



Registry Matters Podcast

Episode 196

Recorded 10-2-21

Registry Matters is an independent production. The opinions and ideas here are that of the hosts and do not reflect the opinions of any other organization. If you have problems with these thoughts, fyp.

Andy 00:17

Recording live from FYP Studios, east and west. Transmitting across the internet. This is episode 196 of Registry Matters. Larry, look, we've got like, I don't know, 200-dozen-1000 people in chat already. Thank you very much for all of the patrons that have that privilege of hanging out and listening to us recorded live. How are you, Larry?

Larry 00:39

Awesome. It is a beautiful day in the Land of Enchantment. It was in the 70s. Clear, crisp Fall day. Wonderful.

Andy 00:48

That's very enchanting, Larry. See what I did there?

Larry 00:53

Absolutely.

Andy 00:54

I'm already losing my voice. And I don't know why. I didn't talk the other night on the program. I didn't talk very much today. And it just feels like my voice is about to disappear on me. But with that, Larry, we have a very, like, meandering all over the map program tonight. Tell me what we've got going on.

Larry 01:13

We have questions, questions, and questions. We have questions from incarcerated individuals. We have questions from, from the telephone conference call we had Thursday night that were submitted electronically. We have, we have all sorts of stuff. We have a deep dive in a case out of Georgia from the Georgia Court of Appeals. And so we're going to be on here for hours and hours tonight.

Andy 01:40

I think that sounds great. Maybe it'll be long enough that we can split it into two and then I can release this while we're gone next weekend. Because next weekend is what Larry?

Larry 01:50

that would be the NARSOL annual conference in Houston and we will be recording an episode in the Port Lavaca room. And last time we did that in 2019, we packed that room to the gills and we had people standing outside banging, wanting to come in.

Andy 02:07

I think I remember that. Um, do you want to plug the live stream or even any last minute? If you want to attend Houston? Or at least attend the live stream?

Larry 02:16

If I knew how to plug it, but if you know how, go ahead. I don't know where they go to sign up. But there is a website where you can go register for like 35-40 bucks to watch the 3 day conference.

Andy 02:28

It's \$40. Yeah, if you are unable to make it to Houston. And I'm kind of a big fan of this. I've always been like, "Why do I have to travel halfway across the country to do these things, when I could just sit on my bum and turn on my TV and watch it?" Which is what you'll be able to do with this. But it is 40 bucks, find it over probably conference.narsol.org. But just go to narsol.org. And you'll find links all over the place for it. I would strongly encourage you, if you don't even attend, it's worth the money to support the cause. I think. Anywho, there's a bunch of different speakers. I'm running all the technology to bring it to you in your home and then released later on the YouTube.

Andy 03:12

We are going to start Larry. While we were doing the program Thursday night, I was having sort of like a chat battle, I guess you could say with someone on YouTube. And I just kind of collected a handful of questions that seem to be going around from a particular person. And almost like a frequently asked questions that come up. So here we go. Are you ready, sir?

Larry 03:32

Let's do it.

Andy 03:33

So you, Larry, repeatedly say that even if the AWA, Megan's Law, all of them, were to disappear instantly, why would there still be 50 plus registries all over the country?

Larry 03:46

I don't know if I have said Megan's Law. That that I don't believe I said, but I said the Adam Walsh Act itself, which is the successor to Megan's Law and the first version of the federal law that encouraged states to adopt their registration schemes. If the federal government no longer were encouraging, since there is no federal registry, if the federal government said we got it all wrong, and we no longer encouraged state registries. What would happen? Do you think that all the legislators would convene an emergency session and repeal the registries?

Andy 04:23

Yes, I think that they would do that immediately because they're very unpopular with the public.

Larry 04:27

Yeah, sure they are. That's what I'm saying that since the registers are state operated, or territory operated in case of the US territories or in the case of the sovereign Indian nations. These registries are independent of the federal government. They have been encouraged by the federal government, but they're not required. Any state could abolish their registry tomorrow if they wanted to. They're not going to because there would be an influx of people, of folks that are having to register under these harsh, horrendous conditions; if they had the option of moving to the state without a registry, they would be foolish not to do it. And that's exactly what many would do. But that's what I keep saying that if the Adam Walsh Act were to go away, and there would no

longer be the federal funding for the compliance checks, the federal government doesn't fund the registries. Largely that ends up being funded by local governments. Most of the states run a hybrid system, meaning that they share the responsibility with the local jurisdictions throughout their state. The state itself may operate the website, and they may give technical assistance, but the local law enforcement units are tasked with managing and keeping track of those offenders and doing the processing. And in most of the states, they don't get any compensation directly from their state. Now with exception of Maryland, I think they get paid \$250 per offender by the state of Maryland. But I have not seen a registration scheme other than Maryland where they get direct compensation for the care of fulfilling those duties and carrying out the responsibilities. So therefore, you have something where the funding is already being provided by the locals. Now the Adam Walsh Act, it does provide compliance money for the states. There was an initial 10% bonus if your state complied within the first year or 18 months or whatever it was, after adoption of AWA, if your state was deemed substantially compliant, you got some early money. And also you risk losing 10% of your federal crime fighting funds under the Byrne program if you don't have a registry that's compliant with those federal recommendations, but you don't have to comply and some states have announced that they have no intention of complying. Now the problem is the states that have announced that largely are more severe than what the AWA requirements are. Texas would be an example. Texas has proudly proclaimed we won't comply. They like to have their own energy grid and all the stuff that crashes in the middle of the winter. But they have said they're not going to comply. But in many regards, Texas registry is already tougher than the Adam Walsh Act. Not in all aspects. But in many regards, it's already greater than.

Andy 07:09

But what about the federal registry? Larry?

Larry 07:15

But there isn't a federal registry. That's a mythical thing. There's only a federal website that links all the state registries and all the territorial registries together, but there's no federal registry. I have offered a reward to anyone who can show me a federal registry office, but there isn't.

Andy 07:30

And then, so why can't we just plop a case right onto the doorsteps of the Supreme Court, I can just see us walking down there through the Washington mall area, and we bring our big textbooks, our big cases, and we just plop them on the front doorsteps of the Supreme Court and go here, this thing is unconstitutional, make it unconstitutional.

Larry 07:49

But wouldn't that be great if you could do that, but the Supreme Court is not a court of original subject matter jurisdiction with exception of a few things I'm not smart enough to explain. But there are some things that the Supreme Court would be a court that would take evidence on. That would be like conflicts between the states. There are certain things that that go directly to the Supreme Court as original subject matter. But the Supreme Court is the final appellate tribunal, which means that the case has been filed below at a trial court. And it has gone through all the

appellate process if it's a state case. It has gone through the state court system, and it's gone through the highest tribunal of the state. And then at that point, if it's a state court denial, if the party feels aggrieved by the decision and the highest tribunal in the state court, that they can file what's called a petition for cert. They can do that in the US Supreme Court and they grant about 100 or 150-something. They don't grant that many. They just don't hear that many cases because nine old geezers and the complexity of litigation today it's kind of hard to, unless they were working 24 hours a day, seven days a week, there's just not that many cases they can review. And it's dropped precipitously over the decades. They used to hear about double the number of cases that they hear now.

Andy 09:04

You used a jargon word a second ago. You said cert. And that's certiorari or something like that?

Larry 09:09

Certiorari. That means that they're agreeing to hear the case. It doesn't mean that they have an opinion necessarily. It means four justices out of the nine have agreed that this is something we should take a look at. And they may, of the four, have different reasons. Everybody says oh, well that means we've got four votes already. No, that doesn't mean that at all. Because you could have had four justices, four different reasons decided that they would like to hear the case.

Andy 09:41

But Larry, we all know that the registry is unconstitutional, why aren't there civil rights attorneys knocking on pick your advocacy group that you want to fill in? Why aren't they knocking on the doors to help rally these causes and champion them and strike them down?

Larry 09:57

Well, first of all, I don't know what that refers to the registry is unconstitutional because we don't know. It has not been established that the registries are unconstitutional. In fact, it's been established just the opposite. The registry is very constitutional. Last time the US Supreme Court looked at it in 2003, they said, registration as it existed in Alaska at that time was very much constitutional. There have been some subsequent decisions, where, because of the enhancements and all the add-ons, that there have been things that have been problematic in terms of the registry, and they have declared various components of the registration schemes around the country unconstitutional. Recently the state of South Carolina State Supreme Court said that lifetime registration without any due process is unconstitutional. That's not the same thing as saying that the registry is unconstitutional. That's saying that, if you're going to put everyone, categorically, required to register for life and they don't have any opportunity to be heard or reviewed, that's unconstitutional. But you can't extrapolate from that that the registers are unconstitutional. No Court has said that the registry is unconstitutional.

Andy 11:04

Can you give me some examples of constitutional registries? Not in the framework of being a PFR registry, but just registries period?

Larry 11:11

We just register so many things. I mean, most people will come back and say, well, Larry, you don't understand. Those things are voluntary. You don't have to do those. Yes, I understand that, with one exception. Young men, aged 18 to 26. They don't have a choice. They're required to register for the draft. And if anything would be unconstitutional based on gender, that would be unconstitutional. I don't know if there's been such a challenge made. But there's a clear gender bias that only males have to register. I don't even know how cuz we're gonna inevitably going to have someone say that they're gender fluid, that their birth certificate is no longer accurate. And therefore, they're exempted from registration. That's going to inevitably happen if it hasn't already.

Andy 11:54

I haven't thought about that one Larry. I hadn't even thought about that. But okay, I see that coming. I see where you're going.

Larry 12:00

Draft registration is not unconstitutional. Merely putting people on a list, requiring them to list themselves is not unconstitutional. What makes the registry for sexual offenders so unconstitutional is it's a disguised way to impose punishment and continual monitoring and tracking and disabilities. It's disguised as a civil regulatory scheme. That's what makes it unconstitutional. But those are the things you have to argue you can't just argue to the registry. The mere act of registration is unconstitutional because the mere act of registration is not unconstitutional. When we talk about constitutionality, there's facial unconstitutionality and there's as applied unconstitutionality. Facial unconstitutionality refers to there's no set of circumstances by which you could have anything along that line operate constitutionally. There are sets of circumstances by which you could have a sexual offender registry that would operate quite constitutionally. We don't have very many of them in existence right now in this country. But there are easily I could design a registry that would be constitutional. It's just silly to say that the registry is unconstitutional. The registry as it exists in most states *is* unconstitutional. But the mere act of registering, if I just simply snapped your picture on conviction date, and said, we have written down your offense, title here, your date of conviction, and your photograph, you're now registered, your name will be entered in a registry. Go on and have a great life. That would not be an unconstitutional registry, there would be no disabilities or restraints, there would be no requirements imposed on you to do any continuous follow up reporting. There would be no information gathered that was not a part of the original conviction, which is what they said when they decided Smith versus Doe. They said this is just merely an assimilation of what was public at the time, but what they assemble now is not what was public at the time. It totally has nothing to do with the conviction. But if they merely did that, that would be a constitutional registry.

Andy 13:55

Um, you did it again, with some jargon. You said disabilities and restraints. Where does that come from?

Larry 14:00

Well, it comes from the Smith versus Doe, US Supreme Court decision. They said they're specifically the reason why they held that Alaska's registration requirements were constitutional is because it did not impose any disabilities restraints, meaning that people could live where they wanted, work where they wanted to, traveled as they pleased and did not impair their life in any way. That it is merely a recitation of the facts. That's no longer what a registry is. It's no longer merely a resuscitation of the facts. When a young man registers for the draft, that's all it is. It's merely a resuscitate- a recitation. Not a resuscitation. Hopefully you don't need resuscitation. It's a recitation of the facts. It's a fact, hopefully, when you file your registration, that your name is what you say it is, and you're living where you say you are, and your communications - I think they gather now electronic communications and stuff in advance. When they need to contact you for mobilization, all they're doing is collecting that information. But they don't tell you, now you can't move. You can't travel. You can do anything you want to as a young man while you're registered for the draft.

Andy 15:02

The piece of that that I was asking for was the Supreme Court case that brought that term. I think that's where you have referenced it, I believe. What was the court case?

Larry 15:12

Many, many times, the Smith versus Doe, the infamous case out of US Supreme Court.

Andy 15:18

But the Kennedy Mendoza thing is the disabilities and restraints.

Larry 15:21

that is one of the components but in the Smith versus Doe, where they actually used that test. That's where it came. "We found this registry requirement to be constitutional." And they specifically said, because it doesn't impose any disabilities or restraints. That's the biggest takeaway from that case. If you folks will quit filing for summary judgment. And you'll actually build an evidentiary record in a trial court below, which may cost you a little bit of money, which is part of what we fight, not having enough money. But if you'll actually build an evidentiary record with experts showing the disabilities and restraints and how debilitating these things are, in terms of your life, we might could win these cases because the Supreme Court didn't say you can do anything you want to. They said you can do what Alaska is doing. That's the issue that was before them.

Andy 16:07

And finally, Larry, you know that the recidivism rate is so low. It's like 3 to 5%. Shouldn't that be enough to bring that to a legislator and go, Hey, dumb-dumb, don't do this because it doesn't make any sense?

Larry 16:21

No, it isn't enough.

Andy 16:25

Why isn't it enough? Wouldn't we want policies based on evidence? I mean, shouldn't all policies be based on evidence?

Larry 16:31

Well, that's the famous 'should be' versus 'is be.' Do you actually think all of our public policies are based on evidence? (Andy: They should be.) That's 'should be' versus 'is be.'

Andy 16:44

So we can throw mountains and mountains of evidence on them that these things don't work and why would a politician then continue to support it and be in favor of having registries? And by golly, all the 50 states try to make things worse every year, every legislative session. But there's evidence that say they don't, but why do they keep doing it?

Larry 17:06

Because we live in a democratic society where the will of the people carries an enormous amount of weight. And the will of the people right now is that we are going to have sexual offender registries. They're very popular. They're what people want, and the people get what they want. And that's what the people want. And it would be politically very disastrous, often suicidal if you were to oppose registering. You would become in your state, if you were proposed to dismantle the registry, the registry as we're talking about for PFRs, there would be an influx... you'd be vilified and you'd lose your election. I don't care if you're in the most liberal part of a state. That's not a sustainable political position.

Andy 17:46

Hmm, I think you win this one. So we will move on, Larry. I will try and challenge you another day and try and beat you down and make you see my way of thinking. Okay? (Larry: Sure.) We received a voicemail message from Brian, who is from New York, and he talks very New York-ish. But here we go from Brian. Brian (Voicemail) 18:05

Good morning, or afternoon, whenever you pick this up, or evening. This is Brian, how are you, from New York. I just wanted to say that last podcast was excellent. You will gain another membership shortly. I'm just trying to make enough money to raise and to at least be a Patreon for a while. And I loved it. It was almost the opposite of when you had that other guy on who you were trying to convince that the registry was doing damage and things. That podcast made me frustrated and angry because I think you guys missed a lot of points. And it also sounded like he was set in stone about, you know, the registry was good. And all this stuff and I was really frustrated at that last one. But this one was excellent. Something that you know, I do believe I will not go [to the EU], but I would like to go. I'm just a little bit older. And I don't know if I had any such skills to transfer over there. But I would go because we know what's going on here in United States: the vilification, tough to get employment and living places is very, very difficult. And it sounds like with a lot of the population, it's getting worse. And fyp, have a good day.

Andy 19:30

Larry, he said he's a little bit older, and that may prevent him from considering going over there. You're a little bit older and you're also sort of thinking that you shouldn't go over there.

Larry 19:40

Well, there's no one alive as old as I am. So I doubt he's...

Andy 19:46

Thank you for hitting the soft ball that I gave you.

Larry 19:48

I doubt he's my age, but I get his point. As you age, you don't you don't think that it's going to be easy to transition, to make such a dramatic transition. And he's a little bit leery about his being able to support himself, I'm sure.

Andy 20:06

On the other part about we were talking about it a little bit in pre-show about the TJump episode where we were trying to have a discussion on a different platform about the registry. I didn't really get the impression that he was just so on board with it, only until we he got kind of cornered. And he was like, Well, in that case, yes, I do support it. But I think in general, he was more so in our camp than not. That he saw that it was ineffective and didn't serve a whole lot of purpose and benefit.

Larry 20:34

He did say that. He did say both. He said it was ineffective. But he also said that he didn't have any problem it violating the Constitution, which was greatly troubling to me that he makes such a statement. If that's your position, then we really don't have a way to prevail with you. Because if something's for a worthy enough cause, you don't care about the Constitution, and I do care about the Constitution. I believe in in all aspects of the Constitution. I don't carry a gun. I believe that everybody has a right to at least carry some sort of firearm because that's what the Constitution says. And I can't pick and choose what parts of the Constitution I like. If you truly are believer in the Constitution, you believe in all of it. I believe in religious rights. I believe in the Freedom from Religion as well. I believe a lot of things that people are inconsistent about. I don't want to cram any religious belief off on anyone, push anything on them, but I will defend their right. I defend people's right to protest. I don't care if I agree with their message. I don't care if it's politically correct. There was an episode I think in '77 in Skokie, Illinois with the KKK and the ACLU actually defended their right to protest. I doubt they would do that today. Because they would be under a lot of political pressure from their donor base, that they have to be a little more PC than they were back then. But I would defend the KKK's right to peaceably assemble. You can't pick and choose the Constitution. You either believe in all aspects of it, or you work to amend and change it. I believe in the Constitution. And anything that I don't believe in, if I'm not willing to work to change that, to amend the Constitution, I have to accept it, don't you?

Andy 22:10

I was just gonna relay what Brian in Louisiana said. If you don't believe in a part of the Constitution, there's a mechanism to change it. Perfect.

Larry 22:18

Yep, that's exactly my feeling. But in the meantime, whether or not I personally would carry a weapon, that's not relevant. I do believe that, as Justice Scalia said in the clip we've played more than once, that there would be limits on what weapons a person can own. We don't know where those limits are, because the right case has to come up to establish those limits. But clearly, the right

to bear arms is not an absolute right. Scalia has said that. I agree with that.

Andy 22:48

I thought you were going to say constitutional but stupid.

Larry 22:51

There's one thing that's different about the Ex Post Facto Clause, it doesn't have any wiggle room. If it's an imposition of criminal penalties, it is an absolute. There's a bar against any penalty, any punishment that was not available to be imposed at the time of the commission of the Act. That is not negotiable. There's no wiggle room. There's wiggle room in the first amendment in terms you can't say fire in a crowded theater. But there is no wiggle room, folks. Do you believe in the Ex Post Facto Clause or don't you?

Andy 23:24

I gotcha. Let's move over Larry, to I got I've got one to be read here. You ready for it to be read?

Larry 23:32

Yes, it's not that long. But yes.

Andy 23:36

Thank you for the transcripts. Although they were the answers disappointing to my questions. They were not surprising. What was surprising was your legal counsel, Larry, assumed that I was in prison, I could not afford an attorney for this type of crime. I'm 65 years young. I've had a very profitable 30 years as a restaurant and bakery owner and operator. I retired in 2000. I have spent over \$100,000 on these so-called expert attorneys and got nothing. A jailhouse lawyer got me a win from for me by identifying my case was not a capital crime. Let me worry about the money part and give me a name and address of this or these expert lawyers dealing with these complex issues such as mine. The nature of my case was described in my first letter. So Larry, you stuff it, because this guy's got cash.

Larry 24:34

Well, that's what I did. I tried to figure out how to pick that cash out of his pocket. So I contacted an attorney. And we're sending them out. But seriously, I did refer him to an attorney in Florida. And hopefully they'll connect, and he can interview the attorney to the extent you can from the position he may find himself in. But I did do that. And I will make a subsequent referral if he's not happy with the response he gets. But it is reasonable to assume that most people in prison don't have a lot of money. But anytime you generalize you, end up with... it would have been helpful if he would have said I'm ready to retain an attorney and pay for an attorney. If that had been included in the communication, usually there's either the implication of pro bono, or they just simply don't say anything. And we assumed that. And he put into his letter, I think he put something to effect that they didn't have the guts. And guts is not usually the situation. It's usually one of two things. They don't have a credible cause of action. And the attorney would possibly be sanctioned and disciplined for bringing something that lacks any merit and any possibility of success because it's already foreclosed by existing case law, or they don't have funding for the complexity of the challenge that's going to

drag on for years. That's usually what it is. But in this case, he apparently has the money. So let's hope he goes for it.

Andy 25:57

Okay, moving over to one from one of our patrons. Larry, I think I looked it up. I think it's three years that this individual has been a patron. Thank you so very much. Hello, Larry. And Andy, you mentioned something about being leveled. And I know someone in Ohio that got their registration changed from tier two to tier one. Can you explain how that works? Also, does each state determine which crimes go in which tier because I see a lot of inconsistency in that. Thank you. I'm a patron that listens every week. Yes, 2018, sometime in there. Thank you, Patty, really, really appreciate it. You're wonderful.

Larry 26:33

Well, there's a lot of confusion between tiers and leveling, and I'll try to make it as succinct and clear as possible. Leveling refers to a process by which there's an assessment of the individual and their characteristics and the likelihood that they would offend again in the future. That is a system in place in Arkansas and many states. Not a majority, but several states have a system by which they assign a person a specific risk level that they pose to the community. In the case of Arkansas, if your level one or two, if you're risk level one or two, you're not displayed on the internet. That's one of your fringe benefits of being a low-risk offender. When we talk about tiers, that's a part of the Adam Walsh Act recommendation to the States. They have recommended that the that the states adopt a tier system, which is I refer to as a categorical approach. That means if you look at the state statute, it'll say if you have been convicted of this list of offenses, you're tier one. If you've been convicted of this list of offenses, your tier two. If you've been convicted of this level of offence, you're tier three. That's the categorical approach, because it didn't look at you and your risk, it looked at what you did. And it doesn't change. The offense you did does not change. So the only thing that would change your tier level would be if the statute, if the categorical approach was changed, where they either abandoned it, or they put them in a tier two where they were previously in tier three, which is commonly what happened. Many offenses are put in tier three that really aren't required under the federal recommendations to be a tier three. Example: In New Mexico, any possession of child porn is lifetime. Now we don't have the tier system, but it's a lifetime requirement. But that's not recommended to be a lifetime requirement by the feds. You don't have to categorize that under your tier structure as a lifetime offense. States do. That's okay with the feds if you go more than what's required. So that's a whole different thing than a leveling system. Now, your tier system creates a problem when you move from state to state because if you move from one state, they first have to figure out what your offense translates to. So you may have been a tier two in one state and the categorical approach in the next state, if they have the tiers, you may be a tier three. And that's their prerogative to do that as well. Now you might have a process by which you can argue that you shouldn't be a tier three, that they didn't interpret the translation correctly. But that's gonna require the expertise of an attorney and probably a court hearing to challenge that. But in terms of if your conviction came within the state to start with, if it's an in-state conviction, that tier system is in your lawbook. It'll list where you would fall in the tier

system, you don't need to have any fancy analysis, it'll be right there in the statute.

Andy 29:44

With what you were just describing, if you move across the two different states, there's even differences in the language. The one that just comes to my mind is "substantially similar" or "equivalent." There's different legal language that would even try to give you a guide on how to translate it.

Larry 30:00

That's correct. In many of the states they have language that is "substantially similar." In our case, we have equivalent, which is a stronger standard for the offender. The substantially similar allows a little bit more latitude because they can say "Well, it is pretty similar." In our state, they can't say, "Well, it is pretty similar." They have to say this would be the equivalent if you had done this conduct here. Equivalent is fairly, fairly strict in terms of what conduct you did that would constitute a sexual offense in our state. But yes, if you're in a tier system in one state, there could be some problems in trying to figure out what tier you would belong to because you wouldn't be on that state's categorical list. Now, a state could overcome that if they wanted to by saying that they would tier you consistent with the state that you came from. So, if they have such a tier system, they could put in their statute that you will be registered here at the same care level of the state. That gets very complicated in and of itself, because all states don't have tiers. So anything you do, since there is no national and federal registry, anything you do is complex. It's complicated because of the 50 separate sovereigns.

Andy 31:17

I was just gonna bring that up, because I don't think just generally Americans realize that we are 50 independent little countries that each operate their own... I know within some like sort of bottom level framework. But the speed limits are different, health care insurance. That was a big thing with Obamacare was being able to sell insurance across state lines. Like if you live in Augusta, Georgia, you are 10 feet from South Carolina, why can't you buy insurance from someone in South Carolina? It's a different country, so to speak. And I don't think that Americans generally appreciate the magnitude that that has.

Larry 31:53

They don't. But I hope that answered the patron's question. (Andy: I hope so.) We have a lot of confusion about tiers and leveling. And to me, it's doesn't seem as complicated. But it turns out that it is very complicated.

Andy 32:07

I think the words are similar enough, Larry, that people think that well, a level and a tier, like they're similar. But in this particular context, they are not even remotely the same. Well, let's move on to a question. This is literally question number one, as you put it, but obviously, it's number two, because Patti just asked a question. Says, Dear NARSOL personnel, obviously, we have a relationship with NASOL where we pull and push some information back and forth. I am sending the \$9 to order your magazine. I also have a few questions if you could help me. Is California doing away with the PFR registration stuff? Do you want to just [answer], like that's easy Larry? (Larry: No, they're not.) No,

they're not. Okay. Number two, could you send me the requirements for Oregon and California? I don't have access to the Wikipedia page here and need this info for registration in these states for my parole plans?

Andy 33:03

Do you want to stick with that for a second?

Larry 33:05

I can send those. What I will do is I talked to him about the Klaas Foundation website. And they have a summary. I can't send you the statute, they can be 30,40, 50, 60 pages. And that's just not economically feasible. But I can until this becomes too large of a request. I mean, we're gonna get more and the more we do it, the more were receive. But I can send I can send from the Klaas Foundation's website, what they say is what the requirements are for Oregon and California. We'll do that.

Andy 33:37

All right. And then finally, it says I asked in my last letter, which states are most kind to or open minded to individuals who are PFRs. Please send me this info as I am at a loss without it. Family is elderly and cannot work a computer. I hope that since I'm ordering your publications, you might see that I'm not just a freeloader looking for info at your expense. I value your time and effort. I know information is not free. Thank you for your time and effort and God bless.

Larry 34:07

And that one we cannot do and we could do it except we won't do it. Because if you understand how prisons operate, everything is scanned and retained. And NARSOL is an organization and even FYP Education is organization. We don't support and assist people with state shopping because all we would do would be make those states that are a little bit less hostile, more hostile once it got back that we were recommending that you got to those states. So that we're not able to do.

Andy 34:37

Gotcha .All right, question number two. Larry, I like this one a lot. This one's fun. And I'm going to have a little rant with this one. Says dear Andy and Larry, I have a question regarding the BOP's, the Bureau of Prison's power in determining risk-relevant materials. Why is it in BOP SOMP yard, no idea what this means Larry, manga books as a whole have a blanket ban even if it shows nothing remotely sexual, let alone pornographic. Who makes such determinations for the BOP as a whole and can they even be locally challenged on a first amendment basis? Larry, what in the world does SOMP yard mean?

Larry 35:22

Well, since we learned in pre-show banter what it means, but otherwise I wouldn't have known at the time I read this letter: Sex Offender Management Program.

Andy 35:31

And then yards. Yards is being like a dorm. I had no idea. Someone helped me out. I really appreciate it. Don't send us jargon. Like please spell some stuff out. Like I've never heard of this one before.

Larry 35:42

I've heard the term yard before, but I've never thought of prison as being a yard. But I've heard that regularly that apparently you sleep in yards, maybe I'm not sure.

Andy 35:51

I've just never- like yard call. Go outside and go work on the barn and play basketball or whatever. I've never heard of a yard being a dorm and someone writes in the chat says yard equals prison. Says no, it's just slang for prison. Got me, man. So anyway, so sex offender management program yards, or dorms or prisons themselves. I understand now the question that's being asked. So who determines what material is appropriate or not? This sounds very similar to me, Larry, where Georgia prisons wouldn't allow you to have like Dungeons and Dragons games, because you're going to invoke deities and whatnot. But I was like, what in the hell is y'all people's problem?

Larry 36:30

I can give an answer. But it's not going to be one that most people will like. The federal prison system has evolved a lot. But it's still very decentralized, even though there is a bureau of prisons with a headquarters in Washington, DC, and it's overseen by the Department of Justice so the attorney general is technically in charge of the Bureau of Prisons. But what happens, I think, into the 1930s. And people, we have so many people in the audience right now, they can research me on this, I think in the 1930s, that they created The Bureau of Prisons. Prior to that there was no bureau. There was a couple of federal penitentiaries. And they were funded as a separate line item in the budget. But as more growth was occurring and more people were being incarcerated, they decided they needed a prison system, and they created the bureau of prisons. But even with that, administrative office in DC, these prisons were all across the country. It's not like a chain of Wendy's stores where there's a group manager that oversees them that pops in unexpectedly at all hours and time. The bureau of prisons are largely isolated. You just can't walk into them. So members of Congress just can't come rolling in at will, going into a secured facility that way. So there's always advanced warning that people are coming. So I think that a lot of these decisions, even though they have guidelines about prohibitive material... they have policies, they have lots of policies on the BOP website. But the decision maker is generally the warden and the warden's senior staff. And some wardens are going to be very representative of the states where these prisons are located. They pick them from the community. They don't import them usually from the outside. So you'll find a warden that's working in a prison that grew up somewhere in that in that part of the country. If you're manager for a Kroger store, you might end up being in Atlanta and you you're from Valdosta, but they may put you in a whole different division. But oftentimes those people work where they live, and where they've grown up. And the attitudes are different in different regions of the country. So some wardens are tougher. The administration offices within that particular prison are tougher, and they interpret things differently within those policies, and they say we're going to restrict more reading material. The only way we'll know that you've gone too far would be if someone files a challenge. They go through the grievance, exhaust their internal grievance, and they file a court challenge.

Andy 39:02

Brian in chat: this is the beauty of having people that have been in all these different scenarios. The national SOMP program decides and issues guidelines to the individual prisons. The reason that manga anime often features children in adult situations, and even if nonsexual, is inappropriate for PFRs, most of whose offenses involve children. Maybe. I don't know. You can't blanket all of manga to be that way. I don't think maybe. So, all right. I think the person is stuck.

Larry 39:38

Well, without legal action, they're stuck because you're gonna have to file the grievance process. Exhaust that. And then you're going to have to find legal counsel that's willing to undertake the cause. Generally speaking, for a person who has limited or no money with exception of the letter we just talked about, but generally speaking with a person who has little or no funding, and it's just not that practical to do the litigation, so you end up with no forward progress.

Andy 40:04

Very good. Question number three, which is number four. Dear Mr. Larry and Mr. Andy, thank you, thank you very much for the excellent information from Episode 195, the River interview. I have hope once again, as well as many questions. Is there an address, PO Box I could write to, to contact River? Um, I can sum up most of these questions, just look for his website. It is a Common Sense Laws. And if you type in that and River, and/or Steve Whitsett, you will totally find anything about him. So his website is Common Sense Laws that'll get you all of that information. As far as direct contact information, I don't have that that I can easily give out to you for that. And then the third question is, is there any possible way you could send me a transcript of the bonus 30 to 40 minutes, I don't think we can do that. Do you wanna explain that one Larry?

Larry 41:00

We had concerns about doing that because of some of the factors that were involved in his movement out of the country. We don't want the prison sensors to blacklist us from being able to get our material into the prison. We're trying to help you. But if we were banned, we're not going to be able to help you. And prisons have great latitude in terms of what material they can censor, if they can cite any security concern for both their personnel and for the other inmates. Their job is to keep people safe and keep the institution secure. And we respect that. We understand it's a tough job to manage a prison. And if they can cite to something that's going to cause them any security or management concerns, they can ban that material. So we just don't feel like we can send that to inside the institution. So we're really sorry about that. I believe Andy, that there is more to their letter that we will discuss next time, right?

Andy 41:52

Yes. Although next time will be the conference so the episode after. And I agree. Very sorry. It was a very entertaining interview. But no, I don't think we can send that inside. Sorry about that. And then over to question number four. It says, Dear Andy, and Larry, thank you so much for doing your podcast, it means so much. I'm currently incarcerated in Illinois and your podcasts are helping me feel prepared for when I released and have to register for life. I just read that you sent the laws, rules and regulations out for

Illinois. Can you please send me a copy of those? Also, is it true in all states, I am no longer able to have children because I'm a PFR? This is coming from a woman. Larry, I'm going to go with no, I can't imagine that they would restrict a woman from actually like having kids. They might restrict who you can have a relationship with, but they're not going to restrict that you can actually give birth. Fair?

Larry 42:42

I'm not aware of any state that says you can't give birth. But it never ceases to amaze me at some stuff that I didn't know about. But I'm not aware of that. Now, I have heard that until you receive clearance, for example, a person who has been in prison. And they did have children while they're on the street before they went to prison, that they need clearance and approval to have access to their children again, which I've had great trepidation about the constitutionality of that. But they, as far as saying you can't have children, I've never heard that. I don't know how they would enforce that. I would love to see a petition to revoke probation, specific allegation: condition that a person is not allowed to have children. Probation officer became aware that that probationer became pregnant. Therefore, seeking revocation. I would just love to see that petition.

Andy 43:41

Again, so even people saying in chat, like they could see you have them restricting who you have a relationship with. But once you were like, Hey, I'm pregnant. Like who's the dad? I can't imagine them having any jurisdiction over saying that you've done something that you can't do and lock you up for being in a state of being pregnant.

Larry 44:07

I don't believe that would be something that they can do. But we have to admit that we're shocked all the time. They come up with new stuff. The behavioral contract in New Mexico grows longer and longer and longer.

Andy 44:21

What controls that? Is that legislative or is that just your handlers?

Larry 44:25

That's the administrative division of the Department of Corrections, probation/parole division. They sit around in staff meetings and think of new things to put in the behavioral contract and they expand it every year.

Andy 44:36

Is this the delegation thing? What's the word when the administrative office is the executive branch that they are given their framework, but they go to decide how to implement? What's the word I'm thinking?

Larry 44:50

All supervising authorities have conditions of supervision. But for a PFR supervision, they have specific contracts that they tell you you can't do this, you can't do that. So you'll have your conditions that come from the court. But then the probation people impose their own conditions and they do that here with a contract. And the behavioral contract grows exponentially. You can't, for example, you can't rent a hotel room without prior approval. You can't have

a storage facility because you might go hide something. All that's in the behavioral contract.

Andy 45:27

Remind me. We had a court case, Larry, where they were talking about the delegation. What was that case a couple years back?

Larry 45:35

I don't remember the name of it, but this is not the same thing.

Andy 45:39

Okay. Okay. That's my question. Okay.

Are you a first-time listener of Registry Matters? Well, then make us a part of your daily routine and subscribe today. Just search for Registry Matters through your favorite podcast app. Hit the subscribe button and you're off to the races. You can now enjoy hours of sarcasm and snark from Andy and Larry on a weekly basis. Oh, and there's some excellent information thrown in there too. Subscribing also encourages others of you people to get on the bandwagon and become regular Registry Matters listeners. So, what are you waiting for? Subscribe to Registry Matters right now. Help us keep fighting and continue to say FYP.

Andy 46:32

I think Larry, we can then move over to this this whole big shebang that you put in here for the case out of Georgia. Was there anything you wanted to do before we hit this?

Larry 46:40

I think not. This case from Georgia is fascinating. Where did you find this?

Andy 46:46

One of my people sent it to you people and then we have crafted everything since that point about that.

Larry 46:54

Right? Well, it was an interesting case. And I think people will like it, but they won't like some things that I say that we talk about. But it is a great case in terms of how we can help people to understand what you can do while you're under supervision. That's the whole reason this case is being talked about in depth because everybody says Packingham, Packingham, Packingham. Well, we're gonna find out about Packingham.

Andy 47:17

Alright, well, this case is named Rutledge versus State and I assume that state is Georgia. For the legal junkies it is 861S.E.2d 793 What is that, Larry? Is that second edition? That can't be second edition.

Larry 47:32

If you were going into the old fashioned Law Library, there would be reporters, each region of the country has a reporter. So Georgia's in the southeast region. So that would be southeastern reporter. So you'd go look on the shelves until you went to volume 861 of the southeastern reporter, the second edition. That means that they're in the second edition of the southeastern reporter, because the country's kind of old. Some are even on 3d. You see third edition. So you'd go to volume 861 of the second edition, and

you would turn to page 793. And you would see this case would appear there.

Andy 48:09

Okay. And then the Court of Appeals of Georgia, and I've read every word of this decision, Larry and I'm intrigued about the ruling. Rutledge proceeded pro se and pro se means what Larry? (Larry: Without an attorney.) Okay. And I know how you hate pro se litigation because you claim that pro se litigants are often guilty of creating bad case law. Is that what happened here Larry?

Larry 48:33

Well you are correct that I frequently caution against pro se litigation because of the danger of bad case law. However, in this case, I'm not sure that the outcome would have been any different had he been represented.

Andy 48:46

Well, let me read the basic facts of the case. The facts as proffered by the state of Rutledge's plea hearing were as follows. In August of 2007, the Twiggs County Sheriff's Department conducted a sting operation to apprehend sexual predators who targeted children on the internet with the assistance of Perverted Justice, a private organization. Hahaha, named their organization Perverted Justice. As part of the sting operation, an adult working with Perverted Justice posed as a 13 year old girl in an internet chat room. Rutledge initiated communication with the adult posing as the underage girl and had several conversations with her. During their online conversations, Rutledge sent her numerous pornographic images and solicited different kinds of acts. Rutledge also arranged to meet her for more acts at a location near the interstate in Twiggs County on August 9th of 2007. But he was arrested when he arrived there. Investigators obtained a search warrant for his computer and found the internet chat logs reflecting his conversations with the adult posing as the young girl, as well as images of Rutledge's junk. Gee Larry, that sounds exactly like what we're discussing with TJump on episode 191. As I recall, you weren't a big fan of sting operations. So I suppose it's okay to do what Rutledge did with who he believed was to be a 13 year old girl?

Larry 50:15

Well, therein lies the problem. Based on what we have, in the way of facts in this court decision, it's not clear that the officer posing as a 13-year-old girl began the chat being a 13-year-old, we don't know that. But it has been my experience that the officer pivots from being a minor initially. I mean pivots from being an adult to being a minor later in the chat after having an adult profile in the beginning. If that is what occurred, I oppose that type of sting operation. If, on the other hand, the officer set up a profile of a 13-year-old, and she was approached by an adult, I have no problem with that type of prosecution, which is what I said on the TJump program. But I tried to explain to the guests that that's not the way they do it in United States. These people morph from being adults to minors after they've had some level of conversation with the person who has an adult profile. That's my concern.

Andy 51:12

Then in January of 2008, Rutledge was indicted for criminal attempt to commit aggravated CM. Rutledge entered a negotiated

plea of guilty under *North Carolina v. Alford*, 400 U. S. 25, 91 S.Ct. 160, 27 L.Ed.2d 162 (1970). Larry, I can't read these things.

Larry 51:30

Just skip it. Yeah. Okay. Everybody knows that case. So skip it.

Andy 51:36

Yeah, you're looking for North Carolina versus Alford in 1970. Rutledge was sentenced to 25 years, with the first 10 in confinement and the remainder on probation. I have heard the term Alford plea. Did Rutledge enter into an Alford plea and if so, what is an Alford plea?

Larry 51:54

An Alford plea is different from a plea of no contest and nolo contendere, which those are the same. The Alford plea permits the person to say that they're innocent, but they go ahead and do the offered plea because it's an interest. So they say I'm innocent, but they acknowledge that the prosecution has the evidence that would convict them if they were to go to trial.

Andy 52:17

I see. Rutledge was sentenced to 25 years with the first 10 years in confinement. When they say confinement, Larry, do they just mean within prison? Or do they mean like solitary confinement? (Andy: They mean just prison.) Okay, okay. Okay, cuz I'm like Damn, that would be harsh. And then the remainder on probation. The conditions of Rutledge's probation included a certain special condition applicable to PFRs, including condition eight that provided: you shall not possess or subscribe to any sexually oriented or sexually stimulating material to include mail, computer television, nor patronize any place where such material or entertainment is available. And that is PFR condition number eight. Rutledge's probation also included special computer related conditions of probation, including condition number two that provided: probationers must obtain prior written approval from the supervising probation officer or designee to use an electronic bulletin board system, services that provide access to the internet or any public or private computer network. That is computer condition number two. This sounds like a really harsh sentence compared to someone with similar offenses who just gets probation. Why did he get a 25-year sentence do you think?

Larry 53:30

Well, before I answer that, I'd like to mention that from what you are saying there, it appears that this is a standard condition of supervision for PFRs, at least in that jurisdiction in Georgia. But as we go through this interview, you'll see why that is so important because of the unique characteristics of Rutledge. But he was he was sentenced in Twiggs County, Georgia, which is a very conservative law and order place slap in the middle, I think it's practically the geographic center of Georgia. (Andy: Just to the east of Macon.) Yeah. In addition, it's a lightly populated place with around 10,000. In 1910 they had 10,000 people; 2021 they have 8000 people. They have lost 20% of population in the last 110 years. But the place is around 10,000 which means they don't see a lot of crime and when they do, they want to send a message. That's just the way it is in a small place like that. And unfortunately for Mr. Rutledge, he was not a local with any ties to Twiggs County, which created the perfect opportunity for them to be

really harsh because he did not have anyone to ask to intercede on his behalf.

Andy 54:49

And then it seems very similar to one of our patrons who has a case in Cook County and you said something similar to me about him not having any favors to call in. Is that what you mean?

Larry 54:58

That is exactly what I mean. When you're an outsider, they hometown down you. Because when you're in a small jurisdiction, there's so many people who know everybody. When think about an entire county having 8000, 10000 people can tell some people. Well, everybody's gonna know of someone who knows that person. It's just the reality of a county of that size. When you're in a county that size, you say, what about such and such a person? Yeah, I know his family. You might not know that person individually. But that provides an opportunity for there to be a request for leniency and for pressure to be applied. When you're from outside of one of these small, tight knit communities, that's the perfect storm because you don't have anyone to ask to help. So this is precisely indeed what I mean by a person outside the community is an ideal candidate for very harsh treatment.

Andy 55:52

Rutledge's PO filed a petition to modify or revoke his probation for violating PFR condition number eight and the computer condition number two. The probation officer alleged that Rutledge had several pornographic images on his cell phone. These sounds very, very, very familiar, Larry. And accessed the internet without permission in order to post and respond to online advertisements for casual sexual encounters. In December of 2017, after conducting a hearing, the trial court found that Rutledge had violated the special conditions of his probation. The trial court revoked part of Rutledge's probation sentence requiring him to serve five additional years in confinement and then serve the remaining time of his probation under the original conditions of a sentence. I'm guessing that Rutledge did not like the additional five years, thus the appeal.

Larry 56:43

You are correct. He did not seem to like the additional five years. In December 2019, Rutledge filed pro se a motion to modify the terms of his condition, the conditions of supervised release, intending that sex offender condition, eight and computer condition two unconstitutionally restricted his free speech rights. And that as a result, these conditions should be removed from his probationary sentence. The following year in September 2020, he filed an additional pro se motion to vacate and void the sentence asserting the sentence was void because there was no section 42-8-37.1 in the official code of Georgia, OCGA, as referenced in the final disposition sheet. None of that did anything for him. In November 2020, the trial court issued a single order that denied both of his motions saying that the sentence was void, and the conditions were void, that which resulted in the present appeal.

Andy 57:42

In his appeal, Larry, Rutledge contended that the trial court erred in failing to modify the conditions of his probation to strike sex offender condition number eight and computer condition number

two. Special condition two, related to the use of computer, it sounds like Packingham him to me, Larry, does it not?

Larry 58:00

Well it does, but it doesn't. That is what he argued. Unfortunately, he did not prevail with that argument. The Court of Appeals, this is the Georgia court appeals, noted that probation is a matter of grace upon the granting of which conditions may be imposed. And a person occupies a special status while on probation, during which time his private life and behavior may be regulated by the state to an extent that would be completely untenable under ordinary circumstances. Which you've heard me say that repeatedly on this podcast. You don't have the same rights when you're being punished as you as an ordinary citizen.

Andy 58:40

Very much on the Fourth Amendment side of things where they can just come in and toss your stuff and look around whenever they want to. Um, you've pontificated about conditions of supervision can be very broad and intrusive, provided they are specifically tailored to the offenders conduct and not just indiscriminately applied to everyone with a PFR type offense.

Larry 59:03

I have indeed said that many times. And that's the troubling part of this case. It does appear that these conditions are indiscriminately imposed on all PFRs in that jurisdiction, but the problem is, as the Georgia Court of Appeals just said, the same thing here. I'm going to quote, when a defendant is convicted of a sexual offense facilitated through online communications with a minor, or a person whom the defendant believes is a monitor that included the transmission of pornography, which was his junk. A restriction of the defendant's internet access is rationally related to the circumstances of the offense, and the rehabilitative goals of a probationary sentence. As such condition does not unduly burden the defendant's free speech rights, and they cite the US Constitution amendment one and a Georgia constitution Article One, paragraph five. So that's where my consternation comes in because the right offender that this was just indiscriminately imposed on them, they might have had a case. But since this guy was pro se, I'm guessing his attorney said, you don't have a case because this is credible and a reasonable condition for you. But he went for it anyway.

Andy 1:00:20

Right. If you have a case that's completely unrelated completely, if you have something that gets you there with having some kind of relationship with an adult, didn't involve the Internet, and then they tell you that you can't use the internet, then you would be the person that would have a case.

Larry 1:00:35

Correct.

Andy 1:00:39

In the decision, Larry that Rutledge agreed to the conditions that he subsequently contested, is it fair to say he agreed to the conditions? So he originally contested it, and now he's going to go along with the game?

Larry 1:00:53

Well, he originally agreed to it then it contested, but I think it's fair to say that. As the court noted, in some instances, a condition of probation involves a waiver of defendant's rights, including those protected by state or federal constitutions. However, the conditions of probation are not imposed in voluntarily, but are accepted by the convicted criminals as a condition necessary to avoid incarceration in the penitentiary. He did indeed have a choice. That choice was the penitentiary.

Andy 1:01:21

Rutledge, however, contended that the computer condition two violates his free speech rights in light of the United States Supreme Court decision in *Packingham versus North Carolina* and that was from 2017. Why didn't that work?

Larry 1:01:34

Well, it didn't work because in *Packingham*, the Supreme Court addressed the constitutionality of a North Carolina criminal statute prohibiting registered PFRs from accessing social media websites where the PFR knows that the site permits minor children to become members or to create or maintain personal web pages. And that's a quote. But the court noted, quote, contrary to Rutledge's contention, *Packingham* is distinguishable from the present case in several material respects and does not control the outcome because the statute at issue in *Packingham* prohibited all registered PFR from using certain social media sites, even those offenders who had already served their sentence, and were no longer subject to supervision of the criminal justice system. Rutledge on the other hand, has not yet completed his sentence and the restrictions on his internet access is a condition of his probation. And as the Supreme Court has held, and they cited the case that I didn't put it here, a court granting probation may impose reasonable conditions that deprive the offender off some freedoms enjoyed by law abiding citizens and nothing impacting him undermines that principle. Folks, you don't have the same rights while you're being punished, particularly when the conditions are narrowly tailored to you. The only problem is, this is apparently an indiscriminately unnarrowly tailored condition that's imposed on everyone, but it happened to fit perfectly for Rutledge.

Andy 1:03:04

The court also pointed out that the statute in *Packingham* apply to all registered sex offenders as you just said, irrespective of whether they used the computer or the internet in connection with their underlying offense, and the Supreme Court noted that its opinion should not be interpreted as barring a state from enacting more specific laws than the one at issue. Here in comparison, Rutledge used the internet to facilitate commission of his offense by communicating online with the supposed underage girl in order to solicit acts from her and to arrange for a meeting location. And by transmitting pornographic images to her. Now I see why you don't think an attorney would have made any difference in this case. Probably why he couldn't get an attorney to begin with, because he couldn't get one to be hired unless he would have walked in there with a suitcase full of cash.

Larry 1:03:53

Well, that was my thought. I don't know specifically. So I don't need a letter of people telling me I don't know, because I admit I

don't know. In general, you have the right to at least one appeal, and the state, if you're indigent, will provide that. But I'm guessing that the attorney said this appeal is without merit. And I may face a sanction if I filed this because these conditions are relevant for you. And therefore, I won't do it. That's my guess. So, but the attorney probably told him that. That his reliance on *Packingham* was misguided, but he didn't want to hear that. It was something he did not want to hear and he chose to move forward himself. Now we have an appellate decision that makes it clear that restrictions on internet usage in Georgia is constitutional. I'm guessing that this may not be the first appellate decision in Georgia that has affirmed that right since it's well established that one's constitutional rights are severely diminished while they're being punished.

Andy 1:04:47

Ah, Larry, why can't you bring us good news? See, we talked to River and he provided us all kinds of good news about moving across the pond. And then we come back and we just have you and all we get is negative Nancy.

Larry 1:05:00

I don't know, I just can't help myself. But I thought that people would be very interested in this because we get question after question after question about can they do that? And yes, they can, under certain circumstances, not indiscriminately. If you write to me and tell me that I did something that was totally unrelated, then I would have a different answer. This guy was a perfect candidate for the restrictions that they imposed on him. So therefore, his appeal was misguided.

Andy 1:05:29

It feels like he was like the answer for these restrictions. Even if you have that kind of crime, like that's what you did. And you tiptoe very politely around, you could use the internet to function watch YouTube and download podcasts and look for jobs. But apparently, he didn't like even that aspect and wanted to go push the envelope.

Larry 1:05:51

Oh, he pushed it all right, he got himself 5 more years.

Andy 1:05:55

Um, is there anything else you want to cover before we would get on out of here because we are really getting close on short on time.

Larry 1:06:04

I think we've done a great job tonight. It's a pleasure for you to do so much research on this case. It's almost like you read it more than once.

Andy 1:06:12

I had to like really, really nitpick, fine tooth comb, look for the individual points and write all that out. Yes, that is how that went, Larry.

Larry 1:06:18

You're going to soon not need me any longer.

Andy 1:06:21

I'm looking forward to that day very much, Larry. Very, very much. Um, let's see here. Let's do the Who's that Speaker? So last go around. I played this:

Larry 1:06:35

Billy Bob Thornton: Bible says two mean ought not lay together.
Other Caller: Well, neither two women, but I like to watch 'em do it.

Andy 1:06:43

Remind me why we put that in there Larry?

Larry 1:06:47

Well, because we want to see if people remember that old movie from '95, '96, whenever it was.

Andy 1:06:52

And I had one response that I could find and that was Captain Crazy. Is he patron number one? I always forget. I need to look. He says it was Billy Bob Thornton from Slingblade. He also liked French fried taters with mustard and biscuits. I wish he would have called in and said it because he is from like, nowhere-Ville, Kentucky and he talks. *Accent* I like the way you talk. I like the way you talk too. He sounds very much like some Slingblade stuff. It's quite funny.

Larry 1:07:21

Yeah, well, people make prank phone calls using his voice because he's not well easily recognized.

Andy 1:07:32

And let's see here. So this week, I think Larry, we're going to kind of like, if everyone doesn't know who this speaker is, I'm just kind of ashamed to even say that if you listen the program, you should probably go listen to something else. So you have to do a little bit more work. You have to tell me when this occurred. And what were the circumstances behind it. Is that fair, Larry?

Larry 1:07:54

I think it's fair because this has been repeated for decades.

Andy 1:07:58

All right, well, here is this week's Who's that Speaker?

Who's that Speaker? 1:08:00

Ask not what your country can do for you. Ask what you can do for your country.

Andy 1:08:11

Fanfreakintastic. Write me an email message at registrymatterscast@gmail.com. And you will get your five seconds of fame as I announce your name on the next episode. I think we can probably do it at the conference. Larry, I think we can, I think we can, I think we can. We also Larry had a monster number of patrons sign up which I think my plan worked. We had

Charles, John, Scott, Carl, Ryan, and Josiah. Those are all the new patrons that we've had in the last two weeks, and we not only broke 100 patrons we kind of smashed it. So as you can see here in the video, I have my saxophone out. I've been swamped. I can't practice to get ready for it. It'll be after the conference, but it's coming. I'll play the song. I promise it's coming.

Larry 1:09:04

Alright, well not only that, we picked up a new subscriber in a facility in San Diego. We picked up Michael and we don't we don't have enough subscribers yet. And folks, we can really scale this subscription service out and reduce the cost per unit if we have more people doing it. So we need to we need to build our subscription base.

Andy 1:09:25

I like it. Thank you very much to the new subscribers on the snail mail side and also Patreon. I really, really I'm honored and and genuinely humbled by all the patrons that we have. Larry, we we need to go. Is there anything else?

Larry 1:09:40

I think we've done a great job. Pleasure being here.

Andy 1:09:43

I appreciate all the work that you do and thank you. We had a whole bunch of people in chat tonight and good conversation people being silly and whatnot. Helping me do on the fly research which is awesome as well. You can find all of the show notes over at registrymatters.co. People have a hard time. You can find pretty much everything there. registrymatters.co. You can find the phone number there. 747-227-4477 email again is registrymatterscast@gmail.com and as the six people that joined found patreon.com/registrymatters. Twitter, YouTube, Facebook, all of those things are there. If you do become a patron, then you get to join along on the on Discord and listen to listen to us record this live and be silly. There may or may not be a Patreon extra this week. We had a little sideline conversation completely unrelated to what we normally talk about. Alright?

Larry 1:10:44

It was so far disconnected. We're probably gonna have negative feedback, but we did it.

Andy 1:10:51

That's possibly true. Larry, I appreciate it. I hope you have a wonderful rest of your weekend. Thank you everybody in chat and I will talk to you all soon and see you next week at the conference if you do show up. Come by and say hi.

Larry 1:11:03

Thanks, Andy.

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.

Glossary:

- PFR – Person Forced to Register
- NARSOL – Nasional Association for Rational Sexual Offense Laws
- AWA – Adam Walsh Act
- BCC – Bureau of Community Corrections
- CCC – Community Corrections Center
- CCF – Community Corrections Facility
- ICAOS - Interstate Compact for Adult Offender Supervision
- PC – Protective Custody
- PREA - Prison Rape Elimination Act
- DOC – Department of Corrections
- CSL - Community Supervision for Life
- DCS – Department of Community Supervision
- IML – International Megan’s Law
- SOMP – Sex Offender Management Program
- BOP – Bureau of Prisons



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**