

Titus House Newsletter

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

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Colorado sex offender registration act is unconstitutional, federal judge declares

Kirk Mitchell The Denver Post

A federal judge has ruled that Colorado's sex offender registration act violates the cruel and unusual punishment clause of the Eighth Amendment of the U.S. Constitution. His Thursday ruling says the act was punitive to three sex offenders who sued the state.

District Judge Richard Matsch's ruling in Denver U.S. District Court came in a 2013 civil case filed by three registered sex offenders, David Millard, Eugene Knight and Arturo Vega, against Michael Rankin, the director of the Colorado Bureau of Investigation.

Matsch also ruled that the Colorado Sex Offender Registration Act violates the 14th Amendment due process rights of Millard, Knight and Vega. He found that the three plaintiffs are entitled to an award and attorney fees. Matsch wrote that the attorney fees would be determined.

Technically the judge's ruling only applies to the three plaintiffs in the case, but it could lead to more universal impact, particularly if the 10th Circuit Court of Appeals upholds the decision on appeal, said Boulder attorney Alison Ruttenberg, the attorney for the three plaintiffs.

"I would characterize this as a landmark case. My goal eventually is to get rid of this sex offender registration altogether, at least as it applies to a public registry that people can pull up on a website," Ruttenberg said Friday. "I would be surprised if



the state doesn't appeal the decision."

Ruttenberg said that faulty research claimed that sex offenders have a high recidivism rate when the opposite is true. She said only 5 percent of convicted sex offenders are arrested for new crimes.

Matsch found that Colorado's registration act causes sex offenders and their family members to face a "serious threat of retaliation, violence, ostracism, shaming, and other unfair and irrational treatment from the public, directly resulting from their status as regis-

tered sex offenders..."

The judge's ruling criticized Colorado legislators who claimed that the sex offender act is not punitive.

"The register is telling the public - DANGER - STAY AWAY. How is the public

to react to this warning? What is expected to be the means by which people are to protect themselves and their children?" Matsch wrote in his ruling.

In answering his own question, the judge determined that the law exposes sex offenders to punishments "not by the state but by fellow citizens," regardless of the threat posed by a wide range of offenders.

"The fear that pervades the public reaction to sex offenses - particularly as to children - generates reactions that are cruel and in disregard of any objective

assessment of the individual's actual proclivity to commit new sex offenses. The failure to make any individual assessment is a fundamental flaw in the system," Match wrote in his ruling.

He wrote that public shaming and banishment are forms of punishment considered cruel and unusual under the Eighth Amendment.

Each of the plaintiffs in the case sufficiently described instances where they were punished, Matsch wrote. Millard, for example, said he "suffered the indignity of being unable to find housing despite hundreds of applications," Matsch wrote.

Millard said he was forced to move because of a TV news story focusing on sex offenders in apartment housing.

"Other evidence shows that these experiences are not isolated or unusual and that plaintiff's experiences, fears and anxieties are not exaggerated or imagined," the judge wrote.

The judge cited Englewood's zoning ordinances restricting where sex offenders can live.

The city passed an ordinance limiting how close sex offenders can live to schools, day-care centers and other locations where children congregate, such as public pools.

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 offenders, family and friends that meet together on the 2nd Saturday of each month. We are meeting this month on May 12, 2018 at 4 pm—6 pm. We will be having a potluck. We meet at Foothills Fellowship 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.



Indiana Supreme Court rules in favor of West Lafayette sexual offender

. INDIANAPOLIS — Thirty-seven-year-old Kristopher L. Weida contested being barred from the internet because he's a sex offender, and the Indiana Supreme Court ruled last week that he has a point.

Weida's victory at the Indiana Supreme Court, however, is moot since the condition the court sided with him on already has been changed.

Weida may access the internet, but he can't use it to communicate with children or view sexually explicit materials or pornography, according to the ruling.

Weida had sex with a blood relative back in 2016, and he contested the conditions of probation for sex offenders that barred him from using the internet. He pleaded guilty in May 2016 and was sentenced in July 2016 to one year of incarceration and two years on probation.

Weida challenged Condition 26, which barred him from the internet as being a blanket internet ban that is unreasonable.

"You shall not access the internet or any other on-line service ... without prior approval of your probation officer," the

rule used to read.

It now reads: "You are prohibited from accessing, viewing, or using internet websites and computer applications that depict obscene matter ... or child pornography You shall not possess or use any data encryption technique or program to conceal your internet activity."

Indiana Supreme Court Justice Christopher Goff wrote in Thursday's unanimous decision, "As we increasingly live our lives in cyberspace, probation conditions limiting internet use must meet the same criteria as conditions that restrict other conduct.

"... Because probation conditions restricting a probationer's internet access prohibit what would otherwise be lawful conduct, they cannot be vague," Goff wrote.

Condition 26 is changed, and the court does not expect that it will have to address the issues Weida raised again, according to the opinion.

Additionally, Weida argued that Condition 8 is unconstitutional and vague. It bars sex offenders like Weida from

accessing websites, chat rooms or messaging programs frequented by children. It also bans Weida from tampering with his computer to conceal his activities.

The court noted that Conditions 7, 8 and 9 work in concert to bar Weida from having contact or communications with children through any means.

"Reading these terms in context leads us to understand that Condition 8 prohibits accessing or using internet websites that open the door to contact and communication with children," Goff wrote in the decision, which is within the design to protect that public's safety.



"3 to Life" Parole Lawsuit (Murphy et al v. Madigan et al) U.S. District Court for the Northern District of Illinois Case #: 1:16-cv-11471

This lawsuit challenges the constitutionality of a legal scheme whereby individuals who have been convicted of certain sex-related crimes in Illinois end up serving life sentences in prison as the result of the interactions of various state laws and state agency regulations promulgated by three distinct entities—the Illinois legislature, the Prisoner Review Board ("PRB") and the Illinois Department of Corrections ("IDOC"). In particular, individuals convicted of sex-related crimes who are sentenced to three years to life of mandatory supervised release ("MSR") find themselves stuck in prison for life as a result of the imposition of unmeetable restrictions on where they can live that must be satisfied in order for such individuals to be released on MSR. The challenged scheme results in what amounts to a Kafkaesque nightmare whereby these individuals are denied any semblance of proportionality in their prison sentences

and due process of law. The complaint is asking the court to certify this as a class action, declare the identified statutory schemes to be in violation in the Eighth Amendment of the U.S. Constitution and enter an injunction prohibiting the Defendants from continuing the unconstitutional policies and practices identified in the lawsuit.

On 2/17/17 the state filed a motion to dismiss the case citing that claims are not ripe for review, that the duration of confinement cannot be challenged in this sort of legal action and that the claims fail on the merits. On 3/14/17 our partner attorneys argued in the response that the plaintiffs in this case do have standing, that the case is properly challenged by this legal action and that the state has not put forth a sound basis for dismissal of the plaintiffs' claims.

On 8/18/17 the judge issued an order denying the State's Motion to dismiss the complaint. While the court agreed with the state that the claims from the two plaintiffs who are still incarcerated are not ripe for review, the court agreed to allow the lawsuit to proceed on the claims that the state is violating these constitutional rights--Substantive Due Process, Eighth Amendment (protection from disproportionate sentences), Equal Protection (indigent people should be free from bodily restraint just as much as wealthy people) and Procedural Due Process.

This case is currently in discovery phase and appears to be heading to trial. The deadline to complete "Discovery" is 2/6/18 and there is a status hearing scheduled on that date at 9 AM.



Dear Don & Alice

Just wanted to update you guys on changes going on here at the CMRU in Los Lunas. We've had the *Soldiers of Christ Club* here for awhile but the numbers have been kind of low for Bible studies and we really haven't had anything going on for Praise & Worship. I play drums so as soon as we got a drum set I also joined the music club & I am currently the Vice president. I have been trying to work on getting some Praise & Worship going on for the Bible studies. Well God hooked it up, because we had a couple of guys come over here from the Seminary in the

Hobbs prison. They had been at the level 3, but now are level 2 inmates so they brought them here. Well we just lost our new Chaplain to a better job so now they are our acting ministers here and they started their own Church Services on Tuesday & Saturday nights along with Praise & Worship. I started going through *The Purpose Driven Life* on Sunday nights and the numbers went from about 5 guys to 20 on Sunday nights. Before Easter Sunday we were even able to have Communion. God is doing big things here, we are really hoping things turn around here as more

inmates start walking with God. Hopefully things change for the Staff also. Please keep us in you prayers and as always you guys are in mine! Your brother in Christ, **By Jeremy**



Life Story of Raoul

He is from New Mexico, born in Santa Fe, grew up in Glorieta, went to school in Pecos, on to college in Las Vegas and now is a student in Albuquerque at the City College which is CNM. He will soon have his CDL Class A test for a degree this April 28. Raoul say a CDL is great for those who are registered sex offenders (S.O.) and looking for a job. First, the pay is great compared to a lot of other jobs S.O.s have to take. If you become an Owner/Operator you do not need to tell your boss that you are an S.O. You can do this by leasing a tractor trailer. You can get Financial Aid through CNM which will pay for your classes. It is a one semester class. You might need some prerequisite classes and a GED.



To fill in the gaps – he was married in 1986 to a gal from Minnesota, a forestry graduate who was working in NM. He moved to Minnesota after spending three years in the Army National Guard. In Minnesota he had a furniture making company and spent six years making fine furniture. He pled not guilty and spent three months in jail and got 10 years probation.

He sold the furniture company, took a CDL course with Rocky Mt. Truck Driving School. He drove trucks for 4

lonely years, was charged with incest with his niece and went to Mexico.

In Mexico he volunteered with a Christian mission where he found lodging and bought them and installed a hot water heater. He ran out of money,

went back to El Paso and then back to Mexico. He began printing money, went to a Mexican prison. He outlined for me the terrible conditions in that prison, drugs openly sold, many on heroin, women selling themselves for \$5. While in prison he rented a table saw for \$100 a month and made miniature furniture. He made a complete dollhouse for a female guard which pleased her greatly.

He was in the Mexican prison for five years and during the latter half of that

time there were terrible drug wars taking place. US Marshalls finally found Raoul and escorted him back to the US. He discovered he had been listed on America's Most Wanted! He spent two weeks in jail, then was sent to court in Las Vegas, NM where he was sentenced

to 9 years. He spent prison time in Hobbs and Santa Fe and released to La Pasada. He began his studies at CNM in Albuq.

While in Juarez, Mexico he became acquainted with Jehovah's Witnesses. Except for the Catholic Church it is the major church in Juarez with an attendance of 35,000. Raoul presently attends Christian churches in the Al-

buquerque area. Please pray for him and his plans. We enjoy seeing him at our monthly Circle of Concern. He says Titus House has helped him immensely with a community of fellowship and not being in isolation. He liked the classes that James F. taught through Titus House and hearing the victories and struggles other S.O.s are going through. **By Alice Benson/Johnston**



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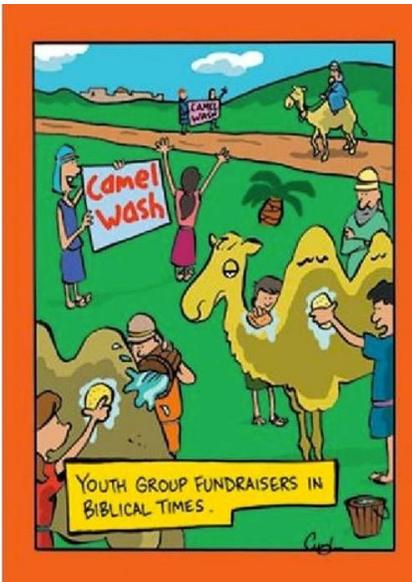
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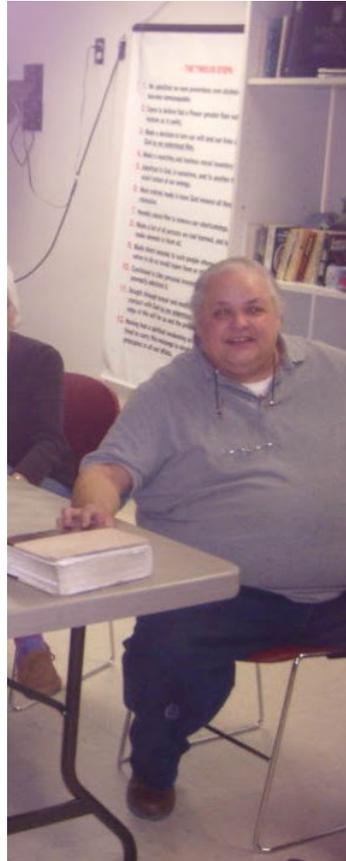
Hebrew 13:3 - Continue to remember those in prison as if you were together with them in prison, and those who are mistreated as if you yourselves were suffering.

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



Don's weight loss

I've been asked by a number of people how my weight loss has been going. If you have been following this newsletter you know that in July 2016 I had a bariatric surgery. I lost 60 pounds with the surgery, but I started eating again and going to McDonalds. I knew I had to do something or I would regain the weight. I joined Overeaters Anonymous which is a 12 step program, patterned after AA. I am now happy to report I've lost a total of a 135 pounds. I was at 335 and now at 200 pounds. Thank you Jesus!! Here are some pictures of me, before and after.



Don't let the Light of your life be the light in your refrigerator!

John 8:12 English Standard Version (ESV)

12 Again Jesus spoke to them, saying, "I am the light of the world. Whoever follows me will not walk in darkness, but will have the light of life."

Letter From Johnny

Well, I thank you so much for continuing to send me the newsletter, I was pretty excited to see the words "due for a full repeal" in regards to the registry laws, I pray sometime in the next 3 ½ years there will be some sensible changes. AT LEST some kind of re-integration program that identifies the fact we need jobs, we need a

second chance in whatever community we parole to, marginalizing us only pushes us away from belonging and if we feel we don't belong, its no wonder people act out in antisocial ways. Not saying I would, I just wish somebody gets into a place of power who understands the need to overhaul their priorities and give

those of us who are interested in NEVER coming back to prison, the tools we need to be successful. You two keep up the good work! If I'm ever out there and in a position to help, with finances or labor, or just my words and emotions, God knows I'll be there for you! Johnny