

**Sex Offender Registration Law Update #14
August 21, 2008**

1. Smith v. Greenlee, 2008 U.S. App. LEXIS 17564 (11th Cir. Aug. 14, 2008)

- **“Reasonable Investigation” to support warrant**

Where local law enforcement relied on information provided by the Georgia Bureau of Investigation (that the plaintiff was required to register as a sex offender) and local databases (to confirm that he had not registered as required), that was a “reasonable investigation” to defeat a 42 USC §1983 claim. The plaintiff had been improperly classified as a person required to register, and his criminal charges of failure to register were dismissed.

2. In re: G.E.S., 2008 Ohio App. LEXIS 3442 (Aug. 13, 2008)

- **Juvenile Registration Requirements**
- **Retroactive Application**

Defendant was adjudicated delinquent of a sex offense and, subsequent to that adjudication, was required to register as a sex offender as mandated by new legislation. His ex post facto and separation of powers challenge to that requirement failed. Interesting to note is this quote: “significant to our analysis [is] that the additional disclosure required by [the new legislation] enable law enforcement officials to protect the public without making such information public.”

3. U.S. v. Ybarra, 2008 U.S. App. LEXIS 17401 (5th Cir. Aug. 12, 2008)

- **Federal Probation Violation**
- **Ordered to Register as Sex Offender without Sex Offense Conviction**

Part of the defendant’s probation violation was based on an unadjudicated sexual assault against his girlfriend. Defendant’s original convictions were for possession of marijuana. Based on 18 U.S.C. §3583(d), however, he was properly ordered to register as a sex offender.

4. U.S. v. Wilson, 2008 CCA LEXIS 296 (A.F. Aug. 11, 2008)

- **Ineffective Assistance of Counsel**

Where the defendant was convicted of carnal knowledge under the UCMJ and was advised by counsel that there was a ‘possibility’ he would have to register as a sex offender, that was adequate assistance of counsel. Because “sex offender registration requirements [vary] from state to state, any more specific advisement would have been excessively burdensome.”

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5. In re: C.P.T., 2008 Minn. App. Unpub. LEXIS 929 (Aug. 5, 2008)

Appellant's challenge to the constitutionality of Minnesota's statute requiring lifetime registration for predatory sex offenders—as applied to juveniles—was rejected.