



## Registry Matters Podcast

Episode 182

Recorded 6-26-21

Andy 00:00

We'd like to thank our patrons for supporting this episode of Registry Matters. Recording live from FYP Studios, east and west, and west times two, I guess. Transmitting across the internet. This is Episode 182 of Registry Matters. Larry, you know what I was here last week? I was sitting right here waiting for you, you people. And you never showed up. What happened last week?

Larry 00:22

I celebrated my 177<sup>th</sup> birthday.

Andy 00:26

Does that make you old enough to have served in the Lincoln administration?

Larry 00:30

Well, actually it does. I was the youngest Deputy Secretary of War that this country has ever had.

Andy 00:36

Wow, that's impressive. Good. Good for you. Let's, let's, look, I won't even beat around the bush. We were super busy last week. I produced the conference that NARSOL had last week. So, time was really tight. It was your birthday. And then also it was also Father's Day. So we just took the weekend off. Sorry for people that missed it. Last week, I got a bunch of messages from people saying, Oh, I didn't get the podcast yet. And like sorry, we didn't record one. But because of that, so we have extra content this week from stuff that may have rolled over from last week. And on top of it all, we have a guest joining us this week, someone that I've been interested in getting on for quite some time, but haven't ever gotten around to it. We have met who is the outspoken defender joining us. Welcome Matt, how are you tonight?

Matt 01:22

I'm doing well. Thank you for having me. I'm excited to be here.

Andy 01:26

Awesome. Do me a favor? How long have you been on YouTube for? Like a year, maybe 18 months or so that you've had some videos that were you were walking down the street saying I'm trying to apply for a job?

Matt 01:40

Yeah, I think it's been about a year, I think some of the first videos that I did was me complaining more. And it's kind of morphed, but I think it's been about a year and then I had a break in there. But it's been about a year or so.

Andy 01:56

Yeah, somewhere in that ballpark. I just remember seeing you walking down the street. I don't know where you were. But you would say that you were going on a job interview. And then you'd follow up and saying whether it went good or bad. You did a video that we even covered on the podcast where you were calling around to apartment complexes, asking if they would take what we call PFRs, which is person forced to register? And so how did you decide to get things going?

Matt 02:26

With the YouTube channel? The whole thing? You know, it's been a thought of mine for I've been on the registry since 2012. And I've always been kind of an ambitious person. And I've always had a problem with people automatically assuming that people are forced to register are dangerous, they can't be around children, you know, and all this. And, you know, throughout the years, I've thought maybe it might be interesting, you know, am I brave enough to do a YouTube channel about a registrant like the Day in the Life kind of you know, the experiences? I don't think it's, it may have been done before, I don't know. But that's, you know, that was kind of my thought, and I didn't do anything at the time, you know, I was married, you know, in a few years after I got out of incarceration. And, you know, I was focusing on different things, but it was always a thought in my head. And then when I moved up to the Pacific Northwest, I found myself to be in a good situation, I'm single. And what I mean by that is I'm not affecting like my family so much, you know, so I'm single. And I just like, you know, what, I'm just gonna start this, and I started talking about my experiences. And that's just how it started. I did it for a few months. And then I had to move and life got crazy for a little bit for about five or six months, I didn't do any videos. And then out of the blue, I logged into my YouTube account and saw that I had several 100 followers. I'm like, wow. And so then I just started doing more videos. That's kind of how it all started.

Andy 04:06

Excellent. And what I think is super interesting. And certainly, Larry chime in, is that, where you're very much focused on the stigma side of how are we going about living our lives. And while that's certainly important, Larry is like super-duper focused on policy, and I'm much more like a data nerd kind of person. And I'm more interested in things on that side of things of like, how did we get here? And how could we make it better? And I think that the two of our programs could coincide in happy spaces without a whole lot of conflict necessarily. What is that fairly accurately Larry?

Larry 04:44

I think so. I would be I'd be delighted if we could figure out a way to work in collaboration.

Andy 04:51

What were you gonna say, Matt?

Matt 04:52

Well, I think you're right. I you know, from time to time, I do talk about different laws and restrictions and that's all in combination with, you know, the rejection, social ostracism and things like that. I should have been a sociologist, I think or a psychologist, because it's just fascinating to me on how these laws and restrictions have come about, and the thinking of people that create these laws that make things worse. And so that's what I've been focusing more on, you know, especially housing and employment. And maybe because those two topics have really affected me personally, I'm sitting here, and I'm not trying to whine or anything, but, you know, it's been hard to find employment and we're looking at my offense was in 2006.

Andy 05:44

Totally, totally. All right, I think, is there anything else you want to add before we start running through all this stuff? Is there anything else that you want to share? Like, could you really quickly give me a website or YouTube channel that people can go to to find your stuff? I want you here for the whole program to chime in with any thoughts that you have as we're going through.

Matt 06:07

Yeah, sure. If they if people want to learn more about me and what I've been doing and all the resources, you can go to the website, it's theoutspeakoffender.com

Andy 06:20

Okay, cool. All right. Well, Larry, anything before we run things down?

Larry 06:23

Let's roll this train.

Andy 06:26

Excellent. First thing that I wanted, I found actually over on our Discord server, someone posted a little comic strip, let me make sure that I leave this thing up there for a minute. Where did it go? There it is. Um, it says there's a little comic strip that's got four panels that says, hey, did you see now that if you say offensive things about certain religious sects, they register your name on some list? Really? Yep. You become a registered sects offender. Alright, that was maybe a bad joke, but it was a joke nonetheless. And it had our word in there. Should we continue Larry, or do you have something else? (Larry: Oh, let's roll the train.) Um, you found us a little clip. This is post the Chauvin sentencing which I don't think you thought he would get 22 and a half years. But Derek Chauvin, the cop that put his knee and George Floyd's neck for nine and a half minutes. He was sentenced to 22 and a half years, that just came out in the last couple of days. Do you have any comments on that?

Larry 07:29

Sure, do. I, I did not believe that he would be sentenced leniently. I think I've poopood the idea that his defense attorney strategy was good. In fact, I criticized it harshly that he blamed the system for what Mr. Chauvin did, I was very disappointed. And I said, emphatically, if I had been consulted with him, I would have not advised that strategy. I think now we can see that that strategy was not terribly effective. But in terms of what he was going to get, I figured he would get a harsh sentence. But 22 and a half years is adequate. I think there will be people who will think it's not nearly enough, but he's going to be in solitary confinement for his safety, probably for the entire time he's incarcerated. It's a very harsh sentence.

Andy 08:17

That would be a long time to be in solitary, that would be a brutal amount of time to be in solitary.

Larry 08:22

Well, he could conceivably be out after 15 years. But that's a brutal amount of time. But we do have, I want to make some comments about the attorney general who, who directed the

prosecution team on this, and we got a little clip here from 60 Minutes that aired I'd like to play.

Andy 08:35

Alright, hopefully my tech will work.

60 Minutes Audio Clip 8:36

Why would this officer assault George Floyd?

Well, that's a question we've spent a lot of time asking ourselves. And all we could come up with is what we can divine from his body language in his demeanor, and what we saw is that the crowd was demanding that he get up and he was staring right back at them defiantly. "You [people] don't tell me what to do. I do what I want."

Andy 09:14

That is kind of amazing that that would be the statement from the police.

Larry 09:19

So yes, he, he said emphatically beyond that, that you people don't tell me what to do. And that was my point that that clip is in fact, we people do tell you what to do. You're an employee of the people when you serve in the police capacity, law enforcement capacity. And we in fact, do and should tell you what to do. Now, through recent history, we've abdicated that responsibility. And we've allowed the police department to decide what they're going to do, to decide what equipment they're going to use, to decide the tactics they're going to employ, to decide how they're going to interact with the public. And now I think that's beginning to finally change. The citizens are beginning to reassert their control over the police. And I believe this is potentially a 9/11 moment. And I'll explain that. Prior to 9/11, airline management emphatically trained their crew and personnel not to intervene. Particularly going back to the 1960s when we had a lot of hijackings to Cuba and those hijackings went on till the 70s until aviation security increased. They went to Cuba, they paid the ransom, they returned, and everybody was safe. And that was what management instilled in terms of corporate responsibility, we do not become violent. We do what we're told. Well, after 9/11, that all changed. I think now that for the first time in Minnesota History, according to the AG (Keith Ellison) now that an officer has been convicted, and given a reasonably long prison sentence, and the crowd sees that their failure to intervene resulted in the loss of a man's life because his life was snuffed out by a knee on his neck for I think 17 or 27 times he said, I can't breathe. I believe now that perhaps the people will do what they have done many times since 9/11. They will actually intervene. If the officer doesn't take the knee off of the back off of the back, I believe that people will.

Andy 11:18

Matt let me ask you a quick question. Can you imagine if somebody in the crowd would have done some charging and tackle Chauvin while he was doing that? Can you imagine what the response would have been from the police? (Matt: I'm sorry, what was that?) If somebody in the crowd there would have charged after him and tackled him to get off of George Floyd's back. Can you imagine what the response from the police would have been? I'm thinking of a Rodney King kind of beating.

Matt 11:51

Yes, definitely. I don't know if I was there. I say to myself, if I was there witnessing, I would have if I heard that guy can't breathe, I would I would definitely have probably stepped up. I wouldn't have, you know, probably tackled the police officer or anything. But I would have, I would have liked to think that I would have said something if I was there.

Larry 12:13

And people did in fact, say something. They said get off of him. But he defiantly looked at them and said I will not get off of them. You people don't tell me what to do. And that's why I'm saying I believe this is a game changer, potentially. I believe that the people are recognizing that if you don't intervene, someone could die. And at the time that this started, there weren't that many officers there. Now, they would have called in a massive amount. If had there been citizen intervention, they would have called in a massive amount of resources. And there would have been a brutal put down. Absolutely. And we would not have known that if they had saved a man's life. We wouldn't have known what was happening. But now that people see that failure to intervene results in loss of life, I believe that they will intervene just like they intervene on aircraft now. When there's a disturbance, they make sure that they don't get flown into something and become infernals after what happened in 9/11.

Andy 13:02

Yeah, all right. Larry, should we move over to the question from Brent?

Larry 13:08

Let's do it.

Andy 13:10

Alright, here we go. This question from Brent.

Brent 13:13

Hey, Larry. And Andy, I have a question for you people. So, I had a relative that was arrested last Friday, I believe, by the FBI. And they refused to tell us where they were taking him. Eventually, we tracked him down and found that he was staying in the county jail. And we were wondering when he's gonna get bonded out or, you know, bailed out, because, you know, they're holding him. And there's a detention hearing scheduled on June 29<sup>th</sup>. The charge, or sorry, the charge that he's got, he's got two charges, receipt and/or distribution and possession. Can you explain what this detention hearing is and what we should expect? Because I mean, shouldn't he just get bond? So anyway, thanks, you guys. I listen to you every week and appreciate what you do. And FYP.

Andy 14:14

Wow, that's complicated Larry. Where are you going with this?

Larry 14:18

Well, I thought since it is a sexual related offense, and it's federal, it was just to talk a little bit about the bail system the federal government has. Early on and, and federally they reformed bail in 1964 and again in 1984. The 1984 Bail Reform Act is what we're going to discuss. And, in theory, the reforms done in '84 ended the practice of cash bail and mandated a defendant be released on

his or her own personal recognizance. Unfortunately, as with most laws, this practice has not worked out as the people who proposed and advocated it had hoped. And the detention hearing he's mentioned is the provision of the bail Reform Act of 1984. And since I don't know the specifics of this case, I would be hesitant to say much, but I can say the fact that the government is seeking detention is not a good thing. It means that they do not want him to be released pending trial, and under the bail Reform Act, the preferred method is personal recognizance. And if they don't get personal recognizance, then there are other factors in play. Because the detention hearing is required in cases involving violence. That is not a violent crime. Including offenses for the maximum sentence is life imprisonment or death. That doesn't apply in either either of these charges, or in certain drug offenses where the maximum sentence is 10 years or more. None of that applies. But now this possession and distribution, he could be facing more than 10 years, as the maximum says. But under that, under the bail Reform Act, a hearing is required for those certain defendants and include those who have multiple convictions. But a hearing can be held if the government requests pretrial detention, which is apparently what they've done in this case. And they have to argue that there's a serious risk that the defendant will flee, or where it appears that the defendant will obstruct or attempt to obstruct justice or tamper with witnesses or jurors. If bail is denied in this case, on the 29<sup>th</sup>. The judge must issue written findings of why the reasons for the pretrial detention and that order is immediately appealable. Now this is where I get doom and gloomy. I have seen a number of those orders appealed. And I do not think in my memory, I can come up with one where the detention has been overturned. So although it is appealable directly to the circuit court, you don't win those appeals. So I would suggest in this case that you do everything you can to cooperate with the attorney that should be trying to put together a release plan for the accused. And that means answering your telephones, because the people at pretrial service may be calling the people, the Federal Public Defender's Office may be calling and there might be phone numbers on your phone that you do not recognize. But there's only a very short period of time. And you need to get all the information to these people so that they can make a decision and make the best case on the 29<sup>th</sup> for the judge. That's what I would recommend.

Andy 17:24

I gotcha. Hang on one second, Larry. Matt got dumped out. He lost his power. Well, crap, that sucks. Our guest has lost power. He's, I guess this is the heat wave. He's over on the west coast, you can speak to that. So in his area, I guess they're doing rolling blackouts. So his power went out.

Larry 17:44

Now you have to admit that that's funny.

Andy 17:46

I mean, considering like the time that we're recording, it's like, hey, at this time and like, aw shit, the power goes out. All right. Well, we will continue. Hopefully he will come back and we will get his comments and things as we roll. Well, all these bail bond thing hearings, it's pretty complicated, convoluted, and very, the word is esoteric, because it's super specific. To, you have to be an expert in this field. It's not just stuff that the general population knows.

Larry 18:16

That is correct. And his family's thinking in terms of just going down and posting cash bond. That doesn't happen in the federal system, he'll be released on his personal recognizance, or he'll be released to a halfway house, or he'll be released to home detention with electronic monitoring, or he'll sit in jail. Those are his options. And since the government is seeking pretrial detention by requesting this hearing, because he's not in that group of mandated hearing, as far as what I could see from the criteria, that means that they do not want him out.

Andy 18:46

Yeah, definitely. I don't think they don't want anybody out Larry. If everyone were locked up, then there would be no crime on the streets.

Larry 18:54

You do have a point there.

Andy 18:57

All right. Moving on to a question from Brian in Discord, it says, Andy, I seem to remember Larry having a very thoughtful explanation of the comparison between this and IML along with the implications, or lack thereof, if it fails. Is this from the South Carolina decision? I think, if it's possible to revisit this on Saturday, it seems to me that if this is allowed to stand, the states will pick this up broadly. But if it fails, then having our passports marked in this way could be impacted. Or maybe it just falls back to the state may mark any other of their official documents as they see fit.

Larry 19:34

I'm not clear on what this is that he's talking about.

Andy 19:38

I'm kind of trying to remember to. We talked about something recently with something being marked with driver's license being marked. Did we talk about that recently?

Larry 19:48

We have talked about it recently. Louisiana has had a court decision that they couldn't mark the licenses in the way that they were marking them, but that decision did not support that you can't mark them at all, just not the way they were doing it.

Andy 20:03

Right. Okay, that's totally what it was. And Brian is from Louisiana, and he was on briefly, but he works off-shore and has no bandwidth to receive the podcast when we record it live, but he always shows up and tries. But yeah, so that's what he's talking about the recent Louisiana case.

Larry 20:17

While as I think I'll recall, I think the legislation to, to mark them again died. I think that it is not a threat at this particular session, if I remember right, I think that it died.

Andy 20:29

So and his question is that you having a very thoughtful explanation of the comparison between this and IML, along with the implications, or the lack thereof, if it fails, and you're saying that it did fail? Right,

Larry 20:40

That proposal, as I understand it, did fail. But people, please understand. These folks don't give up. The legislature in Louisiana will convene again. And the same person that made the proposal, if he or she is still in office, they're likely to bring this proposal back. They don't suddenly have an epiphany and say, Gee, I had that wrong, I should never have offered that bill. Oftentimes, it takes many years to pass legislation. Very few things pass the first effort, they will bring that back again. I would not take your guard down, you need to be in tune with what they're doing in Baton Rouge, because they're not going to give up after one attempt.

Andy 21:16

As I recall it, if we do talk about IML. The I can't remember Smith is the name I remember from New Jersey, that got introduced a number of times until it made it through finally.

Larry 21:30

Correct. He proposed that probably for a decade.

Andy 21:36

Okay. His whole purpose of being in the Senate was to try and get that legislation passed almost.

Larry 21:46

He was actually a house member. But yes, he did that for years. It typically takes many years to pass legislation. There has to be something really enormous that passes on a first attempt, like the relief for the COVID deal. That was something, but normal things: tax reform. How many years did it take for the tax bill that they passed in 2017 that Trump signed? I'm not saying one way or the other what my position is. But that didn't happen overnight. They have been advocating those who believe we can continue to cut taxes. They work on that. That's what they do. They believe that you cut, cut, cut taxes, but that doesn't mean every time you put in a tax reduction proposal, it passes. There are people who believe you ought to raise taxes there, there's going to be proposals in this administration to raise capital gains and taxes on certain people. Likely most of those won't pass, they will bring them back, they won't suddenly after one failure say, well, we had that all wrong. Of course, we shouldn't try that again. They will come back and try to get just as people who want to mark driver's licenses, they will try that again.

Andy 22:52

Definitely, let's move over to this quick question says is there any way to create a class action lawsuit representing the spouses of PFRs that have lost their jobs or been forced to remove etc. because of their spouse's status on the registry? So that would be the we people, and then our spouses, are having problems with jobs or where they live, etc.? I think we've talked about this, but what is your stance on why don't our friends, family, etc. file to get together to try and make some sort of class action lawsuit to do something to make their lives easier, but they shouldn't be punished for being associated with us?

Larry 23:33

Well, I agree with that, in part. I'm not a big fan of class action lawsuits. They're too difficult to get a class certified. And they're too difficult to manage, in most instances. A class action lawsuit,

as I've said many times before, you don't just go down to the stationery supplies store and get a big red rubber stamp that says class action and stamp it on a piece of paper and say this is a class action lawsuit. There are a lot of factors that you have to go through, hoops to jump through to certify a class of people, and we won't spend a lot of time on it, but you have to have the class certified. And therefore, you can achieve the same objective without a class. And a similar thing was tried in Lewisville, Texas with spouses who were wanting to support a PFR. And there was nowhere in Lewisville to live because of the residence restriction. And they were claiming that that impaired their relationship. That lawsuit was not successful at the trial court. It was not successful at the Fifth Circuit Court of Appeals in New Orleans where Texas resides in the Fifth Circuit. Nor was a cert petition to the US Supreme Court granted. Now that doesn't mean that I pronounce on one attempt that it's a failure. I think there would be potential for development of the right type of lawsuit on behalf of spouses and particularly minor children. I would say spouses and minor children are going to be far more sympathetic litigants than the PFRs themselves. We need to be creative. We need to come up with funding and we need to come up with the right cause of action that's not already been foreclosed by adverse decisions. If you were to do a similar case, in Texas, which is within the Fifth Circuit, every state in the Fifth Circuit that has a residence restriction, is going to essentially be foreclosed by the *Duarte* decision that was made some years back,

Andy 25:25

So what is the angle? So I'm prevented from living at 123 Main Street. And my spouse would say, or the landlord property owner says, Now I'm not going to rent to you because of your status. And the spouse then files No, you can't do that. You can't restrict where I live, can't the landlord go, I'm not restricting you from living there, I'm restricting that person from living there, you can live here all you want.

Larry 25:52

That would be correct in that scenario, but I was thinking more in terms of a difference scenario would be like your kids saying that they were being emotionally harmed, because their dad could not be on campus to support them, like a normal dad would be. And I think the kid would have standing. And that's what I'm saying, putting together the right cause of action with the right plaintiffs, the kid would be a very persuasive plaintiff. When you when you say, hey, Judge, I can't do these things, it hurts me, it hurts my chances for a scholarship, it hurts my chances for you name it, because my dad's not able to be a part of my life. That was more what I was thinking than what you came up with.

Andy 26:35

And that scenario, you can't pick your parents, you can certainly pick your spouse, but you can't pick your parents. You got to take whatever cards you're dealt at that time. I see where you're going.

Larry 26:46

That is correct. Yep. So, I think I would not rule this out. But the big thing that's always missing in this is funding folks. litigation drags on for years and years. And it cost gobs of money. And we don't have gobs of money. But guess who does? The defendants that we would be going after do.

Andy 27:06

Right, right, right. Right. Right. Right. Right. And probably, I don't know about that on the kids side, if you start suing. Do you sue like a school board or something like that, for not letting the PFR on campus to attend a game or something? Like you're suing... that would be a deep pockets, I would imagine.

Larry 27:22

That would be correct. Anytime you're bringing an action related to the registry, you're going to be fighting deep pockets, either state, local or federal, there's going to be deep pockets. The government, whatever entity it is, is going to have far more funding than the average PFR is going to have. So collectively, I know this is a hard word for a lot of people to understand. But this is where we need collective contributions and collective resources. Because the individual is greatly restricted in what they can do. But collectively, we can do a lot of good things working together. What a concept working together.

Andy 27:53

Stop it, stop, stop, stop. Don't say those crazy things. Let's move on to this quick question. It says to start, I plan to travel to the Caribbean by ship for four days. This will take place in four months. I have not traveled since leaving the military, which was during the President Obama signed the IML. I emailed the United States Marshal's Service National Sex Offender Targeting Center, good grief. My email is below and they emailed me back very quickly. I want the group to help me respond. To me the email I sent should have been cut and dry. Is there something missing here?

Larry 28:29

Well, the email is missing.

Andy 28:33

Okay. Is it a dump or did I grab something wrong?

Larry 28:38

I'm not sure, just keep going.

Andy 28:40

Okay. Oh, it says okay. Well, I know Larry may say if you register in one state you have to have to in another? Is that also related to this? (Larry: Yes.) Okay. When have I said this. But the state I live in says you are no longer required to register regardless of if Texas has placed you back on the registry. The state conveys that deferred adjudication is deferred, and once off your obligations are no longer in our state. Our definition is almost like Texas' and that's from Christian.

Larry 29:10

That's from Christian in Minnesota. And I just wanted to correct when he said Larry will say if you have to register in one state, that you have to register in another. Larry has never said that. Larry has said the opposite. I have said that there are states who have that in their statute. But it's not me saying that. It's in their statutory scheme. If you have to register in one state, you have to register in other. In fact, I've said that oftentimes those violative the Constitution's Equal Protection Clause. So I'd appreciate that people when they try to quote me that they actually get it right. We've we talked about cases where the Equal Protection Clause

has held that you cannot simply require a person to register in one state because they had to register in another state. I think that was recently talked about out of Indiana. But what the main reason I put this in here is writing to the marshal service is not really the smart thing to do. What you have probably done now is put yourself in a database you don't want to be in because I do have the email that they sent back. And they said, By the way, what states are we talking about? Give us some specifics. And Texas may be listing him on their registry. But please trust me folks being listed on a registry is not the same thing as being registered. And for some reason, people roll their eyes, they tip their chairs backwards, and they make all kinds of faces when I tell them that. When you are registered, you're reporting in, you're being fingerprinted, you're being photographed, you're being told you can't be here, you can't be there, you can't do this, you must do that. All these things. Texas is not telling him to do any of that stuff. They simply have a historical marker in place that he was there. And the same thing with Florida. When you leave Florida after you've been registered there. They don't tell you that you're restricted in any of your activities. They simply have marked your historical presence. And that's a historical fact that you were there. Is it not?

Andy 31:04

Seems like it, there's that fact that you were once in this state. They're not saying you're currently in the state, they're saying you were once in that state.

Larry 31:13

That is not the same thing as being registered or having the prohibitions associated with registration imposed upon you. My understanding, and I'm qualifying this by saying I don't know that I have the full understanding. My understanding is if you're not actively registered in a state, and being listed on a website is not actively registered. I mean, when you're actively registered, they have entered you into the NCIC. Whatever the registrar is that's taking your registration, they put you into the NCIC, and you're in that database as a registered person. My understanding is, and I know this might not be correct, but that's what used for international travel notifications. I'm not of the opinion that it's simply being listed on a website. There are people that are that are, they're dead, they're listed on websites. I mean, it is a historical fact that they were alive at one time, and they were registered there. I'm not sure that it works off of the public listings. So in this particular instance since he's not registered anywhere, he's merely listed on the Texas website, I do not believe he has any obligation to report it, the travel because here's the problem: if you're not registered, there's no one to report it to. You have to report it to your registry agency, which transmits it to the marshal service, who transmits it internationally. If you don't have a registrar, who would you report the information of the international travel to?

Andy 32:42

And you know Larry, our people are going to go find and track down that person you go register with.

Larry 32:47

Our people are going to do what?

Andy 32:49

They're going to go find the person that they would go register with and tell them that they're going to go travel, just like the people in North Carolina that being told they don't have to register, they go back and go, are you sure I don't have to register? Our people are going to go back to that same registration person and say, Hey, I'm going to go on the screws, is there a problem? And they're going to transmit the information.

Larry 33:09

So well, I think Christian listens to us. And I would be interested to hear what transpires on this, but my fear is he put himself in a position he doesn't want to be in, because it's those type of communications that causes them to go to lawmakers and say, Oh, we've got a gaping loophole here.

Andy 33:29

Right. All right. So but back to your point, though, is once you are no longer actively registering, most people I think, is something of a yearly interval, maybe it's quarterly, maybe it's every couple years or something like that. Once you don't have that duty to register, who would you tell you are traveling out of country.

Larry 33:47

I'm at a loss to know who you would report the travel to.

Andy 33:52

That's super bizarre. So now all of a sudden you just sort of become like a normal person again? How weird. When did that happen? When did you become like a normal person again?

Larry 34:01

So strange.

Andy 34:04

I know. Another question comes in and says I was recently asked what notice is required for out-of-state travel. This sounds really similar. Ohio requires 20 days advance notice of change of residence, which is defined to include a temporary domicile occupied for three days or more. I've always been of the opinion that includes travel for three days or more. I now have reason to believe either that I'm interpreting this provision too narrowly or the county sheriffs are not enforcing it correctly. Since we're talking about Ohio, we were experiencing this when we had the conference there a couple of years back.

Larry 34:38

This was posted on the listserv by an Ohioan last week and it generated so many responses that my server crashed. But this is one of those things where we honestly don't know the answer to it. No one can give you the answer to this. The law says that... I didn't put everything in there, but a temporary domicile it, my opinion is that that law was written to encompass when you change your residence. A vacation is not a change of residence. So therefore, I don't believe there's a duty to give that notice. I believe the notice applies 20 days advance notice of a change of residence and visiting another state is not a change of residence. But you can read it the way this person's reading it. And some sheriffs apparently are reading it this way. It's kind of like the provision in New Mexico law that says you shall register within 10 days of being released from a correctional jail, facility or jail. Well,

if you've been registered all along, and you go into jail for a weekend, and you bond out Monday morning, there'd be no reason for you to register, because you're already registered. That was written prior to when we first enacted the registration in '95. It was encompassing the people when they first get convicted and are released from custody. But the sheriff's here say, well, it's black letter, it says you are a person, aren't you? Yes. You did get released from jail after being arrested for DWI, did you not? Yes. It says you shall register within 10 days, right? Okay. On the 11th day, you're in violation, and they go out and arrest people for that and they win convictions. We don't know the answer to this, we would have to have a precedential case to tell us exactly what the lawmakers meant by this language. And until we have that, the sheriff's guessing, I'm guessing, everyone's guessing because we don't know.

Andy 36:24

All right. And then just over this came in today was a comment on the Registry Matters website. And it comes from Episode 181. Lifetime placement on sex offender registry is unconstitutional. They said that's great. But when will this law extend to all the states? I live in Hawaii, and I plan to use the South Carolina Supreme Court decision to challenge Hawaii's law. So when will the South Carolina law apply to Hawaii? (Larry: It may never apply to Hawaii.) Oh, so what should a Hawaiian do to help... Well, let me let me ask it more directly. Can he use the decision from South Carolina in his flight in Hawaii?

Larry 37:11

He could. But he may not have the same facts in Hawaii. What was compelling in South Carolina was that everyone is on for life and there's no opportunity for anyone to get off. I don't believe Hawaii has everyone on for life. Therefore, already, as we start the litigation, we have a whole different scenario, then Hawaii's registry may not be as debilitating. I can't know what restraints and disabilities are in existence in all the states. But we'd have to look at how disabling the registry is in one state and the fact how many people are on for life. If he is a lifetimer in Hawaii, and there is no way off, there's no petition process in Hawaii, then he could cite to that. And it might be somewhat of persuasive authority, but the Hawaii Supreme Court is not obligated to follow that. That's not anything binding on them whatsoever.

Andy 38:05

Okay, so what you're saying, I think, in essence is that South Carolina and Hawaii are different entities. Different sovereigns? (Larry: Correct.) Okay. But because we are united, you wouldn't use any information from Canada or Mexico, as any sort of statement to say... as any sort of precedent to say that you can do this. But if one of the states in the United States does it, it at least gives you some sort of legal ground that it should be something that you could bring up in another state within the 57-8-9 states in the United States?

Larry 38:46

You can argue that it's persuasive authority, if it's on point. It may not be on point because of what I just said. It may be that Hawaii doesn't have a lifetime registry for everybody. It may be Hawaii already offers a petition off process. Those are what wrecked the train in South Carolina.

Andy 39:05

I gotcha. I gotcha. Okay, let's move on. I have another voicemail message Larry that was very cryptic. I don't know where it came from. But it was just, maybe you got it from NASOL? Do you know what I'm talking about?

Larry 39:18

Let's hear it.

Andy 39:19

Okay, I was hoping you would set it up. But we can, I'll just play it because it's kind of strange.

Mark (Voicemail) 39:27

Hello, my name is Mark. And I would like to urge you to vote against the Supreme Court packing. And the one where they'll take away all our guns. I think it's HR2171. Thank you.

Andy 39:46

That's super bizarre.

Larry 39:48

I wasn't sure which one you were gonna play. That's why I didn't have any comment. That was a message that was received in my day job in the political arena that I work in and that is an example of what we get. Now, I don't work for a United States senator. I work for a state senator. And so we get this message saying to vote against a really long resolution number that may be too many digits about Supreme Court packing. And I have no idea what he's talking about. There's no voting to be done at the state level on the Supreme Court, the United States, there's no proposal in the state to enlarge our supreme court. But what what's interesting to me is that all of a sudden, even though that person is not very well informed, there's apparently some undercurrent out there about court packing. And I think it's hilarious that the number has been at nine for 150 years or so. That's not in our Constitution, that number is not fixed in the Constitution. Could it be possible folks, just consider this, could it be possible that the reason why the number of cases that the Supreme Court decides each year has dropped so significantly since the 1960s, is because of the complexity of litigation has changed so much since the 1960s? And could it be the age of the justices has gotten so, so advanced since the 1960s? Could it be that we actually need more justices to get the work done? I mean, could you open your mind for a moment and not have such skeptical ideas about this packing? It might be that it's time to expand the court after 150 years of being at the magic number of nine, maybe it's time for it to be at 13. Can we at least just have an intellectual discussion about what the judiciary needs in terms of resources?

Andy 41:45

I've heard a number of programs on this. There's nothing in the constitution that says whether it's one Judge 9, 15, 38 there's nothing in there that says how many it is. It's up to us as the people to identify how many people there are on the court.

Larry 41:59

That is correct. But this is a scare tactic coming from the right, from the conservative side. And it's funny because they packed the courts for four years, including the Supreme Court. And now all of a sudden, they're concerned about what they did of packing.

But I wouldn't view it as a packing. I would look at the data. I would look at is it time? Periodically, we expand the number of federal judgeships, through, I think of Carter Administration. And in the George HW Bush, there were a significant number of expansions of the number of federal judges in those two presidencies. And as the nation grows, we need more judgeships. If we continue to arrest, we continue to have the same amount of litigation for greater population, you can't run those cases through a stagnant number of judgeships. It could be that it's time to enlarge the Supreme Court. Folks, keep your mind open. It might be that this is the right thing to do. Don't assume just because someone calls it packing, that it's for sinister reasons. It may be for legitimate reasons.

Andy 43:02

And just to pile on top of that, though, Larry, even if they did pack it and make it 400 liberals on the Supreme Court, that does not make the Second Amendment go away. You would still need it to go through legislation and then get ratified by the states. It would take a, like beyond an act of Congress to remove the Second Amendment.

Larry 43:22

Well, that's true, but you could interpret the Second Amendment differently. It was up until recently until the *Heller* decision, that there was an individual right in the constitution for firearm ownership. It had been interpreted that was for militia, the Supreme Court in *Heller* decided an individual right. So you the interpretation of the Constitution can change and that's what they fear they, they just know that people are coming for their guns. Of course, no one's coming for their guns, but they believe that.

Andy 43:48

I haven't heard any buddy say it in those direct terms. Talk about controlling it to some degree, more background checks to keep it out of certain kinds of people's hands. But I haven't heard anybody say, we're going to come round up the 300 million guns in the United States.

Larry 44:04

It would be a task that would be impossible. You'd have a shoot-out if you tried, so you can't.

Andy 44:11

Right on.

Ready to be a part of Registry Matters? Get links at [registrymatters.co](http://registrymatters.co). If you need to be all discreet about it, contact them by email at [registrymatterscast@gmail.com](mailto:registrymatterscast@gmail.com). You can call or text a ransom message to (747)227-4477. Want to support Registry Matters on a monthly basis? Head to [patreon.com/registrymatters](https://patreon.com/registrymatters). Not ready to become a patron? Give a five-star review at Apple podcasts for stitcher or tell your buddies that 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.

Play this voicemail and then we can go do what would be our feature of this memo from judge Matsch for Michigan. Is that right? But I'll play this voicemail before we hit that.

Voicemail 45:16

Yeah, hi, I'm calling about questions regarding the sheriff requiring specific performances on the part of registrants that are not part of the law, that is photographed every month, etc. And then publishing pictures and whatnot that are not part of the law. So like there's community caretaking. Would that be an exception? That is my question. And how can I, they're going to put up the signs and trespass on my property without a warrant. Now my thinking last last year was tell them no, they can't do that. Thank you, guys. FYB.

Andy 45:55

I had a pretty extensive conversation with this person about what is FYB. And I was like, no, it's FYP. And I tried to get him to, to circle himself around and figure what would fit with FYP means without telling him and we couldn't get there. Have you ever heard of this case called *Coniglia*? I have not.

Larry 46:15

I have not either. I think that would be a stretch of the caretaker doctrine to put signs in people's yard. But as we've said many times, they can do anything until they're stopped. Right?

Andy 46:29

That seems to be how it goes.

Larry 46:32

We had two lawsuits in two separate counties in Georgia for sheriffs who were putting signs up on Halloween, the day before Halloween saying no trick or treating here. There's nothing in Georgia law that prohibits people forced to register from having trick or treaters. But the sheriff's decided they were going to do that. And they were stopped by litigation, at least temporarily. One of the counties agreed to a permanent injunction and settled and the other county took it all the way and it's still in litigation at the 11th Circuit Court of Appeals. And they initially lost and then they turned that loss into a victory. And now we're trying to overturn their victory and win that case on appeal. But the answer the question is, yes, they can do that. Not legally. But when have law enforcement needed legal authority to do things. I think we saw that on the episode early in the podcast, I don't think he had any lawful authority to extinguish a person's life. But he did.

Andy 47:30

He definitely did. And so this is an individual that I don't remember how much detail we went into. But the whole thing where we had the realtor on a couple months ago, was prompted by this individual moving in from another state and trying to, he was very forthcoming with his PFR status. And they changed the rule, they like pulled the rug out from underneath him. And it looks like the county that he is moving to in a different neighborhood is going that he called and told them that he's moving into the area, and they said, Hey, we're gonna put signs up during Halloween and whatnot. And he's not really happy about moving into this area from that.

Larry 48:10

After the first experience with that county, for the life of me, I cannot imagine why he would insist in living in that same county.

Andy 48:20

I believe so. And if not, we're talking in the southeast corner of the state where, unless you made your way all the way up to Savannah, I think everything would be super, super similar as far as population and demographics and all that stuff.

Larry 48:34

Yeah, I can't explain it.

Andy 48:37

Okay, but you don't think that in his question about the, what is the careness doctrine? Is that what he said,

Larry 48:43

the caretaker, I think it's a stretch of the caretaker doctrine, to put these signs up. I mean, they can argue that and say they're doing it as a community caretaker. But that's really not how it's generally been interpreted. That's when you go check on someone, you get a welfare call. We haven't heard from this person, we're worried about them, they're 72 years old, they're not answering their phone. And then the police will use the caretaker doctrine as a basis for going on the property and entering the property, opening a door to see if it's unlocked, go in and check in on the person. And they do that without a warrant because they're, they're not intending on intruding on the person, they're trying to keep the person safe. Now, the problem with the caretaker doctrine is when they see stuff in plain view while they're in there.

Andy 49:26

Okay, so maybe like a big pile of cocaine sitting on your coffee table?

Larry 49:30

Yes, then they'll go back and get a warrant. They will say that they were using the caretaker doctrine to be on your dwelling, they'll secure the place, they'll make sure that nobody enters or leaves. And they'll go back and use the probable cause which will be just fine, because they were entering legitimately, and they'll say that they have reason to believe that because they found all this powder, and based on their training and experience, it's probably illegal and then they'll be granted the warrant, then they'll come take it, run it through the lab and they'll arrest you for what they saw when they were in your dwelling for trying to keep you safe.

Andy 50:03

I gotcha. Then Larry, so okay, let's cover like, Oh, nevermind. So the feature segment I had it wrong about saying Michigan or something else now. I'm just I'm recalling something wrong. But you put a, you people put in case from the Supreme Court. I did hear about this on the news of this girl that made some interesting Snapchat posts and it's called *Mahoney Area School District v. BL* and that is a minor by and through her father Levi et al. I look, I read all 42 pages. And I even read just justice Thomas' dissent. He was the only supreme court justice that dissented, and I don't have a single idea why you are wasting our time on this incredibly expensive FYP production to produce. Why are you wasting our time with this? What does it have to do with our issue?

Larry 50:56

Well a public high school student used and transmitted her Snapchat to her Snapchat friends, vulgar language and gestures

criticizing the school and a school's cheerleading team. And she was a bit disappointed cuz she didn't make the varsity team as a freshman. And as the court noted, the minor BL did not accept the coach's decision with good grace, particularly because the squad coaches had placed an interim freshmen on the varsity team. So that's what this case is about.

Andy 51:25

She just has her feelings hurt because they put someone else on. I guess she's thinking that she deserves to be on, I'm better than that person. And I should have made it on the team. I guess that's really like, well, the Nexus for her making these posts. (Larry: Correct.) And so the student speech took place out of school hours and away from the school campus. In response, the school suspended her for a year from the cheerleading team. And but since we are not in the cheerleading business, what does this case have to do with us?

Larry 51:58

I don't know why you keep asking me that because the Supreme Court was faced with a significant first amendment issue, which does impact our cause, depending on the issue that's raised. The Supreme Court had to decide whether the Court of Appeals for the Third Circuit correctly held that the school's decision violated the First Amendment

Andy 52:15

All right, I need you to dig a bit deeper. What did she do exactly?

Larry 52:19

Well, based on what I read, it said she used her smartphone to post two photos on Snapchat, which allows users to post photos. I don't use Snapchat, but that's what it says. And they disappear after a period of time. The first image posted showed a middle finger raised and it bore the caption FU school and FU softball and F, cheer, f everything. The second image was blank, but for a caption that read, love how another student got told we need a year on JV before we make varsity. And that doesn't matter to anyone else. The caption also contained an upside down smiley emoji. And I don't know what the significance of that is. And other Mahoney Area School students and some who belong to the cheerleading squad, I guess found these Snapchat photos, that that's what that's what happened. This f stuff, people can figure out what the f bomb is without us saying it.

Andy 53:21

I imagine so I really, really want to say it really badly. But maybe that would cause us grief on the other side. But so there's a whole bunch of F words and school softball and cheer and then everything on top of it. I don't get the blank one with the upside down emoji like who would get upset about just having an upside down emoji that they didn't make varsity? I don't get that part. But it did say that according to the opinion that at least one of our Snapchat friends took pictures of it. Pay attention to that part, Larry. So Snapchat, things are supposed to expire after some number of seconds, and they're gone. But some of the people at our school grabbed screenshots of it. So maybe they do disappear from the application, but people can capture them for longer. It's important to remember these things. And so some of the members of the cheerleading squad captured them. One of the students who received these photos showed them to her mother,

who was a cheerleading squad coach, and the images spread. Several cheerleaders and other students approached the cheerleading coaches visibly upset about the posts. As a result, the school suspended her from cheerleading for a year. How does a case like this get to the Supreme Court? That is actually a really good question. Like who cares about high school cheerleaders in the supreme court? Like how do those two things intersect?

Larry 54:35

Well, because she had a determined father and after he exhausted all administrative remedies, he filed a case in federal court challenging the school board's decision.

Andy 54:44

Because she had like, what right does she have, like I'm trying to see the angle of what right does she have to be on the cheerleading squad, and they didn't squelch her speech. She just had consequences for her speech. Um, can we go there for a minute? (Larry: Sure.) So she doesn't have a right to be on the cheerleading squad at all. And her actions have consequences. Her speech wasn't squelched. She just suffered a consequence for it.

Larry 55:15

Well, the question was was that consequence justified? And that's what this decision is all about.

Andy 55:20

Okay. And so her dad did make a proverbial federal case out of it. I noted that the case was decided on motion for summary judgment, Larry, and you always bellyache about summary judgments and pontificate that cases should be tried to let all the facts get discovered. It sure seems that summary judgment was adequate in this instance, it certainly worked in their in their benefit for the girl and her father.

Larry 55:47

It did indeed work for the student. Unfortunately, it was not so good for the school. And let me quote from their opinion on page 10. BL spoke under circumstances where the school did not stand in loco parentis and I can explain that later. And there's no reason to believe that BL's parents had delegated to the school officials their own control of BL's behavior at the coco hut. Moreover, the vulgarity in BL's posts and composed a message of expression and BL's irritation with and criticism of the school and the cheerleading communities. Further, most importantly, the school has presented no evidence of any general effort to prevent students from using vulgarities like the F bomb outside the classroom. Now, remember, in summary judgment, there was no trial. So, evidence was lacking in this case. Now retrospectively, if the school board had had contested the summary judgment, possibly, but let's just keep going. But right now, that that's what happened, there was no evidence.

Andy 56:48

But for me, like a light bulb is going off that she suffered consequences. And then they fought it, but it made it all the way the Supreme Court and the Supreme Court said, No, you guys can't do that. I see in the next paragraph that the court noted that the school argued that it was trying to prevent disruption, if not within the classroom, then within the bounds of the school

sponsored extracurricular activity. We can find no evidence in the record of the sort of substantial disruption of a school activity or threatened harm to the rights of others that justified the school's action. That would be the example of if you say the Big B word, B-O-M-B, in a theater, you're probably going to incite some sort of chaos and confusion. And that's why you can't say it, I guess you have the right to say it, but there will be consequences for it. And that's the level of disruption that they're looking for here. So and since there was no trial, the school was not able to really put forth any evidence of disruption impact of BL's posting. So what should the school, what do you think the school should have done when BL moved for summary judgment?

Larry 57:52

Well, in my opinion, now remember we're looking through the rearview mirror, but since I have this general belief, that case should be fully developed. They should have objected when BL moved for summary judgment. And they should have told the judge that there were material facts in dispute, because I'm fairly certain that BL's attorney would not have been willing to stipulate that the speech had been destructive to the school. And since they would not have made that stipulation, there would not have been any evidence to support the school's assertions in their pleadings. But had you gone to trial, and if they had, in fact, had witnesses to testify a disruptive effect had occurred, then they might have had a different outcome. But remember, they didn't object to summary judgment, apparently. I don't know for sure. But they probably didn't, because they thought that since the schools generally win these cases, as was expected in *Smith v. Doe*, because everybody knew that you couldn't apply anything retroactively. But actually, you can. The school probably felt confident that they're going to win this case, but they didn't.

Andy 59:00

Can we really drill into this? Is there any parallel to our issue, and will this case support us?

Larry 59:08

The case does show that I was wrong that the current Supreme Court is only concerned about corporate speech, because I said that on a podcast one time. Clearly this case shows that they're consistent in supporting an individual's right to speak as well. Unfortunately, I'm not really certain of how helpful this case will be for our cause. Here we have a school restricting the content of what a student said. That is known as a content-based restriction. Content-based restrictions are the most problematic from a constitutional perspective. And we have a direct action by the government since it was a publicly funded school. In our case, we're not fighting content-based restrictions, we're fighting access based restrictions. The social media providers are placing limitations on access to their platforms, which is distinguishable. First, it's not the government imposing the restriction. Second, it's not a content-based curtailment of speech and even if it the government wasn't imposing the access ban, the legal analysis would be different because their alternative means of speaking. And a content-based restriction is saying you cannot say these words. And that's what the school was telling her, you can't do the F bomb, you can't put the middle finger up, you can't express yourself this way. And that's different from saying you can't use this particular vehicle to express yourself.

Andy 1:00:23

Could you make a parallel to, as an employee of a company that they to some degree monitor your social media behavior, is your to some degree, a representative of that company, even for the one person that you work for, I'm sure he doesn't want you running around, ending up on videos running overnight of some sort of wild party going on. That would represent him poorly. So he could say, I don't like how you act, I'm no longer gonna have you employed here. Isn't that similar?

Larry 1:01:00

I believe that the school had compelling arguments. This was a tough case. And I believe that it could have gone the other way reasonably. Now the eight to one decision doesn't reflect that. But I believe it could have gone the other way, particularly if there'd been a trial, in particular, had they been able to show that there was a disruption. Because the Supreme Court did say that even off campus, that speech that's disruptive, bullying, certain types of speech can be curtailed. But absolutely, when you're wearing the uniform of the Dallas Cowboys or pick your team, everybody knows you. And absolutely, the Cowboys could say, we don't want you representing us that way, I would think.

Andy 1:01:43

Yeah. Do you think do you think that this case helps us in any way?

Larry 1:01:48

It might, in the right circumstances. We would have to show that the government or an extension of government has prohibited PFR from speaking particular words, not just that a PFR is having difficulty being heard speaking, due to a social media imposed ban. The government has to be doing the prohibition, and they have to be... if this case, is going to help, there has to be particular words that are being banned. And I'm not sure that that's happening in the current state anywhere. I don't know if any PFR is being told you can't say this or that.

Andy 1:02:23

Interesting, huh. Anything else before we let this one go?

Larry 1:02:26

No, are we gonna do this other segment or just pull it over next week since our guests lost power?

Andy 1:02:32

We're gonna have Oh, he totally, he got an estimated time of turning the power back on and he's, it'll be 9:30 Eastern. So that's another hour and a half from now before his power will come back on.

Larry 1:02:42

Well, we could do an abbreviated version or just do this again next week with the segment we had planned for him.

Andy 1:02:50

Yeah, I've asked him to, to see if he can be on next week. Is there anything else? I have a question that I want to ask you about a patron? But I have a couple other documents here. Is there anything else that you wanted to go over before we before we get to that?

Larry 1:03:04

No, I'd be glad to try to help with a patron. We always want to help our patrons, particularly this one.

Andy 1:03:10

Yeah, so I got a call. I got a text message. I think it was the, it was Friday morning. And it says something to the effect of locked up, come to the county jail where I am and pick up my keys and my wallet and phone. I was like, Oh, crap. So, this is a friend of mine that got out in November. Like this is a key point, Larry. And so forgive me, I'm going to ask you for, like, quote, unquote, pseudo legal advice. But I know that you're not a lawyer. But I'm asking you for strategy because I need to, like let this person know what, what's possibly going to happen to him. He has a parole violation from Texas, he did an interstate compact over there. And something happened there within a month. They are super strict. They're super jerks over there. And they revoked the rest of his parole, and he did another two or whatever years. So he gets out at Thanksgiving. And there was a phone leftover from that time, and they found an image. And all I know about the image it was as far as I know, it's an adult, nude image. And probation doesn't want you to have any sort of material like this. They came in, and it was you know, like six cops deep. They roared in with the with the cars, lights blaring, whatever. And they come toss the house and they look at the phone and they find this image. And this is now a probation violation. And so he's been taken down to his county of origin. And I guess in the handful next coming days, we'll hear from his probation officer, what's going to happen and what they're going to do with him and recommend I guess, and then I guess he goes before a judge, and then they decide whether they're going to revoke some time or send him home or what? What happens next?

Larry 1:04:46

Well, normally there's there are two steps to probation revocation. There's preliminary revocation hearing to see if it can be worked out without a full-blown evidentiary hearing and factual development. Oftentimes, on minor violations, the probationer would go ahead and concede that they did the violation with some sort of understanding of what the outcome will be. You're going to get time served and remitted to probation, and sometimes a small amount of incarceration. To the extent that I give legal advice, and I can't in this case, because I'm not under the supervision of a Georgia attorney, but to the extent I give legal advice, I would tell anyone that there's no reason to admit to a violation if you don't know what the outcomes going to be. If you're going to have to take your chances, why do you want to hand your head to them on a platter? I mean, that's just common sense. So what you're going to want to do is get you a good attorney that works in that jurisdiction. You do not need somebody to come in with all guns blazing as an outsider and going to play heavy handed. He's already at a disadvantage. He's already had a sustained violation of supervision. While he was out of state. It was a different type of supervision, it was parole, but still, he's already had a sustained violation, they can bring that into this. And they can say that this is part of a pattern. His best argument, from what little I know would be related to the fact this is an old phone. And if he could show forensically that this, that this photo dates back way previously, there's not anything new, that it's not anything since he dealt with and extinguished his last violation, that could carry some weight. I'm not a forensics expert,

we would have to hire someone that could determine when the image got there. I don't know if you can even determine if the image has been viewed or anything like that, all that's above my paygrade. But the best thing is a well-connected attorney in that county that can go talk to those people and find out how much blood they want. You need to be able to sit down and say, hey, this guy, he has this image. It's not all that provocative. What do you want to do about this? Can we come to an agreement, that's what he needs to do.

Andy 1:06:53

And that's something I don't know, I don't know, if it's a legal image as an adult, I don't know if it's a minor image, I really, he says, he told me where it was, and his description, is of it being an adult image. But I don't know. And it is an old phone. So I like I'm really fearing the worst that they're gonna they're gonna give him some time, whether that's just a year or two, or he has seven and a half years of paper left. They could really put the screws to him, Larry and give him another... he's already done twelve. They can say, hey, why don't you sit down for another six years or something?

Larry 1:07:27

But see, there's so much we don't know about this case. We don't know how bad they want to get him in that county for what I do know, you told me he's not connected at all, which he doesn't have any favors to call in.. And being an outsider, that hurts him because they can be hard on him. And there's no one that they have to answer to. But on the other hand, you, with a well-connected attorney, even though they don't, he doesn't have anything that attorney can persuade them. Attorneys can be very charming. I mean, I don't I'm not going to reveal every trick of the trade. But there are ways to convince prosecutors to back off and to be more reasonable. So that's why it's important he have an attorney who deals with this district attorney's office.

Andy 1:08:11

I will tell you, he's super anti attorney because he spent a bunch of money in Texas and got a pretty crappy outcome. There's so many other variables in there, but he spent like 20 grand on an attorney then and still got his parole violated or revoked, whatever. So he's not real keen on going to spend any money on anybody else, because he's already got a bad taste in his mouth.

Larry 1:08:32

Well, but the situation was different in Texas. He was there as a guest. And Texas, all they had to do is establish a minimum very low showing of probable cause, a very low showing that he violated supervision.

Andy 1:08:46

Is that because he was out of state or because he was on parole.

Larry 1:08:49

because he's out of state and because he's on parole, but Georgia ultimately decided what to do with him. Texas had made the threshold showing that he had likely violated probation, there was probable cause to believe he violated probation or parole and that would have been significant had he been a Texas offender. Georgia was decided what to do to him. Texas didn't have any control over how much time he did when he got to Georgia. They

only they only sent him there and Georgia dealt with that. Same thing is gonna happen here.

Andy 1:09:14

And Texas said they can no longer be a guest here.

Larry 1:09:18

That is correct. When you go on interstate compact, you agree that you're going to abide by their rules, and they can add rules to what the state that sent you there. If you don't like that, when they hand you that paper that says you will accept special conditions you tell them. Look, I will not accept any special conditions other than my court and my state imposed. You can tell them that.

Andy 1:09:40

And you can say that and they'll say you can't come here then.

Larry 1:09:43

that is correct. That's what they'll do. But you don't have to accept any condition you don't like.

Andy 1:09:48

So from that violation, then he gets sent back to his county of origin here and goes before a judge and they decided to revoke some time and that could be the same amount come again.

Larry 1:10:01

Well, if he doesn't come to an agreement, then there will be a full-blown hearing. If he says, I'm not admitting to anything, then the state will have to put on its case of what the violation is and the evidence that supports it. It's a different evidentiary standard. There's a relaxed rules for admissibility of evidence. It's not the beyond a reasonable doubt standard. It's the more likely than not, you know, it's kind of like the preponderance of evidence standard. And he will have a judicial hearing with a presiding Judge, and he will have representation in all likelihood. I don't think they'll let a revocation hearing go forward without an attorney, but he may have a public defender that may not put as much effort into it as a retained attorney. He cannot be sour on what happened in Texas and decide not to have representation at Georgia, that would be a foolish mistake.

Andy 1:10:50

Okay, I gotcha. It's terrible. It's terrible. Oh, my God. All right. So I've been communicating by email with our guest. And, you know, it's like 1000 degrees over in your neck of the woods. Did you know that it's really hot over that way?

Larry 1:11:06

Yes.

Andy 1:11:08

Yeah. And I, he says the Pacific Northwest, so I don't know specifically where he is. And he said, it's like, super hot, and they're doing rolling blackouts. And they cut the power and it won't be back on for another hour and change. So we will carry all of that content over and we will try and do this again if it's next week or sometime after that and get that individual on get Matt, the outspoken offender on. What a mess. But I think we muddle through decently without that. And we are certainly at time

anyway, we would have had to almost cut that short, also. But do we have anything else before we scoot out of here

Larry 1:11:42

No, how do they support the podcast? We've got to get some more YouTube subscribers and some more patrons. So what do people do?

Andy 1:11:51

you know what I'm gonna press my little button on the video, let's see so I'll turn off the rotation thing and go back to this one. Ah, wrong button, where to go, where to go to where to go. There it is. So you can press the like and subscribe button there on the YouTube channel. And that will help us get more people to know about us in all of the more ways and you can reach us over at registrymatters.co That is the website. Certainly call in and leave voicemail as some people have done at 747-227-4477. The email is registrymatterscast@gmail.com. Now, Larry, one of the voicemails we played tonight was from someone that listens to the podcast that has utilized information for the podcast but is not a patron. And it kind of chaps my hide a little bit that we are sending out information that people utilize and apparently are benefiting from, and then they don't come around and support the podcast. So go over to patreon.com/registrymatters and support the show. Any thoughts on that?

Larry 1:12:52

Well, I would hope that people would see the value, but apparently this individual didn't.

Andy 1:12:57

Makes me very sad. But Larry, I hope that you have, you are able to stay cool. Put a wet rag on you because it's dry out there. And

I'm sure that helps a lot. If you're in the humid area, putting on a wet rag. You're kind of already living a wet rag.

Larry 1:13:11

It's broken here. We're down to our normal temperatures. It's only like 85-90 here today.

Andy 1:13:18

Oh, only 85 not 105. Didn't you say it was 109 a week or so ago?

Larry 1:13:22

It was in the 105 range yeah, but that heat wave is broken. We're actually in a cooling spell for the next few days.

Andy 1:13:30

Oh, well. Good for you. I think without anything else, Larry, then go over to YouTube and Twitter and all those other places. And you can subscribe, like and share all of our content. And I hope you have a great weekend, Larry, and thank you for all you do. I really appreciate it. Have a great night.

Larry 1:13:47

Thanks for having me back.

Andy 1:13:48

Always. Bye bye.

**You've been listening to Registry Matters Podcast.**

Registry Matters Podcast is a production of FYP Education.

More show transcripts are available at <https://RegistryMatters.co> (that's right... just C O with no M)

In prison and can't get the podcast? Have a loved one "subscribe" at <https://patreon.com/registrymatters> at the **\$15 level**, and include your prison address information. Or send a check to cover at least 3 months.

**REGISTRY MATTERS**  
MAIL-IN SUBSCRIPTION FORM

Sign me up for \_\_\_\_\_ months X \$6 = \$ \_\_\_\_\_  
(Minimum 3 months) \* **We do accept books or sheets of stamps. No singles please.**

\_\_\_\_\_  
First Name Last Name

\_\_\_\_\_  
Name of Institution ID Number

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip Code

**Make check payable to FYP Education and send to RM Podcast,  
Post Office Box 36123, Albuquerque, NM 87176**