



Registry Matters Podcast

Episode 280

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Announcer 00:00

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Andy 00:18

Recording live from FYP studios, east and west, transmitting across the internet, this is episode 280 of Registry Matters. Good evening, happy Saturday. How are you?

Larry 00:28

Doing awesome. How are you?

Andy 00:30

I'm very well. You sound super enthused, Larry. Are you okay? Did you get enough Geritol?

Larry 00:35

No, they don't make anything for anyone my age.

Andy 00:38

They haven't experienced anything like it. I think the oldest person... known... is like 120-something? God, I heard this on the program the other day. The oldest recorded person, like verified was around 120? But generally, it's about 114, and that's about it. So, what have you done??

Larry 00:58

What about Methuselah, who lived to be 969?

Andy 01:01

Okay, I don't want to go into that conversation because I'll end up upsetting people. So, I'll stop it, but if you're new to the show, make sure that you subscribe on YouTube. And you can press the notification bell, and make sure that you subscribe using your favorite podcast app. And then you download the show, and you get it just in your podcast feed and it's just an amazing way to do it. So do me a favor Larry and tell me what we have going on this evening.

Larry 01:33

Well, we have a case from the New Mexico Supreme Court that was resolved in our favor. It's State vs. Marquez. We have some listener comments and questions. And we have a bill that was signed by Governor Newsom in California. I don't like it. It's likely to make its way across the United States. I also have an article from The Nation, from that lefty magazine.

Andy 02:03

Yeah, there's that, and then somebody posted something on the Discord server earlier about "Bubba the Love Sponge" and his people are going out doing some things that are just not cool!

Larry 02:14

So, well alright. Let's go.

Andy 02:17

Alright, so to begin things off, oh, God, I had the wrong screen pulled up. All right. So this is a two-part question from Doug in Michigan. "I know from reading the RM transcripts that my parole stipulations are supposed to be tailored for ... moi, correct? Well, I had to sign a document called the 'MDOC Internet Usage Agreement.' That would be the Michigan Department of Corrections Internet Usage Agreement, in order to be able to get online. One stipulation is that I cannot utilize social media. When they read that off, I was thinking oh, Facebook, meh, no big deal. But once home and actually on the internet, I began to realize how many websites are now considered social media websites such as Discord and Patreon! Yeah, those probably would be considered it. I also began to think about how this user agreement is most likely a 'blanket' document, and not tailored to me. The only part of my crime that might be considered social media is the fact Craigslist was utilized, but not for the crime itself (see below). I am considered a low-risk offender, and my crime was not motivated for sexual gratification or the interest of minors. Can/should I challenge the stipulation? And how would I? Will this piss off my Parole Agent who already has my email password and is probably reading this right now?"

Larry 03:40

Now, can you at least admit that that's funny? That he's writing it, knowing that it's being subjected to being monitored in real time?

Andy 03:49

To tell you the truth, though (so: not funny, Larry. None of this is ever funny!) but I know that you're required to give up your usernames, but I didn't know that anybody was required to give up the passwords to things.

Larry 04:02

I've heard of it before, absolutely. While you're under supervision, particularly, but I've heard of it beyond supervision. I've forgotten what state, but I've heard of it. Based on what he conveyed to us, regarding his case, which was very detailed, they are probably on fairly solid grounds for this particular condition. But it would be interesting to find out if this is a blanket condition applied to every PFR under supervision in that particular district. Nevertheless, even if it is not narrowly tailored to him, I would not encourage such a challenge. It would not end up going well for him. Do you happen to remember a case in Georgia where the person told the P.O. to take their polygraph machine and shove it? Do you remember how that ended?

Andy 04:53

It did not end well. I do recall that.

Larry 04:56

Yes. So it's not gonna go well for him if he does that. But it would be, if he could do some slick investigating to figure out if this is just a blanket condition that they're handing to everyone, there might be something to challenge. But I would not suggest he be the one, based on what I saw in the narrative that he provided, which would take a long time to read. But he did provide us a lot of detail about what went on underneath his conviction. So yes, I would not encourage it.

Andy 05:31

But if it's a blanket provision, describe why that would be plausible, if it were a blanket restriction, forget his specifics.

Larry 05:38

Well, if it were a blanket condition they're applying to everyone, restricting their access to the internet, in particular, social media, we would fall back on the case out of North Carolina, Packingham, and we would say that this is a blanket arbitrary condition that has nothing to do with public safety. If your crime had nothing to do with the internet, but his did. So, a person whose underlying offense has no connection to the internet would be far better as the poster child for such a challenge.

Andy 06:04

Okay. Well then, here's the part-two part: He goes, "Do I have any standing to challenge how the Registry is being applied to me? In 2015, I ended up pleading guilty to production of CP. I had no idea what was going on during the court process (my lawyer whispered in my ear what to say). In fact, I served nearly four years before discovering that I pled guilty to Production. (Without going down that rabbit hole, I petitioned the Judge and was assigned state attorneys to file an appeal and redo everything. But then the COVID thing hit and getting out on parole became the quickest route to freedom.) Anyway, I 'produced' those videos in 2010, but my attorney allowed the date of my arrest (June 30, 2015) to stand as the Date of Offense. This is a problem because the law was different in 2010, as 'Production of CP' only applied if it was for distribution, NOT personal use, as was the case for me. The law changed in 2011, or 2012, after someone fought their case, all the way to the State Supreme Court, who ruled that, as the law was written, 'Production' cannot be applied to cases of personal use. In 2011/12, the Legislature rewrote the law. I should have been charged with possession, which has a four-year max, instead of 'Production' and sentenced to 8-20 years.

Larry 07:32

I can see his point. Both his actual sentence and his registration obligation could be different, had the date of his offense been recorded correctly, rather than 2015. If that is, in fact, the case, this would be an example of an order nunc pro tunc.

Andy 08:13

Wait, what? nunc pro tunc? What does that mean?

Larry 08:17

Well, we've mentioned it from time to time. You've heard it and so has the audience. It's a way for a court to correct mistakes. And it's a Latin term. It means the court has issued an order "Now for Then" so it would overlay the order that they issued. If the date of the offense was actually 2010, when you were setting up the factual basis for the plea, the prosecution has to establish a factual basis. We can't just let a person plead guilty without any factual basis, to underlie that plea of guilty so we have to underpin the plea with a factual basis. The prosecutors, when they articulated the factual basis, if they said 2015, and it was actually 2010, you would want to change that if there are significant problems that were created by that misstatement of the factual basis and you would issue a new order now, nunc pro tunc, that would correct that mistake. It's just a Latin term that means "now for then."

Andy 09:25

So, what do you think he should do?

Larry 09:28

Well, he needs an attorney, and that attorney needs to know the prosecutor's office in that jurisdiction very well and have a good relationship with them. This is one of those cases where you do not need to bring in some big-dollar lawyer from the outside, that comes in like a battering ram. You need somebody who's a part of the system there, who can go out and have a conversation, and that conversation needs to be cordial. And he also needs to be in good standing with his P.O., which is the reason why you wouldn't want to do what he raised in question one, and his treatment provider needs to say glowing things about him. And you might could get a prosecutor to agree to sign-off on a nunc pro tunc. If the prosecutor will not agree to sign-off, that doesn't mean you can't get a nunc pro tunc. It just means it's going to be a lot more work because he's gonna have to file a motion, and have a hearing, and he's got to go through a whole bunch of red tape trying to achieve what his goal is. Now remember, folks, we've done no research on this, this is all just based on what he's told us. So we can't tell him what to do other than he needs to get a competent attorney in Michigan, particularly in that jurisdiction, and then he's trying to see if he can undo this. But based on what he said, he might have a shot at getting a new order.

Andy 10:48

So, you're saying he should get an attorney that is part of uh, colloquially known as, the good-old-boy system?

Larry 10:56

That would be my thought process because the attorney needs to be able to have a real conversation with these people about how important this is, and they have to trust him. They generally are not going to trust somebody that comes in from

out of state that they've had no dealings within the past. They don't know how this is gonna bite them in the you-know-what. They're already thinking about, "How can this bite me?" and they don't need a showboat coming in that's gonna make them look bad. So, you really need a person who's a member of the club to go in strategically for this.

Andy 11:29

I see, and does this make a bunch of publicity at all if someone does this?

Larry 11:33

Not necessarily, but it could.

Andy 11:36

Okay, I'm thinking it's just some sort of administrative thing, and someone goes into the computer and like: backspace, change date, enter, poof! New things are applied. I think that's what they are always thinking, isn't it?

Larry 11:46

Well no, it's going to be a judicial order. It's going to be filed so it's gonna be a brand-new order. It'll be titled Nunc Pro Tunc. It'll have the case number, the judge's signature, the prosecutor's signature, the defense attorney's signature, and it'll be a new public document. It won't be anything that's hidden. Therefore, the prosecution is going to be thinking, "How can this blow up on me?" That's their job. They're elected. What do you want them to think?

Andy 12:13

Well, I mean, I was having a conversation with some friends last night, and we got roughly on the margins of criminal justice stuff. I was just trying to tell them that for prosecutors, it's just a different kind of currency. They're in the business of getting prosecutions, they're not necessarily interested in justice. And they want to be reelected, most likely. And if something blows up in their faces, that would be a way to not be re-elected, but it's not necessarily about them getting a paycheck. Most of us are incentivized by getting a paycheck and not being fired.

Larry 12:46

I still want to believe in my idealistic world, that not all prosecutors are that way. And not even the majority of prosecutors are that way. I want to believe that prosecutors, they're seeking justice, and that they're going forward with cases that they believe in. Unfortunately, the human factor comes in. And some prosecutors are more concerned about self-aggrandizement and their political career. But I couldn't live in our system if I had such a horrible opinion about everybody's corruption -- there'd be no point staying alive. If everything is as crooked as everybody thinks it is, why do we even exist?

Andy 13:24

It's true. I don't think it's as corrupt as some believe, I just think the incentive structure here, if somehow you could

measure, and I have no idea how you would actually do this, but if you could measure their success on Justice, it's very subjective kind of word, Larry, but if you could measure it on being that, then I think that it would just be very different if you could change how their incentive structure worked.

Larry 13:46

Well, their incentive is to stay in office. Most people that get elected are not just coming in to serve a brief period of time. That's often their career.

Andy 13:57

Yup. Well, okay let's go down to that bill that Newsom signed, that you are so worked up. Hopefully you can put a fan up or something and keep yourself from overheating. I'll read the following that was sent to the senator that you work for in New Mexico: "California just signed into law AB933" What is "AB"?

Larry 14:18

I'm assuming it's "Assembly Bill".

Andy 14:21

Oh, Assembly. Okay. Very good. Well, you know, I see "HB" or "SB" for "House Bill" or "Senate Bill" I've never heard of "Assembly Bill" Alright so, AB933 "a bill providing protection to sexual assault survivors from weaponized defamation lawsuits. This is a bill that I initially drafted and proposed to the California legislature in the summer of 2022. I am hoping that in this new upcoming session, you will consider authoring the bill for New Mexico. Sexual assault victims now more than ever need our help through legislative protections to ensure their voices will not be silenced when speaking out. The #MeToo movement encouraged victims to come forward without warning them that doing so will put them at risk of being sued for defamation. How do you incentivize hidden victims to come forward without legal safeguards in place to encourage victims to speak out? You do so by creating a safe space, by fixing defamation laws to have the equivalency of whistleblower protection for sexual abuse victims. You still allow exceptions for defamation lawsuits that meet certain thresholds to go forward to balance discouraging false allegations." So why does this have your hackles all up? What's wrong with this?

Larry 15:34

Well, before I get into my hackles, the first point I want to make clear to everybody is that this is an example of what I mean when I say the legislators themselves don't stay awake at night, burning candles thinking this stuff up. It's presented to them by various advocates, primarily law enforcement or, in this case, victims' advocates. This bill will be in a legislative body near you very soon because it's making its way around the country. It sounds wonderful, based on what you just read from that email sent to the Senator. The devil is always, of course, hidden in the details. Anytime you restrict a person's access to bringing civil lawsuits, the risk is enormous. It's a deterrent against malicious allegations that would be restricted. Right now, there's a deterrent in place because you

may get sued. But they're wanting to say, "Well, I mean, we've taken everything else away from the accused. Why not take away the lawsuit as well?" So that's where my concerns are.

Andy 16:31

And so what specifically has you so consternated? We've got the entire text of the chaptered act here if you'd like to go over it?

Larry 16:42

Well, sure, I can tell you what's got me constipated, uh consternated (laughs). It's the wording, that she claims has been vetted so well. Section 47.1, Subsection (a) states, "A communication made by an individual, without malice, regarding an incident of sexual assault, harassment or discrimination is privileged under Section 47." How do we determine that it's without malice? Such a statement could have easily been made with malice. The issue I have, also, is with the damages. The law states, in Subsection (b), "A prevailing defendant, in any defamation action brought against the defendant for making a communication that is privileged under this section, shall be entitled to reasonable attorney fees and costs for successfully defending themselves in the litigation, PLUS treble damages for any harm caused to them by the defamation action against them, in addition to punitive damages are available under Section 3294 or any other relief otherwise permitted by law." This is a significant amount of damages that would dissuade a person from bringing a lawsuit against someone who made malicious or false allegations. That's the problem. That's why I'm consternated.

Andy 16:47

Wow, constipated? Could you go back? And you said "plus treble damages"? I mean, I know the word treble from bass and treble. What is "treble damages"?

Larry 18:09

That would be three times!

Andy 18:11

Oh! Why don't they say "triple"??

Larry 18:13

I don't know, but I just read it from what was in the article; three times damages. First of all, how do we gauge the harm that was done to you?

Andy 18:22

Right?

Larry 18:23

Okay, how do we figure out triple the harm? And how do we figure out whether it was with malice or not? How do we know you're not delusional? And you may believe that something happened that didn't happen because you've been in treatment, and they've convinced you that something happened, that didn't happen. This is just junk, junk junk. And it's coming to your state.

Andy 18:45

And what is then the likelihood, do you think, that this is coming to all of our states?

Larry 18:51

Oh, I think it's very likely based on the reading of the email. This person has made it clear, as in the Forbes article, this is going to all 49 states. It's already been presented in Illinois. It didn't pass on the first vetting, I don't think. But this is definitely coming to a state near you.

Andy 19:06

The person stated, "What I bring to the table for your consideration is (1) a pre-vetted bill (<https://legiscan.com/CA/bill/AB933/2023>) that was signed into law in California this week (with a final vote at the California Assembly of "64 to 0," which sounds unanimous to me, which shows it is supported by both sides). Are there any Republicans in the California Legislature? [Larry Yeah, there's a few.] She continued "and (2) a built in advocacy support system comprised of RAINN, Ultra Violet, National Women's Law Center (the legal arm of Time's Up's pro bono defense of sexual assault victims from defamation suits), the ERA, the Elizabeth Smart Foundation, iCASA (see letters to the Governor from two advocacy groups RAINN and Ultra Violet attached). With these assets at your disposal, it would take very little work to make an applicable version for the needs of your state." Will this pass in New Mexico?

Larry 20:20

Not in 2024, but it's something that we have to have a plan in place for by 2025.

Andy 20:26

And why won't it pass in '24 then?

Larry 20:28

Because it's a short session, and the government would have to place this on the agenda, she's not likely to with all the other priority items that she has. So, I'm predicting 2025. We've got a year to get prepared for it. But folks, it's coming to your state a lot sooner.

Andy 20:40

Just like, strategically, here is this something that a NARSOL kind of group would do, is draft boilerplate-ish kind of things to go fight the signs kind of thing? Who would do that sort of thing for anything in our sphere?

Larry 21:03

At our level, at NARSOL, we've discussed having boilerplate legislation, we've never really drafted that type of stuff. When we write in with ideas for legislating, we don't have nearly the takers that they have on their side. When you advocate for victims, or survivors as they call themselves, you have a lot more sympathy than going in saying "I want you to consider this for the sex offenders."

Andy 21:28

Sure. All right, well, moving along, the author refers to it as "The Right to Speak Your Truth Act." It was submitted to the California legislature in the summer of 2022 and that started it all. The writer stated, "I have worked with the California ACLU to vet the bill language, so I can offer to share with you how the bill language evolved into the current language of the signed CA law. For California, the final bill language amended existing defamation laws and created a privilege for sexual assault victims when speaking out. I know what language worked in California, and I can transfer my knowledge in the drafting process of what language passes the vetting standard to help craft the bill into what would work for your state." Does the fact that it was vetted by the ACLU not provide you some level of comfort?

Larry 22:15

Not very much. I do not consider the ACLU to be the cure-all end-all when it comes to our issues. And when you look at how little they've taken of our cause, I just don't think you can come to that conclusion. They have not taken the leadership in hardly any state, maybe Michigan would be an exception. And maybe to some level in Louisiana. I think they challenged something in Louisiana that was speech related, but very little. So I would say that their donor base is far more likely to be in opposition to most of our goals. And I just don't think that I can just say, "Oh, well, the ACLU's for it. That means I'm for it." I think that's an illogical way to look at it.

Andy 22:56

She also stated, "I attached a copy of the Forbes article covering my advocacy with this bill, and my hope to move my bill into 49 more states." Here's the link and I have that up on the screen:
<https://www.forbes.com/sites/kimelsesser/2023/10/10/california-now-protects-sexual-assault-survivors-from-frivolous-defamation-suits/?sh=21a958dc470c> "I felt I was uniquely skilled to draft this legislation, as I am an attorney and law professor, and I've drafted legislation on behalf of the ABA" I guess that's the American Bar Association?

Larry 23:20

Correct.

Andy 23:21

Okay. "I've drafted legislation on behalf of the ABA as part of my committee work with the organization. And even more directly, I was uniquely positioned as a victim, myself, of a sexual assault following the illicit drugging of my drink. I could capture the firsthand angst of being cautioned by fellow lawyers, friends of mine, not to speak out about what happened to me publicly because it could open me up to a defamation lawsuit. A defamation lawsuit? I was gobsmacked..."

Larry 23:49

I don't know what gobsmacked means, but that was what was in the email.

Andy 23:57

Flabbergasted!

Larry 23:58

Her experience is tragic. But that does not necessarily mean that we should... It's like people who say, "I've been in foster care." We've got a senator here that spent some time in foster care. I spent a good eight, almost eight years in foster care, from the time I was 8 till I was 17 when I exited on my own volition. I don't think that qualifies me to be an expert on foster care. It gives me some insight, but I don't think we should just roll over and say that because she had a tragedy, that it makes her an expert on everything related to defamation law, and the rights of people who are being accused, some maliciously and falsely. I just don't know how we can come to that conclusion. It is a tragedy, but that doesn't mean that we should say, "Okay, well, whatever you say, of course that's what we'll do." That's crazy talk.

Andy 24:53

She concluded by asking, "Can you help me secure this protection in your state by authoring the bill? Some fear the death of the #MeToo movement because of the high frequency of these weaponized defamation lawsuits. Hence, the timing is right to bring this bill forward. Thank you for reading this far." Will she have any trouble finding a sponsor, do you think?

Larry 25:12

She won't have a bit of trouble finding a sponsor. This bill will receive multiple sponsors. It will be difficult to derail, and with all my experience, this one is something that I can't really count on that we can stop. This is headed to your state. That's her goal, to take it to the other 49 states that she said. So be on the lookout for it, folks! You heard it first on the Registry Matters podcast.

Andy 25:39

Hooray. All right, Mr. Doom and Gloom. So, we'll move over to this case you wanted to talk about from the New Mexico Supreme Court. It's the State vs. Marquez, and the issue is prior bad acts admitted under Rule 404(b). I remember 404(b) Larry, from us talking about Bill Cosby. That's the only time that I think we've ever talked about it or like maybe that's the first time we've ever talked about it. You think that's about right?

Larry 26:05

I do remember that one, but I think we've talked about it on other occasions.

Andy 26:10

Alright, well, doing my own research on that rule, Rule 404(b) is a legal rule that helps keep things fair in a courtroom. It's like having rules when you play games with your friends, but for grown up problems. In the big important room called a courtroom, people go to talk about things that went wrong or

to solve problems. Just like when you and your friends have rules for playing games, the courtroom has rules to make sure everyone plays fairly, and that the truth comes out. Imagine, Larry, you and your friends are playing a game with toys. Now, if you want to show a special toy to your friend, you have to make sure it's related to the game you're playing. You can't just bring out any old toy you like, because that wouldn't be fair. That's a bit well actually I mean, that's a massively oversimplification of Rule 404(b). Do you think that's a decent example?

Larry 26:58

It's a good example, I would take a little bit of issue about making sure the truth comes out. That's not what courts exist for. But, other than that, it's a pretty good example. Rule 404(b) says that when people are talking about problems in the courtroom, they can't just bring up any old thing from the past. That can be very prejudicial to the accused person. For example, if someone did something wrong, like taking your toy without asking, the judge can only let the grownups talk about other things that the person did in the past if it's connected with the current problem. You can't just say, "He took my toys, he's a bad kid." They can't just say, "Hey, the person did something bad once before, so they must be bad now." That wouldn't be fair. Rule 404(b) seeks to limit the prosecution's ability to do character assassination. Just because a person makes a mistake and did something in the past, that has nothing necessarily to do with the present.

Andy 27:56

Is this similar to when someone goes to court and they're like, "Well, I'll get all kinds of character references." and then I've heard the reply, "You can do that, but then that opens up the prosecution side to go attack your character".

Larry 28:10

Well, it does, but it's not the same thing. But yes.

Andy 28:12

Oh.

Larry 28:13

If you bring in character evidence, if you introduce your character, you've opened the door and I would be able to bring in, as a prosecutor, all of your bad character because you put it on the table.

Andy 28:22

But otherwise, that's, I mean, I don't want to say it's not allowed, but it's generally not allowed.

Larry 28:27

It's generally not allowed. There are some exceptions under Rule 404(b) where evidence can come in, but it's very limited.

Andy 28:34

All right, and you have the following email from New Mexico. It says "Congratulations to Mr. Dodd for obtaining a reversal of

his client's CSPM conviction in State vs. Marquez in 2023.

Chris's representation of the client is superb. He obtained relief for his 70+ client" --so I guess that means a 70-year-old client-- "who experienced a trial rife with error. His poor client actually has served his ENTIRE sentence, waiting for his appeal to conclude." Is he still in prison?

Larry 29:13

Yes, he actually is because he wasn't able to find suitable housing, even though his sentence has expired. You know, we have that situation, similar to Illinois, and you have a mandatory period that we call parole that follows a PFR conviction. He wasn't able to get out of prison because he couldn't find any place to go. So he's sitting there without his social security because they don't pay it while you're in prison and you can't reinstate it until the first full month you're out, and you can't get out to get it reinstated. Now you have to admit that that's funny.

Andy 29:43

I'm just gonna keep reading because that's not funny. The email states it's a Rule 404(b) case where the prosecutors in the case stopped to the depths of the most deplorable means to obtain a conviction. Despite a prior court order excluding all Rule 404(b) evidence, these prosecutors, literally seconds before opening statement, raised the so-called "lewd and lascivious" exception to persuade this trial judge to actually entertain the issue, despite these prosecutors' violation of her own order. Sadly, she later admitted the evidence, while at the same time excluding a defense witness who would have rebutted the testimony. Okay, now Larry, you have to admit that's funny.

Larry 29:49

Well, I can admit that that's funny, but it's a sad funny. In all this stuff, this was what you're talking about earlier about prosecutors. I hope they're not all like this. In their mind, they believe that the man is grotesque and needs to be in prison. And they believe that the ends justify the means. I disagree with that. We have a structured process and you're supposed to play within those rules. The ends do not justify the means, even if it is a creepy individual. But it looks like they certainly skirted, if not violated, some rules in this case. According to the court, "the lewd and lascivious" disposition exception has operated as a bona fide exception to the rule barring propensity evidence. This exception authorizes admissibility of such evidence on the grounds that 'evidence of a defendant's past sexual misconduct, similar in nature to the crime of which the defendant was indicted, is illustrative of the lewd and lascivious disposition of the defendant toward the victim.'

Andy 31:35

According to the email, "As the NMSC" that is the New Mexico Supreme Court?

Larry 31:41

Yes.

Andy 31:42

Okay. "As the New Mexico Supreme Court actually noted, the prosecutors ambushed the defense with this issue. The lack of pretrial notice also means the state failed to offer any authority for its position that the evidence was admissible until the second day of trial, essentially ambushing Defendant and the District Court." See Marquez at Paragraph 34.

Larry 32:03

Yes, that was a direct quote. And Mr. Dodd successfully argued that the "lewd and lascivious" exception has actually been abolished in New Mexico. The court agreed. The court stated, "Nothing in the express language of Rule 11-404(b) mandates the perpetuation of a common-law exception to the general proscription of propensity evidence; to the contrary, the lewd and lascivious disposition exception appears to flatly contradict the general proscription propensity evidence found in Rule 11-404(a) and repeated in the first sentence of Rule 11-404(b)." And they are doing a strict textual interpretation of Rule 404(b). They're looking at it and they're saying, "It ain't in the text, therefore, it doesn't exist!" This common-law exception doesn't exist. This is one of those cases where going by the text comes out nice for us.

Andy 33:04

So, this is good news for sure, though. So how long did this go on?

Larry 33:08

I'm not sure. It's an issue that, apparently it just needed the right challenger with the right circumstances because this common-law exception has been around as far back as I could see, looking through the case. But the court stated, "We agree. Whether applied to conduct perpetrated against the complaining witness or someone else, the lewd and lascivious exception authorizes the admissibility of evidence for the express purpose of demonstrating a defendant's propensity to commit the charged offense, and that is plainly prohibited under a modern understanding of Rule 11-404(b) Subsection (1)."

Andy 33:49

The court stated, "We hold that the lewd and lascivious disposition exception to Rule 11-404(b)(1) has been abrogated in New Mexico. Because the District Court relied upon this exception in admitting evidence of other bad acts against the Defendant and the error was not harmless, we vacate Defendant's convictions and remand the matter to the District Court. Should the State elect to retry the Defendant on these charges, the evidence at issue may not be admitted against him unless the District Court first determines that it is admissible under the 2022 amendment of Rule 11-404(b) for a non-propensity purpose and otherwise meets the requirements of Rule 11-403." Could you dumb that down for me please?

Larry 34:32

Well, it means that they're going to have to fit within the exceptions of Rule 404(b) and there are things where it can come in. But it's not for establishing your bad character. It's something unique. The biggest exception is something unique that only you would do. And it's your trademark, so would show method, mode of operation, what do they call it? modus operandi? It shows the lack of mistake. Something unique. A person making obscene telephone calls for example. If they have a propensity to call high school gymnasiums and they have a propensity to ask for only the young male athletes at the high school gymnasium. If that school starts getting a whole bunch of obscene telephone calls and tracing reveals that the calls originate from your house, that can be admitted to show that you likely were the culprit. If you have five housemates and you say, "Well, I didn't make the calls. There's four other people living here." Well, they show that this is exactly the type of call that you make. But it's not to show that you're a bad person, it's to show something unique and a trademark of how you operate. And so Rule 404(b) can be used to get in evidence, but it's not for the purpose of just showing that you're a creep.

Andy 35:49

I see. And so, just to be clear, this is good news, at least for this individual. It's good news, right?

Larry 35:56

It is good news, for sure.

Andy 35:59

Did they let them out? Not yet! Why?

Larry 36:03

Well, this has to come down. The Supreme Court has issued a decision, the mandate has to come back down through the system, the state has to decide if it's going to seek a new trial. They'll have to decide if they're gonna give him bond to be released pending a new trial. There's a whole lot of machinations that have to take place. But no, he's not out. And he's not likely to be out anytime soon.

Andy 36:23

Seriously, and how long? I don't remember, how long has he been locked up so far? I'm not even sure if I spotted that in the case. But it's been a long time. Like five years long time? Or thirty years long time?

Larry 36:37

Not 30 years, but many years he's been locked up.

Andy 36:41

So in the meantime, he could be set free, and he could have one of those things like the riot that happened in your prison system there in whatever it was, where 20 people died or whatever that was.

Larry 36:43
33 to be precise.

Andy 36:44
Oh sorry, 33. I was trying to overestimate.

Larry 36:47
And that was in February of 1980. But there was a quote from the email that someone says that, "I've co-counseled cases with Chris Dodd at trial and personally know just how truly brilliant he is as a trial litigator. But his appellate skills now simply speak for themselves. In a true travesty of justice where this elderly client has paid the dear price that of so many others despicable thirst for conviction at all cost, Chris has truly given Mr. Marquez the hope he's been deprived of for so many years." And so, I haven't really thought through the possible ramifications, but it could have ramifications beyond him, depending on if this ...propensity exception, if this particular exception has been used to convict others. If I'm sitting in prison, and I find out about this case, and something like this came in, in my case, you better believe I'm going to be citing this case, and trying to get another bite at the apple.

Andy 37:58
Of course. Do you have anything else that you want to cover this episode?

Announcer 38:01
Promo Deleted

Larry 38:51
Yeah! What about that grand jury article from that liberal left-leaning rag, The Nation?

Andy 38:56
Is it really a liberal lefty rag?

Larry 39:00
I've had people telling me that. I'm not sure.

Andy 39:02
I don't know, really anything about them. I remember seeing the title. The title of this is, "It's Time to Abolish Grand Juries Once and for All." Do you agree?

Larry 39:15
I'm very close to agreeing with that. Yes, I do. The article states, "Whether they're targeting Donald Trump or Cop City protesters, grand juries are an irredeemable and unaccountable tool of state prosecutor prosecutorial power." I observed that in my three-month term, and I'm leaning towards agreeing. [Andy: Is this a reversal? Would you have thought that they were a valuable tool, prior to your "term" there, so to speak?] Oh, I absolutely would have thought it! I dreamed that the citizens that go sit on these juries take it seriously. I dreamed that they were told what a crucial role that they play. And it is! It's actually in the Grand Jury Manual. They had these binders that contain all the rules that we had

to operate within. And they had a binder that told you what the purpose was. And it said that, "You are the fine line between the uncontrolled, unchecked power of the state." But I don't think a single juror read that page! And I would point that out to them. I would say, "On page 11 of our grand jury manual, it tells us that we are critical to the process of acting as a check and balance on the state's power." And those people looked at me like I beamed in from Saturn.

Andy 40:28
It's like, Larry, I sat on jury. So, I mean, obviously, that's after grand jury, and I was that person that was like, "We are going to lock a person up, if we find them guilty and we have to take this seriously, and not just sign off on it saying that they're guilty, whatever the prosecutor wants. We have to like, contemplate this because this person is depending on us. On both sides, the DA, and the defense depend on us to weigh the evidence." [Larry: So, well, I was sorely disappointed.] All right. Well, then, tell me what the purpose of a grand jury is. Brenda, which way is the right way to do that, grammatically? Alright, anyway, what is the purpose?

Larry 41:12
Well, according to the article, I agree, "A grand jury is a legal proceeding intended to determine whether there is a minimum amount of evidence necessary to charge someone with a crime, and then issue formal charges called indictments." Which we did. We rubber-stamped everyone that the state brought to us. "In the federal system and twenty-three states, grand jury indictments are required in at least some felony cases. Twenty-five states make grand jury indictments optional, and two states, Connecticut and Pennsylvania, have abolished indicting grand juries altogether (but retain provisions for investigative grand juries)."

Andy 41:48
How then, does the process work in real life?

Larry 41:50
Well, the grand jury process is blunt and straightforward. A prosecutor presents evidence and witnesses to the grand juries and requests that they approve an indictment. So, picture, pre-COVID, they sat at a big round, oblong table. In my COVID experience, we sat in a classroom setup. We had desks and tables where each person was sitting. There's no judge. There is no defense attorney in the courtroom. There's the prosecutor standing at the lectern, there's a witness stand, and there's all the electronic gadgetry you need to show videos and play audios and all that stuff. And the prosecutor presents the witnesses. The proceedings are secret, and the prosecutor decides what information is presented. And usually the law enforcement agents who investigate cases, they're the only ones called to the grand jury. Other civilian witnesses can be compelled to appear and testify as well. But we never compelled anybody! They told us in our orientation, "You've got all this power to compel witnesses." And if we would ask about a witness, "Well, did anybody see this?" They would go, "Huh?" "Are there any other witnesses?" "What do you mean,

any other witness? We just had the officer testify." We didn't get anywhere. If we even dared ask a question, we were kind of dismissed and it was kind-of like the way they do what is it called, "group dynamics?" They shame you into thinking that you're the oddball for asking such silly questions. So the prosecutor calls the detective that investigated the case. And then they open it for questions, if the jurors have any questions. And that's the only shot that you have. And if you ask a question, the officers are well trained. They've done these a thousand times before, and they know how to answer and deflect most questions. They tell you what you want to hear. And at the end of it, you say, "Well, it's a very low threshold. We'll just indict 'em, and the defense attorney and the real court above can straighten it out later." That's what we did.

Andy 43:49

All right. Well then it seems that, in theory, grand juries "give a body of disinterested citizens who review cases the power to ensure there is sufficient evidence before the government can charge someone with a crime. That's why the Fifth Amendment of the Constitution guarantees you the right to have your case presented to a grand jury, alongside your right to remain silent and your right to due process." What's the reality with that one there?

Larry 44:17

My experience is that grand jurors seldom, if ever, serve as a check on the state prosecutorial power. Instead, they serve primarily to conceal and legitimize that power, and get out of there as quick as possible. Do you think it's kind of ironic that our primary jury day was on Friday? So, we go in on Friday morning at eight o'clock, and we look at this huge docket that's up on the wall, and the first thing they tell us to do is to make sure we don't know any of the witnesses, or the "target" as they're called, because they're not a defendant yet. Do we know any of the targets, or do we know any of the witnesses that are going to be presenting, or witnesses that are called? If so, we need to disclose that. Well, so you see this huge list with all these names of people. So, there's like 16, 18, 20 cases on the list, and they say, "Well, you know, we've got a pretty heavy docket today, but we're going to try to get you out early. Well, what do you think would happen if you started being more diligent? Do you think you would get out early? Or do you think you would get out late?"

Andy 45:15

You would certainly get out later.

Larry 45:16

That's correct. And we stayed late one time and we learned our lesson about that because we stayed till like 6:30, early on in the term. And they made it clear to us that we screwed up. There were people coming from security, from the court, they were knocking on the grand jury room's door. They were making it known to us that we were not supposed to be staying that late. And the prosecutor told us "Well, you know, if you guys, I mean, some of these deliberations went

extremely long. And you know, we've got all these cases to go through, but you just roll them over." But that's not what they do. They keep you there till you get through the whole docket. Well, what do you think you're going to do, if you're there on a Friday, and you want to go home, and you have this huge docket? You gonna rubber stamp everything? Or are you gonna be diligent?

Andy 45:58

Why don't you rubber-stamp saying No?? Why does it have to be rubber-stamped saying Yes?

Larry 46:04

Look, because you've got good citizens on there that believe the cops have got the right person, that they would do no wrong, they see these prosecutors at their Sunday school class, and they know them. They've known them since they were little kids and they just say, "We've got to do it."

Andy 46:20

You want to hear something funny, Larry? Do you know how many grand juries were left in the world as of 2023?

Larry 46:27

How many?

Andy 46:28

Liberia... well, there are two countries: Liberia? This is not what I would consider the Mecca of Judicial Integrity, I suppose. And then... the United States. So we are the only ones, these two countries that maintain the grand jury system. Why would that be?

Larry 46:46

I have no idea because, in theory, it could be a fantastic tool. But it isn't. So, as I said earlier, prosecutors exercise almost absolute control over the grand jury process. And there's no constraints on what type of evidence the prosecutor can present. Now, that's not the reality. If you've got a rebel on the jury, you can say, "I want to take this to the presiding judge." But if you do that, if you stop that machine, and you tell the prosecutor, "I object, I want to take this to the presiding judge, since there's really no judicial oversight." You do that and I suspect that your term is going to end. What do you think? Not well. What happens in the rare instances of a "no bill" by a grand jury? Well, you would think that that would end the case, but it doesn't! Oh, yeah. Your right against double jeopardy does not apply because you haven't been subjected to an adversarial process. Remember, this is not adversarial. So if a particular grand jury refuses to issue an indictment, nothing stops a highly motivated prosecutor from presenting the case again, and again, with evidence, to a subsequent grand jury for a second or third bite at the apple. But more importantly, unlike trial juries, a grand jury's decision does not need to be unanimous. So a lone holdout has no impact. It only took eight in my case, in our system here. So, is it just majority, supermajority, what?

Andy 47:49
Oh, there's still more?

Larry 48:29
It was just eight. They didn't tell us how they got to that number, but that was all that was required for an indictment.

Andy 48:35
How many people are on the panel? Twelve. Okay, alright.

Larry 48:43
But grand jurors are highly susceptible to group thinking because their work is so insulated from the outside. And they meet regularly, like in my case, for three months, and there can be longer terms. And we had twice-a-week sessions for some of those weeks because they were backlogged. And we got to know each other. And we knew, from that time together, I knew that I was fighting a futile battle.

Andy 49:06
Right. Did you end up like, having lunch with any of these folks?

Larry 49:10
Very infrequently. But yes, once or twice. But I didn't want to be around most of 'em, because they were nuts.

Andy 49:17
Well, so if that's the case though, in all of your Big Noodle-age that you have going on, what would be the alternative to this? What could be an alternate system that would be better?

Larry 49:30
Well, in the system, the only other alternative would be 'a probable cause hearing,' meaning that you would have a judicial officer that's trained in the law, and you'd have the prosecutor come into a courtroom with an adversarial process, where they have to put on a little mini trial. And those already exist, but the problem with that is the attorneys waive the probable cause hearing. Here's what the attorney tells you. You go and pay your attorney \$30,000 to take your case. What they would do in a case like that, where you would be entitled to a probable cause hearing, let's just pick the state of Georgia for an example. So, you gotta go before a probable cause hearing, and I think they conduct those before what they call magistrate judges. You gonna go before a magistrate judge, the attorney's got your \$30,000, and it's already half spent by the time you get to the probable cause hearing. The attorney tells you, "Well, they're gonna find probable cause. We just might as well wave this, and start putting our energy into getting ready for trial." That is about the most ridiculous strategy I've ever heard of. But that's what the attorney tell you. Now, if you're already working with the prosecution, you've already decided that the evidence is overwhelming, and you're already negotiating a plea, that would be a situation where you would waive the probable cause hearing. Because if I'm the prosecutor, if you put me through this and if I have to get ready for a probable cause hearing, and we're working on

what I think is gonna be a good plea for your client? And I'm going to stick my neck out to give your client a good offer, don't make me do a hearing. If you make me do a hearing, I'm going to take that off the table. But a lot of attorneys will tell you to waive it anyway because, frankly, they don't want to get ready for the hearing. But you need to get ready for that hearing because if there's no fruitful negotiations taking place, you need to figure out how strong the case is going to be and how credible the witnesses are going to come across. They may call somebody other than a law enforcement officer who's a trained professional witness. You want to see if that witness is going to hold up under cross. You can't do all that by waiving it. I'm a big believer in not waiving hearings, but that's what they're gonna do. So that's not an answer either, but that's the only one I've come up with.

Andy 51:30
I see. Okay, I got nothing else to talk about on that. I have one little added segment. If you're ready to go over there.

Larry 51:41
Let's do it. What are we doing?

Andy 51:43
Okay, well, someone posted on the Discord server just a little while ago about are you familiar with who "Bubba The Love Sponge" is?

Larry 51:52
Can't say it rings a bell.

Andy 51:53
He's a shock jock. I guess you could say that he's something similar to Howard Stern. I'm sure you've heard of Howard Stern?

Larry 52:01
Yes, that's my brother.

Andy 52:02
Okay, I don't think so. I'm almost inclined to just start playing the video. These two knuckleheads are going to the doors of people that live near Tampa, Florida, and they are posting signs in their yards, Larry. So, is it okay if I start playing this, and just tell me where you'd be okay with me stopping, and we'll see how that goes?

Larry 52:31
So, you're telling me to cut in at any time?

Andy 52:33
Yeah, just tell me and I'll try to press pause as quickly as I can.

Larry 52:36
Alright.

52:39

John, come on out, bud! Need to talk to you for a minute, John. I love your shirt. Hello, John? Hey, John, for this holiday season, we know that you were registered for sexual battery of a child under 12 years old in 1998. So we know we don't want people participating in Halloween this year. So, we're doing a little community outreach. We're gonna be putting a sign out in your yard, saying, Under Florida Section 775.21 we have the right to post a sign publicly to inform neighbors that you're a registered sexual predator."

Andy 53:14

Okay. Well, they posted something up there on the screen. They have a little shot of they are saying that they have a Florida Statute 775.21?

Larry 53:24

Yes.

Andy 53:24

Did you look that up?

Larry 53:25

I did look that up. And I don't see anything in the statute that requires signs or even authorizing signs. I don't see anything in there.

Andy 53:36

To what degree of sketchy ground are these guys on?

Larry 53:39

Very sketchy because there's a case from Butts County, Georgia called McClendon vs. Long, and that's a precedent from the Eleventh Circuit, which includes Florida, and you can't force people to speak in this manner.

Andy 53:59

Just the sign being present is equivalent to being forced to speak?

Larry 54:07

Well, this is a little bit more nuanced, but yes. In McClendon vs. Long, that was being required by the Sheriff of Butts County, Georgia and it's a precedential decision. But in this case, since it's not being required by law enforcement, it presents a unique difference. If I had been the guy, I'd have told him to F Y P. I'da told him that, "If you don't get off my property, you're gonna soon wish that you had!" but that's just what I would have done.

Andy 54:37

That sounds threatening, Larry.

Larry 54:39

Well, that's exactly what I'm gonna do when someone comes on my property tells me they're going to post a sign, and there's no authority for it, what else would you tell them? "Well, go ahead, put all the signs you want to."

Andy 54:47

That's what these individuals did or at least acquiesced. They just relented and let it happen. I mean, I'm assuming that these two guys were completely blindsided by this, and they had no pre-conceived thought of how they would respond to it.

Larry 55:02

Well, again, I don't see any legal authority for it. It seems like I would call this vigilante activity. But the Eleventh Circuit is a binding case, and it includes Alabama, Florida and Georgia. It is one of the 13 Appellate Courts of the United States. And it's certainly very problematic for this. I'm shocked that it's being done.

Andy 55:25

I'm not shocked. It is Florida. Oh, crap, I pressed the wrong button. Oh my God.

Bubba the love Sponge 55:32

And you're also to make sure that you have your lights down and not have any interaction with children for Halloween.

Andy 55:41

I don't even really want to play the parts like this, where they're actually like calling the guy out. I don't want to really dox the guy. I don't have any interest. He just like is cowering behind the door. He's like petrified. I'm sure people have knocked on his door before. He doesn't live the most, I don't know, serene life, so to speak, you know?

Larry 55:57

Yeah, I saw the door. He barely had it open, which was good. He should have opened enough to put the barrel of his shotgun out.

Andy 56:05

Well, he's a convicted felon, Larry. He probably doesn't have one. But I mean if I saw these knuckleheads coming up to the door. I am not answering the door.

Larry 56:15

Well, I'm as adamant about the door as you are about the telephone. You will not get me to ever answer a door.

Andy 56:19

And I might give my dogs some Alka Seltzer so their faces are foaming and then I open up the door and I have two foaming-at-the-mouth dogs coming at 'em.

Larry 56:30

I can't imagine why people are terrified to answer a little ringing device, but they'll answer the door where they get blown away. Yeah I don't answer doors, haven't answered 'em in 20 years.

Andy 56:41

And so then they go to this other guy's house, Larry. This guy looks like he has very limited English abilities. They say, "Thank you" as they walk away. Oh my god. I don't want to do that one either. Okay.

Unknown Speaker 56:55

How you doing buddy? Hey, my name is Alex Stein. We're doing community outreach for the Bubba Army and we saw you had a lewd and lascivious act in 1998. You failed to register.

Andy 57:06

And he also had a failure to register in Florida. So, I'm like that probably escalates you up to be an SVP just by failing to register in Florida.

Larry 57:13

I don't think it does that, but these people are doing something that's very problematic for sure.

Andy 57:22

To what degree? Is it illegal problematic?

Larry 57:28

Well, I don't think there's a law per se against it, but I would think there's some laws that would cover it, like encroachment on private property, trespassing, yeah you're doing something that you're not authorized to do.

Andy 57:41

Is there anything against them driving in the truck? And I know, Larry, and I completely know that you're just like speculating, I get that. But is there anything driving around in the truck with the blinky, blinky lights all over it? They're advertising, they're drawing a crap ton of attention to themselves, that then gets focused on you. And they're posting these guys' information on this video. Is that doxing? Is that illegal?

Larry 58:04

I don't know if that is per se, but there are all these admonishments about how this PFR registry is not supposed to be used to harass. And I don't know if there's any statutory provision in Florida about misusing the PFR list, but when you accept the terms of use when you go look in the registry, it always says, "I will not use this to harass."

Andy 58:27

They are definitely doing that with it, though, Larry. Alright, so I'm gonna cut the video there because I don't really want to go through a whole lot more. I don't remember there being anything completely off the rails on the rest of it. They're just all up in your face, and they're recording, and they got a camera up there. They're harassing this guy because he has limited English skills as well. So can we get a little background though? You talked about the case McClendon vs. Long. What was that about?

Larry 58:56

Oh, you expect me to remember a case from four years ago?

Andy 59:01

That's why I gave you some cheater notes!

Larry 59:04

Oh, that was the case where it was launched in Georgia against two counties, Butts and Spalding County. Both of those sheriffs were telling people to place signs, and they were actually placing the signs, and threatening them with prosecution if they removed the signs, saying, "No candy handed out here for Halloween." It didn't really say necessarily that the person was PFR, but it said, "This sign is erected on orders of the sheriff" and "On Halloween no candy." There was an injunction sought, which was granted to stop them from doing it in 2019. And then the case went to trial. We lost at trial and then, on appeal, it was turned around and victory. And now the case is being used as precedential authority. There's a case that's been launched or about to be launched in Missouri, challenging their statute that has that requirement in the statute, where Georgia didn't have it. So that's a case that's going to be long lasting in its impact because everyone's going to be citing to it now. And that was the National Association for Rational Sexual Offense Laws that sponsored that action. We don't get any credit from anybody, not much credit from the attorney that handled it. But that attorney has reached out to buy us. We seeded the financial well with money because he wasn't willing to do it without compensation and we kept the compensation flowing because he had to brief it twice because of bogus arguments that they put up on appeal. And we pursued that case relentlessly to the very end, with a victory. And now others will use it, and pretend like they have thought of something that we didn't think of. They didn't think of it. We thought of it. And in fact, I was told that I was going after something I shouldn't waste my time with because there was bigger fish to fry. And, "Why are you going after this? Because it's not going to bring down the registry." But now some of the people that said that, they're watching the case now in Missouri.

Andy 1:01:03

I don't detect any sort of resentment or animosity there. So the Eleventh Circuit comprises what states again?

Larry 1:01:16

Georgia, Florida, and Alabama.

Andy 1:01:18

And there are how many circuits? 12?

Larry 1:01:23

There's actually 11 complete circuits. There's no 12th. But then there's some special courts; there's a DC Circuit, which is the 12th, and then there's some special courts of appeals that are secret. I forget what it's called, but anyway, there's certainly 12, not counting the specialty circuit.

Andy 1:01:41

All right. So, these people in this video, they're not law enforcement, I don't believe. Could they have been, like, deputized, or honorary sheriffs, or something like that, to have the authority to do it?

Larry 1:01:52

They could have been, but they should have stated that we've been deputized special deputies for Hillsborough County, and we're making this visit on behalf of the sheriff's department.

Andy 1:02:01.

We covered the statute parts. I looked up and read through whatever statute they're citing and I didn't find anything that said anything about signs or notifications or anything like that. Somebody in chat says, "Post a sign on your property that says No Trespassing," and like what kind of weight would that carry? If you posted a sign that says No Trespassing on your property?

Larry 1:02:23

Well, you'd have to figure out how to enforce that. Is that criminal or is it a civil sanction? Getting the cops to come out and enforce a No Trespassing against somebody like that would be very unlikely, in my opinion. You call the police and say, "Well, I'm on the PFR list and I got somebody here at my door" I just don't think they're gonna rush to your house to do that. So then do you seek a civil remedy? And if so, who do you file a lawsuit against? Do you know who they are? What are your damages? It's kind of like we talked about earlier in the episode, how would you quantify your damages?

Andy 1:02:54

Yeah, other than being doxed, and harassed and pointed out, I mean, most of the people on the list are trying to keep their head down, and not draw attention to themselves, and that's what these guys are doing.

Larry 1:03:06

Well, they would say you're already out by virtue of being on the registry, you would have a tough time trying to prove any damages.

Andy 1:03:12

True. Gotcha. All right. I don't have anything else. Do you have anything else?

Larry 1:03:19

Nope. Well, we're gonna have a great episode coming next week, don't we?

Andy 1:03:22

I believe so. We're gonna have a special guest joining us for again for what I think it's the third time? It could even be the fourth time. Did we get any stamina subscribers?

Larry 1:03:30

We did not. But that episode next week, we're gonna be talking about entrapment. And I know people love entrapment episodes.

Andy 1:03:37

They do. Well, to get out of here, we did get a new patron named Jamie. And I thank Jamie very much. And I want to try and start doing this on a regular basis. But, so we have a collection of people that have donated to us and I've titled them, Larry, in honor of the mafia, these are "The Don's of Donation." Cuz, you know, if you're part of the mafia, you're a Don?

Larry 1:03:58

Okay.

Andy 1:03:59

And so we have Justin, Mike, Brian, another Brian, VP, LB, Uncle Gerald, and, Hank. And these are the folks that deserve extra special recognition for their support of the show. I thank you guys so very much. I don't have anything else, man! You have anything else?

Larry 1:04:16

I have a thanks to the people that are offering assistance on the transcript. I'm getting an amazing amount of desire to help with that. We appreciate it. I went through the transcript that was submitted last week, and it's fairly clean, but I'm gonna have my proof-reader look at it and see how clean it is. And we may be getting back to that person to see how we can perfect that. But we've had several offers. We got a good transcript last week. So thank you, thank you, everyone. Maybe we can keep the service running.

Andy 1:04:17

Very good. Go over and find all the show notes at registrymatters.co and I will leave it at that. You can find Patreon links and phone numbers and email addresses from there. And without anything else, I bid you a fine evening. And everyone in chat, thank you for coming and hanging out. I will talk to you soon!

Larry 1:05:04

Good night

Announcer 1:05:08

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