

# GPS Monitoring Cases

## 1. Grady v. North Carolina (2015) – U.S. Supreme Court (GPS Monitoring)

- **Issue:** Whether lifetime GPS monitoring of a convicted sex offender constituted an unreasonable search under the Fourth Amendment.
- **Ruling:** The Supreme Court ruled that GPS monitoring is a search under the Fourth Amendment and remanded the case for further review.
- **Impact:** This ruling forced lower courts to reconsider whether lifetime GPS monitoring programs are constitutional.

## 2. People v. Hallak (2018) – Michigan Court of Appeals (GPS Monitoring)

- **Issue:** Whether lifetime GPS monitoring for sex offenders was an unreasonable search under the Fourth Amendment.
- **Ruling:** The court ruled that mandatory lifetime GPS monitoring without an individualized risk assessment was unconstitutional.
- **Impact:** This decision limited the use of automatic lifetime electronic monitoring in Michigan.

## 3. Commonwealth v. Feliz (2020) – Massachusetts Supreme Judicial Court (GPS Monitoring)

- **Issue:** Whether mandatory GPS monitoring of certain sex offenders violated the Fourth Amendment.
- **Ruling:** The court ruled that mandatory GPS monitoring was unconstitutional unless the state could prove it was necessary in each individual case.
- **Impact:** This case reinforced the need for individualized assessments rather than blanket policies.

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# Housing Restrictions Cases

## 4. Doe v. City of Lynn (2015) – Massachusetts Supreme Judicial Court

- **Issue:** Whether a city ordinance prohibiting sex offenders from living within 1,000 feet of parks and schools was unconstitutional.
- **Ruling:** The court struck down the ordinance, ruling that it was overly restrictive and functioned as punishment.
- **Impact:** This ruling set a precedent that broad residency restrictions may be unconstitutional.

## 5. In re Taylor (2015) – California Supreme Court

- **Issue:** Whether California’s law prohibiting registered sex offenders from living within 2,000 feet of schools or parks violated constitutional rights.
  - **Ruling:** The court ruled the law was unconstitutional because it severely restricted where individuals could live, effectively banishing them from entire cities.
  - **Impact:** This ruling limited the application of blanket residency restrictions in California.
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## Public Registry Challenges

### 6. Doe v. Snyder (2016) – 6th Circuit Court of Appeals

- **Issue:** Whether Michigan’s sex offender registry laws, which imposed severe residency, work, and reporting restrictions, violated the Ex Post Facto Clause.
- **Ruling:** The court ruled that the registry laws had become punitive rather than regulatory and could not be applied retroactively.
- **Impact:** This case challenged the notion that all registry laws are purely administrative and set a precedent for future challenges.

### 7. Does #1-5 v. Snyder (2021) – U.S. District Court for the Eastern District of Michigan

- **Issue:** Whether Michigan’s revised sex offender registry law continued to violate constitutional protections.
- **Ruling:** The court ruled that aspects of the registry law were still unconstitutional, including vague reporting requirements and restrictions on travel and employment.
- **Impact:** This case reinforced the principle that overly burdensome registry laws can violate constitutional rights.

### 8. Millard v. Rankin (2017) – U.S. District Court for Colorado

- **Issue:** Whether Colorado’s sex offender registry law constituted cruel and unusual punishment under the Eighth Amendment.
- **Ruling:** The court ruled that the registry, as applied to certain individuals, was unconstitutional because of its severe and punitive effects.
- **Impact:** This case was one of the few instances where a court recognized a sex offender registry as cruel and unusual punishment. This was one of the strongest rulings against sex offender registries in the U.S. at the time. However, the **10th Circuit Court of Appeals overturned this decision in Millard v. Camper (2020)**, ruling that the registry was still a civil regulation rather than punishment.

### Packingham v. North Carolina (2017)

- **Issue:** Whether a law prohibiting registered sex offenders from accessing social media violated the First Amendment.

- **Ruling:** The Supreme Court struck down the North Carolina law, ruling that it was too broad and restricted free speech rights.
- **Impact:** This decision reinforced that sex offenders still have constitutional protections, particularly under the First Amendment.

### **Doe v. Snyder (2016, 6th Circuit Court of Appeals)**

- **Issue:** Whether Michigan's sex offender registry laws, which imposed severe residency and reporting restrictions, were punitive and violated the Ex Post Facto Clause.
- **Ruling:** The court ruled in favor of the offenders, stating that Michigan's registry system had become punitive rather than regulatory.
- **Impact:** This decision challenged the notion that all registry laws are purely administrative, leading to legal challenges in other states.

### **State v. Williams (2011, Ohio Supreme Court)**

- **Issue:** Whether Ohio's sex offender registry law violated due process when applied retroactively.
- **Ruling:** The court ruled that the law violated constitutional protections by retroactively imposing stricter requirements.
- **Impact:** This decision limited how states can expand registry laws on past offenders.

## **Colorado Cases**

### **People in Interest of T.B. (2019) – Colorado Supreme Court (Juvenile Registration Rights)**

- **Issue:** Whether mandatory lifetime sex offender registration for juveniles violated due process and rehabilitation principles.
- **Ruling:** The Colorado Supreme Court ruled that juveniles should have the opportunity to petition for removal from the sex offender registry, emphasizing the importance of rehabilitation.
- **Impact:** This case significantly improved legal protections for juveniles convicted of sex offenses, acknowledging that lifelong registration could be excessive and counterproductive.

### **People v. Carbajal (2016) – Colorado Supreme Court**

- **Issue:** Whether lifetime sex offender registration violated constitutional due process rights.
- **Ruling:** The court upheld Colorado's lifetime registration law but acknowledged that it could be challenged under due process if applied too broadly or unfairly.
- **Impact:** While not an outright victory, this case opened the door for further legal challenges to lifetime registration requirements.

## **Doe v. Department of Public Safety (2009) – Colorado Court of Appeals**

- **Issue:** Whether Colorado's refusal to remove a registrant from the public sex offender website violated due process.
- **Ruling:** The court ruled in favor of the registrant, finding that individuals have a right to seek removal under certain conditions.
- **Impact:** This case reinforced procedural protections for individuals seeking to challenge registry listings.

## **In re J.O. (2021) – Colorado Court of Appeals (Juvenile Protections)**

- **Issue:** Whether a juvenile's continued inclusion on the public registry violated due process and equal protection.
- **Ruling:** The court ruled that automatic, lifelong registration for juveniles was unconstitutional in some circumstances, supporting the idea that registration laws should account for individual rehabilitation.
- **Impact:** This case strengthened protections for juveniles and added to the growing legal argument that sex offender laws should be applied more fairly and proportionally.

## **Mistake of Age Cases**

**In the case of *United States v. Kantor*, the defendants Ronald Rene Kantor and Rupert Sebastian Macnee** were charged with violating 18 U.S.C. § 2251(a) for employing a minor, Traci Lords, in sexually explicit conduct to produce a film titled "Those Young Girls." The defendants contended that they were misled by Lords and her agent into believing she was of legal age. The U.S. District Court for the Central District of California allowed the defendants to present a "good faith" defense, asserting that they had a reasonable belief that Lords was an adult. This defense required the defendants to demonstrate that they had an affirmative reason to believe no crime was being committed, not merely a lack of knowledge. The impact of this ruling was significant in that it acknowledged a defense based on reasonable belief, potentially influencing how similar cases are approached in the future. U.S. District Court for the Central District of California

# Special Conditions Limiting Contact with Biological Children Cases

In *United States v. James Howard Burns*, the defendant was convicted of possessing child pornography, a violation of federal law. Upon sentencing, the district court imposed a special condition of supervised release that restricted Mr. Burns's contact with his minor daughter, identified as S.B. Mr. Burns appealed this condition, arguing that it infringed upon his fundamental right to familial association.

## **Issue:**

The primary issue on appeal was whether the district court erred by imposing a special condition of supervised release that limited Mr. Burns's contact with his daughter without making specific findings to justify this restriction.

## **Ruling:**

The Tenth Circuit Court of Appeals held that the district court abused its discretion by imposing the special condition without adequate justification. The appellate court emphasized that any condition infringing upon a defendant's fundamental rights must be supported by compelling circumstances. In this case, the district court failed to provide specific findings demonstrating that restricting Mr. Burns's contact with his daughter was necessary. Consequently, the Tenth Circuit vacated the special condition and remanded the case for further proceedings.

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## **Impact:**

This decision underscores the necessity for district courts to provide explicit findings when imposing special conditions of supervised release that infringe upon fundamental rights, such as familial association. The ruling reinforces the principle that restrictions on a defendant's constitutional rights must be justified by compelling circumstances, ensuring that such limitations are not imposed arbitrarily.