



## Registry Matters Podcast

Episode 188

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Andy 00:00

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Larry 00:27

Well, not quite yet.

Andy 00:29

Not quite yet. Wait, do I have... wait, what's wrong? What time is it?

Larry 00:34

It is 1:01 eastern time.

Andy 00:38

Wow. Uh, why are we so early? We're so early because I have plans tonight. And you were very gracious in letting us record early. Do you want to dive right in? Or do you have anything that you want to banter about first?

Larry 00:53

Well, we have a good program lined up tonight. We're going to talk about removal from registration in Georgia, some of the do's and don'ts. And we have some listener submissions, and a few articles we're going to cover and of course, name that voice.

Andy 01:11

Ah, Who's that Speaker? Gotcha. That's this, uh, this week, everyone decided to send me answers this week. And we will get to that later. I guess, though, we can just dive right into a question that someone wrote in that you provided us this week. Let's do this question first from Roderick.

### *Listener Question*

I'm contacting you today because I saw your ad in the July 21<sup>st</sup> issue of Prison Legal News. I am a PFR. I was convicted of two counts of taking indecent liberties with a minor in '95. Class F felonies in North Carolina. I am considered a general offender, which means that I'm able to come off the registry after 10 years. Problems are that I have not stayed out of prison long enough to come off. And I've always believed that the 10 years restart after each time I am released from prison. I've just found out that that's not true. I can petition a court at any time after my 10th year on the registry. I'm currently doing a 144 - 181 months sentence for being a habitual felon, my second habitual felon conviction, and failure to notify a sheriff of a change of address. I pleaded not guilty, but a jury convicted me in March of 2019. I immediately notified the court with an oral appeal. My appellate attorney argued, written arguments, three issues: the testimony of my parole officer, the closing argument of the state and vagueness of a statute about what constitutes a change of address. Although I admitted to some wrong, it was because I was under pressure by my parole officer and the sheriff deputy in my PO's office. I told my trial attorney and my appellate attorney that I, at no time, was

any Miranda warning given to me. Not before being questioned during or after, nor before I was arrested, or even after, at no time. I have other issues about evidence and witnesses for my defense. Is there anyone who may be able to answer some legal questions that I have? I don't have much money, but I'll spend whatever for realistic opportunity to give the court and North Carolina their time back. I am including a self-addressed... blah, blah, blah, blah, blah. Interesting. So is that 144 months? Is that like just the violation? Or is that a new charge?

Larry 03:37

I'm guessing from reading the letter that his habitual, being habitual offender and I find this so distasteful that a regulatory scheme is allowed to be used in habitual criminals sentencing. In our state, we don't do that. It's very much excluded by statute that conviction of violating the sex offender registration Act is not something that can be used for habitual enhancement. But in most states, that's not the case.

Andy 04:13

Can you do me a favor and expand on that particular statement? You're saying a regulatory scheme, which we know the PFR regulatory scheme of what it is that creates this whole framework for us to do the registration stuff, but that does not create punishment. But here, this dude is behind bars, for 144 months, that sounds kind of like punishment?

Larry 04:32

Well, we're talking about apples and oranges. You can be punished for violating a regulatory scheme. But what I'm talking about is that most states have habitual sentencing programs. And if you have a second or third felony, you're subject to having a bunch of time tacked on for being a habitual offender. We do not allow any additional time to be tacked on in New Mexico. If you violate the registry, it doesn't matter how many times you violate it because it's a civil regulatory scheme. You're only allowed to receive the penalty for the crime itself, no habitual enhancement. So, in this state, violating the registry is a fourth-degree felony. It carries up to 18 months in prison for the first offense, and then it has an internal enhancement. It elevates to a third-degree felony, if you have a previous offense, then you can get up to a whopping three years. But you cannot get any habitual enhancement. In most states, that's not the case. So they can give you a big additional enhancement for your previous felony convictions because you apparently are not learning to abide by the law. So, he's got that enhancement, which is not available. I find that distasteful that so many states do that. But I can't change the reality of North Carolina law. So, he's got this time to do. But back to his original question. Wherever you heard that the 10 years needed to be consistent, although that's not written in the statute in all likelihood, that's the reality of life, that you're going to have to be up against. If you're petitioning to come off of a registry requirement, and all you can show the judges is that you've had continuous problems complying with the requirement, it seems like an extreme long shot that a judge would release you from an obligation that you've had difficulty complying with. Therefore, although it's not in the statute, to my recollection, that it has to be 10 years without a violation of registration, it's kind of one of those that goes without saying. If you're filing at a time when

you've got two previous convictions for failure to comply with some aspect of registration, it would be a longshot and a rarity that they would remove you. I mean, just think about that. Mr. Jones, you've violated registration twice in the last 10 years, you've served a good amount of time over the last 10 years for those violations. And you're asking this court to release you, I can't see a problem with that. Of course, we'll release you. Can you see that?

Andy 07:14

I'm wondering...I don't want to call the person out by name, but we're dealing with someone that had a probation violation. And in talking to him, this is related to this, so bear with me a second. In talking to him, he has some sort of Pollyanna, like a beyond an unrealistic optimistic attitude about, well, maybe they'll just let me go with time served. Do you think that that's something indicative of people in prison of severely diminishing what the reality is? And certainly like, in just in certain circumstances, but seems like this is consistent with my friend that is in jail at the moment.

Larry 07:53

Wait, are we talking about South Georgia or North Georgia?

Andy 07:56

Yes. South, south, south.

Larry 07:59

Okay. Well, in his particular instance, being that the violations appear to be relatively benign, again, we haven't seen the evidence that they're going to bring to bear, but we have read the complaint. It could be that if he has enough time served, by the time it resolves the probation violation, that could be a reasonable outcome. But in this particular situation, if he's violated the registry, at least twice and been convicted, at least twice, I would think it would be a long shot, that he would get off, but he can file his petition. Just remember, when you file those petitions, oftentimes, there's a wait before you can file another one. It could be years before you're allowed to file another one. So when you file the petition, keep in mind, you may be barring yourself for a substantial period of time from filing another petition.

Andy 08:56

I know that we'll cover that more directly in the next segment. Um, tell me, so in this particular person's situation, the way that I'm hearing it, I hear of people that are convicted multiple times of drug offenses, and they keep tacking on more time because it's a repeat offender, repeat offender, repeat offender. This sounds at least similar in that regard. Like this is not just a probation violation, he didn't just miss curfew, he didn't miss registering his address, which I know that that one's covered there. But this is somebody that has two separate convictions? Is that how I'm reading this also?

Larry 09:30

Well, I'm reading that to be registry convictions. He doesn't appear to have two separate sexual convictions, but (Andy: Okay, okay. Okay.) Here again, in New Mexico, there would not be a habitual enhancement for him, but in North Carolina in most states, there is because he has multiple felonies. You are a person, right? Yes. (Andy: Yes.) You do have previous felonies right? Yes. There is no exemption for registration. It's not carved out as being something

that can't be enhanced. Therefore, if a prosecutor has that tool, they're going to use it.

Andy 10:07

So he doesn't have an additional crime, but because of his registration issues, his civil regulatory schemes, he has now been... These aren't revocations.

Larry 10:16

No. These are new sentences for felony convictions for violating registration.

Andy 10:23

Which to make a comparison, I guess in Georgia, if I miss my registration date, that is a felony. (Larry: Yes.) Is that the comparison?

Larry 10:32

That is the comparison. You can receive habitual enhancement in Georgia because they don't have a carve out for registry violations. So you could get the time for the felony plus habitual time.

Andy 10:46

That's evil, even though you didn't reoffend being habitual of anything, you effed up the rules that said, you have to be there within x time of window and your car broke down, and you couldn't get there. And now you're a habitual offender, because you didn't make it to the registration office to register your address.

Larry 11:00

Well, that would be the case of any habitual offender. You don't have to commit the same crime habitually, you just have to continue to commit crimes for it to be a habitual offender. So you could be committing a completely different crime for your second felon and your third and fourth felony. But as long as they're felonies, you're a habitual offender.

Andy 11:19

Gotcha. But because you're under this scheme, then these things make you a different class citizen. And these things are crimes. These are felonies under this scheme.

Larry 11:27

These are felonies. One thing you could do in your state would be to move to exempt this from habitual enhancement. It is a civil regulatory scheme. It should not be treated as if it's a new felony. But until someone successfully argues that and gets the carve out in the statute, if the prosecutor can say you did commit another a felony, didn't you? You are the person who has the previous two felonies, are you not?

Andy 11:54

Right. Can you do me a favor? Can you translate this into like the car civil regulatory scheme? Can you create some sort of scenario that would be not equivalent, but if they did this, it would be? So now you have your driver's license. And I guess if you let your car insurance, I think that actually, I don't know if that's a felony, if you don't have insurance. (Larry: It's not.) So, it wouldn't be. So that would be an example that a person that doesn't have a license doesn't have a car. This doesn't apply to them. But now

that you have a car that now you go spend 10 years in prison because your insurance lapsed.

Larry 12:29

But you could very well spend time in prison for driving without insurance, but it's generally not the same severity. Driving without insurance is most often going to be a misdemeanor. But you could do jail time for that. People have that so confused about a regulatory scheme cannot be. How would you enforce a regulatory scheme, if there were no punishment associated with it? Would it be an honor system where you voluntarily complied? If you didn't comply with that, we say we gave it our best shot? Of course, there are penalties.

Andy 12:58

No, I get you, but he's doing 144 months. He's doing what is that? 10? That's 12 years, to whatever 181 is. So, but you're talking misdemeanor, so you're gonna spend some month, two months or something in jail?

Larry 13:11

Up to 12 months, usually. Yeah.

Andy 13:13

Okay. So, which I don't want to say that's like, that's no time, a lot of crap, bad crap can happen to you in 12 months, but he's doing 12 years and longer for the equivalent scenario, I guess, if you'll agree that that's a roughly equivalent scenario.

Larry 13:28

Well, it's not equivalent in that he has habitual enhancement tacked on to him for being a habitual offender, they don't have... I'm not aware of a state that does habitual enhancements for misdemeanors. You generally just get the 12 months that the misdemeanor carries, and they just keep stacking them. But unless the misdemeanor becomes a felony, you don't get any additional enhancement. But he's getting enhancement for being a career criminal.

Andy 13:55

That's pretty diabolical. Oh, my God. Okay. I guess I think I follow. I think I do. Is there anything else before we head over to the email from Justin?

Larry 14:03

I really can't address his issues about the confessions or statements he made being mirandized. They're supposed to read you your Miranda rights when you're in a custodial interrogation. If they didn't, that was something he should have moved for pretrial would be suppression of any statement he made. If he didn't do that, then he's gonna run into issues of preservation. He is gonna have a hard time overcoming that because you got to preserve issues for appellate review. If you don't preserve them, then he's not going to have that issue in all likelihood.

Andy 14:40

Okay. And then this one comes in and says this is from Justin. I'm reading as Justin: I got this email this morning and was curious if there is more information available so that I could send it to him and learn some myself. Also, maybe there are some thoughts on this or is this new? Please let me know or if you could send info

that would also be great. email is in quotation marks. Why is nobody at NARSOL talking about the SORNA language and the US AG directive where after 15 years for a tier one and 25 years for tier two have expired, that person comes off of the SORNA federal registry. There's no mechanism to be removed other than the AG simply directs that those folks come off the registry, provided they did not commit any other crimes.

Before I ask you these questions, I want to make it very clear, because people still get this very confused. I know that this thing talks about NARSOL, we are not a part of NARSOL. We have a whole lot of shared interests and content that kind of goes back and forth. We're like very good friends of but we are not part of NARSOL. I just wanted to make that clear upfront. Tell us about the federal registry.

Larry 15:50

Yeah, I, if I hear this one more time, I think I'm gonna vomit. Folks, there is no federal registry. Please direct me to the addresses of the offices that are federal registrars, so that I can personally visit them and confirm their existence. But there isn't a federal registry. But now he does make a valid point in terms of the I don't know what he means about US AG directives, because there's no directive that I'm aware of that people be removed after 15 and after 25 years. What he may be referring to that's sort of convoluted is that in the Adam Walsh Act, the AWA itself, a person who has been classified as a tier one or tier two, they can have their registration obligations ended by those jurisdictions, after 15 or 25 years, without any petitions, without any money being expended, without a bunch of hoopla, they just simply are allowed to vanish. But that's a choice that the states are allowed to make if they want to grant people. Actually on those tier ones, the 15 years can be further reduced by five years, if the person has picked up no felony conviction of any type during the 10 years, or no sexual conviction, even if it's not a felony, and if they've completed their treatment successfully, = they can be just automatically removed. We don't really need a petition to see if you've completed treatment, because you either have a certificate of discharge or you don't. And you don't need a petition to figure out if you've got a criminal history in the preceding 10 years. They can run that and you either do or you don't. So therefore, the process to give people that five years would be very benign. All you would need to do would have law enforcement do a basic NCIC check on the person to see if they've had any legal encounters. And you would ask the person for proof that they've done their treatment, that they've completed treatment. Worst case scenario, you can't provide proof of treatment, and you have to stay on five more years. But still, you wouldn't have to file a petition at that point. You would just fade away. The tier twos after 25 years would just fade away.

Andy 18:17

We need to create almost like some sort of challenge and post it everywhere that show us the statute, show us the law, all that stuff, where it says there is this particular office, the Federal registry that everyone keeps referencing. I don't know, I don't know what the number would be whether it's 100 bucks, 1000 bucks. I don't care, because it wouldn't matter how much it is, because at least I'm trusting that you're right, Larry. There's no federal registry. So, send us the statute where it says that there is.

Larry 18:45

so well, now there is the Adam Walsh Act. There are requirements related that the federal government has urged upon the states, and there are some jurisdictional hooks on the offenders themselves, particularly if they engaged in or plan to engage in interjurisdictional travel. Because then it becomes a federal issue if you move from jurisdiction to jurisdiction and you do not comply with the registration requirements in your jurisdiction. The feds will hunt you down just as they would hunt you down if you're wanted in a state for violating a state law, and you flee that state. They call that interstate flight to avoid prosecution. And the feds will very gladly obligingly track you down and bring you back to that state and they will prosecute you if you travel from one jurisdiction to the other and you don't comply with whatever that state requires. Now, here's where there's a slight difference between me and others. If the state you go to does not wish you to comply, as long as you've attempted to comply, and they say we don't register that offense here, or your conviction is too old, you're done. The feds can no longer prosecute you. They can prosecute you for failing to report in, but they can't force that state to register you. They can certainly go after you if you don't report in and check in and see if they'll register you. But it's their choice if they register you.

Andy 20:16

I gotcha. But I still, there's, I understand, when you do move from state to state, and they're telling the state that you need to comply. It's not like in between the two states you went and visited the federal registry office, and you didn't go visit it at the destination state or the source state prior to and leaving. But everyone talks about, like this person said, that person comes off the SORNA Federal Registry.

Larry 20:42

So well, the only thing that resembles a federal registry is there's a website that looks in to all the state registries. right. If you're not listed on a state registry, it will not find you because it cannot see you because there is no federal registry. It will find you on one of the state's registries, or sometimes more than one state's registry, you might be on multiple. But that's where it finds you. But that is not a registry, that is a website. There is a difference. Maybe you being a tech guru, you can explain people the difference between a website and a registry.

Andy 21:25

That doesn't even like, what's the difference between an apple and an elephant? Like there's nothing, like all the differences are there. But they're both alive, they were created by some living entity. Let me ask you this question. You knowing this, we still need to do a deep dive on AWA at some point. The people that would qualify for that tier one from the AWA, where people then talk about being leveled in their various states, where if your state does have a leveling scheme. That Tier One is, isn't that pretty narrow?

Larry 21:59

Not as narrow, it is narrow, but not as narrow as you think. But, again, we're talking about two different things. A state leveling you in a risk-based system is not the same as a tier designation.

Andy 22:15

That was the first point that I wanted to make was that they are not the same, but even so under AWA, they are guiding the states on how they would possibly create their - I think this may be the intent - that this is how they would design their leveling scheme. But it doesn't seem that anybody... like different crimes are at different levels and whatnot, because I think I think anybody with a contact crime from the AWA ends at tier three?

Larry 22:40

There's a tier three but I think you're falling into the same trap that others fall into. (Andy: Could be. That's why you're here.) The federal guidelines, they are not encouraging states to level people by risk, they're encouraging them to assign them a tier designation that's purely a categorical designation based on their offense. And it takes no consideration, is made for your risk of repetition. The leveling you're talking about that they do in Georgia, is looking at your propensity to commit a new offense. The AWA has no interest in that. (Andy: I gotcha.) These tiers are merely based on the offense. Tier one, crimes that carry less than a year of incarceration as a maximum penalty. So basically, that's your misdemeanor family of crimes. Tier two, every felony level offense that is not of a victim under 13 years of age or violent. And violent is defined. Violence is not imaginary. You have to actually use violence. Tier three is the remaining universe of offenses or if a person has previously, if they've committed a tier two offense and they committed another tier two offense after being a tier two offender, they would roll into tier three. You could have no risk whatsoever and remain a tier three for all of your life because you fit the criteria of the categorical approach. You can never work your way off of that under the AWA. If you're a tier three, you're always a tier three, you're laid up on hospice bed, you have every tube that they can insert in you, and every machine that they can - you're still a tier three until you die. The states that have leveling systems on the other hand, they take a look at Arkansas, Georgia, Minnesota, these states that have leveling systems, they are looking at your propensity to engage in future sexual offending and what danger that would pose to the community. So, they're not the same thing. The Adam Walsh Act is categorical on your crime.

Andy 25:05

I understand, follow and follow you. Alright. I think that's everything...

Larry 25:14

Well, there's one problem with the Adam Walsh Act is that too many states put the offenses in tiers higher than what they belong. And that's okay. If you put everything as a tier three, you've met the minimum thresholds, which is what the Adam Walsh Act was intended to do is to get the states to be at minimum thresholds. If you put people at tier three, that really were tier three, that's all right with the feds, because it leaves you met the minimum, right? (Andy: Yes, sure.) So therein lies the problem. When these states debated becoming AWA compliant, the PFRs were nowhere at the table and they weren't showing them that they had offenses in the wrong tiers that didn't need to be in those tiers. For example, possession of child porn, it is generally a tier one, at least at the federal level. If you look at the list of what they recommend, they recommend that that just simple possession be a tier one. Most states, I know mine, for

sure, possession is a lifetime offense here, every 90 days. And I tell people this is an example where if we would just go no higher than the Adam Walsh Act, if we just did no more than those grueling federal standards, we would make your life better. Because Adam Walsh would be preferable to what we have today, if we did nothing more than what the AWA required. For some offenders, that is, not for everybody. But for some it would be better.

Andy 26:43

Because there I'm sure there are some places where the Adam Walsh Act would make things worse for them.

Larry 26:49

Absolutely. If you did the AWA in Vermont, people would not like it very much.

Andy 26:53

Funny that we never have articles about how bad things are from Vermont, from pretty much the Northeast in general.

Larry 27:00

Too many liberals up there.

Andy 27:03

Assholes. Can't believe them.

Larry 27:05

You can't say that on a family program.

Andy 27:08

Yeah, well, I don't really think that this is much of a family program. Do not think. Larry did you see this article come out the other day that kind of blew up the universe about Apple and monitoring the photos that you have on your phone?

Larry 27:22

I did, I didn't understand it. And that's why I'm glad you're here.

Andy 27:27

That is why I'm here. I will not steal your clip. But I will try to remember to play it this afternoon. But what has happened is... so I have a couple articles linked in the show notes. One is from the New York Times, and the other one is from the EFF. And I think we should probably go more by what the EFF has to say, which is the Electronic Frontier Foundation. But iPhone operating system will soon store a database of hashes of known child sex abuse material provided by organizations like the National Center for Missing and Exploited Children. That's NCMC. And it will run those hashes against numbers of each photo in a user's iCloud account to see if there's a match. So that probably explained everything and there's nothing further us to talk about, right?

Larry 28:09

I don't know. How will Apple know if the users are uploading illegal images to iCloud?

Andy 28:15

So let's first talk about what a hash is. And a hash is just like, if you take something and you use some sort of computer, blah, blah, blah, computer algorithm, almost like let's make a court case number out of it. And then we could always use that court case

number to bring us back to the court case. If we're talking about hashes, it's not an illegal drug. It's computer information that would look like random numbers or letters, and you have a database of stored hashes. So these are just stored bits that you could then go look things up. And these are things of known naughty images. But when you're in possession of the image, and you hash it, if you use the same computer algorithm, a computer process to hash it, you'll end up with that same information, and then you could search for that. And once you make the comparison, you don't have to necessarily see the image. You just have to compare the hash to get the same result. So if you take the court case number, you don't know what the court case is about, Larry, but you know that if you search for a court case, 12345, then you're going to get the results of 12345. And you could say, Oh, yeah, I have that court case information. I'm sure that was clear as mud.

Larry 29:25

Absolutely. I don't know. That's why you're here. But what responsibility do big tech companies have to police their platforms? What is the time between them being a policing agency versus your right to privacy? This is all confusing to me.

Andy 29:42

Yeah. So this almost is a question that I would toss back at you, but isn't that the question of where is the line drawn between what the big tech agencies are able to do as far as what policing would be versus them just letting you do your own thing. So you don't technically own your own device. I learned this years and years ago is with an with an Xbox. The licensing agreement, it usually said that you have the right to use it. But I don't know if you ever follow the information about right to repair, you own the Apple phone. And I say that in quotes but go break the screen. And when you try to repair it, you have to go visit an apple store to go get it fixed. Your local IT shop may have a really hard time getting the part and even after it's installed, all the stuff that has to get registered inside the phone, it has to be registered properly. And a lot of people when they do this, they don't end up with a working phone. But ultimately, these big tech companies, big tech, also known as GAFAM, I mean. apple, Facebook, Google, Amazon, and Microsoft. And each one has a market cap of a trillion bucks, Larry, they can kind of do what they want. They kind of own us, Larry, that they're that big.

Larry 30:54

I'm confused, like, so I've got iCloud I think. I've got photos. I think they're all on the cloud. If I'm putting something... clearly I don't own the cloud. That I have enough sense to figure out. If I have those in a file drawer in my office, I own the file cabinet and I own the contents. But if I'm going to put that in someone else's care, do I have the same expectation of privacy that I can put contraband? I guess it would be synonymous to taking contraband and putting it in your safe deposit box. If the dogs come through there and they sniff and they find contraband, which I don't know, banks do this or not. But if they did, would the bank not have some basis for wanting to know what was in the box that the dog was alerting on?

Andy 31:50

I think that is the one of the best questions ever. What Apple says and other places sometimes say, depending on the platform is

whether the information that you've put up there is encrypted before it goes up there. If you encrypt it on your phone and then store it up there, they should just have the random ones and zeros that encryption provided. If it gets encrypted after it gets there, then they hold the keys and they can get into it. But if it does it on your phone first, then they wouldn't have access to it. But that's one of the cruxes of this whole thing is that this kind of tells you that they have access to see what's on your phone before. You've lost the ability to have your information be private on your phone.

Larry 32:31

While I'm not surprised about that. So what else does Apple doing that's troubling you people?

Andy 32:36

Alright, the other Apple feature which scans photos and text messages will be available only to families with a joint Apple account. If parents turn it on, their child's iPhone will analyze every photo received or sent in a text message to determine if it includes nudity. I have a lot of problems with that term nudity, also. Nude photos that child will be blurred and they get to choose whether they get to view it. And if a child under 13 chooses to view the nude photo, the parents get notified and they get to approve it. Apple has previously told authority that encryption prevents it from retrieving certain data. See how they kind of spun that differently Larry? They say like you can do this, but you couldn't do this before. But now you can do it.

Larry 33:20

Yeah, I'm not sure I understand the point.

Andy 33:24

Well, if your data is encrypted, then it's that no one can read it. But that's the point. So, I believe you when you use an encrypted messaging app with your boss, and there's some level of expectation that you believe that that information cannot be viewed by anyone else. So for instance, if you and I, Larry, if you and I use an encrypted messaging app, which we do not do currently, then we would have the expectation that no one else can read it. So we have the competing Registry Matters podcast out there. And we don't want our corporate secrets to get shared over there. So this is all based on the success of our podcast. At what point do we lose the Fourth Amendment protections? This situation from Apple is circumventing this and this is an example of Big Brother at its finest.

Larry 34:10

But if we're saving children, why is this such a big deal? I mean, this is all about the children, right?

Andy 34:16

It's always about the children. That seems to be the excuse that all these big tech companies use, "if it saves one child." And I think we hear that from the victims' advocates a lot too. A computer doesn't know what it's looking at. A computer doesn't know whether it's an image, if it's a text message, if it's whatever. So they're just really good at crunching data and processing it. But the humans are making rules about what is and what isn't allowed. What Apple has exposed in setting up the system is that they can read all of your data. They build themselves as being the secure platform, that they care about safety and security. But instead,

what they've said is that they can read your data, they can read all of your data. In the future, maybe they extend this feature into other areas and not just CP-type images. It's not just a slippery slope, it's that they designed a system to succumb to the pressure of outside entities, government agencies that would be. And that can be trained to search for any type of content. And once the doors open Larry, it's really hard to de-open the door. This is a freedom of speech challenge as well as a privacy challenge.

Larry 35:22

I'm looking forward to see what the EFF, the Electronic Frontier Foundation does, because they would be the logical, I think, the entity that would go after Apple.

Andy 35:34

Yeah. Or we vote with our dollars, I think that's another place that this goes is you try to figure out how to disassociate yourself with an Apple product. And Google is I think that they are similar. Microsoft does stuff similar to this, just in wherever their own purview is, wherever they have their tentacles into it. This really bothered me because a computer doesn't know whether it's looking at a nude image, or if it's just looking at bank transactions, and then they could start searching banks transactions, perhaps?

Larry 36:03

I don't see the consumer being... I think, we've proven that we will buy any product whether it's slave labor produced. We don't have the I mean, morality to... I don't see the consumer pushing back sufficiently. These devices are part of our lives, they are integral to our daily modern life. I don't see anybody saying, well, I won't have my phone anymore, if that's the way they're gonna play the game. I don't see that.

Andy 36:34

I got a funny story that's related to that. I was talking to someone about car insurance stuff. And I don't know, have you seen the little dongles that you attach underneath your dashboard that would give you reduced insurance rates? Because they can track your mileage and your speed and all that stuff? Have you seen this? (Larry: Yes.) Okay. I think they've removed them. And then you put an app on your phone, and whenever you're driving the things tracking how fast you're going, and the person was like, wow, that's creepy. I'm like, how's it any different than the little dongle that was in the car. You most likely are already using Google Maps. And they know every place you've ever gone, and they know how fast you're going. And they know every search you've ever done, and you're worried just about your insurance company, having the data as to how fast you're driving so that you can get 10% off your insurance. Like that's not consistent. We don't care anymore. Our data, our privacy is gone.

Larry 37:21

Yep. So I've been offered that device myself. I haven't downloaded it. But DriveWise I think it's what it is. My insurance company said if you do this, we're going to give you a discount.

Andy 37:31

Absolutely. All right, well, then let's move over. If you have no other questions about this Apple thing.

Larry 37:37

Nope, let's go to this main event.

Andy 37:40

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Let's do the main event. And this comes from a person that reached out to like the entire universe asking a question and I guess I will be reading the question here. Says this is from the listener.

#### *Listener Question*

I have been listening to your podcast for about six months, and I find the information extremely helpful. (Andy: Thank you very much for that.) I have been a PFR for 22 years, I have unsuccessfully attempted a petition for a release. My lawyer at the time and I were ill equipped for the task as we know nothing about what was required. I am preparing for a second attempt. And I would love to be directed to any and all information that can help me prepare. I would like to do any upfront work where I can do any due diligence work before I get a lawyer. In your non legal opinion, Larry, please give me a list of things or to do or any ideas to add to the case that I'm building to present to a judge. Yes, Larry, I can hear your voice now saying that you don't have enough information about my case. I have a '97 conviction for statutory rape. I served two years in prison and I've been a PFR since then. I blindly attempted a release petition in 2010. I was at the time leveled as a level two PFR. I am in the state of Georgia, and I'm sure you're familiar with our process for removal. I'm really stressed and embarrassed and ashamed. Plus, I live in fear of a rule change that will make my life even harder. I've spoken to several lawyers in the Atlanta area and they are all priced similarly. However, I'm looking to be more educated and prepared with anything I can do to help my case. The last time I attempted a removal, we essentially just walked into a courtroom unprepared with anything other than an unsupported petition. Please keep up the great work that you guys are doing. And your work is definitely making a difference in our many lives.

That's some nice little attributes and accolades there. So let me, let me ask you a couple questions Larry. We've discussed removal from the registration on previous episodes of Registry Matters. Georgia does have a removal process which I'm somewhat familiar with. And I know you're obsessed with those seeking removal would be well advised to take some initial steps before they file. And I know you always encourage them to have an attorney. Let's go into an attorney selection process and what you advise the PFR to do. Larry go, Ding ding, ding.

Larry 40:38

Great question, because attorney selection is a daunting process even for those who have extensive knowledge of the legal system.

First, you will want to know if that attorney has done removal petitions. Second, you want to know what their success rate has been on those petitions. And third, you want to know if they have done a petition in the county that you will be filing in.

Andy 41:03

And Larry, as a little bit of a side story on this subject, you encountered having some less than stellar results when you phones some attorneys recently? (Larry: I did indeed.) You even ask me the questions like, Is this what you people go there? I was like, Larry, you have no idea because we don't know what we're asking. And those people are the experts. So we just have to take whatever they say as being the gospel. And you're an educated MF. So you had a challenge of trying to find a qualified attorney.

Larry 41:31

I did.

Andy 41:33

So what if the attorney says, I'm good at this, and you just pay me 7500 bucks up front, and I will take care of everything. Is that all that needs to be discussed?

Larry 41:43

Not in my humble opinion. What would you do if you were planning to make a substantial investment in your house? Would you be okay with a contractor cutting you out of the process and refusing to discuss the renovation plans with you?

Andy 41:55

Larry I think that would be great. Just tell me that in six months, I'll have a house and everything will be perfect. So no, not really. What does the person need to do to not... like I am kind of a person like this, I don't really want to Badger you and bug you about all the things. So how do I not irritate the attorney?

Larry 42:12

I'm not sure I can answer that because I really don't mind irritating the attorney. He or she is asking for a large chunk of money to undertake a significant legal action, which has the potential to dramatically improve your quality of life. And since the relationship is a partnership. In my opinion, if the attorneys annoyed by your questions, you should keep right ahead shopping.

Andy 42:35

Because I did that when I was selecting the termination of my probation attorney. Like I'm not the average bear. I used to do the podcast at the time, I guess we've done 150-ish episodes. I'm certainly not skilled at it. But I know a little bit more than the average bear. And he was like, you don't like attorneys, do you? And I was like, I don't like it's just, I don't know. Anyway, we had some conflicts. But so Larry, I've read the statute on removal. And it's clear that a person can proceed pro se. So why the hell are you so bent on having an attorney? It has something to do with conversations with the District Attorney's Office, doesn't it?

Larry 43:15

Yes, you're correct. Keep in mind that we're talking about Georgia right now. But in many instances, the district attorney is the responding party who must be served the removal petition. The first thing a good attorney would want to do is to have a

conversation with a district attorney's office to determine the office policy on such petitions and if they have been anxiety about you being released from the registry. It's your petition, so this is about you. If the DA's office has angst with you, and they vehemently, or they vehemently oppose all removal petitions, you will have a much more difficult time having the request granted. Beyond that the stakes are extremely high. And a skilled practitioner is far better suited to navigate the legal system that you are as a lay person.

Andy 44:10

You know, when I did pick that attorney that I did pick, before I even gave him a penny he called over to the DA to see what their stance was, which I thought was... I mean, that was one of the reasons why I picked him is that he just picked the phone and call it and had a relationship like hey, Bob, Joe, whatever the guy's name was, and just started rattling stuff off and was asking him questions right out of the gate, which was pretty awesome, I thought. (Larry: Absolutely.) Let's move on to the process, which is from the code OCGA 42-1-19, provides the removal from registration. Let me begin by asking if there are any certain offenses that are not eligible for the petition process? We will go into the nuances of the requirements later after we establish if there are automatic exclusions.

Larry 44:54

I'm not aware of any automatic exclusions in Georgia. But having said that, keep in mind that I'm not licensed to practice law in Georgia. So please contact and consult a legal professional but I cannot discern any automatic exclusion as there would be in other states. For example, Colorado, if you have more than one conviction, you're not eligible. And there are some other exclusions in Colorado. But Georgia, I'm not aware of any.

Andy 45:17

Okay, well, then. So in fact, in OCGA 42-1-19(a) provides some of the opportunity to file a petition even before the passage of 10 years. Can you tell us a little bit more about what that is with the people before the 10 years are up?

Larry 45:31

Sure, a person in Georgia can file immediately, if they meet the criteria: they're physically incapacitated or confined to hospice, are totally or otherwise permanently disabled, as defined by Georgia law. And therefore, you don't have to wait the 10 years. And again, that's a nuance that both states that have a removal process don't have. But in Georgia, you don't have to wait to 10 years if you fit into that criteria.

Andy 45:58

okay, and what county do you have to file in?

Larry 46:01

Well, they file generally in the county they have the conviction, except when they have a non-Georgia conviction.

Andy 46:08

Meaning someone that's from another state,

Larry 46:11

yes, or has a federal conviction or non-US conviction, but any non-Georgia conviction. If you were convicted in Georgia, you're going to file it in the county you were convicted in, regardless of where you live.

Andy 46:25

Okay, so if you're from a different state, you are now not eligible to get removed?

Larry 46:31

Oh, no, not at all, you can still file a petition. But in the case of the person with a non-Georgia conviction, they file in their county that they are residing in.

Andy 46:41

So if you are from non-Georgia, that leaves us with the other 73 states, I think, then you could pick the county you want to live in to then try to get removed at that point. So you do form shopping.

Larry 46:57

That is correct. The person with a non-Georgia conviction has some additional options that a person with a Georgia conviction does not have. The state of Georgia is going to send you back to the superior court where your conviction was had. That judge, he or she may not be sitting in that in that office anymore. But there will be a judge sitting in that office and you will go back before that court. If you have a non-Georgia conviction, and I'm not saying that anyone would actually do this, but you could theoretically decide to reside in the counties where the removal success rate is much higher. And you could reside there and file your removal petition there.

Andy 47:39

Well, geez, Larry, let's explore that for just a minute. Would you suggest that you live out in the middle of nowhere or would you suggest that somebody lives kind of in a population center?

Larry 47:49

Well, that's a loaded question. I know that all of our people tend to gravitate towards these non-populated areas, because they perceive that they're safer, and they have less government interference and observation. But as a general rule, with exceptions, those places also tend to be much more difficult to get off the registry. But not always, as we've had attorney guests before, it really depends on nuances of the particular judge and the jurisdiction. But more often than not, as you experienced with a guy that wanted to move to Georgia from New York, and how he had his heart dead set on moving into a particular county. You know who I'm talking about right?

Andy 48:35

I do. I do. I do.

Larry 48:37

Well, despite them making it clear that they would not treat him nicely. He insisted on moving to that county, and he's not been treated nicely, I don't think. But as a general rule, you're going to be better in an urban setting. But there again, that's something you would research with your attorney, if you have a non-Georgia conviction, because the attorney might could tell you "well, you're

in Walker County. And as far as I can see, no one's ever been released in Walker County. If hypothetically, if you were to be in DeKalb County, about 70% of the people that petition in DeKalb County get off, so I'm not advising you to move to DeKalb County, I'm just telling you, statistics don't lie. No one's ever gotten off in Walker County." And I don't know that to be the case. I just pulled that out of my hat.

Andy 49:18

Sure, sure, sure. Um, and this is always... I always get tripped up on the different standards of evidence. But so which party bears the burden of proof? So I guess that's the question of do I tell the judge that I'm an A plus citizen, or is it I guess the DA? I can't imagine the DA would do that. So who has the burden of proof? And what is the standard of proof? What must that be?

Larry 49:41

Well, I'm not completely clear on reading the statute. It says the court may issue an order releasing the individual from registration requirements or residency, or employment restrictions in whole or in part if the court finds by preponderance of the evidence that the individual does not pose a substantial risk of perpetrating any future dangerous sexual offense. Now that seems to be very open ended because what is a dangerous sexual offense? Would streaking across a ball field on Friday night be a dangerous sex offense? If someone was a compulsive indecent exposure? Would that be a dangerous sexual offense? Or would grabbing a child out of the proverbial park? Would that be a dangerous? Of course, that would be. But what is a dangerous substantial risk? How much would you deem substantial? And what is the danger of sexual offense? But the preponderance, I can tell you, that means the preponderance means if you have a scale and you tip it slightly, whichever way it tips that's the preponderance. That's more likely than not is all that standard is.

Andy 50:46

So to make an analogy of where the senate sits right now, that would be a preponderance where it's 50-50 plus one.

Larry 50:53

That is correct. It's slightly tipped in the democrat party's favor by virtue of the vice presidency.

Andy 51:00

But digging back into where we were just talking about where so from my perspective, we've argued about this before of proving a negative, how do you prove that you're not something?

Larry 51:11

Therein lies the problem. This is not as artfully drafted as I would like. But it does work. A lot of folks get terminated from registration in Georgia. So, I'm not clear who has to prove the not. I would always like it to be the state has to prove that the person is at an elevated risk to commit something of a dangerous sexual offense that we would define what was dangerous. I don't care about someone streaking. I really don't. I mean, they did that back in the 70s all the time and nobody died. You know, it's overblown. But some of these some of these offenses that are on the list are just really not that significant. If they happen, they happen, but it doesn't alter one's life. If someone pulls out their peepee and pees

and a 11-year-old sees them peepeeing, I don't think that 11 year old's gonna be scarred for life. I really don't.

Andy 52:04

Because the 11 year old's doing the same thing. Not necessarily out in public necessarily, but um, I'm thinking of a movie. I think the movie is Porky's, Larry, and this came out in the 70s. And I think that like a bus, a school bus drives by a car with a bunch of girls, it's like the football team go into a game. And like four or five of the football players, like stick their behinds out of the window of the bus. They were mooning. You've probably heard the term mooning before. (Larry: Yes.) Like that would probably be considered like something of a sexual offense at this point in the world.

Larry 52:34

Absolutely, it would be.

Andy 52:37

The statute also says in considering a petition pursuant to this code section, the court may consider any evidence introduced by the petitioner, any evidence introduced by the DA or Sheriff and any other relevant evidence. I bet you that one, that's a can of worms there, the any other evidence. Then it says the court shall hold a hearing on the petition if the request, Oh my god, if requested by the petitioner. This suggests that the person needs to note to request a hearing or run the risk of the petition being summarily denied. Is that correct?

Larry 53:12

Absolutely. That is correct. The petition that does not contain a request for a hearing could be denied simply by the court stamping it denied in big regular red letters. And that's the reason why you need to know the process and you're better advised to have an attorney because the attorney knows when they file a petition to accompany the petition with a request for a hearing a notice of hearing... We don't know the date that the courts going to grant the hearing. So what we do is we prepare a notice of the hearing. And we identify on the notice where the hearing would be held and then we leave blanks for the court to insert when it has decided it's going to grant the hearing. So the court, the court staff fills in the notice once the court grants the hearing. So, we've prepared the request for the hearing and the notice of the hearing. And then the court sends out the notice to the parties who are entitled to it, which in this case would be the petitioner and the respondent. In Georgia, the respondent is the county sheriff where the person is living, the county sheriff. where the person files the petitions, they may not be the same because they may be living in DeKalb. They may have gotten convicted in Walker County, so they have to notify they have to serve it on both sheriffs. And they have to serve it on the district attorney in Walker county. Each one of those parties would get a notice of the hearing. And if you don't know that, you may have your petition denied without a hearing because you didn't request one.

Andy 54:39

Backup a couple blocks where you said any other relevant evidence. Like who's the one that would introduce any other relevant evidence if it's not the DA or the petitioner?

Larry 54:49

Well, I suppose that would be... that's kind of open ended. The DA and the sheriff would offer their evidence. If the sheriff has been keeping tabs on you and they think there's some elevated risk, they would be entitled under the Georgia law to present that evidence. But I guess the court would be able to look at anything it deemed relevant that would be outside of those parties. And I don't know what that would include. But perhaps maybe the court knows you're in a small county, the court knows your circumstances. I mean, that's all I could gather from that.

Andy 55:24

I'm scared to say that somebody announces to a potential victim and then the victim comes in and testifies.

Larry 55:31

That is the fear that I always have is the victims going to sink your ship. And we'll get to that a little bit later.

Andy 55:37

Okay. Yeah, a friend of mine had that happened to him. I think I may have shared that with you, a couple months ago, a guy in northeast Georgia. But let's go on. So if the petition is denied, how long does a person have to wait to file again, isn't that a significant risk? Like you've then dropped five grand, some number on an attorney to help you get off and then something goes tits up. And it gets denied. How long you have to wait before you can go back?

Larry 56:04

in Georgia, the person is precluded for at least two years before he or she can file again. However, that is not the only concern I have. What happens if there is a hearing, and a non-lawyer proceeding pro se fails to object to testimony that is inadmissible? This could make it virtually impossible for the person to overcome when they do file two years later, because assume the judge is still sitting and assume there was no properly laid objection to that evidence. And the judge would rule I mean, the judge is gonna consider whatever the judge wants to consider. But the judge, if you object to the evidence, and say that's not admissible, the judge will make a ruling and say that is correct. I will disregard that. Well, if that foundation, if that objection was not raised, there would be nothing to preclude the judge from considering that two years later, because that evidence is a part of the previous record.

Andy 57:00

Oh, my God, this sounds like summary judgment, Larry.

Larry 57:03

So that's the risk. When you go into an arena that you don't understand the rules, and you don't understand what is admissible and what is not admissible, and you can't raise a good objection, you run the risk of getting evidence in that's not really admissible, which can do you a great amount of harm later.

Andy 57:21

You know, I'm glad you asked me to put together this whole outline, because I am the expert on figuring out how to do these petitions. No. Larry, I think people should reach out to you and ask you for like, do you have this written down as like a Q&A, a framework for people to start filing their petitions? Because I bet you there, at least, I don't know, they're probably 75% the same

across the states with some minor nuances between other ones, it's probably even more than that similar of what kind of evidence to bring to bear to do these petitions?

Larry 57:53

Absolutely. I've thought about doing that. For a standard fee, I will provide you with the guidance of what you ought to be doing.

Andy 58:03

I think that sounds like a phenomenal idea. Um, but you people have talked about victimless crimes, and how those might have a slightly better chance. Can you expand on what that means by victimless crime, and why that person would have better odds?

Larry 58:19

Sure, a victimless crime would be something like a sting operation. In those cases, you will not have a victim that's going to be showing up at your removal hearing telling the court that they're still traumatized about what happened to them dozens or 20, or 30 years ago. And since most of these types of sting operations have only law enforcement witnesses, those witnesses are unlikely to be present to hearing. So you're going to take a lot of pressure off the court when you don't have a victim there. And that's the downside. See the out of state person, if you were convicted in Oregon, and you're filing a petition in Georgia, Georgia is going to have to really hate you to want to bring a witness down on their dime. And the witness is going to have to really hate you to want to come down on their dime. But same thing with these victimless crimes, these people are not going to be present. But when you have to go back to your home county, where you have the victim there, they're alive and well. And they're going to come to this hearing. You have big problems already. With these victimless crimes, they don't have that. They're going to have the petition just only with the DA pontificating about what they don't like about this person, but there's not going to be a witness that needs to be made whole. That person who lives in the community that pays taxes in that community, that votes for that judge that runs into that judge at the diner, that judge has to deal with that, and they won't have that with a victimless crime.

Andy 59:48

Should the person expend the funds for a psychosexual evaluation? Those can cost like, that's a lot of dough that's hundreds, many, many hundreds, if not 1000s of dollars to get a psychosexual.

Larry 1:00:00

They should, in some circumstances. If they've not been leveled, for example, in Georgia, if you're if you're leveled in Georgia as a one, I would probably be less hesitant. I'd be more hesitant to recommend that expenditure. But if you haven't been leveled in Georgia, you don't know how they're going to level you, do you?

Andy 1:00:27

No, you don't know, when you're not leveled. There are a lot of people in Georgia that are not leveled Larry.

Larry 1:00:32

That's about 75% of the people have not been leveled because they don't budget the resources to do that. So, since you do not know how they're going to level you, wouldn't you like to level

yourself first? (Andy: \*unintelligible question\*) Well, you level yourself by getting a psychosexual evaluation. And if your evaluator that you're paying, comes up with a high level, it would be extremely optimistic on your part to think that the state's going to come up with a level one.

Andy 1:01:01

Well, that's true. Okay, I gotcha. I gotcha.

Larry 1:01:03

So you're getting a head start on what they may level you at by having your own. And even if your guy comes in, if your evaluator comes in as a low risk, and the state comes in at a moderate risk, then you have something for the judge to hang their hat on because you can get into a dueling expert battle.

Andy 1:01:31

I guess also if you get leveled high by the psychosexual person, you can be like, well, we'll just throw that in the trash and maybe not try to do this petition process.

Larry 1:01:38

Well, you could throw it in the trash, or you could go through the state and see what the state comes up with. If the state comes up with a lower level, then of course, you would be foolish to say, well, Your Honor, I've got one that says I'm a level three.

Andy 1:01:49

Correct. Correct.

Larry 1:01:51

So, but if you have been leveled and you're not a level one, then I would definitely advise you to get some competing evidence for the judge. But if you have not been leveled, that would be the reason why I would advise you to get a psychosexual evaluation. We want to know what they're likely to come up with. It would be rare, your paid evaluator is going to be predisposed to do the best they can to come up with something decent for you. I mean, that's just kind of the way the system works. They're not going to lie for you. But they're going to be more sensitive to your cause. And if they can't rescue you in their evaluation, the state of Georgia is not gonna rescue you with theirs in all likelihood.

Andy 1:02:34

So tell me, this is definitely your arena, what are the political considerations in terms of filing the petitions? And can you share some of them Larry?

Larry 1:02:43

Well, the biggest political consideration I have is district attorneys are elected. That's an office that has to appeal to the voters. This process of filing a petition for removal, sets that office up for criticism. And folks, I don't make the rules for life, I'm just simply articulating to you what they are. And people get so mad at me when they say you make the rules. No, I'm telling you what they are. That person that holds that top job, he or she is at enormous risk all the time for backlash for decisions that their office makes and policies of their office. So therefore, since the favorable rating for people required to register in the community is generally not very good, the DAs office, let's go to reflect that unfavorable rating when they deal with PFRs. Therefore, you do not want to have a

petition pending when there's an election for the district attorney of your county going on. If that if that person who's in the office is within months of having an election, their flexibility goes down dramatically, because they're afraid that their opponents gonna say, not only should I be elected DA because I'm tougher on crime, but this person doesn't even oppose PFRs getting off the registry. So therefore, they have to oppose you. So you try to take the politics out of it. If the DA is in a reelection campaign, you may want to forego that filing until the election. The same thing could go for a judge. The Superior Court judges in Georgia are also elected. You may have a two

Andy 1:04:29

Is it two four-year? I'm thinking they're four-ish.

Larry 1:04:32

I'm not even sure. The term may be even longer, but they are elected. And you do not want to be a judge who is in a heated reelection campaign. You do not want to have this petition before a judge whose hearing a petition in September 23 and they've got election on November 3. You just don't want to do that. You would want to ask for a continuance. Your witness is not available. There's some reason why you need to continuance because you want to remove that from the judge. The judge can help you out by simply, if it's that close, they could just withhold their decision till after the election. But you always want to have in the back of your mind the political ramifications. And folks, we live in a political system, we elect people to represent us and do jobs. That is our system. So it has its pluses, it has its downsides. One of the downsides would be a situation like this. This could be a very bad political situation for you to be filing a petition in the middle of an election.

Andy 1:05:28

Well, Larry, I have to tip my hat to all the conspiracy theorists that think that the government is just like a, it's just a foe that we elect our people. So you know that that's not true. We don't elect our people.

Larry 1:05:39

So yep.

Andy 1:05:42

All right. Well, then back on 154 , Registry Matters 154, in November, you said that the following I would like to question that. Because if the lawyer did everything that I say, you would have known that they were going to say these things, because your lawyer would have had the conversation, the lawyer would come back to you and say, they would have said, Look, this is what they're going to say. This is going to be their position. And I can go forward with your petition. But I'm telling you, if they say these things, the judge is not likely going to grant your petition. If the lawyer has the conversation with the DA and finds out the stuff in advance, would they not make less money? Who would want to go forward? Why would your attorney in calling the DA and finding out that they're just going to push back, they just want their paws out. They want to get paid. So they're not going to want to make that conversation. They want to go to when their guns blazing to get paid all the money.

Larry 1:06:34

Well, I cannot say who would want to go forward and who wouldn't? I can only say that I encourage this conversation. You're right. Most lawyers do have their paw out. They're wanting w money, and they want the full fee, and whatever. And what I would like a lawyer to do is when they want to do these removal petitions, or these early termination petitions, would be to give the person an option to pay them a reasonable fee to do some preliminary groundwork to find out if there are reasonable prospects for success. It's against the rules of professional conduct, you cannot guarantee a person a particular outcome. So, if a lawyer guarantees you an outcome, you need to run as fast as you can. Because that lawyer has told you a big lie, and they've done something that's totally unethical. But a lawyer can give you his or her professional opinion about the odds of success. So, tell the person that things that are particularly to be a detriment. And be honest with them, say I can do this petition, and I love doing these petitions. But in your situation, I really don't see your odds being very good. We might could improve our odds if we do the following and give some people some things that they might do to improve their odds. Some of those odds might be to wait until we have a different district attorney. That may be something a good lawyer would tell you. That this office here right now there's just no way, they come up with all guns blazing on everybody. And the judges never grant these petitions over their objection. So I could take your money, but I'm not gonna be able to get you what you're looking for.

Andy 1:08:18

And then in most instances, you probably can't go into the DAs office to begin with. And even if you did, they're not going to let you in. And second of all, they're not going to tell you you're the biggest creep that ever lived. Larry, you are the biggest... no, just kidding. You need to do your homework and get as many barriers out of the way as possible and as quickly as you can.

Larry 1:08:40

Absolutely. And we can talk about this removal process, as a regular part of the program, because it is of great interest to folks. You'd be crazy not to one off of the registry if there's a process off. But don't waste your money. Don't try to do it pro se. Select very carefully who your attorney is. And if your attorney doesn't want to talk about strategy, you've probably got the wrong attorney. You have to be upfront with the attorney. This is a partnership, we're working together to achieve my goal. And if you're uncomfortable with that, then perhaps I need to keep shopping around but I want a partner that's going to explain things to me, to answer my questions, and allow me to be a participant in this. I can't see why you'd want it any other way. I can't think of a major investment where I just take people's word and do what they want.

Andy 1:09:29

Like, I mean, it seems reasonable to go into an attorney and ask for some kind of like, at least like dual pricing. Hey, can you do this research for me? What would your fee be to go talk to the DA for me on my behalf? And if we then decided to go forward, X amount of dollars in addition to.

Larry 1:09:44

Absolutely? And it may be that they already know. I mean, if they filed enough of these in the county that you're going to be filing in. They may already know all the answers to these questions so they may be able to spew them off right now. The only thing they wouldn't know is if the DA has any angst against you. But in terms of if they vigorously oppose all petitions, if they filed petitions in that jurisdiction, they might already know that. So they don't have to call them. They could say look, they oppose every one of them.

Andy 1:10:10

This seems like a thing where you would want something more of a local attorney that knows those ins and outs versus one that's across the state.

Larry 1:10:18

Generally speaking for this, if you're forced to file in the county of your conviction, an insider is going to probably do you better than an outsider that doesn't know the lay of the land. So, if you're lucky enough to be able to file where you live, you've got a little bit more, more flexibility. But if you have to go back to where you're convicted, you probably need an insider.

Andy 1:10:39

All right. Anything else before we get really close to shutting things down? We have a couple things else before we close this all out.

Larry 1:10:48

Think we've pretty well reached our limit, haven't we?

Andy 1:10:50

Very close. We let's cover this article superduper quick, and then we'll do Who's that speaker and then we'll get out of here. This article from the Omaha world Herald. Hero or devil. Omaha man sentenced to 40 to 70 years for killing a PFR This is something that we covered just about a year ago on RM 132. Which was July 15. This man killed a dude who was on the registry. Matteo I'm sorry, Fairbanks decided that Matteo Condoluci didn't deserve to live because Condoluci had been convicted twice of child molestation. So he, Matteo is the deceased and Fairbanks had spotted Condoluci leering at Children. So he decided to kill him, which is holy crap, terrible. James Fairbanks found out Wednesday what vigilantism cost him. That's a lot of time Larry.

Larry 1:11:41

He did indeed. And I think it's a just sentence. I'm quite confident that the judge considered his crime-free past. And his lack of... he didn't seem to have a lot of remorse in what I read, but he did say that he wouldn't do it over again. He's going to be away from his family. He has children, he's going to find out what it's like being separated from his family. But he made a bad decision. And he's got a lot of time to pay.

Andy 1:12:13

I suspect that he's going to have a lot of fans while he's in prison. Wasn't this the cat that also had like a petition, and people like signing up to send money for his legal defense? Because they were like, yeah, we need to get... I think that's the man.

Larry 1:12:24

I do believe it is the case where he had a defense fund.

Andy 1:12:31

All right, well, there's that. So don't go around killing PFRs because you don't like them, you'll end up spending a lot of time in prison.

Larry 1:12:40

He's gonna have to serve at least 20 years, they said, at least 20.

Andy 1:12:45

And he doesn't look like a young man either. I mean, he's probably at least in his 30s, if not 40. So he's going to be he's going to be like close to your age when he gets out.

Larry 1:12:54

He won't be 177.

Andy 1:12:57

All right, Who's that Speaker? Last week, we played hopefully, this all works. I set this up to do something different. Hopefully, this works.

RM 187 Who's that Speaker? 1:13:06

In this present crisis, government is not the solution to our problem. Government is the problem.

Andy 1:13:15

Alright, so that was who Larry?

Larry 1:13:18

That was Ronald Wilson Reagan in his inaugural speech in 1981.

Andy 1:13:23

Like everybody wrote in, like, I think I got, I got a lot of submissions. Here's a little tip. Don't send me it inside of another big, long email message. Someone sent that in. Don is the winner he sent it in at like, 12 o'clock midnight. So he listened to the Patreon version that came out superduper early downwinds, but then someone else sent in shortly thereafter, but don't send it inside of another email message because that's a chance I'll miss it. Um, so there we go. So that was that. Don, thank you so much for sending that in. And then this is this week's submission. So again, you're going to send an email to registrymatterscast@gmail.com. And tell me who you think this is. I think this one's pretty hard.

Who's that Speaker? 1:14:05

As far as Saddam Hussein being a great military strategist, he is neither a strategist, nor is he schooled in the operational art, nor is he a tactician, nor is he a general, nor is he a soldier. Other than that, he's a great military man, I want you to know.

Andy 1:14:28

All right. If you have a guess on who that is, then please feel free to send in a message to registrymatterscast@gmail.com and tell me who you think that is. any hints Larry, you want to give?

Larry 1:14:39

I think they can conclude that that is a military person speaking that was very prominent. That's that should be enough clues. We should have dozens of right answers on that one.

Andy 1:14:50

I don't know that I would guess that one if I heard that without knowing who it is. All right. And then to close everything out. We had a bunch of articles, we did get a new Patreon person. Where did that message go? Where did I put that? That's not who that was. Uh oh, good grief, good grief, where to go? Shoot Larry.

Larry 1:15:06

Alex.

Andy 1:15:07

No, that's not who it was. It was somebody else that's leftover. Chris B. Thank you so very much for becoming a patron. We really, really appreciate it. You can find all the show notes and everything over at Registry Matters cast. Sorry, not that. registrymatters.co is where the podcast is. That's the website. Voicemail: 747-227-4477. We're running really short on time. That's why I'm rushing through this. Email registrymatterscast@gmail.com and of course, support us on Patreon at patreon.com/registrymatters. Larry, I hope that you have a wonderful weekend. We've recorded early so I can go out and have fun tonight. And as always, hang on here it is.

MacAuthur Movie Clip 1:15:47

This is why am here.

Andy 1:15:49

We have you here every week because you are the man, the myth the legend. Larry, appreciate it. Have a great weekend.

Larry 1:15:57

Thanks. Good night.

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