want to reiterate. So this is in the same federal district as Michigan. So that makes it binding. That was the word I couldn't remember. That makes them part of the same, I'm going to call it a state just for, and I'm doing air quotes for those of you that can't see me, that if you were inside a state, the ruling would be binding in that and then you expand that out to kind of like a region. So we have the district courts, this is similar in control like that?

Larry 1:06:46

Well, I keep changing. It's not district, it's as a circuit.

Andy 1:06:49

Circuit, sorry, sorry, sorry, sorry. My term is wrong. So circuit and this is one step below the Supreme Court.

Larry 1:06:56

This is the states that compose the Sixth Circuit. This is binding, the *Does versus Snyder* case is binding. So every registry that oppresses people to the extent that Michigan's did is in grave danger, because of that decision. And if it were a state case, then the state Supreme Court decision would be binding within the state, but this was not. This was a federal action, you know, the Sixth Circuit, the *Does v. Snyder* was litigated in a US District Court

in Michigan. And it and it was appealed to the Sixth Circuit, but Tennessee happens to be in that same circuit. So therefore, this is binding case law. They can't change that. See, it would be great if they were not, if Tennessee weren't in the same circuit, because then they could say, well, this is not binding, this is persuasive authority. I mean, it's not binding here. It is binding there folks, boys and girls in Tennessee, you might not like it, but your registry is probably going to have to be peeled back quite a bit.

Andy 1:07:57

Interesting. But Larry to say that, they didn't do very much in Michigan, they like just rewrote the law. It's, it's better, but I think we could find arguments that it's not significantly better.

Larry 1:08:10

I think it's significantly better. But But no, the registry, the registry is not going to go away. And I get people so mad at me, the courts cannot eliminate registration, because the mere act of registering a person isn't unconstitutional.

Andy 1:08:26

Sure, you keep saying that. I'm going to eventually find some way to counter it. I'm gonna mess you up. I'm gonna do it publicly, gonna be like nope.

Larry 1:08:33

So you know.

Andy 1:08:34

What else man?

Larry 1:08:36

We're not going to be able to eliminate registration, we might be able to eliminate public registration. If there is enough proof put forward about how much disabilities are imposed by the mere act of being publicly registered, that's going to cost money to put that together. You're not going to be able to take antidotal evidence and say, I lost a job because of public registration. We're going to need proof. Remember who bears the burden of proving this?

Andy 1:09:05

I think the plaintiff does.

Larry 1:09:08

And what went wrong in the 10th circuit case? What did Matsch not have a lot of?

Andy 1:09:14

He didn't have an expert opinion.

Larry 1:09:16

He didn't have a lot of evidence. He went, out of the goodness of his heart and how incensed he was about what was wrong with the process in Colorado. But he needed evidence to not be overturned. And that's what we need in these cases is we're going to have to develop the factual record below. We're going to have to rely a little bit less on summary judgment and actually take cases to trial.

Andy 1:09:41

Anything else or is that your is that your closing statement there, sir?

Larry 1:09:45

I think we beat this to death.

Andy 1:09:49

I don't think we have anything else on the agenda for this evening. Unless you is there anything else that you want to do off script that you want to cover and you want to shout out to anybody or tell somebody that that you're pissed off, anything?

Larry 1:10:00

Well, I can tell people that we have officially been created as a nonprofit. Now, we have not been granted, we have not been granted the c3 status yet. So your donations are not deductible yet. Now, that's the next step that we're working on is getting that designation. But if we do succeed, we hope to expand our services. Like, for example, everybody who wants to know what the registration requirements are. We're not going to be able to give you a personal letter, but what we may be able to do is to send you the 30, or the 40 or the 50 or the 60 page statute in your state, and let you figure out what they are. But that'll generate more questions. What will happen is they'll get the 60 pages, and they'll zero in to a particular... people who are in prison, they're going to zero in to a particular thing. And they're gonna say, what does this mean? And we'll get to either tell them we know or we tell them we don't know. That there's been there's been no interpretation yet. There's nothing binding that tells, tells that guides us and but that's what's going to happen. But we're hoping that that that there'll be some people who will donate for that mission. It's vitally needed. People are desperate for information. You know that from your personal experience, but the letters we get, people are just desperate for information. So hopefully, we'll be able to slightly expand the services we're providing and get people more information.

Andy 1:11:26

I think the definition of irony, Larry would be something to the effect of while you're in prison, you have an infinite amount of

time, and you have like, slightly more than zero resources. And then the people on the outside have infinite resources, but zero time.

Larry 1:11:40

So we're hoping fyp education will be able to fill some of that gap.

Andy 1:11:46

I hope so too. Over on the Patreon front, a individual named Eugene has increased his Patreon fivefold. And I wanted to thank him personally very much. It's a really very generous, and I thank you. Thank you. Thank you. Otherwise, Larry... go ahead.

Larry 1:12:04

So he went from 10 cents to 50 cents, right?

Andy 1:12:08

That is 100% right. That is absolutely right. He went from \$50 to \$250. But I want to extend from the bottom of my heart. Thank you very much for all that you do. Because you are awesome. And I appreciate you every time we record

Larry 1:12:22

That is why I am here. I'm speaking the same time he was. So what else do you want me to do?

MacArthur

That is why I am here.

Andy 1:12:33

Nothing, nothing. We're good. We're good. But otherwise, like, subscribe, write five star reviews, do all those fun things over in your podcast app or over on YouTube, wherever you find us. And with all that Larry, you find us over on registrymatters.co and then you can find links to all the show notes and phone numbers and email and all that stuff. And I hope everybody has a great night especially you Larry. Take care. Good night.

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