

Sex Offender Registration Law Update #9
May 29, 2008

1. Stallworth v. Mississippi Dept. of Public Safety, 2008 Miss. LEXIS 258 (May 22, 2008)

- **Out-of-state conviction**

Defendant was a Mississippi resident, convicted of a sex offense in Maryland. The offense for which he was convicted did not require registration in Maryland. He challenged Mississippi's requirement that he register as a sex offender (he had complied with the requirement when ordered to by Probation, this was a civil action). The Mississippi court found that the totality of the evidence (including Defendant's sworn testimony in a civil proceeding and the Maryland plea colloquy) satisfied the definition of a Mississippi offense which required registration. Defendant was required to register.

2. People v. Gutierrez, 2008 Mich. App. LEXIS 1082 (May 22, 2008)

- **Indecent Exposure: "by its nature a sexual offense" against a minor**

Defendant was convicted of an offense which was not listed among those requiring registration. Michigan had a 'catch-all' provision, however, requiring registration for any violation that "by its nature constitutes a sexual offense against an individual" who is a minor. Under the facts of this case, the offense did fulfill that definition, and Defendant should have been required to register as a sex offender.

3. U.S. v. Jensen, 2008 U.S. App. LEXIS 11001 (6th Cir., May 19, 2008)

- **Complicity: Requires Registration**

Defendant was convicted of Complicity to Commit Sexual Abuse under Kentucky law. Sexual Abuse is a listed offense requiring registration, and Defendant argued that she should not have to register. Under an analysis of Kentucky law, a conviction of Complicity to commit the underlying registration offense is sufficient to require registration.

4. Guidry v. State, 2008 U.S. Dist. LEXIS 40597 (W.D. La. April 23, 2008)

- **Constitutional Challenges**

Defendant's multiple constitutional challenges to Louisiana's sex offender registration and notification laws were rejected, based on Circuit and State precedent.