

# Titus House Newsletter

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

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## Federal marshals' involvement in registry compliance raids needs to STOP

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Source: Sandy Rozek from

By Sandy . . . When the Adam Walsh Act became law in July of 2006, it [authorized the U.S. Marshals](#) to “. . . assist state, local, tribal and territorial authorities in the location and apprehension of non-compliant and fugitive sex offenders; to investigate violations of the Act for federal prosecution; and to assist in the identification and location of sex offenders relocated as a result of a major disaster.”

With this mandate, the marshals have earned their keep by accompanying local law enforcement in implementing raids across the nation at the homes of persons listed on sexual offense registries.

The raids, generally called compliance checks, consist of multiple officers from federal, state, and local police targeting a county; they are sometimes announced in advance, with great fanfare, and often are followed up with press releases detailing their success.

A [report for 2022](#) shows that in that year the marshals performed 300 such raids, checking on 46,661 registrants, and that 248 of them were found to be non-compliant in regard to one or more Megan's Law requirements. My trusty calculator shows this to be 0.0053 percent. I don't even know how to say that. I do know that it seems like a very small return on what has to be a significant financial outlay. And non-compliant does not equal dangerous nor reoffending, reducing even further the value. In fact, [an important study](#) showed, “[I]t is not apparent that sex offenders who fail to register are more sexually dangerous than compliant registrants.”

The 2022 report also shows that almost 10,000 of the 46K were arrested, and then defines arrested as: *include sexual assault, failure to register/noncompliance with the national sex offender registry and other offenses*. I have read enough articles on this subject to make a fairly accurate guess about the 10,000; somewhere between zero and three percent may be wanted for an actual sexual reoffense; one percent or less may be wanted for federal failure to register – in this report it was 0.0053 percent — and a few dozen probably had weapons, drugs, or disorderly conduct charges – the “other offenses,” criminal or exacerbated because the individuals were on parole or probation. Another one to two percent or so were noncompliant, meaning they got a digit wrong in a phone number or didn't report a new online account or a change of address.

Of the 10,000 arrested, three percent or less would have been charged – unless this was in a state that criminalized noncompliance – and the rest released, some with a fine, after updating their registration information.

Three percent of ten thousand is 300, and that seems somewhat significant, but its significance diminishes rapidly when we realize the total was 46,661, not 10,000. Three hundred arrests out of 46,661 individuals is 0.0064 percent.

A point to ponder: if those arrested included those wanted for a sexual reoffense, why didn't local law enforcement just go arrest them since they knew where they were? Why wait for this raid?

But even more significant than all the hoop-la and financial outlay and even the questions raised, [these raids do nothing](#) to improve public safety. This is a message the public never gets. The raids are often accompanied by pre- and post-raid announcements that justify the activity by telling the county's residents how important this is for the safety and protection of their children.

They are often timed to correlate with holidays or with school beginning or ending and often given names designed to project the urgency and importance of the activities or, sometimes, the “occasion” that prompted the raid.

[“Operation Egg Hunt”](#) Anderson Co. Tennessee (72 checked; 68 compliant; 4 arrested for noncompliance).

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## Wisconsin releases sex offenders from GPS bracelets after court ruling Source: The Cap Times

The state Department of Corrections has begun releasing certain sex offenders from lifetime GPS tracking after a Wisconsin Supreme Court decision undermined the agency's justification for keeping people on electronic monitoring beyond their sentences.

The department confirmed to the Cap Times that it is in the process of identifying everyone who was forced to wear the GPS devices for the rest of their lives as the result of a now-debunked interpretation of state statute by former Attorney General Brad Schimel.

As of Tuesday, it remained unknown precisely how many offenders would get relief from wearing the GPS monitoring, but the Cap Times previously reported that over 180 people received a notice from the department in 2018 saying they had to wear the tracking bracelets for as long as they lived.

The state has continued the practice in the five years since that report.

The newspaper found that 624 people who were wearing lifetime GPS bracelets in the spring of 2022 were no longer under any other Department of Corrections supervision.

In September 2017, Schimel issued a formal opinion saying that people who were convicted of multiple counts of a sex offense were essentially "repeat offenders" and therefore subject to Wisconsin's special bulletin notification statute, which required people who had sex offense convictions on two or more separate occasions to register for life.

Schimel said that offenders convicted of multiple counts of a sex offense needed to wear the lifetime GPS bracelets as part of their sex offender registration. Schimel's interpretation was that multiple counts of a sex offense was equal to repeating the offense.

Nearly every conviction of a sex crime involves multiple counts, particularly child pornography cases where each image can be considered an additional count. Generally speaking, a person convicted of all of the counts they were charged with is not considered a repeat offender if the convictions occur on the same day in the same hearing for the same offense.

The Department of Corrections, acting on Schimel's opinion, sent letters to hundreds of former offenders, many of whom had already completed their pris-

on and parole sentences and were no longer under supervision. The letter said they had five days to put on the GPS monitoring bracelets and wear them continuously for life, or face years in prison and heavy fines.

In May, the Wisconsin Supreme Court ruled in favor of a defendant named Corey T. Rector, who was challenging an attempt by the Department of Corrections to have him register for life as a sex offender.

Rector was convicted in 2018 of five counts of child pornography. He was sentenced to eight years in prison and 10 years of extended supervision in Kenosha County. He was also required by the court to register as a sex offender for 15 years. The state asked Kenosha Circuit Court Judge Jason A. Rossell to amend the sentence because the state believed Rector needed to register for life.



Rossell denied the motion, saying Rector did not need to register for life because his convictions did not occur on separate occasions but rather during a single hearing on a single day. The Department of Corrections appealed that decision and it was eventually heard by the Supreme Court, which ruled against Schimel's interpretation.

The Supreme Court decision said "the plain and unambiguous meaning of the phrase separate occasions ... means that convictions occurring during the same hearing do not constitute convictions on separate occasions."

As a result, Rector will not be required to register for life — and because the GPS program used the same interpretation and language, the Department of Corrections is forced to remove the bracelets from what could amount to hundreds of offenders.

Unshackled offender sheds 'tears of joy'

On Tuesday, the Department of Corrections began sending technicians out to remove the GPS bracelets from the offenders ordered to wear them under Schimel's interpretation.

"I was in tears of joy," said Benjamin Braam, who had his bracelet removed Tuesday morning. "It was five years of hell. Five years of fighting. It feels like I've been released from prison again."

Braam was discharged from prison in early 2018 without probation or parole, meaning he was free from the Department of Corrections. But in October of that year Braam received a notice from the state informing him of Schimel's statute interpretation. Braam said the notice gave him five days to put on the GPS monitoring bracelet or he could be found non-compliant with the sex offender registry, which can carry penalties of up to six years in prison and a \$10,000 fine.

Braam fought the department's decision in court and was one of four plaintiffs involved in state and federal lawsuits challenging the policy. When his lawsuit was dismissed, Braam thought that might be the end of the road for his challenge of the decision, and he contemplated leaving Wisconsin.

But the Supreme Court decision in the Rector case, which was unrelated to his own, set Braam free.

"It's that feeling when you walk out that prison gate," Braam said. "That's what it is."



## Federal marshals' involvement in registry compliance raids needs to STOP (Continue from page 1)

"Operation Colorado Clean Up" Arapahoe Co. Colorado (3-month operation; total number of registrants checked not given; 38 either arrested, located, or had warrants cleared).

"Operation Ready or Not, Here We Come" Jackson Co. Tennessee (1-month operation; seven arrested, all for violations of registration or probation).

Not named; Cleveland Co. North Carolina (388 checked; 19 either hadn't updated addresses or had a parole violation).

"Operation Spring Sweep" Jackson, Florida (108 checked; 101 in compliance; *"The other seven sex offenders will require additional investigating . . ."*).

These are typical of all the raids

focused on verifying that registrants are living where they have said they are; the time and financial outlay expended in the activity are not justified in terms of public safety.

Nor can they be justified in terms of the fear and public embarrassment they cause to hundreds of thousands of former offenders who are assimilating into their communities as productive, law-abiding citizens. Descending in multiple vehicles, lights and sirens at full throttle and disgorging multiple officers suited better for combat duty in a war zone, they can strike terror into innocent family members including young children. Their intimidation tactics have been documented in [a three-part series here](#).

These raids are costly in terms of financial outlay and in terms of law enforcement hours. They are not justified in terms of public safety. They create atmospheres of fear

and intimidation in communities across the nation. Those who are known to have committed crimes or who are out if comp



liance can be arrested or dealt with by local law enforcement. If they are subject to federal charges, they can be turned over. These raids are unnecessary at every level.

They need to stop.

**8/15/23 Greetings from South Carolina!** My name is Tim and I received Titus House newsletter in prison and afterwards at a civil committed institution. Don and Alice faithfully wrote me during these times and were spiritually there for me.

I am a free man now after 17 years of being behind the fences. My reason for writing is to encourage my brothers and sisters who are civilly or criminally incarcerated. Please don't give up hope.

Many times I just wanted to throw up my hands and give up. With no max out date I didn't have much hope.

I cried out to God during these dismal times and my favorite scripture "Be still and know that I am God" popped in my mind.

Also after I got released I started to call the "Our Daily Bread" conference. It can be a blessing to hear Don and Sister Alice and the others on the call. I also did my first zoom.

If you are a part of a ministry and are able to support them please do.

Don't lose hope.

Your Brother in Christ

Tim

## Sex Offender Drew His Own Child Porn in Federal Prison

Source: Daily Beast

A man serving a 10-year sentence for possessing child pornography is facing another 15 years or more after being convicted of creating his own while behind bars. Federal prosecutors say Jesse Fernando Perez, 36, copied images of children from books and magazines and "then drew on the images to create depictions of the children engaged in sexually explicit activity." Perez argued in pretrial motions that he never should have been indicted. "The question this motion raises is whether the federal government may constitutionally regulate what a person writes in a diary," his attorney wrote. "The statute under which Mr. Perez is being prosecuted purports to criminalize private obscenity and is unconstitutional." Perez waived his right to a jury trial and did not testify at a bench trial, where he was convicted by the judge of producing and possessing obscene images of children.



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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



## Hello From Don & Alice

This is Don. Hope your day is going good. I was thinking to myself about the 14 years I was locked up in prison and I felt sorry for my brothers and sisters still locked up. Do not get me wrong that there was a some bad times, but there were good times too. When I was in prison early in the morning I use to do "Our Daily Bread" and other devotions. I would wake up at 4am and do my lessons until 6am. I then would go to recreation and eat my breakfast. I then would go to school or do my job. I worked for the Chaplain for many years and liked my job/ministry.

From Alice

While Don was in prison I was saying goodbye to my husband after almost 50 years of marriage. His funeral was witnessed by my young children and by many church friends in Albuquerque where we had established several churches. I met Don Johnston one Sunday morning in front of a church where I accidentally fell on my face after stumbling in the parking lot. Church members helped me recover my equilibrium and I met Don Johnston who had been driving up and down a major street advertising the church where I fell. He has always joked about my falling for him! After a few months Don asked me to marry him and I agreed. We got married in a small restaurant managed by a good friend who incidentally was also a qualified minister! An assortment of friendly lunch eaters also agreed to be our witnesses! I guess when two people know it is God's will to get married nothing can stop them! Now God has convinced us that our ministry is to encourage several hundred prisoners across the States who need to find the Lord, not give up but be faithful to Him until their release date. Today as I write this script one man is asking us to guide him regarding where to live when he is soon released. We ask you to find God's will in how we may be the encouragers God wants us to be. We want you to all know we count on all of you to be our prayer and giving partners!



**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 **September 17, 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)