

Titus House Newsletter

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

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Attorneys for wrongfully convicted man file petition with Supreme Court to allow lawsuit against Williamson County

In March, a court ruled Troy Mansfield could not sue the County due to legal questions surrounding the case. Lawyers are now asking for the Supreme Court to decide.

Author: KVUE Staff

AUSTIN, Texas — A petition was filed with the U.S. Supreme Court to allow Troy Mansfield, the man wrongfully convicted of molesting a child 30 years ago, to sue Williamson County for the impact the case has had on his life.

A federal appeals court ruled in March 2022 that Mansfield could not sue Williamson County because of legal questions concerning when prosecutors are obligated to disclose evidence favorable to the defense.

The attempt to sue the County stems from a 1992 incident where Mansfield was accused of inappropriately touching a 4-year-old child who had come over to play with his son. When police told him he had been accused, he denied inappropriate contact and believed the truth would come out.

Prosecutors told Mansfield that he would be imprisoned if the case went to trial. After several attempts from prosecutors, Mansfield accepted a plea deal with 10 years probation. He had to plead guilty and register as a sex offender.

More than 20 years later, in 2014, Austin attorney Kristin Etter agreed to review his case. Etter believed she could find evidence that would exonerate Mansfield, as had happened in the case of Michael Morton, who was [declared innocent after 25 years in prison](#) for his wife's murder. Years after the case, it was found that evidence in favor of Morton had been kept by prosecutors and not shared with Morton and his lawyers.

After multiple months, Etter got the district attorney's case files and found entries from early in the investigation showing prosecutors had doubts about the victim's case.

Then, in 2016, a judge overturned Mansfield's conviction, ruling that prosecutors had violated his constitutional rights by not disclosing favorable evidence. Mansfield was no longer a convicted felon and was taken off the sex offenders list.

Mansfield then tried to sue the County over the wrongful conviction, leading to the petition with Supreme Court to allow his lawsuit against the County. A response to the petition is expected by the end of September.



JANICE'S JOURNAL: A MODEL COURT DECISION

FROM Alliance for Constitutional Sex Offense Laws (ACSOL)

A court in Pennsylvania ruled recently in favor of one registrant and that is a good thing. The even better thing the court did was to provide the registrant community with a model that can be followed in other state courts.

To be sure, this week's decision issued by the Court of Common Pleas in Chester County, Pennsylvania, is binding precedent only upon courts in that state. It is, however, a precedent that can and should be followed by state courts throughout the land. And it provides a model that lawyers can use in future cases challenging registry laws throughout the nation.

What is so important about this case? There are at least three important factors.

First, the Court did not accept the false assumption upon which the state's registration laws were based. That false assumption is that ALL registrants have a high risk of

reoffending sexually. Instead, the court noted that individuals convicted of a sex offense have a wide range of personal characteristics and circumstances. Some of those individuals may pose a high risk of reoffending sexually, but most do not.

The Court also noted that due to this false assumption, everyone convicted of a sex offense carries the burden of a "scarlet letter." And it is this burden that compounds isolation and ostracism experienced by registrants as well as diminishes registrants' chances of successfully reintegrating into society.

The Court reached its conclusion that the state's registration laws were based upon a false assumption after they did what many courts have refused to do – pay attention to empirical evidence. This should not be BIG news, but it is. The court sifted through multiple opinions expressed by experts presented by both the state government and the registrant. By doing so, the court

found TRUTH, that is, between 80 percent to 95 percent of all registrants will not reoffend.

Second, the court looked beyond the state's hollow assertions that the registry does not punish individuals convicted of a sex offense. We have heard these assertions before, all the way up to the U.S. Supreme Court. The state government based its assertions, in large part, upon the fact that registrants had an opportunity to present evidence at trial.

The Court burst the state's bubble, however, when it correctly pointed out that although individuals required to register were provided an opportunity to go to trial before they were convicted, the same individuals lacked an opportunity to prove for 25 years or longer that they did not pose a current danger to society. In the Court's own words, this constituted a process that was both "inadequate and illusory."

(Continue on page 3)

UT: FORMER PROSECUTOR FOR AG'S CHILD PROTECTION UNIT ARRESTED IN CHILD PORN INVESTIGATION

Source: ksl.com 8/25/22

SPANISH FORK — A man who used to work for the Child Protection Division of the Utah Attorney General's Office has been arrested and accused of possessing child pornography.

Gary ____, 66, of Spanish Fork, was arrested Wednesday by Utah County sheriff's deputies for investigation of six counts of sexual exploitation of a minor.

The investigation began Aug. 4 when investigators received a tip

from the National Center for Missing and Exploited Children of suspected child pornography being uploaded on a social media app. Police say the uploaded explicit images were of children under the age of 10.

On Wednesday, deputies went to Gary's home to serve a search warrant.

"Gary is a retired assistant attorney general from the Utah Attorney General's Office where he

worked in the Child Protection Division and prosecuted crimes against children," detectives noted in a police booking affidavit.

Police have requested that Gary be held in the Utah County Jail without the possibility of posting bail, pending the formal filing of criminal charges because of the "egregiousness of the crime" and also because young children often visit his house, the affidavit alleges.



JANICE'S JOURNAL: A MODEL COURT DECISION

The Court also scolded the state government by reminding them that individuals are presumed innocent until they are found guilty by proof beyond a reasonable doubt. The Court went on to note that in many trials involving a sex offense, "facts can be murky and most often there are no independent witnesses." The Court went to note that trials do not give criminal defendants an effective opportunity to contest future dangerousness. Those are sweet words from a court and more importantly, the truth of the matter.

After addressing this important issue, the court went to decide that the registry laws in the state of Pennsylvania were not a civil regulatory scheme, but instead constituted punishment. An important part of that decision was finding that registrants are on "de facto" probation for the entirety of their lives. For example, they must report address changes, switching schools, purchase of a car, and a new job. The Court

also noted that this information is shared with the public via the Internet. In summary, the Court determined that these requirements are oppressive and impose affirmative disabilities and restraints upon the state's registrants. The Court therefore declared that the state's registration laws promote the traditional aims of punishment – retribution and deterrence.

Third, this Court sidestepped the binding precedent of *Smith v. Doe*, decided by the U.S. Supreme Court, that has caused great harm to registrants and their families. They did so in a clever maneuver by basing their decision not upon the federal constitution, but instead upon the state constitution. For in the constitution of the state of Pennsylvania there is a recognized right of reputation. As the Court noted, the existence of government records containing information that might subject a party to negative stigmatization is a threat to that party's reputation.

This court decision gives me hope. I hope it gives you hope, too. Let's use this hope to work together in challenging registry laws in every state. Please know that we must do this important work in increments. After all, this Pennsylvania court decision was the result of more than five years of litigation.

The first step toward that goal is to identify all states that have a right of reputation in their state constitutions. For those will be the easiest states in which to challenge registration laws. Our next step may be to lobby states to add a right of reputation to their state constitutions. And when we succeed in doing so, we will be able to challenge registry laws in all 50 states.

OR: REGISTRANT DIED TRYING TO STOP SAFEWAY SHOOTING RAMPAGE

Source: foxnews.com 9/2/22

A man lauded as a hero for confronting a shooter inside an Oregon grocery store Sunday was convicted of child sex crimes while in the Army decades ago.

Donald Surret, Jr. died while trying to stop 20-year-old Ethan Blair Miller's shooting rampage. Police said Surret's decision cost him his life but **likely saved the lives of others.**

...Information from state court records and the Oregon

State Police's sex offender registry indicates Surret **did not reoffend after his prison release**, the lowest classification in the state and an indication he was not considered a high risk for reoffense.

Video shows 66-year-old Surret hid behind a produce cart until the gunman, who had near the store entry shot and killed 84-year-old Glenn Bennet, looked the other way and then attacked him with a knife, police said.

..."Mr. Surret's background does

not change the fact that in this instance, **when faced with great peril, he acted heroically in attacking and attempting to disarm an active shooter in his place of work,**" Miller said. **"While Mr. Surret's past may complicate how people feel about his legacy, his actions in the moment were courageous and for those actions, he deserves praise."**



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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



MY NAME IS JOSHUA

I just received this letter from one of my sons who gave me permission to put this in the newsletter.

Below is his testimony.

My name is Donald Johnston Jr. but everyone calls me Joshua. My father is Don Johnston of Titus House Ministries. As a child, my parents were on and off again married and divorced. There was some domestic violence in our home and my mother was pretty dead set on running away from my father. My aunties didn't help any and they added fuel to the flame. My brothers and I were scared of both our parents. We moved a lot and we were very poor. My brothers and I were put in counseling during that time. Our counselors would pressure us and talk to us about things that were confusing to us, like sex abuse. Finally we just agreed to it cuz they would bring it up so much and they were adults, we just kind of went with it.

We were pretty scared of our father at the time but the things that they were telling us were not the

things that were going on. With the counseling we got EMDR (Eye Movement Desensitization and Reprocessing). It was weird and super uncomfortable. Then they started doing counseling a lot more and we went to the Safe House. One day they told us if we did good in there they would take us to McDonalds. Remember, we were super poor so that didn't happen much.

We went one on one and told the people what had "happened" over the years and we found out our father went to prison for it. But it was drilled into our heads that our father was this monster and did these horrific things over the next many years. I don't recall any more now. Than 20 some years later I've met my father again and I would like to help with this matter. Yes, he was violent but he didn't do any of the stuff they coaxed us to say and I will do anything to help clear his name.

Thank you for your time in reading this article. Love, Josh



Circle of Concern has gone **ZOOM**

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 citizens, family and friends that meet together on the 3rd Sunday of each month. We are meeting this month on **October 16, 2022** at 3 pm—4 p.m. MST. We will meet on Zoom. 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. If you are planning to attend call Don at (505) 315-7940.. He will send you the link to join by computer or phone. You can contact him at the number above or email him at

donmagicjohnston@gmail.com