



Registry Matters Podcast

Episode 212

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Andy 00:16

Recording live from FYP Studios, east and west. Transmitting across the internet. This is episode 212 of Registry Matters. Good evening fine, sir. How are you?

Larry 00:27

Awesome. How are you doing back in the great chilled state of Georgia?

Andy 00:32

No kidding, man, it's cold here. You know, comparing other places, a friend of mines from Minnesota. He's like, it warmed up to 20 today, and everyone's all excited because normally it's negative 10 and 20 before you throw in the windchill. So it's still cold here, man. But doing well, doing very well. It's a fine Saturday night to be recording a podcast with my favorite peoples.

Larry 00:52

All right, well, what do we have going on tonight?

Andy 00:55

Why do you ask me to do it? Hey, Larry, what are we doing tonight?

Larry 00:57

We are going to have a special guest attorney, Ashley, Reymore-Cloud. And we're going to be talking about pretrial detention as exist around the country, in our state and in the federal system. We have some questions. One question for sure from someone and we've got some comments, and we're going to try to cover a social media settlement that happened in New York. (Andy: We could call that a victory, couldn't we?) We very well could call that a victory. That is an amazing victory. So we're going to be talking about that in the latter part of the program.

Andy 01:39

All right. Well, then let's dive right in. And we will get to the interview with Ashley in just a moment. And this was posted on the Registry Matters website from last episode. And I'm assuming that we talked about doing things like failing to register and an individual posted up there that says yes, they will most certainly issue arrest warrants for failure to register. I guess we were talking about if you moved out of country. It will take a while to arrest you though. I've been arrested seven times for failure to register but only actually convicted one time of that charge. I tend to chuck my registration form in the file 13 and forget about it. I find what happens after arrest can be cathartic and always demand trial. As far as I'm concerned, they have to prove it to a jury. Good thing for me is there's no formal record required registration and state has no standardized waiver of right in the criminal file 1992.CR.74. The CR stands for child rape, a rape I didn't do and said so then. These facts become clear in the provided preliminary hearing. State always uses judgment paper and hence the courts Commissioner recognize it but leave out the lack of paperwork stating the life

term. So, Wisconsin agent is, as Larry says here in 35:05 of the podcast, acting on an imaginary problem. My first question to agent in preliminary hearing is what criminal behavior of this defendant did you yourself actually witness? The agent can only answer in the negative, nothing, outside of the conviction. He or she can never say they personally witnessed the qualifying trial. The fact drags the original case into question. Do we convict people of prison escape with paper proof that they were supposed to be locked up? That is the moral question for the jury when faced with an agent with no factual proof of registration obligation, nor waiver of right, which all in all represents why the Supreme Court took the unusual tact in the Connecticut Department of Public Safety to mention the substantive due process claim in a case put forth entirely on procedural claims. The DPS court was putting emphasis on the standard waiver. Holy moly, I don't even know what to say Larry.

Larry 03:55

I don't either, and I think I'm gonna go and introduce Ashley and let her being that she's got decades of experience dealing with pro se litigants. It sounds like he does some stuff pro se. So let's just join in with Ashley who has been with us periodically through the last three years of the podcast. Former criminal defense attorney- I mean, excuse me, former prosecuting attorney two and a half decades, 25 years. Now a criminal defense attorney. Practices in Federal Court and state court, has done juvenile cases, prosecuted juvenile cases, defends all these people. So, did you follow that and have any observations because I was having a little bit of trouble tracking with his points?

Ashley 04:42

No, I tracked with his points and then I got lost at the end in all honesty.

Andy 04:49

The things at the end seem to make more sense kind of sorta but first of all, I want to bring up he has been arrested seven times for failure to register, which is amazing to me that anyone one of us that got arrested for failure to register, we'll probably poop our pants and never want to do it again. But he seems to be almost taunting them with right of arresting him for failure to register.

Larry 05:17

I don't recommend that course of action. I think we will let it stand that he has chosen that course of action. And assuming everything is truthful, it has worked for him. But I do encourage people to challenge more / pushback on the very minor technical violations like being a day or two late in reporting something if the person has a long period of compliance. And this is merely technical, not failure to register all together. Now, the charge always says failure to register, which means failure to comply with any aspect of the registration requirements. But if a person is in compliance, and they were two days late on updating something, but yet they were not off the grid, I think that there's room to work on defending those cases. What does our defense attorneys say here on that type of strategy if they have been compliant for years and years, and it's a mere technical violation of the registry?

Ashley 06:13

I think that then you have a really good, good shot of it not being intentional, depending on how the statute is worded in that individual state. I like the fact that he does ask what part of this did you witness? But here in New Mexico, that wouldn't matter, because they treat it similar. And I know you're going to talk about this at some point, to something that gets posted on social media, where they don't have to actually witness it being posted, but they can discuss it. And it's acceptable. And business records exceptions, there's a whole bunch of things that they use to not have to witness it in person.

Larry 06:48

And see, the criminality, his failure to comply with those terms, you're not relitigating the original conviction, which is what it sounds like he would like to do. But you don't get to do that. Here, and Ashley will correct me if I'm wrong, the proof that you were subjected to registration is all they have to do, that you have a qualifying thing, that offense / conviction that brings you within a zone of being required to register. They don't have to get into what the offense was. Am I correct on that Ashley?

Ashley 07:20

That's correct. Statutes don't even anticipate that you would get into the original conviction. It's just did you have to register? And did you?

Larry 07:28

So it's pretty straightforward. You have a conviction for one of the things on our list, or you've been determined to have one of an equivalent from another jurisdiction, but you don't get to relitigate against the original crime, at least not here. And I can't speak for it sounds like Wisconsin, but here that would be shut down in a heartbeat if you tried that strategy.

Ashley 07:48

Yeah, it's kind of like a probation violation where they won't relitigate the underlying. It's just what you've done since then.

Larry 07:56

I like that analogy. So, okay, we did the best we could. (Andy: Should we move on?) Yes, let's move one

Andy 08:03

Alright, and then moving on to a question handwritten in, and it says, Dear Andy and Larry, we were reading the transcript of your podcast of Registry Matters and saw a reference to Representative Bobby Scott of Virginia and his discomfort with the Adam Walsh Act. Has he or anyone for that matter introduced legislation to repeal the Adam Walsh Act? And Larry, I'm just gonna throw this in there now. *laughing track* And then you mentioned the need to get Republicans on board with such an effort. Is Representative Scott a Republican? We would like to write a representative- I don't know what that name is- a Democrat in Connecticut, who represented Danbury in Congress, to support any such legislation and/or to introduce such a bill?

Larry 09:02

Well, I like your reaction to... I mean, I think that's appropriate. But has anyone introduced such legislation? No. And is anyone going to? Not very likely and here's why. As far as the public is

concerned, the Adam Walsh Act is working as it's intended to work. And now, listen carefully. This is not me saying this. This is I'm saying, as far as the public is concerned, the Adam Walsh Act is working exactly as it was intended to do. And the primary driving force behind the Adam Walsh Act was to bring what was represented to Congress to be 100,000 unregistered people who had left their convicting jurisdictions and were roaming freely around the country without registering to bring them back into the onto the grid. So it has done that. It has made it very costly for people to go off grid by moving from one state to the other. So in that regard, it's working. It has created a vast bureaucracy within the US Department of Justice, starting with the SMART Office and filtering down through the US Marshals special tracking unit that goes out and looks for non-compliant PFRs around the country. So in that regard, it is working. They are arresting people, and they are convicting them. So it is by definition, working. The law enforcement apparatus would be squarely behind keeping the Adam Walsh Act funded and operational as it is today. The people who work in the SMART Office and administrative arm in DC, and if they have regional offices. I'm not sure they do. But if they do have regional offices around the country, they are happy to do their jobs and to fulfill the obligations of the Adam Walsh Act. So as far as they're concerned, it's working. As far as the public is concerned, it's keeping them safe. So would anyone dare introduce legislation to repeal the Walsh Act? That would only be if you wanted to end your political career. So if you can give me a list of people who serve in Congress in the House or the Senate, either chamber, who are looking for a way to end their political career, that would be who you would want to approach about proposing to remove this from the books. Even in that particular episode that I talked about how safe Bobby Scott is, and he is very safe politically; he has a very strong base of support. We went through his election winning percentages. If Bobby Scott were to make his primary mission to repeal the Adam Walsh Act, you would see an erosion of that support. I don't know if it would be sufficient to toss him from office, but you would see a significant decline in his support. And he's not going to expend his political capital to do that. He has other priorities he would like to do in terms of urban improvement. He represents a less affluent part of the state of Virginia. And he is trying to deal with urban problems, and eroding his political support is not top on his priority. So he's not likely to do it either. I mean, it's a well thought out question. I mean, for a person who doesn't really understand a whole lot about politics, it's not realistic. No one's going to propose to repeal the Adam Walsh act anytime soon.

Andy 12:25

Very good. Anything else in there before we move over to the conversation with Ashley?

Larry 12:32

No, I think we're ready to do it. Are you going to set it up? Or am I? I'll be happy to set it up. (Andy: Yeah, I will. It's fine.) Well, I'll help set it up. We're going to talk about pretrial release and how it's applied around the country. And so Andy's going to be driving the bus on the interview. But we got a comment recently. We only talk about New Mexico. Well, we don't only talk about New Mexico. We talk about New Mexico some because this is where one of the partners of the podcast is based. We talk about Georgia because that's where another one's based. But we talk a lot about national issues. And this is a nationwide problem. We're talking

about pretrial detention. It's not just New Mexico. We just happen to have a very knowledgeable person from New Mexico who is going to help walk us through it. So go ahead.

Andy 13:22

Alright, well, tonight we're talking about pretrial detention, as you said. And so joining us is Ashley Reymore-Cloud who is a defense attorney in the state of New Mexico and also served as a prosecutor for 20 years, which I just think is terrible that you did that. But welcome back. You've been probably a half dozen times. How are you?

Ashley 13:43

I'm good. How are you doing?

Andy 13:45

Very well. It's been a long time. It's almost like you went and found some adobo, I guess, in New Mexico and waited out COVID?

Ashley 13:55

Adobo you mean? Yes.

Andy 13:58

So tell us what does pretrial detention mean? I think most of us have experienced pretrial detention.

Ashley 14:05

So for the term that we're going to use tonight, pretrial detention is- or it's also known in a bunch of other states as preventative detention, depends on where you live- but it's essentially an amended statute that allows courts if certain criteria is presented and proven by varying degrees- here it's clear and convincing or to satisfy the conscience of the court. It's a very low standard- But if those criteria are proven in court, they can hold you until trial. And I think everybody understands the magnitude of that because held until trial can be, especially in the pandemic era, could be for years at this point.

Andy 14:51

That is a long time. So these people, have they gone through Grand Jury stuff? Or is this like you have just been accused of and you're not getting bonded or am I like completely not in the right place?

Ashley 15:04

You're actually in the right place. And it happens all over in that point of the system. For most people it's right after arrest. Most people what happens is right after you're arrested, they immediately, and when I say they, the state, the prosecutor, the AG's office, whoever it's going to be, Commonwealth in that particular state will file a preventative detention motion immediately. And then if it's in the lower court, depending on the state, it gets bound over to a higher court to be heard. Some states, it all stays in the same court. Some states, it doesn't. It's handled in different degrees. But at that point, a lot of times you're only arrested, you haven't even been passed a probable cause hearing, either a preliminary hearing or grand jury.

Andy 15:49

How can you hold people without bail? It seems that everybody would be available to be bonded out.

Ashley 16:01

You would think, but because it's an amended bail provision, they're essentially taking the place of bail and stating that there are no conditions of release under which a person can be released that could be met in order to keep the community safe and themselves safe.

Andy 16:21

Um, so how does the process work then?

Ashley 16:24

So essentially, what happens in most states, as I stated, right at the arrests, the state will end up filing what's called a preventative detention motion, or in some other states it's called a pretrial detention motion. They file it and they outline criteria why they believe the person that they're asking to be held is dangerous. And they'll bring in stuff like they passed the ketchup wrong back in eighth grade. They should have passed it to the left, they passed it to the right. Oh, they had a traffic ticket that they failed to appear on. So most of the hearings are literally just them reading off a history sheet. Now, some courts will require testimony. But it is not necessary, especially here in New Mexico, there's actually case law on it that says that it is whatever the state proffers. So if the state says they're dangerous, and I'm just going to tell you because of that ketchup incident, then that's good enough. And that's how little the standard of proof is. And they're filed- I did a count because now we enumerate them here in New Mexico with a designated number called a PD number, which means nothing to anybody probably outside of New Mexico. Our criminal cases are CRs. These are filed under PDs so we can take track of them. Just in one of the jurisdictions, I had one just filed last week, and it was number 73. And we're only a month in.

Andy 17:52

Wow, okay. Um, isn't this then a violation of someone's constitutional rights that they are innocent until proven guilty? The Federal version of this was upheld in the United States Supreme Court back in '87 in the United States v. Salerno. The New Mexico constitution provides a greater protection than the US Constitution, or at least it did until the voters passed the constitutional amendment back in 2016. What was the driving factor behind New Mexico passing the constitutional amendment in 2016?

Ashley 18:25

Larry is going to speak more to this because he called it back in 2015 when they were first starting to talk about this that it was going to snowball. And he can talk about what the driving factor was because Larry was actually up there. And he knows exactly what happened. But essentially, it got sold to people here in New Mexico. And it had already been in place in a lot of other states before this. So, it wasn't like we were the first people to do it. But in New Mexico, they sold it to the public as if too many people were getting released that were dangerous, and they were committing a whole bunch of crimes when they were out on release. All of which are completely false. That's not true at all. The statistics are not even close. It's like 7% reoffend when they're out on pretrial release. But they sold it to the public that way. And so they told them this was a way to keep those dangerous people in. The problem is there's no criteria. You can- I have a case that

was just a stolen car case, and they filed a preventative detention motion on it for something the kid did as a juvenile. So there is no criteria. It is not just these small percentage of dangerous people that may need to be held behind bars. And with that, I'm going to turn it over to Larry because he can talk more about why they ended up doing it.

Larry 19:40

Sure. There was a Supreme Court, one of our state Supreme Courts that is, State versus Walter Brown. And Walter Brown had alleged that his detention was unlawful because it violated the Mexico's constitution in spite of Salerno saying that federally it could be done. And the federal provision came in in '84, the Bail Reform Act. But Walter Brown succeeded. And it outraged the public that that no-bond holds were declared unconstitutional by our state Supreme Court. So the chief sitting Chief Justice at the time, Charles Daniels said, well, I'm just interpreting the Constitution. And if you guys want to change the constitution, that's up to you. And I have some ideas how you just might do that. And so the legislature said, Oh, really? Well, what are those ideas? And he started sharing his ideas. And people deferred to him because he was the chief justice, which I said, No, guys, you should not defer to him. He's in the wrong arena. But anyway, this was a direct result of Walter Brown, and the public was outraged that dangerous suspects were not being held and being released pending trial. So we ended up having- this is an example of the bipartisanship that you yearn for all the time- the Conservatives wanted pretrial detention to be an option because they were outraged that dangerous folks still had to have a bond set. And the Liberals at the same time wanted to get rid of cash bail because they claimed it was so oppressive that people couldn't get out of jail and merely because they didn't have money that they're being punished. And that was something that was only applicable to the poor. So they there was a compromise struck to put a constitutional amendment out to the voters in 2016. And that's what they did. And they eliminated cash bail. And they eliminated the right to bail at the same time, and you had a brilliant compromise that was dangerous at the time. And that was actually what I tried to sound the alarm bell on.

Andy 21:35

And so, Larry, this is for you. You wrote some recommendations back in 2015 when the New Mexico legislature was considering the bail reform amendment, which is modeled after the federal system. And you wrote, My concerns are that we have ample evidence to conclude the federal model has been a disaster in terms of the provision's overuse and similar language here in New Mexico has proven less effective. An example is the provision regarding sex offenders on parole. The statute reads in pertinent part, at each review hearing, the Attorney General shall bear the burden of proving by clear and convincing evidence that the PFR should remain on parole. The legislature was provided testimony that only a couple in the nearly 40 years have been released on parole despite the substantial burden of proof placed on the state. I assert that even the burden clear and convincing is the appropriate standard. What is lacking as the clarity in terms of what the state must prove. If the statute read that the Attorney General shall bear the burden of proof by clear and convincing evidence that the parolees possess an elevated risk to commit an act of violence or harm another person, then few would be

continued on parole beyond the initial five-year period. Do you people recall writing that?

Larry 22:48

Yes. And there was one little misspeak in there. It was not 40 years. It was out of 40 Review hearings that only a couple had been released. But otherwise, that is exactly what I wrote at the time. And I said, if we're going to do this, we're going to have to have a very narrow funnel in terms of people who can be held. But I said even with that narrow funnel- we didn't put the whole thing that I wrote- but I said we're going to have to be on guard that they're going to try to expand the reach of preventative detention because it only takes one or two sensationalized cases and they'll say it's not working, which is exactly what they're doing right now. Ashley, would you agree that there's a couple of sensationalized cases where the person has been released and that's causing all this uproar? Do I have that right?

Ashley 23:27

Oh, absolutely. It's like other things that they do where they make it seem like every single day 150 million people are getting out on this pretrial release, and they're out committing crimes, and they're gonna come and kidnap you and take you from your house and all this other stuff. And it is literally maybe a very, very small percentage of people that get out and commit additional crimes that are big like that.

Larry 23:54

So that's why I had a particular recommendation, which was not adopted. I said, my recommendations are that we include in the language of the amendment that the danger must be defined similar to what we require for existing civil commitment. This would limit the universe of defendants for which pretrial detention can be sought if it's clear the amendment is referring to physical harm to a person. How about the state bears the burden of proving by clear and convincing evidence that the accused poses a significant risk to commit violence against another person if released pending trial? That's what I wanted. So if you're not a violent person, I don't want to hold you. If we can't specify that you pose a current risk of violence to the community, then you should have a right to release because you're presumed innocent, or so I thought so. That's what I recommended. And of course, they didn't adopt that. And we're right where I expected to be. I guess my only surprise is it took longer than I expected to be at this point, but we're where I expected we would be.

Ashley 24:54

So interestingly enough, they actually litigated exactly what Larry was talking about here in New Mexico and came up with a line of cases, State v. Ferry and Torres v. Whitaker are the two main cases. But there's a couple of other ones along the same vein that stated you have to have criteria. And they enumerated what the criteria was to keep somebody in. There are three prongs here in New Mexico and some of the other states are very similar. But they actually incorporated it into their statutes. We didn't. It's still not in there. But the three prongs are, is the person dangerous? Do they present a danger to other? Are there no conditions of release that would suffice to keep them and the public safe? And usually, it's that third prompt that the state cannot meet, which is kind of why we're having an outrage right now up in the legislature. Right, Larry?

Larry 25:46

That is correct. And the bail amendment, the changes are moving forward, and I anticipate something will pass. And then I'm hoping that there's a rapid constitutional challenge, because this is being done in a politically charged environment in a short session, which doesn't give a lot of time for debate and public input. Of course, I'm not sure you want a whole lot of public input on this. But this is not given time for thorough debate. And I'm hoping that whatever is put forth will be challenged immediately, because I'm sure it's going to be very unconstitutional.

Ashley 26:16

Absolutely. Anytime you shift a presumption like that from the burden where it should rest, and shouldn't ever leave with the state, because they always have the burden of prosecuting cases. They have the burden of proof, they have the burden of proving somebody guilty beyond a reasonable doubt. It never shifts except, for example, self-defense. There might be a shifting of burden. But even that has a presumption that the state has to prove something first. This is completely unconstitutional.

Larry 26:45

So with that, that would be an affirmative defense, and the state has to first meet the threshold- you can concede the threshold that you committed the offense- but they first have to be able to show that criminality has occurred. But this turns everything upside down. And to their credit, we actually have a Republican in the House who's expressing grave concerns from that side of the aisle, and I'm always welcoming support from the Republican side, because that puts it where it's not just the radical left wing doing this when we've got a Republican saying, I'm concerned. Now he voted to advance the thing to keep it moving in the short session, because if you put something on the table in a thirty-day session, it will probably die. So they advanced it to the next committee. So it's in house judiciary now where there can be greater scrutiny with people who have more experience examining the constitutionality. They moved it one committee forward. And now it's where it's able to get greater scrutiny. But I am pleased that we have some bipartisan concern.

Ashley 27:47

Well, we should. It makes no sense to go through all the trouble to enact a law that's going to be unconstitutional on its face, and this one is going to be unconstitutional on its face. The other thing that's kind of interesting is that every single organization here outside of the proponents of the bill- who primarily is one jurisdiction here that's a prosecutorial jurisdiction that's the biggest one in the state, and is one of the biggest driving factors behind this bill- But almost every single other organization has given it an F, or some other, do not pass this. It is unconstitutional. It shifts the burden. The judges are concerned. They're like, are you going to bring on more judges? Are you going to bring on more defense attorneys? Because if we're already doing so many of these, what's gonna happen when this burden shifts, and now they start filing it on everybody? And that's exactly what you predicted, Larry. And that's exactly what's going to happen.

Larry 28:47

So I'm not sure if you were in New Mexico when this DA was first elected, because he's in his second term now. But did he not run

on a reform platform campaign? Didn't he say that we were going to do things different and innovative? Am I having a foggy memory? That's what I recall?

Ashley 29:05

No, that's exactly what he did for his second term. And it turns out that here in New Mexico, the term reform that several people have run on, that platform is actually what can we do to keep more people in jail which is already not working? That's not reform.

Larry 29:22

He ran the first time around. He made it sound like he was the Larry Crasner of New Mexico. And that's the Philadelphia DA. But yeah, he turned out not to be that. And people who say that I'm not bipartisan when I attack. He is a member of the Democrat Party, and I just attacked him. And our governor's a member of the Democrat Party, and she's pushing this, and I just attacked her. So, both of them I think are wrong.

Ashley 29:50

Oh, absolutely. And to kind of put it in perspective, I'm sure that everybody kind of figures this out off the riff but you have somebody who is potentially held in jail, innocent until proven guilty on a burden that they now have to prove that they should be released versus the other way, which is they should be detained. But even under the original burden... I'm going to give you an example. I went to trial not too long ago, I took over a case for another attorney. And that poor guy had been sitting in jail for four years before he was acquitted at a jury trial on his charges. So he sat in jail for four years not to be convicted- which was great. But he still lost four years of his life. And it was under a preventative detention hold.

Andy 30:41

Let's not forget to bring up that while he they're sitting there, they're not at their job, they probably are not paying their rent, and their family probably moves on because the DA, like they wouldn't bring charges against you if you were innocent, right? His whole life destroyed behind him.

Larry 30:58

Well, the policy here is being driven by the public opinion. And I keep telling people, our elected officials are reflecting the pressure they're taking. The governor's office, and the legislators are under an immense amount of pressure from the public because crime is perceived to be very elevated compared to our surrounding states. So therefore, they're under the gun to do something. Unfortunately, what they're doing, I don't think it's going to give the results they are looking for. And it's gonna turn out to be an undoable thing. It's gonna be very hard- once you get this process, souped up, as we'll call it- once you soup up this, it becomes... it takes on a life of its own. Kind of like the registry has, kind of like everything else. We're now in a pandemic industrial complex, in terms of the money's being made off of this global pandemic, particularly the United States by the pharmaceuticals, and on and on; the people who make machinery and the people who do the testing. And it's hard to dismantle that. People don't want let go of that. And that's what's happening. When they create this apparatus, it's going to take on a life of its own. I think I saw in that article that I wrote back in 2015 was that about only 38% of

people with federal charges get released. And that was not my research. That was taken from an article published in the National Association of Criminal Defense Lawyers newsletter, and I referenced that. But a majority of the people that have federal charges... And you're a practitioner in federal. Did any of your clients get released?

Ashley 32:32

No. In fact, I was thinking 38% is pretty high. And just sitting in a first appearance for federal court, and you see how many people don't get released... But on the flip side of that is a lot of them are in on federal charges that are pretty serious. A huge percentage of them, felon in possessions do not get out at either a state level or a federal level. But no, a very small percentage of them get released unless they were already out and it's a supervised release violation.

Larry 33:03

And that disturbs me because when the congress passed that in '84 at the urging of the Reagan administration, they presented that would be an exception, and the Supreme Court upheld it because it was supposedly going to be narrowly used, an exception. If only 38%- and in our jurisdiction, I've heard other attorneys echo what Ashley said, it's far less- But if only 38% nationally are being released pending trial, it would sound like to me, even though I'm a mathematical failure, it would sound like to me that it's not the exception. It's more the rule. It sounds like the rule has swallowed the exception.

Ashley 33:41

Absolutely. And it's, for example, in the jurisdiction I primarily practice in here in Albuquerque, and the one who is actually driving this legislation, any crime involving a gun, any repeat offender, any domestic violence, any violent crime, those are obvious. Any robbery. I have shoplifting where one of the people sprayed mace. That's enough for them to file preventative detention. That's a huge percentage of cases.

Andy 34:15

Um, let me ask you this. So this would be for either of you. Says my understanding is that they are now proposing to have presumptive detention for a large universe of crimes with a rebuttable presumption of dangerousness. What does that mean?

Ashley 34:30

That's what we're talking about in terms of the shifting of the burden of proof. So instead of it being the state has to meet that criteria that they had to under the first set of rules, where basically it's stating that if you're too dangerous, there aren't those conditions the things that I cited to earlier, then you can be held or you can't be held depending on that criteria. From the beginning, if the burden shifts, it's going to be on the person who is already incarcerated to have to prove why they should be let out. And if you think about that, that means they got to go find witnesses, if necessary. They have to go do all this stuff. Even making a phone call from jail is difficult, especially right now. So how on earth would they overcome that?

Andy 35:20

Larry, we talked forever ago about Larry Crasner. And that he told his prosecutors that if somebody was going to be in jail, I think it

was three years longer than that, that they had to like, write; they had to present the case for how is the crime that the person has committed worth \$50,000 a year, some sort of petty theft or whatever, and they're going to prosecute them. This sounds similar to that. That you have to prove, you have to give us good reason why you're going to hold this person.

Larry 35:46

Well, they're not going to do that here because the public would be... If a prosecutor took such a stance here, they would be out of office at the next election. But this rebuttable presumption is going to be... they're going to take a categorical approach. So what they've done is proposed a certain list of offenses, which includes most all the sexual offenses, of course. But they're going to presume that those are automatically dangerous. So if you're convicted of one of these offenses- and Ashley having worked in the prosecutor's office, she can tell you, she can I think agree with me- that they will seek those higher charges just to make sure that they can make their presumptive detention without having to do any work. So you're gonna end up having people indicted for stuff, charged with stuff just to get the preventive detention, and then you have to work to undo the detention, which is presumptive. Under the current system, the prosecution has to have to prove, and this is going to flip when this passes. And I'm afraid some version, some iteration of this is going to pass.

Andy 36:49

Um, so let me just throw this in there. In chat, ask Larry and Ashley about Albuquerque's previous inmate transport overcrowding problem, circa 2013. Did that fall flat?

Ashley 37:00

Nope. And that's what's kind of funny when we're talking about this whole, and I'm putting air quotes around it, reform. Because their reform platforms that some people have taken, have basically turned into trying to turn us back to 2013 in the pre-McClendon era, when they were basically housing people out in tents on the West Mesa.

Larry 37:26

And in other states as far as way as Texas, and I forget where else. But they were spending millions of dollars to have people in detention in what should be a county lockup, but they were so overcrowded that they had to arrange space in other jurisdictions. And then the McClendon lawsuit put an end to that. They finally settled, and they agreed to bring the population of the detention facility down dramatically. And to their credit, they've done that. They brought down the population dramatically. But the argument now is that the consequences been that we have an elevated crime rate. Well, the crime rate is elevated around the country. Ours is higher than our surrounding states. But the crime has gone up during the last couple three years. Some people blame it on the pandemic. I think it's too early to say, but there has been an increase in significant amount of our country, and particularly in the area of serious crimes. It's not novel and unique to this state.

Ashley 38:24

No, we're pretty consistent with what other states are. Our violent crimes are trending higher per population, but not by much. The trend is upward across the entire US. It's a lot of factors and to simplify it to say, oh, but if we throw everybody in jail, then we'll

have less crime is just completely a short sighted and stupid. It didn't work before; it's not going to work now. People eventually get out. You can't hold them indefinitely. Especially, for example, on a stolen car case. Here in New Mexico, that carries an average sentence of 18 months. Eventually they're going to get out. If they can't work because they've been in and couldn't get a job, their family's gone, they have no housing, what is the first thing that's going to happen, especially if you have an underlying addiction problem? So it's extremely short sighted.

Larry 39:15

And in this no tax era that we live in right now, I don't know how we're going to pay for it because it would crowd out other expenditures and all the other expenditures are generally very popular. When you start looking at what counties pay for, the bulk of city and county government goes to public safety. Fire, police, all those things that keep you safe. A very small amount of local government goes to other things, but the bulk of the lion's share of local spending goes to public safety. And if you significantly drive up the cost of running the jail and public safety, law enforcement, all that apparatus, you're talking about crowding out the few things that other local priorities that would be done. You know, people like to have their trash picked up. People like to have the phone answer when they call the dog pound. And people like to go to the library. People like to do certain things. They go to the senior citizen's center. All the things that local governments do. And if you want to spend it all in jails, that's your choice. But you know, we cannot increase taxes. I mean, that's a given. We cannot do that. It would end all life as we know it.

Ashley 40:19

Absolutely. And we know historically that people don't like to spend money on jails or prisons or anything like that. They believe that they're self-sufficient, or they move to privatize them, which is a whole other topic I'm not going to get into. But if there was ever an illustration of that, and Larry, since you've been seeing the news for the last couple of weeks. Actually, I think it's like gone into a month now that there was a cyber-attack on the county, and there was a cyber-attack on the jail. And then there was a cyber-attack on our school system. Only the school system was up and running within days. The jail is still not up and running. It's been over a month. So that tells you where our priorities are for budgeting.

Larry 41:03

Well, yeah, it is. The funny thing is the attorneys who go to the jail, we cannot find our clients. The jail does not know where they are. They've got 1,500-1,600 people in the metropolitan detention center, and because of technology, they cannot find them. I mean, can they find your clients now? I know for I've been watching on the listserv that nobody can find their clients. And they put that spreadsheet up at the beginning of each day of here's the custody list, but nobody knows what pods they are in. Have they figured out how to locate your client if you want to have a visit?

Ashley 41:35

No, they're still using basically handwritten notes to figure out where everybody is in a pretty big jail. They can't find them. They can't bring them to court. The Zoom technology is now not working. So there's limited phone calls. And they lost all their commissary. They lost all their client funds for their phones and

everything else. It evaporated in the cyber-attack. So it's very, very, very bad there.

Larry 42:03

Well, let's be clear. What do you mean by the lost commissary? They lost all the funds in their commissary accounts? (Ashley: Correct. All their money on the books was lost.) They said since they don't have the data. Of course, I think you can restore data to the last point, but apparently they can't. But they're saying that your balance now is zero because we don't have a commissary account for you. It's gone. (Ashley: Correct.) Andy, now you have to admit that that's funny.

Andy 42:27

That's hilarious. I mean, not really. It's actually really, really quite sad, to be honest. Okay, um, I think we're probably done here. There's a whole flurry of chat going on about all the other crappy things that New Mexico is doing. Somebody even said, Wow, I really think that Pennsylvania sucks less now by comparison.

Larry 42:48

We've got a houseful of chat. So let's see if I can keep them entertained once Ashley leaves.

Andy 42:57

All right, Ashley, as always, you're super welcome to stick around or come by anytime. And we love having you around. And I hope you have a great evening.

Ashley 43:07

You too. Thank you for having me again. It's always fun. You guys take care.

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Andy 44:02

Well, now Larry, we're gonna have fun with this don't talk to the police section, which I'm always a big fan of because these are super like, like, Duh. But I don't think that people generally think about them prior to. I'm just gonna like... Go ahead.

Larry 44:19

Is there any way we can identify the speaker so that people know that it's not us saying this stuff? Do you have the name or can we get on later?

Andy 44:28

I'll have to get it on later. Oh, yeah. But I mean, these are taken from almost like a continuing education kind of thing. But is he an attorney?

Larry 44:36

Yes, indeed. He's a professor of law.

Andy 44:39

And it seems like he's giving the class to people that are a little bit more than just lay people because they're kicking stuff back and kind of giggling with him. But these are certainly focused on just Joe Schmo civilian... like something that I would give my kid as like, hey, yeah, you should trust the police but don't tell them anything.

Larry 45:00

I was thinking he was in the lecture hall when I saw the video, but I'm not sure.

Andy 45:06

Alright, so here is Don't talk to the police: there's no way I can help me.

Law Professor James Duane, 45:16

Number one, and this really ought to be good enough. Contrary to what you laymens instinctively, naturally, suppose, it can not help. There is no way it can help you. Plenty of folks think that it can, and they're always wrong. You cannot talk your way out of getting arrested. Officer Brook, you've interviewed 1000s of criminal suspects. Have you ever- how many times in your experience have you approached someone, asked if you could ask them some questions because prior to the interview, you had some evidence pointing to as possible guilt. And because of the extraordinary persuasiveness and eloquence with which he articulated his innocence, you said, oh, sorry, nevermind. Bad call. My bad. And he talked you out of arresting it. Never, never, it never happens. I've often asked other criminal defense attorneys, in all of your experience, have you ever once had a case where you look back in hindsight and said, Thank God, my client talked to the police. They laugh at me, they laughed at me. They say you got to be kidding me. They cannot help you. You can't talk your way out of getting arrested. And contrary to what you might suppose if you never studied the rules of evidence, what you tell the police, even if it's exculpatory, cannot be used to help you at trial. Because it's what we call hearsay. Under the rules of evidence, specifically rule 801D2a, if you want to look it up, everything you tell the police, as the saying goes, can and will be used against you, but it cannot be used for you. From time to time, I've known attorneys who tried to call to the stand the police officer and say, officer, would you tell the jury what my client told you because what my client told him is actually good for my case? If you tried that a trial, the prosecutor will object to that as hearsay, and the judge will agree. The police will not be allowed and your request to tell the jury what your client told him, no matter how good it may be for your case, it can not help. And that ought to be good enough reason. That ought to be reason enough to keep your mouth shut.

Andy 46:48

That is a Regent Law Professor James Duane, and there's a link to the YouTube video. It has been viewed Larry 17 million times. It is almost as many times as people have viewed the Registry Matters YouTube videos.

Larry 47:03

They're definitely catching up with us. But we've got four more in this series. Hopefully we'll get them in the next couple months.

But he has five reasons. Reason one should be enough. But those of you who are not convinced and want to still talk to the police, we'll have some more reasons for you coming up in future episodes.

Andy 47:22

Okay, then we will move over to, what, the remaining 10-15 minutes about this case. I won't call it a case. I don't think that's the right word. Is it? Is this actually a case?

Larry 47:33

It is a case and it's a stipulation of a settlement agreement. And there's going to be an order issued by the court. So yes, it is a case.

Andy 47:43

Okay, cuz I mean reading it, it didn't read... like I'm looking for like a summary at the end of it. There's no summary at the end of this. So this is a judge laying down... like, the plaintiffs, the three of our people sued the state, the Tina M Stanford in her official capacity as chairwoman of United States board. And Anthony Annucci in his official capacity as Acting Commissioner of the New York State Department of Corrections and Community Supervision. They sued saying that they cannot say that they cannot use the internet.

Larry 48:17

That is correct. This is actually the settlement stipulation agreement. This is what the parties have worked to achieve a resolution of the lawsuit so it would be dismissed. So this is actually the provisions of the agreement. It will be converted to a court order and final settlement.

Andy 48:35

And does this then hold like the top pyramid? Can the state appeal it to try I guess run it up the flagpole to go to then... would this go to like the Supreme Court of New York or an appeals court?

Larry 48:51

No, this is, first, it's in federal court. And this is an agreement of the parties to resolve the lawsuit that was filed challenging the internet and social media restrictions. So since they've agreed to this, there's nothing to appeal. This is an agreement.

Andy 49:04

Oh, okay. So the state said, Okay, fine?

Larry 49:07

They said, Okay, fine, we will settle.

Andy 49:11

Wow. And I see. Okay, do you want me to just read paragraph three?

Larry 49:15

No, we can just talk about it. So what you had in this case was there was a lawsuit, and there was a preliminary injunction, kind of like we had in Butts county over the Halloween signs. And the court had telegraphed that these restrictions were very problematic. Which you've heard us say that on this podcast, people listening to us hear us say this over and over again. You can do almost anything. It's a condition of supervision, but you can't just blanketly apply it to everybody. So this was a challenge to the

blanket ban of the New York Department of Corrections, which former Governor Cuomo was so proud of. You know, that he was being tough and punishing and PFRs. But this is an agreement saying that they will no longer do that. And there's going to be a permanent injunction. So that's on page three, I've highlighted that in the special copy that the preliminary injunction has been converted to a permanent injunction that they will no longer impose those restrictions on people who are being supervised as PFRs in New York, unless there are specific reasons. And the part we'd want to focus on, that's registrant's social media where there's an articulable registrant-specific circumstance that one raised a legitimate and particularized concern about registrant's risk of reoffending by using social media, and/or to indicate the restrictions on the registrant's access to social media will be most suitable, least restrictive means of ensuring compliance with a specific goal of rehabilitation. Listen to that, "very specific." And any such restriction should be narrowly tailored in the least restrictive method of promoting these goals. That's on page three. So that is what this is all about. Then, if you go to page four, they define how you individualize to conditions concerning social media, and since you're a better reader, you could read that.

Andy 51:09

Um, yeah, okay. So registrants who have not used the internet to facilitate the commission of their underlying PFR offense are presumptively to be permitted access to the internet and social media by parole officers and senior parole officers, except as to pornographic material or to communicate with individuals or groups for the purpose of promoting naughty behavior. And those are for people under the age of 18. And the parole officers and senior parole officers may impose restrictions on internet or social media use only where there are articulable registrant specific circumstances that raise a legitimate and particularized concern about registrant's risk of reoffending by using the internet and or indicate that restrictions on a registrant's access to the internet or social media will be the most suitable, least restrictive- I like that part, least restrictive- means of insuring compliance with a specific goal of rehabilitation. I want to bring up something. Like five-ish years ago, maybe four, there was this big hoopla about a game called Pokémon Go. And they were introducing legislation in states, particularly I remember New York, being like they were losing their minds, hair on fire, etc., about like, we can't have PFRs playing this game, because they're gonna walk around and go, like... they're playing a game on their phone that puts them out in the real world. It's called like an augmented reality game. And I know that you were like writing the 10 commandments on a stone tablet with a chisel but like, just playing a game doesn't make you like spontaneously offend against a child.

Larry 52:45

I would think not.

Andy 52:47

But I don't know how far it went because the game really rose, like it completely flamed out, it was an immediate, huge success. And then it just seemed to completely die out. And then I didn't really hear anything about it. We were doing the podcast when this happened if I'm not mistaken. But again, this is what this reminds me of is that if they're making it that it's specifically tailored that if you use the internet to do your crime, then maybe this applies to you. But you can't just make generic bans from people.

Larry 53:15

That is correct. And I continuously affirm supervising authorities. They have broad, broad discretion in what they can do. But they have to do it not because they don't like you as an individual, they have to do it because the characteristics that you possess need a closer and a more intensive amount of scrutiny, but it has to be particularized to you. Otherwise, the general conditions, which courts have accepted- there's basic general as conditions that courts have reviewed and said these are fine because you're being punished. So they can restrict your right to travel. That doesn't have to be particularized to you. They can restrict a fair amount of your conduct. They can give you curfews because the statistics show that more criminality occurs overnight than in business hours. And I think that still holds true today, even despite what people say. I think that bad things happen late at night. I mean, they can do a lot of things as general conditions of probation. But when they want to particularly intrude in an area of the First Amendment, which access to information and communication is a very significant part of a constitutional protection even for a person who's being punished. If they're going to do that, they have to really narrowly focus on you, and why this is appropriate for you. Probation Officers, I understand this is going to require you to do some work. You're going to have to look at the case and case specific facts, and you're going to have to do a little bit of composition. You know, you remember they taught you to write when you were in school. You're going to have to write out what it is that justifies intruding into this person's liberty, and you can get away with it if that's subjectively- not subjectively- *objectively* done. But just to say, you're a PFR, you're not going to be on social media, not gonna be on the internet, you just can't do that. And this is another lawsuit, it doesn't have really any precedential value because it's a settlement. But what it does show is that the Department of Corrections in New York decided that it wasn't in their interest to continue litigating this issue. For whatever their reasons, they decided they were likely to lose. And if you flip over to page 9 and 10, you'll see that they agreed to pay a hefty sum of \$100,000 in attorney's fees for the cost of undertaking this action. That's not a lot of money to a state like New York. It's not even a lot of money to a state like New Mexico, much less New York. But if you're going to do these things, you're going to be having more and more challenges, folks. And as I said last week on the podcast, and I quoted, remember I said what Rabin said, but I turned it around and applied it to us. You guys need to be aware, you are being watched. There are organizations out there watching you. And we are looking for ways to litigate against your overreach, because you just can't do these things. And you're going to have more and more challenge. Each time a case like this is won, this is encouragement to us to do another case, because we know that you shouldn't be doing this. We know that constitutionally, that you cannot do these things if you're challenged. So if you don't reform yourself, we're going to help you reform.

Andy 56:35

Do you remember the number that I told you preshow of just a guess of what New York's budget was?

Larry 56:40

Yeah, what was it? I think you said like, it was way low. \$100 billion, or something?

Andy 56:45

That's what I said. I said maybe like it's 100 billion. It's 212 billion. Yeah, so that is a big, big ass budget. So yeah, \$100,000 settlement. Yeah. 100,000 bucks, versus 200 billion. That's a drop in the bucket. It's like you and I finding a \$5 bill on the side of the street.

Larry 57:00

Yeah, truly it is. But if there's enough of these... this doesn't calculate the cost of having to defend this. I mean, they had to hire their own attorneys, they had to spend a lot of staff time taking information. Their attorneys don't know how this is playing out. All they know is that a case is filed. And either a staff attorney, or a contract attorney... mostly in our state, they do it with a contractor, with private attorneys. They have to come in and get familiar, they have to spend gobs of hours getting familiar with corrections department policies and procedures, interviewing staffers, to figure out how to defend this. So this, the \$100,000 is not the total cost. But say it's \$750,000. It's still a drop in the bucket. It really is.

Andy 57:41

But it's also not zero. And if they had... let me ask you this question first. Does this only apply to the three plaintiffs?

Larry 57:50

No, this stipulation is they're going to take this provision out of their probation supervision policies, they're going to adopt this narrow tailoring, they're going to train their probation officers to do this, and this is going to be binding going forward. That's why this was settled. They are going to have to apply it quickly to the plaintiffs, but this is a system wide change that they're enacting that they're not going to restrict people's access to social media without a showing of cause. And that's the way it should be. I mean, we shouldn't even have to litigate for this.

Andy 58:27

Totally. Um, yeah, this has huge impact. I can't even really comprehend, like, how many people are PFRs and on supervision in New York. I'm assuming there's 40 or 50,000 people on the registry in New York just based on their size. Just to guess if there's 25 in Georgia.

Larry 58:44

I think it's probably even more than that. But yeah, sure.

Andy 58:47

Yeah, sure. Okay, so but then we're only talking about the people that are on some kind of supervision. So maybe, maybe it's 5,000 people that this applies to. But this means that they can use internet and specifically social media, which is a huge win. This would be one of those areas that is very debilitating for our people outside of living restrictions, which I think should be pretty much the number one thing that we would focus on, but the number two thing is if you can't go to BKJobs.com to go get a job, that is a big, big problem.

Larry 59:19

It sure, sure is. And I think there's probably more than. The ratio here is about a third to 40% of the people who are on the registry are on some form of supervision. So it may not be that high in New

York, but I bet it's a lot more than 5000. I bet it's considerably more than that.

Andy 59:36

All right, well super good news for them. And I want to also bring up that we talk about, I guess incrementalism would be a term maybe that people would snicker or be snide about. Like, we need to take the whole registry down and make it all go away. But this is a significant victory. It only applies to those people in New York, but this is an improvement of their lives. And this is probably the way that we need to go forward is to find this thing, target it, get it squelched and squashed, move on to the next thing knowing that it's a multi headed dragon that we're going to have to constantly keep battling?

Larry 1:00:11

Well, absolutely. So what we would do is for those of us who have been wanting to see litigation on this on this particular issue is we will borrow their pleadings. We will go online or we'll contact the ACLU. And we'll ask for their pleadings. And what was convincing there, we will plagiarize that and we will use it. And we will launch other litigation around the country making the same claims. Maybe even right here in good old New Mexico, but we'll be looking around at where we can curtail internet and social media bans. Because this is the modern era where people use social media for a number of legitimate reasons, including businesses use social media extensively. And you can't communicate with your family, you can't run a business. I mean, I thought that's what rehabilitation was about.

Andy 1:00:57

You would think, and I'm thinking like NARSOL has their social media site and people in New York aren't on there, possibly. But now maybe then this opens up the door for them to be on that platform too. It's just weird, man. It's so um, bury your head in the sand, I guess, would be a way to put it that if somebody did something naughty. And so therefore, you want to put them inside an incredibly tightly controlled box, be damned anything related to civil liberties just because they potentially made a bad decision. And certainly, people have done far worse than just made a bad decision as far as their crime goes. I just I don't really understand the whole... I don't think that containment models not the right word Larry because like that's a different application. But like you're putting people in such a small little box that they can't even function, borderline starve to death.

Larry 1:01:51

It's a little bit more complicated than that. What you have in many of these states is people who run correctional systems are appointed, usually by the governor. Not always, but usually in some cases they are. There's an independent commission, but usually it's a political process. And what happens is when there's one screw up, and then it gets covered and sensationalized in the news, the cameras come rolling in to the head of corrections saying now, now let me get this straight. You people were supervising this offender, kinda like the one in Utah. That's where the cameras rolled in after Halloween. "How did this happen?" So that's what happens. And then the governor's office who made that appointment start feeling the heat because it ultimately reflects to the chief executive of the state if they have that appointment power. Why is it that you're being soft on PFRs? And

then the governor decides to have a conversation with the Department of Corrections, which they never think about. The governor's of no state give any consideration to corrections. That's the last thing on their mind, because it doesn't gain any votes. Having a good correction system is just not something that you go out and campaign on. We've made jokes about that in the past, but you don't go out and say, tell you what I'm gonna do if I'm your next governor. We're gonna have the best correction system that you could ever imagine. We're gonna take good care, rehabilitation, best medical care, and we're gonna do everything we can to rehabilitate and reintegrate these people's people as quickly as we possibly can. Can you imagine how many votes you'd get on that? So what happens is that the pressure comes down to bear from the chief executive saying, we can't have this happen again. So the governor's staff, possibly the governor, but in a large state like New York, probably the chief of staff, or someone directly below the level Chief of Staff would contact the corrections boss and say, We don't need any more of this. We've already taken to hit in public eye. I don't need any more people on supervision getting in trouble for an internet-based reoffense when they're on supervision. Can you handle that for me? And the answer's no, sir, I can't. They'll say, Well, then you go ahead and get your office packed up. So the answer is always yes, sir. I can. So then they draft these policies that are absolute, and without any discretion because discretion can be a dangerous thing to have. So that's the reality of what happens. And that reality is difficult to change, because these things are a result of political pressure that they feel from the public. And that's exactly how it plays out the way I just described it. If you can't handle it, we'll find someone that can.

Andy 1:04:30

Okay, anything else here before we move on?

Larry 1:04:35

Let's do it. We've spent enough time talking about. It's a great settlement. I love it.

Andy 1:04:43

I mean, it's just one more thing. I mean, there was the settlement in Spalding County and then the victory in Butts. But there was the settlement in Spalding County. So settlements aren't bad.

Larry 1:04:52

They're not bad. The attorneys got paid and we got a permanent injunction out of it. I believe it was applied. I insisted on that. And I think that's the way that the final settlement was written. But it's binding on the sheriff's office, not the individual who holds it. So the sheriff's office has agreement.

Andy 1:05:09

Oh, interesting. But I didn't realize that it could be presented that way. That it would just be against the individual versus the office.

Larry 1:05:16

Well, I mean, someone could come back and challenge that. A future sheriff can come in and say, This was done back in 2021. And I wasn't around then. And by God, I will take this to court and see if they can... I ran on a platform, I'm going to keep my constituents safe. And by God, I'll do it. And I'm gonna take this to court. There's nothing we can do to stop that. So we'd have to

have the court decide. But I do think that that was the final language of the settlement.

Andy 1:05:40

Interesting. Okay. Well, we are pretty much out of time. I'm gonna go over to Who's that Speaker? if you are so inclined to go along with me?

Larry 1:05:48

Sure. Let's do it. I don't know who it is this week. So we'll see.

Andy 1:05:52

Haha, I've been looking up political gaffs. And I found one that I liked. And let's see here. Well, last week, this is who I played.

Ben Carson (Audio Clip) 1:06:03

A lot of people who go into prison, go into prison straight and when they come out, they're gay. So did something happen while they were in there?

Andy 1:06:11

I super liked this one, Larry, because of him saying that people go to prison and they come out gay. And I don't think that's how it happens. And we had actually had a whole bunch of people. I didn't really think anybody was gonna get it. It says, this week sounded like one of Baltimore's prodigal sons, Ben Carson, medical doctor. It had that special combination of lost in the headlights, high on weed shakiness, and absolute stupidity that only one renowned brain surgeon and Housing and Urban development secretary has. And if I got it, right, I demand a prize. And that's AI from Maryland. Yep. That was Ben Carson. And so yeah, thank you very much for writing that in. And super good answer. Are you ready for this week then Larry?

Larry 1:06:54

Awesome. I'm ready for it but I don't know who it is.

Who is that Speaker? 1:06:58

There is a considerable anti-Washington feeling throughout the country. But I think the feeling is misplaced. In the last two years, we have restored integrity in the White House. And we've set high standards in the executive branch of the government.

Andy 1:07:14

If you know who that is, tell me who it is. But you're probably also gonna have to tell me when it was and what the context was around that.

Larry 1:07:20

I was gonna say, I could get that instantly. I know that voice.

Andy 1:07:25

Yeah, people are already telling me the answers in chat. You can't do that. Stop doing it. Alright, so tell me who it was. And then when it was, what were the conditions surrounding it. And so you'll get your 10 seconds of fame. And without anything else, Larry, we can shut this whole thing down. And is there anything else you want to say before we go?

Larry 1:07:46

Other than to promote our new FYP resource page where we've got a lot of new material now.

Andy 1:07:54

That and also we are looking for testimonies from people. So if you like the podcast, please write us some sort of little paragraph or so. Thanks for the podcast. We love you. We appreciate it. It helped me get through such and such. So we can put that on the website so that when we do file a 501(c)3, then they find more happy material for us.

Larry 1:08:12

And we can from the people who are incarcerated, we can post yours as well. We will redact if you prefer they be redacted. If prefer that, we can redact that. But we have received them in the past. It's just that it didn't occur to us to file them in a way that we could easily retrieve them. We actually have all the communications filed, but they're by last name, first name and date received. That doesn't tell us what's in the communication without going and reading each one of them.

Andy 1:08:41

Yep, yep, yep, yep. Well, then go over to fypeducation.org for the show notes for the podcast. And then you can leave voicemail at 747-227-4477. Send me those emails for the Who's that Speaker or if you have any sort of testimony you want to share, then registrymatterscast@gmail.com And you can support us over at [patreon.com /registrymatters](https://patreon.com/registrymatters). Happy Saturday, Larry. I hope you have a great rest of your weekend and stay warm. Oh tell me real quick. How's your teaching your furnace how to operate? Is it going well?

Larry 1:09:19

I have been winning because I've been staying warm without it. So it hasn't changed its attitude. And I haven't changed mine.

Andy 1:09:30

Are you like wearing a parka inside your house?

Larry 1:09:33

No, it doesn't get that cold. I've got heat resources. I've got space heaters and I've got the oven, which I told you the oven, if you open the door on the oven, it will kill you instantly. But if you cook a turkey for three or four hours, that's fine. But when you open that door, it's a whole different thing. It just plumes out. Just horrible stuff and you die almost instantly. So never do that. Do not open your oven door for a heat source.

Andy 1:10:00

Perfect. I appreciate everyone being here. We had a huge crowd in chat. So thank you all so very much for being here and I will see you next time. Thanks again. Goodnight. they're gonna

Larry 1:10:08

Goodnight.

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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

CAGE – Citizens Against Government Entrapment

PV – Parole / Probation Violation

SMART Office - Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking

MSR – Mandatory Supervised Release

ICAC - Internet Crimes Against Children



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