

Sex Offender Registration Law Update #7
May 1, 2008

1. U.S. v. Jimenez, 2008 U.S. App. LEXIS 9272 (5th Cir. April 29, 2008)

- **Registration as a Condition of Federal Probation**

Where D was convicted of a non-sexual offense, and had no prior sex offense arrests, it was not appropriate to order him to register as a sex offender as a “special condition” of supervised release under 18 U.S.C. §3853(d) where the only indication of any sexual misconduct was three unsubstantiated police reports—without more--complaining of child sexual abuse. The Court did indicate that it would likely be appropriate to order a sex offender evaluation to make a determination regarding treatment and possible future registration requirements.

2. Petway v. State, 2008 Ga. App. LEXIS 476 (April 25, 2008)

- **Notice**

Where Georgia did not strictly comply with the notice requirements imposed upon incarceration officials, but where D was fully aware of his registration requirements and failed to register as required, his obligation to register was independent of any notice required to be given. His conviction for failure to register was affirmed.

3. Martin v. State (I), 2008 Tex. App. LEXIS 2958 (April 25, 2008)

- **Multiplicity**

Where D failed to register his new address, he could not be charged with a separate count for each month that he failed to report that change of address. D’s six convictions were amended to a single count, but his 45-year sentence stood.

- a. **Martin v. Texas (II), 2008 Tex. App. LEXIS 2994 (April 25, 2008)**

- b. **Martin v. State (III), 2008 Tex. App. LEXIS 2997 (April 25, 2008)**

- **Factual Insufficiency**

Dual opinions from the same case. A good demonstration of how a poorly-handled registration procedure can result in an acquittal in a trial for failure to update a registry form. This county required annual confirmation of the previous year’s information without showing the previous year’s form to the person.

4. **State v. Moore, 2008 Minn. App. Unpub. LEXIS 416 (April 22, 2008)**

- **Out-of-State Failure To Register**

Where D was ordered to register as a sex offender by Minnesota for a Minnesota conviction, he was properly prosecuted in a Minnesota court for a subsequent move from Illinois to Missouri where he failed to update his registration information with Minnesota.

5. **Miranda v. Madigan, 2008 Ill. App. LEXIS 384 (April 21, 2008)**

- **Retroactive Application**

Because the requirement to register as a sexual or violent offender is procedural, not punitive, retroactive application of the law to this defendant was appropriate.