

**CCNCR**

CAUTIONclick

National Campaign for Reform

PO Box 1548

Waynesville, NC 28786

www.CAUTIONclick.org

(716) 632-8673

Our Organization, CautionClick

National Campaign for Reform

(CCNCR) is a national grassroots

advocacy organization dedicated to

promoting public safety by working

toward evidence-based policy reform of

the federal sentencing guidelines and

management practices for non-

production CP offenders, to ensure that

sentences for these offenders, like all

other offenders, are fair, just and

consistent with the purposes of

sentencing as defined in Chapter 18

U.S.C. While we do not condone such

viewing of child pornography, part of

our mission is to educate the public

about how current technology has

contributed to the ease of online

access by the public, contributing to

the explosion of convictions,

incarcerations, and sex offender

registrations for those who have

otherwise led clean, productive lives.

JOIN US for our monthly national

meeting call by visiting our website to

check out the next meeting date! **To****Join Talk Shoe:** call (724) 444-7444

enter 138050 enter 1# and identify

yourself by first name and state.

For inmates who have access to

Corrlinks; please go to:

info@cautionclick.comFor those who **DO NOT** have access:

please send your contact information

to:

CCNCR

PO Box 1548

Waynesville, NC 28786

The Dobbs Wire: WIN - Pennsylvania Supreme Court says it's punishment!

*A win! The Pennsylvania Supreme Court just handed down an important ruling concerning the state's sex offense registry law—yes, it is “punishment” and no, it cannot be applied retroactively. Pennsylvania's registration statute was already harsh but lawmakers enacted an even harsher version in 2012 and made the new law apply even to those who had been sentenced under the old law. The court took a close look and declared what just about anybody familiar with these 21st century scarlet letter schemes knows – it's punishment. That's a key finding as so many courts have refused to reckon with the devastating impacts of registration by claiming those life-wrecking Megan's Law websites with name, address, photos, and more are just an administrative tracking system. The Pennsylvania Supreme Court went on to hold that piling more punishment on **after** sentencing is unconstitutional. More than 20,000 individuals are required to sign the Pennsylvania registry and an estimated 4,500 are impacted by this decision; one district attorney predicts lots of lawsuits, “numerous numerous challenges.” Congratulations to the man at the center of this case, Jose M. Muniz, and kudos to the many legal eagles involved including Michael Halkias, Timothy Clawges, Linda Hollinger, and Joshua Yohe of the Cumberland County Public Defender's Office, and all the groups that supported this challenge with friend-of-the-court briefs, especially Pennsylvania Association of Criminal Defense Lawyers and Defenders Association of Philadelphia. Here are reports from the popular press and links to the decision. Aaron J. Marcus, who was deeply involved in this case, writes for Collateral Consequences Resource Center with legal details and analysis, as well as intriguing thoughts about how this decision might impact the Pennsylvania registry law as it is used in the future. –Bill Dobbs,*

Associated Press via Philly.com | July 19, 2017

Court: tougher sex offender reporting can't be retroactive: Court: tougher sex offender reporting can't be retroactive

By Mark Scolforo

Excerpts: The Pennsylvania Supreme Court ruled Wednesday that changes enacted five years ago to toughen reporting requirements under Pennsylvania's sex offender registration law cannot be applied **retroactively**.

The high court said Jose M. Muniz, convicted in Cumberland County of indecent assault of a 12-year-old girl, will **not** have to register for life. At the time Muniz was convicted, his offense called for a 10-year registration period. The 2012 changes to the state law turned that into a lifetime requirement, and required registration for additional crimes. In the lead opinion, Justice Kevin Dougherty said “both the state and offender have an interest in the finality of sentencing that is undermined by the enactment of **ever more severe** registration laws.”

Cumberland County District Attorney Dave Freed, who lost the decision, said it could produce a large number of appeals by Megan's Law registrants, arguing the decision also applies to them. Freed predicted the decision “is going to generate **numerous, numerous, numerous** challenges,” some seeking post-conviction appeals in county court, others in state-level Commonwealth Court, involving state police.



OTHER GROUPS ACROSS THE US

FAMM

Families Against Mandatory Minimums
1100 H Street NW Suite 1000
Washington, D.C. 20005
(202) 822-6700 www.Famm.org
This organization works on legislation to reduce the harsh sentencing minimums.

CURE

Citizens United for Rehabilitation of Errants
PO Box 2310
Washington, DC 20013-2310
(202)-789-2126
www.curenational.org
CURE is a not-for-profit agency which focuses on seeking reform of the criminal justice system.

NARSOL

National Association for Rational Sex Offense Laws
PO Box 400838
Cambridge, MA 02140
(888) 997-7765
www.reformsexoffenderlaws.org
This organization envisions effective, fact-based sexual offense laws and policies which promote public safety, safeguard civil liberties, honor human dignity and offer holistic prevention, healing, and restoration.

SAFER VIRGINIA

PO Box 8251
Richmond VA 23226-0251
Educates families and communities seeking to protect children and restore families affected by sexual abuse. Safer Virginia supports research-based sexual offense laws and policies that enhance public safety, safeguard civil liberties and focus on healing prevention and restoration.

CT FOR ONE STANDARD OF JUSTICE

PO Box 68
Monroe, CT 06468
(203) 680-0567
Website: www.ctosj.org

SENTENCING LAW AND POLICY

An Affiliate of the Law Professor Blogs Network

Wednesday, July 19, 2017

Excerpts: Pennsylvania Supreme Court finds state sex offender registration law punitive and thus unconstitutional to apply retroactively:

In a big opinion today, the Pennsylvania Supreme Court decided its state's sex offender registration law, though civil in design, was punitive in practice and thus cannot be applied retroactively. The 55-page majority opinion in *Pennsylvania v. Muniz*, No. (Pa. July 19, 2017) gets started this way:

We granted discretionary review to determine whether Pennsylvania's Sex Offender Registration and Notification Act (SORNA), 42 Pa.C.S. §§9799.10-9799.41, as applied retroactively to appellant Jose M. Muniz, is unconstitutional under the ex post facto clauses of the United States and Pennsylvania Constitutions. The Superior Court held SORNA's registration provisions are not punishment, and therefore retroactive application to appellant, who was convicted of sex offenses prior to SORNA's effective date but sentenced afterwards, does not violate either the federal or state ex post facto clauses. For the following reasons, we reverse and hold: 1) SORNA's registration provisions constitute punishment notwithstanding the General Assembly's identification of the provisions as nonpunitive; 2) retroactive application of SORNA's registration provisions violates the federal ex post facto clause; and 3) retroactive application of SORNA's registration provisions also violates the ex post facto clause of the Pennsylvania Constitution.

SCOTUS declares unconstitutional North Carolina criminal law restricting sex offender access to social media

Excerpts: Today was a big day for the First Amendment in the US Supreme Court. In addition to a notable First Amendment trademark ruling, the Court handed down a widely anticipated ruling in *Packingham v. North Carolina*, No. 15-1194 (S. Ct. June 19, 2017) with a state law restricting internet access for sex offenders. Here is how the Court's majority opinion in *Packingham*, authored by Justice Kennedy, gets started and a key closing paragraph:

In 2008, North Carolina enacted a statute making it a felony for a registered sex offender to gain access to a number of websites, including commonplace social media websites like Facebook and Twitter. The question presented is whether that law is permissible under the First Amendment's Free Speech Clause, applicable to the States under the Due Process Clause of the Fourteenth Amendment....In sum, to foreclose access to social media altogether is to prevent the user from engaging in the legitimate exercise of First Amendment rights. It is unsettling to suggest that only a limited set of websites can be used even by persons who have completed their sentences. Even convicted criminals — and in some instances especially convicted criminals — might receive legitimate benefits from these means for access to the world of ideas, in particular if they seek to reform and to pursue lawful and rewarding lives.



TIERED REGISTRY BILL PASSED BY



YOUR AD HERE

Gilbert Schaffnit

Attorney at Law
Phone: 352-378-6593
Fax: (352) 374-4998

info@gilschaffnit.com

<http://www.gilschaffnit.com/contact>

<http://www.gilschaffnit.com/gainesville-criminal-attorney>

719 N.E. First Street
Gainesville, Florida 3260

DISCLAIMER: The attorneys listed here are not employed by or affiliated with CAUTIONclick, (CCNCR). CCNCR does not receive any compensation from them. You should always consult with an attorney regarding your individual situation and ask them to send you free written information about their qualifications and experience. Make your decision to retain their services based on an independent assessment of their qualifications. Their listing on our website should not be relied upon

◆ **Arkansas** – Arkansas Time After Time Website:

<http://www.arkansastimeaftertime.org>
Address: P.O. Box 11491, Conway, AR 72034 Phone: 501-444-2828 Email: rsol@arkansastimeaftertime.org

◆ **Alliance for Constitutional Sex Offense Laws (ACSOL)** –Website:

<http://californiarisol.org> Address: ACLU Building, 1313 W. 8th Street, Los Angeles, CA 90017 Phone: 805-896-7854 Email: jmbellucci@aol.com

◆ **Colorado** – Colorado Advocates for Change Website:

www.advocates4change.org Address: P.O. Box 351032 Westminster, CO 80035 Phone: 720-329-9096 Email: advocates4changeafc@yahoo.com

ASSEMBLY COMMITTEE

July 11, 2017

The Tiered Registry Bill (Senate Bill 421) was passed today by the Assembly's Public Safety Committee. The final vote on the bill was 5 in favor (Chairman Jones Sawyer as well as committee members Rubio, Quirk, Santiago and Gonzalez-Fletcher), one opposed (Lackey) and one who did not vote (Flora).

During deliberations on the bill, the bill's author (Senator Scott Wiener) stated the reform of the state's sex offender registry "is long overdue". He added that the registry was originally meant to be a tool of law enforcement. Law enforcement now believes that this tool is no longer effective because it includes too many people. Sen. Wiener also noted that there is a broad coalition of support, including law enforcement and district attorneys, for reformation of the registry. Further, Sen. Wiener stated that the registry has resulted in significant negative impacts upon both registrants and their families on issues such as housing and employment.

Two district attorneys testified in support of SB 421. Nancy O'Malley, the Alameda County DA, stated that SB 421 is a "very strong public safety bill" and urged members of the committee to vote in its favor. Jackie Lacey, the L.A. County DA, thanked Sen. Wiener for his leadership as author of the bill. She noted that the Tiered Registry Bill will help law enforcement keep better track of sexual predators.

Following the testimony of the two district attorneys, more than 75 people spoke in favor of the Tiered Registry Bill. Most of those individuals were registrants or family members of registrants.

"This is a significant victory for registrants and their loved ones," stated ACSOL Executive Director Janice Bellucci. "We are now very close to obtaining freedom from the registry for many people who do not pose a current danger."

The Tiered Registry Bill will next be heard by the Appropriations Committee and if the bill is passed by that committee, it will be voted on by members of the Assembly between September 5 and September 15.

The 26th Annual National Seminar on Federal Sentencing Guidelines

Presented by The Tampa Bay Chapter of the Federal Bar Association

Co-Sponsored by The National Association of Criminal Defense Lawyers, The American Bar Association Criminal Justice Section and the Federal Bar Association Criminal Law Section

CCNCR was fortunate to have a member attend the seminar. Topics included: Introduction to Sentencing Guidelines, An Update on Federal Law and Policy and Child Pornography and Sexual Offenses presented by Troy Stabenow, Esq, Assistant Federal Defender, Western District of Missouri. A summary of the conference can be found at; www.cautionclick.com or www.floridaactioncommittee in the near future.

Thank you to all attended and shared their comprehensive summary of the sessions attended.

**IF WE CAN SAVE ONE REGISTRANT ...**

◆ **Colorado** – Coalition for Sexual Offense Restoration (CSOR) Website: www.csor-home.org Address: PO Box 20751, Denver, CO 80227 Phone: 720-690-7125 Email: susanwalker1@gmail.com

◆ **Florida** – Florida Action Committee Website: www.floridaactioncommittee.org Address: PO Box 470932, Lake Monroe, FL 32747 Phone: 904-438-8FAC Email: gail@floridaactioncommittee.org ◆

Illinois – Illinois Voices Website: <http://www.ilvoices.com> Address: P.O. Box 959114, Hoffman Estates, IL 60195 Email: angie@ilvoices.com Email 2: will@ilvoices.com

◆ **Maryland** – Families Advocating Intelligent Registries Website: <http://www.fairregistry.org> Address: PO Box 8402, Elkridge, MD 21075 Phone: 301-779-1965 Email: info@fairregistry.org

◆ **Michigan** – Michigan Citizens for Justice Website: <http://www.micitizensforjustice.com/> Address: 12393 St. Michel Ave., Romeo, MI 48065 Phone: 248-229-2698 Email: reformsolaw_mi@yahoo.com

◆ **Nebraska** – Nebraskans Unafraid Website: nebraskansunafraid.org nebraskarsol.com Address: PO Box 6705, Omaha, NE 68106 Phone: 402.403.9250 Email: nunafrd@gmail.com

◆ **New Mexico** – Liberty and Justice Coalition Website: <http://rsolnm.org> Address: P.O. Box 36123, Albuquerque, NM 87176 Phone: 505-832-4291 Email: sataaran1@yahoo.com Email 2: rs2477@cybermesa.com

◆ **North Carolina** – Website: ncrsol.org, Address: P.O. 25423, Raleigh, NC 27611, Phone 919-780-4510, Email: contact@ncrsol.org

◆ **Oklahoma** – Oklahoma RSOL Website: www.ok-rsol.org Address: PO Box 1474, Muskogee, OK 74402 Phone: (918) 261-1757 Email: rsol.ok@gmail.com Email 2: info.okrsol@yahoo.com

◆ **Texas** – Texas Voices for Reason and Justice Website: <http://texasvoices.org> Address: PO 23539, San Antonio, 78223 Phone: 877-215-6688 Email: marysueintx@yahoo.com

◆ **Vermont** – RSOL VT Address: P.O. 501, Johnson, VT 05454 Email: rsolvvt@gmail.com

How many times have we heard this “if we can save one child” line from politicians pushing for yet another draconian restriction they plan to introduce in some random bill? Sounds really good to the uneducated public and fuels the increasingly, relentless thirst for ongoing punishment, that is so prevalent in our country today. Cheap trick at best, unconstitutional at worst. I don’t know about you, but I am sick of it! Frankly, I don’t care about saving one child, awful as that sounds, I’m more concerned about saving MY child. The laws to protect children are solidly in place and unfortunately, tragedies still occur every day. No one is going to remember them for the insanely irresponsible behavior that resulted in catastrophe. No one is going to remember them for the worst thing they ever did.

Why is it different for our population? Because sex makes people squirm in our puritanical society. Incarceration is not sufficient punishment apparently; lifelong legal “flogging” is what we have come to. Unreasonable parole/supervised release and registration silences those who have already paid their debt to society. If we are to see any changes, it must come primarily from family and friends. That’s us.

In spite of the fact that fighting against the saving one child battle cry is, the movement has experienced some significant legal victories in the last few months. More and more attorneys are willing to take up the challenge because they see the extreme injustice and unconstitutionality in the current laws. That’s a good thing! However, this takes time and money. We must be willing to give a little of one or the other. We are the gatekeepers, preventing the laws from becoming more unreasonable and keeping the politicians from picking our low hanging fruit.

I think a couple of things get in the way of our voices, not the least of which is shame. We must come out of the closet, those of us not on a legal leash or registrants. When I go on my monthly visit to see my son, I always meet a family member of someone recently incarcerated, and usually over sentenced by a mandatory minimum, for one of the thousands of sex offenses on the books. To my amazement, I am hearing more and more stories of people affected by sex offense convictions. I use that conversation to share all the advocacy groups working to reform the registry issue along with all the other injustices involved in this issue. I have found I am more and more transparent, less afraid to tell our story. I changed my face book name so I can post all the articles, legal news, advocacy group meetings, conference calls, and books, etc. That will, in some small way, help families dealing with our situation and perhaps, shock those who had no idea of what the law gets away with. I still am a tiny bit frightened... which is why I changed my fb name to prevent anyone from immediately googling my son. I’m ok with that because I have come a long way even if its baby steps. This is my small way of giving my time and energy to change perception and it’s working. So many of the “friends” comment they had no idea.

I have made many new contacts from doing this, hearing so many outrageous stories. But every time I do, it results in a new advocate. I say my script and sometimes we wind up having a phone call, a new not fb friendship, but real one. Not everyone can donate money to our cause, but we all have a mouth, a keyboard, and a story. There could be one million of us in a few years at the rate the registry is going. But you know what, if we are relentless, courageous, and transparent and if we can save one registered citizen from a life of fear, its all worth it....Sincere thanks to Linda/ Blog Writer....Mandatory Heartbreak