

Titus House Newsletter

Titus House Ministries, PO Box 2376, Tijeras, NM 87059

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Question: When I release at year's end after serving fifteen (15) years in federal prison for possession and distribution of child pornography, I must serve five years of supervised release. There is a special condition that prohibits me from having any "sexually stimulating material." It seems this is very common, but I would like to know how they justify the prohibition? Are they following some specific recommendations for each offender?

Answer: This is a great question for the Legal Corner because we regularly receive similar questions about conditions of supervision. We will begin with some history of supervised release; we have relied on the case of *United States v. Kappes*, 782 F.3d, 828 (7th Circuit 2015) for portions of the answer.

In 1984, Congress passed the Sentencing Reform Act, which replaced the federal parole system with the system of supervised release. See 18 U.S.C. § 3583. The

parole system allowed a convicted defendant to be released prior to the expiration of his prison term on conditions designed to reduce the likelihood of his committing further crimes. Parole was criticized for creating uncertainty as to how long a defendant would spend in prison—i.e., the judicially-imposed sentence was not considered the real sentence because the sentence was subject to constant adjustment by the U.S. parole commission. In addition, we have seen the Second Circuit and other courts take a similar position in recent years, especially in cases involving child pornography. See *United States v. Reeves*, 591 F.3d 77 (2^d Cir. 2010), vacating a condition requiring the defendant to notify his probation officer when he established a "significant romantic relationship" as not reasonably related to the objectives of sentencing. In *United States v. Kappes*, the court vacated and remanded the case of the three defendants based on defects in their conditions

of supervised release, and the court stressed the importance of supervised release conditions that are properly-noticed, supported by adequate findings, and well-tailored to serve the purposes of deterrence, rehabilitation, and protection of the public. This trend reflects an increasing and welcome recognition by courts of the fact that supervised release constitutes a significant deprivation of liberty and that conditions must be reasonably tailored to the individual defendant.

You will be subject to standard conditions of supervised release which are imposed on all offenders. The issue raised in your letter involves special conditions. The first general principle sentencing judges should consider when imposing conditions of supervised release is that it is important to give advance notice of the conditions being considered. The second general principle regarding the imposition of conditions of supervised release is that a sentencing court must justify the condi-

tions and the length of the term at sentencing by an adequate statement of reasons, reasonably related to the applicable § 3553(a) factors. See *Bryant*, 754 F.3d 443 (7th Circuit 2014). The third sentencing principle is that sentencing judges should impose conditions of supervised release which are (a) appropriately tailored to the defendant's offense, personal history and characteristics; (b) involve no greater deprivation of liberty than is

reasonably necessary to achieve the goals of deterrence, protection of the public, and rehabilitation; and (c) sufficiently specific to place the defendant on notice of what is expected.

The special condition prohibiting "any sexually stimulating material" has some potential problems if the three factors articulated above were not followed prior to the imposition of the special condition. The condition appears to be overly broad and is not sufficiently clear to permit compliance. In addition, it could be subject to arbitrary and capricious enforcement. Since NARSOL does not provide legal advice, we can only suggest that you contact your attorney for further guidance.



Those on the registry at increased risk during natural disasters

By Elizabeth Weill-Greenberg . . . For some people convicted of sex crimes in Florida, the only shelter open to them during Hurricane Dorian was the county jail.

In some counties, people on the registry were barred from shelters set up for those evacuating, and told to go to separate locations, away from children and other community members.

If they attempted to stay with friends or relatives, they faced daunting residency and registration requirements, according to the Florida Action Committee, which advocates for reform of sex offender registry laws. Failure to comply can mean a felony conviction and incarceration.

In Osceola County, a separate shelter was set up at the housing agency for "sex offenders," meaning people on the registry, according to a local news report by WKMG-TV. And in Flagler County, registered sex offenders were directed to go to the sheriff's office for shelter, according to a WJXT-



TV report. The Nassau County Board of Commissioners website advised people on the sex offender registry to seek shelter in the county jail.

"It was such a traumatic experience to be incarcerated. I'm not going to subject myself to that voluntarily," a representative with the Florida Action Committee told The Appeal. "I'd rather tie myself to a tree."

The representative asked to remain anonymous because he is on the state sex offender registry. He said he is not living in an area that needed to evacuate.

Such restrictions, critics say, fail to prevent sexual harm and only punish an already marginalized population: registrants and their families, who can be split apart in a storm.

"Natural disasters, emergencies are complicated for everybody," said Guy Hamilton-Smith, legal fellow at the Sex Offense Litigation and Policy Resource Center at

Mitchell Hamline School of Law. "For people who are on the registry and who are required to comply with this additional layer of law and policy, they become even more exceptionally complicated with a potential prison term on the end of it if they don't manage to navigate the laws perfectly."

Under Florida law, those who evacuate must register their temporary addresses, in person, at the sheriff's office if they will be away from home for three or more days. They are also required to update their driver's license or identification card with the temporary address within 48 hours of their departure date.

Recovering From Sexual Immorality

Dear Don and Alice, I am a reformed man after 12 years of incarceration in prison. I have hurt many people in many different ways in my lifetime. I have harmed people through my words, my attitude, my behavior, through my actions and through neglect. Before my arrest and conviction, I was an addict. I had a habit of watching pornography on videos, movies, internet and looking at pictures of porn in magazines and books. I was involved in adultery, fornication, sexual immorality, lasciviousness, sexual abuse and much much more. I allowed my mind and decisions to be influenced by events that happened to me when I was a child and by the sexual language, graphics and content of music, television, internet, social

media and society. Many types of sexual behavior were being promoted and even openly displayed as being normal and acceptable. I picked up on my sex addiction at a young age and I did not know it at the time, but I've victimized many children as I was growing up. Because of my addiction and crime I lost my wife through divorce and I have been separated from my family for twelve long years. Prison has not only separated me from my family, but it has given me time to accept the things I need to change, confess my sins to God and repent. Since then I've cried out to God for healing and help to recover from sexual immorality. In response to my prayers, my addiction and out of control behavior began to fade away.



Now I am free from the bondage of sexual sins and addiction. I am a new person with remorse for the harm I've caused to others in the past and a desire to make amends. Before my incarceration, I indulged in hurting others to get what I desired. Now I am ready to do God's will and help others who are struggling with similar addictions in the present and future.

God Bless, Landon Lott



We spend billions after child sexual abuse happens and nothing to prevent it

BY ELIZABETH J. LETOURNEAU, OPINION CONTRIBUTOR

For weeks, the nation has been gripped by details surrounding Jeffrey Epstein and his child sex-trafficking operation. An operation uncovered more than a decade ago but badly addressed by prosecutors. Last year we learned that Larry Nassar continued to sexually abuse child athletes for 20 years after the first accusations surfaced against him.

These aren't isolated incidents. We've seen similar patterns of open secrets that everyone knows about and no one acts upon with Jerry Sandusky and Cardinal George Pell. With too many people in too many sectors of society, assaulting children for years or decades with impunity.

When we finally do hold someone accountable for child sexual abuse we want credit for making it count. New charges against Epstein carried a maximum sentence of 45 years - essentially a life sentence had the 66-year-old lived to be convicted.

Nassar was sentenced to a maximum of 360 years; at 56 years of age, he will likely die in prison. It costs about \$35,000 to imprison someone for one year. We were willing to "invest" more than 1.5 million dollars to lock up Epstein and will likely invest that much or more in Nassar. Annually, the U.S. spends nearly six billion dollars to in-

carcerate people convicted of sex crimes.

These efforts to compensate for complacency may seem justified, but they come too late and they do too little. We desperately need more resources focused on the development of effective prevention strategies. Strategies that keep children safe from sexual abuse in the first place.

Previously convicted sex offenders account for just 5 percent of all new sex crimes. We focus enormous resources to address this small sliver of the problem. How much do you think we spend to address the other 95 percent of the problem - to prevent first-time sex crimes from being committed by people unknown to the law?

Almost nothing. In 1978 Congress authorized 3 to 4 million dollars annually to develop effective prevention, treatment and law enforcement strategies to address child sexual abuse. That funding disappeared in the 1980s and never returned.

A successful national approach would comprehensively address all child sexual abuse by emphasizing primary prevention as well as treatment and accountability. Earlier this year, the Moore Center for the Prevention of

Child Sexual Abuse led 25 youth-serving organizations including Boys and Girls Clubs of America, Boy Scouts of America, Committee for Children, and the National Children's Alliance to urge Congress to support child sexual abuse prevention research. Specifically, these organizations requested that \$10 million in new annual funding be included in the Labor HHS appropriations bill.

That's 0.001 percent of the amount we spend each year to incarcerate sex offenders.

The House Labor HHS Appropriations Committee responded by including \$2 million for child sexual abuse prevention research in its 2020 budget. This is a promising start. We don't yet know whether the Senate Labor HHS Appropriations Committee includes any such funding.

We need Congress to lead the way by funding research on prevention strategies that work. Strategies focused on protecting all children, instead of giving the illusion of safety after harm has already occurred. Child sexual abuse is preventable - and it's time to invest the resources needed to protect our children.

Jesus is the solution to the problem

THOUGHTS FROM ALICE (age 90)

"Life is short, Death is sure, Sin the problem, Christ the cure." My friends have heard me quote this many times. I recently researched the longest life span of someone in our present general time frame. The eldest living person in the last couple hundred years is about 117 years old. Interesting to me this person was a female from Japan. Women generally live longer than men by five or more years. There are probably a number of reasons: fighting wars, taking more risks. Some of us thought we would die giving birth but we somehow lived through it! To me the absolutely

most important reason for my life is to glorify God, introduce others to Jesus as Savior, and follow His instructions. That doesn't mean I can never have any fun! We can glorify God by taking good care of our bodies which should include good eating, exercise and not falling for every new medical proposition! Have you noticed that before and after every good TV program is another commercial warning us that we are probably about to die of some frightful ailment? This morning Don and I are off to an old car show! Next time we'll invite you to come along.





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Hebrew 13:3 - Continue to remember those in prison as if you were together with them in prison, and those who are mistreated as if you yourselves were suffering.

Remember if you change your address you need to let us know if you want to continue to receive this newsletter



Sad News

I have some sad news, two of our brothers that I was in prison with has passed away. One of them has been featured in this newsletter and I am sure a number of you know them both. I am talking about Wilfred Platta and Richard Carmichael. May their souls rest in peace and we pray for their family and friends. Here is a picture of Wilfred.



La Pasada Halfway House

We hold a Bible study at the halfway house located in Albuquerque, New Mexico each Friday at 7:00 pm. We would like to invite those who are going to La Pasada to join us worshiping and praising the Lord in songs and in the Word. Let us know that you will be joining us and perhaps we can help you out with a backpack and clothing. We hope to see you there.

Titus House Ministries Morning Conference Call

We hold a 7 day a week telephone Conference Call. We invite you to join us at 7:00 AM, Mountain Daylight Savings Time. We use Our Daily Bread for our devotional time. If you would like to join us please call this number (605) 475-4092. The access code is 278954#. The call usually lasts 30 minutes. If you have trouble logging in, call Don (505) 315-7940.



Circle of Concern

Circle of Concern is aimed at breaking down isolation and fear by providing a safe place for registrants and their loved ones to get together, build community, and learn ways to step out and take charge of their lives and overcome the stigma

they face. The Circle of Concern is a group of concerned registered citizens, family and friends that meet together on the 3rd Sunday of each month. We are meeting this month on October 20, 2019 at 4 pm—6 pm. We will be having a potluck. We meet at Foothills Fel-

lowship Church, corner of Tramway and Candelaria on the far east side of Albuquerque. We encourage and try to help each other. It is a safe place to share our strengths and struggles. We hope you will join us. If you are planning to attend call Don at (505) 315-7940.