



Registry Matters Podcast

Episode 169

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Andy 00:00

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Larry 00:12

3-2-1-9-8. is that the way you count down?

Andy 00:20

Totally. We can just throw an 8675309 there too, if you want to.

Larry 00:25

Well, you know, that was a song from a long time ago. What was that?

Andy 00:30

know, yeah. 86753. And I'm already recording. So this is going into the podcast, just letting you know.

Larry 00:36

Alright, 321, recording,

Andy 00:41

recording live from fyp Studios, east and west, transmitting across the internet. This is Episode 169 of Registry Matters. Larry, Saturday, you did exciting stuff today. What's up?

Larry 00:54

Oh, I did. I had what normally would have been a fun meeting in person. But we did it online. A political shindig, where there were 700 of us on a virtual meeting.

Andy 01:05

Oh, my god, did you guys use Zoom for that?

Larry 01:09

Yeah, yeah, it was zoom, because I remember I had that's what I hit to get LinkedIn. And it was a Zoom link.

Andy 01:13

Okay. So interesting. For You know, I'm a tech person. And there have been already existing platforms to do this Skype would probably be the most well known one. And the pandemic starts and why didn't Skype just own the market? They were already in place and all that? How did something come out of nowhere called zoom dominate this market and have stock increases over the past year? Just crazy numbers, not like GameStop numbers, but actual because they are providing a product? And I guess though, what do you think about complete tangent? What do you think about products that are completely virtual, like, zoom being a, like a stock purchase thing?

Larry 01:55

Well, I mean, obviously they've capitalized and executed in a space that became available for that for that opportunity. But it's hard in the traditional sense for people who like to measure and value valuation, it's very difficult for you to measure the long term viability of a zoom, because the question the unknown question is

what's going to happen? When normal operations when we're more back to normal? Will? Will people continue to do their meetings? And will zoom continue to enjoy the popularity that it has now? Or is it a CB radio passing fad?

Andy 02:37

Okay, I'm intrigued because you not being a technical person you had made mentioned on this particular issue, when we were talking pre show about how convenient it is for it to be an online thing. We didn't have to drive one, two, five hours and sit in a hot room, you could go get your little vittles from the candy machine or whatever, while you're sitting there. It has huge benefits to it to do it virtually.

Larry 03:01

Oh, it did. It was it was very enjoyable. that aspect. I didn't like the part that I couldn't hobnob with people that would like the event that I was at I was participating in today. That's a lot of party regulars. And people who you would have the opportunity you wouldn't normally be with to put in a good word or to ask them. It's just the opportunity, when you're in a zoom meeting, you don't have the the side chat going that you can have if you're if you're in an in person meeting, when they're 700 delegates, you pair off in a group and you have a conversation and then you it's just not the same. But yes, they were there were certainly advantages to be there. It was very convenient.

Andy 03:41

I gotcha. All right. Well, let's see, before we get going before, be sure you like and subscribe on YouTube. And also like and do whatever you got to do on your favorite podcast app, whether that's pocket casts or Apple podcasts, I guess it's called Google podcasts, all those things. do all of those things help out people finding the show there. What do we have going on for this evening? It's a jam packed show, as I recall.

Larry 04:04

Well, we we have we have some questions or one from the free world and I think one from the inside. We have a letter. We have two letters. Actually. One was filled with "you people's." It's just for entertainment doesn't really have anything to do with our issue. We have we're going to talk about a case out of the Wyoming Supreme Court that deals with PFRs (Persons Forced to Register). And we're going to talk about Governor Cuomo, we're going to talk about the fabulous work that that NARSOL just did with the filing of an amicus brief in the Supreme Court so we will never get to all this stuff.

Andy 04:41

We might not so that there might have to be a part B show, maybe. I don't know. We'll cram it in here. We'll talk really fast. You ready to run?

Larry 04:50

Let's do it.

Andy 04:53

So first up on the docket is this little comical thing that people complain about us saying you people but you found this little

snippet. And it says, Dear Chairman, chairman of Ellia, whatever that is, but whatever. Hey, I've got good news amongst all the sharp criticism pouring out from me, SB 82 passed today I know how much that deflates, King John, first thing out of his mouth yesterday was curses for Stein born, go figure. See you people at the racketeering Alliance couldn't be honest, if you people consider this as punishment, then it is well deserved. You people build your whole scheme upon lie, a lie, a foundation of sand, you folks, which we decided is kind of like a polite version of saying you people had to do stupid crap like push a tax funded kickback through my County's Procurement Office during a rigid public bidding process in 2016, thinking you weren't going to get caught you people and it goes on. hat's funny,

Larry 05:51

I think, I think I think that was public bidding process, but his type, but there's so many typos and stuff and characters that I don't know what caused them to be distorted. But that was exactly the way it came in, on the senate email. So I just, I just cut and pasted it exactly what was in there. So. So I've heard, I've heard people, I've heard people use you people. But I think he tops us.

Andy 06:16

Very much. So all right. Well, that was just for some fun. And then so this will be the first question that came in and says:

Listener Question

You two get on my nerves because you don't seem to have a clue. Last episode, you cried your crocodile tears about people being held in prison after the parole eligibility date? Boo hoo. I hate to tell you that it happens all over the United States, people are eligible for parole and are still in prison. Do you effing people live in caves? Come on, man, try to understand the real world. And what's even sadder is that you don't seem to realize that those serving federal time aren't even eligible for parole at all.

Wow, Larry that's kind of a scathing letter that somebody wrote in?

Larry 06:59

Well, the editor, in the letters to the editor for the Albuquerque journal about 35 years ago, and he said that when he got a letter that said, I know you won't print this, so he worked really diligently try to find a way to justify printing it. So well, we get these kinds. As long as there's not foul language and personal attacks, I think I don't consider that a personal attack that he's hearing something different than what we're trying to communicate. So I thought it was worthwhile. If one misunderstood it, maybe others did as well. So I'm fairly sure that neither one of us live in caves. I'm sure we do understand all your points. Unfortunately, you may have missed the point that we were making about the situation in Pennsylvania, which is distinguishable. You stated that many who are eligible for parole are sitting in prison. While that is true, that's not the same situation as what exists in state of PA. Those have actually been granted parole not eligible, but they have already been approved and given a certificate of parole. If I were licensed to practice law, I would consider filing a lawsuit alleged that the detention is unlawful and show the certificate of parole as my primary exhibit because it says you have been released and subject to these conditions and assuming you've signed that parole certificate, my

contention is that you should be out in the streets. In addition, if I were in risk management for the state of PA, I would be very fearful of potential liability. What happens if one of these people get hurt or killed and they've been paroled and they're still sitting in state custody? So, I'd see it as totally distinguishable. In terms of parole in the federal system, we've actually talked about that, I think twice in the last several episodes, that's come up and and their parole was abolished in 1984. Now the people who were sentenced under those laws, they were able to utilize, I mean, they didn't magically convert to the new law. So people who are eligible for parole, they wrote out their sentences. It's possible there could still be somebody in the BOP that had a life sentence that might be eligible for parole under the old, old law, but we don't have that as an offering anymore. In the federal system, you serve your time, might as your 15% 50 to 54 days a year, whatever it comes out to, that comes off the end of your sentence. And then you exit the prison compound when you've served your time. My state, we have the same system you get 50% off of some offenses and you get 50% off serious violent offenses. And you should walk out that gate, but we have a period of supervised release, but we put the name parole on it. And we continue to hold the people if they don't have suitable housing, which is even more heinous than what's happening in Pennsylvania. Because here, you haven't gone through any process to get a meritorious early release, as you have in PA where they've analyzed your risk factors. And they've done all this stuff with their elaborate screening. Here in New Mexico, you've done your time, and you still don't get to go home. So it's very heinous what we're doing here.

Andy 10:17

And tell me what a remedy for this would be. Is this just that the Bureau of Prisons which the Department of Corrections at whatever institution, you want to say, is that just that they could then say, we will release you? Or is there? Is it a legal binding thing that keeps them from doing under their own internal policy type thing that's doing it?

Larry 10:39

It's a combination, if you're talk about New Mexico, it's a combination of our law, the law says that, that they shall serve that period of supervision, under conditions imposed by the parole board, as identified by the parole board. The parole board puts one of the conditions on there that you have to have suitable housing, and magically since they have the 1000 foot policy, not law, but policy, nothing qualifies. So you have people who can't go back home, even though they're technically have completed their sentence in its totality, in terms of the prison component of it. That is something where a legal remedy is the only thing because legislatively, we can't, we can't seem to gain traction with it. The fear is that you're being soft on PFRs. If you try to propose something that actually gets PFRs out of their time, can you imagine such a novel concept of letting people go after they've served their time?

Andy 11:35

This Teresa is the head person in in Pennsylvania she posted an article in chat. This is one person who was recommended for approval by the parole board did die, and that the articles from reason magazine and it was February of this year. So that's not even it's not like something that happened six or 10 years ago. This is right up recently person died of COVID while awaiting

mercy from the governor, had been granted parole but had not been released yet.

Larry 12:01

Well, I would consider a possible legal action, there would not be a strong in my view it if the person got hurt in a prison uprising. But the fact of the matter is, they were granted parole, and they were still in prison. So I would you don't know if litigation is going to work until you try it. Unless there's precedential case law that forecloses that and I don't believe there is any precedential case law because I don't think anybody's had the creativity to litigate that.

Andy 12:34

That can't be the only case of people passing away during that little window between being granted parole and then getting out. Because, you know, we've talked about the uprising that you have mentioned in what should we, in New Mexico, February 29, I think it was or 28th 20 years ago, or whatever. And where he could have been paroled on the 27th and you would have gone home and that one day actually does matter.

Larry 13:03

It absolutely makes a difference. Ehen someone minimises you being in prison one day longer that you have to remind them of 33 dead inmates in the bloodiest prison right in the United States. And how that one day made all the difference. And I never minimize one day

Andy 13:19

18 years ago, we talked about parchment and Mississippi, and I know it wasn't 33 people, but it was 20 ish, 15 ish.

Larry 13:28

Did that many get killed in parchment? I didn't I didn't realize that many.

Andy 13:34

I didn't follow that closely, but one day certainly mattered.

Larry 13:38

it one day can make all the difference.

Andy 13:41

All right, well, then let's move on over to this thing. It says read a letter to be read from Colorado senator. It says Dear Kyle, it's great to hear from you. And I hope that you and Tammy are hanging in there during such unprecedented times. Thank you for sending such a thorough and thoughtful letter on a topic that typically does not get touched. You gave me a great deal to think about, as you made very valid points against some of the current processes surrounding how sex offenses is handled. I'm sorry, you were dealing with the trials and tribulations associated with making mistakes. But it sounds as though you've come out of it on the other end with a healthy mindset and having learned from it, which is the best we can ask for. I agree that this bill might be unpopular among fellow Republicans at the surface. However, your points were compelling. And with the right testimony, I imagine that this might have the potential to gain bipartisan support. Unfortunately, we are only allowed five bills per legislative session. And I have already reached my five-bill limit for

this legislative session. But I would be happy to meet with you face to face and speak with you in more detail about your sentiments you've shared. I'm willing to consider bringing legislation on this topic to my colleagues next legislative session so that some of the hardships that you and many like your attorney might be alleviated. I've put a business card in the envelope so feel free to reach out and I would love to set something up. I will keep your letter in my records for future reference. Again, thank you for reaching out and I look forward to hearing You soon. Why did you put this in here?

Larry 15:04

Well, I put it in there because clearly this person that wrote the letter, we redacted it for privacy. But the person who wrote the letter has significant standing in the community. If you if you've seen the unredacted part, it was it was not a it was not a ditch digger that wrote this, and the person has a relationship with their senator. Okay, and that that is clear about the way it's communicated to be at least there's some, there's some, there's some relationship of knowledge between the two. And that is a potential door to open. Because as we're going to see later in this podcast, how the republicans usually vote wrong on everything, if he can actually build this relationship, and get some bipartisan support, some of the bad things in Colorado, may could be improved. So I'm going to reach out to this person that sent this to us and find out if he needs any guidance in terms of how to build that relationship. There's a lot of of that letter that's form letter. That's what you would say, if you if you have limits, that's political jargon. But there's also a lot of personalization in that letter. And seems like time went into writing that letter. And, and so I'd like the guy in Wyoming who said, I would really help you if I could. But this this person seems sincere. If you look at their committee assignments on the top of the letter, he's not really on any committees that are all that related to what we do. But that doesn't preclude him from bringing legislation and seeking bipartisan support.

Andy 16:44

He's just not going to go into the closed door session, which I don't mean closed door, but just their little. I mean, I realize it's a committee but a little small group to go discuss and debate the various bills that are coming to the floor to vote.

Larry 16:57

Well, on his particular bill, he will. He will be the one who brings it to that committee.

Andy 17:01

Oh, okay. So I don't think I realized.

Larry 17:05

yes. Okay. Well, if he were to sponsor a bill, dealing with this, you present your bills to the committee. Now, you may, since you're not an expert on subject matter, you may bring someone in to assist you that has more knowledge, and you ask for approval, the committee chair to hear from an expert and the expert can help you along. But he will actually present the bill.

Andy 17:26

But he won't vote on it.

Unknown Speaker 17:29

Of course, he'll vote on it. Not in that committee, He won't vote on it.

Andy 17:33

Yeah, okay.

Larry 17:34

He would not have voted in the committee. But, but but if it makes it to the floor, if he gets it out of committee, he'll absolutely vote on it.

Andy 17:40

Do you Okay, I got that part. I was just like this, all of a sudden, someone gets to pinch hit and whatever, and go into a committee and because they presented it, even though it's not part of their I want to say caucus, I don't know if that's even the right term, but a committee, and I was wondering if maybe that then gives them some sort of special vote because they brought it into something that we're not a part of. Okay, now,

Larry 18:00

they sit at the committee, witness table, just like any other any other person and when the votes taken, they're not. Now I don't know how Colorado does it because most of these states are terrified of voting with the public watching. And we've got our our legislators vote after they've heard the bill. They don't do it that way in other states I've traveled to, and I don't know why. It's it's like people are terrorized when the phone rings. But But here, they hear the testimony of the public, then they hear the questioning back and forth between the committee members. And then it's after there seems to be no more question the chair will say and what is the pleasure of the committee, and someone will make a motion to do pass, and then the clerk will call the committee, the committee secretary will call the roll. And if it doesn't have enough votes to do pass, then I'll ask is there a substitute motion or usually the substitute motion is to table and, and they do that with the people looking at them that have just spoken. And like I say, since I don't know how Colorado works, they may they may hold the vote like Maryland does at two o'clock in the morning in some smoke filled room but we actually do it here in transparent setting after they've heard the bill. The decisions made right then whether it's gonna move on or not.

Andy 19:15

it sounds like though and I was just saying this Brenda is confirming all this stuff in chat that it's to me I can see this going both good and bad. If you want something to get squelched with with some crazy kind of shenanigans, then not with them voting, then if it doesn't become public that way, that seems like that could be good. But at the same time, I could see where things would be. I guess I could just see it being a double edged sword. I guess is really the short way to describe that.

Larry 19:44

Well, we seem to extinguish an awful lot of things that way here so I don't I'm not so sure it's as bad as what she's laid down for a beating. You just have to have votes to table if it's bad public policy, you have to table it and and you tell me Would you tell you what this does not mean, this bill doesn't have promise. What it

means is it's not ready to move on, you've got more work to do, you may have to bring this bill back next year or the year after.

Andy 20:08

Right. Right.

Larry 20:09

But a lot of good bills are tabled because they're not ready. They're, they're problems that came out during testimony.

Andy 20:17

And maybe that would be a decent segue over to the it's not the next thing. But let's couch that just for a minute, because of the thing that we're gonna talk about in Georgia, just if that's a possible thing that could make a bill not ready. And we'll come back to that in just a second. But let's move over to this, this first question that you have in here that says:

Listener Question

Dear Sir, or Ma'am, though I'm still pre trial status in the Western District of Texas, I'm wondering what your organization does or can help with? Or what might I be able to help with? There are some fairly serious allegations against me, though, and I've been in this pre pre trial status for over 1148 days. Is there anything I can do to mitigate the damages that are coming my way? I'd like to see ease the troubles I'm facing, though. I know there isn't much that can be done. The courts are going to do as they please, regardless of me, anyway.

Oh, yeah. So on Reddit, there's a subreddit called sex offender support. And people fairly regularly post in there about, hey, I've been charged with this, what can I expect, and a bunch of people write in of like, basically, you're in an airplane crash, put your head between your knees and kiss your ass goodbye, like, I don't want to completely blow people out of the water. But these charges, and the veracity of them coming after you is horrid.

Larry 21:40

Well, in the old days, I could have given you a lot of information that I don't have now, because I could deduce it from the circumstances. In the old days, we could, we could conclude that that this person has a high bond that they can't post. Well, it could be that in this instance, he's being held without bond. We don't know that. And because of the seriousness of the allegations, he can't be released to the community safely, even though there's presumably there's a presumption of innocence. But since Texas has not been on the forefront of bail reform, I'm going to assume that the bond he has there is a bond that he just can't make it, which may suggest also that he's relying on public resources, which, from county to county, in Texas, vary dramatically, for in terms of what they do. He's going to need to be very participatory in his case. And he's going to have to insist on asking a lot of questions, which is hard for a person in custody, because the lawyers don't wait to come see you. Yeah, they have to drive and go through a lot of screening to get into the institution, and it's dead time traveling and waiting to be screened in and all this stuff. So it's going to be difficult. A person who's sitting in custody has extreme disadvantages. And what is coming at him, what is coming at him is that with this amount of accrued time in prison and pre trial confinement, he's going to get a plea offer at some point. I mean, assuming that the charges are not so heinous, that

the prosecutor is not seeking life without parole. But assuming that, that the charges are somewhat within a zone of this person would be expected to be free again, they're going to come at him with a plea offer. He's got that many days, how many days did he say he's got

Andy 23:26
1148? So over three years?

Larry 23:29
Well, a lot a lot of felonies in Texas, carry 2-20 years. And so he's already got he's already served more than the minimum time for most of the of the felony sex offenses in Texas that don't carry life. So he's got, he's got to get a plea offer. And if he, if he's not guilty, it's going to be very tempting, because at some point, you wear down from being in custody.

Andy 23:53
And they could potentially say, time served go home.

Larry 23:59
Well, they could say, time served and go out on probation, they're not going to cut him free altogether. But he could get he could get a sentence that would be that he would have served enough time that we could be on community supervision, GPS monitoring and all those things. conceivably. So

Andy 24:19
I'm not optimistic Texas does that very often.

Larry 24:21
Oh, they do a lot more than what you think. Okay, so Texas doesn't keep everybody in prison for life. That's a misnomer. They lock up a lot of people but people people go home a lot in Texas, believe it or not. Okay, that person who wrote to us, the person who wrote to us about the federal system pointed that out. I mean, that that even conservative Texas. And of course he omitted the part about that they've been sued so many times for overcrowded prisons, but even conservative Texas. They don't keep people in prison for life. They just lock up everybody, for everything.

Andy 24:57
Gotcha. All right. What I want to circle back around to is that some language specific, I want to I want to have a conversation with you about a specific word. And this is something happened in Georgia in one of the bills. And so I wrote I have a question about the wording in a bill coming from Georgia regarding the specific usage of terms in a bill. In this case, House Bill 194 has the language of shall. Just wanted to get Larry's thoughts about how even a three versus five letter word can change how a bill impacts the outcome. And what is being requested of people in Georgia is to contact your senator and get them to change the word from shall to May. And the context here is that we want the the judge is going to be shall impose some kind of sentence verse may impose some kind of sentence. And I wanted to get the skinny from you on how important that would be in a bill.

Larry 25:53
In this particular bill, it would be it would be crucially important, because what you're talking about here is would be removal of all

judicial discretion, when you've got those shells in there. And restore Georgia's recommending May, which is the correct language. Actually, the bill should be canned. it's trying to get past the ruling of the GPS monitoring. That was a favorable decision a few years back into the names escaping me, *Park*. that they're trying, they're trying to undo *Park*. But But this, this is this word, but make all the difference. The problem you have here is it has already passed the House of Representatives. And it's now in the Senate. So So you've got a bill in the Senate, where you're going to have to change what's come across the rotunda. And that happens on a regular basis. But they start with a presumption on something like this, that the house got it right. So there's gonna be a reticence to change it. So you're gonna have to have some compelling arguments. And what's supposed to work with conservatives. And it often doesn't in this case would be the fiscal analysis, I can just about guarantee you, they have not put the fiscal analysis to this because it would require some enormous calculations to look, you'd have to do a retrospective look at how many people have been convicted under these statutes that require the shall. And you'd have to do the cost analysis of how much time that that would cost the state of Georgia and prison time for these people. Had the courts been forced to impose that prison time and then the GPS monitor because courts, aren't they imposing a minimum prison time as well as the GPS margin? Do I have that part? Correct,

Andy 27:42
that the judge shall impose, as I remember reading it, the judge shall impose either life or lifetime monitoring, those are the two choices that a judge has for a second offense.

Larry 27:53
Okay, so so what I would attack this with would be, I would go to the people on the Senate side and try to get assigned to a more thorough fiscal analysis, to a committee because they're gonna want to send it to, to, to, to just one committee, and conservatives tout themselves about how they're fiscally responsible. So you would take that data to them and say, Look, this is going to have a significant financial impact on the state of Georgia, what's gonna happen is we're going to have a whole bunch of people who are going to have to shall have to wear these monitors, and they can't afford them because they can't work anyway. So they're gonna end up back in prison. And there's a huge hidden fiscal cost of this. And if you can get into conservative bias, which they magically flip on stuff like this, but if you can find on intellectually honest or too conservative, you might be able to slow down the train on this and get this thing to die on the Senate side, or at least to be amended, but they're going to start with wanting to pass it as is. That's where that's where they're gonna start. And that that's going to be the process to the house. If you look at that. Not a single republican voted against it. There were 50, but no votes.

Andy 29:06
I want to pause you before we get to that because someone in chat is asking, Can you can you more thoroughly describe shall versus May. I'm going to give you two examples. One is in the constitution that says that the President shall nominate supreme court justices, and we were talking about a Georgia bill forever ago, basically, at the beginning of our relationship that talked about after two years, you shall be placed on unsupervised probation. What is the word shall versus may mean?

Larry 29:32

Well, that that's kind of self-explanatory. There's no argument for shall. They they have that arguable lawyers all the time, when they do a probation order for someone's going to transfer to a state. They put in the order that the probation may be transferred? That's really great. It goes to the probation department. They look at that, and I say, well, and the person says, Well, I got to go to Ohio and they say no. And I've written dozens of these, the corrections department probation and parole division shall initiate an application for transfer pursuant to the interstate compact for adult offender supervision. That's where they don't have a choice to do that. If you tell the courts that they shall impose this, they have the choice of, of not following the law. And we don't want judges to ignore the law. We want people that enforced the laws, as far as I've heard this all my life. So therefore, they're going to enforce the law, and they're going to do the shell.

Andy 30:53

So it's a difference of if you want to you can versus you will do this.

Larry 31:00

That's all the difference in the world and like, say, the fiscal ramifications. This is the type of bill that I would do my best to get assigned to one of our fiscal committees, which houses the house appropriation of finance committee in the Senate, it's the Senate Finance Committee, I would try to get an assigned to one of those committees because it has, there's no way you can begin to calculate this accurately. But you could throw out some wild guesses with some data. And they do keep data on how many people are convicted in Georgia, I think they do have an Administrative Office of the Courts. And you could put together some something here. But otherwise, they're just, they're just passing this with no idea what it's gonna cost in the long term. And I've even I've even seen lawmakers that'll have to worry about that. I won't be here then. Yeah, when this starts. There was a there was a lady lawmaker in Arkansas that passed a similar bill, where they were gonna have to be fitted for GPS, and it was not retroactive. So she said by the time anybody gets out of prison, that has to be fitted for GPS, and the cost. We have to deal with this. I won't be here. Yeah, that'd be something they could deal with down the road.

Andy 32:04

That's should shouldn't politicians be concerned with, quote, unquote, their legacy? And what shit show they're leaving for their successors?

Larry 32:18

Well, of course they should, but that, shouldn't the population be concerned about this? They're not. If you ask the average, average person on the street? Should the sex offenders should spend longer time in prison and should be a GPS monitor? 99.8 75% would say yes,

Andy 32:36

of course, of course. All right. What about the vote tally?

Larry 32:41

Yeah, I was gonna make the point about the vote Tally. Now. I am not being Parson here. We are simply reporting what happened. And with information, comes power. This legislation passed with no Republican opposition. In the House of Representative Georgia, there were 59 brave democrats who voted no, you can draw your own conclusions. But they have now stuck their neck up to be vilified in the next election cycle for not wanting to monitor people who do ugly things. So will you say that there's no brave politicians? I've got a list here that we've put up on the screen of 59 people who were brave members of the Democrat Party in the state of Georgia.

Andy 33:34

Let me let me try and soften this blow, I guess it is not that you give a poop about left or right. It is that one party continues to vote against criminal justice reform issues in general. And here is the documentation behind that showing that 59 democrats voted for something criminal justice, specifically PFR-related, and there were 11 democrats that voted against it as well. But there was not a single republican that voted to drop this bill.

Larry 34:08

That is correct. And if that's partisan, then we need to go out of business. You cannot adjust your plans going forward if you don't take a look at what's happening. We put the vote total from New Mexico on that hijacked bill just last episode or a couple episodes back. And we're doing this to help you understand if you are for the reforms, you say your are for, you might need to rethink some of your vote choices because the people that you're voting for are not in favor of what you say you want to have happen.

Andy 34:45

Gotcha. You put in here to cover the NARSOL Abacus amicus brief and I think I just need to let you take it from there because I'd really I don't I know it's a it's a friend of mine, so to speak. And please drive the bus on what we're going to do with this.

Larry 35:05

We're not going to spend a lot of time on it, because we've got so much out there on it. The NARSOL website and read the brief and you can read the synopsis of the brief. And so what, what what we're what we've found so troubling as that, that the burden shifting has become so common in American law, that it's just mind boggling. And people think, well, it's only has to do with our type of offenses. No, that's not true. It doesn't only have to do with our type of offenses. In the state of Florida drug possession is a strict liability offense. But what we what we briefed in this request, there's a petition with the Supreme Court asking them to take a look at this long running case. And very few organizations spend resources asking the court to consider a case for granting certiorari. We did that because we feel so strongly that this is an injustice, not only to Steven May, but hundreds and possibly 1000s in Arizona, that have been convicted, because they can't bear the burden that's on them. In this case, he touched children. And I think he worked at a pool as a lifeguard or something. He worked in a recreation center, but he touched children. And the touching was in public, where adults and everybody was supposedly seeing it. But under the Arizona statute as it existed at that time, the presumption was that you would that the touching was for a sexually motivated purpose. And this, the prosecution did not

have to prove that mens rea, that state of mind that there was a there was a criminal intent for the touching. You were allowed to prove with what's called an affirmative defense to establish an affirmative defense that you're touching wasn't sexually motivated. They've since made the statute even worse, actually repealed the affirmative defense. So now it's basically a strict liability offense. If you touch you're screwed. But Arizona, they're not as unique as as they think they are. They're people who thinks that doesn't happen in other states. It does happen in other states. The consequences in Arizona are horrendous. He's got a 75 year prison sentence. So they potentially are destined not not

Andy 37:35

seven and a half years 75. And he he's probably in his 40s as it is.

Larry 37:42

Yes. And they they stacked, they had multiple victims, and for some reason the attorney didn't seek they be severed, or if they if he did seek it, it wasn't granted. But our big issue as he didn't challenge the constitutionality of the statute. So is that ineffective assistance of counsel, and he didn't challenge the constitutionality of the statute because he said he thought it was a bad statute. In his in his testimony in habeas court. He said he thought it was a bad statute, but he couldn't find it anybody had successfully challenged it. And I that's the craziest thing I've ever heard of. If you find someone has bad case law, there was no case law at the time he said that that I was able to discern, and he should have raised the issue of constitutionality, but he didn't. So now they're arguing that it's waived. And I insisted in the NARSOL brief that they put in the case of the *Crass*, which is a US Supreme Court decision from from a couple years ago, where the Supreme Court adopted my philosophy that if I did have a constitution, if a statute is unconstitutionally, if it's not constitutional, the very essence of the conviction can't stand because there was not subject matter jurisdiction and class established that, that you can, you can challenge the constitutionality of a statute after pleading guilty. And I argued for years with attorneys telling me that you can't plead guilty and challenge the Constitution of a statute and I said, Oh, yes, you can, because if a statute is facially unconstitutional. the very essence of you being detained is is not valid. There was no subject matter jurisdiction, but you cannot, you cannot volunteer and relinquish subject matter jurisdiction when it's not there. So in a federal case, out of DC, I believe it was the US Supreme Court said that, that you actually can plead guilty, and you could challenge the constitutionality. And so with our brief writer, I had to have that discussion. But I said, of course, even though it's a federal case, it's the same constitution. If you can be found guilty by a plea, and the constitutional challenge is not foreclosed. Then it stands to reason that if you get convicted by a jury, and your lawyer doesn't raise it, if the constitution if the statute is unconstitutional you'd be able to do the same thing. So we put that in there and I feel good about that being in there. I can't tell it's gonna work. I mean, they've got to get four justices to agree that they want to hear this case, but it was that important. And, and I would just like to put a quote. So in a news release, it's going to go out that came from North Hills executive director because it's so powerful. It's a quote, it is nearly impossible to imagine anything more unamerican than to be charged with a crime as serious as child molestation and be assumed that you touched someone for a sexual reason, said Brenda Jones NARSOL's Executive Director, continuing, we're hoping the court will

recognize what's at stake. In this case, the presumption of innocence is under attack. And not just for people facing sex charges, this burden shifting phenomena is sweeping into other criminal offenses as well, every American should be alarmed and concerned, Jones concluded. That's powerful.

Andy 40:54

Definitely is. I want to I want to just take a second to circle back that says, Can you imagine with a crime of serious child molestation, and it be assumed that you touched someone for a sexual reason. You could come up with a bajillion different scenarios where you touched a kid. And perhaps you were about to deliver CPR. And all of a sudden, now you're just immediately assumed to be trying to touch their chest area, and do CPR. But now it's sexual in nature. that's a that's a very disturbing scenario. And then you and you have no ability to defend yourself against it, you Well, I'm sorry, you do have the ability, you have to prove that it wasn't, which is really hard to do if proving a negative. In that case, instead of them having to prove that you were doing something with sexual intent.

Larry 41:45

That's why when I'm at the legislature, this is so important when we testify, because they say a prosecutor would never do that. And I say prosecutors do things all the time that you would think they would never do. If you had just simply put in the statute, what should be in there, that the touching is sexually motivated. This man would not have been in prison for years, nor would dozens or hundreds of others I don't even know how many are serving time in Arizona right now. And I don't know how many people in Florida serving under the strict liability drug statute. I don't know any of that. But we've got everything turned backwards. And we're getting more so because we keep falling into the victim advocacy trap. And they want convictions for everything and everyone. And the more you weaken the due process, the more convictions you shall have.

Andy 42:36

And this is going to the Supreme Court of the United States. This isn't just trying to go to the Arizona Supreme Court. This is trying to go all the way to the big dogs.

Larry 42:45

That is correct. This is a cert petition to the big court.

Andy 42:50

Cool. Just, nevermind. I won't to ask that question. Let's move on to this. I don't think okay, this was what we just covered. And then we'll move on. I guess we're at the grand finale here the section on the would you want to talk about Cuomo first and then do the Wyoming thing.

Larry 43:08

they tie together. And I'm really troubled by this. No one is more outraged at sexual improprieties is happening, are happening. But, again, as an advocate for criminal justice, I do not even begin to understand how they could be anyone who would say that a mere stack of accusations is enough to destroy a person, and they should be presumed guilty. This troubles me greatly. We've got people who want to remain anonymous, in the seven that I think I've heard of, and we've got stuff that's very innocuous, in my

opinion, that really troubled me. And the fact of the matter is, there's been no due process. And this is an example of what we just talked about immediately prior. If there is no presumption, as much as politically I'm not aligned with a lot of Cuomo. And I think he is a little bit on the disingenuous side politically. He is entitled to everything that every one of you want, which is the presumption that he's done nothing wrong. And he is entitled to a process to establish what he might have done wrong where he can participate and rebut and confront those who say he's done wrong. And that is the American way. He's entitled to it no less than Derek Chauvin is in Minnesota, in Minneapolis, or anyone else. If you don't believe in that, that I don't know what constitution you do believe in.

Andy 44:51

I can only speak anecdotally that I quote unquote, heard stories about where the Eighth Amendment comes from things like the Confrontation Clause. Have people way back in the day back when you were in your youth of how the how the Eighth Amendment comes to be of people being persecuted and prosecuted in what would have been England in the United Kingdom back then without evidence without your ability to defend yourself, and that's as far as I understand it, that's that's where the Eighth Amendment comes from. And I think you're describing something that is moving in that direction, where just the accusations mean, you're guilty, and you have no, no avenue, no vehicle as a way to defend yourself and prove your innocence and you're destroyed just by the accusations.

Larry 45:38

Well, they shouldn't even be having to prove his innocence. That's what we just talked about in the May case. Sure, these these accusers have the burden of proving to some level. Now, since these are not criminal charges yet, and they probably won't become criminal charges. The the form and the standard of proof may be less than beyond a reasonable doubt, which is what it takes to put you in the caged enclosure. But he nonetheless is entitled to some process by which people come forward. And Scalia, maybe you can cue up the clip where he says that you shall come and say these accusations publicly, and the person has an opportunity to cross examine you. And he deserves nothing less than the subdue process. And to the credit of the previous federal administration of Donald Trump, they went in the college campuses, and they tried to put some semblance of due process back into these accusations on campus. And I'm afraid that'll probably go out the window with the with administration we have now.

Andy 46:52

Do me a favor, if you would, I heard on a podcast that this may have been the result of there, there are some mishandlings of the COVID situation in New York that he is being blamed for that he was politically weakened. And that opened the door for these allegations to then gain traction instead of him being so popular and untouchable, I guess, that that's how these come about and gain any traction.

Larry 47:21

Absolutely. He really has, he has suffered damage of the, of the reporting withholding information and masking the numbers. And just the fact of the matter is, if you look at politics of New York

City, New York State, they, the people, they're immensely popular, they fade. I mean, look at look at Cobb. I mean, he was a three time mayor of New York, and he went down in flaming defeats, I think a flaming defeat in his fourth attempt, and, and so it's in the course of doing your work, you alienate people when you've had a long 10 year old, and he has, I think he's been in office, this is his third term. And he's had a chance to alienate a lot of people. Because you do that, and people that work for you. I was having discussion earlier today with a friend. You can have people working for you that that unbeknownst you, they are politically your enemy. But they enjoy having access to the governor. And they, they love working for the governor. And when you look at the application, and you're looking at it just on merit alone, and you don't, you don't do enough diligence to figure out what that person's politics are, you may end up hiring someone who actually is out to get you. And if you have an ego, like most politicians tend to have. There's a certain amount of ego to thinking that you can be elected to Governor or president. If you have that ego, sometimes you're oblivious to the reality that someone's out to get you. And you don't think they'll do it to you. And so he could have had hired people who were politically not aligned with him and they're out to get him for political reasons. Yeah, I can't say but that's what investigation. That's why he should have an investigation and it should be a fair investigation. And if our folks don't agree with that, then I don't know where they're coming from.

Andy 49:15

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. Wanna 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, then let's move over to the main event. Harrison vs. Wyoming. And you people, but this case of Jeffrey Harrison versus the state of Wyoming in for today. What does this case all about? What does it have to do with anyone particularly PFRs? Everyone knows there are no people, and why only there's only probably like buffalo or something?

Larry 50:27

Well, actually, there are few people, the estimated population is 578,000, And growing,

Andy 50:33

we do have one in chat. So there was one.

Larry 50:38

So, and this case is from Sweetwater County, which is the fourth largest county in Wyoming and their population is around 42,000. So I'd say that that's there are some people in Wyoming Yes.

Andy 50:52

10%, not quite 10% of the population lives in that in that county, and I the appreciate the demographic statistics, can we focus on the case for a minute?

Larry 51:01

Well, we sure can. So this this case is challenged by a guy named Jeffrey Earl Harrison. And he began registering when he learned he was obligated to do so by change of the statute, which occurred about 13 years after his conviction. And the change in the law required that he register for 25 years. And his theory is that the 25 years have passed since his conviction. So he petitioned the court pursuant to the removal process, to be relieved of the duty to register. And surprisingly, the trial court granted the petition and then the Wyoming division of Central investigation, DCI they intervened and they moved for relief from a judgment and the District Court then reversed itself and held it Mr. Harrison was actually required to register. And so Mr. Harrison is one who took the case up on appeal.

Andy 52:05

I'm yeah, even in the way that that is worded. I'm confused. You said he didn't have to register when he was convicted? Why did that change? The way that that's described is that he was eligible to petition for relief from the duty to register. Oh, oh, so since he didn't register for all of those years, since he didn't register for 25 years, he was not allowed to get off. Okay. So but you said he didn't have to register when he was convicted? Why did that change?

Larry 52:36

Well, Wyoming adopted, they were in the early batch of states had adopted the federal guidelines that are the Adam Walsh Act. So he was convicted of for sexual assault in '94, under an old Wyoming statute that's now been repealed, and that was 6-2305. And it's now been codified as third degree sexual assault. And he was not required to register under the Wyoming sex offender registration act at the time of the conviction because the victim was older than 16. But in 2007, the legislature amended the sex offender registration act to require person convicted of third degree sexual assault to register regardless of the age of the victim. And under current law, the duty to register begins on the date of sentencing and continuous for the duration of the offenders life how ever an offender may be eligible to petition for relief. After registering for a particular number of years. this offense, it was 25 years he was eligible to petition for. So he filed a petition asserting that he was eligible to be released from the duty to register, because it's been 25 years since he got convicted.

Andy 53:44

I think I don't know if this this comes up in the questions that we have, because it's a civil regulatory scheme. They can just do what they want to do, I think.

Larry 53:54

Correct.

Andy 53:56

Okay. And I want to make sure that I understand the rest of what's going on with the case, though. So in 2019, Mr. has some petition petition the district court to be relieved of his duty to register and the district court granted the petition. So he should have been removed from the requirement to register, and then the DCI move to intervene and the DCI filed a motion for relief. So they filed to not have to relieve him of the duty to register. Did I word that

right? All right. God we're back to frickin games where we're using negative negatives to I hate I hate when you ask a question in the negative and you have to say yes, I agree with your negative statement. I really dislike that. The DCIS position was that because the statute requires registration for 25 years, and dude had only registered for 10. He did not qualify for relief. So since he didn't register for 25, he had only registered for 10. He still owes them like 15 years, I guess. So what did the statute require?

Larry 54:58

25 years. His theory was that he should receive credit for the time he wasn't registered with the law didn't require registration for that particular offense.

Andy 55:08

What is wrong with that theory? If he was not required to register at the time of his conviction, why should he have to suffer now, he didn't seek to avoid registration, or did he?

Larry 55:17

He did not. There was no requirement to register. So this was an expansion of what was it was a recodified the statute to make it a more serious offense. And I'm sure the victims had something to do with that. And then they, they, they, they made that a third degree a more serious offense, and then they made it subject to SORNA. So that was an unfortunate thing that happened when Wyoming modified its laws to become in compliance with AWS. But what sad was that the AWA actually permits the jurisdiction to provide credit for the time that his lapse has elapsed since the conviction. And they designed that clause to address reach the reach back provision of AWA, which requires registration for those who reenter the justice system as a result of a new conviction. So if you go out and commit a new offense, and you have an old sexual offense, and you've never had to register, the one of the compliance components of AWA is that you will recapture that person. And so it's not clear that that's actually what happened in this case. We don't know if he picked up a new conviction, and received his notice to have the duty registered at time or if Wyoming created a team to go looking for those who previously did not have to register and found them that way. We're not we're not clear on that.

Andy 56:32

Could you go back to the term you said recapture that person? Could you elaborate on that a tad?

Larry 56:38

Well, you could have under the AWA, it applies retroactively, but they realize a lot of people who have offenses had exited the justice system. And therefore, they would not be subject to registration. And there would be all this problem with trying to figure out who they are notified them. So So upon re entry to the justice system, if you come into an arrest, if you get arrested, and you get convicted of a felony, let's start with any criminal offense, but then they modified it to be a felony level offense. If you have a subsequent conviction for a felony level offense, then that is a reentry into the system. So then you're notified of the duty and register, they are permitted to give you credit for the time that has elapsed. So for example, in a tier one, if it if it happened more than 15 years ago, you would have already run the table. On a tier two, since it's a 25 year obligation, if 24 years had passed, all they

could do is tell you to register for a year. But the problem is your state has to adopt that into their statutory scheme. And since we weren't there at the table, when Wyoming was discussing this, the Wyoming law enforcement apparatus did not volunteer that information, even if they knew about it, and I can't say if they knew about it, cuz the AWA is somewhat complicated. That's why it's taken all these years, and there hasn't been more substantial compliance, it's exceedingly complicated, but I can assure you the law enforcement apparatus, even if they knew about it, they would not be touting the virtues of not bringing these old people back. So if you had a tier three, and you reenter, then then you're you're stuck, because there's no discharge. I mean, they can give you all to credit they want to, but you're still on for life. And a tier three is a lifetime obligation. But what they could have in Wyoming given him credit for that time, but they didn't do that.

Andy 58:31

Okay, um, and does this decision serve as a teachable moment for our people? What do you want to glean? What do you want to pass down? What wisdom do you want to bestow upon our people? Is this this this decision a textual jurist can be proud of?

Larry 58:49

It is indeed, this is actually a teachable moment. And this is a very textual interpretation, because the court noted that the goal of statutory interpretation is to, quote give effect to the intended legislature, primarily on the plain and ordinary meaning of the words used in the statute, end of quote, and that a basic tenet of statutory construction is that omission of words from a statute is considered to be an intentional act by the legislature. And the court will not read words into a statute when the legislature has not chosen to include the end of quote, therefore, since we weren't at the table, asking for that inclusion of that, in the 2007, adoption of AWA in Wyoming, the legislature did not adopt that. And most of the people who listened to us who claimed to be supporting textualist judges who don't legislative don't legislate from the bench. This would be a moment to be proud of. They did a very textualist interpretation and they did not do any legislating from the bench.

Andy 59:54

You said that it's a provision of the AWA, so isn't there supremacy clause in the US constitution. Doesn't federal law supersede state law?

Larry 1:00:04

Not in the case of AWA because there is no federal registry. The AWA is merely a set of recommendations to the States, but it's undisputed that Mr. Harrison was required to register from 1994, the date of his conviction until 2007, when the legislature expanded the class of sexual offenders to whom the act applied. Mr. Hansen even conceded that the legislature did not specifically address such periods in the statute. And the statute does not say 25 years of registration shall include periods of which the offender was not required to register by law. And the court noted that it cannot read words into a statute to find that it does. The court stated, if we concluded Mr. Hansen ceased to have a duty to register 25 years after his conviction, we would read words registered for at least out of the statute, it says for at least 25 years, and therefore they chose not to read out what was in the black letter law. As a textualist, you should be very proud of this.

Andy 1:01:05

But he didn't register for 25 years, he only registered I think you said 10. So he did at the time, his obligation, and they then changed it, and they, you know, a bait and switch, not a bait and switch, but they switched it after he had finished that duty that 10 year, but because it's a civil regulatory scheme, they can capture all of us from our crimes from 1950. And way back and just go well, sorry, you have to do it now. And that's, that's okay. Because it's a not punishment. It's a civil regulatory scheme.

Larry 1:01:36

Well, no, that's not true. He did not register. There was no obligation when he was convicted.

Andy 1:01:41

Okay, okay. So he's like a whole bunch of other folks that have 1990s and 80s convictions, there was nothing that required them to register. Okay, I thought he had registered for some period of time,

Larry 1:01:49

he has registered 10 years since he since he learned of the duty he started registering in 2009. After they change the law in 2007. We're not clear how they found him. We're not clear if they gestapo squad out looking for him. Or if he reentered the justice system. We don't know that from what was the decision. But But what we do know is that the text of the law says you shall register for at least 25 years. And the court chose not to read that out of the statute, because it's not in there. So the if you don't like the statute, you need to get it changed, because the court is not going to legislate from the bench on this particular issue.

Andy 1:02:26

Not that court, we do have courts that do it. Um, but what about if they chosen to invent that requirement? Wouldn't that be legislating from the from the bench?

Larry 1:02:36

It actually would. And that's what I'm saying that since I think our audience leads more conservative, they should be really, really pleased about this decision, because this falls in alignment with what they say they're for.

Andy 1:02:49

She stated, I know I've heard you say a whole bunch of times that it's important that the constitutional challenges be brought using the correct vehicle we like, again, back to our first really the beginning of a relationship was figuring out the right vehicle in Georgia. And God, I can't remember mandamus, I think was that's the word that I'm remembering. Yeah. Okay, is that the whole thing is just a mandamus. Writ of mandamus. And I can hear it ringing in my ears that you always say the preferred vehicles petition for declaratory judgment. Is that what happened here? And why are you so fixated on the vehicle? And I'm thinking cars and motorcycles playing trains and automobiles.

Larry 1:03:31

So yes, the declaratory judgment and No, he didn't file declaratory judgment action. And he did not use the correct vehicle in my opinion. This case reminds me of a case from Michigan where the

person filed the removal petition. And their offense wasn't eligible for to be granted that relief, they were excluded by law. Mr. Harrison argued, in his removal petition that the duty to register for 25 years as applied to him, any Hey, invoke the Ex Post Facto Clause. But the only problem is that when you file a petition for removal, that's a process that assumes that you're eligible for removal. So so you're you're you're checking off boxes in that, in that proceeding, to see that you've done the things that you need to do. When you file a declaratory judgment and we have a person from New York who really struggles with this. When you file a petition for declaratory judgment, you get to open up all the arguments you want to make against the constitutionality of the statute. If the statute applies to you, at all the things that you can't do, he was restricted in what he did to arguing that he met the criteria for removal. That was not the right vehicle, in my opinion, but the lawyer didn't ask me because he didn't know about me.

Unknown Speaker 1:04:46

I'm trying to I just had a question in my head and maybe it'll come back.

Larry 1:04:51

You're still confused, aren't you?

Andy 1:04:54

But no, I am. But I had I had another question but I am definitely still ex post facto. That part bothers me because expo's factor would apply to it being something of a criminal charge, not a civil regulatory scheme.

Larry 1:05:08

Repeat that I'm not, I'm confused now.

Andy 1:05:13

Good, that makes us about the same. If it if it were punishment, disabilities and restraints, blah, blah, blah, then it would be punishment. And then that would apply to ex post facto, but because it's so regulatory, they can just keep making this stuff worse and worsen and worsen and worsen. Just because it's not criminal. It's not it's not punishment. This is just part of the civil regulatory scheme, like a driver's license.

Larry 1:05:36

Yeah, but see he didn't get to make that argument in a petition for removal. Because the scope of that process, when we've done these discussions about an extradition hearing versus a retaking hearing, the scope is limited. The same thing when you file a petition for removal. That's not a constitutional vehicle to make a challenge. That was to see if you met the boxes that could be checked off for removal. And he tried, he tried to intertwine a constitutional challenge in here, but he but again, if he were riding the right vehicle, he would have been able possibly to be more successful there.

Andy 1:06:16

Why couldn't the appellate court review? Why couldn't the appellate review sort those issues out?

Larry 1:06:22

Because appellate courts do not find facts. It's the job of the trial court, and there was no evidentiary record developed below.

Because the petition for removal process does not lend itself to development of such record, they're developing the record to deal with you meet the criteria for removal. So the court noted that it had held and not tolerate the court, the Supreme Court of Wyoming that it had held that the Wyoming SORA is not ex post facto punishment. And Mr. Harrison does not even challenge that holding with distinguishing facts or cogent legal arguments. And that's what I've been trying to teach for nearly three years now. When Mr. Harrison filed using the wrong legal process, he limited the scope of the legal examination of whether he was eligible for removal. There was no evidence in the record that would prove the punitive nature of Wyoming's registry. And that's the problem, folks, you've got to do things using the correct legal process that opens the door to the arguments you're wanting to make.

Andy 1:07:20

And I know over and over, and I've used this in conversations that I've had with people that said, when the legislature gets that bill signed, and then the governor signs it, it is presumed to be constitutional until said otherwise. And what did the court say here?

Larry 1:07:35

They indeed said the same forget our quote, they said we presumed statutes are constitutional. And we resolve any doubt in favor of constitutionality. The Ex Post Facto prohibition only applies to laws that impose penalties. We held in *Camerer* that the purpose of of Sora is to not punish but to facilitate law enforcement or protection of children, and therefore it does not implicate Ex Facto Clause. And there again, if you had filed a petition for declaratory judgment, you could have raised in that petition the issue about how that the registry has evolved. And you could have put on testimony of experts. If you had the funding, you could have made those arguments below. And you could have the court reviewing those facts, but you cannot have the appellate court find those facts, because that's not what they do.

Andy 1:08:32

I see all these flaws that we keep talking about. And this this seems to actually like highlight so many of them that we have talked about. Fact finding, we could talk about *Smith v. Doe* in Alaska, that the the higher end courts don't go look at facts of what was missed. They just are presented with their facts and make their decisions based on what was already there. They don't go expand their scope.

Larry 1:08:56

That is correct. They're reviewing the facts that are established below when they're applying the law to those facts. The law being the statute, they're interpreting the statutes, they're interpreting the Constitution, and they're interpreting the body of case law. And that's what Justice Scalia referred to when he was talking about about why you don't keep relitigating the same issue over and over again. That was the theory of stare decisis. But But he this if there ever is anything that people that are in chat should look at the case look at all the attorneys are on the state of Wyoming side and this look at the one attorney, which appears to be a solo practitioner, because of the way it's listed on there. And you can see the array of resources that they aligned against this challenger. And when we say that we want to reduce funding for

the law enforcement apparatus, here's yet another example of how they could put that list of attorneys against Mr. Harrison. The reason why they could do that is because you generous folks of Wyoming, give the AG's office and the law enforcement apparatus, all the money that they want.

Andy 1:10:05

And you're referring to at the top of the decision, I believe that that it's representing appellant is one attorney and then representing appellee. There's I don't know, three or four or five listed.

Larry 1:10:18

Yeah, that's what I'm telling you look. Look at the disproportionate nature of Jeff Jepsen, Law Office updates and Jepsen. So it tells me that he's probably not in a firm, he's probably a solo practitioner, right, unless he has a vast amount of attorneys. But representing the state would be... look at the list, it goes on and on.

Andy 1:10:41

the Attorney General, Deputy Attorney General, the senior Assistant Attorney General, and then an assistant attorney general. Okay, okay.

Larry 1:10:51

So so as we, as I keep pointing us out, and the reason why I keep hammering it, is because no one has ever seriously said defund the police, what we say is that it's time to reallocate some of the funding. If the Wyoming AG's office had less or funding, they might not have been able to expend the energy on fighting this case.

Andy 1:11:15

I'm dubious about that, Larry, that they would then go not, they would still bring this particular case. And they would go find something else to ignore this well. I'm skeptical would happen?

Larry 1:11:27

I said might. I mean eventually, their choices are forced, at some point.

Andy 1:11:34

Sure. Because this person didn't show up on the radar by committing another crime. And I know you said that we don't know what he did. But can we assume he didn't commit a crime?

Larry 1:11:45

You would think it would have been mentioned in the lead up to this. I think it's more likely that he went down and checked in himself, or he was reported and snitched out after the law changed. Someone knew that he had the conviction. I think that's probably more likely what happened, you know, someone was doing a public service that when the law changed, and he may have, you know, we've got people that are just determined to register. I mean, we had a case in Alabama, where the guy went in multiple times, we had that North Carolina. I mean, there's just thinking of who just determined the register, you know, even when they tell him Nope, we don't want you to register. They go back again. And again, and again.

Andy 1:12:23

Yeah, I'm thinking of the guy in North Carolina, who was told no once and then no, a second time. And then maybe that position changed, and somebody started looking back through, hey, we had contact with this person, they should be registered and things go south from there. Yep. okay. And then are we done with this? Have you have you exhausted all of your conversations about this?

Larry 1:12:45

I think we have done it. And we've covered the entire agenda for tonight.

Andy 1:12:49

We did and we are pretty much right at the stoppage point. I did not check to see if there any new patrons, but I don't see remember seeing any emails. But it would be a good time to remind people that you should become patrons, you can sign up and listen to the live stream and and converse with all the people in chat that we have. And there's a very healthy conversation going on over there. Why do you think people should come patrons Larry?

Larry 1:13:10

I can't think of any reason.

Andy 1:13:14

Because it lines your pockets and makes you all fat, dumb and happy?

Larry 1:13:17

Well, it does provide some motivational factor to come in here on Saturday and prepare for hopefully, an intelligent conversation.

Andy 1:13:28

It shows support for the show that you guys appreciate the content and trying to move the needle and disperse this information out to all of you, you fine people and certainly do appreciate patrons, but there are some perks here there. And listening to the live stream is one of those such perks. Otherwise, if you would like to check out all the show notes and links to all the places that you can find the podcast, you can get that over at registrymatters.co. And then you can leave voicemail, which is Larry's favorite thing. 747-227-4477. You can send in email over at registrymatterscast@gmail.com or crackpot@registrymatters.co. That one doesn't work. We just use it for fun. And then of course, I was just talking about it. patreon.com slash registry matters to show your support even for as little as \$1 a month. It would be phenomenal. You can follow us over on Twitter. You can check up on us on the YouTube page if you want to watch me on the crazy video and I make funny pictures of Larry every week. Anything you want before we go

Larry 1:14:29

I think we've covered it and I'm I'm enjoying all this discord chat. There's hundreds of comments in here tonight.

Andy 1:14:36

There are definitely hundreds of comments. There's a very lively chat and just as a final note, yes, you can find us on Twitter. Also, I did make a Facebook page too, but I don't really promote that too much. And all of that stuff is Registry Matters. All of those places.

Larry, I always appreciate it so very much and I hope you have an amazing rest of the weekend. And with that I bid you adieu

Larry 1:14:58
Goodnight Andy and thanks for having me.

Andy 1:15:02
Of course, and I'll see if I can't replace you but otherwise I'll see you next week.

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