

Sex Offender Registration Law Update #26
June 6, 2009

1. Delaware v. Fletcher, 2009 Del. LEXIS 250 (May 27, 2009)

- **Juvenile Registration**
- **Expungement**

The two petitioners in this consolidated case had been ordered to register based on juvenile adjudications for sex offenses. Each successfully completed their periods of probation, and asked for an expungement of their convictions, and a termination of their juvenile registration requirement. The Court held that their convictions could be expunged even though they had been required to register as sex offenders, and that once those convictions were expunged, they were no longer required to maintain their sex offender registration.

2. Tobar v. Kentucky, 2009 Ky. LEXIS 81 (May 21, 2009)

- **Homeless Sex Offender**

Petitioner had properly registered as a sex offender through a series of moves, but failed to notify Kentucky when he left a shelter and became homeless. He was properly convicted of failure to comply with his sex offender registration requirements.

3. Doe v. California Department of Justice, 173 Cal. App. 4th 1095 (May 7, 2009)

- **Retroactive Application**
- **Website Posting**

Petitioners had successfully had their names removed from California's public sex offender registry website via a special statutory procedure in 2005. In 2006, the law was changed to require that they be posted on that public web site. Their civil suit claiming equitable estoppel and ex post facto violations was dismissed.

4. U.S. v. Pomani, 2009 U.S. Dist. 44503 (D. S.D. March 11, 2009)

- **Juvenile Adjudication: Federal Offense**
- **Tribal Registration**

Pomani was adjudicated delinquent in federal court of an offense which occurred on tribal lands, namely, an offense similar to abusive sexual conduct (per the opinion, 18 U.S.C. 2241(c)). The court held that juveniles adjudicated of this offense are required to register by SORNA, failing to take in to account that SORNA's Final guidelines removed the registration

The Department of Justice makes no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the contents of this update, and expressly disclaims liability for errors and omissions in the contents of this update. The information appearing in this update is for general informational purposes only and is not intended to provide legal advice to any individual or entity. We urge you to consult with your own legal advisor before taking any action based on information appearing in this update.

requirement for juveniles adjudicated delinquent of 2241(c). Having held that Pomani was required to register, the court affirmed his conviction.

5. Miller v. McCormick, 605 F. Supp.2d 296 (D. Me. 2009)

- **Section 8 Housing**

Where petitioner had been admitted to the section 8 home ownership program, he could not be thereafter terminated because he was a lifetime registered sex offender. There is a ban in place for *admission* to the program for such offenders, but should an offender somehow avoid the ban, they cannot be terminated.

The Department of Justice makes no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the contents of this update, and expressly disclaims liability for errors and omissions in the contents of this update. The information appearing in this update is for general informational purposes only and is not intended to provide legal advice to any individual or entity. We urge you to consult with your own legal advisor before taking any action based on information appearing in this update.