



Registry Matters Podcast

Episode 215

Recorded 2-26-22

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

Andy 00:17

Recording live from FYP studios, east and west. Transmitting across the internet, you should be scared. This is episode 215 of Registry Matters. Good evening fine, sir. It has been a while. I am sorry about last week. Things just got too crazy, and I had to abandon ship on you. And we couldn't record last week. There was no window for us to do it.

Larry 00:37

Well, I'm very disappointed. We have never missed an episode in the history of this podcast.

Andy 00:42

That's not true. That's fake news.

Larry 00:46

Well, we've never missed an episode except in a holiday setting, I think. Maybe.

Andy 00:52

No, between that and the legislative session that sometimes you get so busy during roughly this time of year that we have to kick a day out somewhere. But we get, I don't know, we get more than 48 episodes a year. So somewhere between 48 and 50. So we take a week to 1, 2, 3 or four weeks off here and there depending on schedules. Larry, we're not going to talk about it. But I do want to say that I just think it's a complete tragedy that there's a really big country invading a much smaller country. I think it's really, really terrible. There, I'm done.

Larry 01:22

It is really terrible. I will concur with that.

Andy 01:26

And the politics, we can talk about that another time. I think it's just complete garbage. So with that said, what do we have going on this evening?

Larry 01:35

Well, we have an awesome lineup of good stuff to talk about. We've got a question or two from our loyal listeners. I think we've got some comments from our loyal listeners. And we've got a thorough discussion about Supreme Court Justice who recently released a statement in response to a denial of a cert petition. So we're going to be talking about that. And whatever else, we've got some articles that we may be able to fit in. But we've got some good stuff to talk about. So let's roll this train.

Andy 02:09

I am looking forward to the Sotomayor thing because personally, I find that that will be something to stand on in the future. But obviously it doesn't carry any weight and we'll go into that all towards the end of the show. So we will dive right in with a question from a listener. This is going to be someone from prison,

and I have it written down as Lovance, but boy, oh boy, I could have that completely trashed. So my apologies if we've mangled the name, but it says, Dear NARSOL, peace to you. My family moved to Conley, Georgia, near Atlanta. But we're from- well, I'm in Delaware. Delaware probation is very strict on tier three PFRs. Tier three is the highest level. Is there a way I can find out how high-risk offenders have it in Atlanta or Conley? Here, I have to wear an ankle bracelet GPS for the whole two years on probation. I can't see my children nor contact them. Though, I can talk to them while incarcerated. I can't use the internet, or any smart devices even though my crime didn't involve the internets. Thank you for your time. Oh, boy. Okay, this is probation transfer then? Not just registry transfer?

Larry 03:23

Correct. He's wants to bring his supervision to Conley, which is like he says a suburb, I believe it falls in Clayton County, rather than Fulton but it's right nearby there. Those counties adjoin. And in terms of his supervision- and we get criticism for taking these questions. We take these questions not because it's unique to this individual only. This is a question that affects a lot of people in terms of interstate movement of supervision. And this question will apply to many of our listeners, either currently or in the future if they're incarcerated now. When you are transferring your interstate probation, anything that's apart of that probationary set of conditions that were imposed on you in the state that imposed that sentence on you, those follow you to the state. So when he gets to Georgia, if they accept his supervision, if it's a condition of probation that he wears a GPS monitor- wouldn't it be a great country if the state could strip off the sentence of the previous state had imposed on you if it's a part of your punishment?

Andy 04:29

The answer is yes, it would be great. Just, people are confused, as I was and probably still am. From your own personal point of view, they're all the same. These are all things, whether it's living restrictions imposed in the statute, or probation says that you can't do the things. They're all the same. They're all that you still can't do them, but I know that there's like a delineation of who can impose what on whom, depending on where you live.

Larry 04:56

If the packet from the state says as a condition of your supervision, you will do XY and Z. The state that agrees to supervise you for that state is obligated to require all of those things of you, they cannot strip that away. Now how zealously they monitor those things, that's another matter. We're dealing with humans. And humans may think that something one state imposed is beyond the pale and they may not aggressively impose it, but they will not and cannot strip it off your conditions of supervision. So if the restriction that he must wear that GPS is on his supervision conditions, it will go to Georgia with him. If he cannot have access to the internet, it will go to Georgia with him except for if there is a court decision in Georgia that says that such a condition is unconstitutional, they would be required to notify the sending state, in this case, Delaware, that this is a condition that we cannot enforce, because it is not constitutional in our state. Therefore, you need to remove this condition, or we will

decline the transfer. But all of his conditions of supervision will follow him to Georgia, unless they are unconstitutional in Georgia.

Andy 06:19

You've said something in the past I believe that they will or will not do things that are consistent with other supervision. I mean, let's just say that Delaware requires you to swallow flaming swords, and Georgia has nobody swallowing flaming swords. They're probably not going to have you do it. They'll say they'll do it, but they're not going to do it. It's a super extreme, ridiculous, stupid example. But haven't you said something like that? If it's not just part of like their normal operating procedure, they're not going to do it?

Larry 06:52

That's kind of the reverse of what I've said. I said the reverse of that. The state of Georgia can impose additional conditions upon this transfer if there's conditions consistent with what they would impose upon a similar individual had that person been convicted in Georgia. So they can add conditions, but they cannot remove conditions.

Andy 07:12

So Delaware doesn't have you swallow flaming swords, but Georgia does. You're going to be swallowing flaming swords when you get here?

Larry 07:19

Well, you don't have to, because you have the option not to go to Georgia. But if you go to Georgia and they have a curfew for all people on the PFR registry, that are under supervision in that particular jurisdiction. And I think they do supervision county by county in Georgia. You can probably better speak to that than I do. (Andy: I think that is accurate.) But if that county is very rigorous, and they have curfews, you will have a curfew in Georgia, because they consistently do that to similarly-situated offenders had they been convicted in Georgia. And if you don't like that, you do not have to live in Georgia. You can go back to Delaware. They must accept you back while you're under service of that sentence from Delaware.

Andy 08:02

But if you live in Hall County, like up there by Gainesville, you're gonna have, I think, it's a 5pm to 8am curfew. Something like that. It's a pretty severe curfew.

Larry 08:10

And that is certainly permissible through the interstate compact. He's confusing his tiers a bit. Georgia doesn't have a tier system. They have a risk based system. Due to staffing and lack of funding, they never actually assign you a level in Georgia because it's based on your perceived threat. If I'm not mistaken, Delaware uses the categorical approach. They have a list of offenses. These are tier one. These are tier two. These are two or three. You cannot move from tier to tier when you're in Delaware unless the state lawmakers change the grouping of offenses. You're a tier three, and you'll always be a tier three. In Arkansas, or any state that has a risk based system. You can move either way in the tiers. Believe it or not, you can actually move up. We had an advocate in Arkansas that was trying to get off the registry. And he filed his petition. I told this person, I said what you ought to do is spring for

your own psychosexual evaluation and make that available to the court and to the prosecutor who's the respondent petition in Arkansas and he said, I don't have the money. And I said, Well, when you go through that Kabuki show, and pine bluff, you may get upgraded. He says I've never heard of that. I said but it is it is theoretically possible. They could upgrade you. And you want to have a dueling eval, to argue against that. And they in fact did upgrade him to a higher risk level.

Andy 09:42

I know who you're talking about. Oh my god, that would be horrible. But yes, well so with a risk based system, if you eff up to some degree- And I mean if you show behavior that your treatment provider for example does not like, they could then up your risk based system. Your tier is just going to be whatever you did. It has nothing more to go with it. So you could get screwed just based on your behavior and your treatment and probation people.

Larry 10:11

And beyond that. Largely it's local law enforcement that monitors the people who are required to register. Nothing stops the local law enforcement from monitoring you and having neighbors keep tabs on you. And they do this. And nothing would stop them from requesting that you be upgraded based on information that they have received, and that they deem credible. These risk-based systems are not the panacea that people think they are. They're really not. But so yes, to Lavance, you're going to have to do what was imposed on you by Delaware if it's a condition of your supervision until such time as either Delaware removes it or till a Georgia court declares those requirements to be unconstitutional.

Andy 10:58

Let's move along, sir. This is going to be our next installment of Don't Talk to the Police. And so this is the next one. I think this is the fourth one by his setup that we're going to be doing. And so I'm going to turn off the screen rotator and we'll do this and off we go.

Regent Law Professor James Duane 11:18

Even if your client is innocent, and only tells the truth, and doesn't say anything that is false. Now already, mind you, we're pretty well-nigh into fantasyland. The odds of this being anybody being able to pull this off are really quite slim, no matter how innocent they may be. But just the same, let's pretend. Let's assume he gives the police nothing but the truth and he is totally innocent. He will always give the police some information that can be used to help convict him. Always. For example, suppose you tell this to the police. Here's what your client tells to the police in his denial of guilt. I don't know what you're talking about. I didn't kill Jones. I don't know who did. I wasn't anywhere near that place. I don't have a gun. I've never owned a gun in my life. I don't even know how to use a gun. Yeah, sure. I never liked the guy, but who did? I wouldn't kill him. I've never hurt anybody in my life. And I would never do such a thing. Let's suppose every word of that is true. 100% of it is true. What will the jury hear at trial? Officer Brooke, was there anything about your interrogation, your interview with the suspect that made you concerned that he might be the- Yes, there was. He confessed to me that he never liked the guy. And then the prosecutor put that up in big letters. It'll say ladies and gentlemen, the jury, it's pretty clear that we've got the right guy

here. We've proven that he was in Virginia beach that night. That's opportunity. And remember, Officer Brooke admitted that after extended question, he was finally able to get the defendant to admit that he never liked the guy. There's your motive. Motive plus opportunity. Wham, bam. Please. But juries eat it up. And innocent people get convicted this way sometimes. How often? Hopefully not too often. But we know it happens.

Andy 12:37

So there's that piece of it. So again, don't talk to the police. I'm sure you have more information that you want to pile on top of that.

Larry 12:45

Well, we've got this whole series, gonna run through it. I think there's three, two or three more. But you really can't help yourself talking to the police. I know it's tempting. I know you're charming. I know the police are charming. And I know that if you believe it, that you're just going to have a good conversation. This is all gonna be straightened out. The temptation is enormous. But our work in the defense side would be much easier if you didn't talk to the police. Our job becomes much, much more difficult because you have talked to the police.

Andy 13:23

It's really easy to do. They do the good cop, bad cop thing and they get chummy chummy with you. They get you a doughnut or something like that. No, no, no, it's okay. Like now this off the record? No. Yeah, anything you say can and will be used against you in a court of law. I believe that's how that the Miranda rights go.

Larry 13:43

I believe so. Yes.

Andy 13:46

So is there any sort of condition where you would suggest that someone speak to them, ever?

Larry 13:54

It would be with the presence of trained counsel. And I know that's not readily available. Most people don't have an attorney on speed dial when they get that knock at the door from the police. They just don't.

Andy 14:12

Um, tell me this though. Most people have no reason to ever expect that they're going to end up needing this. So you don't go out and just generally put an attorney on retainer as part of your monthly budgeting unless you are doing criminal things. So how do you establish a relationship with a criminal defense attorney, I guess any attorney, to always just have that initial relationship of hey, if I need to call you, can I call you?

Larry 14:38

It's gonna be hard. The best thing to do is when they tell you, you have the right to remain silent, say you don't need to go any further.

Andy 14:44

Remain silent at that point, right? Follow those rules?

Larry 14:47

Follow those rules. And say if you'd like to provide me with an attorney, I'll be happy and make sure it's a real attorney. Or they'll have a Bar card issued by the State Bar and make sure it's a real attorney that they provide you. Because I know 99% of police are honest. And I don't know where I get that number, but that's what police assure me of. But there are instances where people have been provided fake attorneys to extract confessions. (Andy: Oh, really? Yeah, the police are allowed to lie to you.

Andy 15:18

I know. But that would then also by proxy, sending somebody in there with the suit and the tie and the briefcase and saying, Hi, I'm attorney so and so. (Larry: Correct.) Really?

Larry 15:28

I've heard stories of that. Yeah. I've heard stories of that. I'd have to do some research. But I've heard such stories, but just make sure they're an attorney. Make sure you say, how long have you been licensed? Would you mind if I see your Bar card?

Andy 15:41

Again, you're under the gun. I can't imagine that you'd have all the wherewithal to pull that one off with the with the bright light, where were you on the night of such and such, and you're hungry and climate control is off and whatnot, and you just want to go home? I can't imagine that you would have the wherewithal to figure out how to actually validate that that's a real attorney.

Larry 16:00

But you're more than likely not going to go home. That's the problem.

Andy 16:03

Right, right. Right. Right. Right. But you don't think that. They say no, no, no, just answer these couple questions, and we'll let you go. No. Okay, I guess we will move along. Then over to- I had the wrong thing pulled up. Um, so this is the Reddit follow up. And I think this is pretty much all you, I believe.

Larry 16:23

So didn't we have a question from Reddit?

Andy 16:26

We did. But this is the one, I believe, where we spoke about the person in Ohio and the probation thing. And then I think that you spoke to somebody, I think that's what we're talking about here.

Larry 16:38

Okay, yeah. Well, we've got the former patron to follow up with that's in red. And then we have the one from Ohio. So which one are we doing first, the one from Ohio?

Andy 16:47

This one is going to be the one we covered a couple weeks ago about the person and the social media, the internet usage, almost like the blanket ban that he can't go anywhere on the socials.

Larry 16:57

Yes. I did have a conversation with him finally. It was a very pleasant conversation. And he has some legitimate issues in terms of he doesn't feel like probation is really trying to help him reintegrate. He was basically denied a job that he was well qualified for that the employer apparently wanted him to be there and didn't have a problem with his status. But he was told that he could not work with this employer because they would not be able to monitor his computer sufficiently enough. And that kind of is counter towards the goal of probation, which is to rehabilitate and reintegrate. So he's reached out to the ACLU, which is not likely to succeed into the Ohio Justice Policy Institute, I think he said. And I told him that we would be interested we being NARSOL. We would be interested in what their response was, in terms of whether or not either of them want to get involved and if we could work in collaboration with them. And I would really be glad if I could find out if this is just a blanket restriction. And I don't believe that he was really sure about whether it was a blanket restriction that they apply to every PFR. But he's living in a crowded halfway house facility. They live in these large open room dorm type rooms, and it's not all that pleasant.

Andy 18:27

Yeah, I can imagine. So you're trying to establish if this is individual to him, or is this a blanket rule? Can you tell me the difference? Like what is your problem? Or what would be the problem with A or B?

Larry 18:44

If there's a reasonable, articulable justification that they would be able to say that we're only doing this because of this offenders characteristics, it has more of a chance of being deemed to be constitutional. If you just have a categorical approach that anyone who's under PFR supervision, that they can't have a job like that, that's far more problematic because you're undermining the primary purpose of probation, which is community-based participation in the community. If you can't work, that's a general condition of probation. Now, the question would be how many other jobs is he qualified for that they could say is an alternative. You know, I don't think you can require a person who's as old as he is that he needs to go out and do physical labor when he's got technical skills. I just don't think that's a reasonable thing. I think a court would frown on that. The problem he's having is he's not under probation in the sense that he gets to go see a judge. He's under a post-prison prison control. I forget what the term was. But he's under administrative control rather than judicial control. So he can't go back to a sentencing judge and say remove this condition like a person who's under traditional probation can do.

Andy 20:01

Can we take a teeny, little sideline? If someone is retired from the military or any sort of retirement, and they're getting income- I don't want to say, "can they" because yes, they can- Do they then still typically make you go find employment?

Larry 20:19

Well, recently I've been hearing anecdotal evidence that they do that. But traditionally, if you're of retirement age- and that's kind of a moving number as population gets older- but if you were in your 60s and had a retirement income, I've never known until

recently that anyone was required to work. That is designed as a condition to keep people out of criminality.

Andy 20:40

Right. I figured that that was the reason for it.

Larry 20:42

Productive use of their time. And so now people are being told in my jurisdiction here that even if you're older, if you're not going to work, you need to volunteer, you need to do something to have a full day. Or else, guess what? We're gonna give you a 6pm curfew. If you're not working, you have no reason to be out gallivanting. And so I find that a little bit problematic, but yes, they can do it until they're stopped.

Andy 21:05

Yeah, I knew that's where that would go. And I didn't want to phrase it that way. But so our mutual friend here in the state that retired from the military, I mean, all he would do is sit at home. And I was like, man, like that just leads to... there's like a religious expression, idle hands is the work of something like that. Someone in chat, tell me what that expression is. Do you know what the expression is that I'm referring to?

Larry 21:30

No, but I'm sure that one of our 1000s of listeners will send it to us.

Andy 21:36

Yeah, likely. But I mean, if you're just sitting there bored, like you may get into mischief. Idle hands are the devil's telephone booth. That's what Brenda says. That sounds good. That works for me. So then probation would be saying, well, you need to go occupy your time somehow, and not just sitting at home watching Jerry Springer all day. And even if you have the income to support yourself, go do something gainfully whether that's volunteer or whatever. I mean, it doesn't sound unreasonable.

Larry 22:07

It doesn't on its face. But then we will need to take a look at the person's physical limitations and what they are capable of doing to fill that idle time. It may be that some people just don't have the mobility to go out and do anything. And hopefully, that would be taken into consideration. But I've learned that things that you would think would be normally taken into consideration don't seem to be so logical when it comes to these people.

Andy 22:32

Yeah, and then you're saying that this person has technical skills, and whatever those are- I think I recall there being something about him being able to take a job where he would be working on a computer, and they said no, because they couldn't monitor it. So whether this is a telemarketing job or something higher in the computer field or whatever. They can't monitor that computer. So no, you're not doing that work, which, to me also sounds kind of like garbage, because here you are, you are getting gainful employment. But I mean, the company doesn't want you to go in and browse naughty websites, either.

Larry 23:03

That would be something where I would think that you could have a dialogue with a company and say, do you have internal controls? But anyway, we'll see where it goes when he responds further after the feelers he's put out. We'll see where it goes.

Andy 23:23

All right, then we will move over to this one that I pulled from NARSOL Social. And what I wanted from you, sir, is I didn't frame it in the form of a question anything like that, but someone just made the general statement of that they went to a planning meeting for one of the local affiliates. And the people were talking about relationships of the representatives, and all this. And he said he felt like a fish out of water. He's been on the registry for four years, and politics are still foreign to me. I picked up hockey easier than this. And what I wanted from you is any sort of advice as far as, we can play the Schoolhouse Rock thing where Bill becomes this and congress and senate and whatnot. And we can go through that. And that's all fine and dandy. But there's so much more in the weeds, little details of relationships, and who do you talk to, and all this stuff. And terminology, the jargon, the vernacular of the stuff... I know that when you and I first started talking, Larry, it's been a while it's been like seven years since I've known you, you would say stuff. And like I understood that there were words that came out of your face, but I didn't understand what you said. So how does someone get up to speed to be able to understand this whole arena, because it's very different?

Larry 24:41

Requires a lot of commitment and dedication to wanting this knowledge. And when a person is generous enough to share this knowledge with you, you actually accept what they're telling you and believe them because one of my biggest frustrations is I explain to people in the most simple terms this process, how it works, why it works, why it does what it does. And they get indignant, and they get angry, because I'm telling them things that are true about how the process works. But it would require a lot of continuous study, and actually believing what you're being told by someone who's competent and has the credentials to explain to you why things work the way they do. I mean, there's no easy over-lunch where you're going to understand this. But if you have an open mind, I tell people, I don't mean to be condescending. I'm the son of a shoe-cobbler, who went from foster home to foster home, and who lived in abject poverty in the south. If I as a high school dropout, and as a son of a cobbler, who had no stability in my life, if I can figure this out, you that have been much more blessed, and had nurturing parents and had good formal educations, you can do all this stuff. Because if I can do it, I know you can. You just have to have an open mind to want to learn. We can start talking about on each session, we could do a little tidbit about process if there was a demand for that. If people wanted to have the legislative moment, in terms of that, we could figure out some way to integrate that into the to the podcast. We've talked a lot about it from time to time.

Andy 26:25

We did about three or so weeks of it as almost like the feature segment of this piece of it, or that piece of it, and then had different guests on where we had that guy from Phillip from West Virginia, or Brenda from Maryland. And we talked about the individual pieces of their puzzle going through the process. It

would be fantastic if people could do the first cut of something and send that in as a request question of whether they've read through a bill, and we're going to talk about this specific paragraph. And let me let me give you a specific example. There's a bill going through Georgia that the Georgia affiliate is trying to change one word of it going from shall- no I'm sorry, from "and" to an "or." We're just trying to change one word because of it being a combination of conditions, which would make it more restrictive, to an "or" which would make it one or the other and make it less restrictive. Just changing one word in this bill, which is all we're asking for. But if just read through it, I guess if you just did it from a cursory level, it wouldn't be that big of a deal. But each word is really impactful of how it could or make lives better or worse for people in this situation.

Larry 27:46

Absolutely. When lawmakers are policy wonks, and they want to be focused on wording, it's very frustrating to their colleagues, particularly in part time assemblies that only operate for 30, 40, 50, 60, maybe 90 days. It's like, we're spending a lot of time on this. It'll work itself out. But oftentimes, it doesn't. It has a lot of unintended consequences that maybe takes a couple of years to figure out because maybe the following session, Texas, for example, they only meet every other year. So if you enact bad public policy in Texas, it takes at least two years to fix it.

Andy 28:24

Even that big state, they only meet every two years?

Larry 28:27

Yes, they have this belief that the government should not be full time. They're part time citizen lawmakers and they don't believe... and there's some truth on that. There's a little nugget of truth in everything. The more legislators meet, the more they're going to do things. And so they believe that diminishes the risk of bad public policy being enacted if they're not in session.

Andy 28:53

But your state at a 10th of the population meets every year.

Larry 28:59

That is true, but we have a very restricted short session every other year. The longest session is 60 days. And then we follow that with a 30 day that's very restricted in terms of what can be considered. And the governor basically controls what can be considered in those years. So if we do a bad public policy, and the governor is not on board with fixing it. Say, hypothetically, if it's something that favors the governor, meaning that the governor can benefit from that bad public policy, the governor may not give what's called a message for it be considered in the short session. So it would be a full two years before someone could try to fix it where they don't need the governor's permission to have it on the agenda. I didn't make that rule, folks. You may not agree with that rule, but you have to accept it. That is the rule of our process here. That is what our constitution is set up for, the governor controls the agenda every year. You can whine about it. You can wish it weren't that way. But that's the way it is. So accept it.

Andy 29:58

Very well. Okay. Let's continue along then. And this question was sent to us by email. And again, I will apologize to the person that it

happened. Scheduled conflict. Slipped under the radar. I totally forgot about to bring it up a week or two ago. Says, Hi, Andy and Larry, I listened to this episode, and you mentioned that there is a difference between a categorical and a risk based approach. Can states use a mixture of both approaches? Or does it have to be either/or? In particular, do you know if California uses categorical risk-based approach to tier their individual PFRs? Thanks. And oh, FYP. Thank you for the FYP part. So can a state do both? I don't think I've ever heard of that.

Larry 30:42

They conceivably could. But there would be no incentive to do so. The reason why most of the states used that have gone to the tier system is because they're trying to be deemed substantially compliant with the Adam Walsh Act. And in the Adam Walsh Act, you can do all the risk assessments you want, but you cannot give the offender any benefit from that, because it's a categorical based registration system. So if you do your list of offenses in the design of the AWA, tell me why would you want to spend all of the money that it would take to have an individualized risk system, and then tell the offender, you're still a tier three for life? What would be the benefit? Who would want to do that?

Andy 31:30

Yeah, I don't know. I don't see why they would do it that way that would. That would create a whole lot of confusion

Larry 31:36

Under the Adam Walsh Act, if you did a risk based... Say you had a categorical approach, because you've been deemed compliant. And you put that tier three offender through the risk-based system, and they've aged, and they have various things that make them no longer a threat. And they get in the risk based system, they get deemed a level one. If you were to move that person to out of the tier three, if you had a process and your state law that did that and they were no longer required to register and update every three months for life, you've just gutted the Adam Walsh Act, which would jeopardize your precious funding. So tell me why you would want to spend more money to get less money? If you can answer that question, I mean, that's how simple this is. I have put it in a diagram. You would spend more money to receive less money. Tell me who would do that.

Andy 32:35

I don't think anybody would do it.

Larry 32:37

Okay, that's the reason why it's not done.

Andy 32:40

Fair enough. No one's ever asked that question before.

Larry 32:44

So, yes. I don't know of a jurisdiction that's doing both because there would be no reason that you would do both. Now, the states that have played around with it a little bit, for example, California. Well no, I take that back, I retract that. I started to say that because in order to get off California's, you have to file a petition. And you can only file if you're a tier one or two, which that's not even needed on the AWA. That's just an enrich the lawyer scheme. And to placate the victims. I mean, this is twofold, to enrich the

lawyers had to placate the victims. Because between the two, the lawyers make a bunch of money. And to placate the victims, very few people are going to get off because they've made it so difficult to get off. But the tier threes, to my understanding, are not even eligible to petition. So what I was about to say, I'm sorry, no, I was wrong about that. So all you've got is as one or the other. I don't know of any jurisdiction that does any blend of the two.

Andy 33:45

And did you answer the question? I don't think I heard it. Is California risk or Categorical based?

Larry 33:52

Categorical. But it is an improvement. I mean, I just got through bashing it. But before their changes, they were lifetime for everybody. So now even though you're not going to get off, in all likelihood, because of how difficult the process is, it is theoretically possible that you might because the process is on the books if you're a tier one or tier two. So you do get to go spend your money, you do get to go have an adversarial process where the prosecution shows up and argues why you shouldn't, and you get to have a judge determine whether or not you'll be released from registration obligations after you've already timed out by federal recommendations where you didn't need to do this. So you get to do all this. So it is better than the previous law where you were on for life. So they did improve upon what they had, but not by much.

Andy 34:48

Um, okay, I can see that totally being a double-edged sword. On some systems, it would help some people and not others, and the other one would help some, and I can see that some people benefit on either system. And then other people would benefit on the other system. I can see that going both ways.

Larry 35:04

Absolutely. Well, if you did the tiers correctly, and you've narrowed it down and only put the people that really have to be at tier three, tier three. Now, listen carefully. I don't want anyone to be on a registry. I don't want anyone to be on tier three. But if we have only the option of having fewer people on the registry, and if you actually let them just sunset, like the AWA designed, that would be better than the status quo. So under that approach, if you just simply let the tier one and tier three timeout, that would be preferable to maybe get off. Would you agree or disagree? If you knew for certain after a certain number of years, you were going to just fade away? Would that be better? Or would you prefer to spend money and have a prosecutor come in and argue? Tell me what would be preferable to you?

Andy 35:52

I think it would be better if after x, it just goes away. Okay. All right.

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

what are you waiting for? Subscribe to Registry Matters right now. Help us keep fighting and continue to say FYP.

Andy 36:47

Okay, let's move along because we are getting short on time. All right. This is something I found on Reddit that I thought would be useful. Again, I'm plugging the sex offender support subreddit. So go to reddit.com, Sex Offender support. My main questions deal with navigating the PFR requirements after I get out, unless by some miracle, they put me on probation from the start. But I've already been told not to get my hopes up when dealing with the feds. I know that both charges are automatic felonies because the federal code has no misdemeanor codes dealing with CP. My question is how do those charges translate to state PFR requirements? I have seen some states list that on one hand, possession would only have me at the lowest bracket while saying that any felony case involving a minor automatically makes me a high bracket offender. Should I be banking on them bringing equivalencies into consideration or just take felony and minor at face value when considering potential places to move? If I have to assume they're going to go with a harsher classification, any suggestion for where to look into to get back to rebuilding as normal life as I can. So I translated all that history into a question. Can I be released and relocate to best-case state from the feds?

Larry 38:08

That's a very simple question. Do you have connections with those states? Do you have a support structure? The feds are not going to let you go be released to a state where you don't have any visible means of support and connections. So do you have a sponsor there? But in terms of all this stuff, this would make a program to itself, this segment about the translation. Because it varies so much from state to state and how they deal with out of state offenses and non-state offenses because the feds are a non-state, but it is a jurisdiction. So how they would translate that is quite fascinating. And he's correct. It could be the worst of the worse in some states. And he could be not so bad. And some states actually have within their registry scheme, they have a particular section where they have the Federal offenses listed. And that would be the best case scenario for him. Because if it's just simple possession of CP, he's going to be a tier one if they've gone exactly by the Adam Walsh Act. So that would be a research project for him. But this is getting into an individual's problem, which we can't do to try to figure out what would be the best state for him. But it is a question that affects everybody. Because if you're in federal custody, and you have the option of going to a better state, why would you not want to on your way out the door? Why would you want to go to the harshest state? I mean, so that's a no brainer.

Andy 39:31

To try to word this differently, if you are just trying to do an interstate transfer, like we talked about earlier, and you're just transferring state supervision from state A to state B, this is similar in that you have to have a connection to that state. You have to have some sort of support structure, job, family, etc. of the place you are going to before they'll even consider letting you go there.

Larry 39:52

That is correct. Even though the Feds is one jurisdiction, as far as the United States Probation service is national, but they're not going to send you to hopelessly roam the streets of Burlington,

Vermont if you don't have anybody in Burlington, Vermont, any connection, any job. They're just not going to do that. That's not going to happen.

Andy 40:10

All right. Hey, Larry, I'm going to let you have your soapbox where you get to rant to the former patron who disestablished himself as one of our patrons, and then wrote us a kind of a nasty gram. But so I will read and then let you continue on from there. It says, one more thing while I'm whining. This is specifically for you, Larry. Whenever you get on that effing horse, and babble something to the effect of a website is not a registry folks, I want to shake some sense into you. For myself, and I suspect many others, the notification on public websites is the single worst aspect of being a registrant far outweighing the cost and inconvenience of the registry process. Your fake chortling about it's not a registry is, I believe, insensitive to those of us burdened with just being on a website. Take it away, sir.

Larry 40:59

So what I wanted to clarify is I'm using discussing this in the context of a person who no longer has an obligation to register. So that is the context that's not being understood. If you exit a registration state like Florida, and you go to a jurisdiction where you're no longer required to register... In Florida, you would have had a restriction that you had to report to the sheriff's office every 90 days, or maybe even more frequent if you're homeless, you'd have a 2500 foot restriction, you would have all these disabilities and restraints of things you could not do by statute. Those no longer are with you when you're no longer required to register. You don't have to give the 21 days advance notice, you don't have to notify of a new vehicle, you don't have to notify of a new job, you don't face prosecution, and possibly felony enhancement for habitual offender, which most states don't have the prohibition that we have against an enhanced sentence because you've already got a previous conviction. So you don't face a lengthy term of imprisonment once you've exited the registry. All that can happen to you, which is bad enough, I don't like being on a website. But if you're in Louisiana, all these bad things I just announced about Florida plus, you'd have to pay hundreds of dollars for notification of your neighbors. All that goes away. What you have left is the vestiges of a registration on a website with no disabilities or restraints attached to you. You have every right to favor all those disabilities or restraints and to make that choice that you can spend a lot of time in prison. That's fine. But as far as the way I would analyze it, if I were in the shoes, and I could exit all those obligations and disabilities of restraints, and those threats were present of felony prosecution, I would choose that over simply being listed on a website. Although I would prefer not to be listed on a website at all. So I don't know what's confusing about what I said. But I've tried to make it as clear as I can possibly make it now. It's in the context of no longer having a registration obligation. To say that being listed on the Florida website when you're not required to do anything [is still registering] is absurd.

Andy 43:20

I think this speaks to it perfectly. Someone in chat says the guy of course is right about the website being the worst part. But he really isn't getting what Larry was saying.

Larry 43:30

Yeah, it's like, man, the website's horrible.

Andy 43:34

I would have to say it is probably the worst. But when you couple that with, well, if you are still on the registry, and you are in a state that has a no loitering thing, and you end up loitering while you're still on the registry, then you can just be arrested for existing. That's pretty bad.

Larry 43:51

So but I would prefer, if I could exit the registration obligation, I would prefer that. I would prefer neither. But if I had to take the choice, if I had to make a choice, I would choose an old vestige of an address that I'm no longer at, versus having the threat of a continuous felony prosecution and a duty to do all these things, not being able to go on school grounds with my kids, not being able to travel without a travel permit if I leave Alabama, even the county in Alabama, I think it is. If you are fine with that, that's your choice, but I can't see how anybody could rationally make that choice.

Andy 44:27

Yeah, I guess we would have to then partially take this in the context of where is this person? If this person is in a reasonable state, then the the website may be the worst part with all these extra things. But if you're in a shitty state, then the rest of it might be really, really horrid with all the presence restrictions, etc.

Larry 44:46

Yeah, true. If you're in Vermont, the registry website is not all that bad because they don't put your physical address, they just put your town.

Andy 44:53

Level ones or whatever, tier ones, whichever one that is, they don't go on there either.

Larry 44:58

And I know that you could figure out where people live if you put enough diligence into it. But, folks, I like to worry about problems that happened. I've never heard of a person who used to be registered that got tracked down that was on a registry 15-20 years ago, and they found the old vestiges of an image, and they did something bad to him. I haven't heard of that yet. So maybe it happens. If it does, I'm sorry, but I have never heard of it.

Andy 45:22

Gotcha. All right. Well, then I believe that we are at the segment with Justice Sonya Sotomayor. You people put the statement issued by the Supreme Court Justice regarding a case out of New York and the case is *Angel Ortiz vs. Dennis Breslin, Superintendent, Queensboro Correctional Facility, et al.* And I don't recall ever seeing such a statement by a single justice. Larry, do you recall any sort of like, negative statement about the registry by one of the Supreme Court justices?

Larry 45:53

Actually, I don't. I mean, what did she say?

Andy 45:57

She said... Well, if you don't Larry, how are we supposed to talk about it?

Larry 46:05

Well, I figured you knew something. That's why we're gonna talk about it. So yeah. I do know. I was checking to see if you actually know. (Andy: I know the rough context of it.) Yeah, it's too lengthy to read the entire thing. So why don't you frame up a bit about what you want to talk about?

Andy 46:22

Alright. The statement begins as follows, in New York criminal defendants who earn sufficient goodtime credits before the end of their prison sentence sentences are entitled to conditional release. Those classified by the state as level three PFRs, however, must first assure the state that they will not reside within 1000 feet of any school. In New York City, this is no easy task, and the difficulties of finding a compliant residence can result in defendants serving additional time in prison past the expiration of their sentences. Because petitioner Angel Ortiz was unable to identify any release address that satisfy the state's requirements, he spent over two additional years incarcerated when he should have been at Liberty. Although Ortiz's petition does not satisfy this Court's criteria for granting certiorari, I write to emphasize that New York's residential prohibition as applied to New York City raises serious constitutional concerns. To me that opening paragraph sounds intriguing because Justice Sotomayor has communicated that New York may be in violation of the Constitution. Do you think that's true?

Larry 47:33

She did indeed communicate that. Unfortunately, she was unable to secure the votes of at least three of other justices to grant the petition for certiorari.

Andy 47:43

Was she the only one that approved, I guess, is the word?

Larry 47:48

I don't believe they published. They take the vote at their conferences. And if it gets four, it gets cert. And if they don't, they just say cert denied. So I don't think we'll know unless they were to choose to disclose themselves. But we can see by her statement that she was in favor of granting cert.

Andy 48:04

I gotcha. Okay. Well, let's go over the process. Granting certiorari requires at least four votes. The fact that the petition was not granted means Sotomayor did not have at least one conservative justice's support assuming that the other two liberal justices were in favor of it. Oh, I see. I see. I see. So since there are three liberals and six conservatives, she would have needed- we'll assume that the three liberals did it- so she needed at least one conservative? I gotcha. I gotcha. So that's what we're saying here?

Larry 48:42

That is correct. She would have needed assuming that the two Liberal Party heads were with her, and they generally are. She would have needed at least one of the six of the brilliant ones that

were appointed by the last president. She would need at least one of those. And it's fairly apparent that she did not have that.

Andy 49:01

Yeah, according to the statement Ortiz was sentenced in New York State court to 10 years in prison and five years of post-release supervision. Near the end of his prison term, Ortiz had earned goodtime credits that entitled him to release to a term of community supervision, as required by New York's Department of Corrections and Community Supervision, Ortiz proposed that he would reside with his mother and his daughter in their New York City apartment. The Department of Corrections blah, blah, blah, denied Ortiz's request, citing New York law that it interprets to prohibit a person designated as a level three PFR, like Ortiz, from residing within 1000 feet of a school. Ortiz proposed dozens of other release addresses, including various homeless shelters. But the Department of Corrections rejected each one. As a result Ortiz spent the entirety of his 17 months of conditional release in prison. This really sucks. Let me ask you a question. I don't know the answer to this one. I bet you don't either. So a lot of New York City is up, right? You know, they have 100 and whatever, 200 story buildings, whatever they are. So if you are on the 100th floor, and there has to be a daycare somewhere in the middle going straight down, does 1000 foot go in a whole globe? (Larry: I don't know.) So are you telling me then that four of the current members of the Supreme Court couldn't find that problematic? Did he eventually get out after he served the full sentence?

Larry 50:32

Yes, I'm telling you that, clearly, from the evidence we have, that at least four of the current members of the Supreme Court did not agree. That that is a fact that they did not find this problematic enough to grant cert. You have to draw your own conclusions. But even after Ortiz served the full 10 years of his sentence, Ortiz's confinement did not end. Instead of releasing Ortiz, New York transferred him to a state prison that it has designated as a residential treatment facility to begin serving his period of post release supervision. Ortiz spent eight months in two different facilities, where he lived behind barbed wire and general prison population in conditions nearly identical to those which he served his sentence. All total, because of New York's residency prohibition, Ortiz was in prison for over two years longer than he otherwise would have been.

Andy 51:28

Justice Sotomayor said in effect, New York's policy requires indefinite incarceration for some indigent people judged to be PFRs. The within 1000 feet of a school ban makes residency for Ortiz and others practically impossible in New York City where the city's density guarantees close proximity to schools. She went on to say rather than tailor its policy to the geography of New York City, or provide shelter options for this group, New York has chosen to imprison people who cannot afford compliant housing past both of their conditional release dates and the expiration of their maximum sentences. This is really awful.

Larry 52:05

Yeah, Justice Sotomayor noted in her comment that, from a dissent below by Judge Jenny Rivera, she noted that Judge Jenny Rivera ably explains how New York's policies, as applied to people like Ortiz, raise constitutional concerns. Judge Rivera stated,

individuals generally do not have a protected Liberty interest in conditional release before expiration of their sentences. But such an interest may arise from the expectation of an interest created by state law or policies. And that's where the goodtime credit, where they had the "shall" in there. Shall be granted release after they earn these credits. So I've always said you don't have a right to be released prior to the expiration unless you actually do have such a right. And apparently, New York has such a statute on their books that says that your date shall be moved up if you have these credits. But that's what Justice Rivera said in her dissent in a court below.

Andy 53:09

So I'm kind of confused though. So according to judge Rivera, New York law provides that a defendant shall be conditionally released once he earned sufficient credits, as Ortiz did. As a New York City resident, Ortiz also enjoyed a right to shelter and board for each homeless man who applies for it. She stated in my view under these New York state and city policies Ortiz may well have held a Liberty interest at the point that he became entitled to conditional release. At the very least, however, Ortiz indisputably held a Liberty interest in his release at the expiration of his full sentence. This seems simple, I think. I mean, this sounds similar to if they set up hurricane shelters, there's a big thing barreling down on your town and they mandate evacuation and you go to the shelter and they go, sorry, not here. Like, what are you supposed to do? Sorry, I don't count? So he is afforded the privilege of being released.

Larry 54:05

It's even deeper than that. But yes, I agree with that But I don't know that you have a Liberty interest to a storm shelter. When you've paid your debt to society in full, which is what Justice judge Rivera is saying. At that point, the gate should swing open, regardless of whether you have a place to go. Because you're done. And that's what I keep arguing about New Mexico. We don't do early. Like New York gives you early release. You serve all your time here. And then you have a separate sentence like Illinois does. They call it something different. They call it MSR mandatory supervised release. We have a period, we call it parole. But you can't get to that until you've extinguished your full sentence. And then you have an indefinite period of supervision that's five to 20 that follows you. And therefore they continue to hold you here. But in this case, she's saying that he has clearly, after that first period of early release that is conditional, when he extinguished that, he clearly had a Liberty interest beyond that. And it just sucks, but the reason why this happens is because the laws are in conflict. Judge Rivera went even further. She said that the state's denial of Ortiz Liberty interest in his release demands heightened scrutiny, she said more than rational basis. But she said even evidence under such scrutiny however, as Judge Rivera explains, New York's policy of indefinite detention may not even withstand a rational basis review. No one doubts that New York's goal of preventing sexual violence against children is legitimate and compelling, which is a standard for rational basis. But New York nonetheless must advance that objective through rational means. Courts, law enforcement agencies, and scholars have all acknowledged that residence restrictions do not reduce recidivism may actually increase the risk of reoffending. This is what Judge Rivera said.

Andy 56:00

I see. Um, so judge Rivera gets it. She said, for example, in striking down retroactive application of Michigan's residency restriction, the Sixth Circuit found no evidence that residential restrictions have any beneficial effect on recidivism rate. Does #1-5 v. Snyder, 834 F. 3d 696, 705 (2016). The Superior Court of New Jersey Appellate Division struck down local ordinances establishing residential restrictions concluding that they were preempted by state law. See G. H. v. Galloway, 401 N. J. Super. 392, 951 A. 2d 221 (2008). The Court explained that the local ordinances make it difficult for a convicted PFR to find stable housing, which can cause loss of employment and financial distress factors which inadvertently increased chance of reoffense. So what happens next?

Larry 56:51

Uh, not much. This guy, he's exhausted his judicial options for this matter. And I think he's now out of custody, which the state will argue that his claims are moot. So not much at this point.

Andy 57:08

Well, that's not very nice. Right, right. Well, this is sad. Law enforcement agencies also recognize that residency restrictions are often counterproductive. The Department of Justice acknowledges that there is no empirical support for the effectiveness of residency restrictions, such as New York's Office of Justice Programs Sex Offender Management, Assessment and Planning Initiative from 2017. A large body of scholarship also cautions against residency restrictions as a means of reducing recidivism. Criminologists consider data from Missouri and Michigan concluding that residency restrictions have little or no effect on recidivism. Why do lawmakers enact such policies?

Larry 57:49

Now I can answer this question, but I'm sure you won't accept my response. Will you?

Andy 57:54

I somehow know what you're going to say. We should take a poll in chat if they can guess it, but go ahead.

Larry 58:01

Because we the people find such policies to be very popular, and we demand that they enact them. Justice Sotomayor said despite the empirical evidence, legislatures and agencies are often not receptive to the plight of people convicted of sex offenses and their struggles in returning to their communities. Nevertheless, the Constitution protects all people, and prohibits the deprivation of liberty based solely on speculation and fear. She concluded by saying, when the political branches fall short in protecting these guarantees, the courts must step in. Unfortunately, this requires that we have activist judges on our appellate courts, such as what existed in the Earl Warren era. I do not see that occurring anytime soon.

Andy 58:51

In the concluding paragraph of the statement, Justice Sotomayor said New York should not wait for this court to resolve the question whether a state can jail someone beyond their parole eligibility date, or even beyond their mandatory release date solely because they cannot comply with a restrictive residency

requirement. I hope that New York will choose to reevaluate its policy in a matter that gives due regard to the constitutional liberty interest of people like Ortiz. Do you think they will, Larry? *Laugh track* Yeah, there will be a lot of fixing in post. So do you think they'll fix it?

Larry 59:31

I really don't think so. You're asking for legislative changes that would be very politically unpopular. They need the courts to back them. There are times when you need something to point your finger at and say, we wish we didn't have to do this. But we do because the evil courts, these people that are granted lifetime tenure, and they're not respectful to public concerns. If we didn't have these people breathing down our neck, we wouldn't. But we have to do this. Without court intervention, I don't see it happening. So I'm sorry to say it's not likely that the political process can fix this.

Andy 1:00:12

I just have to ask you this question, though. I'm going to assume I hadn't watched the affiliates list that closely on this. Is like everyone piling on top of this going, how awesome this letter was from Sotomayor? Are they all piling on top of it saying how great it is?

Larry 1:00:31

I didn't watch it that closely. But some did. And they latched on to it and said that she gets it.

Andy 1:00:39

Did anyone say how much of a dumbass she is?

Larry 1:00:43

Well, that's the funny thing that's ironic about it. She was appointed by Barack Obama. And they latch on to that. But yet, they don't realize... You know, that they latch on to the Smith versus Doe when I believe it was Ginsburg, who spoke eloquently about registration. And I believe John Paul Stevens, the late John Paul Stevens, who was appointed by President Ford, also may have written about the registry in Smith versus Doe. But these liberals don't get appointed anymore, because they're not very popular by who tends to appoint the most justices to the Supreme Courts. To the Supreme Court, we only have one Supreme Court. And to the courts of appeal. And that's where these precedential decisions come from. So on the one hand, they latch on to it and they find it fabulous. And on the other hand, they do everything they can to make sure that none of these people get appointed. And that just really confuses me.

Andy 1:01:41

That's kind of where I was going. So we have two significant- this isn't a dissent per se. But this is a criticism of the way the situation is by two liberal appointed justice. And I know justices are supposed to look at it with a blind eye and not put their political bent on it, I get that. Whatever. So we could have more of those kinds of justices if we wanted to. And we would get to them by proxy by who we vote for for president and then ultimately that the Senate would confirm them. So if we wanted them, we would have to change those two offices.

Larry 1:02:14

That would be correct. The Senate as it exists now, I believe this appointment will make it through, but I don't believe any additional appointments will make it through. Because I'm predicting that the Senate will shift political parties in November. And that will change everything. Because we've learned from 2016 that they have no hesitation to block all appointments. So if the Senate shifts in 2022, there'll be no more federal court appointments, certainly at the appellate and Supreme Court level for the remainder of the two years of the Biden presidency. That would be my prediction.

Andy 1:02:52

All right, then, let's move quickly over to these articles so we can get to my completely failed attempt at Who's that Speaker. But you put an article in here from Truth Out, I've never heard of this one. And it says in prison, we celebrate the first step act, we realize it falls far short. What do you want to say about this one?

Larry 1:03:14

Yeah, we could, I'll just do this one, then we can carry over the ones that I wanted to do to the next episode. But according to this writer, and I have not validated it, we just simply looked at it. And he said about half of the people in federal prison are not eligible for various exclusionary reasons. He did give credit to this administration for moving the process along for those who are eligible for benefit of the first step back, but I just want to remind people one more time, it was a conservative group of eight led by Arkansas', Tom Cotton, who weakened and diminished the reach of the first step Act in the in the final passage, as it was being presented to the Senate. They pitched a hissy fit. And those eight conservatives kept it from being as broad. If you have a problem with that, then you need to take it up with Tom Cotton and those eight or it would be doing more than what it's doing. The reason why it's not is because politics from the right weakened or diminished the reach of the first step act. Those are simply the facts. Those are not my political beliefs. Those are the facts as they happened. But even though it's not as broad as it would have been, it's better than what things were. So we have to give credit for half full. We didn't have the first step back. And was that the best they could have done? Maybe it was. Maybe that was political reality as it existed at that time. So we do have something, but it's not going to be built upon in this environment right now. Everything now suggests that crime is out of control. The Democrat Party is turning loose a tidal wave of crime on the citizens. There's not going to be any attempt in this administration. Maybe in a second term, if there's a second term, but there's not going to be any attempt to broaden the first step act. Those are just not going to happen. That's not where the political capital is going to be expended. I mean, you're not going to go out and try to turn people out of prison when the opposition party is saying you're already unsafe because of these people. Who would do that? Who would do that?

Andy 1:05:31

What became the first step act had been introduced in Congress for years and years and years beforehand, before it finally got passed in the Trump administration. Isn't that right?

Larry 1:05:42

It had been pending for some time. I don't know how long but yes, it was not the first go at it.

Andy 1:05:46

I just wanted to be clear that it wasn't the first time that it got introduced. And then all of a sudden, this thing goes through. It had been being worked on for a number of sessions. Someone can fact check on how far back it goes. It went back a number of years.

Larry 1:06:00

Legislation typically isn't passed on the first go round. Only time it passes on the first go round is when there's just extreme public support or outrage about something. But typically, legislation doesn't just sail through the first attempt.

Andy 1:06:17

Very good. Um, all right. So here's what happened. I don't want to give out who's that speakers that are superduper easy, because then this one person's going to scream at me going, Oh, that's too easy. So I tried to mask the speaker and make it somewhat more challenging and 100% nobody wrote. So I obviously made it too hard. But this is what I played. And I'm going to clear things up with what was played. So this is what I did play.

Last Week's Who's that Speaker Clip

Andy 1:07:00

And so this is this is the mucked up version of it.

Mitt Romney 1:07:04

All right, there are 47% were with him who are dependent on government. We believe that there are victims who believe that government has a responsibility to care for them, who believe that they are entitled to health care to food housing to you name it. But that's entitlement, and the government should give it to do you know who that is

Larry 1:07:26

I know now. That sounds like that sounds like a senator from Utah.

Andy 1:07:32

It is. it's definitely a senator from Utah, former presidential candidate that is Mitt Romney. And that was like a big, scandalous reveal or something like that during 2012 with him and Paul Ryan when they were running?

Larry 1:07:44

Yes. Against Obama.

Andy 1:07:47

So anyway, so that was last week, and no one wrote in. And so anyway, I tried. But so this will be this week. So this is episode 215. I'm sure many people will know who this is.

Who's that Speaker? 1:08:04

If it's a legitimate rape, the female body has ways to try to shut that whole thing down.

Andy 1:08:10

I just find that comment to be abhorrent and like laughable.

Larry 1:08:15

I remember that being said, but I couldn't even name the person. But I'm not going to try even if I could, because that defeats the whole thing. But I remember that being said. I remember the context. Yeah, I remember the context of it being said and why.

Andy 1:08:28

Yeah. So if you know who it is, and don't write it in chat, or I will ban you from chat for forever. Send me an email message with who's that speaker 215 or something like that. And you'll get your five or 10 or 15 seconds of fame on the next episode. I wanted to make sure that I announced our new patrons. Did we get any new normal mail people?

Larry 1:08:54

No, we did not. I'm very disappointed. I asked for, what do you call it when people give you praise? Testimonials. And if we don't get some testimonials pretty soon, I'm gonna cut all of you off.

Andy 1:09:11

Alright, so we did get two new patrons and one of them I believe is in chat. And that was James and then another one that we got was Amy. And so thank you both very much for becoming new patrons and supporting the podcast. It's very much appreciated. And I think that is...

Larry 1:09:27

Chat is full. Look at that.

Andy 1:09:32

Um, so do you have anything else before we cut out of here? We're hitting that time limit thing.

Larry 1:09:38

I think we've had a great episode and I'll see how much hate mail we get.

Andy 1:09:44

Perfect, perfect, perfect fypeducation.org is the website and then voicemail 747-227-4477 registrymatterscast@gmail.com to send in your who's that speaker segment if you wanted to answer that question or anything else that you want to send in. That way I can certainly forget about it like I did with this email that we talked about tonight. And lastly, of course, support the podcast over at patreon.com/registrymatters. I appreciate everyone that came in and chat tonight. As always, Larry, you're the best explainer of all things. And I appreciate you being here again, and we will talk to you soon. I hope you have a great night.

Larry 1:10:21

Thanks for having me again.

Andy 1:10:23

Will do. Bye Bye.

You've been listening to Registry Matters Podcast.

Registry Matters Podcast is a production of FYP Education.

More show transcripts are available at fypeducation.org.

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

Glossary:

PFR – Person Forced to Register

NARSOL – Nasional Association for Rational Sexual Offense Laws

AWA – Adam Walsh Act

BCC – Bureau of Community Corrections

CCC – Community Corrections Center

CCF – Community Corrections Facility

ICAOS - Interstate Compact for Adult Offender Supervision

PC – Protective Custody

PREA - Prison Rape Elimination Act

DOC – Department of Corrections

CSL - Community Supervision for Life

DCS – Department of Community Supervision

IML – International Megan's Law

SOMP – Sex Offender Management Program

BOP – Bureau of Prisons

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

ACLU - American Civil Liberties Union



REGISTRY MATTERS
MAIL-IN SUBSCRIPTION FORM

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

First Name Last Name

Name of Institution ID Number

Address

City State Zip Code

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

REGISTRY MATTERS
MAIL-IN SUBSCRIPTION FORM

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

First Name Last Name

Name of Institution ID Number

Address

City State Zip Code

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