

# Titus House Newsletter

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

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## Wyoming Supreme Court Victory

By Larry . . . This win is fantastic, and the case is one of the most fascinating cases I've written about. Many critical legal issues are combined into one case, which is unusual. Our hope is that each reader will have a better understanding of: (1) binding precedential decisions; (2) cases that aren't binding but are cited as persuasive authority; and (3) that textual interpretations aren't always detrimental to our cause.

James Bullard Minter pled guilty in 1999 to misdemeanor sexual battery in Georgia and, [according to sources](#), was not required to register. In 2019 Minter was living in Casper, Wyoming when a federal agency informed the Wyoming Division of Criminal Investigation (DCI) that it had intercepted a firearm suppressor addressed to Minter. DCI performed a background check on Minter and discovered his Georgia conviction and directed him to register. Minter registered but filed a petition in district court seeking relief from the requirement. The district court granted the relief he had sought. DCI then intervened and moved for relief from the judgment. The district court vacated its judgment and granted DCI summary judgment. The court decided that Minter's misdemeanor conviction in Georgia was the equivalent of felony second-degree sexual abuse of a minor in Wyoming.

The issues before the Wyoming Supreme Court were: (1) may DCI rely on dismissed charges to determine the facts or circumstances out of which an alleged sex offender's conviction arose? and (2) may DCI require someone to register before it determines he or she has been convicted of a registerable offense? DCI's position that it knew Minter to be an offender when it required him to register is based on its assumption that it may rely on a dismissed charge to determine the facts and circumstances of a conviction. The court found that assumption is flawed. The court stated, "When interpreting statutes, we seek the legislature's intent as reflected in the plain and ordinary meaning of the words used in the statute, giving effect to every word, clause, and sentence." Most importantly, the court stated, "The omission of words from a statute is considered to be an intentional act by the legislature, and this court will not read words into a statute when the legislature has chosen not to include them."

The Act requires an "offender" to register, and it defines that term succinctly. "Offender" means a person convicted of a criminal offense as specified in W.S. 7-19-302(g) through (j), 6-2-702, 6-2-703, 6-2-705 or 6-2-706," or an offense ". . . in any other jurisdiction containing the same or similar elements." The court stated, "It follows that the conduct that DCI may consider in determining a registerable offense must be conduct for which the offender was convicted. The court pointed out, ". . . states that allow consideration of conduct underlying an offense to determine equivalence have concluded likewise." They cited *Doe v. Frisz*, 643 S.W.3d 358, 362-63 (Mo. 2022). "The Frisz court there rejected reliance on abandoned pleadings where offender is defined as one convicted of offense.

The state of Wyoming attempted to claim that federal law mandates a different outcome. The court stated, "The federal Sex Offender Registration and Notification Act (SORNA) does not compel a different result. Contrary to DCI's assertion, the Wyoming Act (**continue on pg. 2**)



## Wyoming Victory (continue from page 1)

is not required to comply with SORNA. As the Tenth Circuit has observed, SORNA does not compel a state to do anything. Instead, it conditions a state's receipt of certain federal funds on substantial implementation of SORNA's registration requirements. In conclusion, the court stated, "The Act defines an offender as one convicted of a registerable offense. Because the requirement to register as a sex offender is premised on a conviction, DCI may not rely on dismissed charges to determine an individual's registration requirements. Additionally, DCI may not require someone to register before it knows he or she was convicted of a registerable offense.

## Cullman County man sentenced to 75 years for failure to register as sex offender

Source: [cullmantribune.com](http://cullmantribune.com)

**CULLMAN, Ala.** – Cullman County Circuit Court Judge Greg Nicholas on Wednesday, May 10, 2023, sentenced David Lee Moore, of Hanceville, to 75 years in prison. The sentence stems from Moore's March 1 conviction for failing to register as a sex offender with the Cullman County Sheriff's Office in violation of the Sex Offender Registration and Notification Act.

## AL: What to do if a registered sex offender moves into your neighborhood

Source [CBS42.com](http://CBS42.com)

SHELBY COUNTY, Ala. (WIAT) — What do you do if a registered sex offender moves into your neighborhood?

That was a question posed to CBS42 by neighbors in Shelby County after they received a flyer in the mail from the Shelby County Sheriff's Office, alerting them that a sex offender had recently moved into the Brook Highland area.

"We're gonna make sure the community knows who you are, we're gonna make sure the community knows where you live," Chief Deputy Clay Hammac with the Shelby County Sheriff's Office said. "If this is an uncomfortable situation for a convicted sex offender, that's okay with us."

Hammac said the alert is a proactive approach to protect the community. Under Alabama law, once a registered sex offender is released from prison and moves into their community, the SCSO sends out a flyer to everyone living within 2,000 feet of their address. Alabama law also mandates that registered sex offenders can't live within 2,000 feet of school zones or any type of daycare.

However, this tactic is not used for every registered sex offender in the area — generally for those with more serious offenses.



## Flock surveillance cameras are “political theatre” says NARSOL

By Michael McDaniel . . . Near the Litchfield Church in September 2022, a car set off an automated license plate reader system alarm. The camera system, called Flock, told police the vehicle was stolen.

Police scrambled to find the driver in the historically affluent town. Once they reached the panicked driver, they discovered the Flock had strayed.

“The Flock camera read the plate wrong as AZ:074A45G when the plate actually read AZ:D74A5G,” wrote the officer, in the report.

It wasn’t the first time Litchfield Park [Arizona] had this happen. The December before saw Flock artificial intelligence make the same mistake. It also correctly alerted the police of a stolen vehicle where the plate was erroneously entered into the statewide MVD system that same month. The driver was detained and then released.

The system is connected to the National Crime Information Center, an FBI database. Any officer with access to Flock can set up an alert based on subjective suspicion. Additionally, police can be alerted if a suspect enters another jurisdiction with Flock cameras. . . .

Most cities in Maricopa County and some in Pinal County have Flock cameras. For those that don’t, state or county law enforcement agencies deploy cameras to areas indiscriminately, leading to concerns over Fourth Amendment privacy interests, misuse and politically-based monitoring. . . .

“Sex offenders vehicles ‘crossing’ a flock camera automatically alert the system. Leaving or entering,” said Litchfield Park City Manager Matthew Williams. . . .

Much can be said about how a government treats the “lowest” of its free individuals, according to National Association for Rational

Sexual Offense Laws, or NARSOL.

“Registered sexual offenders in our society are considered the ‘lowest of the low,’ but all citizens, even those who have committed a past felony but who are not wanted for any new offense, are entitled to the same protections,” said Sandy Rozek, a representative from NARSOL. “Just by virtue of being on the registry, registrants do not lose the rights afforded to other citizens. This is an instance of towns and counties competing to impose harsher and harsher surveillance measures on registrants, all in the name of public safety, but which are unnecessary intrusions on people’s lives, are based on irrational fear, have no effect on public safety, and are nothing but political theatre. We should all be troubled by the government surveilling law-abiding citizens as they are just trying to go about their lives.”

## The tragedy of a false imprisonment and the joy of vindication after 29 years

By [Rebekah Riess](#) and Lauren Mascarenhas . . . After spending 29 years in prison for the rape of his stepdaughter, a New Orleans man is free thanks to the help of the local district attorney’s office and testimony from the victim herself, who has insisted for 20 years that he is not the man who raped her.

Patrick Brown was convicted of raping his 6-year-old stepdaughter in 1994 after pleading not guilty in a trial in which the vic-

tim did not testify – instead, adults testified “to what they believed she had said,” [according to a release](#) from the Orleans Parish District Attorney’s Office.

Since 2002, the stepdaughter had repeatedly asked the DA’s office to review the case and prosecute the actual perpetrator, the release said.

The office’s civil rights division opened an investigation into the

victim’s case, found that the evidence corroborated her account and asked the court to rectify the case, according to the release. . . .

Brown was released from prison Monday, immediately following the decision of the criminal district court, delivered by Judge Calvin Johnson, to vacate his conviction. The victim was present and testified, according to the release and court records.



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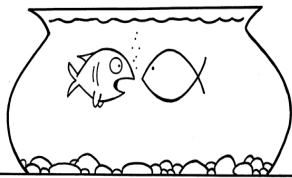
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We're on the Web  
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Hebrew 13:3 - Continue to remember those in prison as if you were together with them in prison, and those who are mistreated as if you yourselves were suffering.

Remember if you change your address you need to let us know if you want to continue to receive this newsletter

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"Can't we talk about something besides religion for a change?"

## 94-year old Reflections by Alice Johnston

I've never been 94 until now. It is sort of a different feeling. Where did you get that faraway look in your eyes? Remembering what the War was like? Your youngest brother's birthday? The year your first husband died? Do you remember the excitement when you knew you were really pregnant? Is that why you dropped out of your senior year of college? When did you believe it was God's will to research sex offenders and how come people, especially church members, avoid them and you!

Sitting now at my desk in the East Mountains of New Mexico I am recalling these and many other thoughts. My husband Don Johnston is taking a short nap and commissioned me to write the story of my life. It could be quite long – missionary to the Philippines, raising several adopted kids of various colors, moving to New Mexico to help start churches.

Churches – God's plan for many of us as Scripture encourages us to form Christian communities to worship, pray, learn and encourage one another. The older you get you get invited to all kinds of churches. The rather "set in their ways" types take a rather

dim view of outreaches to those of untraditional approaches. Right now my husband, Don and I attend the East Mountain Church in Edgewood, New Mexico. Attenders may drive up in white trucks, looking big enough to swallow up our little car. We attend the East Mountain Cowboy Church.

When life gets long and you get older and forgetful just give me a call. I can remember stuff only your mother can remember, only she isn't here to tell you about it. So give me a try --- blocking your windows with curtains so the enemy flying overhead can't see you, the wonderful taste of five cent popsicles and going to the store without paper money.

Don't get older unless you are ready for it! People will say things like "I know somebody who is 75. Do you know anybody that old???"

Well, enough of that !!! Stay away from those health commercials on TV. Play outside with the dog. If you find a little dust on your kitchen floor and you still have the keys to your car ---- go for it and explore the hills in your old jalopy, if you can!!! This is life in the mountains at 94.



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 **June 18th, 2023** at 3 pm—4 p.m. MST (Mountain Standard Time). 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](mailto:donmagicjohnston@gmail.com)