



Registry Matters Podcast
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Andy 00:08

Recording live from FYP studios, east and west. Transmitting across the internet. This is episode 233 of Registry Matters. Good evening, fine, sir. How are you?

Larry 00:19

Awesome. A little bit toasty. But awesome.

Andy 00:22

Did you hit like quadruple digits today?

Larry 00:25

We did indeed. I think it's 101 right now.

Andy 00:29

Okay. That would be triple not quadruple.

Larry 00:32

So, well excuse me.

Andy 00:36

Well, it's warm here. Let's see, would you rather have dry heat and 1000 degrees or would you rather have just heat with humidity thrown in on top? Which would you rather have?

Larry 00:47

Dry heat because it doesn't stick to you.

Andy 00:50

Okay. Yeah, I think that's it's not the heat. It's the humidity. Right.

Larry 00:55

Right.

Andy 00:56

Okay. It's that time of year where we have to talk about the weather, I guess. Well, let's skip all of it, and let's dive right in. Tell me what we're doing tonight, sir.

Larry 01:06

We're doing two major segments. We have one in terms of replacing your attorney, substitution of counsel. (Andy: Haha, "Replacing?") We have a case from the 10th circuit court of appeals out of Denver. And actually it's a federal case. But it was decided in the 10th circuit just a couple of days ago. And we have a couple of listener questions. So these segments are going to be lengthy, so we should dive right in.

Andy 01:32

Very good. Um, let us do a couple questions real quick. And I even throw in another one, because I'm going to try and throw you a curveball on one of them. But I was just having a conversation with one of our longtime patrons. So Will from Tennessee, and I guess he didn't- I looked, he didn't get a chance to send me a voicemail or anything. But it says, "Hey, I got another polygraph out of the way at the end of June. And even though the statute states there shall be a waiver procedure for cases of financial hardship or indigents, the state is forcing the officers to put the squeeze on us for delinquent fees. I checked. I fall below the national poverty line. But how do you fight city hall so to speak when you can't afford a lawyer and lawyers aren't exactly lining up to take these sorts of cases pro bono. My officer said just send them something every month. And as long as I send something, they can't do anything to me just yet." And then just as a follow up that if he were to then become eligible to be released from supervision, blah, blah, blah, then they would say, well, you still owe this money, so we can't release you.

Larry 02:37

I suppose that's a possibility. If it were me, I would pay the something, whatever he could squeeze out. And he should look for an attorney as difficult it is going to be because he needs to file a petition for declaratory judgment.

Andy 02:52

No sh*t, there's that word again.

Larry 02:55

And we'll actually but that's the second step. He would first check the Code of Regulations. There's some sort of Code of Regulations in every state where there's laws, and then they tell the agency to enact the regulatory framework. In this instance, he says that there shall be a procedure for cases of financial hardship for indigents. So, he needs to try to figure out if there is such a procedure, what that procedure is. If there's nothing in the Administrative Code in Tennessee, then a declaratory judgment would be required. And there would be not only that option of a declaratory judgment- that might not even be the best option- you could actually file a petition for a writ of mandamus. That's an extraordinary writ to compel an agency to do something that it's required to do that it hasn't done or to prohibit it from doing something that it is doing that it's not allowed to do.

Andy 03:51

We were going to use that vehicle in Georgia when they weren't putting people on unsupervised probation, this is forever ago.

Larry 03:58

That is correct. That would be the vehicle that would probably be more preferable to a declaratory judgment.

Andy 04:04

All right. Okay. And then I'm throwing this in there, asking on behalf of a friend. Larry, a friend of a friend asks- but he's a forever long patron almost since the beginning. And he is going to see

an attorney- he's in Georgia- regarding removal from the registry, maybe a year or so ago. He terminated his supervision stuff. So he's just quote unquote on the registry. And he asked if I had any ideas on him going to see an attorney on Wednesday, like in a handful of days, about removal from the registry. And so I was like, you know what, this is a perfect question for Larry because it's almost like an attorney interview kind of thing of things that he may want to cover any gotchas, any blind spots that I couldn't come up with. Do you have any just off the cuff ideas to pass along?

Larry 04:51

Sure. The first one is he's gonna want to find out how frequently this attorney does these petitions and what his success rate is? The success rate is gonna vary, of course, from county to county of conviction. If this person has a Georgia conviction to my recollection, then the county of conviction will be where the petition is filed. If they have a non-Georgia conviction, then it's the county of residence, which you have some discretion of 159 counties you can choose to live in. But he would want to find out in his particular county, has he ever done a petition in that county that he's going to be forced to file in his county of conviction. And if he hasn't, then he's gonna want to know what his overall discharge rate is. How successful have you been with these petitions? And the attorney, he or she should be able to give him an outline of what the process looks like, what I'm going to do for you, because you can pretend like you don't know anything about it and say, "what would the game plan be?" He or she will tell them what they're going to do. And if they sound like they know what they're talking about, they probably would be a fine choice, because the process in Georgia really isn't that bad. What's going to kill you in Georgia is going to be if they have reserved anxiety about you, and they don't think they got enough flesh the first time around. And if your victim has any influence, if it's a crime with a victim, and the victim is notified, and they come speak against you, it's gonna be very

difficult for an elected court judge to say we're not going to track you anymore. It's just, that's just the reality of the situation.

Andy 06:22

I see. Okay. Just as a sideline, Grant, I will unmute you when we get to your segment here in just a minute. But I got you, I appreciate you telling me. And then moving on to the final question before we dive into the interview with our guest. It says, "Hey, guys, just reaching out with a question I hope you can answer for me. As you know, I have one charge, 10 counts of CP from 2015. Served three in three out" I guess it's three inside and then three on probation. "And now I'm in Wisconsin, and I am an SBN, special bulletin notice." What is that?

Larry 06:57

That's the category of people who have multiple offenses, and they are categorized under the registry to have a GPS monitor.

Andy 07:05

Oh, okay. "The worst of the worst. But I looked at Iowa and possession of CP is a tier one offense. So my question is, if I moved to Iowa, would I be a tier one or would Iowa look at my SBN and make me a tier two or three? I just want to be rid of the GPS and become a tier one in Iowa and have no living restrictions. Only thing in Iowa is felons lose voting rights. While in Wisconsin, I have my voting rights back. So it is a trade off, and thanks for your help." Interesting question.

Larry 07:36

It is and I think I'd like to make a segment on a program that I'm not prepared for tonight. I've pulled a 22-page statute of Iowa, it's in the folder and it says for Registry Matters to 234. And I will try to go through that as a service for others who may be contemplating such a move from Wisconsin if they're in that SBN group. And we can dig into this a little bit deeper in a future episode. But at first blush, I do not believe that anything would be enforceable from Wisconsin in

Iowa. But his question is a little deeper than that. He's asking if Iowa would automatically classify him that way, because of that status in Wisconsin. And I don't know the answer that to that until I go through the statute with a fine tooth comb. But Wisconsin is not going to be able to enforce anything on you, because their jurisdiction ends at the state's borders.

Andy 08:31

Okay, then, I guess depending on how Iowa does it, is it categorical or tier? Is that the right word? I'm looking for?

Larry 08:42

No, Iowa uses a categorical approach. They have enumerated offenses in tier one, tier two and tier three. And then they do the similarity analysis. What's not clear is there is something buried in the statute that identifies exactly the circumstance he has. If he's been designated as an extremely dangerous individual, SBN is what they're essentially saying in Wisconsin. If you have multiple offenses, therefore, you need special tender loving care. And if that's buried in Iowa law, it's because of Iowa law, not because of Wisconsin law. Wisconsin doesn't have any control over him once he's no longer living there as long as he exits the state correctly.

Andy 09:25

Interesting. Okay, so he could be 100 years removed from when his offense was and it was something super benign; felony jaywalking, which I always use. But I realize not that, and the categorical approach would show him as being, whatever, tier two or tier three, and he would still qualify under those terms because that's the way that they do it instead of it being risk based; looking at your lifestyle, your age, how long ago have you been offense free, all those other things?

Larry 09:52

That is correct. Iowa takes that approach because that's really what the AWA advises is you put the

tiers. It costs money to do risk based. And people just snarl and snarl when I say that, but it costs a lot of money. That's what Oregon ended up using. They developed a risk-based system, but guess what they're using? The Static99, which doesn't cost very much money, because having people go through a psychosexual analysis is very expensive, and then giving them any meaningful appeal is very expensive. So it's just not something a state's gonna start up, it's too costly.

Andy 10:25

Alright. Okay, well then I'm going to unmute our guest. And we are going to dig into this section with Grant. You told me something funny the other day about, and you highlighted that when we were opening up about changing your attorney, or firing, or substitution of counsel as is referred to in the legal community. And the purpose is to drill down when it's a good idea. And when it's not such a good idea. We have a special guest tonight who has been a Patron for a long time. He has a family member who just made a change. And before we introduce the guest, can I ask if it's a good idea to fire your attorney? Larry, that's definitely directed at you.

Larry 11:01

It definitely can be a good idea to fire and substitute counsel. But unfortunately, it's so fact-specific that the question is too broad to offer a generalized response. If you and your attorney are just at total loggerheads and you can't agree on anything, and you don't like each other, that's probably a good situation. But there's so many things that could go bad for you if you relieve your counsel. So, you would need to analyze it a little bit deeper than that.

Andy 11:28

Interesting. All right. Well, then let me introduce our guest. His name is Grant, and Grant wants to engage with us in terms of his family member. Welcome to the podcast. What made you become a supporter of Registry Matters, like, I don't know, three years ago or something?

Grant 11:43

Yeah, it's been a long time. Thank you, Andy. So... Oh, before I say anything, during the pre-show, I heard that super squeaky door that sounded like it was from a horror movie. Have you guys ever considered putting some WD40 on that thing?

Audio Clip

I fail to see what purpose that would serve.

Andy 12:05

Yep, there you go. I've heard that thing too. And it sounds like something out of like Tales from the Crypt, the Cryptkeeper. Larry, are you going to get that door fixed?

Larry 12:12

I don't see any reason to. It works just fine.

Andy 12:15

Okay, it works just fine. All right, then. So Grant, please continue, sir.

Grant 12:19

Yes, I will. So I'm Grant Miller. I became a patron because I noticed that society treats anyone accused of a sexual offense as a disgusting human being who are incapable of any kind of redemption. And it seems like due process doesn't even matter, even after you've paid your debt to society. Even just being accused of a sex crime is basically enough to completely derail your career.

Andy 12:50

So, let's dig into some of the details on what we're going to cover. What kind of charge is your family member facing?

Grant 12:57

So he's facing CP possession and distribution in federal court.

Andy 13:03

Ouch. The distribution one probably- oh my gosh, that's awful. Um, you've sent us audio questions in the past. As I recall, we've answered them on the podcast. How much can you tell the audience about the charges? And even as like a sidestep, is there any risk of damaging the case by talking about it on here, Larry?

Larry 13:24

Not where we're going on this, no.

Andy 23:27

Okay. So go ahead and Grant.

Grant 13:29

Um, yeah, so basically, I can say that it's CP related. But the affidavit is extremely graphic. And I'd prefer to just leave it at that, though, I can say that he was talking with minors over the internet as well. And at least 80 pictures are involved, but possibly over 100. So it's really ugly, and it's not good.

Andy 13:50

Um, how old is he? And is this the first time that he's had an encounter with law enforcement?

Grant 13:57

He's about 22 years old. And this is his first encounter ever with the law, not even a speeding ticket.

Andy 14:04

And I understand that you and Larry have chatted about the case not online. The question that I have for you is whether or not an attorney should be substituted is something that would be of interest to our audience. At this point, you can ask Larry some of your questions.

Grant 14:19

Yeah. So I have some questions. So I asked you people previously about the possibility of my family member receiving probation, and you guys played that hysterical laugh track, haha.

Andy 14:32

Would you like to hear it now? (Grant: Yeah, yeah.) *hysterical laugh track* There you go. There's that track.

Grant 14:46

Yeah, that's the one. So my family actually listened to that episode, and they like just could not absolutely believe that probation was off the table for, you know, a complete first time offender. The public defender said the same thing as Larry. So they decided to fire him. And my first question would be, I guess, how does the person know if the public defender is doing what they should be doing?

Andy 15:13

That's a really good question. How do you evaluate if your attorney is doing what they should. If you don't know, you don't know. Larry?

Larry 15:21

It's a very difficult question for any accused person to know that, especially one who's never been in trouble with the law. The best you can do is to communicate with the attorney and ask really good questions. Communication is difficult in many cases, because so many defendants in the federal system are being held pending trial, which limits communication.

Andy 15:45

Do you have another question, Grant?

Grant 15:47

Yeah, yeah, yeah, I do. So um, yeah, that's some good insight. It looks like they stayed with the Federal Public Defender for around 10 months, then they decided to fire him. After that, they switched to a local private attorney who charged a \$20,000 retainer fee. So far, they've paid 12,000 of that. From what I've heard, from my family, and just, you know, from the grapevine from them, it looks like a plea deal was complete, or nearly complete before they switched, but they

apparently they did not like what they were signing up for. After being hired, the new attorney said that the prosecution was going to add a new charge of coercion. Would you be able to explain like what coercion is and why they wouldn't have added that from the beginning?

Larry 16:37

I'll do my best. I'm gonna punt a little bit on the coercion, since it's not officially a charge. It's not in the current indictment that he's facing. It could be that the new attorney came in with all guns blazing and telling the Assistant US Attorney that the government was being too harsh. That is one possibility. If that is the case, and they're going to add that charge, they'll file what's referred to as a superseding indictment. And I've checked the document, and there has not been a superseding indictment filed yet. But based on the scheduling order in the case, a superseding indictment is very unlikely unless they extend the schedule where it's set now. So my thought is this is something that the attorney made up possibly to justify the \$20,000 fee.

Andy 17:31

Are you suggesting that an attorney would lie to a client Larry?

Larry 17:35

Not only am I suggesting it, but I'm saying unequivocally some attorneys do just that.

Andy 17:42

Larry, I thought attorneys were as pure as the wind driven snow.

Larry 17:47

Some are.

Andy 17:49

Please continue, Mr. Grant Miller.

Grant 17:52

Yeah, that's really sad and pretty crazy, but I can totally see that as a possibility. So anyway, what is

he facing in terms of jail time for these federal charges? Again, just to remind you, the complaint says he's accused of distribution and receipt of CP and possibly, now coercion?

Larry 18:20

Well, it's safe to say he's facing many years. There's a minimum of five years. And I can't be precise, because I don't do much federal work. But they have a guideline. The guidelines have a grid, it's kind of like a grid. And the sentencing guidelines are what the court will rely on for guidance. But let me just ask you a question as part of the answer. Do you expect after the vilification of Judge Ketanji Brown Jackson, that any federal judge would want to risk sentencing below the guidelines for CP Possession? I'm thinking based on what I read in the affidavit, he's facing closer to the ten-year, 120 months. I bet the range is going to be somewhere between 84 and maybe 100 and plus months. So do you think anybody's going to sentence below the guidelines?

Grant 19:03

Well, yeah, I can I see your point. I mean, they would just be absolutely vilified, just like the Ketanji Brown Jackson was. So unless they want to commit - what's it called? - political suicide?

Andy 19:17

Hey, Larry, um, those five years, aren't those often stacked as far as every piece of picture? And I think you said like, 80 pictures, possibly 100.

Larry 19:28

Not in the federal system. They don't do that.

Andy 19:33

100 images times five years.

Grant 19:38

Yeah, that would be several, several lifetimes.

Larry 19:43

Well, anybody who doesn't remember, we play clips of Senator Lindsey Graham and other conservatives lambasting her about being soft and I think Lindsey Graham said he ought to be in jail. No leniency. So anyway, that's always gonna be the back of any judge going forward.

Grant 20:02

Yeah, yeah. Well, I do actually remember when you played Lindsey Graham and other conservatives lambasting her. So basically, having that in mind, would there be any chance that he would get a better outcome if he went to trial?

Larry 20:20

Unequivocally, absolutely not. He would do much worse if he went to trial. Failure to accept responsibility is an enhancing factor in the federal sentencing guidelines. So no, that would not be a good thing.

Grant 20:33

Yeah, so okay, so he won't get probation. But he's never been in trouble with the law. He's a 22-year-old college student, and he told the police that he only sent the pictures for "shock value." Is there any hope of him avoiding prison? He's very young and vulnerable.

hysterical laugh track

Andy 20:58

There's that again.

Grant 20:59

Um, oh, yeah. There it is, again.

Andy 21:06

Fill that in. When he's very young and vulnerable, meaning like he would end up being someone's property?

Grant 21:13

Yes. That's what I mean. Yeah. He's very likely to not have such a good time while he's in there, because of his...

Andy 21:23

He might have a good time. Somebody's gonna have a good time. Just kidding, I'm being crude. I'm sorry.

Grant 21:30

Haha. Yeah, so I guess then his only real option would be to take a plea deal then, right?

Larry 21:36

Yes. Let me just quote former Supreme Court Justice Anthony Kennedy. He once said that the US criminal justice system is no longer focused on trials, but has become a system of pleas, that the system processes and protections need to adapt from trial protections to plea protection. We don't do a good job of protecting people, but this is the way this case is going to resolve. I think I've told you that since the very first day I became aware of it.

Grant 22:06

I think you did, yeah, that there was absolutely no way that they would even consider going to trial. And if they did go to trial, they would just be absolutely, I mean, just completely, you know, the book slapped in their face over and over again. It would just be the worst decision they could make. So anyway, I wanted to ask another question about that private attorney. My family doesn't really like the new attorney very much either since the coercion charge, which I guess it's not technically in there yet, but it was possibly only added when they changed to the new attorney. I know you just said she could have made the new charge up. But they're still considering switching back to a public defender. Is that even possible that they could do something like that? Because that that would be the second time they'd switch.

Larry 23:00

It is possible. It's going to be difficult, but it will also have some potential ramifications.

Grant 23:06

Oh, yeah. See, that's the problem with you people, Larry. You always seem to come up with the downsides. Since they cannot afford another private attorney. What would the process be like?

Larry 23:17

Well, the current attorney would have to file a motion to withdraw from the case. The attorney would have to come up with a good reason to withdraw because withdrawing would further delay an already aging case. One reason that courts will offer some leeway is that there is an irreconcilable conflict with the client. The court would then want to know if he, your loved one, can retain his own counsel. And it would be a mess for sure, because the court would have in the back of their mind that he just retained private counsel. And now what this is going to look like to the court is he was fudging all along when he claimed to be indigent, and he retained private counsel. And then very shortly after retaining private counsel, he's wanting to substitute again. It's going to convey to the court and to the prosecution, to the AUSA, as we talked about earlier, it's going to convey to them that this guy's a problem. So, it's going to have potential ramifications.

Grant 24:14

Is that even recommendable at this point to switch? The case is supposed to end this August. So could it be extended even more?

Larry 24:23

Well, I'd be really hesitant to provide a recommendation in terms of a changing attorney, but I can say it will definitely rattle the furniture if he attempts to do it. It's really not going to work out in all likelihood in a way that he would find positive.

Grant 24:37

Well, what do you mean by like rattling the furniture?

Larry 24:41

Well, there's going to be conversations. Like I say, the judge is gonna want to know what's going along. It's gonna look very strange for a person who was indigent to magically retain private counsel, then that person magically wants to go back to the public defender. And it's going to raise the question with the judge about can he afford counsel, is he playing games about his indigency status? And it's going to convey to the prosecution that he has no sense of responsibility, that he's not liking the answers he's getting from the attorney. And if they have any more charges they can file, they're likely to file them against him, because that'll give him a chance to think about his behavior. That's the furniture that's likely to rattle.

Grant 25:21

Oh, I see. Yeah. So you really want to be careful when you're considering these decisions, so you don't totally rattle the furniture and cause an earthquake and break everything. (Larry: That is correct.) So, I have another question. Why is this case even in federal court? You know, he never crossed state lines, and I thought that's what would be required to, you know, trigger a federal jurisdiction.

Larry 25:50

You're on the right thought process, but the images crossed state lines, so they say. The feds can assert jurisdiction based on it being internet. In my personal opinion, and I'm not an internet guru, but if the pictures all originated in the state, then is it really interstate? The feds say that there is interstate transmission and receipt. But how do you prove where the pictures...? If you were going to try to assert that argument, that's above my paygrade. But yes, that is internet based, and they will assert, and they will be upheld on their jurisdiction. So he's stuck in federal court?

Andy 26:25

Hey, let me chime in on that one. This call, the two of you are in the same state. And I'm like three quarters away across the country, this internet traffic could be going through Canada. So we are technically not just having interstate commerce, we could be having like international commerce.

Grant 26:44

Oh, wow. Would that change anything? Like would you have to be like Interpol or something?

Andy 26:51

And I don't know how you- I don't think it would be possible to go back in time and figure out what route the traffic took to know whether it left the state or the country in the process of going from A to B. I don't know that you could retroactively figure out what route a packet took. That would be incredibly crazy to do. But I agree with what you're saying, Larry, I mean, if you know that child or Person A took the picture and sent it to person B, and they live across the street from each other, does it matter that the bits moved across state lines? That's crazy.

Grant 27:28

I know. That sounds crazy to me. And that's I mean, I just had no idea that that was the case. And I mean, like I always thought your physical body would have to cross state lines for something like that to be federal, but I guess not. So well, this actually reminds me of another question that I had. Are federal charges generally harsher than state charges, or vice versa?

Larry 27:54

In most instances, the federal charges carry harsher sentences. But that's not always the case, because some states are extremely harsh on criminal behavior, and particularly on sexual and CP-related offenses. So it could be that he would end up worse in some states. Now in this state, had been filed in New Mexico court rather than

federal court, he would do far better. He's a first time offender. And that would carry a lot of weight. And then there are no sentencing guidelines that requires that he get time in prison. And with a proper fashioning of a sentencing memo... Of course, you want to actually have something to backup that memo. You can write a beautiful memo, but you've got to have something. So I would do a psychosexual evaluation of him to show he's amenable to treat, but that this is aberrational behavior, and that he will do fine once he gets beyond this and life and he has something positive to offer. So he would do far better in our state if he were in state court. But that's not necessarily the case. If he were in Louisiana court, he might do worse.

Grant 29:03

So it really could go either way depending on which state you're in and the charges that you have that the state might treat differently. So you really can't say, but I guess it sounds like, almost overall the federal charges would carry a harsher sentence, but not always. (Larry: Correct.) Yeah. All right. Well, yeah, that's pretty interesting. So also, I guess getting close to the end of my questions a little bit. He never had physical contact with a minor or anybody for that matter. My family constantly puts that as a reason why he's not like those "other people." That's what they're always saying. And they probably want me to ask why laws and punishments are so harsh on CP charges when they don't even result in direct physical harm? Coercion is a different story, I understand why that would be a harsher punishment.

Larry 30:11

well, the penalties are harsh, because that's what we the people through our elected officials, -and those are our federal elected officials - have mandated, that they treat these offenses harshly. And I do understand their perspective on noncontact. Unfortunately, that is just not the way the system is set up. It's considered an exploitation of children. When you hear a general

conversation, this is abusive to children, even though it's not physical abuse, because the child, in reality, there has to be a child abused in order to make the porn. And theoretically, if there's no demand, suppliers don't flock to provide a product that there's no demand for. So they want to make sure that people understand how serious these offenses are, and we the people could change that. But based on what I saw in the confirmation hearings, I don't see that likely coming forward.

Andy 31:05

Hey, and also on that, the way that I understand the history of this is these laws were written, they said in the Ketanji Brown Jackson hearings that they haven't looked at these laws in -I don't remember - 20 years. So that puts us in the sometime in the 90s when these laws were drafted, and the Internet was nowhere near what it is now. And people weren't carrying around 8k cameras around in their pockets to make super high-quality things. So all you could do is grab out your camcorder or a Polaroid. And they punished people incredibly heavily because it was very hard to do at the time. Now, we can all do it and have hundreds of hours of whatever kind of content you want to upload to whatever nasty website you want to upload it to. And it just cost you hundreds of dollars for a decent quality phone to do. And so the laws haven't kept up with what the technology is to be able to pull it off.

Larry 31:56

That is correct. And these laws are going to be difficult to change because anybody elected to the House of Representatives or the US Senate would even contemplate such a thing, you'd have to be a conservative Republican to be able to have the credentials you would need. It's kind of like the opening to China that Nixon did in '72. George McGovern couldn't have made that same opening had he been elected president, because he would have been sacrificing the nation's security. It takes a conservative to do liberal things, oftentimes, and it takes a liberal to

conservative things. You would need to get Lindsey Graham, and someone of his standing to buy into the notion that these laws needing to be revisited. Anybody like Bernie Sanders would be vilified. I don't think it would kill his political career. But he would be vilified or any democratic that tried that. It's going to have to come from the right side of the aisle.

Andy 32:46

Continue on Grant.

Grant 32:47

Oh, yeah. Okay. Sure. So, um, when he gets out of prison, is he going to have to register, like as a sex offender? Since it's a federal charge, will he register with the Federal sex offender registry?

Larry 33:03

Yes, he will have to register. But there's no such thing as a Federal sex offender registry. I know you listen to the podcast, so you've heard of this. But it does provide me an opportunity to remind the audience there's no Federal sex offender registry. And he will have to register. Now the downside, I just spoke a couple of moments back about how our laws are better in New Mexico. This is one law that we're not so good on. This is recommended to be a tier one, 15-year offence, New Mexico has this as a lifetime offense. So if he remains in New Mexico for the rest of his 60 or 70 years, and the law doesn't change, he would have to register for lifetime every three months here.

Grant 33:41

Oh, that sounds horrible. Is there even a way to get off like at all in New Mexico?

Larry 33:50

No process for removal here. You timeout if you're on the ten-year track or if you're in the old offender group, there's some on the 20 year track. But the lifetime, there's no petition process, you're on it for life.

Grant 34:04

Are there like some states where you can get off or is that every state?

Larry 34:09

Now there are states you could get off. He could move to other states, assuming they don't change their laws, and he could petition for removal. But here, it's lifetime. One of our goals is to try to change that. But right now, it's lifetime. We got people that are in their 70s that are having to hobble down to the sheriff's offices to do their registration.

Grant 34:26

I guess, yeah, you really can't get out of it here if he get ends up getting released to New Mexico, which I would find that, you know, pretty likely. But maybe if his family listens to podcasts and you know, listens to this, maybe they'll think twice about having him live here once he gets out. So, you know, that's some good information that they should have. But yeah, I think that was my last question pretty much. I appreciate Andy and Larry. Both of you so much for your insight. You guys are so knowledgeable. And you really helped me and my family understand all the laws as they are now. My family listens to the podcast quite a bit. I don't know if they catch every episode, but they listen quite a bit. And so this has really helped them, you know, understand all these nuances of these laws, because they've never, you know, had any reason to pay attention to this. And now that they do, I think that this is a really good resource for them and for a lot of people and for others' family members. So, um, and, you know, my family, they're just really concerned right now. And obviously, they want the best outcome possible for my family member who is going through all this. So I guess... oh, I guess I have one more question, actually. And my last question is, is there anything at all that we, my family and stuff, is there anything we should do to help or nah?

Larry 36:07

There's nothing coming to my mind, but I'll continue tracking the case to see if there's a superseding indictment, and then we can converse about it again. (Grant: Yeah.)

Andy 36:17

Larry, let me let me toss a question. Way, way back, you said that former Justice Anthony Kennedy said something about we need to adjust the process to better help people that are taking plea deals. That the system was designed for people go into court. What would that look like?

Larry 36:35

Well, what it would look like - this is a cold, unprepared question - But what it would look like would be that we would take off all these enhancements that go along with taking a plea for starters. He's going to get hammered hard because of the number of images. And he's accepting responsibility. But he had 80, to possibly over 100 images. And he's gonna get hammered hard for that, because he was not just - what do they call it? - an interloper who stumbled across this stuff. He was supposedly trading it. So we would adjust the plea process to give people what the plea is supposed to do. It's supposed to say, Hey, I'm making amends, not just give them the opportunity to give them an extremely long prison sentence. And we would build a better resource to help do the mitigation. Part of what's missing in sentencing is attorneys don't do enough mitigation. They don't have the budget for mitigation. If you're going to do a proper psychosocial and show amenability to treatment, that costs money. And so we would support with those resources, writing a sentencing memo, spending time with your client, getting to know that what they've done in their life, all those things require commitment of time. Now, the Federal Public Defender does a lot of that. But in the state systems, that's hit or miss.

Andy 37:55

Interesting. It still sounds like everything that we would do would come back down at the state level to try and introduce protections because, what, 90% of cases go to plea instead of going to trial?

Larry 38:07

That is correct. Try getting the victims' advocates to go along with doing that, funding that. Yeah, those are the people we're going to work hand in hand with. But that's not likely to happen. They would oppose everything, because we'd be coddling criminals.

Andy 38:20

Um, but even on that, when you do take a plea, I'm not saying there's a protection, but you are trading out the risk of going and getting some sort of maximum penalty for whatever you can negotiate as far as a plea, whether that's some sort of minimum or whatever, you get to negotiate instead of letting a jury or a judge ultimately decide what is done to you by taking it to trial. I know that there's the chance that you could be found innocent. I'm not taking that away.

Larry 38:48

Well, you are correct. But oftentimes the sentence is not defined, and that's why you need the mitigation expertise. The prosecution will agree to a sentence of no greater than 20 years. And in our state, it can often be that the prosecution will agree to a minimum, even though the judge might have had the discretion to get probation. And the prosecution will say he's got to do five and no more than 20. Well, that's where you need your mitigation expertise to come in to justify why the person should get either probation or the least that the prosecution would allow under the plea agreement. That's one major gap in the system. If you're going to design something like Justice Kennedy said that focuses on plea, you've got to prepare the person to be sentenced as a result of that plea.

Andy 39:36

Okay. Well, Mr. Miller, thank you very much for coming on and taking the time to explain this and having dialogue with Larry, because it is helpful when people do do that. And, Larry, we were talking about having something along the lines of this being something of a regular thing. Not that you're like being somebody's attorney, but that you could help them. Kind of like what we did with my friend and talking to the attorney about getting off the registry; just like legal strategy, defense strategy that you could help people figure out better questions and so forth. So that might be something that we could do on a more regular basis as people would reach out to us. That's something we can do as a part of the podcast.

Larry 40:15

Absolutely. Now, Grant helped a lot in preparation. And I would need the person to have an issue that goes beyond just their case, which this does. Relieving your attorney is something that happens regularly. It's not just about Grant's situation, and you're gonna have to do a little bit of work to help prepare for this. We don't just be meander around. We have concise questions with hopefully concise answers. So you got to do a little bit of work. But yes, I'd like to do this.

Andy 40:43

Very cool. Well, thank you again, Grant. Appreciate you coming on.

Grant 40:46

Yeah, of course, I really appreciate both of you guys and all of your knowledge, and my family definitely appreciates it. So if you guys ever want me to come back on, you know, I'm happy to, to do whatever you want. So if there's anything new that comes up in the case, if it's worth talking about, I could definitely come back on, and we could do something like this again.

Andy 41:09
Just don't use that tin can when you first connected.

Grant 41:12
Yeah, then we're good. Yeah, I'm glad we figured that out early before we started. (Andy: Perfect. Have a great night.) You too. (Andy: Thanks. Bye.)

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Andy 41:23
Alright. Well, then, shall we cover the 10th circuit, sir?

Larry 41:32
Let's move on. We got a lot of content here. And we're running short on time.

Andy 41:37
I will read quickly. And so you people put this in here from the 10th circuit of the *United States v. Dobosu*? What is that? That's a person's name, but Dobosu. Where are they from?

Larry 41:53
You tell me.

Andy 41:55
Uh, okay. I looked it over twice. And I think he got royally screwed. Larry, anybody can see that this sentence is over the top for so called regulatory infraction. and anybody that isn't clueless knows

that they should have reversed it. Can you at least admit that?

Larry 42:11
I can admit in terms of your first assertion. I can admit that he got screwed. But I can't admit in terms of your second assertion that they should have reversed the case. He certainly got screwed, and his sentence is very harsh for regulatory infraction, but whether they should have reversed it depends on whether or not you want activist courts that make stuff up as they go or if you want courts that follow the existing law and existing precedent.

Andy 42:38
Let me tell you what I want. When I want them to do it, I want them to do it. And when I don't want them to do it, I don't want them to do it. Is that good? Does that work? (Larry: That's good. That works.) Okay, perfect. And it figures it you'd have some mumbo jumbo spin to put on it. According to the recitation of facts, Dobosu had been adopted by a foster parent. In 1991, most of the children were removed from the home following allegations of improprieties with children and physical abuse. Dobosu had been sexually abused by several adoptive older brothers from the time he was adopted until leaving the home in his early twenties. Today, Dobosu is forty-nine years old and suffers post-traumatic stress disorder, bipolar disorder, and cognitive impairments that render him adolescent-like. You have no mercy, sir.

Larry 43:33
Well, I'm not sure I'm in the position to show any mercy. I'm just the person who explains what occurred and the reasons it occurred.

Andy 43:41
NARSOL responded to a reporter from Colorado Politics with a comment which was published. I would like to read directly from that article. A spokesperson for the National Association for Rational Sexual Offense Laws said Dobosu's case

illustrated the inherent problems of mandating lifetime registration as a PFR, even when a person has not recommitted any sexual offense in decades. "The treatment he is being required to undergo has nothing to do with his original offense. Rather, it was imposed more than two decades later due to his failing to keep his address current," said Sandy Rozek, NARSOL's communications director. "NARSOL's view is that anyone who finds themselves in Mr. Dobosu's circumstances would have difficulty complying with the sex offender treatment program's requirements. Providers typically require that a person have no sexual relationships or sexual urges." Yes, try to damp those things down, Larry. "Such expectations are not realistic nor are they constitutional in our view." This is a strong statement of condemnation. Did you people have anything to do with it? I bet you you did.

Larry 44:45

Well, yes, I did. I drafted it for NARSOL and Sandy did her standard edits. But due to the position I'm in politically, which is somewhat sensitive, I generally let others claim ownership. So yes, she did write it.

Andy 45:00

All right, and then going forward. You told me in pre-show you put this in to help the audience understand some of the impetus for the Adam Walsh Act. I'll begin with some basic facts about the case. Dobosu had moved to Colorado and registered there as a result of his New York conviction. In mid-2011, Dobosu's registration indicated he was living in Littleton, Colorado. However, police officers checking whether his registered address was accurate learned from the landlord that he had been gone for over a year. A Colorado state court issued a warrant and law enforcement tracked Dobosu to New York City, where he had been receiving public assistance benefits through a Bronx address. I'm assuming that the law enforcement was the US Marshalls - Hey, hey, hey, that's like a plug for last week's

episode - Special unit that hunts down PFRs. Is that correct?

Larry 45:51

That is correct.

Andy 45:53

So then, prior to the AWA, according to your previous explanation, there would have been nobody searching for him, because you say that Colorado would have celebrated his departure and New York would not have known he was there.

Larry 46:08

Well, I've actually said that, and I think the evidence of this case demonstrates that that was, in fact, what happened. The AWA requires that the state where the person last registered issue a warrant with the person goes off grid. Colorado did that. I can almost guarantee you that Colorado had no interest in searching for him. But the Marshal Service did. The evidence proves that he was living off grid in New York for some time, because New York did not know he was there. This despite the fact they were providing him public assistance payments. This also proves that the systems are not as well connected as some believe them to be. Because people say well, you know, if he's on public assistance, I mean, they'll know right away. Well, from the evidence as it's cited in the court, he was gone for more than a year. He was on public assistance. He didn't register in New York. There was no alarm bell, and there was nothing that alerted them to the fact that they gladly paid him to public assistance, I'm assuming. So I think that it proves everything that I said about the impetus for the AWA. This is what 1000s of people did.

Andy 47:16

I was gonna say, what about radiation and the hovercraft. Didn't they track him down?

Larry 47:21

This doesn't make me an advocate of AWA, but those who are in constant denial that there was no reason to pass it, this is a perfect example of one of the reasons that it was passed. Colorado would have been in celebration mode once they were reasonably certain he was not there. And New York didn't know he was there so they could not be tracking him.

Andy 47:42

He was indicted by the feds in the Southern District of New York. Shortly after being indicted in 2012, he pleaded guilty to a violation of the federal Sex Offender Registration and Notification Act (SORNA). The court sentenced Dobosu to a year and a day in prison and five years of supervised release. One of the special conditions of supervised release—the PFR treatment condition—required him to participate in an approved treatment-program, and abide by all its rules, requirements, and conditions. It's the treatment conditions that messed him up though, isn't it?

Larry 48:15

Yes, you are correct. I'm wondering why you keep inviting me back here because you've got this stuff all figured out from inside out. (Andy: Easy peasy.) So, Dobosu's federal supervised release was revoked twice before the revocation that's on appeal here. First, in June 2015, after he failed to report to probation, the District court sentenced him to a revocation term of thirty days' imprisonment followed by five years' supervised release for failure to report, which is relatively mild and five years of supervised release. The district court reimposed the PFR-treatment condition. I'm guessing that he decided that living in New York was not as glamorous since he landed on federal supervision because in August 2015 his case was transferred to the District of Colorado. I'm guessing and conjecturing. He went to New York intending to live off-grid, and the feds apprehended him. And he was finding it now to be glamorous there that

he violated his supervised release as it's called. And then I'm surmising that Colorado is far more beautiful than any part of New York I've ever seen. And he decided he'd rather be in Colorado so he gets his case transferred back to the federal district court in Colorado.

Andy 49:34

Just to clarify one little point, though. When he left Colorado, obviously he was still on the registry, but he was still like updating his address saying yes, I still live at 123 main street, but obviously he lived 3000 miles across the country.

Larry 49:49

That is correct. He had not notified Colorado he was going to New York. He just thought he was just going to disappear like into the wind and once they saw he was not there anymore, they would lose interest. And they would have prior to the Adam Walsh Act.

Andy 50:04

Right? They would just have on their website something that he had absconded, but there would be no hook for anybody else to go looking for.

Larry 50:11

Well, they would probably put out a warrant even pre-AWA for statewide and maybe even regional wide. Say for example, they had a level two extradition, which I think is the state itself in the surrounding states, the border states, if he had gotten picked up in New York, they would probably not want to extradite him. Why on earth, explain to me why you would want to bring the person back when they're across the country. And if they're going to be offending, would you rather have them offending in New Yorker that Colorado. That's a no brainer. So they would not have likely brought him back. That is the whole thing that people refuse to understand about the AWA, but the feds don't need to bring it back. They charged him there in New York. They convicted him there in New York, because he

traveled in interstate commerce, and he didn't keep his registration current. His Colorado registration was not current. And it was reflecting something that wasn't true. He was in clear violation. And that's why he pled guilty in New York.

Andy 51:09

All right, So, he's back in Colorado and under the Federal Probation Service there. Then, Dobosu's supervised release was next revoked in July 2016 for falsifying written reports, failing to report an address change, and violating the PFR-treatment condition. The district court sentenced Dobosu to a revocation term of five months' imprisonment and five years' supervised release. I gotta wonder, Larry, are those five, cause this is like the third time I've said it, are those getting stacked? (Larry: Well no, they're reinstating the five of supervised release once he get's out of custody. He has a brand-new period of supervised release.) Okay, before this is over, he's gonna have 17 years of supervised release, haha. He definitely was having difficulty adjusting to supervised release to say the least. What happened next?

Larry 51:57

In August 2020, the United States Probation officers assigned to Dobosu submitted a petition before the district court alleging that he violated his supervised release by breaking the rules of his PFR-treatment program and improperly accessing the internet. A few months later, Probation submitted a superseding petition limited to Dobosu's violation of the policies set by his PFR treatment provider, which was RSA, Inc. Probation recounted how Dobosu had been "unsuccessfully discharged" from RSA in August 2020, and that's a Grade C supervised-release violation. And I don't know what that means, but it's way down on the list, so it's a technical violation. That's what I'm assuming.

Andy 52:41

The district court held a revocation hearing in June 2021, so just about a year ago. Dobosu

admitted to the violation alleged in the superseding petition. Dobosu and the government agreed that incarceration was not warranted, that's good news—even though the Guidelines range was between five- and eleven-months' imprisonment. But the parties disagreed about how much supervised release should be imposed. Dobosu sought two years. The government asked for five years. The district court revoked Dobosu's supervised release and imposed a custodial sentence of time already served, plus it imposed the requested five years of supervised release. So, this appeal was really on the issue of how much supervised release was appropriate. Do I have that sort of in the ballpark?

Larry 53:24

You are correct. The issue on appeal was the reasonableness of the five-year supervised release.

Andy 53:30

All right, and then the court justified it as follows. "If you look over the defendant's history, one thing that seems to be quite clear is that—and perhaps this is a product of some of the limitations in cognition that the defendant may have, but he's had many different allegations that he has failed to register as a PFR. Moreover, just based upon the violation that he has admitted to today, that demonstrates also to me at least that he is going to continue to need close supervision in order to make sure that he does not pose a risk to the community. And while we all hope and expect that he will be able to successfully complete the RSA program, even if he does, I think that supervision is going to be necessary. And I believe that the circumstances of this particular offense combined with his past history of failing to register and, of course, taking into account his underlying New York state offense, that it is appropriate that the Court impose a period of five years of supervision." Do you agree with the district court?

Larry 54:23

I do in part. I agree with the court that he had had difficulty following the terms of his newly imposed PFR supervision, which is related to a regulatory violation, rather than the original New York sexual offense that occurred so many years ago. The question I have is whether or not the judge was out of line in considering the New York sexual offense as justification for the five year supervised release, because the crime for which he was serving supervised release for was he moved to New York without registering. He did not commit a sexual offense. So part of what I would have argued, and I don't know if I'd been successful, but in the sentencing memorandum, I would have argued against the necessity for any type of PFR specific treatment because he didn't have any sexual offense tendencies. He had tendencies to not want to comply with registration. And therefore, I'm having some problems with the judge citing back and referring back to the New York offense that happened so long ago as justification for requiring PFR treatment. Remember, we've talked about conditions of supervision. They have to be reasonably related to the underlying offense. And I'm saying that as somewhat of a stretch here that it's reasonably related to the underlying offense.

Andy 55:44

Certainly, and also on that, I mean, if depending on how cognitively impaired the individual is, he might not understand the rules that he is forced to live under.

Larry 55:57

That's really not all that significant. People are in that predicament all the time not understanding and difficultly complying.

Andy 56:05

Okay. The Tenth Circuit stated, "on this record, the standard of review essentially decides the case. Dobosu provides several reasons that a shorter sentence might be appropriate under the sentencing factors, but, as the government points

out, the district court found his arguments outweighed under the circumstances. That was a reasoned exercise of discretion that we cannot disturb on appeal without far more than what Dobosu provides." What do they mean by "standard of review?"

Larry 56:33

It's the level of deference to the trial court. The standard review in this case was abuse of discretion. And that standard is very difficult to overcome, particularly in a case where the overwhelming evidence was against the accused as what existed here. A judge can abuse discretion. But it's hard to abuse discretion when you have discretion. The sentencing options, there's a range of sentencing within the guidelines, and the judge even went below the guidelines. So what you're telling the appellate court, "Judges, the panel, you're telling them, he's sentenced below the guidelines, but that sentence is eminently unreasonable in view of a person who's had such difficulty." That's just not an easy sell.

Andy 57:21

Alright. The Tenth Circuit went on to say, "on appeal, we have no solid basis for finding Dobosu's five-year term of supervised release substantively unreasonable, nor, critically, does Dobosu provide us with any cases striking down similar sentences. After all, Dobosu's sentence was itself the product of a sizable downward departure from the Guidelines range of five to eleven months in custody. Instead of additional imprisonment, the district court imposed a sentence consisting of solely time served and supervised release." Was this a good case to appeal?

Larry 57:53

No, it wasn't. And I would have told the person that. But in this rare circumstance, it really doesn't do any harm, because they simply follow existing precedent. They concluded by saying, it's not our role to disagree with the district courts

reasoning, sentencing determination, and nothing in his case suggests the Court's reasoning was arbitrary, capricious, whimsical, or manifestly unreasonable.

Andy 58:21

Capricious, whimsical, those are funny. And the point you really want to emphasize here is what about this case?

Larry 58:28

When you're talking about appealing your sentence, people say, "Larry, you don't understand. I did take the plea, but I'm gonna get to appeal my sentence." Well, I do understand. And when you're appealing your sentence, that doesn't stand much chance of success, because sentencing decisions are within the sole discretion of the trial court absent proof that the court reasoning was, as they said, arbitrary, capricious, whimsical, or manifestly unreasonable. Few can meet that heavy burden. And beyond that, if appellate courts easily overturn trial courts on sentencing, they would suddenly find themselves inundated with such requests. So they're just not going to disturb sentencing. They're just not.

Andy 59:10

I'm going to attempt to say that we were going to go after this thing of judicial economy of trying to, like, not quite bring everything into a class action suit. And I'm referring to this, one of the first things that you and I worked on was this thing in Georgia where they weren't putting people on unsupervised probation. And instead of trying to sue all 159 counties, we would bring it all under, I'm going to call it a class action suit. But I'm just using that as a term to say we were going to aggregate them all into like one big thing. This is the opposite of that, that you don't want to disturb the appellate to the degree of that hundreds and hundreds and hundreds of people start going in and filing appeals for something that might apply to them. So then they just decline to hear the whole thing.

Larry 59:49

That is correct. appellate courts want to review issues of law. They want to interpret law. They don't want to be sentencing judges. That's what you're doing when you're appealing your sentence, the reasonableness of the sentence. You're asking them to substitute their judgment, sitting at a distance for the trial judge who was sitting there looking the accused face to face, hearing from the probation department verbally, looking at sentencing memorandums written by both the prosecution and defense, you're asking them to substitute their judgment for that, and they're just not inclined to do it.

Andy 1:00:30

Interesting, okay. The civil regulatory scheme, it keeps just locking you up and locking and locking you up. Larry, forever ago, I met a person that had some kind of job, and they were required to handle like, chemicals. And there's MSDS I think it is the material data handling something or another. It tells you how if you have these complex chemicals, how you're supposed to store them and dispose of them? Do you know what I'm referring to kinda? (Larry: Not really.) Okay, well, I'm gonna call that a federal civil regulatory scheme, that if you don't handle these chemicals correctly, then you're violating law, and this person whose employee did it, they went to prison for this thing for violating a civil regulatory scheme. It was incredibly benign, as in like, the lowest kind of federal camp that you can go to. It was a very short sentence. The person was very upset that their employee did these bad things. And they should have known about all this stuff. But it's a civil regulatory scheme. And I was trying to think of other examples of civil regulatory schemes where people get rammed up the hiney. That's the only one that I have, and they hit you with such soft kid gloves it seems versus where you are late for curfew, and you violate a civil regulatory scheme, and you go away to prison for a year or more. The comparison is ridiculous.

Larry 1:01:52

That is correct. And that's why you need to be able to utter those words when you're in front of lawmakers. When they start clamoring for harsher penalties for people who violate the registry say, "Look, folks, remember, this is a civil regulatory scheme."

Andy 1:02:10

And it feels to me, Larry, when you say several regulatory scheme, disabilities and restraints, when you throw those two things together, and then you pile on, "Hey, I got just a random check. And I was not home for more than five days, they assumed I was out of town. I was just visiting my cousin around the corner or something like that every time they came around," and poof, you end up getting arrested and spending a lot of time. We've covered, when we were doing articles a lot, I remember we were covering something out of Pennsylvania with just these really benign compliance kinds of things that get you a mountain of time. And it's just ridiculous. And once you throw all that in there, it seems like it wouldn't be very hard to articulate to people how aggressive and egregious these things are.

Larry 1:02:54

Well, it's not hard to articulate. It's just that the law's the law.

Andy 1:02:58

Right, and we would need we the people to go into then try to be in favor of changing the laws that we did ourselves.

Larry 1:03:06

That is correct.

Andy 1:03:09

Cool. Anything else before we move along?

Larry 1:03:11

No. Let's move along. Do you have a mystery speaker this week?

Andy 1:03:15

I don't have a new one. But boy, oh, boy, did I think that no one was going to get this one. I got kind of flamed for the one that I did. Did you know whose last week's was Larry?

Larry 1:03:24

I did.

Andy 1:03:26

Did you know it instantly? (Larry: Instantly.) So here's what I played last week. I do not have a new one. But here's what I played last week.

Henry Kissinger 1:03:35

For an American president to challenge the constitutional system, and to try to overthrow the constitutional system is a grave matter. And I find no excuse for that.

Andy 1:04:00

And who was that Larry?

Larry 1:04:02

Well, I'm gonna give people a little history. I know that people know who he is, but you don't probably know the context of everything. That was Dr. Henry Kissinger. There's a lot of people that make such snide, snarky remarks about Dr. Jill Biden. But Dr. Kissinger was routinely introduced in interviews as Dr. Henry Kissinger, and he was not a medical doctor. He served initially in the Nixon administration as the national security adviser. And then I think near the end of the first term, he became the secretary of state. He took over for former Secretary of State Will Rogers, and he also doubled as National Security Adviser, and he held both hats for the for the remainder of the Nixon administration and through the Ford administration. In fact, Nixon told Ford that the only indispensable cabinet member was Dr. Henry Kissinger. So he was quite a public servant. And that, coming from him, is really impressive in terms of what he said. He's quite up there in years. I think he's very close to...

Andy 1:05:06
99 [years old]. (Larry: Very close to 100 [years old]). I saw him on an interview on the PBS news hour. And I was like, Oh, this is cool. And he's like, I mean, dude, he's old as dirt. And it seems like they wheeled him in, put them in the chair. and he was like, just gradually getting more and more hunched over, bent over in the interview.

Larry 1:05:23
Well, I'm older than he is.

Andy 1:05:26
I know that and you come on, and you're spry and spunky every week.

Larry 1:05:30
So, but yep, that's who that was, Dr. Kissinger.

Andy 1:05:34
Yeah, well, everyone got it. And it looks like the first person that wrote in was an individual named David. And I don't know where David is from. But David, if your name is David, then maybe there's 100 of you listening to it, then, well, I guess you all got it right. But David, I'm not saying your last name. It's a very unique last name. But that's all for that. And I didn't have a chance to get a new one for this week. But we will revisit this shortly when I take some suggestions from Wolfgang on how to get some new Who's that Speakers? We did get some new patrons, Larry. We got one I should say. We got a new one named Sylvia. She came in close to the \$1,400 a month level. So thank you so very much, Silvia, I sent you a message over on Patreon if you hear this. Thank you. Thank you. Thank you so very much. I appreciate it. Well, we appreciate

Larry 1:06:22
And no snail mail subscribers this week.

Andy 1:06:25
That's probably because you just forgot to mention them, like look them up and write them down. They're probably there and you just didn't

close the loop. And somebody is asking in chat. So I'll say this first, do you have anything else you want to talk about Larry? We are just 107. We are at 107. So we're like right at the time limit to it cut it off.

Larry 1:06:44
I think we should cut it off. And I'm going to talk about economics very soon. So I'm going to talk about the cause of inflation because I got some hate mail about something I said recently about inflation. People telling me that's it the worst inflation ever in the history of the country. So I want to talk about inflation and the sources and causes of inflation.

Andy 1:07:03
Oh, man, I should tell you about this conversation I had with someone who wanted to blame everything because gas under Trump was, whatever, \$2-\$3 a gallon, and now it's \$5, and it's Biden's fault. And I was like, do you not know about a conflict in the Middle East? Not the Middle East, but over there in southern Europe? Do you not know like, there's the summer blend that makes it more expensive. I was like, there are all these other things. And they're like Well, but then Migrants are coming across." I was like good grief. Can you stop doing this to me? Anyway, we won't be talking anymore I'm pretty sure.

Larry 1:07:33
Are we recording next week? I know you've got some important business. If we don't...

Andy 1:07:38
I was just gonna say, we will most likely, I'm about 99% sure that we will not be recording next week. I need a week off for all that's going on. Don't go look for the feed in your account next week. But otherwise, I will say this first. So for the person asking about how do you Patreon? So go to patreon.com/registrymatters. And you'll have to create an account and come up with how you're going to pay for it and all that stuff. And then you can subscribe to the podcast for as little as \$1 a

month, obviously \$1,400 a month is better. And that helps support the podcast. And you will get a few perks along the way that you can get the podcast as soon as I release it, which is usually first thing Sunday morning, early, early, early before the normal release, which is around Tuesday. It also opens you up to other chat options where Larry decides to talk to people before and after the show and so forth. You can find all the show notes over at registrymatters.co. And if you want to leave voicemail- Will you could have sent me that question you had on voicemail at 747-227-4477. And as I just said, [patreon.com/registry matters](http://patreon.com/registrymatters) is a way to support the podcast. Also, if you feel like it, you can go over to FYPeducation.org, there's a Donate button over there. Both of these are nonprofits. So if you have that kind of level of donations, you can take tax deductions for these things at the

end of the year If I'm speaking that correctly, Larry. (Larry: You are indeed.) Very good. That is all I have. And I thank everybody that decided to join us tonight over on the Zoom thing. And I appreciate all that you do for us, Larry and all the information that you provide. And I hope you have a great weekend and try to stay cool.

Larry 1:09:20

Thank you. See you next time.

Andy 1:09:30

Take care man. Bye.

Registry Matters will not be recording next week.

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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
 STARC - Secure Treatment and Rehabilitation Center



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
 ACSOL - Alliance for Constitutional Sexual Offense Laws
 ALI - American Law Institute
 NCIC – National Crime information Center
 AUSA - Assistant United States Attorney

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