



## Registry Matters Podcast

Episode 263

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Is the Michigan Registry Cruel and Unusual Punishment?

Announcer 00:00

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Andy 00:16

Recording live from FYP studios, east and west, transmitting across the internet. This is episode 263 of registry matters. Good evening, sir. How are you?

Larry 00:28

Doing? Well? Did you say 263?

Andy 00:32

I think so. Is that the right number?

Larry 00:34

That is the right number. But we've been doing this for way too long.

Andy 00:38

Oh, should we just quit?

Larry 00:41

Well, I think so because there's a competitive program and NARSOL is relaunching the NARSOL In Action. They're going to relaunch next month. Have you heard about that?

Andy 00:49

I have not heard about that. Who's going to do that?

Larry 00:52

We need to give him a shout out and help promote it. But yeah, they're going to launch it with one of the newer board members, and their first guests are going to be attorney Adele Nicholas and attorney Mark Weinberg.

Andy 01:05

Very good. Good for them. Who is hosting?

Larry 01:11

One of the board members is named David Garlock.

Andy 01:13

I know who you're referring to? Well, cool. Well, good for them. I hope that works out. We could even have them on to then help cross promote it. If they would be interested in that.

Larry 01:24

I would be delighted to believe in helping and working in a collaboration. So yes, I would be delighted to do that.

Andy 01:30

I also think, Larry, that it would be important for people to go over to their favorite YouTube platform of choice or podcast app of choice. I did that on purpose. And leave a five-star review and all

that and make sure you hit like and subscribe and press all those buttons and all that stuff. Leaving a podcast app review would help us as well, maybe help some people find the program that might have similar interests in the legal kind of news framework that we are working in. Anything you want to add to that, I know that you keep track of that. You watch that like a hawk. As soon as someone watches it, you come and tell me that you've seen that somebody watched it.

Larry 02:06

That's right. YouTube has been growing by subscribers we're up to, I forget, but it's well over 555 or 560 something, so it's growing.

Andy 02:15

Very good. Very good. Would you tell us what we're doing tonight?

Larry 02:21

Well, you've got some kind of gobbledygook stuff that you're going to be talking about related to I don't know how it fits into the theme on the podcast, but we're going to be talking about defamation and misinformation. And then we have a case from the Michigan court of appeals that deals with whether registration is cruel, unusual punishment, thanks to one of our lovely supporters. So we have that case because I didn't know about it. And then we've got a couple of articles to talk about, as well.

Andy 02:52

Fantastic. First, let's begin with a person ON OUR DISCORD SERVER posted a question and almost word for word what it was, I thought it was just about perfect with a tweak or two. And I asked him to send in a voice memo. And I think that this would be right up your alley as a question to be answered. It's I think it's just framed really well. And I don't want to spoil it. So we'll just, we'll just dive right into it.

Unknown Speaker 03:21

Hi Andy and Larry. So, Larry, you're always talking about how we have to engage with our state lawmakers. And I heard about some bad bills that were recently introduced in our state legislature, two more bills trying to pass huge 2500-foot residency restrictions. So, I finally looked up who my state reps are, and it turns out one of my state reps is actually on the judiciary committee that decides whether these bills will move forward or not. But I'm very nervous about reaching out to her directly. Larry says make a phone call because emails just get ignored. But I feel a lot of anxiety about making a call like that, especially as a PFR. And still a parolee. I mean, I'm not trying to draw attention to myself. I live in a small community and worry about my PO and prosecutor and even the cops that I have to provide in-person updates to deciding that I'm making waves and putting me under a microscope, which I definitely do not need. Plus, it seems kind of pointless because this particular politician ran on sort of a soccer mom style Law and Order campaign, promising to make communities safer, protect the children and all that. So, I can't imagine them being very sympathetic to our point of view, much less blocking these bills. Anyway, I would love to hear your thoughts. I love the podcast and thank you so much for doing what you do every week. Keep up the good work. And FYP.

Larry 04:50

Thoughts. Well, I have lots of thoughts. First of all, I don't want to diminish his concerns because they're legitimate about retribution. Particularly when you're in the clutches of the system being actively supervised. But I'm just curious as to how, if you were to reach out to your lawmaker, how they would know you're on the PFR list that has been, I've been working as a staffer for a Senator for a dozen years now. And I can't remember us ever looking at the PFR list when someone contacts us.

Andy 05:22

You don't the hovercraft doesn't like chime in and go doo doo doo doo. Here's the phone call coming from PFR 17832. And this is the person nothing like that happens.

Larry 05:33

Nothing like that happens. So, I can't imagine they would know, but if they did know then, it could definitely be passed back on to the people he named. And I would not say that it's beyond the realm of possibility that there could be some adverse consequences. I mean, there's one state that's pure as the wind driven snow. And I'm assuming we're not talking about that state. What state are we talking about here? Do you know it?

Andy 06:01

It is near that state but it's not that state. It's roughly kind of like the lower end of the Northeast? How about that?

Larry 06:09

Well, if it's if it's Pennsylvania, that's not a pure wind driven state, but that would change it. Depending on the state that changes the dynamics. I'm going to guess that it's Pennsylvania. Okay. So, if it's if it's Pennsylvania, I would be better prepared. If I knew if this is a Senate bill or a house bill. If it's a Senate Bill, and as if it has been sponsored by a Republican, it is going to pass because the Republicans I mean, it's going to pass the Senate, because the Republicans have a significant majority it's what 26 to 22. I mean, they have significant enough majority that they could pass the bill, they would have been anything the Democrat party could do about it. If it's a Senate bill, if it's a House Bill, the house is almost evenly divided. Therefore, it would still likely pass the House. But there would at least be some chance that you could modify it and have some discussion about it. If it were me, I would do some research. If we're talking about Pennsylvania, we would look at I think I vaguely remember, there's some kind of court interpretation of that there's preemption on residency restrictions, except imposed by the state. This is a state proposal. So that preemption won't help you because it's not a community doing it. But I would look at the wording and the language of that opinion to see if there's any goodie gyms inside contained in it. If there is in fact such a decision, I'd look at that. And that's certainly looking at, at decisions from outside of PA that deal with residency and proximity restrictions and how that that would be a potential unconstitutional addition to the registry. And I would do something that not a soul would ever do that calls themselves an advocate because they just cannot have these words flow from their mouth. But I would go in and I would remind the people that this is a civil regulatory scheme. And I would be able to say the words with a straight face, and that the civil regulatory scheme is in great jeopardy if you try to use it to impose disabilities or restraints, and I would cite to *Smith versus Doe*, I believe on

approximately page 100 of that opinion. I believe that's where it is. But anyway, we talked about it before. Now, and I would say that registration is only constitutional because it doesn't impose any disabilities, the restraints, that I would point to the Sixth Circuit decision on a Michigan and I would say, look What happened to people in Michigan when they kept ramping up and they added the residence restrictions or approximate restrictions, look what happened to them, they spent a gazillion dollars, and then they are no longer able to enforce that. The registry is too crucial for public safety. We don't want to get into jeopardy, and we don't want to jeopardize this vital public safety tool. Now I could say that keep a straight face, not a soul listening to this could do the same thing. But that's what I would do if I were in this position. And I would make a credible argument that keeping the registry up and running without these things is vital and critical to public safety. And I would be vilified by my own people saying that I'm a sellout but I'm trying to keep you from having additional restrictions to deal with in your life. So, I don't see it as a selling out. I see it as trying to make your life more livable. If all of a sudden you can't live in it or what kind of quality life are you going to have?

Andy 09:38

It seems like it would get kind of miserable.

Larry 09:41

And it is very miserable. A lot of jurisdictions where these restrictions are so huge, particularly I think down in South Florida and Dade County, Miami Dade County, I think it's 2500 feet. It virtually makes you subject to living in some kind of industrial zone where there's contaminated waste or something which I mean you Can't live anywhere. And so that that's the type of argument I would make. But I can feel for his concerns, and I can understand where he's coming from, but they won't know you're a PFR. But if you have a relationship with the lawmaker, it's not going to matter that you're PFR, they're probably not going to use you on the on the front of their campaign literature. But if you have credible good things to offer, and you have wisdom, and you have, you have some objectivity about you, they are going to listen to you because they're always looking for good information, almost always, I shouldn't say always, almost always looking for good information. They don't know all these issues, the members of the PA assembly, they haven't even thought about the registry. It hasn't come up in years and years, no one's thought about the registry as there's probably very few people to have any understanding of how it works.

Andy 10:52

Um, I do want to go back to this and ask a question when an individual calls and you answer the phone, and the person says, I'm John Doe. Like my name could be Andy and I've told you is John Doe. Are you looking it up? I mean, you might like you would pencil down say, hey, John Doe called and said, he's in support of or against such and such, you know, tell the Senator, you don't care, you're not looking, you're not saying send me your photo ID.

Larry 11:19

We don't do that. And, and I don't work in the capitol office, I work in the business office, you know, for the day job. So the bulk of the calls are going to the capitol office. But we don't do that. What is done is when a person says I'm a constituent, we may ask

for their address. And then we try to figure out the senator himself, he can tell you almost just based on the address, if they are in the district, I'm not that good. I'm not that good with a map. So, I will actually go on the app and look and see if they'll dress falls within the district. And that's all we're really concerned about. You're representing everyone who lives in your district, whether they vote for you or against you, whether they're a minor, and whether they don't vote, whether they're a convicted felon, you're representing all 60,000 constituents in the district. That's about 55 or 60,000 for a senator here. Whatever the number is, you're representing all of them. You're the only voice they have. And people get fixated on the fact that they don't vote, you still have to represent the school children, even though they don't vote. [Right.] But what has a bigger advocacy than education of children?

Andy 12:40

So, So Brenda points out in chat that the writer probably thinks he has to say I'm PFR, and I'm impacted by bla bla bla. Does the individual or any of us have to do that when we call?

Larry 12:54

I don't have any reason to think that you would need to do that. Now, a very astute staffer might ask you if this has any personal impact on you? Because you're not used to getting phone calls from someone who wants to be concerned about the reaches of the registry? I mean, 12 years that I've done this haven't gotten a single call like that. So I think it may be befuddling you. I think that she's pointing out that when she was in the capitol there in Maryland, and she was telling one of the staffers about something not being good public policy, and basically, they blew her off and said, why does it matter? And she says, because it's unconstitutional. Hopefully, she's smiling because I do remember that when the person said, who cares? It's just PFR. She said because it's unconstitutional.

Andy 13:41

I do assume, though, as a relationship would progress along that you eventually I mean I don't know you ever announce yourself as being the PFR, but you would announce yourself being your name and talk to the person on a legit level instead of just somewhat on an anonymous phone call?

Larry 14:00

Well, that would be true. If you have a relationship, like say it's not going to matter as much, they're not going to use you as a campaign spokesperson. But if you're credible, they're going to listen to you.

Andy 14:11

What would make you credible in a space like that?

Larry 14:15

Forming a relationship with the person and you're gonna have to do it in a way that. Pennsylvania, I think, is year-round so it's a little bit more difficult. But in most of the states where it's not year-round, you meet them at places. They're doing town halls in their district. They're doing things, and you actually run into your lawmakers around the district, and you talk to them and say I live in your district, and I would like to have a meeting with you. And you go in and have a meeting. They're not going to do a

background check on you to have a meeting for a state senator or state representative. They're not going to do that. You're not visiting the White House.

Andy 14:56

Do they ask you for your address to see if you actually are a constituent.

Larry 15:02

Often that that is done, you just have a certain amount of bandwidth and you're representing a particular group of constituents. And you would like to know if you're spending an hour to have a meeting that they are actually one of your constituents. So yes, it's very common that you're going to get asked the address.

Andy 15:19

And then they're going to do the reverse search to see if this address shows up on the PFR list.

Larry 15:25

It's never anything like that. Is it possible? Of course, anything's possible, I guess, but it's not likely.

Andy 15:46

And I have to then think that the person is such a vindictive person that you are calling to oppose something that impacts you negatively, that they're then going to track down your handler and out you so that they can come F with you to make your life miserable because you are in opposition to a bill.

Larry 16:08

I mean, I wouldn't rule that out if they actually knew, particularly if you're a high-profile offender, and you've done something that was particularly out there. You know there's a sensitivity in the community to all sexual offenses. But if you had done a high-profile thing, I mean, it would be possible that could happen. But if you've done a really high-profile thing, I wouldn't advise you to get into direct advocacy.

Andy 16:32

Right? And then since you brought that up, just by extension, what would be ways that you could be an advocate without being quote unquote, an advocate?

Larry 16:45

I guess I don't follow a question. You can be an advocate without being an advocate.

Andy 16:49

I mean, this came up along the same lines, when this question came in, people would fuss and fuss--well, we can't even vote. And I was like, I appreciate that you have your one vote and your one vote counts. However, when you have 10 million people in the state, and some number of them vote, your one vote does not tip the scale. So there are these other things that you could do instead?

Larry 17:13

I get your question. Yes, well, there's a number of things you could do. Old-fashioned shoe leather is still very popular with

campaigns, at least in a rural state. And Pennsylvania has a lot of rural areas. So, what you would do is you would do literature drops for candidates are more favorable to your views. You could do phone banking. I hate to tell you, but they're not going to know that you're PFR. If you call them on the phone, now getting an answer on the telephone, is gonna be a longshot these days. But we still do phone banking. I don't do it anymore, because I get tired of getting one answered out of every 25 phone calls. So, I don't do phone banking anymore, but it's still done. They do literature drops, door knocking, and you can make campaign contributions of financial resources. It takes a lot of money to run a campaign. And I mean, you can go on and on with things you can do to try to impact public policy. You can show up at a town hall and ask a tough question and see what they say. They're not going to know you're a PFR. I hate to tell you that you're not spewing radiation out. They're not going to know that you're on the registry unless you're in a very small town. And the town halls only got three people in it. They might know then. But if you're in a room full of 75,80, 100 people, How the heck are they going to know.

Andy 18:24

There is a cognitive bias called the spotlight effect. And it is that you think that because you know you more than people know you that they actually give a flip about you. No one knows who you are. No one cares. Unless, like you're saying, you live in that little, small town and everyone knows everyone. But if you're just in a normal area nobody gives a flip about what you're doing.

Larry 18:44

Well, I get that there's people who go into mega churches here. And they tell me that they had been asked to leave and I say, Wait, wait, wait. You say the very first day you go to a mega church. And I say, how would they have known? I don't know. I say well, I don't believe that. So, you never went to the mega church before? Well, I guess I did go a few times before that. Did you fill out a visitor card? And give? Well, I guess I did fill out one of those. Oh, well, is it possible that they took the visitor card, and they did some research on you? Because the mega churches do have some protocols about keeping people safe. But if you just go to worship, and you sit in an open service, and there's three, four or 500 people in a moderate sized church and even mega church, I hate to tell you, they're not going to know they're just not going to know.

Andy 19:35

Right, right, right. Okay, we've done this for 15 minutes. We should move along. [All right.] You're going to ask me a question.

Larry 19:47

Oh, yeah. So yeah, I guess this is my turn. I've got to ask you a question about this stuff you put in here. So I remember watching professional wrestling back in the day. Did you?

Andy 19:58

I did. I did. So my dad took me as a kid and the earliest big Hulk Hogan kind of character I remember was a guy named Bob Backlund. That's what I remember. And that was like in the 80s. I suppose I was a little weak guy at that point.

Larry 20:14

I do remember Bob Backlund. [Do you really?] Yeah, I do remember him. He used to wrestle in Georgia.

Andy 20:20

Oh, well, I wasn't in Georgia at that time. That's before me. Like, I guess I just would have seen him on TV.

Larry 20:27

So, of course, you know, that crap wasn't real, don't you?

Andy 20:30

At the time, man, I was like standing up on the seats in the stadium. And I was like, he's got the thing in his head thinking of the referee, the only person at a 20,000 people or whatever in the stadium, the only guy that doesn't know who it is the person that's closest to them, the referee, so I thought it was real. Of course, it was real. What are you talking about?

Larry 20:49

Well, it was considered real when I watched it, but I figured it out probably in my late teens.

Andy 20:58

And at what point in time were you watching it when you thought it was real?

Larry 21:02

When I was in my early teens all I was fixated on it. It was we were getting out of the foster home and going to travel to downtown Atlanta, and different places where they held it. And it was fun to go watch this spectator sport. But I figured out in my late teens that this was hogwash.

Andy 21:22

What year was that, though?

Larry 21:24

Oh, it was about the early 1900s.

Andy 21:31

I see. I got you.

Larry 21:34

So, do you think professional wrestling is real? Now?

Andy 21:38

I do not. I still wonder how people watch it. I mean, I do appreciate that they are athletes in there. I don't want to call them gymnasts. But it's total theater. I guess that I was somewhat of a slow learner. I thought it was real at the time.

Larry 21:56

So well, how did you come to this conclusion?

Andy 22:00

All right. Well, I do recall, it was watching it on TV. So, there was a guy, I cannot remember his name, but he wore a glove. And I want to say his name was The Claw. But I can't remember that for sure. And he would have something in there. And somewhere during the match, he would get the guy pinned. And he would put his

thumb and pinky on the guy's temples and just squeeze, squeeze, and squeeze. And eventually, the guys' head exploded with blood. And they put X's up on the screen, like, you know, in Family Feud when you get the wrong answer. So, I had like that, that was real. But I was like, Okay, this guy is not actually squeezing the guy's head like a grape and making it. You know, he's not making the guy bleed. So anyway, these X's would cover up the screen and cover up the gore.

Larry 22:49

So well, this is supposed to be a registry show. I hope we're going somewhere. But anyway, what's wrong with that. All that's entertainment.

Andy 22:56

All right. Well, to me, if you think about it, this is to me if this were actual violence, and you are damaging another person. And if we were to then compare it to boxing for a minute, these are I believe boxing is a use your words, I believe it is a civil regulatory scheme. And otherwise, you are committing assault and battery on a person. Like if you're squeezing their head to the point that they're bleeding, like you've ended up like attempted murder, perhaps. And if that's okay, I mean, you're the legal expert, you tell me is this a civil regulatory scheme? As far as it being fighting like boxing and MMA stuff? Is that a civil regulatory scheme that allows them to beat the pulp of each other and not get charged with assault and battery?

Larry 23:41

Well, in a sense, I would say yes. But the sport's governing authorities do take great lengths to make sure that there's not a serious risk of long-term injuries. Now, that's not the intent of boxing, although people do get injured the blows to the face, can open up a cut, make a black eye. But that's not the point of boxing. And then there's the long-term consequences of I think Muhammad Ali had from all the blows to his head, but the baseball and the football, the regulatory framework, they do try to minimize I mean, it's the same thing in this wrestling. If all this was really real. There'd be people getting locked up with all the chairs being crashed over their heads and stuff, but

Andy 24:30

Right. Okay, so that makes sense. So then let's Let me transfer this over to the next part of this. Do you know that wrestling is not covered on ESPN? covered on what? The ESPN you've never you've never heard of ESPN?

Larry 24:48

Yeah, I think I think I heard of it like 30 years ago. Don't they cover sports.

Andy 24:52

Yes, it's the Entertainment Sports Network, and they cover the actual news and events of sporting events. And because wrestling is not a sport, it's theater, they do not cover it. The matches are staged. They know in advance who's going to win the storyline. I know like, it's not like at 10 seconds you're doing this at 20 seconds you're doing that. It's roughly scripted. So it's odd to me that you're going to go over to DraftKings and bet on matches, but I guess some people know who's going to win, like the McMahon family knows who's going to win the match, but the general

population does not. So I guess that's why you can vote on it. However, you got a guy like Pete Rose who was convicted, I think, and removed from the Hall of Fame, for insider betting. So incidentally, on that subject, I found a quote on ESPN 's website dating back to 2016. That reads, to me, the line ESPN has to be careful when crossing is the one separating fiction and nonfiction real competition and pure entertainment. And pro wrestling is simply a well performed fiction for news organization. I think this is a poor fit, and one that comes with real risk. And I want to point out again, Larry, it says, simply, well performed fiction.

Larry 26:12

So well, as I said, on the movie, *A Few Good Men*, we need to make us aware that this is a PFR show. What does this have to do with PFRs?

Andy 26:22

Okay. So, did you hear recently about a news lawsuit against Alex Jones and then the settlement between Dominion and Fox News?

Larry 26:29

I think I've heard about a just shy of an \$800 million settlement with Fox News. Yes.

Andy 26:36

All right. Well, Alex Jones trial when it was in Texas, there were multiple states they awarded the plaintiffs \$49,000,000. That's \$49 million. Only did was tell a few lies, Larry, people considered what is reported on his network to be true. The Info Wars podcast is the 47th most popular podcast number one is the BBC News Hour. Number 10 is Joe Rogan. Dave Ramsey's number 11 And then Laura Ingram is she's 20. Mark Levin, this would be your favorite. Mark Levin is number 19. These programs are incredibly popular. And for him to be 41. I mean, he's up there in the rankings as far as the reach that he has, so tell me from a legal point of view, when YouTube and these other platforms, they took them off saying that they could not post on their platform, is that shutting down their free speech?

Larry 27:27

Oh, well, I've said all along, No because you can speak all you want to, but you don't have a right to speak on someone's platform that isn't yours. So that's kind of kind of my opinion, but they didn't get sued for saying something. But for the damage that resulted from what they said their words caused harm. And let me give an example a comparison. Do you remember the Democratic primary in Iowa where they use the new voting system?

Andy 27:58

I think I recall something about it.

Larry 28:02

What they used to new process and technology and things didn't go smoothly in that election, and the reporting on it wasn't slanderous. It was factual. There were problems with the app as it was called, and that's fine to report on it. But when you go and say things that are not true, that you know, are not true. That's a different standard because those words can be harmful.

Andy 28:27

You're making my point. So, you have a news organization, and their mission is to provide information, news, facts, both sides of the story, all that stuff. And in the heat of the moment, if it's late breaking news, I've heard them say, hey, look, this is happening. And we're getting information and it might not be accurate, but we're reporting what's important what we know about at this very moment. They may have to take it back later. From what was originally reported for the record. Oops, we said it last week, and there are so many casualties. And we know that that's not what it was not that many. However, the statement made by Fox News is this in the in the settlement, we are pleased to have reached a settlement of our dispute with Dominion voting systems. We acknowledge the court's ruling finding certain claims about dominion to be false. This settlement reflects Fox's news continued commitment to the highest journalistic standards. We are hopeful that our decision resolves this dispute with Dominion amicably, instead of the acrimony of a divisive trial allows the country to move forward from these issues. Listen to that carefully, though, Larry, it says claims about Dominion to be false. These are they changed the vote. It didn't say they lied, but this is just wordsmithing, at least the way that I'm taking it like the people on these news channels, Fox News just being one. They lied repeatedly. And for years. Again, let's go back to ESPN. They don't cover professional wrestling because it's theater. They don't want to cross that line of covering theater. As it isn't their mission. Their mission is reporting the facts of sports. Media magnate Rupert Murdoch knew that as fellow Fox News hosts were endorsing lies spouted by the former president, yet he did nothing to stop them. You had the news people of Fox wanting to report the truth. You had the opinion people like Tucker and Hannity, who get the highest ratings on television, spewing lies and repeating them.

Larry 30:22

Well, you, you're getting all worked up here. We have to be careful now. The people like Hannity, when they're giving their opinion, that's okay. If you know you're watching an opinion show, but when you're watching what is supposed to be News, the news is supposed to be as accurate as it can be. And there's a different standard there. But you're beginning to sound like me because I try my best to be as accurate. We both do our best to be accurate on this program. We will probably make some mistakes tonight. But they're not intentional. And if someone shows those mistakes to us, we will come back in a future episode and say, oops, we're sorry. Fox News didn't do that. They were shown the evidence that they were wrong. And it took \$787 million dollars, and a lot of litigation. And they've got several more lawsuits pending. And they're not likely to go well. You just can't defame a company by making false statements like they did. You just can't do that. You don't have that right unless you're willing to pay. You're hurting the people who design those systems. You're hurting the reputation of the employees that work so hard, you're hurting the election officials who monitor the elections from both sides of the aisle. You're doing all this harm; you're undermining public confidence in elections. And you're doing that all for the sake of the almighty dollar. The only way we can get your attention is to take some almighty dollars from you. And that's what's happened here.

Andy 31:52

All right, well, you need to take a deep breath now. But hang on. So, I have one other point that I want to make. And I was just curious, have you heard of the Onion or Babylon?

Larry 32:03

I've heard of the Onion, but I don't think I've heard the other one.

Andy 32:05

All right, well, they're both satirical websites. And they you know, they're quote, unquote, news. But so from Wikipedia, the Onion is an American digital media company and newspaper organization that publishes satirical articles on international, national and local news. The Onion's articles cover current events, both real and fictional parodying the tone and format of traditional news organizations with stories, editorials, and the man on the street interviews using a traditional news website layout and an editorial voice modeled after that of the Associated Press.

Larry 32:38

Oh well, thank you for your report about the Onion. What's the point?

Andy 32:41

All right. Well, the point is this. Some headlines on the Onion read right now are Sarah Huckabee Sanders eats a kid, Jimmy Carter gets a vasectomy reversed, and Biden shoots herself in the foot in hopes of getting discharged from presidency. And this one is great conservatives explain while child marriage should be legal. And then Babylon has Fetterman filibuster Senate for seven hours while attempting to say hello. You cannot go to these sites and read them for more than 30 seconds to realize that something is wrong. It's so good at pushing the envelope of being legitimate sounding but obviously not telling the truth. And I was going to say it doesn't say it's news. But it does say that it's news. It's just ridiculous. And it's not trying to mask itself as real news. This is actually what would be fake news. But anyway, I cannot figure out for the life of me, Larry, how people continue to support these news organizations. Fox News is one. Newsmax is another one. And with that level of disregard for truth. So anyway, back to my previous thought, it's just insanity because of these lies, and the prevalence of people believing untruths just supports the preconceived beliefs. You had a peaceful protest where the Capitol was stormed over a blatant known lie. And it continues, and Trump is going to run for president again. And he really has high numbers. Do you think it will matter though? I'm just wondering, is 784, or six, or whatever it was, is this going to hurt either his numbers or Fox News's numbers.

Larry 34:15

It's hard for me to see that anything would hurt his numbers being Trump. But with Fox, it will hurt because remember, they have shareholders. The fundamental requirement of capitalism is to provide profits to your shareholders and not give away money unnecessarily. And they're going to have to do an analysis of all this pending litigation, and whether they need to modify their business practices in view of the substantial losses they may be facing. So, I think it will temper Fox News. But are they going to magically become a great objective news source? Probably not. But I think that like, wasn't there a text from Tucker Carlson to

what's her name, saying, hey, you know you don't have any evidence of this so knock it off, Laura Ingram?

Andy 35:04

Well, I don't want to speak specifically about that. I know that he had inside communications with people. I just don't know what it was.

Larry 35:11

Well, I mean Tucker Carlson was not exactly the paragon of objectivity. But if he's saying, hey, we're on thin ice here, it should have been adhered to. But I think it will make some difference with Fox. I really do. And I hope it does.

Andy 35:31

And ultimately, there I got to ask what the hell is wrong with people? That's all ultimately I wanted to ask you. What the hell is wrong with people? And it took me 15 minutes to set it up.

Larry 35:40

Well, it's something I've been asking you myself about. The YouTube channels that I watch, and the people that just gravitate to watch channels that are blatantly telling them lies, blatantly misinforming them, and doing it because it drives their click count and their subscription base. And they have to know that some of the stuff that they're saying is a lie. And I know that they know it because I go and post some of them and tell them, hey, you're wrong about this. That's not factually correct. But people apparently have a need to be angry and to be misled into I don't know why I wish I could explain it. But apparently people enjoy being angry and being mad and being scared. Social Security is going to quit paying benefits. Really? They haven't been they haven't missed a payment since 1940. So, 80 plus years now, and they're going to stop paying people. No, it's not going to happen. Can you imagine when there are 66 million people collecting benefits? Can you imagine if they didn't make the payment cycle in May or June or July, the cataclysmic consequences that would have for the US economy. There are people like those, they would not be able to pay their rent, they would not be able to pay their co pays. There are people who that's either the majority or the entirety of their income. Do you actually think Congress is going to allow 66 million people to not be paid? Really.

Andy 37:02

These aren't just these aren't the homeless people we were talking about preshow. These are grandmas and grandpas.

Larry 37:09

Yeah. So, these are people who by and large vote, 66 million people would register complete resentment at the polls if that happened. So yeah, that would be if it did happen. I mean, anything's possible. There'd be grandstanding, and there'd be people who tried to point the finger at whose fault it is. But the bottom line is, it's your job to work out a solution. And a solution will be worked out, as it always is. You've got more things to be worried about than whether you're going to get your precious Social Security check. You're going to get it. Anyway, that wasn't the topic, but why don't people why do people want to be mad about stuff that doesn't exist? People want to be mad about election fraud, that wasn't happening.

Andy 37:52

Alright, enough of that. I will stand down off my soapbox and let you have it back.

Announcer 37:58

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Andy 38:47

Let's move over to Michigan Court of Appeals and cruel and unusual punishment. And you have a case that you gave you put in here for tonight. It's The state of Michigan versus Andrew Michael Swoffer-Saules. I've never heard of that name before in my life. Larry, I did read it while I was at lunch today, and I've read it 47 times. So, I have a lot of questions for you. Are you ready?

Larry 39:12

So why did you read it so many times? Were you totally without anything productive to do today?

Andy 39:18

I had absolutely nothing to do. I just wanted to make sure that I could come up with some good questions for you. Let me set this up. The matter was before the Court of Appeals on remand from the Michigan Supreme Court. The directions were to consider "defendant's argument that the imposition of lifetime registration violates the state prohibition on cruel or unusual punishment in the state and federal constitutions." Before you start pontificating, I know you don't really have much faith in that argument. Can you please explain your reason why.

Larry 39:51

Sure, the cruel and unusual punishment clause is a very difficult standard to meet. If putting people on death by gruesome means is not considered cruel and unusual, then it's difficult for me to imagine or conceive of anything short of a painful death, that would be considered cruel, unusual punishment. And we've played--I don't know if you have one handy--but we've played Scalia saying that it's not cruel and unusual punishment. And that's the conservative view on cruel and unusual punishment. So, if you've got a tape, play it. If not, we can just move on. But you can put people in a torture chamber and juice their body up and fry them and have them convulsing and vomiting. Or you can put them in a gas chamber, and you can have them doing the same things. Can you say that if that isn't cruel, how would you ever make the standard?

Andy 40:45

I don't have that one handy, but I do like this one.

Scalia 40:49

Stupid but constitutional. Stupid, but constitutional. Stupid, but constitutional.

Andy 40:57

That's like one of my favorite ones. [Larry Okay.] The court stated, "We decline to address the issue in the defendant's first appeal, in which we affirmed defendant's convictions but remanded for resentencing. They had suggested that the defendant could raise the issue to the trial court regarding lifetime PFR registration. Now they have addressed the issue of lifetime registration. What did they decide?"

Larry 41:22

Well, to keep the suspense down before we go into it, they decided that lifetime registration is not cruel or unusual punishment. What a surprise.

Andy 41:29

Yeah, no doubt. I know that you have always claimed that the courts can be influenced by the particular facts pertaining to the challenger. Do you think that that had any impact in this case?

Larry 41:39

I certainly can't rule it out. The facts of this case are not particularly appealing, to say the least. And I know that you prefer not to be graphic on this family-oriented program. But do you mind reading from the facts as they were articulated by the court?

Andy 41:53

I will sensor if I feel necessary. The complainant, an adolescent female, went to the park with her sister and a friend to play basketball. She stopped at the home of an adolescent boy that she knew in an attempt to borrow his air pump to inflate her basketball. The Defendant, whom the complainant had not previously met, also stayed at the home of the adolescent boy. The males invited the complainant into the home and into defendant's room under the guise that they would help with the basketball. According to the testimony, once in the bedroom, the door was shut, and the males threw condoms at the complainant and called her derogatory names, including sexually themed ones. They then struck her on the legs, attempted to force her to swallow a pill, forced her onto the bed, kicked her, and touched her breasts and buttocks. The complainant testified that they forced her legs open and touched her everywhere. Then the defendant tried going, but they're on her legs, and that's not pretty. That's not at all pretty. Then the defendant "tried going in [her] with [her] clothes" on. This is not a pretty case Larry.

Larry 42:56

It is not pretty and could the facts that affected the outcome of this case? Absolutely. Yes.

Andy 43:01

I mean, that sounds like that would be rape in my mind. The defendant was convicted by a jury of assault with the intent to commit sexual penetration, CSC-IV. What is CSC?

Larry 43:13

Criminal sexual Conduct, I think.

Andy 43:19

Okay. CSC-IV, which would be for felonious assault, and stalking. Along with sentencing him to prison for the convicted offenses,

the trial court also imposed a requirement of lifetime sex offender registration under the Sex Offenders Registration Act (SORA). The defendant appealed to the Court of Appeals' decision to the Michigan Supreme Court. They remanded the case back with directions to consider the cruel and unusual punishment argument.

Larry 43:46

So, I'm not sure how he even got the issue before the court because according to the opinion on page 2, for an issue to be preserved for appellate review, it must be raised, addressed, and decided by the lower court. It noted that defendant did not argue that his sentence to lifetime registration was unconstitutionally cruel and unusual in the court below. Thus, this issue has not been preserved for appeal.

Andy 44:15

I saw that. It stated that "our review is for plain error affecting defendant's substantial rights." What the heck is plain error?

Larry 44:28

Well, since I'm not licensed to practice law, I will read from the opinion. The court stated, "To avoid forfeiture under the plain error rule, three requirements must be met: 1) error must have occurred, 2) the error was plain, i.e., clear or obvious, 3) and the plain error affected substantial rights." Reversal is warranted only if the plain error resulted in the conviction of an innocent defendant, or if "the error seriously affected the fairness, integrity, or public reputation of judicial proceedings independent of the defendant's innocence." That's a pretty tough standard to meet because it doesn't sound like the jury was very convinced of his innocence.

Andy 45:11

Let me see if I have this correct. He did not raise the issue. This sounds like the DOE case, Larry. They did the what's the settlement thing that we talked about all the time? [Larry Summary Judgment] Summary judgment, it sounds like because they didn't bring it up at the lower courts, then they couldn't bring it up when it went to the Supreme Court. That's what this sounds like, to me. Since he didn't raise the issue below. He's barred from raising it on appeal. Right?

Larry 45:37

Yes, you kind of had it correct, other than they can look at for plain error, and they didn't see any plain error.

Andy 45:44

Okay, so I, alright, so I do kind of have that. Alright. It seems to me that he would have been at the mercy of his attorney, and how can they hold him responsible for what his attorney failed to do?

Larry 45:55

Well, remember I'm guessing, so people don't send us ugly emails, I'm guessing that the attorney felt that the cruel and unusual punishment argument lacked merit. And it was doomed to fail. Thus, the attorney refused to put that forward. And if I had been on the legal team, I would have told the guy the same thing. You can make this silly argument, but it's not going to work. And we'll make it for you. I would make it. I mean, if I were licensed, I would make the argument and the judge is going to rock his chair back



and look at you like you're nuts. But go ahead. That's what probably happened.

Andy 46:26

All right. Well, Michigan SORA Tier III offenders must report any changes to their residence, employment, e-mail address, and telephone number, and must report in person four times per year to verify their residence. Can you admit that is a disability and restraint and because Michigan SORA imposes affirmative obligations amounting to an onerous burden on registrants. Can you admit Larry?

Larry 46:51

Yes, I can admit that. But just because there are burdens that doesn't make it cruel and unusual punishment.

Andy 46:59

Under Michigan SORA, tier three offenders must report any changes to the residence, employment, email addresses and telephone numbers and must report in person four times a year to verify their residence. Can you admit to me that that's a disability in restraint?

Larry 47:13

I can. But again, that does not make it cruel and unusual punishment. It's a disability or restraint.

Andy 47:20

The registrants' personal information, including a physical description and photograph as well as their home address license plate number must also be made available to the public. What do you say to justify all of that?

Larry 47:34

I have nothing to say that justifies all that. In fact, I've vehemently disagree with practice. I would say that in this area of the law, that's where you might potentially have the most vulnerability to a legal challenge. But we need to fully develop a case with credible evidence that shows what occurs due to internet publication. This means all you practitioners out there don't file a motion for summary judgment, come in with a war chest of about \$100,000. And be prepared to put on expert testimony, no summary judgment, build a framework that allows for this finding that the internet publication is imposing a significant disability, and possibly even death or serious injury. Have proof antidotal evidence is not good enough.

Andy 48:25

Let's move on to the cruel unusual punishment standard. The court stated, "to determine whether a punishment is cruel or unusual under the Michigan Constitution, courts assess whether it is "unjustifiably disproportionate" to the offense committed by considering four factors: (1) the harshness of the penalty compared to the gravity of the offense, (2) the penalty imposed for the offense compared to penalties imposed for other offenses in Michigan, (3) the penalty imposed for the offense in Michigan compared to the penalty imposed for the same offense in other states, and (4) whether the penalty imposed advances the goal of rehabilitation. Shall we go through their analysis on each of the four? [Yes.] Perfect. On the first point, the defendant cited *People v DiPiazza*. In that case, an 18-year-old defendant was convicted

of attempted third-degree criminal sexual conduct after a teacher discovered that he was in a relationship with a nearly 15-year-old girl. The defendant was sentenced to register as a sex offender for 10 years as a result of the conviction. The same Court held that a 10-year registration requirement was too harsh. I can't wait for you to spin your way out of this. How is it that 10 years is too harsh, and lifetime is not? I can't wait for you to spin your way out of this one. If that guy got 10 years, how does this guy get lifetime?

Larry 49:39

So, well? That was a whole different case. But I'll let the court do the spinning. They said, in comparison to the "not very grave" circumstances of the crime, considering the relatively minimal age difference and the consensual nature of the relationship of which the parents approved. The Court also noted that the defendant and the alleged victim later married. So that's a completely different case with the *DiPiazza* than this case.

Andy 50:15

So, I see that on page 4. They also stated, "Given the starkly different nature of the present case, we find *DiPiazza* inapposite. In contrast to *DiPiazza*, which involved a statutory rape situation between two consenting teenagers, the instant case involved a violent, nonconsensual, and humiliating sexual assault by defendant against the victim. The Defendant offered to help the complainant as a pretext for luring her to a room where he forcibly detained her with the assistance of another and violently sexually assaulted her until she escaped. The offense here was far more severe than the offense in *DiPiazza*; consequently, we do not find lifetime sex offender registration unduly harsh in this instance. I see your point that the facts of the challenger can alter the outcome.

Larry 51:00

Indeed, it can. And just as we've talked about the case in Georgia with Wendy Whitaker. She was the proper plaintiff to make the challenge that the school bus prohibitions that you had this law of Georgia for a period of time where if you have within proximity of a school bus stop. You would have to move, and those are subject to being changed every school term. And her offense was very benign, as compared to most PFR type offenses. She was the ideal challenger. This is something that most people when they say I want to file an appeal. I said, wait a minute, you're not going to be very attractive to the court? Well, the courts are not supposed to look at that. Well, but they do. They're humans. And this was one of those cases where had I had the opportunity to tell them, they're not going to like you very much. They're not going to be wanting to give you an any relief, you did not do anything that's going to endure any sympathy from the court. You have to understand that and accept that. Wendy Whitaker did something that everybody could relate to. She had oral sexual encounter with a student approximate her age, but she was above the age and the male student was not. But everybody could relate to that. I can't think of a soul out there that we could tell the story of what we just read that could relate to what he did. Can you?

Andy 52:19

I don't see how that one works out. So, then the defendant next argued that sentencing him to lifetime PFR registration is a

disproportionate penalty when compared to sentences for other crimes in Michigan. How did that argument go Larry?

Larry 52:37

Not well. He argued that only CSC sentences subject a defendant to lifetime punishments that lasts even after prison. The court noted, "contrary to this contention, many other offenses have statutorily mandated penalties in Michigan. They cited laws mandating minimum terms of including a 25-year minimum term of imprisonment for certain fourth-offense habitual offenders); and mandating terms of imprisonment for a defendant who possessed a firearm during the commission of a felony; and mandating life imprisonment for an adult defendant convicted of first-degree murder. He was simply wrong with his assertions.

Andy 53:16

The defendant also argued that Michigan's mandatory registration system is unduly harsh when compared to other states. He cited the Massachusetts Supreme Court which ruled that a defendant convicted of a sex offense is required to register under a tiered system, but that the tier or level assigned to each defendant must be determined by an individualized evaluation. He also pointed out that Arkansas' registration requirements must be established on the basis of a recidivism assessment. Why did that not work?

Larry 53:44

Well, as the Court stated, Michigan is far from unique in requiring PFRs to register for life, requiring lifetime compliance with SORA is justified in this situation, and that's on page five. A lot of states. I mean, pure wind driven Florida. Pure wind driven Maryland, they have some lifetime registration offenses, and Florida has, I think, everybody is on for a lifetime unless you can fit within that small zone of people who can petition for removal. Lifetime inclusion and a civil regulatory scheme is not necessarily cruel, unusual punishment. Sorry to break it to you.

Andy 54:23

The defendant's final argument was that his sentence to a lifetime on the SORA registry is contrary to the goal of rehabilitation because he will suffer stigma interfering with his ability to acquire housing and employment. Can you at least admit that is true?

Larry 54:40

I can admit that, but unfortunately, he did not raise the issue below nor did he provide proof of those assertions. The court's response based on lack of evidence was "while it is plausible that defendant's presence on the registry will complicate aspects of his future life circumstances, those negative effects could be attributed to defendant having engaged in conduct resulting in convictions of offenses that happen to fall under SORA's ambit, rather than to the registry itself." And they stated, "Defendant's lifetime SORA requirement is not unjustifiably disproportionate because sex offender registration may deter defendant from recidivating in the future." So, he placed himself through his attorney of whatever he got himself in a position where he didn't build any evidence, didn't have any evidence to show that it is the registry causing these negative consequences. You can't just throw up an assertion and court and say the registry doing all this. Remember, the burden of proof is on you.

Andy 55:43

So, what happens next?

Larry 55:45

Well, as I read the opinion, it goes back to the trial court for resentencing, and if I read it correctly, but my guess is that he will probably try to get back before the Michigan Supreme Court on the cruel, unusual punishment argument, because he's not going to want to accept the mid-level Appeal Court as being the final authority on that. So, my expectation is that this case will go back to the Supreme Court, at least on some sort of petition, whether they'll hear it or not. I don't know. But the argument is doomed. it's not cruel, unusual punishment.

Andy 56:18

How does that compare to the Kennedy Mendoza that does that? Does that fall into something being unconstitutional? Because the Supreme Court made that decision? And if something imposes these disabilities and restraints, does that make it cruel and unusual or just unconstitutional?

Larry 56:35

It just makes that the retroactive application under that test. If you retroactively impose what you're describing as a civil regulatory scheme on people retroactively, then that's where that test comes into play? Is it truly a civil regulatory scheme that doesn't impose any disability or restraint? If it truly is a civil regulatory scheme? You can do that retroactively. For example, young men between 18 and 26 have to register for the draft, right? Yep. Okay, we could, you could be on your 24th 25th birthday, let's take it up to the most ridiculous just shy of 26, and they could decide that the need for warm bodies because of military conflict, this ongoing are on the horizon they want to raise that age to 28 or 30. Requiring you to register for the draft is not punitive, they can make that change retroactively. And you could do all the Kennedy Mendoza Martinez analysis you would want to, and it wouldn't yield any results because no one's being punished by registering for the draft. So that's what that test is about. If they have a true civil regulatory scheme, they can impose it on you retroactively, they can change the food handling temperatures and the parts per million in the restaurant, they can do all those things retroactively, because they're not intended to punish anybody.

Andy 57:57

And this goes back to the thing that I say a lot. It's not the registration part that that anybody should ever complain about which sure if you go register four times a year, that's a pain in the butt. But having your picture on the website, your address listed, your license, plate number, phone number, all that garbage, along with the public side of that is that is really and then like in wherever we were just talking about having the increase of the 2500 feet, that quote unquote, civil regulatory scheme when they do those things. That's when this becomes such a pain in the butt.

Larry 58:33

And that's when you cross the line. And you can't impose those things retroactively. But you can't impose a true regulatory scheme retroactively, and it's not unconstitutional. So, we've got a couple of articles to try to cover. Can we do it?

Andy 58:50

Yeah, we can at least cover the first one. And let's see here. I will pull up the article. This is from the Hill. The title is "Presley and Markey reintroduced bill to end qualified immunity." I see that Representative Ayanna Presley and Senator Ed Markey have reintroduced legislation to end qualified immunity. Qualified immunity is a legal doctrine that protects government officials from individual liability for violating personal and constitutional rights. Do you think it will pass there Larry? [Clinton laugh track]

Larry 59:28

I don't think there's a chance in hell that this will pass. This will be cast as a proposal sponsored by the radical left. Both sponsors are liberal Democrats from Massachusetts. We've talked about this before. Ending qualified immunity would restore Americans ability to obtain relief when state and local officials including police officers violate citizens legal and constitutional rights. There'll be too much opposition from law enforcement and the Republicans will join that opposition and it will not pass as a result of that opposition.

Andy 1:00:00

This proposal was originally introduced in June 2020 when Pressley and former Rep. Justin Amash following the murder of George Floyd by a Minneapolis police officer. Speaking to reporters outside the Capitol on Wednesday, Pressley and Markey both condemned the doctrine and announced they will build a new coalition of cosponsors, backed by advocates and families who have been stopped from seeking justice by the doctrine, to end qualified immunity. Does this not persuade other members of Congress?

Larry 1:00:27

Well, marginally but no, I don't think it will persuade enough people to pass it. But they went on to say, "For too long qualified immunity has impeded legal recourse and blocked meaningful accountability," Pressley even stated, "It makes no sense that the very people responsible for enforcing the law face no consequences for breaking the law."

Andy 1:00:50

The qualified immunity doctrine was invented by the Supreme Court in 1967. It disallows police officers from being out from being out on trial for unlawful conduct, including the use of excessive or deadly force, unless the person suing proves that both the conduct was unlawful. And the officers knew they were violating clearly established. I'm really confused, because since this was invented by the Supreme Court, why can't they undo it the same way that they did with Roe vs. Wade?

Larry 1:01:18

Well, they actually could undo it the same way they did, but they're not likely to do so. This is a very conservative leaning Law and Order Supreme Court. So that's wishful thinking. But you're right, they could undo it.

Andy 1:01:31

Quote, this is a law by the courts just out of thin air and it has impacted families representative Presley said they have been blocked from justice. They have been blocked and denied accountability. And so now we need to block qualified immunity

and this unjust doctrine that has been codified and strengthened court case after court case. Do you think there's any hope?

Larry 1:01:51

I would say well, very little hope. Is it I'd say there's no hope in the federal system as the current makeup of Congress makes it impossible. But some states have moved to reduce or eliminate qualified immunity as a defense. And this has become increasingly controversial as advocates for police reform argue that it absolves law enforcement officials of responsibility and the deaths of unarmed citizens, particularly black Americans.

Andy 1:02:18

Supporters of the doctrine say officers should not have to fear lawsuits for doing their jobs. Sen. Tim Scott (R-S.C.) has since tried to offer a compromise that would allow police departments to be held financially liable in civil suits but not individual officers. Since Floyd's murder, at least 25 states are considering some form of qualified immunity reform, according to CNN.

Larry 1:02:41

Yes, and folks if you really are for being able to hold law enforcement accountable and we've had guests who express alarm that we can't. This is one of the barriers that stands in the way so just keep that in mind as you go into the election.

Andy 1:03:00

And I guess we if we can do this one quickly, we can do this last one here cuz we should do this one. This is from Reason magazine. Republican Florida Gov. Ron DeSantis signed legislation into law today lowering the threshold for a jury to recommend a death penalty sentence from unanimity to an 8-4 majority, the lowest standard in the country. Alabama is the only other state that allows split juries to recommend death sentences, and it requires a 10-2 majority. So, you gotta tell me Dr. Doom and Gloom. What's wrong with this?

Larry 1:03:38

Well, nothing if you support the use of the barbaric practice of putting people to death.

Andy 1:03:45

What's the reason for Florida moving in this direction?

Larry 1:03:49

Well, I don't live there, but my speculation is that it alluded to the article remember John Hinckley, the one who was found not guilty by reason of insanity for attempting to assassinate Ronald Reagan.

Andy 1:03:58

I never met him, but I remember the incident. I was very young.

Larry 1:04:02

Well, and the federal system they all about abolished the insanity defense and many states followed suit. And according to the article DeSantis began pushing for this legislation after three jurors refused to vote the death penalty for Nicholas Cruz, who was the one convicted of killing seven people at the Marjory Stoneman Douglas High School and 2018. Cruz was instead sentenced to life in prison. And that's not enough for DeSantis and most Floridians because they want that vengeance.

Andy 1:04:35

So, the change is the latest development in years of legal wrangling over Florida's death penalty. In 2016, the U.S. Supreme Court struck down Florida's death penalty law on Sixth Amendment grounds because it relied too heavily on determinations by judges rather than juries. At that point, the state allowed juries to impose the death penalty with as little as a 7–5 majority. In response to the Supreme Court ruling, state legislators rewrote the law to require 10 out of 12 jurors to recommend the death penalty. The Florida Supreme Court then invalidated the new legislation, writing that unanimous juries were required for death penalty sentences to comport with the Eighth Amendment's prohibition on cruel and unusual punishments. That did not last very long. So, what happened next?

Larry 1:05:25

Well, what happened next after that was that the outrage Floridians, they elected a more conservative Supreme Court, and that Supreme Court in 2020 reversed the 2016 ruling and declared that split juries could indeed impose death sentences. Opponents have returned to split your recommendations for death sentences point to a number of capital sentences that have been overturned in Florida. Thirty people have been exonerated from Florida's death row. Remember, they would be dead now. More than any other state. Folks remember elections have consequences. They really do.

Andy 1:06:02

Ah, Florida is just the worst. Florida is just the worst. I'm sorry for all of you that live there. And I'm happy that I did not ever get trapped up in Florida. So one of our longtime and best patrons is named Super patron Mike. He is joining us tonight in chat. And he lives there. He's been on the registry for almost as long as you've been alive, Larry. And like every move he makes he's financially well established. And they just keep putting the screws to not him personally, but just his situation. To make life shitty, for no reason. Well, I mean, there's a reason but not any specific reason.

Larry 1:06:47

Well, I would try to escape that place, if it were me.

Andy 1:06:53

It becomes very challenging when that's where your family is your kids have ties, like it just becomes complicated and messy.

Larry 1:07:01

Yes, life is pretty complicated and messy when you have those kinds of restrictions on you also.

Andy 1:07:06

Without a doubt, without a doubt. Oh, you know, before we head out of here, Larry, I wanted to tell you something. Do you know who Rocky is in chat? [I've seen his name.] Well, he is in prison. And he texted me tonight. And he said, well, I heard that there was a fight in I think laundry, and they choked the guy out and they killed him. So, it's better to get out of prison as soon as possible.

Larry 1:07:31

I agree with that. I've said that prisons are inherently dangerous, and one day can make a difference. Remember, we did this show about New Mexico. If you were in prison on February 28. And you got released if you were that was a leap year in 1980 when that riot happened. If you were in prison on February 29, 33 inmates died, and many others were seriously injured. So, it makes all the difference, one day can make all the difference.

Andy 1:07:58

So, to close the show, I do want to say thank you very much to all of our patrons that continue to support the show and make it thank you very much for supporting it. Even as little as \$1 a month helps out for those of you that aren't supporting that I've granted you access to listen to us recording the show live. For one dollar a month you can come listen to us recording and be silly and chat and make fun of me and try to make me laugh and so forth. But I really do appreciate it. And thank you so much for everyone for listening and Larry, all the work that you do, I do appreciate it. And without further ado, man. We can close this thing out and say goodnight. I'll talk to you soon my friend.

Larry See you in a week maybe.

Announcer 1:07:54

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