

Titus House Newsletter

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A Letter from Don Johnston, Officer of Titus House Ministries (Life as a sex offender)

Alice and I are Officers of Titus House Ministries. I want to let you know a little bit about myself and what is going on in our lives. As some of you know I was in prison for 14 years for a sex crime I did not do. To make a long story short, I married and divorced my ex-wife three times. I had 4 boys under the age of 10. I was messing around with my female neighbor and caught the clap/STD. I then gave it to my ex-wife (we were getting together for the fourth time). She got mad (which I do not blame her) and wouldn't let me see my kids. I had parental rights therefore filed a complain with the District Attorney for Custodial Interference. She came back and filed that I was physically abusing my kids (which was a lie). I went to court and was found innocent. The next thing I knew was I was being charged with sexual abuse of my boys. I went to court and pled innocent and wasn't going to take a plea bargain for a crime I did not do. I put my trust in the law and I thought to myself

how could they convict an innocent man— little did I know. Without any physical evidence someone got my kids to lie. I was sentenced to 105 years, 80 years got suspended Therefore I got 25 years. With goodtime I



ended up doing 14 years. While in prison I studied the Bible and got closer to God. I became the Chaplain's aid. Through this wrongful experience I was able to make lemonade out of lemons. When I got out of prison I wanted to help my brothers whom I left behind and joined Reform Sex Offends Laws New Mexico (now called Liberty and Justice Coalition). I later married my Alice who was a member of RSOL-NM and director of Titus House. The rest is history.

Now to let you know what is happening in our lives.

I am getting closer to having bariatric surgery

done hopefully in two months. This surgery is where they cut your stomach smaller so you cannot eat so much so you can lose weight. The procedure I will be having is called gastric bypass surgery. This is the surgery *Al Roker*, the black weather man on TV on the *Today Show* had. He lost a lot of weight, if you remember what he looked like. I am looking forward to this. My weight has taken a toll on me now that I am older.

Alice and I went to a magic show that my local club puts on (as you know I am a magician). There were about a dozen performers from our local club here in Albuquerque, which is called the *International Brotherhood of Magicians Ring 90*. Maybe next year I may try out for it. The show sold out these last two years. We in Albuquerque have some very talented people who do magic. One guy named *Michael St. Lyon* is a grand illusionist. He does some wonderful magic tricks with a horse and wolf. (continue on page 2 Life as a sex offender)

INSIDE THIS ISSUE:

Life as a sex offender	2
Rhode Island	2
Parole Issues	3
RSOL the Digest	4

SPECIAL POINTS OF INTEREST:

- *Evictions in Rhode Island It could happen anywhere*
- *Report from Larry Neely Current state laws and requirements for parole*
- *Recommendation from Titus House for a great publication on sex offender issues found in the RSOL—Digest*

GOD IS GOOD
ALL THE TIME



Life as a sex offender

He made a lady float in the air and disappear. One guy did a show producing a whole bunch of umbrellas. Another guy played a drunk- very funny. There was a wonderful lady magician who did a beautiful dance with a guy to music and then was put into a box and had her middle cut away. We had a great night watching all the performers.

I am still with my *Hillbilly Jug Band*. For those who do not know this is a kitchen band with 13 members. We play the washboard, the jug, banjos, bass guitar, spoon, kazoo, ukulele and other instruments and sing. I have a lot of fun playing with this group. We play for senior centers and assistant living and rehab facilities. We did a whole bunch of Irish songs for *St. Patrick's Day* and did a rendition of

Easter songs.

Now for some bad news. I had been going to our little church for the last 5 years. Joe (who is an S.O. and is our tenant) and I were called to the Pastor's office to meet with him and an Elder who is an ex-cop. They informed Joe and me that they were implementing a new policy where S.O.s had to be accompanied to the bathroom because children might be present. He also told me I could no longer do magic with children present (I've presented my show for special programs for the church several times). Well to make a long story short, Alice, Joe and I are attending a new church.

Once I had a job with a restaurant doing magic for the customers. One customer knew I was a sex offender

and called the police on me because I was doing magic for kids with their parents present. I was handcuffed by police in front of the customers but was let go. I need not tell you I did not have that job any more.

Life has not been easy as a "sex offender". But God has been with me through it all.

Since I've been out God has reestablished my relationship with two of my boys/men. I have a wonderful wife and a great ministry and a new church where I told the pastor about my past. God is good—all the time, God is good.

(NEXT MONTH ALICE'S STORY)

Registered Citizens Face Eviction in Rhode Island It Can Happen Anywhere

Reform Sex Offender Laws (RSOL) is providing funding to ACLU of Rhode Island in support of a lawsuit challenging a recently enacted residency prohibition. Although residency prohibitions are not uncommon, this particular prohibition is because it applies both retroactively and prospectively. That means registered citizens in Rhode Island may be forced from their existing homes. Many ask the proverbial question, "Why should I care; I don't live in Rhode Island?" The answer is that if they get away with retroactively forcing people from their homes in Rhode Island, it will certainly spread to other states, possibly even yours. For this reason,

RSOL decided to make this case a priority.

RSOL took our appeal for this critical case directly to our members and supporters in December.

Thanks to the generosity of the RSOL family, RSOL has provided more than \$14,000 in funding to cover case-related costs. No, this money does not pay the attorneys; rather, it pays for direct costs such as expert witnesses and court reporters' fees for depositions. The law was passed despite strong opposition from the ACLU and shelter providers in the state of Rhode Island. Unfortunately, the registered offenders that are in danger of eviction did not know of the impending crisis. In fact, at the time the law was passed, RSOL had no members in the entire state. Had there been a

viable state organization there, it is possible that the outcome may have been different.

RSOL and its state affiliates cannot do this work without your active participation and financial support. RSOL works in collaboration with other organizations that do amazing work to assist those convicted of sexual related offenses. Those groups need our support as well.



Parole issues

By Larry Neely

Titus House occasionally gets letters from inmates asking why we are not “doing something” to help them out of their unfair predicaments. Titus House does not have the financial resources to provide legal services to inmates but we do attempt to influence public policy by our presence in Santa Fe when the Legislature is in session.

Currently state law requires that those convicted of certain sex offenses serve an indeterminate period of parole or probation. This law was enacted in the 2003 First Special Session and is applicable to conduct occurring on or after the law’s effective date of February 3, 2004. This law can only be changed by a two-step process. Step one would be that there must be sufficient support to convince the majority of our legislators that change is necessary. If that should succeed, step two would be that we must convince a Governor (former prosecutor) to sign the legislation. That is unlikely to occur in the foreseeable future.

As the present time, New Mexico’s statutory authority and requirements for parole are contained in Section 31-21-10, NMSA. Our state has a hybrid parole model which means that there is both discretionary parole and mandatory parole. Discretionary parole is available to certain inmates serving life sentences after the inmate has served a minimum of 30 years. *See* 31-21-10(A), NMSA. A mandatory parole period is required for all other inmates. This period can vary from a definite period of one to two years for most felonies with the exception of sex offenses. In the case of sex offenses, the period of parole is indefinite, with a minimum period of five years required. *See* 31-21-10.1.(A)(1) and 31-21-10.1(A)(2), NMSA.

The parole statute states in part, “Every person while on parole shall remain in the legal custody of the institution from which the person was released, but shall be subject to the orders of the [parole] board.” It further states that “the board shall furnish to each inmate as a prerequisite to release under its supervision a written statement of the conditions of parole that shall be accepted and agreed to by the inmate as evidenced by the ‘inmate’s signature affixed’ to a duplicate copy to be retained in the files of the board...” *See Section 31-21-10(E), NMSA.* It is our opinion that New Mexico’s mandatory parole period is a form of “supervised release” to which the person is lawfully entitled to serve in the community with appropriate conditions imposed by the Parole Board.

The Parole Board takes the position that an inmate is responsible for presenting a “parole plan” that it must approve before the inmate can be released. However, the statute states that, “If an inmate refuses to affix the inmate’s signature to the written statement of the conditions of parole or does not have an approved parole plan, the inmate shall not be released and shall remain in the custody of the institution in which the inmate has served the inmate’s sentence, excepting parole...” *Id.*

If an inmate does not have a residence he/she can offer the Parole Board, it could be credibly argued in court that the inmate has not “refused to affix” his signature. Thus, as a result of his/her indigent status, it could be argued that the Board is in violation because it has not furnished a “written statement of the conditions” to which the inmate can affix his/her signature to. To our knowledge, no-one has attempted this novel approach to litigation. Such litigation would be very labor intensive and expensive. This is because the state’s laws enjoy the presumption of constitutionality, and the burden of proof would be placed on the challenging party. Beyond that, it is doubtful that most courts would have any sympathy for this type of claim. While we are very sympathetic to the plight of those serving their parole in custody, this is not a problem that will be solved in the near-term. Titus House is doing all it can to raise this issue to our lawmakers and will keep you informed.

Considering that you are required to submit a proposed plan, we encourage that you clearly communicate that you have no place to offer if that is your actual situation. There must be no ambiguity in that communication and it should be in writing. Otherwise, it has been communicated to us that **you may be disciplined** for failure to participate in parole plan.



Titus House Ministries

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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



Reform Sex Offender Laws— *Digest*

Titus House Ministries want to let you know about a great newsletter called the *Digest* which Reform Sex Offender Laws (RSOL) puts out. It is a wealth full of information which is directed to the issues that face those who are labeled as sex offenders. We highly recommend it! Below is the information from RSOL.

For several years, RSOL has provided our newsletter the *Digest* in print form at no cost to incarcerated inmates. Unfortunately, due to rising mailing and production costs, we were unable to continue this practice. We now publish the newsletter in the months of February, April, June, August, October, and December. This price is still less than our costs to send a year's worth of mailings.

We do understand that sending money from an institution can be difficult. That is why we are providing you with several payment options. If your institution issues payments from your inmate trust account, please complete the form below and return it with a check for \$9 payable to RSOL Inc. You could also send this form to a loved one and ask that person to remit the payment on your behalf. If neither of those options works for you, we will accept postage stamps. Simply complete the form and enclose first class stamps sufficient to cover your subscription. Please send only first class stamps.

RSOL DIGEST SUBSCRIPTION FORM

Name: _____

Inmate Number: _____

Institution Name: _____

Street: _____

City: _____ State: _____ Zip: _____

Subscription for:

- One year (\$9) Two years (\$17) Three years (\$25)

I also wish to make a donation to help indigent inmates: \$ _____

RETURN THIS FORM WITH PAYMENT TO: RSOL INC., PO BOX 36123,
ALBUQUERQUE, NM 87176

**If it isn't good
God's not done.**