



Registry Matters Podcast

Episode 198

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Andy 00:17

Recording live from FYP Studios, east and west. Transmitting across the internet. This is episode 198 of Registry Matters. Good evening, Larry, what is up?

Larry 00:30

Good evening, Andy. This is awesome to be with you again today in FYP Studios East and West.

Andy 00:38

I appreciate you coming in yet again. In our particular case, Larry, I haven't really had any hard times trying to find the proper kinds of labor. I see all these Help Wanted signs and employers saying they can't find good help. But you're here reliably, and I appreciate it.

Larry 00:56

Well, that is true. I do try to drop in every Saturday if I'm invited.

Andy 01:03

I can't see anybody else taking your spot to be honest with you. Maybe Paul Dubbeling. You think Paul Dubbeling would be up for this every Saturday night?

Larry 01:09

Probably not. He actually has a life. I don't.

Andy 01:17

Oh. I bring up Paul Dubbeling because he was one of the feature speakers at the NARSOL conference this past week that was like I don't even remember anything Larry. Because I drive into town. There's all kinds of setup. There's the work the whole time. Then tear down and drive home. It's pretty brutal for me.

Larry 01:36

We would never be able to make it without these tech gurus. You and Craig and others. (Andy: Craig did an amazing job.) He did. I love those speakers up at the ceiling and putting sound all over the auditorium. It was awesome.

Andy 01:57

Um, then just for a description of it. He all like nerdy about it. I mean, he's like, whenever you would start bringing up, like dude, I don't care. Can you just make sound work and just feed me a little cable so I can make the video stuff work? And, but what he did Larry is he put speakers there at the stage for the people that would sit close that want to throw tomatoes at the speakers. And I don't mean speakers, I mean, the presenter. But then sound has a certain speed that it travels at, like 700 miles an hour, with the amount of pressure that we have here. So then he had speakers midway back in the room that were time delayed, so that the sound would leave the stage and then you wouldn't hear an echo and things. I was like, okay, man, like, can you just feed me the signal for the, for the live stream? And but it sounded really

awesome. not without its own little hiccups and problems. But it sounded really good.

Larry 02:56

It did to me, but what do I know? I'm just, I'm just an old participant who turns up my hearing aid if I can't hear it.

Andy 03:06

Yes. Right? But to explain one other piece of this, the way that we were doing it before, and look, I don't know anything about this stuff. It's like hey, let's just put a speaker up on the stage, so then the people in the front row are pelted and you can see their hair swaying to the background. And then but the people in the back can't hear anything. So this helped make it very balanced. It wasn't too loud. It wasn't too soft. I didn't hear a single complaint about the volume of it. So anyway. Anything you want to talk about real quick from the conference?

Larry 03:35

It was awesome. In view of the pandemic, we had a magnificent turnout of people. The presentations I was able to see were spectacular. Well, maybe with an exception or so. But they were good. And I just really enjoyed myself. Met some nice people. Got a new fiancé. I mean, it was awesome.

Andy 03:58

Does this fiancé know about her new role?

Larry 04:02

She has not been informed of that yet.

Andy 04:04

I see. Um, do you want to call her out on this episode?

Larry 04:09

I don't think that would be wise. I have to let her know first.

Andy 04:14

Haha. Very well. will tell me what we have going on this evening on this fine outstanding program Episode 198. Two shy of 200.

Larry 04:24

We have some listener-submitted comments about Corrlinks in our episode 197. And we have a few questions, I think, that I put in that have been submitted at least one from an incarcerated individual. You can't say prisoner or inmate anymore. Remember, incarcerated individual. And we have we have a really deep dive on probation revocation process, and then we have some miscellaneous articles and our miscellaneous mystery speaker. Not miscellaneous, but a mystery speaker tonight.

Andy 04:58

Fan-frickin-tastic. I did not get those questions prepared. And so if you take like a 10 second breather, I will get those things queued up.

Larry 05:11

oh, well, I can babble. I can babble for 10 seconds, usually. So while you're getting those prepared, I can talk about the

conference some more. I mean, this was the 13th annual National Conference, and I've attended 10 of the 13. And they get better and better. I'm partial to the one that was held in New Mexico in 2012. Because of the venue, and the proximity to eating establishments, it was fabulous; the field trips we took. But this was a, this was a great conference, anyone who has not attended a NARSOL conference, if they can afford to, and take the time, it would be a worthwhile experience. You'll meet a lot of nice people that you'll want to have long term relationships with. And it will really inspire you. So look at look at your schedule, and there'll be one in June in Raleigh, North Carolina, and you should consider coming, or at least watching it on the live stream.

Andy 06:04

I concur with that. I had a lot more fun this time. Maybe just because I just knew more people this go round and just was more involved. And social maybe as a way to word it. I was just looking forward to it more than- I don't know, I wasn't so optimistic about it prior to but I've had a much different change of heart. And I think next year, Larry, I think that we should leading up to it, we should get maybe some of the speakers to come on and just have some chats about it. And maybe some of the planner people on about the conference before it goes live and all that.

Larry 06:40

I think that would be awesome. We just never got around to it. We have so many things to cover, but having some of the key presenters come on would be great because that would provide a boost to the conference.

Andy 06:53

Um, let's begin with the one to be read. It says dear friends enclosed is an op ed piece I wrote. It later dawned on me that it might be something of interest to you people. If you have room for it somewhere, and if it seems worthy of use, please give it a good home. If it just doesn't fit anywhere, put it in the circular file. Either way, I leave the choice up to you. Thanks for all you do. I don't see another page of this, Larry.

Larry 07:21

Well, the bio is what I was wanting to focus on.

Andy 07:27

Okay. Yeah. My professional and personal life was destroyed when I was arrested for using a computer to facilitate a child sex crime. Basically, I solicited an undercover cop who had an adult profile on an adult website. Now this sounds like the CAGE people. But who later identified as a 15 year old girl. Now I'm trying to put the past behind me and piece my life back together. Yeah, that sounds exactly like the whole story from the CAGE folks.

Larry 07:54

That's exactly why I put this in here. We had a group called CAGE and you can actually explain that acronym, what it means. But when we had the joint episode with, what's his name, it's escaping me at the moment. But we had this joint episode when I was critical of these things. The reason why I'm critical of these operations is because exactly what he just described. If they had started out as a teenager, and they had solicited them, I don't have a lot of sympathy for him, if he's an adult. But they don't do that in the US that way. They start out as an adult, and then they

morph into a teenager, into a minor. And oftentimes the adult doesn't believe it. They believe it's a part of a roleplay and a fantasy. And this is what the CAGE- What does that stand for? Citizens Against Government Entrapment I think is what it meant (Andy: That is correct, I believe.) And they had they had a booth, exhibit booth, and the exhibitors were awesome.

Andy 08:53

Yes, that was Kathleen, and she will be coming up and being announced as our new patron this week.

Larry 09:00

Well, awesome. But yeah, they had a group of very motivated individuals there that have experienced this entrapment. Again, if they were doing it as the debater on that joint episode, if that's what they were doing in the United States, I don't think most Americans would have a lot of tolerance for that. But that's not what they're doing in the United States in most instances. This is what they're doing.

Andy 09:24

I gotcha. Yeah. If you're on an adult website, I really, I really, really struggle with this one. If you're on an adult website, like I even asked you this last week on the show, I guess. How is that overly different than you go to a club where everyone gets carded, so you can at least assume everyone is over 18 going in there. So if you're on an adult website, and you have the presumption that they have verified their profile, they verified their ages, how do they all of a sudden turn out to be 15? And how did you get messed up for doing that? It just seemed like that's, I think that's entrapment Larry.

Larry 10:02

Wouldn't really be entrapment because entrapment would be when the officer is encouraging you to commit a crime. So being at the bar, unless the officer was the 15-year-old, which is not likely a police officer was going to be a 15-year-old. But what you would have in that case you would run afoul of the strict liability offense schemes. You remember Michigan? Zach Anderson? You remember that he crossed into Michigan from Indiana, and he had a romantic affair with someone who was not of age to give that consent. And it never occurred to him because I think the representation had been that the young lady was of the age to give consent. And then they said, too bad. So sad, strict liability. But the difference you're talking about is very, very blurry. But when you're at a club, you would have the presumption that the person is of age because they'd have bouncers and security. But if you were in Michigan at that club, it begs the question, and that person was underage, since its strict liability, you may be convicted anyway.

Andy 11:09

Mess. What a mess. Well, then let's move over to a question. Says dear Legal Corner. This is someone's Oh, from Virginia again. Firstly, I really appreciate the honesty and insight from the guys on the podcast transcript I received with my question about probation officers helping their homeless clients. Even though they did not have a conclusive answer, it was very helpful. So thank you both. My next question is about internet use. Most, if not all, PFRs have been prohibited from using the internet. Not true. In an age where everything is done in the internet, how can

someone on the registry get that taken off a court order?
Sincerely. Well, so that's not really even a true statement. But where do we go from there Larry?

Larry 11:53

Well, I liked it because he referenced a court order, which tells me that it gets in a court order two ways. It gets in a court order because the court ordered it as a special condition that was uniquely tailored to you. Or it gets in a court order because the court signs an order after the probation people have presented you your general conditions of probation, which they consider some of those standard conditions, such as curfew. All the different things that are standard, you know, traveling outside state or the county without permission. It would be adopted by the court because the probation people would have you sign it, and then the court would just blindly sign it because the offender's been notified of the conditions that is incorporated into a court order. But what I would like to have this writer answer, which I'm sure he will as he writes to us regularly, when you say court order, was that a court order condition of probation at the time of sentencing? Or did it come into it after the fact? Because if the court ordered it at the time of sentencing, it might be it was uniquely tailored to you, in which case, it can more easily survive a constitutional challenge. When they just blanketly apply this condition to everyone who has a sexual offense, therein lies the problem. But they can have severe and extreme restrictions on your internet if they're appropriate for you.

Andy 13:23

I see, um, well, we'll get into some internet usage stuff later in the main segment. So I won't really spoil that here. We did receive some email messages from people with the conversations we had last week about CorrLinks. And so I have it up on the screen, if anybody's watching on YouTube about it. And I'll just summarize that, while I don't think you certainly don't have direct experience with CorrLinks, and I was getting out just before they were putting tablets in the system where I am for people to be able to do what would be considered like email or text message or something like that. So even related back to the one of the people we're going to talk about later, I was able to text him. So I'm texting him on my phone. And there's a kiosk in the dorm that he can log into the kiosk, and he's receiving the messages. So to me, I'm receiving text messages. And on his side, he's receiving what sort of looks like an email system. But this is what the person was kind of describing: says CorrLinks is not an email system. Think of it more like a private message system, such as Facebook Messenger. You must add someone. So people have to be on your approved communication list before you'd be able to send messages back and forth out of them. And then... what else does he go into? Obviously, the rules, there are rules from the BOP, but third of you can use third party message systems, which would be kind of funny, maybe you can kind of hack your way around the system, but that's prohibited by them, which also doesn't surprise me, Larry. And then he goes into describe that inmates don't have access to what we would consider the internet. But what they do is they find information out there. I'm thinking like a place like Wikipedia, and they will have things on there end. They do something called scrape. You know, the term scrape? Because we've talked about that, where we go get addresses off of the registry lists. (Larry: I've heard the term.) And so they'll go scrape web pages that provide the inmates with some level of internet

access, which probably doesn't work all that well. But maybe you get some level of Wikipedia. Probably like, I don't know, 90%, 75% of Wikipedia would be stuff that is like, if you go to the George Bush page, what is going to be on there that they wouldn't want you to have? So I would think that a huge portion of Wikipedia would be stuff that would be approved. I don't know if you could then get it in there. And then the final piece of this is finally, as for who has access to CorrLinks, this is completely arbitrary. I have a distribution of CP case and was given access. Although the prison I was at said if I used email in your crime, you could not have it. Yet people simply use a peer to peer service to download legal images could not. Also, I had a friend who had email access for six years, and then randomly the administration just took it away. He didn't receive an incident report or anything, they just changed their minds. So CorrLinks is a very tricky situation for a lot of people, especially PFRs. Just thought I'd clarify a bit. They'd still be able to key in on every word, Larry, if you said any word. Like if you said bomb or escape, they're probably gonna know about it, and you're gonna have a talking to.

Larry 16:48

Well, I really appreciate that information. I was vaguely familiar because I did have a CorrLinks account. And I finally found it too difficult to manage because of the requests. They were numerous. And then the emails were numerous as well. And they wanted very personalized responses. So I just quit answering and quit accepting any new requests. I think it just kind of died. But I've heard those stories about having access for years and then going to a new institution or maybe a new warden or a new administration coming into an institution and that access being terminated without any answer to that whatsoever. So that is consistent with what I've heard through the years.

Andy 17:30

Gotcha. Oh, I'm sorry. Let's move on to this first one before some fun. And this came from another individual and had a whole bunch of information similar to CorrLinks. But this was part was different. Says Oh, as an aside, as I mentioned, I had a hands-on offense. The other four guys in my therapy group were also hands on. The few CP guys were weeded out due to not taking enough responsibility for victimization. It is sometimes hard for CP offenders to see the victims as real people, as you probably know. But I bring this up because well, I just did an inventory in my head and out of my circle of maybe 15 friends, 13 were hands-on and not CP. I don't know what the circumstances led them to be on the feds. But this admittedly nonscientific sample shows that Larry's broad categorization of almost everyone in the feds being CP doesn't seem accurate. No, they weren't on Indian reservations. Many, like me also either had either concurrent or consecutive state sentences to serve as well. Well, that's a key piece of that component, Larry, I think.

Larry 18:38

Well, that could. That would not be something I had considered. But the hands-on offenses, if that is the only offense, they're going to be prosecuted in the states with rare exceptions because of the lack of federal jurisdiction. When you commit a sexual assault, if you haven't crossed state lines or not on any of reservation or any federal installations, you're not committing a federal crime. And wouldn't it be great if the feds could just come in and prosecute everything that they don't like the way the states are doing it? And

in some instances, they can. (Andy: I was gonna say, don't they do that Larry?) In some instances, they can do that, because they would be... In drugs, there's concurrent jurisdiction and porn possession, that's concurrent jurisdiction with the states and the feds. And some instances, the state will beg the feds to prosecute. Like in our state, our sentencing is less severe than the feds. So in a repeat offender, the district attorneys around the state will say please Feds Will you take this? And oftentimes they do if it's a well put together case. They don't like cases that are not put together well, because they intend to extract a plea, or be able to convict you if if you have the courage to go to trial and pay that trial penalty. Which we're going to talk about, possibly one of the articles that came up about the trial penalty. But yes, if you were to ask the BOP for the statistics, you would see that overwhelmingly the number of sexual offenses would be computer related. Be it internet solicitation, crossing state lines with intent of engaging in sexual activity, or possession and distribution. But that is like you have said to me of fairly unscientific sampling of just 15 people.

Andy 20:19

If you lived in a city like I think Louisville is right there on the border with Indiana, I think that's correct. Or in Augusta, Georgia, you're right there next to South Carolina, it would be super easy to without really... Like being in the middle of the state, how far are you from a state line, Larry?

Larry 20:40

Well, merely traveling to another state to break that state's law doesn't give the feds jurisdiction. So that alone isn't enough. If you travel from New Mexico to Texas, and you commit a sexual assault in Texas, you haven't broken federal law, unless you arranged that online, that it was in somehow facilitated through those mechanisms of Interstate. But if you just simply get in the car go to Texas and perv on a minor, you haven't committed a federal crime.

Andy 21:04

I'm sorry, what did you do Larry?

Larry 21:08

If you were to, if you were a perv on a minor.

Andy 21:13

Hahaha. I don't think you've ever termed it that way on the program before. I might need you to give me the expert analysis of what that term...

Larry 21:25

Perving would be something that was by either by legal or societal standards, not acceptable sexual behavior. So you could actually be doing something that's legal, but it would be considered perving by society. So an example that'd be like a 60 year old, hitting on a 25 year old. That would be completely legal, but a lot would consider that perving.

Andy 21:47

I see. Okay. Hey, Larry. Let's have some Halloween fun. Are you ready for this?

Larry 21:51

I have heard of 60-year-olds perving on 25-year-olds before.

Andy 21:55

I've definitely heard of this. Like 25-year-olds even. What do you think? 25-year-olds?

Larry 21:59

Yes, that's what I said. I've heard of 60-year-olds perving on 25-year-olds very recently.

Andy 22:03

Okay, nevermind. I had the numbers wrong in my head. Alright. Um, a couple people reached out to me over the past week or so and they sent me their registry office, their Sheriff's Office restrictions for Halloween and I have a funny one at the end.

Larry 22:21

Funny? Now nothing's ever funny with you. So, I've got to see this funny.

Andy 22:24

This one's funny at the end. The first two are like, if you don't follow the rules, you're going to die. This one comes from Florida, says Be advised that your status as a state registered sexual predator or offender could prohibit unsupervised contact with children. You may be prohibited from participating in Halloween activities. Be aware that displaying Halloween decorations could entice or lure children to your residence. The Hillsborough County Sheriff's Office will be monitoring activities on or about October 31, 2021, to ensure compliance with prohibitions relative to the status of being a sexual predator or offender. Failure to comply with these prohibitions may result in a violation of Florida state statute and you may be subject to arrest. That's pretty serious Larry.

Larry 23:15

It does sound very serious. It sounds as though just merely being registered that applies to them, which is not generally the case. At least not in my state.

Andy 23:24

You'll see when we get to the next one how the way that it's worded, it says basically the same thing. Different state. What did you just send me? Oh, you sent me another one for the basically the same thing. What state is that?

Larry 23:41

That's New Mexico.

Andy 23:43

Okay. Do you want me to put up on the screen? (Larry: Sure.) Okay, let me... course you send it to me in the most awkward way possible.

Larry 23:52

Well, how would you like it? I'll send it to you another way.

Andy 23:55

If you could email it to me. You do that while I do this.

Larry 24:00

I'll be delighted to do that.

Andy 24:02

I just didn't have an easy way for me to get that out and up on the screen. So this one comes from Georgia. It says... now listen to the words carefully Larry, it says all registered sex offenders or offenders with sex offender special conditions supervised by the Georgia Department of Community supervision shall adhere to the following instructions for Halloween. These specific instructions will expire on November 1. All court ordered conditions will remain in effect. These Halloween instructions are only for Halloween and do not change your daily curfew requirements. This is the part that I find really funny Larry. You will have a curfew on Saturday 10/30/21 and Sunday 10/31/21 from 6pm to 6am. Do not decorate inside or outside. Do not wear Halloween costume. Passing out candy or other trick or treat activities are prohibited. You will not participate or attend any Halloween festivities to include festivals, if you were scheduled to work during the times, blah, blah, blah, remain inside your home with all outside lights off. If there's an emergency and you need to leave your residence, there must be verifiable proof of the emergency and you have to contact your officer immediately. Any unauthorized contact with minors could result in a violation of your supervision. That says all registers, all PFRs. Larry.

Larry 25:30

But it also qualifies it as supervised by the Georgia Department of Corrections. I mean, it does start out saying all, but it does qualify. There's a qualifier in there.

Andy 25:40

So when does all not mean all? I mean, this does say the Dept. of committee supervisions. For those that are not on supervision, is that where you're going with this?

Larry 25:48

When you said all persons required to register, there's a part that says supervised by the Department of whatever it said. (Andy: Mhm?) So, that qualifies it.

Andy 26:01

I don't know, man, it says "or." So the first four words all registered PFRs, or offenders with special conditions supervised by the Department of Community supervision.

Larry 26:10

okay, I didn't catch that part. So yeah, it does sound like that's everybody. So that is very vulnerable to challenge because there's no law in Georgia that tells you that you can't do that. Those are conditions supervision. So there again, if I were in Georgia, I would be tempted to tell the sheriff served that one me to go take a flying leap. I said be tempted. I don't know that I would do it. I'd have to evaluate everything, but there would not be anything they could prosecute you for if you're not under supervision.

Andy 26:38

But the second part of that, though, is the Saturday part too. I was like sweet, Halloweens on Sunday this year. Like let's go out and have fun on Saturday night. Oh, put the brakes on that. Saturday is also included for this.

Larry 26:51

So even though they couldn't prosecute you, here's what they could and likely would do. Even though they would not have anything that could put in a criminal complaint in the state of Georgia because it's not against Georgia law last time I looked. But what they would do is they would hassle you regarding your registration. They would try to find the technicality because failure to comply is a significant offense, and they would find some nuance of registration... if nothing more, they would go with a nice glossy eight by 10, or 11 by 15 photo of you and they would go shopping around to your neighbors saying, you know, if you see anything suspicious about this person, make sure you let us know. They would give a hotline number and all your neighbors would be terrified of your presence. So even though they couldn't prosecute you, they could make your life a living hell. So I'm not advising anyone to do that. But I'm just saying I would be tempted to do it.

Andy 27:41

I understand. So Alright, well then let's move over to the third one, and I have to explain one little piece of this. This is from the Maryland. The one with the weird flag Larry. Says to all comet supervisees, and I said what the hell is a comet? Do you know what a comet is?

Larry 28:02

Well, I think I remember Halley's Comet I was here the first time it went around the solar system.

Andy 28:09

Comet is collaborative offender management enforced treatment program. Wow, that's a word salad right there. So to all COMET supervisees. Halloween is a holiday focused almost exclusively on children and the enjoyment they experience wandering through their neighborhoods interacting with neighbors, and strangers alike. The arrival of Halloween, however, can also lead to increased concern among other family members over the safety of their children. This is due in part to their awareness of the presence in their neighborhoods of individuals who have been convicted of sexual offenses. We know that you have concerns of your own about the often-negative reactions of your neighbors to the knowledge that you are living among them. It is not as apparent to them as it is to us that most of you are genuinely engaged in the difficult task of rebuilding your lives, of trying to find a stable home, as a steady job and some small measure of peace and happiness. This is where it gets super fun Larry. This holiday provides an opportunity for you to clearly display that determination to the community. To demonstrate that you are making a sincere effort to change the direction of your life and thus regain their acceptance. For this reason, and also to protect you from possible misunderstandings and allegations, we are requiring your commitment to the following approach, which we believe will allow everyone, children, their families and you to experience the holiday without undue anxiety. Wow Larry. We would like you to be home between five and 9pm on Halloween. Keep your porch lights off and do not answer your door to trick or treaters. This commitment on your part represents a quiet but very meaningful contribution to an enjoyable, uneventful Halloween. It will also hopefully convey to the community a more positive message about you than it is likely to get from any other source. Wow, Larry, this is for you, not for us. But for you.

Larry 30:22

You have to give them credit. They did put a lot of effort into creativity and composition. And they didn't come across heavy handed, like "you will not" and "You shall not" like the way the previous ones and the next one you're going to read does. You have to give them credit. They tried to be gentle about it.

Andy 30:42

They did, they did, they did. I agree with you. I just find it to be funny that they put the onus on you saying that you are going to comply. It's just a funny way that they worded it. And in one second, Larry, I will have this thing pulled up on the screen. This one is our final one. And it is from New Mexico. And this one is... and I really don't want to have that person's name up there. But you agree to the following rules for Sunday, October 31. And understand that failure to abide by any of the rules listed below will result in my immediate arrest and full violation of my probation and/or parole. I agree to be at the adult probation parole office from four to 10 PM. Holy crap. And when I return home, I agree to the following: I will keep my porch lights off on that day. I will not set up any Halloween decorations outside or inside my residence. Because you know, Larry, the people on the outside, they can see inside your walls, and they can see that you have spooky decorations on your walls. I agree that I will not pass out candy or to trick or treaters. I agree I will not open the door. I will not have any guests. Wait a minute. I can't even have guests? Why can't I have guests, Larry?

Larry 32:03

I don't know, you'd have to ask New Mexico probation.

Andy 32:06

I don't get that one. Like it. So you're just supposed to sit at home in the dark and hang out by yourself? That's ridiculous.

Larry 32:14

Well, what they would argue would be that, during that period, they're going to be doing home visits. And this would be disruptive because the guest wouldn't understand when we come in with guns and we might toss your place. Truthfully, they don't want that. But that would be one reason they would not want anyone there is in case they come to toss your house.

Andy 32:35

But you just spent six hours... Says be sure to bring your own food and drinks and a lunch bag, you are required to wear your mask during the times. You're gonna wear your mask for six hours now. And social distancing will be required. So not only do you get to spend six hours, basically by yourself with a mask on, then you get to go home and be alone for the rest of the night. It doesn't say when it ends, though. You will remain on house arrest until 6am November 1. Holy crap. Back to the GA one, I spoke to the person who sent me that and I said, why are they doing it two nights? And they said because the community hasn't decided which night we're going to do Halloween, whether it'll be Saturday night or Sunday night. So they're just covering their bases by locking you up for both nights.

Larry 33:24

So that doesn't surprise me. And the other answer is because they can.

Andy 33:30

Yeah, right, right. Right, right. Oh my god, this is ridiculous. And I'm sure we'll have more. So I guess I'll set up that if you find one that first of all, if it's funnier than that Maryland one, by all means, send it in. And if it is far shittier than these other ones, by all means, send that one in. If it says anything about being bounding, gagged while you're at home by the probation officers and whatnot, then by all means, send that one in. Good grief, man. So that's all of that. That's all.

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Andy 34:47

We are at our feature segment, I believe.

Larry 34:50

Well, we're gonna do new patrons later, I guess? Okay. (Andy: Yeah. We always do that at the end.) All right. I've got old timers.

Andy 34:58

Yep, I know. It's been a while since we've had some sort of run sheet to follow. Let's go here. It says, we want to spend some time discussing revocations, because two of our close personal friends have recently had their probation revoked. And I think it would be good if the audience understood some key points of the revocation process. Are you people okay with that, Larry?

Larry 35:21

I don't guess I have any choice if that's what you people have decided we're gonna do tonight

Andy 35:26

It is definitely what I want to do. Um, and we both know both individuals. And so do you want to head down this path?

Larry 35:39

Sure. I know both individuals. And I think this is a wonderful topic. And I think we can do it some justice. I just want to clarify, we're discussing probation revocation, rather than parole revocation or supervised release revocation.

Andy 35:57

In this case, Larry, both people, they were on probation and not parole. It's okay to say the state at this point Larry? (Larry: Sure.) This is both in Georgia, one of them been out for a decent amount of time, one of them not a decent amount of time. Can you explain what the difference between revocation for parole versus revocation for probation would be?

Larry 36:23

Sure. Let me begin by saying, when I use the term supervised release, I'm referring to the federal system only. Some states also use that terminology. And I'm not qualified to talk about supervised release as it exists in the various states. But probation is a sentence imposed by a judge, which permits an offender to serve the sentence in the community provided that the person abides by conditions that are attached. And it's very important to understand that probation can only be revoked by a court, usually upon the request of the supervising authorities. And on the other hand, parole is entirely different. Generally speaking, parole is a conditional release from prison of a person prior to the expiration of their sentence. And it's granted by the parole board or various administrators. That conditional release can be revoked administratively via a process which a person never gets to see a judge and in many instances are not even permitted to have an attorney present. So that's the big difference. A court is going to revoke your probation.

Andy 37:23

All right, but before we dig into the nuances of probation revocations, I've heard you people talk about meritorious parole versus parole, as it exists in New Mexico. Can you explain meritorious parole?

Larry 37:37

Sure, I can do that. Meritorious parole is an early release from prison that an offender earns by good behavior and participating in rehabilitative programs while in prison. For example, the person may have been sentenced to 10 years, but the laws of the state by permit parole after serving a specific percentage of that 10-year sentence. Maybe it's 30%. Maybe it's 40, who knows? But for purposes of this discussion, let's say the person was granted parole after serving four years. The offender still owes the state six more years, which they are serving in the community. That conditional release from prison on parole can be terminated for even a minor transgression by an administrative process. The offender will likely appear before a parole board hearing officer rather than a judge and without the assistance of counsel in many instances. That is what meritorious parole is. You get out early. New Mexico doesn't have meritorious parole.

Andy 38:33

Okay, so then how was parole different in New Mexico?

Larry 38:38

Well, New Mexico is more similar to the federal system. Actually, it's practically identical in that we do not have meritorious parole. An offender must serve their entire sentence which is only reduced by good time, which can be up to 50% or it can be as little as 15%. Once the sentence has been completed, the offender is then required to serve a period which we call parole that is generally two years. Unfortunately for PFRs, the parole period is indeterminate. That PFR is under the parole board's control for that period, which means he or she can be revoked administratively for the slightest violation. So basically, what you have his two sentences. You have your sentenced of your 10 years which you served, either 50 or 85% of assuming you didn't lose any of your good time. Then you roll into your second sentence, which is imposed by statute, which in most cases is two years.

There're a few offenses for which the prescribed period of parole is one year, but for many of the sexual offences, it's five to 20 or five to life. But again, you're under the parole board, and they can yank you around without that due process we're going to talk about that exists for a probation.

Andy 39:45

Well, then let's move into a probation revocation proceeding. What is the most common process used for initiating a probation revocation proceeding?

Larry 39:57

Now that's relatively identical or very similar across the country. The probation officer will initiate the process through the prosecuting attorney's office who will file a motion or petition to revoke the person's supervision. In some states the probation officer also has arrest and detain powers, which means that the person can be arrested simply on the order of the PO before the judge is even involved. In other states, the court issues a warrant for the arrest of the probation which results in the person being booked into jail, or what is referred to as a PV. In very rare instances, the person might be issued a summons to appear before a judge regarding the PV but that is exceedingly rare.

Andy 40:36

Can expand on that? A person might be issued a summons to appear.

Larry 40:43

Well, that would like the same as being arrested. It would be if you don't respond to the summons, you would be arrested. But rather than arresting you, some states allow leniency, particularly for minor technical violations. The offender would be summoned to court rather than being arrested. And failure to respond to that summons would also result in your arrest. But that's rare, but it does happen. There are cases where a person is given a summons rather than being arrested.

Andy 41:11

Okay, so once the person has hauled into jail, just like the normal side of things, like the normal felony side of things, you can make bond, right?

Larry 41:21

Unfortunately, it doesn't work that way for violations of probation. In most instances, the person will sit in jail pending the outcome of the judicial proceedings.

Andy 41:32

So I heard from, I mean, at least one state lets you get bond. And that's North Carolina, as far as I understand. And I could have that wrong. But I heard that while we're going through all this one, these people were sitting in jail for three months and someone in North Carolina was like, why don't they bond out? Because we don't have it in this state. But apparently, they have it in North Carolina?

Larry 41:55

Well, many states the statute will read that a person can be released on bond, but it just doesn't happen very often. Because remember, you have been convicted of an offense. And

particularly depending on the seriousness of the of the probation violation, as it's alleged, it's subjective whether or not the community would be protected by allowing you to be out on bond because you're already convicted person. Remember, when you get bond, initially, you're not a convicted person. There's a presumption of innocence. You do not enjoy that presumption once you're convicted, and you're on probation. But yes, most states have it. Our state has that, that a person can be released on bond, but it rarely happens.

Andy 42:32

I don't think Georgia has it at all.

Larry 42:35

I think they actually do, but it is seldom happens.

Andy 42:38

Um, and so in my brain, in my little feeble brain, Larry, parole is you are literally still in prison, they have just decided to let you go home early. And probation is kind of like when you go to a new job and you're on a probationary period, you have completed your prison sentence, but we're going to keep a closer eye on you for a period of time. So you're still within the system, you're just not completely... you don't have all of your rights back, particularly your Second Amendment, you probably don't really have all your first amendment ones, and you definitely don't have Fourth Amendment ones.

Larry 43:13

Well think of probation a little bit different. I mean, that scenario does exist a lot in Georgia where they do split sentences where you'll get five years in prison, or you get 20 years in prison and some probation. But oftentimes people never go to prison to start with, they get probation from the beginning. So you've never gone to prison from the beginning of your offense, and that seems so shocking to people. But we've had many episodes recently where we've talked about people who got probation in the beginning. It does happen, maybe not so much in Houston county or the rural Georgia counties, but it does happen.

Andy 43:48

Alright, well, let's go into the actual process of a revocation and maybe discuss some general terms. The two individuals we both know, neither of them was released from jail pending the resolution of the probation violation, and both of them wanted a full blown revocation hearing. I thought you people said that most plead guilty. Neither these two chose to plead guilty. Can you explain the process that would have transpired since they denied the violation?

Larry 44:14

Sure, the person is not actually asked to plead guilty or not guilty as they do in a regular criminal proceeding. The person is actually asked to admit or deny the violation(s). In most instances, the attorney representing the offender negotiates with the prosecutor for an outcome that minimizes the penalty for the violation. If the two sides come to an agreement, the offender admits and the sentence is pronounced. If they cannot agree, as was the case in this situation, then the PV proceeds, the probation violations go to a full-blown revocation hearing. And the court decides if there is sufficient evidence.

Andy 44:52

Does this include like a jury, any grand jury, anything of that sort? Or is this almost like a bench trial?

Larry 44:59

It's always like bench trial. You're already convicted, so revocation will be before a judge.

Andy 45:07

All right, let's move over to the case from the southern part of the state first. The PFR was found in possession of more than 50 nude images of adult women on his phone. In addition, he had his own polygraph device. As far as I know, Larry, it's not illegal, nor is it a violation of probation to own your own Kabuki machine. They searched his phone because he had shown deception on a polygraph exam. You people have pontificated for years that no one has ever been revoked for showing deception on a polygraph test. Are you finally ready, Larry? Do we need to put you on the couch and have like an intervention? Are you ready to admit that you were wrong?

Larry 45:46

Well, I think I admitted at our last podcast, I was wrong. But I'm not ready to admit that on this because that's not the situation. The petition did not say... because I actually was provided the petition by you. It didn't say was be revoked for failing a polygraph. The petition was brought to the attention of the court because of the images they found on his phone. He was not revoked for showing deception. Reality is that they stepped up his supervision based on his showing deception on the polygraph test. And then they found the incriminating photos as a result of that stepped-up supervision. But they did not petition to revoke him because of him showing deception on a polygraph. So no, I can't make that admission today.

Andy 46:35

You know, I don't think I've ever shared with you: I called down there to get that the revocation hearing document, and the woman asked me to email her, and then she would reply to me with that document. I said, Great. And I had the Registry Batters Gmail account pulled up, and I emailed her from that account. (Larry: Hahaha.) Whoops. Um, but on that part, is it just that easy to get the revocation document? Just like call the clerk and say, Hi, Matilda, can I get this thing? And they send it over to you?

Larry 47:11

Yes, they are public documents. You actually had a very sweet experience. Trying to get the document on the other offender from Northern Georgia, it was a lot more difficult to get that petition, but I did ultimately see that one as well.

Andy 47:25

Oh, did you? Okay, I didn't know that you had finally gotten it. All right. Well, you are correct, that there's usually an offer made to get the person to admit. In the first case, the original offer - I had to edit this a little bit Larry - In the first case, the original offer was seven years. And if he took it there when he went to his initial court hearing, it would have been five. But then when they finally got to the hearing, the offer was four years and his attorney

obviously sought time served. The sentence was two years. Does this mean that his Attorney won?

Larry 47:58

Oh, absolutely it means that it's an amazing outcome. When the prosecution is seeking seven or five years, and you only get two, that is a win, because even though he did suffer revocation, the court was not convinced that this was so serious that it merited a long prison sentence, although two years is a long time. It really is. But yes, that is definitely a win.

Andy 48:22

Hey, can we dig around for a second? There's another thing I want to go over. But for this part, we've talked about, he thinks it's possible that he's going to get home early, like after nine months, let's say. And I was wondering, when you go back on some kind of violation, do you go back in there under the original crime or you going in under just the violation? You know, probation violation level jaywalking, as opposed to... because he didn't have a new felony. So he's just in there for some technical violation. So shouldn't he have just a couple years to do.

Larry 49:01

I don't believe that would be the case. He's actually in for the sexual offense, the offense he's convicted of. He violated the grace of the court to be allowed to serve that sentence in the community. So it doesn't change what he's in serving incarceration for. He's a convicted felon for the sexual offenses as shown on his sentencing document. And I do believe that Georgia Department of Corrections will calculate his time as if he had been sentenced from the get-go to that amount of time. Because that's the type of offender he is. I hope I'm wrong, but I don't believe it's gonna make any difference.

Andy 49:32

I don't want to be like a jerk and argue with you, but the mandatory minimum for the crime would be five years. So we're already outside of those guidelines. (Larry: What do you mean we're outside those guidelines?) For the crime that he is in for, it's a mandatory minimum of five years, but he's only going to do two, so that's outside of what the mandatory minimum would be.

Larry 49:55

Didn't he already get the sentence to begin with? He's out of prison already.

Andy 50:00

True. So this would just be on top of... (Larry: Yes.) So this isn't his 12 year sentence, this is now 14 year sentence.

Larry 50:06

Well, no, it's all gonna fit within the original sentence. I mean, they don't gain any additional jurisdiction. So whatever the maximum sentence was at the time, that's all he's gonna have, but he's serving the remainder, or at least a portion of the remainder in custody. He's already met the mandatory minimum.

Andy 50:25

Yeah, no, I okay, I got you on that. So he did 12 years in. So now we're just going to add two more, which will make it 14. He has a 20-year sentence total.

Larry 50:34

So he'll come out with some more probation. Some more supervision.

Andy 50:38

Yeah, I gotcha. So how was a probation violation proceeding different in terms of testimony and admissibility of evidence? Yes, this is definitely a subject that I want to get into. And what do they have to do to prove whatever that you've done the wrong things when they go into court? Is it the same standard that you would get when you go to a jury trial?

Larry 50:58

Oh, no, not even close. The process is far less structured than what's required for a person in the guilt or innocence phase of a normal proceeding. It's much easier to get hearsay admitted, and the burden of proof is far, far less.

Andy 51:14

What is the burden of proof in a PV proceeding? And how is it different? So like, I guess for a criminal, it would be... what's the term? I always forget the term. (Larry: Beyond a reasonable doubt.) Beyond reasonable doubt, like I beyond a shadow of a doubt. No, it's not that high. So beyond a reasonable doubt, and it's similar to this.

Larry 51:38

Not at all. When a person is accused of crime, there was the presumption of innocence and the prosecution must prove that beyond a reasonable doubt. In a probation violation proceeding, the person stands before the court as a convicted person who's serving their sentence in the community as a matter of grace. Therefore, the burden is far lower as it should be. The burden varies from a preponderance of the evidence, which is slightly more than 50, to in some statutes like in Arkansas, it's more likely than not. There's also generally a willful component, but that must be shown by the prosecution. For example, say a person is stranded late at night, and they happen to live in a community that has public transportation, and the last bus has already come and gone. And they accept a ride from a stranger. The police pull over the driver of the vehicle, and they find drugs. So technically, that's not a good situation for a probationer to be in. But the probationer, their defense would be that there was no willful element of that violation. Yes, there was drugs within three feet of me. But I had no idea that they were there. Nor did I intend to be in the proximity of drugs. I was merely trying to get home. I missed the last bus because I worked late. So they would never be able to meet the willful element. But so in that instance, I would suggest that the person might want to go to a full blown PV hearing on that, because I don't think they could show the willful violation.

Andy 53:05

In the case of the PFR from the southern part of the state, he is adamant that he wants to appeal and we can go into that in a little bit. But his attorney, I finally like held his attorneys' feet to the fire, and I said, would you recommend that he file an appeal? And he was like, it's probably not going to work for him. Why would the attorney not want to make an extra X amount of dollars?

Larry 53:27

Well, because this would be an example of an honest attorney. Based on my knowledge of the facts of this particular probation violation, there are actually no meritorious grounds for an appeal. Any appeal of a probation revocation is almost futile from the beginning because the person is already convicted and serving their sentence in the community. Since the legal standard for revocation is very low, an appellate court is not likely to overturn the trial judge's determination that there was evidence that was sufficient to merit the revocation. In this particular case, there was plenty of evidence. The polygraph machine had nothing to do with it. It was the images that had everything to do with

Andy 54:07

Let's stick around that for just a minute if you don't mind. We've talked about something where they have the right to come in and check your stuff whenever they want to. They can come in and do it whenever they want to. In my experience, the guy would come around monthly and he would like walk through the house, he would open up the fridge and see if there was anything inside but he did not go toss my house. They could have confiscated my computers whenever they wanted to, I suppose. But this individual is adamant that because of the polygraph, that's why they were able to come in the house, and they word it that way. And without that, then they would never have found the images on the phone.

Larry 54:56

He's correct on all accounts. You're correct that they have the right to come in. You're extremely fortunate. In this jurisdiction, they would toss your house just because they can. The respect you enjoyed is not often afforded to people here. It's just a matter of, they're going to check their little boxes on their list and see when the last time they tossed your house. And if it hasn't come up recently for a tossing, you're going to get that here. But in his case, the Kabuki machine, as you refer to it, is what caused them to step up supervision. That's exactly what they would have done here if you showed deception. They would have increased your supervision. They would not file a petition to revoke your probation because you showed deception. But they would, depending on the subject of the deception and concern of the polygraph examiner, they would increase your supervision to try to identify if you were doing those things that were showing a reaction on the machine. And that's what they did. They decided "well, he's showing some deception." I don't know what the deception was because I don't have that question. But they decided to examine his devices. And guess what? There were things on the devices.

Andy 56:10

There was a term that you had used though and I completely blank on what you had said. But they can come in six deep whenever they want to, if they want to as just part of their normal monitoring, supervising whatever the terms are that you want to use. They can just do whatever they want to just cause.

Larry 56:31

I don't want to say they can do that in all jurisdictions. But there may be protections in some states where they have to have some kind of level of cause, some reasonable suspicion of a violation. But in this jurisdiction, no such statute exists to my knowledge. And here, they can do it because it's a matter of thorough,

comprehensive supervision. And they would come in and do it when they felt like it and there wouldn't be anything you could do about it. You couldn't get a redress, because the statute doesn't prohibit them from doing that. But I have heard, I think even in Georgia, I think that a former attorney that used to work with us said that there had to be some level of suspicion. But I think again, the deception on the polygraph would raise their suspicion. See people confuse the fact that it's not admissible in court to mean that it can't be used in any way, shape or form. They didn't use it in court, they used it to increase supervision and guess what? It paid off.

Andy 57:28

Would there be any exceptions to this? When would a revocation be overturned on appeal? is Going back to being so hell bent on having an appeal done?

Larry 57:39

Well, if the argument on appeal is that the evidence was not sufficient, that argument is doomed from the beginning since it only takes the slightest of evidence. You have all these conditions you need to abide by. And if the evidence is more likely than not that you violated those conditions, then sufficiency of evidence would not be great for an appeal. So that would be doomed almost from the get-go. But an appeal might be successful in situations where the trial court sentences the person to more time than was actually authorized by law. For example, Georgia gives credit for all time served on probation against the remainder of the term of probation. If the judge miscalculated and sentenced the person more than what was authorized by law, that would be overturned on an appeal. Another example might be if the person was not represented by counsel and had not actually waived that right, that revocation might be overturned on appeal as well, because you do have the right in probation revocations to have counsel. So that person would not get out free, they would not get to go home from jail free, but it would be remanded with instructions they get that person lawyered up, and they ordered them to have a new probation revocation hearing. But it's really an extreme longshot. In this particular case, it's such a long shot that I think that he would be better off to save his money for canteen.

Andy 59:01

This is a question that I definitely want to want to get into. So the person that we've been discussing genuinely wants to help others. He's really interested Larry, in pushing the ball forward and having good case law that we can use to support the cause. Does his facts as you know them make it possible for such an appeal to be beneficial to the universe of PFRs supervised in Georgia?

Larry 59:26

I'm afraid not. The only way this case would be beneficial to PFRs as a group would be if he had argued to the trial court that the special condition that he stands in violation of that forbade him from looking at provocative images was unconstitutional as applied to him since they were adults. As far as I know, he did not make that argument below, meaning before the trial judge which means that it's very unlikely that an appellate court would even consider that on appeal. But that was how he would have set it up. He would have he would have said Hey, Judge, this is not constitutional as applied to me. This is an unreasonable condition because I am trying to rehabilitate, and the rehabilitation has

worked phenomenally. And I'm looking at appropriate images, which is what the therapy environment has encouraged us to... There's a segment called thinking errors. And they try to focus on getting you beyond thinking errors. And he would say it's worked beautifully. I don't have those thinking errors, I'm thinking correctly now. And this is a condition that is totally appropriate. Now that would assume that his conviction related to a minor. If he's now focusing his sexual urges on an adult, he could say this condition is too broad and too intrusive. But he needed to make that argument before. He can't make that argument on appeal now. The only thing he could do now is throw his lawyer under the bus and say his lawyer was totally ineffective. And he suggested all this strategy and the lawyer poopooed it. But other than that, he doesn't have an appellate claim because it wasn't raised below.

Andy 1:01:01

That sounds like summary judgment. I'm not saying it is. But it sounds very much like summary judgment, the way that you've worded that, that if he didn't raise the condition, the situation, during his court hearing, then you can't bring it up to the appeals court.

Larry 1:01:14

Sort of, but the theory behind that is that... I mean, everybody likes a second bite at the apple. So if you think of something as an afterthought that you should have done, appellate courts are very unlikely to review that because it wasn't argued below. So the evidentiary record wasn't built below in terms of that it hasn't been developed, which is what you're getting at. There's nothing for the appellate court to review. The appellate court won't know if this condition was unconstitutional, as applied to him, because they won't know all the nuances of how this condition came to be, and what his argument would have been. Why the condition was unconstitutional as applied to him. So they're not going to do all that fact finding, and they're not going to give him another bite at the apple. The only way he would be able to get that bite of the apple, in my opinion, would be if he said, My lawyer was ineffective, and that's a tough one to make. Because this lawyer was a very effective, and the appellate court would look at that and say you were looking at seven years, and then five, and you got two. There's not an appellate court that I can think of that wouldn't find that to be a very effective representation, because the outcome was spectacular compared to what the potential bad outcome could have been.

Andy 1:02:27

Larry, something that came up in this with my conversations was that you have conditions of probation, and then you have the special conditions of probation. And so a condition of probation is something like following your curfew. Whereas the special conditions of probation as it relates to PFRs are things like what we've just been describing of looking at nude images of adults. When you do have some kind of revocation, does it matter if we compare it. If one person is just late for curfew a bunch of times and then one person has these 50 images, are they going to treat you the same when you finally go to court?

Larry 1:03:05

Special conditions are generally looked at as they're more important, not that conditions of probation.... the standard conditions are important, but those are going to be applied to

everybody. You're going to be told to follow the instructions and report as directed, you're going to be told not to leave the jurisdiction without proper permit. That that's going to apply to any offender. But a special condition is theoretically tailored to you. That's why it's called a special condition. So if you're disregarding the very thing that allowed you the conditional liberty... For example, if you need counseling, and the court is convinced that you would not have committed that offense without counseling, this is outside the universes of sexual offenses, but any type of offense. If you have an anger management problem, and the court's convinced that you're a great person, but you're having issues managing your anger. If you're not seeking to comply with that condition to manage your anger and to get the treatment, the court is going to view that a lot more seriously than if you miss a curfew. Well, you don't need to be missing curfew, you don't need to be missing a report to your probation officer as directed. But if you're thumbing your nose at counseling, which is going to help you become a law-abiding citizen, that's going to be more significant in terms of the level of severity when the judge looks at that violation.

Andy 1:04:27

Interesting. Okay. I have two final questions, Larry. Says when this happens to one of your people, a family or friend gets sent up the river, someone has to step in and take care of their affairs. Depending on the length of time for the reincarceration, if it's short enough, if there are resources available, money in the bank or income coming in, maybe just maintain course, like just keep paying the utilities and pay the bills. Just put things on a holding pattern until the person is released. Is there liability for the person that steps in to take over these roles?

Larry 1:05:01

Now remember, that's outside of any formal legal training I've had.

Andy 1:05:05

But I'm saying this is as like Uncle Larry, that has worked near law for umpteen million years,

Larry 1:05:11

I would say that there would be risk for that because financial matters are very sensitive and personal. And if there's any level of decision making you need, you or whoever that person is, would need permission to make those decisions. So that's usually achieved by a power of attorney or some document that's drawn up giving the scope of that authority of what decisions can be made. And I would feel very uneasy managing someone's affairs without their permission to do that. I would very much admire a person who was willing to step in and do that, fulfill those roles, because they're needed. People can end up losing everything, because nobody to take care of things. So if there's a person who step forward in this case, I would encourage them to work with the person's attorney, get some kind of document drawn up. If that attorney doesn't know how to do it, go to another attorney and get a document drawn up. And if that person's already in prison, it's gonna be a little bit more difficult, because the visits gonna have to be arranged at the state prison, wherever he's assigned in Georgia to get that document signed. I don't know that it can be done by just mailing it. It needs to be witnessed, and someone's got to witness it, make sure that it's legit. (Andy:

There's notaries in prison if I'm not mistaken.) If they do, that would be a good thing to do to get a document representing the scope of the services and get that signed. And I would want it from whenever this person stepped in, I would want it to say effective on that date. Whenever that administration began.

Andy 1:06:40

Okay, well, that was my final question. I was like you do work in the legal field, right, Larry? I was gonna ask you that question. So something of a power of attorney... can it just be like scribbled down on a piece of on a napkin and go, Hey, I'm going to take care of your crap while you're gone. Sign here. Is that enough?

Larry 1:06:59

Well, the more legit, the better. I would try my best to have it drawn up professionally. You're talking about a few \$100. I would not put it on a scrap piece of paper. I would want it to look authentic and be enforceable. Because this person could come out of prison angry. This person right now is angry that that the two years was imposed, and I'm very disappointed. I wish it had been time served. But the prosecution wouldn't budge. They weren't interested in doing anything. They said, this is the second violation. And you know, this guy needs to pay dearly. He's lucky he's not paying more dearly than what he's paying. But two years is plenty of time.

Andy 1:07:39

Do you recommend using any of the services like Legal Zoom or anything like that to do a power of attorney?

Larry 1:07:46

I'm old fashioned. I would prefer to, since the unique circumstance of this person being in prison, I prefer that a person understands the unique situation that they draft this. It's up to you. Everybody wants to do it on the cheap and on the fly.

Andy 1:08:04

Yeah, yeah. Yeah. All right, Larry, I think we've covered this for, like 30 minutes about, and I think we have covered it like, magnificently.

Larry 1:08:14

Well, I was glad to be a help. This is an area where I actually do have considerable experience helping with PVs. And I feel like that there's enough similarity around the country that you've got the basics of how it's gonna work. And someone's gonna write in and say, Well, no, it doesn't work that way. And yes, it might work slightly different in your jurisdiction, but we've covered the basics pretty thoroughly.

Andy 1:08:37

Then, let's quickly cover this article that showed up on the radar in the last couple of days. It says Tennessee lawmakers discuss changes to keep the state's PFR registry from being struck down. This is this coming from WPLN National Public Radio. It's a really short article, but it appears Larry... is Tennessee in the same district that Michigan is in? I think that's correct.

Larry 1:09:03

Yes, they're in the same circuit. And this is actually evidence, of what will - and one of our listeners, several listeners raised the

question about when the courts decide a precedential case, why don't the other states follow suit? - Well, this article makes reference to dozens of lawsuits that are pending, based on the Does versus Snyder decision out of Michigan. And this is the Tennessee lawmakers saying, gee, we might get stuck in the same situation because we're in the same circuit. And we have applied these things retroactively, and they're considering what they might do. Let me tell you what they're gonna do. They're gonna do absolutely nothing. They're gonna look at this, and they're gonna say, this is too politically risky for us to peel back any of our requirements. So we're gonna let these cases be decided. And then we may appeal. We know that the outcome is going to be that the Does versus Snyder's gonna be controlling, but we're gonna be able to point at the court and say we wouldn't have made the life easier for these PFRs except the court made us do it. So they're gonna do absolutely nothing.

Andy 1:10:05

It says as 30 virtually identical lawsuits are pending against the state of Tennessee, you're saying that the politicians are going to be a bunch of pansies and punt? How much money will they spend defending lawsuits like this versus just doing the good work that they're supposed to do?

Larry 1:10:32

They may spend millions, but no, they're not going to do it.

Andy 1:10:36

They'll spend millions versus effectively spending zero and getting ahead of it.

Larry 1:10:43

Well, would you like to take the leadership on lightening up on PFRs and examine your political future after you take a leadership role in that? That's why they're gonna do nothing.

Andy 1:10:52

Oh, I'll do it in Tennessee, I don't care. I don't have anything to lose. It's a garbage state anyway,

Larry 1:10:57

But the people in office there do and they're not going to take the leadership on that.

Andy 1:11:03

All right. You think they're gonna do nothing, but here it is Larry that they have... okay, I will, I will, I will accept your answer. But that just sounds ridiculously ridiculous that they wouldn't then take this opportunity to go fix it before it turns into be a poop show for them.

Larry 1:11:25

That's logical, but politics is my business and, no, they won't do anything.

Andy 1:11:31

Alright, um, let us move over finally, Larry to Who's that Speaker? and then we will close it out with new Patrons and letter people. That was two weeks ago, then the conference shows up, like every time we do this, Larry, we have to then skip a week because something gets in the way of continuing to do this. But last go

around. I played this. And as I asked, if I'm not mistaken, I like, obviously, you know who that is. But you got to tell me when and what were the circumstances. And out of all the people that wrote in, Ray was the first one with the answer. He said, your speaker was JFK delivering that amazing line during a State of the Union address, I believe. Was that his inauguration? Or was that just the State of the Union?

Larry 1:12:27

I'm not even sure the exact circumstances. I was hoping to learn something. But that is an old clip that get's played a lot.

Andy 1:12:35

Yes, it does. It's actually even in the rock song by a band called In Living Color. How about that?

Larry 1:12:41

So I think it was in his inaugural address, but I'm not even sure. So whoever says that, I can't dispute them, because I don't remember. I was only 102 when that was delivered.

Andy 1:12:57

No doubt, no doubt. Alright, so then this one, this one super short. So listen carefully, and write into registrymatterscast@gmail.com with who you think this is, and if you're in chat right now, if you say it, then I'm banning you from the server forever. So just don't even do it. And your answer doesn't count. So again, you can write me at registrymatterscast@gmail.com If you know who that speaker is. And please put something like Who is the Speaker in the subject line so I can find them somewhat easily. I would definitely like to extend a thank you to Kathleen, we had her on just briefly last week at the conference. She is part of that CAGE group, and I can't thank her enough for becoming our new patron this week. Thank you very much Kathleen and hope to have you on. She's talking about coming on the podcast like early in November, she's got some other obligations and whatnot and by the time she puts everything together it'll be roughly around November when we have her on as a guest which I think will be awesome. And Larry, you have a new snail mail subscriber this go round.

Larry 1:14:05

That would be Timothy. He's a guest in the United States military disciplinary facilities in Fort Leavenworth and he has served our country. So thank you Timothy. And welcome. (Andy: You never thank me Larry.) Well, that's different. You served it because you were getting that big paycheck. He did it because he was he was doing it just because he wanted to.

Andy 1:14:28

Oh, I see. Well, thank you, Timothy. I appreciate that very much. And I hope all is well and you stay safe where you are. And Larry that I think concludes our program this evening. Is there anything else that you want to cover? We have, I don't know, 60 seconds or so that we could banter if you want to?

Larry 1:14:43

Well, there was a tragic shooting in Houston Harris County which is where the NARSOL conference was. I think early this morning if I got the story right, the Harris County Sheriff's... I think they call it constable. I think. It's not sheriff, but constable. But three of the constables or deputies were ambushed, and one of them is dead. And when you're doing your job and you get ambushed - no one should ever be ambushed - but when you ambush a symbol of the law that is the lowest of lows. I know like I'm on the cops all the time about things that they shouldn't do that I don't agree with. But no one can say anything but sympathy. I don't have any breakdown on the family if they have children or not. But three ambushed deputies is a tragic thing.

Andy 1:15:32

Just because they do a lot of terrible things, I don't think that they necessarily deserve to die when they go to work every day.

Larry 1:15:37

And these guys may have been the good ones that have never done a terrible thing. But we don't know the details other than they were ambushed at a nightclub. They were working extra security. But as we are so fond of saying in America, our thoughts and prayers go out to their families. That sounds corny, but really that's all you have to offer them is we hope the best for your family.

Andy 1:16:04

Very good. Well, everyone you can find the show notes and everything else. If you want to find any links if I go over them too quickly here, you can find them over at registrymatters.co. Not .com, but .co. People ask me all the time. I don't remember what it is Larry. And leave voicemail at 747-227-4477. Email at registrymatterscast@gmail.com and of course support us at patreon.com/registrymatters. And I hope that you have a wonderful rest of your weekend Larry. And with that, I bid you adieu, have a great night.

Larry 1:16:40

Thanks a lot for having me and good night to all of our fabulous listeners.

Andy 1:16:47

Bye.

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