

WE NEED YOUR IMMEDIATE ATTENTION! This U.S. Supreme Court petition could have enormous impact in how the Court applies ex post facto to sex offender registries.

A couple of years ago, NCRSOL reached out for testimonial shorts (a few relevant paragraphs) about the ways social media restrictions affect the lives of registered people. We received a lot of good responses, and several of them were used by Prof. John Korzen in the brief NARSOL submitted supporting the petitioner in *Packingham v. North Carolina*.

Recently, **NCRSOL and NARSOL were approached by Emory University Law School's Supreme Court Advocacy Program ([ELSSCAP](#))** seeking pro-bono clients for a case out of North Carolina with a pending petition for certiorari before the United States Supreme Court.

NCRSOL and NARSOL have agreed to Emory University's request and will be filing an amicus brief in the *Bethea* case in early October.

We are again in need of personal testimony statements. This brief will focus mostly on the types of harm people face as a consequence of being placed on the state's sex offender registry. Issues related to employment, schooling, harassment, access to religious services, and any other harm that is directly attributable to one's existence on the registry are what we are after.

We do not need (and are not asking for) a bill of complaints, generally speaking. In other words, if you would like to contribute to this effort, **be sure to express your words in ways that demonstrate actual harm or extremely hurtful situations** that can be tied directly back to the cause of registration. If you were, for example, denied admission to an emergency shelter due to being on the registry, that would be a powerful statement.

The case is styled *In Re: Anthony Rayshon Bethea* and was last considered by the N.C. Court of Appeals which published its final judgment on October 3, 2017. The case was subsequently appealed to the N.C. Supreme Court, which declined to consider it.

At issue in this case is the retroactive application of federal sex offender registration standards in violation of the ex post facto clauses of both the federal and North Carolina constitutions. In deciding the matter, a panel of the N.C. Court of Appeals unanimously held that there was no ex post facto violation because the N.C. Legislature never intended for the sex offender registry to be punitive and that the effects of the law are not punitive.

In light of the U.S. Supreme Court's more recent refusals to accept petitions from Michigan and Pennsylvania in cases where an opposite conclusion was reached, this case appears to have some merit. It has attracted the attention of a group of legal academics coordinated by **Prof. Ira Ellman**, who is well known for his 2015 law review article, *"Frightening and High": The Supreme Court's Crucial Mistake About Sex Crime Statistics*.

Attorney **Glenn Gerding** (North Carolina Appellate Defender) is involved with the *Bethea* case, and Atty. **Jim Grant**, one of his Assistant Defenders, is representing the defendant. Glenn was responsible for representing Lester Packingham at trial and throughout the state appellate process that would inevitably end up at the nation's highest court where, to the shock of some, a unanimous bench struck down North Carolina's law prohibiting registered

people from accessing social media.

Again, what is needed from you are statements about the specific types of harm that you have faced as a consequence of being placed on the state's sex offender registry.

If you, or someone you know, is currently ON the registry and would like to participate, please email me directly at rwnral@ncrsol.org. If your testimonial is considered for inclusion in the brief, your full name will not be used in the brief submitted for the Court's review. I'm looking forward to your responses.

Thank you,
Robin Vander Wall

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NARSOL does not in any way condone sexual activity between adults and children, nor does it condone any sexual activity that would break laws in any state. We do not advocate lowering the age of consent, and we have no affiliation with any group that does condone such activities.

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