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10  
11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**

13  
14 DOE #2 et al.,

15 Plaintiffs,

16 v.

17 U.S. DEPARTMENT OF JUSTICE  
18 et al.,

19 Defendants.

NO. 5:22-CV-855-JGB-SP

**DEFENDANTS’ MEMORANDUM  
IN OPPOSITION TO PLAINTIFFS’  
MOTION FOR SUMMARY  
JUDGMENT AND IN SUPPORT OF  
DEFENDANTS’ CROSS-MOTION  
FOR SUMMARY JUDGMENT**

Hearing Date: April 28, 2025  
Hearing Time: 9:00 a.m.  
Courtroom: Riverside, Courtroom 1  
Honorable Jesus G. Bernal  
United States District Judge

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1 **INTRODUCTION**

2 Plaintiffs the Alliance for Constitutional Sex Offense Laws (“ACSOL”) and  
3 three individuals (“Doe 2-4”) bring an Administrative Procedure Act (“APA”)   
4 challenge to a 2021 final rule (the “Rule”) issued by the Attorney General. The Rule  
5 breaks little new ground, instead comprehensively summarizing sex offenders’  
6 registration requirements under the 2006 Sex Offender Registration and Notification  
7 Act (“SORNA”) and later statutory amendments, together with additional regulatory  
8 details that had already been included in guidelines issued in 2008 and 2011.  
9 Plaintiffs claim the Rule is the invalid product of unconstitutionally delegated  
10 authority and that aspects of the Rule exceed statutory authority and violate due  
11 process and the First Amendment. But the record now before the Court shows  
12 Defendants are entitled to summary judgment on all these claims.

13 As an initial matter, Plaintiffs lack standing. None of the three remaining  
14 individual Plaintiffs are current registrants in California. They thus do not—and  
15 cannot— provide any registration information that the Rule requires. Indeed, though  
16 Plaintiffs challenge the Rule’s requirement to provide Internet identifiers, California  
17 never has and never will collect Internet identifiers from these individuals, making  
18 their asserted chill wholly speculative. Nor do they establish any specific injury from  
19 the Rule’s narrow exercises of delegated authority to require such information as  
20 telephone numbers, passport numbers, and dates of birth. Because the Rule itself  
21 contains no enforcement mechanism, any conceivable injury relies on a credible  
22 threat of prosecution under 18 U.S.C. § 2250—which Plaintiffs fail to tie to any  
23 specific Rule provision, and which they fail to establish at all given their at-best  
24 tenuous plans to travel outside the state—and is only available where a constitutional  
25 right is at stake. Plaintiffs’ challenge to the Rule also fails the causation prong of  
26 standing where—as in the case of their statutory interpretation and due process  
27 challenges—SORNA itself, not any regulation, is the source of their asserted injury.

28 Defendants are also entitled to judgment on the merits on all four of Plaintiffs’

1 claims. First, SORNA provides intelligible principles sufficient to withstand  
2 Plaintiffs’ nondelegation challenge. Indeed, the record shows that the Attorney  
3 General’s narrow exercises of delegated authority in the Rule were all supported by  
4 reference to SORNA’s stated public safety purpose and consistent with express  
5 statutory requirements.

6 Second, Plaintiffs’ challenge to the Attorney General’s interpretation of who  
7 is “convicted,” and thus a “sex offender” under SORNA, is waived because it was  
8 never raised in comments on the proposed rule, nor did the Rule address it.  
9 Moreover, nothing in SORNA suggests that the meaning of “convicted” varies with  
10 state law. Rather, the term’s ordinary meaning as “having been found guilty”  
11 properly applies, and only post-conviction relief that nullifies that finding can  
12 change an offender’s status. Doe 2—the only plaintiff to raise this claim—has not  
13 received such relief. Instead, California lifted his state registration obligation based  
14 on notions of rehabilitation, not because his conviction was in error.

15 Third, even if the Court considers Plaintiffs’ due process challenge as a  
16 challenge to SORNA itself, their claim fails. Plaintiffs make no attempt to establish  
17 a facial due process violation. Rather, their challenge focuses only on circumstances  
18 where an offender is entitled to the affirmative defense set forth in 18 U.S.C.  
19 § 2250(c) on specific grounds—where the “uncontrollable circumstances” at issue  
20 result from a state’s refusal to allow him to register as SORNA requires. But such  
21 an as-applied claim fails, even if deemed ripe, because even in that circumstance,  
22 the affirmative defense provides adequate procedural protection and does not shift  
23 the burden of proof for any element of the offense defined in § 2250(a). The record  
24 here demonstrates that any of the three individual Plaintiffs could easily establish  
25 the § 2250(c) affirmative defense because they have documentation showing they  
26 are not required to register under California law, and California does not allow such  
27 individuals to register.

28 Fourth, should the Court reach the merits of Plaintiffs’ First Amendment

1 challenge to the Rule’s Internet identifier requirement, that claim also fails because  
2 the requirement is narrowly tailored to serve the government’s compelling interest  
3 in preventing, and facilitating investigation of, crimes involving online sexual abuse  
4 or exploitation. Such crimes are rampant across a wide variety of Internet platforms,  
5 and the Rule only requires identifiers used in communications and postings. The  
6 Rule does not limit access to or participation in online content, and the fact that  
7 identifiers are subject to Privacy Act protection and are not publicly disclosed is  
8 sufficient to protect anonymous speech.

9 **STATUTORY AND REGULATORY BACKGROUND**<sup>1</sup>

10 **I. SORNA and 2008 Guidelines**

11 Against a backdrop where all states had required some form of sex offender  
12 registration for over a decade, the 2006 Sex Offender Registration and Notification  
13 Act (“SORNA”) sought to establish a “comprehensive national system” setting forth  
14 uniform minimum registration requirements and ensuring offenders would continue  
15 meeting those obligations when they change jurisdictions. 34 U.S.C. § 20901;  
16 *Gundy v. United States*, 588 U.S. 128, 132-33 (2019) (plurality); DSUF ¶¶ 1-7.  
17 SORNA conditions federal funding on states’ substantial implementation of its  
18 requirements. 34 U.S.C. §§ 20912(a), (b), 20927(a).

19 SORNA also imposes requirements directly on sex offenders. *Id.* § 20913(a)-  
20 (d). In particular, SORNA requires sex offenders to provide relevant jurisdictions  
21 with a list of specific information as well as other information “required by the  
22 Attorney General.” *Id.* § 20914(a). SORNA establishes criminal sanctions for a sex  
23 offender subject to federal jurisdiction who “knowingly fails to register or update a  
24

25 <sup>1</sup> The Court has already set forth relevant statutory and regulatory background in its  
26 Order of July 5, 2023 [ECF 76] (“MTD Order”), at 3-8; and Order of Jan. 13, 2023  
27 [ECF 55] (“PI Order”), at 3-8. Defendants therefore provide an abbreviated  
28 summary here but include material details in Defendants’ Statement of Undisputed  
Facts (“DSUF”), filed concurrently herewith. *See* DSUF ¶¶ 1-8, 12-31, 36, 42-48,  
52-71, 76-79, 83-84.



1 registration as required by” SORNA, 18 U.S.C. § 2250(a), while providing an  
2 affirmative defense where “uncontrollable circumstances prevented the individual  
3 from complying” with registration requirements. *Id.* § 2250(c).

4 SORNA defines a “sex offender” as “an individual who was convicted of a  
5 sex offense” and generally categorizes offenders into three tiers, with corresponding  
6 registration periods of 15 years, 25 years, or lifetime, based in part on the nature and  
7 seriousness of the offense, measured by reference to specified federal offenses. *See*  
8 34 U.S.C. §§ 20911(2)-(4), 20915(a). For tier I offenders, SORNA reduces the  
9 registration period where the offender maintains a clean record for 10 years. *Id.*  
10 § 20915(b). No clean record reduction is available for tier II offenders or non-  
11 juvenile tier III offenders. *Id.*

12 The Attorney General issued proposed SORNA guidelines for registration  
13 jurisdictions in 2007, soliciting public comments. 72 Fed. Reg. 30210 (May 30,  
14 2007). Among the issues addressed, the proposed guidelines stated that, because  
15 SORNA’s language defined a “sex offender” as someone “convicted” of a sex  
16 offense, continued registration would normally not be required “if the predicate  
17 conviction is reversed, vacated, or set aside, or if the person is pardoned for the  
18 offense on the ground of innocence.” *Id.* at 30216. However, variations in  
19 jurisdictions’ terminology, and procedures that nominally “vacate[]” or “set aside”  
20 the conviction, but “do not relieve a conviction of substantive effect,” would not  
21 “negate the SORNA requirements.” *Id.* Moreover, “the sealing of a criminal record  
22 or other action that limits the publicity or availability of a conviction, but does not  
23 deprive it of continuing legal validity, does not change its status as a ‘conviction’ for  
24 purposes of SORNA.” *Id.*

25 Final guidelines were issued in 2008. National Guidelines for Sex Offender  
26 Registration and Notification (“2008 Guidelines”), 73 Fed. Reg. 38030 (July 2,  
27 2008). The Preamble to the Guidelines noted comments urging that “individual  
28 jurisdictions” should “have a free hand to stipulate that the dispositions of criminal

1 cases”—such as those of certain young adult sex offenders—“do not constitute  
2 ‘convictions’ for purposes of SORNA.” *Id.* at 38040. But the Preamble rejected that  
3 approach as “inconsistent with SORNA’s purpose to establish a ‘comprehensive  
4 national system for the registration of [sex] offenders’” and instead concluded that  
5 “the meaning of ‘convicted’ for purposes of SORNA is a matter of federal law” that  
6 does not depend on “the terminology a jurisdiction uses in referring to the disposition  
7 of a criminal case.” *Id.* The Guidelines therefore made clear that, in order to  
8 determine whether a state’s so-called vacatur or setting aside of a conviction  
9 removed an individual from SORNA’s definition of “sex offender,” it would be  
10 necessary to look at whether the conviction had “continuing legal validity” or  
11 “substantive effect.” *Id.* at 38050. The Guidelines did not specifically address  
12 California’s laws, nor those of any other jurisdiction.<sup>2</sup>

13 The 2008 Guidelines also carefully identified and explained each invocation  
14 of delegated authority under 34 U.S.C. § 20914(a)(8) (then (a)(7)) when requiring  
15 certain information not expressly listed in § 201914(a)(1)-(6). *See* 73 Fed. Reg. at  
16 38055-57 (explaining public safety rationales for collecting internet identifiers,  
17 telephone numbers, fake social security numbers, temporary or non-fixed addresses  
18 and work locations, passport and immigration document information, professional  
19 license information, watercraft and aircraft information, and dates of birth).

20 The 2008 Guidelines went into effect on August 1, 2008, and have the force  
21 of law with respect to federal registration requirements. *United States v. Mattix*, 694  
22 F.3d 1082, 1084 (9th Cir. 2012).

## 23 **II. KIDS Act, 2011 Guidelines, and the IML**

24 Congress enacted two laws after SORNA that impact federal registration

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25  
26 <sup>2</sup> Given that state laws do not remain static, the Guidelines could not feasibly have  
27 provided such a jurisdiction-specific assessment even if any commenter had  
28 requested it. *Cf.* 73 Fed. Reg. at 38032 (noting jurisdiction-specific questions were  
properly addressed to the SMART Office); DSUF ¶¶ 31-35 (Cal. Penal Code  
§ 1203.4 has been amended ten times since 2008 Guidelines were issued).

1 requirements. First, in 2008, Congress enacted the Keeping the Internet Devoid of  
2 Sexual Predators (“KIDS”) Act, Pub. L. No. 110-400, 122 Stat. 4224. The Senate  
3 Report accompanying the Act recognized that “[n]umerous crimes involving sexual  
4 exploitation of children are perpetrated through the use of the Internet,” including  
5 through social networking websites, and that “the faceless, anonymous nature of  
6 online communications ha[s] made the Internet a source for sexual predators to use  
7 in soliciting minors.” S. Rep. No. 110-332, at 1-2 (2008); *see* DSUF ¶¶ 37-42.  
8 Although the 2008 Guidelines had already required the collection of Internet  
9 identifiers, the KIDS Act “permanently mandate[d] that certain Internet identifier  
10 information be required in the registration process.” 154 Cong. Rec. S10300 (Oct.  
11 1, 2008) (statement of Sen. Schumer). The Act thus directed the Attorney General  
12 to exercise pre-existing delegated authority pursuant to § 20914(a)(8) to include  
13 Internet identifiers among the registration information required under SORNA. *See*  
14 34 U.S.C. § 20916(a); *see id.* § 20916(e)(2) (defining “Internet identifiers” as  
15 “electronic mail addresses and other designations used for self-identification or  
16 routing in Internet communication or posting”). The Act further directed the  
17 Attorney General to exercise pre-existing delegated authority pursuant to § 20912(b)  
18 to “specify the time and manner for keeping current” the Internet identifier  
19 information that the Act required. *Id.* § 20916(b). Congress further directed that the  
20 Attorney General prohibit jurisdictions from including registrants’ Internet  
21 identifiers on public registry websites. *Id.* § 20916(c).

22 The Attorney General implemented these requirements in the Supplemental  
23 Guidelines for Sex Offender Registration and Notification (“2011 Guidelines”), 76  
24 Fed. Reg. 1630, 1637 (Jan. 11, 2011). As had already been stated in the 2008  
25 Guidelines, the 2011 Guidelines confirmed that Internet identifiers must be reported,  
26 and changes in identifiers must be reported “within three business days.” *Id.* The  
27 2011 Guidelines also implemented the KIDS Act’s prohibition on allowing Internet  
28 identifiers to be included on public registry websites. *Id.* The 2011 Guidelines thus

1 “create[d] a mandatory exemption of sex offenders’ e-mail addresses and other  
2 Internet identifiers from [jurisdictions’] public Website posting.” *Id.* at 1633.

3 In the second law, the 2016 International Megan’s Law (“IML”), Pub. L. No.  
4 114-119, 130 Stat. 15 (2016), Congress sought to strengthen the tracking of sex  
5 offenders who travel outside the United States, and thus revised SORNA to require  
6 registrants to provide information relating to intended international travel. *Id.* § 6(a)  
7 (adding current § 20914(a)(7)). The IML also added § 20914(c), stating sex  
8 offenders must “provide and update” required information “in conformity with any  
9 time and manner requirements prescribed by the Attorney General.” *Id.*

### 10 **III. The Rule**

11 The Rule that Plaintiffs challenge here was issued in 2021, following notice-  
12 and-comment rulemaking. Notice of Proposed Rulemaking (“NPRM”), 85 Fed. Reg.  
13 49332 (Aug. 13, 2020); Rule, 86 Fed. Reg. 69856, 69856 (Dec. 8, 2021). The Rule  
14 does not supersede or amend SORNA’s statutory provisions, nor the 2008 or 2011  
15 Guidelines. *See id.* Rather, the Rule, like the 2008 and 2011 Guidelines, in large part  
16 simply reproduces express statutory requirements. 86 Fed. Reg. at 69856-57  
17 (“[m]any of the requirements” set forth in the Rule “reflect express SORNA  
18 requirements”). To the extent it goes beyond such express requirements, the Rule  
19 “embodies the same policies as those appearing in the previously issued . . .  
20 guidelines,” in a “concise and comprehensive” form. *Id.* at 69856-57. It thus  
21 incorporates the same limited past exercises of the Attorney General’s authority in  
22 those Guidelines under § 20914(a)(8) by requiring, for example, dates of birth,  
23 passport numbers, and professional licenses. 28 C.F.R. § 72.6; *see* 86 Fed. Reg. at  
24 69871-74 (identifying whether each requirement is an express statutory requirement,  
25 and if not, explaining the public safety rationale for including the requirement).

26 The NPRM proposed that that “terms used” in the new regulations, including  
27 “such terms as sex offender (and tiers thereof), sex offense, convicted or conviction,”  
28 would “have the same meaning as in SORNA.” 85 Fed. Reg. at 49335; *cf.* 34 U.S.C.

1 § 20911. No commenter addressed that proposal, nor did any commenter ask the  
2 Department to address whether postconviction relief under a specific state law sets  
3 aside or vacates a conviction or not for purposes of SORNA, and it was promulgated  
4 without change. DSUF 72-75; 86 Fed. Reg. at 69884; 28 C.F.R. § 72.2.

5 The NPRM also proposed to promulgate 28 C.F.R. § 72.5, which would  
6 “reproduce[.]” the express requirements in § 20915, regarding the duration of the  
7 registration obligation, including the “statutory standards” governing the availability  
8 of a “clean record” reduction in limited circumstances. *See* 85 Fed. Reg. at 49337,  
9 49340; *id.* at 49334 (citing § 20915 in connection with “express statutory  
10 requirements” regarding “how long sex offenders must continue to register”).

11 One commenter proposed that the Department add an additional subsection to  
12 § 72.5 that would require a registrant’s removal from the sex offender registry within  
13 3 days of obtaining a pardon. *See* AR-1682. The comment did not address the  
14 meaning of “convicted” in SORNA’s definition of “sex offender,” or even mention  
15 the word “convicted,” but urged the policy position that a pardon “is evidence that  
16 the registrant is not considered sexually dangerous,” and that pardons would have  
17 “little, if any, value” if they did not relieve offenders of registration obligations and  
18 allow expungement of criminal records. *Id.* Responding to this comment, the  
19 Preamble to the Rule noted that the Attorney General “has no authority to require  
20 registration jurisdictions to expunge the records of sex offenders who are pardoned  
21 in those jurisdictions.” 86 Fed. Reg. at 69866. The Preamble also referenced the only  
22 instance where the Attorney General had previously mentioned the impact of  
23 pardons on SORNA requirements, citing the statement in the 2008 Guidelines that  
24 “only pardons on the ground of innocence terminate registration obligations under  
25 SORNA.” *Id.* (citing 73 Fed. Reg. at 38050).

26 As to Internet identifiers, the Rule repeats the requirement, present since the  
27 2008 Guidelines and statutorily mandated by the KIDS Act, that sex offenders  
28 provide to their registering jurisdictions “[a]ll designations the sex offender uses for

1 purposes of routing or self-identification in internet or telephonic communications  
2 or postings, including email addresses and telephone numbers.” 28 C.F.R. § 72.6(b).  
3 Responding to ACSOL’s comment that the requirement “infringes on the right to  
4 anonymous speech unless accompanied by restrictions on public disclosure of the  
5 identifiers,” the Department explained that the federal statutory restrictions on  
6 disclosure of identifiers—which are addressed to jurisdictions—were “beyond the  
7 scope of this rulemaking,” but noted those restrictions, including the KIDS Act’s  
8 prohibition of identifiers in registry websites, had already been addressed in the 2008  
9 and 2011 Guidelines. 86 Fed. Reg. at 69859; DSUF 81-83. The Rule adopts the same  
10 requirement in the 2008 Guidelines that any changes in identifiers must be reported  
11 “within three business days,” and rather than requiring in-person reporting, the Rule,  
12 like the Guidelines, allows such changes to be reported “by whatever means the  
13 jurisdiction allows.” 28 C.F.R. § 72.7(e); *cf.* 86 Fed. Reg. at 69874-75, 69880.

14 The Rule further provides that, where a sex offender does not comply with the  
15 time and manner requirements in § 72.7(a)-(f), the offender must comply with the  
16 state’s time and manner specifications. 28 C.F.R. § 72.7(g)(1); 86 Fed. Reg. at  
17 69881. In effect, § 72.7(g)(1) “adopt[s] [a state’s] time and manner specifications as  
18 SORNA requirements in the situations it covers.” 86 Fed. Reg. at 69881. But  
19 § 72.7(g)(2) recognizes that (g)(1) cannot change the elements of the crime  
20 identified in 18 U.S.C. § 2250(a) or the affirmative defense identified in § 2250(c).  
21 *See* 28 C.F.R. § 72.7(g)(2); 86 Fed. Reg. at 69882. Responding to a commenter’s  
22 proposal that § 72.7(g) should “absolve[] registrants of a duty to report information  
23 required by SORNA when state law or the local agency does not require that  
24 information,” the Rule notes that the proposed statement is “legally incorrect  
25 because SORNA’s requirements exist independently of state law requirements.” 86  
26 Fed. Reg. at 69859 (citing *Willman v. Att’y Gen*, 972 F.3d 819, 821-24 (6th Cir.  
27 2020)). However, the combination of § 2250(a)’s scienter requirement, requiring the  
28 government to prove an offender’s knowledge as an element of the crime, together



1 with § 2250(c)'s affirmative defense, excusing noncompliance “where compliance  
2 is prevented by . . . a jurisdiction’s failure to carry out a necessary complementary  
3 role,” avoids any “unfairness to sex offenders based on differences between  
4 SORNA’s requirements and state law requirements.” *Id.*

5 The Rule also describes, but does not alter, a sex offender’s potential criminal  
6 liability under 18 U.S.C. § 2250(a). *See* 28 C.F.R. § 72.8(a)(1). Section 2250, not  
7 the Rule, “provides criminal liability for sex offenders based on SORNA violations.”  
8 86 Fed. Reg. at 69882. Any liability depends on the sex offender’s awareness of a  
9 requirement since “sex offenders are not held liable” under § 2250 “for violations of  
10 registration requirements they did not know about.” *Id.* Because “[r]egistration is a  
11 reciprocal process” that relies on jurisdictions to accept the information that sex  
12 offenders must submit, the Rule recognizes that “a registration jurisdiction’s failure  
13 or refusal to carry out the reciprocal role needed to effect registration, or the updating  
14 of a registration, as required by SORNA,” may bring into play the affirmative  
15 defense set forth in 18 U.S.C. § 2250(c). 86 Fed. Reg. at 69882.

16 Responding to further comments raising due process concerns on the ground  
17 that §§ 72.7(g) and 72.8 set forth an “interpretation of the affirmative defense” of  
18 § 2250(c) that “shifts the burden of proof to defendants,” the Rule points out that the  
19 promulgated regulations do not “impose on the defendant a burden of proving that  
20 he lacked . . . awareness” of the requirement he is charged with violating—  
21 knowledge of the requirement being an element of the crime set forth in § 2250(a).  
22 86 Fed. Reg. at 69859. The Rule also makes no change to the burden of proof for  
23 § 2250(c), which Congress “has expressly made an ‘affirmative defense.’” *See id.*;  
24 *see also id.* at 69864 (stating § 72.8(a)(1)(iii) “moots fair notice concerns by  
25 explaining that sex offenders are not held liable under 18 U.S.C. § 2250 for violating  
26 requirements of which they are unaware,” and an offender’s “noncompliance with  
27 SORNA may be excused where compliance was prevented by a state’s failure to  
28 carry out a necessary complementary role”).

1 **IV. Relevant California Law**

2 California has required sex offender registration since 1947, long before  
3 SORNA.<sup>3</sup> See Cal. Penal Code §§ 290 *et seq.* California originally imposed a  
4 lifetime registration obligation on sex offenders, but in 2021, it began categorizing  
5 sex offenders by tier and since then has allowed offenders to seek termination of  
6 their registration obligation, pursuant to Cal. Penal Code § 290.5, once the requisite  
7 registration period for their tier has expired. See *id.* § 290.5; Segal Decl. ¶ 8. Under  
8 current California law, the duty to register is generally not terminated unless the  
9 person “is entitled to relief from registration pursuant to [§] 290.5, or is exonerated  
10 pursuant to” Cal. Penal Code § 3007.05. Cal Penal Code § 290.007; see *id.*  
11 § 3007.05(j) (defining “exonerated”); Segal Decl. ¶ 8.

12 **FACTUAL AND PROCEDURAL BACKGROUND**<sup>4</sup>

13 The original Complaint in this case was filed May 24, 2022 by ACSOL and  
14 an individual designated as Doe. [ECF 2.] The Court denied the original motion for  
15 preliminary injunction on standing grounds, among other things “declin[ing] to find  
16 that ACSOL establishes standing on the basis of other members” who were not  
17 named plaintiffs in the case. Order of Sept. 28, 2022 [ECF 40], at 8.

18 ACSOL and Doe 2-4 filed a First Amended Complaint (“FAC”) on October  
19 11, 2022.<sup>5</sup> [ECF 41] No individual plaintiff currently registers as a sex offender. Doe  
20 2 received relief under Cal. Penal Code § 1203.4 in 2012 and stopped registering as

21 <sup>3</sup> See Cal. Dep’t of Justice, <https://oag.ca.gov/sex-offender-reg>; cf. Declaration of  
22 Brian Segal (“Segal Decl.”) ¶ 2 (submitted herewith in support of Defendants’  
23 arguments that the Court lacks subject matter jurisdiction).

24 <sup>4</sup> The DSUF statements cited herein reference material obtained through  
25 jurisdictional discovery and submitted herewith in support of Defendants’ arguments  
26 that this Court lacks subject matter jurisdiction. See Declaration of Kathryn L. Wyer  
27 in Support of Defendants’ Motion for Summary Judgment (“Wyer SJ Decl.”) &  
28 Exhibits 1-8, filed herewith.

<sup>5</sup> Although the original Doe was also a plaintiff (Doe #1) in the FAC, he has since  
dismissed his claims and is no longer part of this case. [ECF 128.]



1 a sex offender in 2016 after receiving a certificate of rehabilitation under Cal. Penal  
2 Code § 4852.01. DSUF 88-97. Both Doe 3 and Doe 4 finished the registration terms  
3 required by California law, as revised in 2021, and stopped registering as a sex  
4 offender after their petitions under Cal. Penal Code § 290.5 were granted,  
5 respectively, on February 8, 2022, and June 6, 2023. DSUF 121-23, 153-54. None  
6 of these individuals has been notified of any intent by federal law enforcement to  
7 prosecute them under SORNA.

8 Plaintiffs nevertheless challenge the Rule on four grounds under the APA: (1)  
9 that it reflects an exercise of impermissibly delegated authority by Congress, FAC  
10 ¶¶ 110-22; (2) that it exceeds the Attorney General’s statutory authority under  
11 SORNA, *id.* ¶¶ 123-34; (3) that its description of the affirmative defense set forth in  
12 18 U.S.C. § 2250(c) impermissibly presumes guilt in violation of due process, *id.*  
13 ¶¶ 135-49; and (4) that its requirement that sex offenders report internet identifiers  
14 violates the First Amendment, *id.* ¶¶ 150-55. On January 13, 2023, the Court granted  
15 in part Plaintiffs’ renewed PI motion on the ground that Plaintiffs’ due process claim  
16 was likely to succeed on the merits. PI Order at 31, 55. On July 5, 2023, the Court  
17 denied Defendants’ partial motion to dismiss on the grounds that Plaintiffs’  
18 nondelegation and statutory interpretation claims should be resolved upon review of  
19 the administrative record. MTD Order at 15.

20 Defendants lodged the certified administrative record for the Rule on  
21 December 15, 2023 [ECF 86], and, pursuant to orders of the Court, as narrowed on  
22 reconsideration, lodged the comments and supporting materials for the 2008  
23 Guidelines on June 24, 2024 [ECF 125]. Following jurisdictional discovery,  
24 Plaintiffs filed a motion for summary judgment on November 18, 2024. [ECF 131.]  
25  
26  
27  
28

1 **ARGUMENT**

2 **I. Legal Standard**

3 In this APA case, the Court does not consider “whether there are disputed  
4 factual issues for trial”; rather, the Court “acts like an appellate court” and  
5 determines “whether the agency action is supported by the administrative record  
6 and otherwise consistent with the APA standard of review.” *Treez, Inc. v. DHS*, No.  
7 22-cv-7027, 2024 WL 4982723, at \*1 (N.D. Cal. Dec. 3, 2024) (internal quotation  
8 omitted).<sup>6</sup> As relevant here, the Court considers whether the challenged portions of  
9 the Rule are “arbitrary, capricious, an abuse of discretion, or otherwise not in  
10 accordance with law;” “contrary to constitutional right;” or “in excess of statutory  
11 jurisdiction” or “authority.” 5 U.S.C. § 706(2)(A)-(C).

12 **II. This Court Lacks Jurisdiction Over Plaintiffs’ Claims**

13 “Article III requires a plaintiff to show that [he] has suffered an injury in fact  
14 that is fairly traceable to the defendant’s allegedly unlawful conduct and likely to be  
15 redressed by the requested relief.” *Haaland v. Brackeen*, 599 U.S. 255, 291-92  
16 (2023). While this Court concluded that Plaintiffs had standing at the preliminary  
17 injunction stage, PI Order at 15-21, Plaintiffs fail the heightened summary judgment  
18 burden of demonstrating “specific facts,” through “affidavit[s] or other evidence,”  
19 proving their standing, *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561 (1992).<sup>7</sup>

20 \_\_\_\_\_  
21  
22 <sup>6</sup> In accord with this Court’s standing order [ECF 9], Defendants submit a Statement  
23 of Undisputed Facts herewith. In light of the APA standard of review, the undisputed  
24 facts at issue derive primarily from statutes and the administrative record. However,  
25 the Court may consider extra-record evidence regarding Plaintiffs’ standing. *Nw.*  
*Env’t Def. Ctr. v. Bonneville Power Admin.*, 117 F.3d 1520, 1527–28 (9th Cir. 1997).

26 <sup>7</sup> ACSOL relies solely on its member plaintiffs Doe 2 and 4 for its standing, DSUF  
27 ¶ 173, and does not identify any other member by name in its declaration [ECF 131-  
28 8], which should be disregarded. *See* Order of Sept. 28, 2022, at 8 (declining to  
consider ACSOL’s unidentified members for purposes of standing). The Court’s  
jurisdiction over each of Plaintiffs’ claims thus relies solely on Doe 2-4.

1 Here, Plaintiffs raise a pre-enforcement challenge to the Rule, but the Rule  
2 imposes no burden on them because, regardless of what it purports to require,  
3 California does not accept registration information from former registrants. Segal  
4 Decl. ¶ 8. Doe 2 and 3 had no registration obligation under California law when they  
5 filed suit, and Doe 4 obtained similar relief shortly thereafter.<sup>8</sup> DSUF 88-97, 121-  
6 23, 153-54. Moreover, the Rule itself lacks any enforcement mechanism. Contrary  
7 to the Court’s earlier analysis, PI Order at 17, this is not a case where plaintiffs have  
8 standing to challenge a final rule “as the objects of regulation.” *Stavrianoudakis v.*  
9 *FWS*, 108 F.4th 1128, 1141 (9th Cir. 2024) (rejecting plaintiffs’ standing to  
10 challenge FWS rule absent “clear burden” imposed by rule).<sup>9</sup> Instead, Plaintiffs’  
11 asserted injury is a statutory one, based on an alleged threat of prosecution under 18  
12 U.S.C. § 2250(a). As such, Plaintiffs must show “[1] an intention to engage in a  
13 course of conduct arguably affected with a constitutional interest, but [2] proscribed  
14 by a statute, and [3] there exists a credible threat of prosecution thereunder.” *Planned*  
15 *Parenthood Great Nw. v. Labrador*, 122 F.4th 825, 836 (9th Cir. 2024) (quoting  
16 *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 159 (2014)).

17 Court have applied the first prong of this test to deny preenforcement review  
18 when a claim raises “questions of statutory interpretation unconnected with” a  
19 plaintiff’s “exercise of his constitutional rights.” *Muthana v. Pompeo*, 985 F.3d  
20 893, 911 (D.C. Cir. 2021) (quoting *Steffel v. Thompson*, 415 U.S. 452, 459 (1974)).  
21 On that basis, Plaintiffs lack standing to assert Count II, which raises no

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22 <sup>8</sup> At the very least Doe 4’s claims are moot. *N.D. v. Reykdal*, 102 F.4th 982, 989 (9th  
23 Cir. 2024) (claim is moot where relief is “no longer a possibility”). However, for the  
24 reasons set forth below, Doe 4 also lacks standing to assert most or all claims.

25 <sup>9</sup> The Court cited *L.A. Haven Hospice, Inc. v. Sebelius*, 638 F.3d 644, 655 (9th Cir.  
26 2011), PI Op. at 17, but there, the plaintiff had already received an administrative  
27 demand for repayment pursuant to the challenged administrative scheme. Neither  
28 the Rule nor any other Department mechanism allows for an administrative action  
against Plaintiffs here. The only enforcement mechanism in SORNA is § 2250(a),  
so the *Driehaus* preenforcement analysis applies.

1 constitutional issue but alleges misinterpretation of the statutory term “convicted.”

2 Plaintiffs also fail to meet the third prong of the *Driehaus* test for any of their  
3 claims. Significantly, Doe 2-4 fail to identify a concrete intent to travel to another  
4 jurisdiction.<sup>10</sup> Absent such travel, Doe 2-4 cannot be prosecuted, 18 U.S.C.  
5 § 2250(a)(2)(B), defeating any notion of an “imminent” prosecution threat. *Planned*  
6 *Parenthood*, 122 F.4th at 836. Moreover, Doe 2 was relieved of California  
7 registration obligations in 2016 and has failed to comply with SORNA since that  
8 time, but he has never been prosecuted under SORNA, nor do Plaintiffs identify  
9 similar prosecutions of others for failing to provide information when California will  
10 not accept it. *Cf. McCormack v. Hiedeman*, 694 F.3d 1004, 1021 (9th Cir. 2012)  
11 (“history of past prosecution” is relevant).<sup>11</sup>

12 Moreover, even aside from that general problem, Plaintiffs cannot show a  
13 credible threat of prosecution for failure to provide any particular piece of  
14 information—such as Internet identifiers (Count IV) or the additional pieces of  
15 information that the Attorney General first identified in the 2008 Guidelines and  
16 again in the Rule pursuant to delegated authority (Count I). Rather, because Plaintiffs  
17 cannot register at all, any prosecution Plaintiffs might face would be for “outright  
18 failure to register.” *United States v. Watchman*, No. CR08-1202, 2009 WL 464995,  
19 at \*5 (D. Ariz. Feb. 24, 2009), *aff’d sub nom. United States v. Begay*, 622 F.3d 1187  
20 (9th Cir. 2010). Such a prosecution would not distinguish between name, vehicle  
21 location, e-mail address, or temporary lodging. Thus, Plaintiffs also cannot show the  
22 causation or redressability prongs of standing for Counts I or IV because Plaintiffs  
23 would not be less likely to be prosecuted simply because the Court struck some of

24 \_\_\_\_\_  
25 <sup>10</sup> *Cf.* DSUF 114, 141, 172. Doe 2-4’s “‘some day’ intentions” to travel interstate at  
some unknown future time do not establish standing. *Lujan*, 504 U.S. at 564.

26 <sup>11</sup> *United States v. Hardeman*, 598 F. Supp. 2d 1040 (N.D. Cal. 2009), previously  
27 cited by this Court, is not such a case; there, the defendant *was* still required to  
28 register under California law despite receiving relief under Cal. Penal Code  
§ 1203.4. *Hardeman*, 598 F. Supp. at 1041.

1 the Rule’s requirements while leaving others in effect.

2 Nor are these the only problems with Plaintiffs’ standing. For Count I,  
3 Plaintiffs also lack standing to challenge exercises of delegated authority that do not  
4 affect them. *See Haaland*, 599 U.S. at 296 (state lacked standing to challenge Indian  
5 Child Welfare Act’s placement preference delegation when it failed to show a  
6 redressable injury caused by placement preferences); *Ctr. for Biological Diversity v.*  
7 *Bernhardt*, 946 F.3d 553, 560 (9th Cir. 2019) (plaintiff lacked standing to challenge  
8 a specific provision on nondelegation grounds when its alleged injury, based on  
9 possible future exercises of authority under that provision, “rests on a speculative  
10 chain of future possibilities”). Plaintiffs now focus their nondelegation claim solely  
11 on the Attorney General’s exercise of delegated authority pursuant to 34 U.S.C. §  
12 20914(a)(8). P.Br. [ECF 131-1] 12. That alone defeats their standing to challenge 34  
13 U.S.C. § 20912. Indeed, though Plaintiffs challenge § 20912 as a separate  
14 delegation, P.Br. 10, they identify no exercise of authority in the Rule that relies  
15 solely on § 20912. In similar circumstances, the Supreme Court limited its  
16 consideration to the specific SORNA delegation that caused the plaintiff’s asserted  
17 injury. *Gundy*, 588 U.S. at 144-45 n.3 (noting that the relevant SORNA provision  
18 was 34 U.S.C. § 20913(d), not § 20912).<sup>12</sup>

19 Plaintiffs bring Count II—their challenge to the Rule’s alleged  
20 misinterpretation of the term “convicted” in SORNA—only on behalf of Doe 2, the  
21 only plaintiff who received relief under Cal. Penal Code § 1203.4 as well as a  
22 certificate of rehabilitation. *See* FAC ¶ 128. Notably, Plaintiffs concede that none of  
23 them has been pardoned, DSUF 97, 127, 159, so they clearly lack standing to  
24 challenge any determination in the Rule regarding pardons. PI Order at 48  
25 (recognizing no “live controversy” regarding pardons). Nor is any such claim  
26

27 <sup>12</sup> As for § 20914(a)(8), the only exercise of authority that Plaintiffs identify and that  
28 conceivably affects any of them is the Rule’s requirement to provide professional  
license information. P.Br. 12.

1 asserted in the FAC.

2 Rather, Doe 2 argues that the Rule is contrary to the “plain meaning” of  
3 SORNA’s definition of “sex offender” in § 20911(1) because, he asserts, the Rule  
4 considers “expunged convictions” under Cal. Penal Code § 1203.4, “coupled with  
5 certificates of rehabilitation,” to “nevertheless require registration under SORNA.  
6 FAC ¶ 133. But Doe 2’s theory fails the causation and redressability prongs of  
7 standing because the Rule plays no role whatsoever in whether Doe 2 still qualifies  
8 as “convicted” under SORNA, nor could the Court’s vacatur of any Rule provision  
9 impact that determination. Rather, the only relevant regulation promulgated by the  
10 Rule simply states that “[a]ll terms used in [the Rule] have the same meaning as in  
11 SORNA,” 28 C.F.R. § 72.2. *See* P.Br. 24 (citing 86 Fed. Reg. at 69884). Nowhere  
12 in the NPRM or Rule did the Attorney General address the impact of post-conviction  
13 relief under Cal. Penal Code § 1203.4 on SORNA obligations, nor did any  
14 commenter ask the Attorney General to address that issue. *See* DSUF 64, 72-77.

15 Doe 2 errs in suggesting the Rule “explicitly incorporate[d]” the 2008  
16 Guidelines’ discussion of the meaning of “convicted” when the Preamble to the Rule  
17 responded to a comment that never mentioned the word “convicted,” but instead  
18 suggested that the Attorney General revise the proposed 28 C.F.R. § 72.5, which  
19 reproduces SORNA’s express “clean record” reduction standards in 34 U.S.C.  
20 § 20915(b), by adding pardons as an additional basis to reduce registration periods.  
21 *See* DSUF 78-80. The Attorney General lacked authority to accept the commenter’s  
22 proposal because § 20915(b) does not identify pardons as a basis for reduction. The  
23 Preamble thus responded that “only pardons on the ground of innocence terminate  
24 registration obligations under SORNA,” referencing the 2008 Guidelines’  
25 recognition that only such pardons (as opposed to pardons based on notions of  
26 clemency or rehabilitation) nullify the original conviction. 86 Fed. Reg. at 69866.<sup>13</sup>

27 \_\_\_\_\_  
28 <sup>13</sup> To be sure, the Preamble’s response was gratuitous. The Preamble could instead  
simply have pointed out that § 20915(b) does not identify pardons as a basis for



1 That statement does not address Cal. Penal Code § 1203.4, and as explained,  
2 Plaintiffs identify no injury relating to pardons. Any relief addressed to the Rule  
3 would not redress Doe 2’s asserted injury.

4 Additional factors also doom Plaintiffs’ standing to challenge the Rule on  
5 procedural due process grounds (Count III). Again, causation and redressability are  
6 lacking, this time because any criminal prosecution under SORNA would take place  
7 pursuant to the statutory provision in 18 U.S.C. § 2250(a), and any affirmative  
8 defense would rely on the statutory provision in § 2250(c). Yet Plaintiffs’ claim  
9 challenges a regulatory provision, 28 C.F.R. § 72.7(g), which in no way controls or  
10 alters the procedures through which a criminal prosecution or affirmative defense  
11 under § 2250 would be adjudicated. *See* FAC ¶¶ 144-48; P.Br. 17 (confirming  
12 Plaintiffs’ challenge is to § 72.7(g)). Indeed, § 72.7(g) does not purport to interpret  
13 either § 2250(a) or 2250(c). Instead, it expressly disavows any impact on § 2250  
14 prosecutions. 28 C.F.R. § 72.7(g)(2) (“In a prosecution under 18 U.S.C. 2250,  
15 paragraph (g)(1) of this section does not . . . relieve a sex offender of the need to  
16 establish . . . an affirmative defense . . . as provided in 18 U.S.C. 2250(c)[.]”). By  
17 their description, Plaintiffs’ due process injury relates to the fact that their inability  
18 to register as SORNA requires would be addressed through the affirmative defense  
19 in § 2250(c). But that injury was not caused by § 72.7(g)—the object of Plaintiffs’  
20 due process challenge—nor would it be redressed by vacating § 72.7(g), as the Court  
21 has already recognized. Order of Jan. 13, 2023, at 53-55.<sup>14</sup> The Court should thus  
22 conclude that Plaintiffs lack standing to challenge § 72.7(g) on due process grounds.

23  
24 reduction, so the Attorney General lacked authority to add the proposed subsection  
25 to § 72.5. However, the fact that the Preamble responded to the comment more  
26 comprehensively than necessary in no way suggests that Doe 2’s alleged injury—  
27 unrelated to pardons—is redressable through a challenge to the Rule.

28 <sup>14</sup> The Court already discussed the difficulties in providing redress when issuing a preliminary injunction on Plaintiffs’ due process claim, which only confirms that Plaintiffs never established causation for this claim. *See id.* at 53 (recognizing that vacating the Rule would be “underinclusive in that” it would not affect Plaintiffs’

1 Finally, Plaintiffs also lack standing to assert their First Amendment challenge  
2 to the Rule’s Internet identifier requirement because, not only is there no credible  
3 threat of prosecution as described above, but the purported chill on their online  
4 speech is neither credible nor objectively reasonable. *Richards v. Newsom*, No. 8:23-  
5 cv-2413, 2024 WL 4812537, at \*4 (C.D. Cal. Oct. 16, 2024) (“The test for chilling  
6 speech is an objective one.” (citing *Ariz. Students’ Ass’n v. Ariz. Bd. of Regents*, 824  
7 F.3d 858, 868 (9th Cir. 2016))). Plaintiffs’ assertions regarding their purported chill  
8 are conclusory and belied by their failure to describe with particularity what they  
9 have refrained from saying, and on what platform. *Twitter, Inc. v. Paxton*, 56 F.4th  
10 1170, 1173–74 (9th Cir. 2022) (“nakedly asserting” chill does not suffice). Indeed,  
11 Doe 2 and 3 admit they do not post publicly on social media. DSUF 108, 136-37.  
12 Moreover, though Doe 2 and 4 claim they fear public disclosure of their status as  
13 sex offenders, in fact both individuals are [REDACTED] ACSOL [REDACTED]  
14 members whose status as sex offenders or former sex offenders has already been  
15 publicly identified. DSUF 98, 113, 142, 152, 163.

16 Plaintiffs further concede that their fears of future harm depend on the  
17 occurrence of a series of purely speculative events, DSUF 112, 139, 170—beginning  
18 with California’s collection of their identifiers, which has never happened and never  
19

20  
21 obligations under SORNA and the prior Guidelines). The Court’s solution at the PI  
22 stage was to directly restrict prosecutions under § 2250(a). At summary judgment,  
23 the Court should carefully consider the fact that, to the extent SORNA addresses the  
24 allocation of burdens in a criminal prosecution, it does so in § 2250, not in any  
25 regulatory provision. Plaintiffs’ due process challenge is inherently flawed, and fails  
26 to establish their standing, for the very reason that it depends on the notion that  
27 § 72.7(g) somehow changes the allocation of burdens under § 2250. But in fact,  
28 § 72.7(g) has no impact on the allocation of burdens, and nothing in the Rule  
suggests that it does. Instead, § 2250(a) puts the burden of establishing every element  
of a § 2250(a) violation on the government.



1 will under current California law and registration policy.<sup>15</sup> See Segal Decl. ¶¶ 5, 8.  
2 Plaintiffs also ignore existing California and federal law strictly limiting disclosure  
3 and use of registrants’ identifiers—*e.g.*, 34 U.S.C. § 20916(a) (Internet identifiers  
4 are subject to the Privacy Act, 5 U.S.C. § 552a); Segal Decl. ¶ 5—and rely on  
5 conjecture that if their identifiers are ever collected, they might then be illegally  
6 misused or made public by law enforcement or hackers. DSUF 111, 139, 169.<sup>16</sup> Such  
7 an attenuated chain of possibilities based on unsupported theories fails to make their  
8 “subjective chill” objectively reasonable. *Cf. Lopez v. Candaele*, 630 F.3d 775, 792  
9 (9th Cir. 2010) (“self-censorship alone is insufficient to show injury”). Rather, courts  
10 consistently reject plaintiffs’ attempts to “manufacture standing” by “inflicting harm  
11 on themselves based on their fears of hypothetical future harm.” *Clapper v. Amnesty*  
12 *Int’l USA*, 568 U.S. 398, 401-02 (2013). For all these reasons, the Court lacks  
13 jurisdiction over Plaintiffs’ claims.

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17 <sup>15</sup> A conviction under § 2250—even if focused specifically on failure to report  
18 Internet identifiers rather than outright failure to register—would not change  
19 Plaintiffs’ inability to report their identifiers to California registration authorities.  
20 And Plaintiffs could not be convicted, even if they were prosecuted, given Plaintiffs’  
21 entitlement to the affirmative defense set forth in § 2250(c) based on California’s  
22 refusal to accept identifiers or transmit them to NSOR. Segal Decl. ¶ 5, 8; *see* DSUF  
23 81 (Plaintiffs possess official documentation establishing their inability to register  
24 in California).

25 <sup>16</sup> Plaintiffs attempt to support their alleged chill by citing the 2011 Guidelines’  
26 recognition that the KIDS Act does not prohibit states, in their discretion, from  
27 setting up a website function through which members of the public can check  
28 whether an already-known Internet identifier belongs to a registered sex offender.  
P.Br.22 (citing 76 Fed. Reg. at 1637). But Plaintiffs identify no such website in  
California, nor would it disclose offenders’ identities. Just as registration  
jurisdictions’ disclosures were “beyond the scope of th[e] [2021] rulemaking,” 86  
Fed. Reg. at 69859, they have nothing to do with the Rule at issue. Rather, any  
challenge to a state’s practices would properly be directed to the state itself.

1 **III. The Rule Does Not Reflect Improperly Delegated Authority (Count I)**

2 Plaintiffs claim that the Rule exercises authority that Congress has  
3 unconstitutionally delegated to the Attorney General. But as the Court has held and  
4 Plaintiffs do not dispute, the “intelligible principle” test governs, PI Order 39; P. Br.  
5 10, which this Court has described as “extremely forgiving,” MTD Order 14, and is  
6 satisfied even by a “broad general directive,” PI Order 41 (quoting *Mistretta v.*  
7 *United States*, 488 U.S. 361, 372 (1989)). Applying that test, the Court correctly  
8 concluded that the “broad principle of protecting the public from sex offenders,” set  
9 forth in 34 U.S.C. § 20901, alone sufficed to sustain SORNA’s general delegation  
10 of rulemaking authority in 34 U.S.C. § 20912. PI Order 40-41. Having reached that  
11 conclusion, the Court further recognized that “the narrower delegations codified at  
12 34 U.S.C. § 20914 easily survive.” PI Order 41.

13 Although Plaintiffs continue to pursue their nondelegation challenge, the  
14 Court’s prior reasoning continues to apply. Furthermore, statutory delegations  
15 should not be interpreted “in a vacuum” but instead “derive much meaningful  
16 content” from their “context” within the overall statutory scheme and “in light of the  
17 statutory purpose.” *Gundy*, 588 U.S. at 141. Plaintiffs now challenge just one  
18 specific delegation, § 20914(a)(8), which requires registrants to provide “[a]ny other  
19 information required by the Attorney General.”<sup>17</sup> Plaintiffs argue that this provision  
20 confers unbounded authority. P.Br. 11. In fact, however, Congress provided ample  
21 guidance in SORNA’s overall scheme, and in § 20914(a), in particular. In addition  
22 to SORNA’s purpose, SORNA’s operational provisions further constrain the  
23 Attorney General, by setting forth (among other things) who must register, *see* 34  
24 U.S.C. §§ 20911(1), (5)-(9), for how long they must register, *id.* §§ 20911(2)-(4),  
25 20915, with what jurisdictions they must register, *id.* § 20913(a), what information

26 <sup>17</sup> Plaintiffs have abandoned prior challenges to § 20914(a)(7) and § 20914(c), *see*  
27 P.Br. 9-16, and even tout § 20914(a)(7), which requires registrants to provide “other  
28 travel-related information required by the Attorney General,” as a properly  
“limit[ed]” delegation. P.Br. 11.

1 they must provide, *id.* §§ 20914(a), (b), 20916, and how to keep their registration  
2 updated, *id.* §§ 20913(c), 20918.<sup>18</sup>

3 Moreover, as this Court observed, § 20914(a)(8) follows the enumeration of  
4 seven types of information required by statute. PI Order 41. Applying the canons of  
5 *noscitur a sociis and ejusdem generis*, the Court correctly interpreted the provision  
6 as “confer[ring] authority on the Attorney General to make registration effective and  
7 protect public safety by requiring information relating to offenders’ identities,  
8 locations, and primary activities.” *Id.*<sup>19</sup>

9 Plaintiffs argue that § 20914(a)(8) has been implemented in a manner  
10 suggesting that it confers unlimited authority, P.Br. 11-12, but the examples cited by  
11 Plaintiffs only underscore the provision’s limitations. As Plaintiffs point out,  
12 Congress confirmed the Attorney General’s prior exercise of § 20914(a)(8) authority  
13 to require reporting of internet identifiers, Pub. L. No. 110-400, § 2(a); 28 C.F.R.  
14 § 72.6(b) (internet identifiers), and the Rule exercises § 20914(a)(8) authority when  
15 requiring professional license information and advance notice of changes of  
16 residence. *See id.* § 72.6(g) (professional license information); *id.* § 72.7(d) (changes  
17 of residence). Each of these examples “relat[e] to offenders’ identities, locations,  
18 and primary activities.” PI Order 41. And the Attorney General explained why they  
19 serve SORNA’s purpose of protecting the public by helping to identify and locate  
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22 <sup>18</sup> The administrative record confirms that SORNA meaningfully constrains the  
23 Attorney General’s rulemaking. The Preamble to the Rule explains the rejection of  
24 many proposed changes on the ground that they would conflict with or are not  
25 authorized by SORNA’s text. *See, e.g.*, AR-1278 (comment proposing using  
26 “scientific research of recidivism risk” to set registration duration); 86 Fed. Reg. at  
27 69861 (rejecting this proposal as inconsistent with SORNA’s text); *see also* 86 Fed.  
28 Reg. at 69858 (explaining other proposals’ rejection “because the Attorney General  
has no authority to repeal the requirements enacted by Congress in SORNA”).

<sup>19</sup> Plaintiffs reject application of *noscitur a sociis* and *eiusdem generis*, P.Br. 11, but  
provide no justification for doing so.

1 sex offenders, or apprehend them if they commit crimes.<sup>20</sup> This delegation to require  
2 information similar in kind to the reporting requirements enumerated in SORNA is  
3 the type of “narrow, interstitial delegation[] of authority,” *United States v. Melgar-*  
4 *Diaz*, 2 F.4th 1263, 1267 (9th Cir. 2021), that courts routinely uphold.

5 Plaintiffs also argue that SORNA violates the nondelegation doctrine because  
6 it purportedly “delegates criminal lawmaking authority to the Attorney General.”  
7 P.Br. 13. The Court has already correctly rejected this argument, explaining that “the  
8 Supreme Court has permitted” Congress to “make[] the violation of regulations a  
9 criminal offense and fix[] the punishment, so long as “the regulations ‘confine[]  
10 themselves within the field covered by the statute.’” PI Order 42 (quoting *Loving v.*  
11 *United States*, 517 U.S. 748, 768 (1996).

12 Here, Congress itself identified “knowing[] fail[ure] to register or update a  
13 registration as required by [SORNA]” as a crime chargeable against sex offenders  
14 subject to federal jurisdiction. 18 U.S.C. § 2250(a). Courts have repeatedly rejected  
15 nondelegation challenges to the imposition of criminal liability under this provision,  
16 including cases where the predicate offense involved a violation of administrative  
17 rules. *See Gundy*, 588 U.S. at 134-35 (rejecting nondelegation challenge to Attorney  
18 General’s determination in a final rule that SORNA’s registration requirements  
19 applied to pre-Act offenders); *United States v. Mingo*, 964 F.3d 134, 137-39 (2d Cir.  
20 2020) (rejecting nondelegation challenge based on Congress’s delegation to  
21 Secretary of Defense “which particular military offenses should qualify as a ‘sex  
22 offense’” under SORNA). Moreover, in regard to the specific provision Plaintiffs  
23 challenge here, Congress expressly stated that sex offenders “shall provide . . .  
24 information required by the Attorney General.” 34 U.S.C. § 20914(a), (a)(8). A

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26 <sup>20</sup> *See* 86 Fed. Reg. at 69866 (discussing justification for professional license  
27 requirement); *id.* at 69878 (same for advanced notice of residence changes); 73 Fed.  
28 Reg. at 38055 (same for internet identifiers); *see also* 73 Fed. Reg. at 38042, 38055-  
57 (explaining public safety rationale for each type of information required by the  
Attorney General).

1 violation of SORNA’s requirement to comply with the Attorney General’s directions  
2 within these narrow contours thus falls within the offense defined by § 2250(a).

3 Plaintiffs cite a series of mostly inapposite cases, such as nonbinding  
4 dissenting opinions,<sup>21</sup> cases addressing federal courts’ authority to create new federal  
5 crimes or interpret criminal statutes,<sup>22</sup> and cases applying an entirely different (void-  
6 for-vagueness) doctrine.<sup>23</sup> Plaintiffs cite the Supreme Court’s statement that “[t]he  
7 definition of the elements of a criminal offense is entrusted to the legislature,  
8 particularly in the case of federal crimes, which are solely creatures of statute.”  
9 *Liparota v. United States*, 471 U.S. 419, 424 (1985). But here, Congress set forth the  
10 elements of the crime: (1) a requirement to register under SORNA, (2) circumstances  
11 that satisfy federal jurisdiction, and (3) a knowing violation of SORNA. *See* 18  
12 U.S.C. § 2250(a).<sup>24</sup>

13 Plaintiffs also cite *Touby v. United States*, 500 U.S. 160 (1991), for the notion  
14 that “something more than an intelligible principle” may be required for delegation  
15 in the criminal context. PI Mot. 10. But *Touby* did “not resolve the issue,” holding  
16 the statute under review would “pass[] muster even if greater congressional  
17 specificity is required in the criminal context.” *Touby*, 500 U.S. at 166. In *Gundy*,  
18 the Court answered the question left open in *Touby* by applying the intelligible  
19 principle test (rather than a stricter test) to uphold a sex offender’s conviction under  
20 § 2250 for violating SORNA. 588 U.S. at 135 (plurality) (applying “intelligible

21 <sup>21</sup> *See United States v. Nichols*, 784 F.3d 666, 670 (10th Cir. 2015) (Gorsuch, J.  
22 dissenting from denial of rehearing en banc); *Gundy*, 588 U.S. at 149-79 (Gorsuch,  
23 J., dissenting).

24 <sup>22</sup> *See United States v. Hudson*, 11 U.S. 32, 34 (1812); *United States v. Bass*, 404  
25 U.S. 336, 347-49 (1971); *United States v. Kozminski*, 487 U.S. 931, 949-50 (1988).

26 <sup>23</sup> *See Sessions v. Dimaya*, 584 U.S. 148, 156 (2018); *Kolender v. Lawson*, 461 U.S.  
27 352, 357 (1983).

28 <sup>24</sup> Thus, contrary to Plaintiffs’ suggestion, P.Br. 14, in enacting § 2250, Congress  
“declare[d] what shall be crimes.” *United States v. Grimaud*, 220 U.S. 506, 516  
(1911).

1 principle” test); *id.* at 149 (Alito, J., concurring in judgment) (voting to affirm based  
2 on “the approach this Court has taken for many years”).<sup>25</sup> This Court should thus  
3 reaffirm its prior rejection of Plaintiffs’ nondelegation claim.

#### 4 **IV. The Rule Adopts SORNA’s Definition of Sex Offender (Count II)**

5 As with Count I, the Court already rejected Plaintiffs’ Count II—which claims  
6 that the Rule improperly defines the term “convicted” in SORNA’s statutory  
7 definition of “sex offender”—at the PI stage, PI Order at 48, but reserved a final  
8 ruling until the “abstract” nature of the issue could be clarified by the administrative  
9 record. *See* MTD Order at 16. The record now demonstrates that Defendants are  
10 entitled to judgment on this claim.

11 As noted above, Plaintiffs raise this claim only on behalf of Doe 2, asserting  
12 that the relief Doe 2 received under California law—relief under Cal. Penal Code  
13 § 1203.4, together with a certificate of rehabilitation—should mean that he is no  
14 longer “convicted” within the meaning of 34 U.S.C. § 20911(1). As also discussed,  
15 Doe 2 lacks standing to challenge the Rule on this basis because the Rule did not  
16 address this issue and thus caused no redressable injury. Along similar lines, as an  
17 additional threshold matter, the claim is waived because neither Plaintiffs nor any  
18 other commenter suggested during notice-and-comment rulemaking that the Rule  
19 should address the meaning of “convicted” in § 20911(1), nor that the Rule should  
20 address the impact of Cal. Penal Code § 1203.4, or any other specific form of

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21 <sup>25</sup> Plaintiffs cite a recent decision from another district rejecting a delegation of  
22 authority to the Secretary of the Interior. *United States v. Pheasant*, No. 3:21-CR-  
23 00024-R CJ-CLB, 2023 WL 3095959 (D. Nev. Apr. 26, 2023), *appeal argued*, No.  
24 23-991 (9th Cir. Oct. 10, 2024). The government disagrees with that decision, which  
25 fails to follow Supreme Court precedent upholding even broadly-worded  
26 delegations. *See Gundy*, 588 U.S. at 146 (plurality) (collecting cases). But in any  
27 event, *Pheasant* is distinguishable because the district court read (and in the  
28 government’s view, misread) that statute as providing the agency with “unfettered  
legislative authority” without “any guidance or restraint.” 2023 WL 3095959, at \*6-  
7. Here, SORNA’s statement of purpose and operational provisions meaningfully  
guide and constrain the Attorney General’s authority. *See supra*, pp. 21-22.



1 California post-conviction relief, on SORNA registration obligations. *Cf. All. for the*  
2 *Wild Rockies v. Petrick*, 68 F.4th 475, 487–88 (9th Cir. 2023) (“[A]bsent exceptional  
3 circumstances, failure to raise arguments before an agency, such as in comments  
4 during a public-comment process, usually waives a litigant’s rights to make those  
5 arguments in court.”).

6 Although Defendants raised this waiver bar over a year ago<sup>26</sup>, Plaintiffs make  
7 no attempt to identify a comment that raises “particular objections” regarding Cal.  
8 Penal Code § 1203.4 that would have “allow[ed] the agency to give the issue  
9 meaningful consideration,” *Petrick*, 68 F.4th at 489. Instead, Plaintiffs suggest  
10 without legal support that—even though the issue was not raised—the Department  
11 acted arbitrarily by failing to address it sua sponte in the Rule. *See* P.Br. 28.  
12 Plaintiffs’ entire “arbitrary and capricious” argument, which purports to challenge a  
13 decision the Department did not actually make in the Rule—should be rejected.

14 As explained above, the record now makes clear that the single reference in  
15 the Rule to pardons responded to a comment that did not address the meaning of  
16 “convicted,” but instead proposed a revision of § 72.5 to add pardons as another  
17 basis to reduce registration periods, in addition to the “clean record” reductions  
18 expressly described in 34 U.S.C. § 20915. *See supra* pp. 17-18.<sup>27</sup> Contrary to the  
19 Court’s prior suggestion, that reference does not suggest the Department reopened  
20 its consideration of the meaning of “convicted.” *Cf. P & V Enters. v. U.S. Army*  
21 *Corps of Engrs.*, 516 F.3d 1021, 1023 (D.C. Cir. 2008) (reopening doctrine requires  
22 that the “entire context” demonstrate that an agency “has undertaken a serious,  
23

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24 <sup>26</sup> Jt. Rpt. [ECF 82], at 4-5; *cf.* Apr. 5, 2024 Op. [ECF 113] at 12 n.4.

25 <sup>27</sup> Plaintiffs do not challenge the Department’s rejection of the commenter’s  
26 proposed revision to § 72.5. Indeed, Congress’s express enactment of limited  
27 rehabilitation-based relief required the Department’s response—just as it counsels  
28 against finding the atextual elimination of registration requirements that Plaintiffs  
propose here.

1 substantive reconsideration of” a prior rule). Rather, the Department proposed that  
2 all terms used in the Rule would “have the same meaning as in SORNA.” 85 Fed.  
3 Reg. at 49335. The Rule promulgated that uncontested proposal. 28 C.F.R. § 72.2.

4 Plaintiffs implicitly concede that the specific issue presented in their FAC—  
5 whether a sex offender who receives relief under Cal. Penal Code § 1203.4 and a  
6 certificate of rehabilitation is still “convicted” within the meaning of § 20911(1)—  
7 is not properly before the Court by instead pivoting to a broader claim that their FAC  
8 did not raise: They now suggest that it would be “irrational” for Congress to have  
9 intended the term “convicted” in § 20911(1) to have a uniform federal meaning  
10 rather than one dependent on state law. *See* P.Br. 25-26. But Plaintiffs’ attempt to  
11 amend their complaint through summary judgment briefing is futile. *Cf. Desertrain*  
12 *v. City of Los Angeles*, 754 F.3d 1147, 1154–55 (9th Cir. 2014). Again, this issue is  
13 waived because it was not raised in comments on the Rule.

14 Moreover, even if the Court disregards waiver and considers the meaning of  
15 “convicted” in § 20911(1), it should conclude that the term’s meaning does not vary  
16 based on different state systems of post-conviction relief.<sup>28</sup> Rather, the meaning of  
17 “convicted” is a question of federal law, based on the term’s “ordinary meaning.”  
18 *Trim v. Reward Zone USA LLC*, 76 F.4th 1157, 1161 (9th Cir. 2023).<sup>29</sup> Dictionaries

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20 <sup>28</sup> Plaintiffs do not dispute that Doe 2’s nolo contendere plea qualified as a  
21 conviction, whether under California or federal law. Their claim is limited to the  
22 notion that Doe 2’s post-conviction relief—a dismissal under § 1203.4 and a  
23 certificate of rehabilitation—changed his status from “convicted” to not “convicted”  
24 within the meaning of § 20911(1).

25 <sup>29</sup> If the term is deemed ambiguous, the Court must determine its “best meaning,”  
26 using traditional tools of statutory construction, with “due respect for the views of  
27 the Executive Branch.” *Loper Bright Enters. v. Raimondo*, 144 S. Ct. 2244, 2266-67  
28 (2024). Here, the meaning of “convicted” can be resolved based solely on dictionary  
definitions, but other tools of construction would yield the same result. Certainly,  
there is no “grievous ambiguity” here that would trigger the rule of lenity, *Barber v.*  
*Thomas*, 560 U.S. 474, 488 (2010), nor is there a “plausible construction” of SORNA  
that could trigger the constitutional avoidance canon, *Jennings v. Rodriguez*, 583



1 uniformly define the term by reference to a finding of guilt.<sup>30</sup> It follows that an  
2 offender is no longer “convicted” only if that original finding of guilt is nullified in  
3 some way. The 2008 Guidelines demonstrate this precise understanding when they  
4 state that “revers[ing], vacat[ing], or set[ting] aside” a predicate conviction normally  
5 relieves an offender of any registration obligation under SORNA. 73 Fed. Reg. at  
6 38050. Under the ordinary meaning of each of those terms, the predicate conviction  
7 is effectively nullified, so the individual is no longer “convicted” of a sex offense  
8 within the meaning of § 20911(1).<sup>31</sup>

9 In arguing that the meaning of “convicted” in SORNA depends on state law

10  
11 U.S. 281, 296 (2018). The Court should thus reject Plaintiffs’ invitation to apply  
12 such doctrines. *Cf.* P.Br. 27.

13 <sup>30</sup> *Cf.* Black’s Law Dictionary (“Black’s”) 358 (8th ed. 2004) (“convict” means “[t]o  
14 find (a person) guilty of a criminal offense upon a criminal trial, a plea of guilty, or  
15 a plea of nolo contendere (no contest)”; Merriam-Webster’s Collegiate Dictionary  
16 274 (11th ed. 2003) (“convict” means “to find or prove to be guilty”); *accord*  
17 Random House Dictionary of the English Language 445 (unabridged 2d ed. 1987)  
18 (“convict” means “to prove or declare guilty of an offense, esp. after a legal trial”).

19 <sup>31</sup> The term “vacate” generally means “to make legally void: ANNUL,” Merriam-  
20 Webster’s Collegiate Dictionary 1380; *cf.* Random House Dictionary 2100 (“to  
21 render inoperative; deprive of validity; void; annul: *to vacate a legal judgment*”);  
22 Black’s 1584 (“[t]o nullify or cancel; make void; invalidate <the court vacated the  
23 judgment>”). The term “reverse” generally means “NEGATE, UNDO: as **a** : to  
24 overthrow, set aside, or make void (a legal decision) by a contrary decision,”  
25 typically on appeal; *cf.* Merriam-Webster’s Collegiate Dictionary 1067; Random  
26 House Dictionary 1647 (“to revoke or annul (a decree, judgment, etc.): *to reverse*  
27 *a verdict*”); Black’s 1344 (“[t]o overturn (a judgment) on appeal”). The term “set  
28 aside” generally means, in reference to a court order, “to annul or vacate (a  
judgment, order, etc.” Black’s 1404. Similarly, a pardon on the ground of  
innocence—the other circumstance identified in the 2008 Guidelines as relieving a  
registration obligation based on the meaning of “convicted”—recognizes that the  
underlying finding of guilt was erroneous at the outset. Other forms of pardon, on  
the other hand, “carr[y] an imputation of guilt,” or even “a confession of it.” *Healey*  
*v. United States*, 186 F.2d 164, 167 (9th Cir. 1950).

1 rather than the term’s ordinary meaning, Plaintiffs suggest that SORNA’s  
2 “regulatory scheme relies on state law to supply the predicate convictions for its  
3 registration requirements.” P.Br. 25. But they are wrong. The case they cite, *Carr v.*  
4 *United States*, 560 U.S. 438 (2010), did not address predicate convictions at all,  
5 instead simply observing that, consistent with the Commerce Clause, SORNA  
6 allows for federal *enforcement* only when the predicate conviction is federal or a  
7 state offender has traveled interstate. *Id.* at 453. And in fact, SORNA does not leave  
8 the definition of predicate convictions to the discretion of states but expressly defines  
9 “sex offense,” 34 U.S.C. § 20911(5)-(8), and defines Tier II and Tier III offenders  
10 based in part on whether their offense is “comparable to or more severe than”  
11 specified federal crimes, *id.* § 20911(3)-(4).<sup>32</sup>

12 The weight of authority also contradicts Plaintiffs’ view. Both the Supreme  
13 Court and the Ninth Circuit have recognized in other contexts that federal law  
14 generally determines the meaning of federal statutory terms—including “convicted.”  
15 *Dickerson v. New Banner Inst.*, 460 U.S. 103, 111-12 (1983) (“Whether one has  
16 been ‘convicted’ within the language of the gun control statutes is necessarily . . . a  
17 question of federal, not state, law,” which “makes for desirable national uniformity  
18 unaffected by varying state laws, procedures, and definitions of ‘conviction.’”);  
19 *United States v. Sherbondy*, 865 F.2d 996, 1004–05 (9th Cir. 1988) (concluding,  
20 even after *Dickerson*’s ruling was superseded through statutory amendment, that  
21 federal law still governs unless the federal statute at issue provides otherwise);  
22 *United States v. Maupin*, 520 F.3d 1304, 1306 (11th Cir. 2008) (“[t]he meaning of  
23 the word ‘conviction’ in a federal statute is a question of federal law unless Congress  
24 provides otherwise.” (citing *Dickerson*, 460 U.S. at 119)). At least one district court

25 \_\_\_\_\_  
26 <sup>32</sup> In citing Substantial Implementation Review assessments, Plaintiffs concede that  
27 state law offenses must be compared to the federal offenses expressly identified in  
28 SORNA, 34 U.S.C. § 20911(3), (4), to determine a state offender’s SORNA tier.  
[ECF 131-4 SUF 11, 19, 28.] Congress thereby sought to apply SORNA’s  
obligations uniformly across jurisdictions.

1 has expressly applied this authority to SORNA, concluding that “convicted” has a  
2 standard federal meaning, consistent with SORNA’s purpose to “make [sex offender  
3 registration requirements] more uniform” across jurisdictions.” *United States v.*  
4 *Grant*, No. 1:17-CR-236, 2018 WL 4516008, at \*10–14 (N.D. Ga. July 4, 2018),  
5 *R&R adopted*, 2018 WL 4140870 (N.D. Ga. Aug. 30, 2018). Finally, the 2008  
6 Guidelines also explained that, “[c]onsistent with SORNA’s purpose to establish ‘a  
7 comprehensive national system for the registration of [sex] offenders,’” “the  
8 meaning of ‘convicted’ for purposes of SORNA is a matter of federal law, and its  
9 applicability is not determined by the terminology a jurisdiction uses in referring to  
10 the disposition of a criminal case.” 73 Fed. Reg. at 38040 (quoting 34 U.S.C.  
11 § 20901). Plaintiffs’ proposal that the meaning of “convicted” in SORNA varies  
12 based on state law therefore should be rejected.<sup>33</sup>

13 Plaintiffs’ dispute—though it goes beyond anything addressed in the Rule or  
14 the 2008 Guidelines—thus boils down to whether Doe 2’s § 1203.4 relief, together  
15 with his certificate of rehabilitation, served to nullify his original conviction. But the  
16 answer to that question is clearly no. California law makes clear that those who  
17 receive relief under § 1203.4 must continue to register unless they are entitled to  
18 relief from registration pursuant to Cal. Penal Code § 290.5, or they are “exonerated”  
19 pursuant to Cal. Penal Code § 3007.05(e). Cal. Penal Code § 290.007; *see also* PI  
20 Order at 46 (listing numerous other consequences of conviction that continue after  
21 § 1203.4 relief). Section 1203.4, by itself, thus does not change a person’s status as  
22 “convicted,” and required to register pursuant to § 290(c)(1), even under California

23  
24 <sup>33</sup> Contrary to Plaintiffs’ suggestion, SORNA’s omission of an FBI registration  
25 option when a state lacks “a minimally sufficient sexual offender registration  
26 program” is not an express indication that state law governs. P.Br. 26 n.26 (quoting  
27 *Carr*, 560 U.S. at 453 n.7). By the time SORNA was enacted, all jurisdictions had  
28 “minimally sufficient” sex offender registries, *Carr*, 560 U.S. at 453 n.7, and  
SORNA’s affirmative defense more broadly addresses situations where  
“uncontrollable circumstances” prevent registration. 18 U.S.C. § 2250(c).

1 law, nor does it “render the conviction a legal nullity,” as would be required to  
2 change an offender’s status under SORNA. *Jennings v. Mukasey*, 511 F.3d 894, 898-  
3 99 (9th Cir. 2007) (also stating § 1203.4 “does not, properly speaking, ‘expunge’ the  
4 prior conviction”); *Meyer v. Bd. of Med. Exam’rs*, 34 Cal. 2d 62, 67, 206 P.2d 1085,  
5 1088 (1949) (holding § 1203.4 did not “purge [an individual] of the guilt inherent  
6 [in his prior conviction]”). Nor does a certificate of rehabilitation change that fact.  
7 Such relief is merely “a ‘judicial recommendation for a pardon’ under California  
8 law,” in recognition of an offender’s rehabilitation, “not a pardon itself or its  
9 equivalent,” and not a recognition that the original conviction is a nullity. *See* PI  
10 Order 48 (quoting *People v. Ansell*, 25 Cal. 4th 868, 891 (2001)).<sup>34</sup> Defendants are  
11 entitled to judgment on this claim.

12 **V. Plaintiffs Fail to Establish a Due Process Violation (Count III)**

13 Defendants are also entitled to judgment on Plaintiffs’ procedural due process  
14 claim. Procedural due process prohibits deprivation of a protected liberty or property  
15 interest without “adequate procedural protections,” *Kildare v. Saenz*, 325 F.3d 1078,  
16 1085 (9th Cir. 2003), which essentially consist of “notice and an opportunity to  
17 respond,” *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 546 (1985). Because  
18 offender registration, by itself, does not implicate due process, *Conn. Dep’t of Pub.*  
19 *Safety v. Doe*, 538 U.S. 1, 5–8 (2003); *United States v. Fernandes*, 636 F.3d 1254,

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20  
21 <sup>34</sup> Plaintiffs make much of the examples identified in the 2008 Guidelines of state  
22 formulations that would not nullify a conviction, such as laws that continue to  
23 subject an offender to “penal consequences” or that “limit[] the publicity or  
24 availability of a conviction” but do not “deprive it of continuing legal validity,” 73  
25 Fed. Reg. at 38050. But those examples do not reflect a “shifting” position, P.Br.  
26 25 n.25; rather, in each instance, the underlying conviction has not been nullified.  
27 Plaintiffs’ repeated use of the term “expungement” also has no bearing on the  
28 meaning of “convicted” and simply confuses the issue. *United States v. Crowell*,  
374 F.3d 790, 792–94 (9th Cir. 2004) (clarifying that the term “expunge” generally  
does not mean setting aside or nullifying a conviction but instead refers to the  
destruction or sealing of court records).

1 1257 (9th Cir. 2011), Plaintiffs’ claim must be limited to the prospect of criminal  
2 prosecution under 18 U.S.C. § 2250. Yet Plaintiffs have not raised a due process  
3 challenge to § 2250 itself. Instead, as described above, Plaintiffs assert that an  
4 explanatory statement in the Rule, set forth in § 72.7(g), “presume[s] that defendants  
5 voluntarily failed to register . . . until they prove otherwise.” P.Br. 17. However,  
6 § 72.7(g)(2) simply states that nothing in § 72.7(g)(1) changes a sex offender’s  
7 “need to establish” the affirmative defense set forth in 18 U.S.C. § 2250(c). 28  
8 C.F.R. § 72.7(g)(2). The regulation does not affect the statutory allocation of  
9 burdens. 86 Fed. Reg. at 69882 (§ 72.7(g) does not “shift” burdens). Plaintiffs point  
10 to nothing in the Rule suggesting otherwise, nor do they identify any SORNA  
11 prosecution where a court shifted applicable burdens because of § 72.7(g). Plaintiffs’  
12 claim thus rests on a fallacy and fails for that reason alone.

13 Even if construed as challenging § 2250 itself, Plaintiffs’ claim fails. Any  
14 facial challenge fails because Plaintiffs identify no due process concerns in situations  
15 where offenders’ registration jurisdictions would allow them to register as SORNA  
16 requires. Plaintiffs rely on a line of cases culminating with *Patterson v. New York*,  
17 432 U.S. 197 (1977), addressing whether state criminal laws impermissibly shift to  
18 the defendant the burden of proving an element of the offense. But those cases  
19 examined the text of the criminal statutes at issue to ensure that “the prosecution  
20 [must] prove beyond a reasonable doubt all of the elements of the offense of which  
21 the defendant is charged,” and that a “legislature” has not “declare[d] an individual  
22 guilty or presumptively guilty of a crime.” *Id.* at 210.

23 Here, § 2250(a) by its plain terms requires the government to prove every  
24 element of the offense described, including that a defendant “fail[ed] to register” as  
25 SORNA requires, and that he did so “knowingly.” 18 U.S.C. § 2250(a). Plaintiffs  
26 read into § 2250(a) the notion that a failure to register—which they call the “actus  
27 reus”—must be “voluntary.” P.Br. 17. However, even if this notion is correct (and  
28 Plaintiffs cite no authority addressing voluntariness in connection with § 2250(a)),



1 § 2250(a)(3) indisputably describes voluntary conduct—failing to register as  
2 required by SORNA—when considered on its face. Indeed, courts have recognized  
3 that “[t]he voluntary act requirement is a narrow one, removing only truly  
4 uncontrollable physical acts from criminal liability, and is easily satisfied even when  
5 a person acts under duress,” in self-defense, or due to an “irresistible impulse”  
6 caused by insanity. *Takacs v. Engle*, 768 F.2d 122, 126-27. (6th Cir. 1985); *see State*  
7 *ex rel. Kuntz v. Montana Thirteenth Jud. Dist. Ct.*, 995 P.2d 951, 959 (omission to  
8 perform a legal duty is voluntary if offender would be “physically capable of  
9 performing” it). Even considered as-applied, Plaintiffs are not unable to register due  
10 to physical incapacity. Rather, their inability stems from external circumstances  
11 beyond their control—no different, in a legal sense, from any other “uncontrollable  
12 circumstance” that properly falls within the affirmative defense in § 2250(c).

13       Though Plaintiffs suggest that “the law cannot punish the impossible,” P.Br.  
14 18, neither of the two civil cases they cite addresses allocation of burdens in a  
15 criminal case. Contrary to Plaintiffs’ suggestion, impossibility is commonly an  
16 affirmative defense.<sup>35</sup> By contrast, Plaintiffs identify no criminal law that, by its  
17 terms, places the burden on prosecutors to disprove impossibility, much less a  
18 longstanding tradition of doing so. *Cf. Patterson*, 432 U.S. at 210 (“Traditionally,  
19 due process has required that only the most basic procedural safeguards be  
20 observed,” with “more subtle balancing” left to legislatures). Here, Congress  
21 established the affirmative defense in § 2250(c) to ensure that offenders will not be  
22 punished for failing to do what “uncontrollable circumstances” prevented them from  
23 doing. Nor is the burden of establishing a § 2250(c) affirmative defense onerous for  
24

25 \_\_\_\_\_  
26 <sup>35</sup> *See, e.g.*, 18 U.S.C. §§ 1204(c)(3) (impossibility defense to international parental  
27 kidnapping); 3146(c) (“uncontrollable circumstances” affirmative defense to bail  
28 jumping); Ninth Circuit Model Criminal Jury Instruction 24.20 (2022); *People v.*  
*Cressey*, 2 Cal.3d 836, 844 (1970) (inability to pay child support would be  
affirmative defense to violation of Cal. Penal Code § 270).

1 those who, like Plaintiffs, have documentation that they have been removed from  
2 the California registry. DSUF 181; Segal Decl. ¶ 8.

3 Courts have intervened in statutorily allocated burdens only in narrow  
4 circumstances not present here. Failing to comply with a known legal duty—the  
5 offense described in § 2250(a)—is not a “status” akin to the drug addiction addressed  
6 in *Robinson v. California*, 370 U.S. 660, 666-67 (1962) (reversing conviction on  
7 Eighth Amendment grounds), nor does it lead to a presumption of guilt based on  
8 “mere proof of the identity of the accused,” *Patterson*, 432 U.S. at 210. Indeed, the  
9 Supreme Court recently emphasized its prior refusal to extend *Robinson*’s “narrow  
10 holding” to “‘involuntary’ acts,” and suggested that courts should instead consider  
11 that “a variety of other legal doctrines and constitutional provisions work to protect  
12 those in our criminal justice system from a conviction”—including the availability  
13 of affirmative defenses. *City of Grants Pass v. Johnson*, 144 S. Ct. 2202, 2220 (2024)  
14 (citing *Powell v. Texas*, 392 U.S. 514, 534-35 (1968)).

15 A due process assessment of § 2250 should conclude that the affirmative  
16 defense identified in § 2250(c) provides adequate procedural protection by allowing  
17 an offender to raise *any* “uncontrollable circumstances” that might have prevented  
18 him from registering as SORNA required. *See* 18 U.S.C. § 2250(c)(1). In most if not  
19 all instances, the offender is best equipped to know whether such circumstances exist  
20 and what they are—a relevant factor when assigning burdens, as Plaintiffs concede,  
21 P.Br. 18 n.15. Here, for example, Plaintiffs possess official documentation showing  
22 their removal from California’s registry. DSUF 181. The statute’s facial allocation  
23 of burdens makes sense, and Plaintiffs offer no principled distinction between  
24 offenders who cannot register because California will not let them, and other  
25 offenders who cannot register due to some other “uncontrollable circumstance.”  
26 Under Plaintiffs’ logic, prosecutors would have to prove the absence of every  
27 conceivable circumstance that might make a violation unavoidable, and indeed,  
28 every affirmative defense would violate due process as applied to anyone able to

1 invoke it. But that is not the law. *Patterson*, 432 U.S. at 210 (“Proof of the  
2 nonexistence of all affirmative defenses has never been constitutionally required.”).

3 Although the Court issued a preliminary injunction based on Plaintiffs’ due  
4 process claim, it should rule for Defendants at summary judgment. In addition to the  
5 problems with Plaintiffs’ position described above, the PI Order misconstrued  
6 applicable case law. First, the Order erroneously read Ninth Circuit authority as  
7 bolstering Plaintiffs’ due process claim. *See* PI Order at 26. But the two cited cases  
8 simply held that, where prosecutors had proven the defendant knew he was required  
9 to register under state law, they need not prove that the defendant *also* knew he was  
10 required to register under SORNA. *See United States v. Crowder*, 656 F.3d 870,  
11 876-77 (9th Cir. 2011) (government must prove “that a convicted sex offender knew  
12 of a registration requirement and knowing failed ‘to register or update a  
13 registration’”); *United States v. Elkins*, 683 F.3d 1039, 1041 & n.2, 1050 (9th Cir.  
14 2012) (rejecting defendant’s due process defense where defendant was informed of  
15 lifetime registration obligation under state law and of obligations if he moved to  
16 another state). Nothing in *Crowder* or *Elkins* relieves the government of proving a  
17 defendant’s knowledge. Thus, if the only registration requirements at issue are  
18 federal, the government would have to prove knowledge of a requirement to register  
19 under federal law (SORNA)—a task that would likely be more difficult when—as  
20 is the case for Doe 2-4 here—a defendant has received express notice that he is *not*  
21 required to register under California law. In that situation, the mens rea requirement  
22 provides enhanced procedural protection and mitigates any due process concerns,  
23 just as Defendants have previously argued. Def. PI Opp. at 20; *cf. Vill. of Hoffman*  
24 *Ests. v. Flipside*, 455 U.S. 489, 499 (1982).<sup>36</sup>

25  
26  
27  
28 <sup>36</sup> Though Plaintiffs claim they “are left wondering whether and how often they must  
call to see if registration policy has changed,” P.Br. 18 n.16, the mens rea  
requirement ensures that the government bears the burden to prove a sex offender  
became aware of any such change.



1 Second, the PI decision erroneously conflated the concept of “fair notice,” as  
2 discussed in a Sixth Circuit vagueness analysis, with the “knowing” mens rea  
3 requirement in § 2250(a). But the former has no bearing on the latter. The Sixth  
4 Circuit concluded that the language of § 2250(a) was sufficiently clear that “a person  
5 of ordinary intelligence” who read it would understand (have “fair notice” of) what  
6 the statute prohibits. *See Willman.*, 972 F.3d at 827; *cf. United States v. Alexander*,  
7 480 F. Supp. 3d 988, 998 (N.D. Cal. 2020) (vagueness is “an objective inquiry” that  
8 does not ask “whether the person being prosecuted . . . *actually* received a warning  
9 that alerted him or her that their behavior was subject to the statute”). By contrast,  
10 in a criminal prosecution (which *Willman* was not), prosecutors would have to prove  
11 beyond a reasonable doubt that the *defendant* knew he was required to register and  
12 failed to do so. Neither *Willman* nor the Sixth Circuit’s earlier decision in *United*  
13 *States v. Felts*, 674 F.3d 599, 605 (6th Cir. 2012), suggests that due process requires  
14 judicial re-writing of the allocation of burdens in § 2250. Rather, if anything, *Felts*’  
15 rejection of a due process claim in the context of a specific prosecution shows why  
16 Plaintiffs’ due process claim here is unripe. The notion that Plaintiffs face  
17 prosecution under § 2250(a) in a manner that would violate their due process rights  
18 “remains entirely hypothetical.” *HSH, Inc. v. City of El Cajon*, 44 F. Supp. 3d 996,  
19 1004-05 (S.D. Cal. 2014). Indeed, the record before the Court suggests instead that  
20 Plaintiffs could so easily establish an affirmative defense under § 2250(c) that it  
21 would hardly make sense for prosecutors to bring charges in the first place (and, as  
22 mentioned above, nothing in the record suggests charges are typical in such  
23 circumstances). Plaintiffs fail to show that any additional process is necessary.  
24 Rather, the affirmative defense provides adequate due process protection.

25 **VI. The Rule’s Internet Identifier Requirement Does Not Violate the First**  
26 **Amendment (Count IV)**

27 Defendants also should be granted judgment on Plaintiffs’ First Amendment  
28 challenge to the Rule’s requirement that sex offenders provide registries with

1 Internet identifiers. *See* 28 C.F.R. § 72.6(b). As described above, in the 2008 KIDS  
2 Act, Congress specifically directed the Attorney General to require sex offenders to  
3 report this information, while also mandating that identifiers be exempted from  
4 public website posting. 34 U.S.C. § 20916(a), (c), (e)(2). Restating the same  
5 regulatory requirement that has been in effect since 2008, the Rule requires offenders  
6 to report identifiers used in “internet . . . communications or postings.” 28 C.F.R.  
7 § 72.6(b). SORNA’s structure ensures that the federal government will only receive  
8 identifier information that state registries actually collect—though California does  
9 not transmit identifiers to the federal government in any event. Segal Decl. ¶ 5.

10 The identifier reporting requirement satisfies applicable intermediate scrutiny  
11 under the First Amendment because it is “narrowly tailored to serve a significant  
12 governmental interest,” and “leave[s] open ample alternative channels for  
13 communication of the information.” *See Doe v. Harris*, 772 F.3d 563, 576-77 (9th  
14 Cir. 2014) (internal quotation omitted). The Ninth Circuit recognizes that the  
15 government “has a substantial interest in protecting vulnerable individuals,  
16 particularly children, from sex offenders, and the use of the Internet to facilitate that  
17 exploitation is well known.” *Id.* at 577; *cf.* DSUF 36-41 (describing enactment of  
18 KIDS Act and material supporting compelling governmental interest). The identifier  
19 reporting requirement serves the same important interests that other SORNA  
20 reporting requirements serve, including deterrence and allowing law enforcement to  
21 identify and track sex offenders when warranted—here in the digital rather than  
22 physical realm, and limited to contexts where offenders use identifiers to  
23 “communicat[e] or post[.]” *See Cox v. Garland*, No. CV 22-511, 2023 WL 3476996,  
24 at \*5 (D.D.C. Apr. 26, 2023) (“By keeping track of sex offenders’ whereabouts and  
25 routinely monitoring them, SORNA is intended to help law enforcement prevent the  
26 commission of sex crimes against minors, successfully investigate these crimes, and  
27 apprehend the perpetrators of such crimes.” (citing 86 Fed. Reg. at 69871-74)), *aff’d*,  
28 No. 23-5108, 2023 WL 7261384 (D.C. Cir. Oct. 31, 2023); *United States v. Wass*,

1 954 F.3d 184, 192–93 (4th Cir. 2020) (“Congress intended SORNA’s registration  
2 requirements . . . to keep track of sex offenders.”).

3 The requirement is thus narrowly tailored because it “promotes a substantial  
4 government interest that would be achieved less effectively absent the regulation,”  
5 *Ward v. Rock Against Racism*, 491 U.S. 781, 799 (1989)): Absent the requirement,  
6 law enforcement would face greater difficulty connecting online evidence to  
7 registered offenders. 86 Fed. Reg. at 69872; 73 Fed. Reg. at 38055. Even so, access  
8 to and use of such information is limited. *See* 34 U.S.C. § 20916(a), (c). The  
9 requirement does not prohibit any communication or post, nor does it expose  
10 offenders’ identities to the public. *See id.* It thus leaves open ample channels for  
11 communication, including anonymous communication vis-à-vis the public.

12 Plaintiffs’ arguments to the contrary rely on speculative and vague notions  
13 about the impact of a requirement that none of them ever have complied with and—  
14 barring some speculative change in California law—never will. For the same reasons  
15 their asserted subjective chill fails to support their standing, *supra* pp. 19-20, it also  
16 fails to show that the requirement burdens “substantially” more speech than  
17 necessary. Plaintiffs now concede that the Rule provision is “not identical” to the  
18 state law struck down in *Harris*, P.Br. 20. Those differences support the conclusion  
19 that the Rule provision here is narrowly tailored. First, as this Court already  
20 recognized, the Rule provision contains none of the inconsistencies or ambiguities  
21 present in the state law at issue in *Harris*, 772 F.3d at 578-79. *See* PI Op. at 33  
22 (agreeing Rule is “more tailored to ‘interactive communication’”). The statutory and  
23 regulatory language specifies a narrow category of identifiers to be reported—those  
24 an offender “uses” to identify himself in a website post or route a communication to  
25 a recipient. 28 C.F.R. § 72.6. The Court questioned whether identifiers used for  
26 “online chats” with a merchant’s customer service were covered, PI Op. at 33, but  
27 neither the Court nor Plaintiffs have identified a single merchant that requires a  
28

1 unique Internet identifier for such a purpose—a notion that is far from certain.<sup>37</sup> The  
2 Court also questioned the meaning of “routing,” but in conjunction with the term  
3 “designation” (which means “name” or “label”), the term “routing” clearly refers to  
4 e-mail or instant messaging addresses or any similar personal identifier that serves  
5 to “route” a communication from the sender to a recipient. While IP addresses may  
6 “route” data, they identify computer locations, not individuals, so they are not  
7 included. *Cf.* 86 Fed. Reg. at 69862; 73 Fed. Reg. at 38055.<sup>38</sup> The category of  
8 identifiers covered is thus not “vague” as Plaintiffs suggest (though Plaintiffs raise  
9 no vagueness claim). Considering that online sexual exploitation occurs through a  
10 wide variety of online platforms, including gaming and e-commerce websites as well  
11 as social networking, DSUF 40, the reporting requirement would be less effective if  
12 did not extend to all identifiers used for communication or posting.<sup>39</sup>

13 The Court has already recognized that the Rule has “less significant”  
14 implications for anonymous speech, due to its prohibitions on public disclosure, and

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15 <sup>37</sup> Such communications might instead take place within an existing online merchant  
16 or social media account (where one is already identified by name and email, which  
17 are already subject to reporting) or on a website where no identifier is required at all.

18 <sup>38</sup> The Court concluded that the Rule’s requirement of “all” such designations,  
19 including “telephonic,” appeared broader than the 2008 Guidelines, PI Op. at 33, but  
20 the Guidelines also required “all” such designations as well as telephone numbers,  
21 73 Fed. Reg. at 38055. Neither the Court nor Plaintiffs identify any real difference  
22 between the Guidelines and the Rule in this regard. Moreover, Plaintiffs have not  
23 identified any injury relating to the requirement to provide telephone numbers—  
24 which each of them already provided for years to the California registry, apparently  
25 without experiencing any communicative “chill” as a result. Segal Decl. Ex. B  
26 (identifying telephone number as information California collects). Nor do Plaintiffs  
27 suggest that, to the extent the Rule covers identifiers used for online gaming or  
28 virtual reality platforms, it exceeds what the First Amendment would permit. To the  
contrary, the use of such platforms for child exploitation purposes is well  
established. *See, e.g.*, DSUF 40.

<sup>39</sup> Of course, registrants would not need to provide an update if no new identifier  
were used, and many platforms—such as Facebook, LinkedIn, Instagram, etc.—  
simply use names and e-mail addresses, *e.g.*, DSUF 162,

1 that it is “less burdensome than the problematic 24-hour update provision in *Harris*  
2 in multiple respects.” PI Op. at 34-35; *cf. Harris*, 772 F.3d at 581-82 (referring  
3 favorably to another jurisdiction’s 72-hour reporting window); 86 Fed. Reg. at  
4 69880 (identifier changes may be reported within three business days by any means  
5 a jurisdiction allows). Although the Court noted the Ninth Circuit’s concern in  
6 *Harris* that the former state provision at issue applied “in an across-the-board  
7 fashion,” the Rule’s uniform application of the Internet identifier requirement to all  
8 SORNA registrants is justified, particularly given the low burden that it imposes, the  
9 existing protections regarding the government’s disclosure and use of identifiers,  
10 and the narrow class of offenders subject to SORNA in the first place. *See* 34 U.S.C.  
11 § 20911(5)-(7) (mainly requiring registration by persons convicted of sexually  
12 violent crimes or crimes involving sexual abuse or exploitation of children). The  
13 governmental interest in keeping track of such sex offenders is equally, if not more,  
14 significant in the digital context as in the physical world. As discussed, Internet  
15 identifiers may be used on a wide variety of platforms in the commission of child  
16 exploitation and other sex crimes, and identifiers may help law enforcement in  
17 investigating and preventing such crimes.<sup>40</sup> Accordingly, judgment should be  
18 granted to Defendants on this claim.

### 19 CONCLUSION

20 For the foregoing reasons, summary judgment should be entered in favor of  
21 Defendants, and Plaintiffs’ motion should be denied.

22  
23  
24 <sup>40</sup> Like Plaintiffs’ First Amendment claim generally, this issue has little, if any, real-  
25 world import in California because California only collects Internet identifiers from  
26 a subcategory of offenders based on a court order. Cal. Penal Code § 290.024.  
27 Plaintiffs do not fall in this subcategory, and their claim should be dismissed as  
28 prudentially unripe if not on jurisdictional grounds as discussed above. *Colwell v.*  
*HHS*, 558 F.3d 1112, 1128–29 (9th Cir. 2009) (dismissing claim as unripe where  
postponing review imposed no “immediate, direct, and significant” hardship).

1 Dated: January 17, 2025

Respectfully submitted,

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10  
11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**

13  
14 DOE #2 et al.,

15 Plaintiffs,

16 v.

17 U.S. DEPARTMENT OF JUSTICE  
18 et al.,

19 Defendants.  
20  
21  
22  
23

NO. 5:22-CV-855-JGB-SP

**DEFENDANTS’ STATEMENT OF  
UNDISPUTED FACTS  
(Redacted)**

Hearing Date: April 28, 2025  
Hearing Time: 9:00 a.m.  
Courtroom: Riverside, Courtroom 1  
Honorable Jesus G. Bernal  
United States District Judge

Pursuant to Federal Rule of Civil Procedure 56, Local Civil Rule 56-1, and this Court’s Standing Order [ECF 9], Defendants set forth below Defendants’ Statement of Undisputed Facts in support of their Cross-Motion for Summary Judgment, filed concurrently herewith, and in opposition to Plaintiffs’ Motion for Summary Judgment [ECF 131].

Def.’ SUF No.	Def.’ Asserted Fact	Supporting Evidence
1.	In 2006, Congress enacted the Sex Offender Registration and Notification Act (“SORNA”) as part of the Adam Walsh Child Protection and Safety Act.	SORNA, Pub. L. No. 109-248, §§ 102-155, 120 Stat. 587 (2006); PI Order [ECF 55], at 3.
2.	Congress has sought “to combat sex crimes and crimes against children through sex-offender registration schemes” since 1994, when it enacted the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (“Wetterling Act”).	<i>Gundy v. United States</i> , 588 U.S. 128, 132 (2019) (plurality); Wetterling Act, Pub. L. No. 103-322, 108 Stat. 2038 (1994).
3.	By 1996, a decade before SORNA’s enactment, all 50 states and the District of Columbia had their own sex offender registration system in place “to monitor the whereabouts of individuals previously convicted of sex crimes.”	<i>Nichols v. United States</i> , 578 U.S. 104, 106 (2016); <i>cf.</i> H.R. Rep. 109-218(I) at 28 (2005); H.R. Rep. 105-256 at *6 (1997); <i>Smith v. Doe</i> , 538 U.S. 84, 90 (2003); <i>Carr v. United States</i> , 560 U.S. 438, 453 n.7 (2010); <i>Gundy</i> , 588 U.S. at 132 (plurality).
4.	However, these systems remained “a patchwork” of varying requirements, “with loopholes and deficiencies that had resulted in an estimated 100,000 sex offenders becoming ‘missing’ or ‘lost,’” particularly when moving to another	PI Order at 3 (quoting <i>Nichols</i> , 578 U.S. at 111-12); H.R. 109-218(I), at 20, 23-24, 26 (2005).

	state.	
5.	Congress’s purpose in enacting SORNA was to address these loopholes and deficiencies by establishing “a comprehensive national system for the registration of [sex] offenders” that would make “‘more uniform and effective’ the prior ‘patchwork’ of sex-offender registration systems” and enhance the ability to keep track of sex offenders when they move to a different jurisdiction for residence, work, or study.	<i>Gundy</i> , 588 U.S. at 132-33 (plurality) (quoting <i>Reynolds v. United States</i> , 565 U.S. 432, 435 (2012)); accord PI Order at 3; <i>Nichols</i> , 578 U.S. at 111-12; 34 U.S.C. § 20901; Pub. L. No. 114-119, § 2, 130 Stat. 15 (2016); H.R. 109-218(I), at 20, 23-24, 26-27 (2005); cf. <i>United States v. Wass</i> , 954 F.3d 184, 192–93 (4th Cir. 2020) (“Congress intended SORNA’s registration requirements to create a non-punitive regulatory framework to keep track of sex offenders.”).
6.	Through SORNA, Congress sought to address “the growing epidemic of sexual violence against children.”	H.R. Rep. 109-218(I), at 20 (2005).
7.	“By keeping track of sex offenders’ whereabouts and routinely monitoring them, SORNA is intended to help law enforcement prevent the commission of sex crimes against minors, successfully investigate these crimes, and apprehend the perpetrators of such crimes.”	<i>Cox v. Garland</i> , No. CV 22-511, 2023 WL 3476996, at *5 (D.D.C. Apr. 26, 2023) (citing 86 Fed. Reg. at 69871-74)), <i>aff’d</i> , No. 23-5108, 2023 WL 7261384 (D.C. Cir. Oct. 31, 2023).
8.	SORNA defines “sex offender” as “an individual who was convicted of a sex offense.”	34 U.S.C. § 20911(1).
9.	The ordinary meaning of “convicted” is to have been found guilty of a criminal offense.	Black’s Law Dictionary (“Black’s”) 358 (8th ed. 2004) (“convict” means “[t]o find (a person) guilty of a criminal offense upon a criminal trial, a plea of guilty, or a plea of nolo contendere (no contest)”); Merriam-Webster’s Collegiate

		<p>Dictionary 274 (11th ed. 2003) (“convict” means “to find or prove to be guilty”); <i>accord</i> Random House Dictionary of the English Language 445 (unabridged 2d ed. 1987) (“convict” means “to prove or declare guilty of an offense, esp. after a legal trial”).</p>
<p>10.</p>	<p>A finding of guilt can be nullified if it is deemed legally void ab initio due to reversal on appeal or vacatur, or if the convicted person is pardoned on the ground of innocence.</p>	<p>Merriam-Webster’s Collegiate Dictionary 1380 (defining “vacate” as “to make legally void: ANNUL”); Random House Dictionary 2100 (defining “vacate” as “to render inoperative; deprive of validity; void; annul: <i>to vacate a legal judgment</i>”); Merriam-Webster’s Collegiate Dictionary 1067 (defining “reverse” as “NEGATE, UNDO: as <b>a</b> : to overthrow, set aside, or make void (a legal decision) by a contrary decision,” typically on appeal); Random House Dictionary 1647 (defining “reverse” as “to revoke or annul (a decree, judgment, etc.): <i>to reverse a verdict</i>”); Black’s 1344 (defining “reverse” as “[t]o overturn (a judgment) on appeal”); Black’s 1404 (defining “set aside” as “to annul or vacate (a judgment, order, etc.)”).</p>
<p>11.</p>	<p>No individual plaintiff in this case (Doe #2, Doe #3, or Doe #4) has had his sex offense conviction nullified under California law.</p>	<p>Doe #2 Decl. Ex. A [ECF 131-5, at 11]; Cal. Penal Code § 1203.4(a)(1)-(3) (version eff. Jan. 1, 2012 to Dec. 31, 2013); <i>Jennings v. Mukasey</i>, 511 F.3d 894, 898-99 (9th Cir. 2007) (relief under § 1203.4 does not “render</p>

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		<p>the conviction a legal nullity” and “does not, properly speaking, ‘expunge’ the prior conviction”); <i>Meyer v. Bd. of Med. Exam’rs</i>, 34 Cal. 2d 62, 67, 206 P.2d 1085, 1088 (1949) (holding § 1203.4 did not “purge [an individual] of the guilt inherent [in his prior conviction]”).</p> <p>Doe #3 Decl. Ex. C [ECF 131-6, at 18]; Cal. Penal Code § 290.5; Doe #3 Depo. 32:7-33:10 [Exhibit 2 to Declaration of Kathryn L. Wyer in Support of Defendants’ Motion for Summary Judgment (“Wyer SJ Decl.”), filed concurrently herewith] (Doe #3’s registration obligation under California law was terminated pursuant to his petition under Cal. Penal Code § 290.5 because his minimum registration period had expired).</p> <p>Doe #4 Decl. Ex. C [ECF 131-7, at 26]; (Doe #4’s registration obligation under California law was terminated pursuant to his petition under Cal. Penal Code § 290.5 because his minimum registration period had expired).</p>
12.	SORNA sets forth a statutory definition of “sex offense” in 34 U.S.C. § 20911(5)-(8) and defines three tiers of sex offenders in 34 U.S.C. § 20911(2)-(4) in part based on whether their offense “is comparable to or more severe than”	34 U.S.C. § 20911(2)-(8).

	specified federal offenses.	
13.	SORNA requires sex offenders to “register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student.”	34 U.S.C. § 20913(a)
14.	SORNA defines “jurisdiction” to include states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the United States Virgin Islands, and certain federally recognized Indian tribes.	34 U.S.C. § 20911(10).
15.	SORNA sets forth a list of information that a sex offender must provide to a relevant jurisdiction’s sex offender registry, including the sex offender’s name, alias, social security number, address, name and address of place of employment, name and address of place where the sex offender is a student, vehicle description and license plate number, and “[a]ny other information required by the Attorney General.”	34 U.S.C. § 20914(a).
16.	SORNA identifies full registration periods for sex offenders depending on their tiers: Tier I offenders’ full registration period is 15 years; tier II sex offenders’ full registration period is 25 years; and tier III sex offenders’ registration period is the life of the offender.	34 U.S.C. § 20915(a).
17.	SORNA allows a sex offender’s full registration period to be reduced only when an offender qualifies for	34 U.S.C. § 20915(b).



	a “clean record” reduction as set forth in 34 U.S.C. § 20915(b).	
18.	SORNA directs the Attorney General to maintain a “national database,” to be known as the National Sex Offender Registry (“NSOR”), of information provided to jurisdictions’ sex offender registries and to ensure, through NSOR or otherwise, that “updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions.” NSOR is a single file in the National Crime Information Center (“NCIC”) database that includes sex offender information entered by each jurisdiction.	34 U.S.C. § 20921; SMART Office, NSOPW vs. NSOR, <a href="https://www.govinfo.gov/content/pkg/GOVPUB-J-PURL-gpo189993/pdf/GOVPUB-J-PURL-gpo189993.pdf">https://www.govinfo.gov/content/pkg/GOVPUB-J-PURL-gpo189993/pdf/GOVPUB-J-PURL-gpo189993.pdf</a> .
19.	SORNA established failure to register as a federal criminal offense through the enactment of 18 U.S.C. § 2250.	18 U.S.C. § 2250.
20.	The required elements of an offense under 18 U.S.C. § 2250(a) by an individual convicted of a sex offense under state law are that the individual (1) “is required to register under [SORNA]”; (2) has “travel[ed] in interstate or foreign commerce, or enters or leaves, or resides in, Indian country”; and (3) “knowingly fails to register or update a registration as required by [SORNA].”	18 U.S.C. § 2250(a).
21.	SORNA sets forth an affirmative defense where (1) “uncontrollable circumstances prevented the individual from complying”; (2) “the individual did not contribute to	18 U.S.C. § 2250(c).

	<p>the creation of such circumstances in reckless disregard of the requirement to comply”; and (3) “the individual complied as soon as such circumstances ceased to exist.”</p>	
22.	<p>The Attorney General proposed SORNA guidelines for registration jurisdictions in 2007, soliciting public comments.</p>	<p>72 Fed. Reg. 30210 (May 30, 2007).</p>
23.	<p>The proposed guidelines stated that “[s]ince the SORNA registration requirements are predicated on convictions, registration (or continued registration) is normally not required under the SORNA standards if the predicate conviction is reversed, vacated, or set aside, or if the person is pardoned for the offense on the ground of innocence. This does not mean, however, that nominal changes or terminological variations that do not relieve a conviction of substantive effect negate the SORNA requirements.”</p>	<p>72 Fed. Reg. at 30216.</p>
24.	<p>The proposed guidelines identified as an example that “the need to require registration would not be avoided by a jurisdiction’s having a procedure . . . under which the convictions of such sex offenders may nominally be ‘vacated’ or ‘set aside,’ but the sex offender is nevertheless required to serve what amounts to a criminal sentence for the offense.”</p>	<p>72 Fed. Reg. at 30216.</p>
25.	<p>The proposed guidelines also stated that “the sealing of a criminal record or other action that limits the publicity or availability of a</p>	<p>72 Fed. Reg. at 30216.</p>

	conviction, but does not deprive it of continuing legal validity, does not change its status as a ‘conviction’ for purposes of SORNA.”	
26.	Following notice and comment, the Attorney General promulgated National Guidelines for Sex Offender Registration and Notification (“2008 Guidelines”) on July 2, 2008.	73 Fed. Reg. 38030 (July 2, 2008).
27.	In the 2008 Guidelines, the Attorney General invoked SORNA’s statutory authority in 34 U.S.C. § 20914(a)(8) (then (a)(7)) to require sex offenders to provide additional “types of information that are not expressly required by SORNA § 114, such as e-mail addresses and comparable Internet identifiers, telephone numbers, temporary lodging information, travel document information, professional license information, and date of birth information.”	73 Fed. Reg. at 38042; <i>id.</i> at 38054-58.
28.	The Preamble to the 2008 Guidelines stated that “[a]ll of the additional items . . . are justified as means of furthering SORNA’s public safety objectives” and, in the Guidelines themselves, explained how sex offenders’ provision of each item—including Internet identifiers, telephone numbers, location information for offenders “who lack fixed abodes,” information about any place away from an offender’s residence where the offender stays “for seven or	73 Fed. Reg. at 38042; <i>id.</i> at 38054-58.

	<p>more days,” passport and immigration document information, professional license information, and dates of birth—furthered SORNA’s public safety objectives.</p>	
<p>29.</p>	<p>The Preamble to the 2008 Guidelines recognized that some comments on the proposed guidelines raised the issue of “whether individual jurisdictions have a free hand to stipulate that the dispositions of criminal cases do not constitute ‘convictions’ for purposes of SORNA.” The Preamble responded that “[s]uch an approach would be inconsistent with SORNA’s purpose to establish ‘a comprehensive national system for the registration of [sex] offenders’ and that, instead, “the meaning of ‘convicted’ for purposes of SORNA is a matter of federal law, and its applicability is not determined by the terminology a jurisdiction uses in referring to the disposition of a criminal case.”</p>	<p>73 Fed. Reg. at 38040.</p>
<p>30.</p>	<p>The 2008 Guidelines repeated the proposed guidelines’ statements, quoted <i>supra</i> ¶¶ 23-25, regarding predicate convictions.</p>	<p>73 Fed. Reg. at 38050 (stating that, “[b]ecause the SORNA registration requirements are predicated on convictions, registration (or continued registration) is normally not required under the SORNA standards if the predicate conviction is reversed, vacated, or set aside, or if the person is pardoned for the offense on the ground of innocence. This does not mean, however, that nominal</p>

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		<p>changes or terminological variations that do not relieve a conviction of substantive effect negate the SORNA requirements”; that “the need to require registration would not be avoided by a jurisdiction’s having a procedure . . . under which the convictions of such sex offenders may nominally be ‘vacated’ or ‘set aside,’ but the sex offender is nevertheless required to serve what amounts to a criminal sentence for the offense”; and that “the sealing of a criminal record or other action that limits the publicity or availability of a conviction, but does not deprive it of continuing legal validity, does not change its status as a ‘conviction’ for purposes of SORNA”).</p>
31.	<p>While state officials responsible for sex offender registration or notification in their state raised jurisdiction-specific questions, comments, and observations during the rulemaking process for the 2008 Guidelines, the Preamble to the 2008 Guidelines responded that the SMART Office’s “cooperative work with all jurisdictions in their SORNA implementation efforts” would provide “a more satisfactory means of answering [such jurisdiction-specific] questions and addressing” jurisdiction-specific issues.</p>	<p>Comments on 2008 Guidelines, 2008-1 to -893 (lodged June 24, 2024, <i>see</i> Defendants’ Notice of Lodging [ECF 125]); 73 Fed. Reg. at 38032.</p>

32.	No comment submitted during the rulemaking process for the 2008 Guidelines asked the Attorney General to identify individually each state law that provides a form of post-conviction relief and address whether relief under that law relieves an offender of registration obligations under SORNA.	Comments on 2008 Guidelines, 2008-1 to -893 (lodged June 24, 2024, <i>see</i> Defendants’ Notice of Lodging [ECF 125]).
33.	No comment submitted during the rulemaking process for the 2008 Guidelines asked the Attorney General to address whether relief under the versions of Cal. Penal Code § 1203.4 or Cal. Penal Code § 4852.01 in effect at the time, separately or in combination, would relieve an offender of registration obligations under SORNA.	Comments on 2008 Guidelines, 2008-1 to -893 (lodged June 24, 2024, <i>see</i> Defendants’ Notice of Lodging [ECF 125]).
34.	Westlaw identifies ten different versions of Cal. Penal Code § 1203.4 in effect between 2008, when the 2008 Guidelines were promulgated, and the present.	Cal. Penal Code § 1203.4 (Westlaw entry – versions tab).
35.	States may have any number of laws describing criminal offenses and addressing post-conviction relief, and may enact new laws, repeal old laws, or revise current laws at any time, subject to their own procedures for doing so.	73 Fed. Reg. at 38032; e.g., Cal. Penal Code § 1203.4 (Westlaw entry – versions tab).
36.	On October 13, 2008, Congress enacted the Keeping the Internet Devoid of Sexual Predators (“KIDS”) Act.	Pub. L. No. 110-400, 122 Stat. 4224 (2008).
37.	A Senate Report recognized at the time of the KIDS Act’s enactment that “[n]umerous crimes involving sexual exploitation of children are	S. Rep. No. 110-332, at 1-2 (2008).



	<p>perpetrated through the use of the Internet,” including through social networking websites, and that “the faceless, anonymous nature of online communications have made the Internet a source for sexual predators to use in soliciting minors.”</p>	
<p>38.</p>	<p>The Senate Report cited a National Center for Missing and Exploited Children (“NCMEC”) study showing 10-30% of children had communicated with persons they did not know over the Internet, had received sexual solicitations, and had been exposed to unwanted sexual material.</p>	<p>S. Rep. No. 110-332, at 1-2.</p>
<p>39.</p>	<p>When addressing the legislation in the Senate, Senator Schumer stated that the KIDS Act “permanently mandate[s]” what the 2008 Guidelines already provided—“that certain Internet identifier information be required in the registration process”—in order to protect children in “online communities” just as in their “physical neighborhoods.”</p>	<p>154 Cong. Rec. S10300 (Oct. 1, 2008) (statement of Sen. Schumer).</p>
<p>40.</p>	<p>Child sexual exploitation frequently occurs on a wide variety of online platforms, including online gaming platforms, news websites, e-commerce and marketing platforms, peer-to-peer platforms, and social networking platforms.</p>	<p>GAO, GAO-23-105260 at 8 (identifying “websites for news, e-commerce, marketing, peer-to-peer platforms, gaming websites, and social networking” as platforms where child sexual exploitation occurs), <a href="https://www.gao.gov/assets/d23105260.pdf">https://www.gao.gov/assets/d23105260.pdf</a>; cf. Congress’s findings when enacting Effective Child Pornography Prosecution Act of</p>

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		<p>2007, P.L. 110-358, § 102, 122 Stat. 4002, 4003 (Oct. 8, 2008) (ECPPA) (finding “[c]hild pornography is estimated to be a multibillion-dollar industry of global proportions” and that child pornography is “readily available through virtually every Internet technology, including Web sites, email, instant messaging, Internet Relay Chat, newsgroups, bulletin boards, and peer-to-peer”); NCMEC, <i>The Online Enticement of Children: An In-Depth Analysis of CyberTipline Reports 11</i> (2017) (reporting sexual enticement of “younger boys,” in particular, often involved “gaming platforms”), available at <a href="https://www.missingkids.org/ourwork/ncmecdata">https://www.missingkids.org/ourwork/ncmecdata</a>.</p> <p><i>See also United States v. Lynch</i>, No. 3:21-CR-00236, 2025 WL 43552, at *1 (M.D. Tenn. Jan. 7, 2025) (Pinterest); <i>United States v. Eby</i>, No. 1:20-CR-187, 2024 WL 3584498, at *1 (N.D. Ohio July 30, 2024) (Chateen); <i>United States v. Howard</i>, No. 23-50417, 2024 WL 3338594, at *1 (5th Cir. July 9, 2024) (MocoSpace); <i>Smith v. United States</i>, No. 2:16-CR-51, 2023 WL 8586680, at *1 (E.D. Va. Dec. 11, 2023) (MySpace.com, Yahoo! Messenger); <i>Khan v. United States</i>, No. 20-CV-0945 (JSR) (JW), 2023 WL 11836947, at *2</p>
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		(S.D.N.Y. Aug. 18, 2023) (“online social network and reality game for children where they interacted as virtual cartoon characters or ‘ avatars’”), <i>report and recommendation adopted</i> , No. 20-CV-0945, 2024 WL 3219838 (S.D.N.Y. June 28, 2024); <i>United States v. Galletta</i> , No. CR 14-603, 2023 WL 4565477, at *5–6 (E.D. Pa. July 17, 2023) (Craigslist, gmail); <i>United States v. Sporn</i> , No. 21-10016-EFM, 2022 WL 656165, at *5 (D. Kan. Mar. 4, 2022) (Twitter account created using Yahoo email address).
41.	NCMEC received over 186,000 reports of online enticement of children for sexual acts in 2023, quadruple the number of reports in 2021; and over 45,000 reports of unsolicited obscene material sent to a child over the internet.	See NCMEC, <i>CyberTipline 2023 Report</i> , <a href="https://www.missingkids.org/gethelnow/cybertipline/cybertiplinedata">https://www.missingkids.org/gethelnow/cybertipline/cybertiplinedata</a> .
42.	The KIDS Act directs the Attorney General to exercise authority under 34 U.S.C. § 20914(a)(8) (then (a)(7)) to “require that each sex offender provide to the sex offender registry those Internet identifiers the sex offender uses or will use of any type that the Attorney General determines to be appropriate under that Act.”	34 U.S.C. § 20916(a).
43.	The KIDS Act defines “Internet identifiers” as “electronic mail addresses and other designations used for self-identification or routing in Internet communication or posting.”	34 U.S.C. § 20916(e)(2).

1 2 3 4	44.	The KIDS Act provides that the “records of Internet identifiers shall be subject to the Privacy Act (5 U.S.C. 552a) to the same extent as other records in the National Sex Offender Registry.”	34 U.S.C. § 20916(a).
5 6 7 8 9	45.	The KIDS Act also directs the Attorney General to exercise authority under 34 U.S.C. § 20920(b)(4) to “exempt from disclosure all information provided by a sex offender under” 34 U.S.C. § 20916(a).	34 U.S.C. § 20916(c).
10 11 12 13 14	46.	The KIDS also directs the Attorney General to exercise authority under 34 U.S.C. § 20914(b) to “specify the time and manner for keeping current” the Internet identifier information that the KIDS Act required.	34 U.S.C. § 20916(b).
15 16 17 18 19 20 21 22 23	47.	On January 11, 2011, in supplemental guidelines issued following notice and comment, the Attorney General confirmed that the 2008 Guidelines’ specification of Internet identifiers as information that offenders must provide, and their specification that changes in identifiers must be reported “within three business days” by any means that a jurisdiction allows, satisfies the KIDS Act’s directives in 34 U.S.C. § 20914(a) and (b).	Supplemental Guidelines for Sex Offender Registration and Notification (“2011 Guidelines”), 76 Fed. Reg. 1630, 1637 (Jan. 11, 2011) (citing 73 Fed. Reg. at 38055, 38066); 73 Fed. Reg. at 38060 (explaining that the term “immediately” in the 2008 Guidelines means “within three business days”).
24 25 26 27 28	48.	The 2011 Guidelines also implemented 34 U.S.C. § 20916(c) by providing that “jurisdictions cannot, consistent with SORNA, include sex offenders’ Internet identifiers (such as e-mail	76 Fed. Reg. at 1637.

	addresses) in the sex offenders’ public Web site postings or otherwise list or post sex offenders’ Internet identifiers on the public sex offender Web sites.”	
49.	California has never collected Internet identifiers from registered sex offenders whose sex offense convictions occurred before January 1, 2017 and even in the limited circumstances where it collects Internet identifiers now, it does not transmit that information to NSOR.	Cal. Penal Code § 290.024; Declaration of Brian Segal (“Segal Decl.”) [concurrently filed herewith] ¶ 5 & Exs. B, C.
50.	California generally does not accept Internet identifiers or other registration information from sex offenders who are no longer required to register under California law.	Segal Decl. ¶ 8.
51.	No individual plaintiff in this case (Doe #2, Doe #3, or Doe #4) has provided Internet identifiers to the California registry as part of his sex offender registration.	Segal Decl. ¶¶ 5, 8 & Ex. B; Doe #2 Response to Interrogatory No. 11 [Exhibit 7 to Wyer SJ Decl., filed concurrently herewith]; Doe #2 Depo. 41:16-42:16, 46:14-19 [Exhibit 1 to Wyer SJ Decl., filed concurrently herewith]; Doe #3 Depo. 36:7-24, 49:6-15 [Wyer SJ Decl. Ex. 2]; Doe #3 Decl. Ex. F [ECF 131-6, at 29-31]; Doe #4 Depo. 52:19-53:15; 69:9-17 [Exhibit 3 to Wyer SJ Decl., filed concurrently herewith].
52.	In 2016, Congress enacted the International Megan’s Law (“IML”).	Pub. L. No. 114-119, 130 Stat. 15 (2016).
53.	In the IML, Congress found that “known child-sex offenders are traveling internationally” and that	Pub. L. No. 114-119, § 2(4), (5).

	<p>“[t]he commercial sexual exploitation of minors in child sex trafficking and pornography is a global phenomenon.”</p>	
54.	<p>The IML states that “[t]he term ‘convicted’ has the meaning given the term in [34 U.S.C. § 20911(1)].”</p>	<p>Pub. L. No. 114-119, § 3(2).</p>
55.	<p>The IML states that “[t]he term ‘sex offender under SORNA’ has the meaning given the term ‘sex offender’ in [34 U.S.C. § 20911(1)].”</p>	<p>Pub. L. No. 114-119, § 3(9).</p>
56.	<p>The IML defines the term “covered sex offender” as “an individual who is a sex offender by reason of having been convicted of a sex offense against a minor.”</p>	<p>Pub. L. No. 114-119, § 3(3).</p>
57.	<p>The IML amended 34 U.S.C. § 20914(a) by redesignating paragraph (7) as paragraph (8) and inserting as paragraph (7) a requirement that sex offenders report information “relating to [their] intended travel . . . outside the United States, including any anticipated dates and places of departure, arrival, or return, carrier and flight numbers for air travel, destination country and address or other contact information therein, means and purpose of travel, and any other itinerary or other travel-related information required by the Attorney General.”</p>	<p>Pub. L. No. 114-119, § 6(a)(1); 34 U.S.C. § 20914(a)(7).</p>
58.	<p>The IML further amended 34 U.S.C. § 20914 by adding subsection (c), which provides: “A sex offender shall provide and update information required under</p>	<p>Pub. L. No. 114-119, § 6(a)(2); 34 U.S.C. § 20914(c).</p>

	<p>subsection (a), including information relating to intended travel outside the United States required under paragraph (7) of that subsection, in conformity with any time and manner requirements prescribed by the Attorney General.”</p>	
<p>59.</p>	<p>The IML amended 18 U.S.C. § 2250 by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by adding the current subsection (b), which specifically addresses a failure to comply with SORNA’s international travel reporting requirements.</p>	<p>Pub. L. No. 114-119, § 6(b)(1), (2).</p>
<p>60.</p>	<p>On August 13, 2020, the Department of Justice issued a proposed rule that “specifies the registration requirements under [SORNA],” which had “previously been delineated” in the 2008 and 2011 Guidelines.</p>	<p>85 Fed. Reg. 49332, 49332 (Aug. 13, 2020).</p>
<p>61.</p>	<p>The Preamble to the proposed rule stated that SORNA’s delegation of authority in 34 U.S.C. § 20914(a)(8) was “instrumental to the Attorney General’s effectuating the legislative objective to ‘protect the public from sex offenders and offenders against children’ by ‘establish[ing] a comprehensive national system for the registration of those offenders,’” and that “[t]he Attorney General’s exercise of the authority under section 20914(a)(8) is limited to requiring additional information that furthers</p>	<p>85 Fed. Reg. at 49333 (quoting 34 U.S.C. § 20901) (citing 73 Fed. Reg. at 38054-57; 76 Fed. Reg. at 1637); <i>see also id.</i> at 49339-42.</p>



1		the legislative public safety objective or the implementation or enforcement of SORNA’s provisions.”	
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4	62..	The proposed rule did not propose any change to prior exercises of authority to require other information under § 20914(a)(8).	85 Fed. Reg. at 49333, 49339-42.
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7	63.	The Preamble to the proposed rule stated that the rule would “benefit sex offenders by providing a clear and comprehensive statement of their registration obligations under SORNA” that would “make it easier for sex offenders to determine what they are required to do and thus facilitate compliance.”	85 Fed. Reg. at 49334; cf. 86 Fed. Reg. at 69857.
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13	64.	The proposed rule proposed that “terms used in part 72 [would] have the same meaning as in SORNA” and that “where the part uses such terms as sex offender (and tiers thereof), sex offense, convicted or conviction . . . the meaning is the same as in SORNA.”	85 Fed. Reg. at 49335.
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19	65.	The proposed rule sought to provide assurance to sex offenders that “SORNA [does not] unfairly hold[] sex offenders liable for failing to comply with its requirements, where the requirement is unknown to the sex offender or impossible for him to carry out,” stating that 18 U.S.C. § 2250 “holds sex offenders liable only for violations of known registration obligations, and it excuses failure to comply with SORNA under certain conditions if the non-compliance results from	85 Fed. Reg. at 49336.
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	<p>circumstances beyond the sex offenders’ control.”</p>	
<p>66.</p>	<p>The Preamble to the proposed rule acknowledged that where a jurisdiction’s “law or practice . . . constrain[s] its registration personnel to register only sex offenders whom its own laws require to register,” “it is impossible” for a sex offender subject to SORNA but not to the jurisdiction’s registration laws “to register in that jurisdiction.” This would be “a circumstance that the sex offender cannot control and to which he did not contribute,” so pursuant to 18 U.S.C. § 2250(c), “he cannot be held liable for failure to register with that jurisdiction as SORNA requires.”</p>	<p>85 Fed. Reg. at 49336-37.</p>
<p>67.</p>	<p>The Preamble to the proposed rule stated that the proposed 28 C.F.R. § 72.8(a)(2) provided “further explanation about the contours of the impossibility defense under 18 U.S.C. 2250(c).” The Preamble did not suggest that these contours could be modified by regulation.</p>	<p>85 Fed. Reg. at 49337.</p>
<p>68.</p>	<p>The Preamble to the proposed rule stated that the proposed 28 C.F.R. § 72.5(c) “sets out SORNA’s reduction of its registration period for certain sex offenders who maintain a ‘clean record’ in accordance with statutory standards.” The Preamble did not suggest that the Attorney General had discretion to modify those standards by regulation or was</p>	<p>85 Fed. Reg at 49339 (citing 34 U.S.C. § 20915(a)).</p>

	considering any such modification.	
69.	The Preamble to the proposed rule explained that the prior Guidelines “adopted definite timing requirements for reporting changes in” remote communication identifiers, among other information, because “[a]bsent a requirement that changes in these types of information be reported promptly, the information in the registries about these matters could become seriously out of date, which would in turn impair SORNA’s basic objective of effectively tracking and locating sex offenders in the community following their release.” The proposed rule did not propose any changes to the timing requirements for reporting changes in Internet identifiers set forth in the 2008 Guidelines.	85 Fed. Reg. at 49342, 49348.
70.	The Preamble to the proposed rule stated that the proposed 28 C.F.R. § 72.8(a)(2) “reproduces” the affirmative defense provision in 18 U.S.C. § 2250(c) and “provides examples of its operation.” The proposed rule did not propose any changes to the affirmative defense, nor did it suggest that the Attorney General had discretion to modify the defense by regulation or was considering any such modification.	85 Fed. Reg. at 49351.
71.	Following a public comment period, the final rule (“Rule”) was promulgated on December 8, 2021.	86 Fed. Reg. 69856 (Dec. 8, 2021).
72.	No commenter on the proposed rule suggested any revision to the	Public Comments, Administrative Record (“AR”) [ECF 86-3, at 25

	proposed 28 C.F.R. § 72.2. That provision was promulgated without change.	to ECF 86-6, at 152], AR-25 to - 2570; 86 Fed. Reg. at 69884; 28 C.F.R. § 72.2.
73.	In particular, no commenter on the proposed rule suggested that the Attorney General set forth a specific definition of “sex offender” or “convicted” in the Rule.	Public Comments, Administrative Record (“AR”) [ECF 86-3, at 25 to ECF 86-6, at 152], AR-25 to - 2570.
74.	No commenter on the proposed rule suggested that the meaning of “sex offender” or “convicted” varies depending on forms of post-conviction relief under state law.	Public Comments, Administrative Record (“AR”) [ECF 86-3, at 25 to ECF 86-6, at 152], AR-25 to - 2570.
75.	No commenter on the proposed rule suggested that the Rule address the impact of relief under any version of Cal. Penal Code § 1203.4, Cal. Penal Code § 4852.01, or both on registration obligations under SORNA.	Public Comments, Administrative Record (“AR”) [ECF 86-3, at 25 to ECF 86-6, at 152], AR-25 to - 2570.
76.	No provision of the Rule sets forth a definition of “sex offender” or “convicted.”	86 Fed. Reg. at 69885-87 (promulgating 28 C.F.R. §§ 72.1 to 72.8).
77.	No provision of the Rule addresses the impact of post-conviction relief under any specific state law on registration obligations under SORNA.	86 Fed. Reg. at 69885-87 (promulgating 28 C.F.R. §§ 72.1 to 72.8).
78.	One comment on the proposed 28 C.F.R. § 72.5—the provision addressing “[h]ow long sex offenders must register”—suggested adding “a provision” to that subsection “requiring that a sex offender be removed from the sex offender registry if he receives a pardon, and that the offense be expunged from all court and law enforcement records.”	86 Fed. Reg. at 69866; AR-1682.

1 2 3 4 5 6 7	79.	The Preamble responded to that comment by stating that “only pardons on the ground of innocence terminate registration obligations under SORNA, <i>see</i> 73 FR at 38050, and the Attorney General has no authority to require registration jurisdictions to expunge the records of sex offenders who are pardoned in those jurisdictions.”	86 Fed. Reg. at 69866.
8 9 10 11 12 13	80.	The Attorney General could not have adopted the commenter’s proposed revision of 28 C.F.R. § 72.5 because the Attorney General lacks authority to reduce the full registration periods set forth in 34 U.S.C. § 20915(a), except as provided in 34 U.S.C. § 20915(b).	34 U.S.C. § 20915.
14 15 16 17 18 19 20	81.	ACSOL’s comment on the proposed 28 C.F.R. § 72.6(b) contended that the rule provided insufficient safeguards to prevent public disclosure of offenders’ remote communication identifiers, and that this insufficiency threatened “registrants’ right to communicate and participate anonymously on the Internet.”	AR-2472 to -2473
21 22 23	82.	ACSOL’s comment did not suggest that offenders’ anonymous speech would be impacted by disclosing offenders’ Internet identifiers to law enforcement.	AR-2472 to -2473
24 25 26 27 28	83.	In response to ACSOL’s comment, the Preamble to the Rule Department explained that “[t]he conditions for disclosure of sex offender information by registration jurisdictions are beyond the scope	86 Fed. Reg. at 69859.

	<p>of this rulemaking,” but “[s]eparate statutory provisions and the [2008 and 2011 Guidelines] specify those conditions, which include restrictions on the disclosure of remote communication identifiers.”</p>	
84.	<p>In response to ACSOL’s comment on the proposed 28 C.F.R. § 72.8, the Rule “reproduce[d]” in § 72.8(a)(1)(i)(B) and (a)(ii) the requirements for federal jurisdiction set forth in 18 U.S.C. § 2250. Section 72.8 was otherwise promulgated without change.</p>	<p>86 Fed. Reg. at 69858-59; 28 C.F.R. § 72.8; <i>see</i> AR-2474 to -2475.</p>
85.	<p>Plaintiff John Doe #2 was convicted of and served a sentence for one felony count of sexual battery under California Penal Code § 243.4(a).</p>	<p>Declaration of John Doe #2 (“Doe #2 Decl.”) [ECF 131-5] ¶¶ 3-4 &amp; Ex. A at 2 [ECF 131-5, at 6]</p>
86.	<p>Doe #2’s sexual battery offense involved victims age 7 and 8 years old.</p>	<p>Doe #2 Response to Interrogatory No. 1 [Wyer SJ Decl. Ex. 7].</p>
87.	<p>Plaintiffs assert Count II of their First Amended Complaint only on behalf of Doe #2.</p>	<p>First Amended Complaint (“FAC”) [ECF 41] ¶ 128 (referencing only Doe #1 and Doe #2 in connection with Count 2); Joint Stipulation of Voluntary Dismissal of John Doe #1 [ECF 128].</p>
88.	<p>At the time of Doe #2’s conviction in 2005, California’s sex offender registration law required lifetime registration of sex offenders as long as they lived, worked, or went to school in California.</p>	<p>Cal. Penal Code § 290 (2005 version).</p>
89.	<p>In 2012, Doe #2 was granted relief under Cal. Penal Code § 1203.4, but that relief did not change his obligation to register as a sex offender under California law.</p>	<p>Doe #2 Decl. Ex. A [ECF 131-5, at 11].</p>



1 2 3 4 5 6 7 8 9 10	90. The relief Doe #2 obtained under Cal. Penal Code § 1203.4 did not nullify his conviction.	Doe #2 Decl. Ex. A [ECF 131-5, at 11]; Cal. Penal Code § 1203.4(a)(1)-(3) (version eff. Jan. 1, 2012 to Dec. 31, 2013); <i>Jennings</i> , 511 F.3d at 898-99 (relief under § 1203.4 does not “render the conviction a legal nullity” and “does not, properly speaking, ‘expunge’ the prior conviction”); <i>Meyer</i> , 34 Cal. 2d at 67, 206 P.2d at 1088 (holding § 1203.4 did not “purge [an individual] of the guilt inherent [in his prior conviction]”).
11 12 13 14 15 16 17 18 19 20 21 22	91. After receiving relief under Cal. Penal Code § 1203.4, Doe #2’s conviction continued to bar him from possessing guns or ammunition and did not overcome any bar on holding public office; in any subsequent prosecution, the conviction could still be “pleaded and proved” and would “have the same effect as if probation had not been granted or the accusation or information dismissed”; and Doe #2 remained obligated to disclose the conviction on any questionnaire or application for public office, or for licensure by any state or local agency.	Doe #2 Decl. Ex. A [ECF 131-5, at 11]; Cal. Penal Code § 1203.4(a)(1)-(3) (version eff. Jan. 1, 2012 to Dec. 31, 2013).
23 24 25	92. The current version of Cal. Penal Code § 1203.4 identifies the same limitations on the impact of relief under that provision.	Cal. Penal Code § 1203.4(a)(1)-(3).
26 27 28	93. After receiving relief under Cal. Penal Code § 1203.4 in 2012, Doe #2’s obligation to register as a sex offender under California law	Doe #2 Decl. Exs. A [ECF 131-5, at 11]; B [ECF 131-5, at 14], C [ECF 131-5, at 17].

1		continued until he obtained a certificate of rehabilitation pursuant to Cal. Penal Code § 4852.01(b) in 2016.	
2	94.	Only a person who is “convicted of a felony” or “convicted of a misdemeanor” may file a petition for a certificate of rehabilitation.	Cal. Penal Code § 4852.01(a), (b) (version eff. Jan. 1, 2016 to Dec. 31, 2018); <i>cf.</i> Cal. Penal Code § 4852.01(a), (b) (current version).
3	95.	Doe #2’s certificate of rehabilitation was based in part on proof that “the required period of rehabilitation has elapsed” since he completed his sentence.	Doe #2 Decl. Ex. C [ECF 131-5, at 17].
4	96.	Doe #2’s certificate of rehabilitation recognized that he had been convicted of a felony and did not nullify that conviction.	Doe #2 Decl. Ex. C [ECF 131-5, at 17]; Cal. Penal Code § 4852.01(b) (version eff. Jan. 1, 2016 to Dec. 31, 2018) (“a person convicted of a felony . . . may file a petition for a certificate of rehabilitation and pardon”).
5	97.	Doe #2 has never been pardoned.	Doe #2 Depo. 43:9-14 [Wyer SJ Decl. Ex. 1].
6	98,	Doe #2 is [REDACTED] a member [REDACTED] of Plaintiff the Alliance for Constitutional Sex Offense Laws (“ACSOL”).	[REDACTED]
7	99.	Between 2005 and 2016, Doe #2 registered as a sex offender every year with the Los Angeles Police Department Pacific Division.	Doe #2 Response to Interrogatory No. 6 [Wyer SJ Decl. Ex. 7].
8	100.	Doe #2’s name and address was never publicly available on California’s registry website.	Doe #2 Depo. 44:13-25, 45:14-46:2 [Wyer SJ Decl. Ex. 1].
9	101.	During the period that Doe #2 registered as a sex offender with the Los Angeles Police Department, he filled out a form every year containing specific questions	Doe #2 Depo. 64:8-24 [Wyer SJ Decl. Ex. 1].

	required by California law.	
102.	Doe #2 has not registered as a sex offender and has not attempted to do so since he received a certificate of rehabilitation in 2016.	Doe #2 Response to Interrogatory No. 6 [Wyer SJ Decl. Ex. 7]; Doe #2 Depo. 41:22-43:2 [Wyer Decl. Ex. 1].
103.	Doe #2's status as a sex offender under SORNA has not changed since he received a certificate of rehabilitation in 2016.	34 U.S.C. §§ 20911(1)-(4), 20915.
104.	Doe #2 has an official letter from the California Department of Justice confirming that he is not required to register as a sex offender under California law.	Doe #2 Depo. Ex. 7 [Exhibit 4 to Wyer SJ Decl., filed concurrently herewith].
105.	Doe #2 understands that he is currently unable to register as a sex offender in California.	Doe #2 Decl. ¶ 12; Doe #2 Depo. 41:16-42:16 [Wyer SJ Decl. Ex. 1].
106.	Doe #2 never provided Internet identifiers as part of his sex offender registration.	Doe #2 Response to Interrogatory No. 11 [Wyer SJ Decl. Ex. 7]; Doe #2 Depo. 46:14-19 Wyer SJ Decl. Ex. 1]; Segal Decl. ¶ 5.
107.	Doe #2 is currently unable to report Internet identifiers as part of a sex offender registration.	Doe #2 Depo. 41:16-42:16 [Wyer SJ Decl. Ex. 1]; Segal Decl. ¶ 5, 8.
108.	During the five years prior to March 2024, Doe #2 did not post in any online fora (not including email) other than intermittent updates to his LinkedIn professional profile and his Facebook page to promote his professional private practice.	Doe #2 Response to Interrogatory No. 12 [Wyer SJ Decl. Ex. 7]; Doe #2 Depo. 24:18-25:2 [Wyer SJ Decl. Ex. 1].
109.	Doe #2 could not think of any specific way in which he would be harmed if he were required to report Internet identifiers.	Doe #2 Depo. 53:8-17 [Wyer SJ Decl. Ex. 1].
110.	Doe #2 is unaware that federal guidelines prohibit states from including internet identifiers on their public registry websites.	Doe #2 Depo. 57:7-10 [Wyer SJ Decl. Ex. 1].

111.	Doe #2’s fears regarding the reporting of internet identifiers are based on his general distrust and fear of law enforcement, including his belief that he may be prosecuted for his lawful online speech.	Doe #2 Depo. 58:8-60:21, 61:6-18 [Wyer Decl. Ex. 1].
112.	Even if Doe #2 were to report internet identifiers, he understands that the possibility that they would become public is mere speculation on his part.	Doe #2 Depo. 61:6-18 [Wyer Decl. Ex. 1] (conceding that possibility of harm is “really so speculative right now”).
113.	ACSOL’s website publicly identifies Doe #2 by name as a former sex offender registrant and [REDACTED]	See ACSOL, [REDACTED] describing Doe #2 as [REDACTED] available at [REDACTED] [permanent link: [REDACTED]] see also [REDACTED] available at [REDACTED]
114.	Doe #2 has no concrete plan to move or travel to another state.	Doe #2 Depo. 43:4-8, 66:2-4 [Wyer SJ Decl. Ex. 1].
115.	Plaintiff John Doe #3 is not a member of ACSOL.	Doe #3 Depo. 39:6-7 [Wyer SJ Decl. Ex. 2].
116.	In 1997, Doe #3 was convicted of one felony count of lewd acts with a minor under 14 in violation of Cal. Penal Code § 288(a).	Doe #3 Decl. Ex. A [ECF 131-6, at 9].
117.	Doe #3 does not remember whether the victim of his sex offense was 13 years old at the time of the relevant offense or was younger than 13.	Doe #3 Depo. 20:6-23 [Wyer SJ Decl. Ex. 2].
118.	After sentencing, Doe #3 served	Doe #3 Decl. ¶ 3; Doe #3 Depo.

	two years’ imprisonment and was released from prison in 1999.	26:18-20, 27:24-28:8 [Wyer SJ Decl. Ex. 2].
119.	When Doe #3 was first required to register as a sex offender in 1999, California’s sex offender registration law imposed lifetime registration obligations on sex offenders, including Doe #3, as long as they lived in California.	Cal. Penal Code § 290 (1999 version).
120.	In December 2017, the California legislature passed California Senate Bill (“Cal. SB”) 384, which established a new tier-based system for California sex offenders, categorizing sex offenders into three tiers based on the nature of their offense and subsequent criminal history. The law identifies mandatory minimum registration periods of 10 years for tier one offenders and 20 years for tier two offenders.	Cal. SB 384; Cal. Penal Code § 290(d)(1)(A), (2)(A); Segal Decl. ¶ 8.
121.	Beginning on July 1, 2021, California tier one and tier two sex offenders may petition to terminate their California sex offender registration obligations once their minimum registration periods under California law have expired.	Cal. Penal Code § 290.5; Segal Decl. ¶ 8.
122.	Under the tier system established by SB 384, Doe #3 qualified as a “tier two” sex offender, and by 2022, he had registered as a sex offender for a period longer than the minimum period that California law currently requires.	Doe #3 Depo. 32:7-33:10 [Wyer SJ Decl. Ex. 2].
123.	Doe #3’s obligation to register as a sex offender under California law was terminated on February 8, 2022	Doe #3 Depo. 32:7-33:10 [Wyer SJ Decl. Ex. 2]; Doe #3 Decl. Ex. C [ECF 131-6, at 18]; Cal. Penal

	pursuant to Cal. Penal Code § 290.5 because he had already been registered for the minimum period that California law currently requires.	Code § 290.5.
124.	Doe #3's sex offense conviction under Cal. Penal Code § 288(a) was not nullified, vacated, or set aside.	Doe #3 Depo. 32:7-33:10 [Wyer SJ Decl. Ex. 2]; Doe #3 Decl. Ex. C [ECF 131-6, at 18]; Cal. Penal Code § 290.5.
125.	Doe #3 has not received relief under Cal. Penal Code § 1203.4 for his sex offense conviction under Cal. Penal Code § 288(a).	Doe #3 Depo. 47:1-20 [Wyer SJ Decl. Ex. 2].
126.	Doe #3 has not received a certificate of rehabilitation for his sex offense conviction under Cal. Penal Code § 288(a).	Doe #3 Depo. 47:21-24 [Wyer SJ Decl. Ex. 2].
127.	Doe #3 has never been pardoned.	Doe #3 Depo. 46:3-4 [Wyer SJ Decl. Ex. 2].
128.	Doe #3 has an official letter from the California Department of Justice confirming that his obligation to register as a sex offender under California law has been terminated.	Doe #3 Decl. Ex. D [ECF 131-6, at 21].
129.	Between 1999 and 2021, Doe #3 registered as a sex offender every year with the local sheriff's office.	Doe #3 Depo. 26:18-20, 30:2-16, 36:12 [Wyer SJ Decl. Ex. 2].
130.	During the period that Doe #3 registered as a sex offender in California, he reviewed a form every year containing information he had previously provided in order to verify and update specific information required by California law.	Doe #3 Depo. 40:20-42:20 [Wyer SJ Decl. Ex. 2]; Segal Decl. ¶ 4 & Ex. B.
131.	Doe #3 has not registered as a sex offender since his obligation to register under California law was terminated in 2022.	Doe #3 Depo. 36:7-24 [Wyer SJ Decl. Ex. 2].



1	132.	If the victim of Doe #3’s sex offense was 13 years old at the time of his offense, the SMART Office’s 2024 Substantial Implementation Review suggests that Doe #3 would qualify as at most a Tier II sex offender under SORNA, and his registration period would have expired at the latest in October 2024.	SMART Office, SORNA Substantial Implementation Review State of California – Revised (April 2024) (“2024 SIR”) at 22 (addressing version of Cal. Penal Code § 288 in effect in 2024), <i>available at</i> <a href="https://smart.ojp.gov/california-hny.pdf">https://smart.ojp.gov/california-hny.pdf</a> ; Doe #3 Depo 26:18-20 [Wyer SJ Decl. Ex. 2] (identifying date of release from prison as October 6, 1999).
2	133.	Doe #3 understands that he is currently unable to register as a sex offender in California.	Doe #3 Depo. 36:7-24 [Wyer SJ Decl. Ex. 2]; Doe #3 Decl. Ex. F [ECF 131-6, at 29-31].
3	134.	Doe #3 never provided Internet identifiers as part of his sex offender registration.	Doe #3 Depo. 49:6-15 [Wyer SJ Decl. Ex. 2]; Segal Decl. ¶ 5.
4	135.	Doe #3 is currently unable to report Internet identifiers to any sex offender registration authority in California.	Doe #3 Depo. 36:7-24 [Wyer SJ Decl. Ex. 2]; Doe #3 Decl. Ex. F [ECF 131-6, at 29-31]; Segal Decl. ¶¶ 5, 8.
5	136.	Doe #3 has never participated anonymously in any online forum, nor has he sought to do so.	Doe #3 Depo. 49:16-51:6; 55:15-19 [Wyer SJ Decl. Ex. 2].
6	137.	Doe #3 has a Facebook account and uses email but otherwise does not engage in online discussion.	Doe #3 Depo. 49:16-51:6 [Wyer SJ Decl. Ex. 2].
7	138.	Doe #3 does not know whether California includes sex offenders’ Internet identifiers on its public sex offender registry.	Doe #3 Depo. 60:16-23 [Wyer SJ Decl. Ex. 2].
8	139.	Doe #3’s fears regarding the reporting of Internet identifiers are based on speculation; his general distrust and fear of law enforcement; his fear that electronic systems containing the identifiers may be hacked or disclosed through	Doe #3 Depo. 53:3-58:5, 61:5-62:14; 65:8-66:8; 67:14-68:24, 71:10-17 [Wyer SJ Decl. Ex. 2] (“you’re asking me to speculate what the government would do”).

1		unauthorized leaks; and his lack of understanding of how or whether the Fourth Amendment or other legal guardrails apply to electronic communications.	
2	140.	Even if Doe #3 were to report Internet identifiers, he does not know whether the identifiers would become public.	Doe #3 Depo. 65:8-17; 71:14-21 [Wyer SJ Decl. Ex. 2].
3	141.	Doe #3 has no concrete plan to move or travel to another state.	Doe #3 Depo. 75:2-11 [Wyer SJ Decl. Ex. 2].
4	142.	Doe #4 is [REDACTED] a member of ACSOI [REDACTED]	[REDACTED]
5	143.	Doe #4 was convicted in 1996 of, and served a sentence for, two felony counts of lewd and lascivious conduct with a child under 16 in violation of Fla. Stat. § 800.04.	Doe #4 Decl. ¶ 3 & Ex. A [ECF 131-7, at 12]; Doe #4 Depo. 33:12-20 [Wyer SJ Decl. Ex. 3].
6	144.	The conduct underlying Doe #4's sex offenses involved a 15-year-old victim.	Doe #4 Decl. ¶ 3.
7	145.	After sentencing, Doe #4 served five years' imprisonment in Florida and was released from prison in 2002.	Doe #4 Decl. ¶ 4; Doe #4 Depo. 29:4-10; 30:16-31:2; 40:3-4 [Wyer SJ Decl. Ex. 3].
8	146.	Around the time of his release from prison in 2002, Doe #4 was informed of his obligation to register as a sex offender in Florida or any other jurisdiction he might move to.	Doe #4 Depo. 40:3-4, 41:2-11 [Wyer SJ Decl. Ex. 3].
9	147.	At the time Doe #4 moved to California in 2002, California law imposed lifetime registration obligations on sex offenders, including those with out-of-state convictions, as long as they lived,	Doe #4 Depo. 40:5-6 [Wyer SJ Decl. Ex. 3]; Cal. Penal Code § 290(a)(1)(A), (2)(D) (version effective Jan. 1, 2002 to Mar. 27, 2002).

1		worked, or attended school in California.	
2	148.	After moving to California, Doe #4 updated his sex offender registration annually at the City of Pasadena Police Department for over twenty years.	Doe #4 Depo. 41:19-24 [Wyer SJ Decl. Ex. 3].
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6	149.	During these annual updates, Doe #4 reviewed and verified or updated a pre-filled form containing the pieces of information that California collects from sex offenders.	Doe #4 Depo. 42:2-12; 43:6-15 [Wyer SJ Decl. Ex. 3]; Doe #4 Depo. Ex. 14 [Exhibit 5 to Wyer SJ Decl., filed concurrently herewith]; Segal Decl ¶ 4 & Ex. B.
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10	150.	Doe #4 understood that he was unable to provide information for the California sex offender registry that was not requested by the form.	Doe #4 Depo. 47:12-20 [Wyer SJ Decl. Ex. 3].
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13	151.	Doe #4 petitioned to be removed from the Florida sex offender registry in 2022 because Florida law allowed for removal after a certain period of time, which had elapsed.	Doe #4 Decl. Ex. B [ECF 131-7, at 16-17]; Doe #4 Depo. 39:7-23 [Wyer SJ Decl. Ex. 3].
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17	152.	The Florida circuit court decision granting Doe #4's petition is publicly available, including on the website of the [REDACTED], an advocacy organization seeking to [REDACTED] and identifies Doe #4 by name.	<i>See</i> [REDACTED]
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23	153.	In January 2023, Doe #4 was informed that he qualified as a tier 2 offender under California's sex offender registration law, as amended in 2021.	Letter from California Department of Justice to Doe #4, DOE00087-88 [Exhibit 6 to Wyer SJ Decl., filed concurrently herewith].
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27	154.	Doe #4 was removed from the California sex offender registry in 2023, after receiving relief on June	Doe #4 Decl. Ex. C [ECF 131-7, at 26]; Cal. Penal Code § 290.5.
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1		6, 2023 under Cal. Penal Code § 290.5, because he had been registered for the requisite minimum 20-year period for tier 2 offenders under California’s sex offender registration law, as amended in 2021.	
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3	155.	Doe #4 possesses a copy of the June 6, 2023 Order from the Superior Court of California granting his petition to terminate his sex offender registration under Cal. Penal Code § 290.5.	Doe #4 Decl. Ex. C [ECF 131-7, at 26].
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5	156.	Doe #4’s sex offense conviction under Fla. Stat. § 800.04 was not nullified, vacated, or set aside.	Doe #4 Decl. Ex. C [ECF 131-7, at 26]; Cal. Penal Code § 290.5.
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7	157.	Doe #4 has not received relief under Cal. Penal Code § 1203.4 for his sex offense conviction under Fla. Stat. § 800.04.	Doe #4 Depo. 50:14-18 [Wyer SJ Decl. Ex. 3].
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9	158.	Doe #4 has not received a certificate of rehabilitation for his sex offense conviction under Fla. Stat. § 800.04.	Doe #4 Decl. Ex. C [ECF 131-7, at 26]; Cal. Penal Code § 290.5.
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11	159.	Doe #4 has never been pardoned.	Doe #4 Depo. 50:12-13 [Wyer SJ Decl. Ex. 3].
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13	160.	Doe #4 has not registered as a sex offender since his obligation to register under California law was terminated in 2023, has made no attempt to do so, and understands that he is unable to do so.	Doe #4 Depo. 34:24-35:7; 37:21-38:4; 54:16-21; 55:1-10 [Wyer SJ Decl. Ex. 3].
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15	161.	Although the California sex offender registration form that Doe #4 reviewed each year does not request offenders’ Internet identifiers, Doe #4 freely provided his e-mail address when communicating with the registering officer by e-mail.	Doe #4 Depo. 52:19-53:15; 69:9-17 [Wyer SJ Decl. Ex. 3]; Doe #4 Depo. Ex. 14 [Wyer SJ Decl. Ex. 5].
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1	162.	Almost all online fora in which Doe #4 posts comments are linked to his email address.	Doe #4 Depo. 59:11-62:1 [Wyer SJ Decl. Ex. 3].
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3	163.	A publicly-available online report of [REDACTED] identifies Doe #4 by name as a sex offender registrant and quotes him as urging sex offenders to [REDACTED].	<i>See</i> [REDACTED]
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8	164.	Doe #4 understands that he is unable to register as a sex offender directly with the federal government.	Doe #4 Depo. 37:21-38:14; 66:19-67:2 [Wyer SJ Decl. Ex. 3].
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11	165.	Doe #4 was not aware that SORNA has required reporting Internet identifiers since 2008.	Doe #4 Depo. 64:23-65:11 [Wyer SJ Decl. Ex. 3].
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13	166.	Doe #4 did not pay attention to or know very much about federal SORNA reporting requirements until ACSOL began preparing for this lawsuit.	Doe #4 Depo. 63:25-65:11 [Wyer SJ Decl. Ex. 3].
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17	167.	Doe #4 is unaware whether California includes sex offenders' internet identifiers on its public sex offender registry.	Doe #4 Depo. 67:25-68:2 [Wyer SJ Decl. Ex. 3].
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20	168.	Doe #4 is not aware that federal law prohibits including internet identifiers on public state sex offender registry websites.	Doe #4 Depo. 68:12-16 [Wyer SJ Decl. Ex. 3].
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23	169.	Doe #4's fears regarding the reporting of internet identifiers are based on his general distrust and fear of law enforcement; his fear that electronic systems containing the identifiers may be hacked or disclosed through unauthorized leaks; and his lack of understanding of how or whether the Fourth	Doe #4 Depo. 68:21-69:8-18, 70:19-71:5, 71:8-72:2, 72:8-22, 73:1-11 [Wyer SJ Decl. Ex. 3].
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1		Amendment or other legal guardrails apply to electronic communications.	
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3	170.	Doe #4 admits that his fears regarding Internet identifiers involve imagined scenarios that “call for too much speculation.”	Doe #4 Depo. 69:25-70:9, 70:19-71:5, 71:8-72:2, 73:1-11 [Wyer SJ Decl. Ex. 3].
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6	171.	Even if Doe #4 were to report Internet identifiers, he does not know whether the Identifiers would become public.	Doe #4 Depo. 69:25-70:9, 70:19-71:5, 71:8-72:2, 73:1-11 [Wyer SJ Decl. Ex. 3].
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9	172.	Doe #4 may travel to Pennsylvania sometime in the fall but has no “exact plan.”	Doe #4 Depo. 76:6-11 [Wyer SJ Decl. Ex. 3].
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11	173.	ACSOL is relying solely on the standing of Doe #2 and Doe #4—the only individual plaintiffs who are ACSOL members—for its standing as an organization.	ACSOL Response to Def. Interrogatory No. 16. [Exhibit 8 to Wyer SJ Decl., filed concurrently herewith]; Doe #3 Depo. 39:6-7 [Wyer SJ Decl. Ex. 2] (Doe #3 is not an ACSOL member).
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15	174.	No identified ACSOL member is currently required to register as a sex offender under California law.	Doe #2 Depo. Ex. 7 [Wyer SJ Decl. Ex. 4]; Doe #4 Decl. Ex. C [ECF 131-7, at 26]; Doe #3 Depo. 39:6-7 (Doe #3 is not an ACSOL member).
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19	175.	No identified ACSOL member is registered or can register as a sex offender in California.	Doe #2 Depo. Ex. 7 [Wyer SJ Decl. Ex. 4]; Doe #4 Decl. Ex. C [ECF 131-7, at 26]; Doe #3 Depo. 39:6-7 (Doe #3 is not an ACSOL member); Segal Decl. ¶ 8.
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22	176.	Plaintiffs’ summary judgment filing identifies no ACSOL member who has ever provided Internet identifiers to a registration authority in California as part of a sex offender registration.	Pls.’ SJ filing [ECF 131]; Segal Decl. ¶ 5.
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26	177.	California never has transmitted and currently does not transmit Internet identifier information for any	Segal Decl. ¶ 8.
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1		ACSOL member or any other sex offender to NSOR as part of that individual's sex offender registration information.	
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4	178.	Plaintiffs' summary judgment filing does not identify any ACSOL member as having a passport or as having a concrete plan to travel internationally.	Pls.' SJ filing [ECF 131].
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7	179.	Plaintiffs' summary judgment filing does not identify any ACSOL member who attempted to inform a California registration authority that they intended to travel internationally.	Pls.' SJ filing [ECF 131].
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12	180.	Doe #2, Doe #3, and Doe #4 qualify for the affirmative defense in 18 U.S.C. § 2250(c) because California does not allow them to register with the state sex offender registry.	18 U.S.C. § 2250(c); Segal Decl. ¶ 8.
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15	181.	Doe #2, Doe #3, and Doe #4 can establish their entitlement to the affirmative defense under 18 U.S.C. § 2250(c) by providing the documentation they currently possess showing that their obligation to register as a sex offender under California law has been terminated.	18 U.S.C. § 2250(c); Segal Decl. ¶ 8; Doe #2 Depo. Ex. 7 [Wyer SJ Decl. Ex. 4]; Doe #3 Decl. Ex. C [ECF 131-6, at 18]; Doe #4 Decl. Ex. C [ECF 131-7, at 26].
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21	182.	The record before the Court contains no notification from a federal law enforcement authority of an intent to prosecute any individual plaintiff in this case under SORNA.	Entire record before the Court.
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Dated: January 17, 2025                      Respectfully submitted,

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10  
11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**

13  
14 DOE #2 et al.,

15 Plaintiffs,

16 v.

17 U.S. DEPARTMENT OF JUSTICE  
18 et al.,

19 Defendants.

NO. 5:22-CV-855-JGB-SP

**DEFENDANTS’ STATEMENT OF  
GENUINE DISPUTES OF  
MATERIAL FACT  
[Redacted]**

Hearing Date: April 28, 2025  
Hearing Time: 9:00 a.m.  
Courtroom: Riverside, Courtroom 1  
Honorable Jesus G. Bernal  
United States District Judge

Pursuant to Federal Rule of Civil Procedure 56, Local Civil Rule 56-2, and this Court’s Standing Order [ECF 9], Defendants set forth below their responses to Plaintiffs’ Statement of Undisputed Facts [ECF 131-4], on the ground that the administrative record, and extra-record evidence relevant to this Court’s jurisdiction, do not support the specified statements. Pursuant to Local Civil Rule 56-1, Defendants also file concurrently herewith, in a separate document, Defendants’ Statement of Undisputed Facts, which they incorporate by reference in further support of Defendants’ Responses set forth below, in opposition to Plaintiffs’ Motion for Summary Judgment, and in support of Defendants’ Cross-Motion for Summary Judgment.

Pls.’ SUF No.	Pls.’ Asserted Fact	Supporting Evidence	Defs.’ Response
1.	Plaintiff John Doe # 2 is a resident of the State of California.	Declaration of John Doe # 2 (“Doe # 2 Decl.”) ¶ 1.	Undisputed.
2.	Mr. Doe # 2 entered a nolo contendere plea in 2005 to one count of sexual battery under California Penal Code § 243.4(a).	Doe # 2 Decl., Ex. A.	Undisputed.
3.	Mr. Doe # 2’s conviction was reduced to a misdemeanor, for which he was sentenced to 30	Doe # 2 Decl., Ex. A.	Disputed in regard to the sequence of events. Doe #2 Decl. Ex. A indicates that Doe #2 was sentenced on April 18, 2005 to 30 days in jail and three years’ probation. <i>See</i> ECF 131-5, at 7.

	<p>days in jail and three years' probation.</p>		<p>On December 5, 2008, Doe #2 moved to reduce the count of conviction to a misdemeanor, and the motion was granted that day. ECF 131-5, at 10.</p>
<p>4.</p>	<p>Mr. Doe #2 was required to register as a sex offender for life in the State of California.</p>	<p>Doe # 2 Decl., Ex. A.</p>	<p>Undisputed to the extent this statement describes Doe #3's registration obligation under California law at the time of his conviction. Doe #2 Decl. Ex. A indicates Doe #2 was required to "register with the local police agency as a sex offender, as prescribed by law," see ECF 131-5, at 7, and California law at the time imposed a lifetime registration requirement on all sex offenders within its jurisdiction.</p>
<p>5.</p>	<p>Mr. Doe # 2 successfully petitioned to have his name excluded from the public Megan's Law website in California.</p>	<p>Ex. 1, Deposition of John Doe # 2 ("Doe # 2 Depo.") 44:10-25; Doe # 2 Decl., Ex. A.</p>	<p>Undisputed.</p>
<p>6.</p>	<p>Mr. Doe # 2's conviction was set aside and vacated by a California court in 2012.</p>	<p>Doe # 2 Decl., Ex. A.</p>	<p>Disputed. The cited document, Doe #2's criminal history record, includes a summary report that Doe #2 was granted relief under Cal. Penal Code § 1203.4 on April 24, 2012, with stock language stating that "the plea, verdict, or finding of guilt be set aside and vacated and a plea of not guilty be entered." Doe #2 Decl. Ex. A at DOE00011 [ECF 131-5, at 11]. However, it does not state that Doe #2's "conviction" was set</p>

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			<p>aside or vacated for purposes of sex offender registration requirements. To the contrary, it states, consistent with Cal. Penal Code § 1203.4, that “Defendant is still required to register as a sex offender and may not possess guns or ammo.” <i>Id.</i> The language in Doe #2’s criminal history record in any event does not override courts’ interpretations of § 1203.4, which make clear that relief under that provision does not “render the conviction a legal nullity.” <i>Jennings v. Mukasey</i>, 511 F.3d 894, 898-99 (9th Cir. 2007) (also stating § 1203.4 “does not, properly speaking, ‘expunge’ the prior conviction”); <i>Meyer v. Bd. of Med. Exam’rs</i>, 34 Cal. 2d 62, 67, 206 P.2d 1085, 1088 (1949) (holding § 1203.4 did not “purge [an individual] of the guilt inherent [in his prior conviction]”).</p>
7.	In 2016, Mr. Doe # 2 was issued a “Certificate of Rehabilitation” under Cal. Penal Code § 4852.01.	Doe # 2 Decl., Exs. B & C.	Undisputed.
8.	Under California law, Mr. Doe #2 is no longer required to register as a sex offender.	Ex. 1 (Doe # 2 Depo.) at 36:4–12; Doe # 2 Decl., Exs. B & C.	Undisputed.
9.	The Office of Sex	Declaration of	Undisputed.



1	Offender	Janice Bellucci	
2	Sentencing,	("Bellucci	
3	Monitoring,	Decl.") ¶ 18;	
4	Apprehending,	Answer to First	
5	Registering, and	Amended	
6	Tracking	Complaint at ¶	
7	(SMART), a	48 (ECF No.	
8	component of DOJ,	79).	
9	issued SORNA		
10	Substantial		
11	Implementation		
12	Review, State of		
13	California, DOJ, in		
14	January of 2016.		
15	10.	The Office of Sex	Department of
16	Offender	Sentencing,	Justice,
17	Sentencing,	Monitoring,	SORNA
18	Monitoring,	Apprehending,	Substantial
19	Apprehending,	Registering, and	Implementation
20	Registering, and	Tracking	Review, State
21	Tracking	(SMART), a	of California –
22	(SMART), a	component of DOJ,	Revised (April
23	component of DOJ,	issued a revised	2024) avail. at
24	issued a revised	SORNA	<a href="https://smart.ojp.gov/california-hny.pdf">https://smart.oj</a>
25	SORNA	Substantial	<a href="https://smart.oj">p.gov/california</a>
26	Substantial	Implementation	-hny.
27	Implementation	Review, State of	pdf
28	Review, State of	California, DOJ, in	
	April of 2024.		Undisputed.
	11.	DOJ considers a	Disputed. the 2024 SORNA
	felony violation of	Cal. Penal Code §	Substantial Implementation
	Cal. Penal Code §	243.4(a) is a Tier	Review, State of California -
	243.4(a) is a Tier	III offense,	Revised ("2024 SIR") identified
	III offense,	resulting in a	the then-current version of Cal.
	resulting in a		Penal Code § 243.4(a), Sexual

1	lifetime registration obligation.	(April 2024)	battery where victim is unlawfully restrained (if felony), as a SORNA Tier III Offense. The 2024 SIR did not address the current version of Cal. Penal Code § 243.4(a). The 2024 SIR was issued by the SMART Office, a DOJ component responsible for administering certain grant programs and assisting states in implementing SORNA. <i>See</i> <a href="https://smart.ojp.gov/about">https://smart.ojp.gov/about</a>
2			Under SORNA, the full registration period for a tier III sex offender is the life of the offender, but juveniles adjudicated delinquent as tier III sex offenders may be eligible for termination of that registration period if the offender satisfies statutory requirements for maintaining a clean record for 25 years. 34 U.S.C. § 20914(a)(3), (b).
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18	12. Plaintiff John Doe # 3 is a resident of the State of California.	Declaration of John Doe # 3 (“Doe # 3 Decl.”) ¶ 1.	Undisputed.
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21	13. Mr. Doe # 3 was convicted in 1997 of violating Cal. Penal Code § 288(a) (“Lewd Acts With a Minor Under 14”).	Ex. 2, Deposition of John Doe # 3 (“Doe # 3 Depo.”) at 23:11–18; Doe # 3 Decl., Ex. A.	Undisputed.
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27	14. Mr. Doe #3 was required to register	Ex. 2, (Doe # 3 Depo.) at	Undisputed to the extent this statement describes Doe #3’s
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	as a sex offender in California for life.	26:12–20, 30:11–16; Doe # 3 Decl., A.	registration obligation under California law at the time of his conviction, which imposed a lifetime registration requirement on all sex offenders within its jurisdiction. <i>See</i> Doe #3 Depo. 30:2-16.
15.	In 2012, Mr. Doe #3 was convicted of misdemeanor failure to register under California Penal Code § 290(g)(1).	Ex. 2 (Doe # 3 Depo.) at 28:8–25, 29:1–4; Doe # 3 Decl., Ex. A.	Undisputed.
16.	In 2015, Mr. Doe # 3’s 2011 misdemeanor conviction was expunged pursuant to Cal. Penal Code § 1203.4.	Doe # 3 Decl., Ex. B.	Disputed. Neither Doe #3 Decl., Ex. B nor Cal. Penal Code § 1203.4 uses the term “expunged” in regard to relief under that provision. Doe #3 Decl., Ex. B states that the relevant “pleas, verdicts, or findings of guilt [are to] be set aside and vacated and a plea of not guilty be entered and that the complaint be, and is hereby, dismissed,” but also states that dismissal of a conviction “does not automatically relieve petitioner from the requirement to register as a sex offender,” and that the conviction at issue must still be disclosed in certain contexts. <i>See also Jennings v. Mukasey</i> , 511 F.3d 894, 898-99 (9th Cir. 2007) (“Section 1203.4 does not, properly speaking, ‘expunge’ the prior conviction.” (quoting <i>People v. Frawley</i> , 82 Cal. App. 4th 784, 791, 98 Cal.

			Rptr. 2d 555, 559 (2000)).
17.	In 2022, Mr. Doe # 3's [ <i>sic</i> ] petitioned to be removed from the California registry under Cal. Penal Code 290.5, which was granted.	Ex. 2 (Doe # 3 Depo.) at 31:5–10; Doe # 3 Decl., Ex. C.	Undisputed.
18.	Mr. Doe #3 is no longer required to register as a sex offender under California law.	Ex. 2 (Doe # 3 Depo.) at 34:12–25, 35:1–11; Doe # 3 Decl., Exs. C & D.	Undisputed.
19.	DOJ considers a violation of Cal. Penal Code § 288 to be “at a minimum” a Tier II offense, resulting in a minimum 25-year registration obligation.	SORNA Substantial Implementation Review, State of California - Revised at 22 (April 2024).	Undisputed that the 2024 SIR identifies a violation of the current version of Cal. Penal Code § 288 as either a Tier II or Tier III offense, depending on the age of the victim and other details identified under analogous federal law offenses. 2024 SIR at 22, 25. The 2024 SIR was issued by the SMART Office, a DOJ component responsible for administering certain grant programs and assisting states in implementing SORNA. <i>See</i> <a href="https://smart.ojp.gov/about">https://smart.ojp.gov/about</a> .
20.	DOJ has previously asserted that a violation of Cal. Penal Code § 288 is a Tier III offense, resulting in a lifetime registration obligation.	SORNA Substantial Implementation Review, State of California, DOJ, at 19 (Jan. 2016); Bellucci Decl., Ex. A.	Disputed. The 2016 SORNA Substantial Implementation Review, State of California (“2016 SIR”) could not have addressed the current version of Cal. Penal Code § 288, which was not in effect in 2016. The 2016 SIR identified a violation of an earlier version of Cal. Penal Code § 288

1			as a Tier III offense. 2016 SIR at
2			19. The 2016 SIR was issued by
3			the SMART Office, a DOJ
4			component responsible for
5			administering certain grant
6			programs and assisting states in
7			implementing SORNA. See
8			<a href="https://smart.ojp.gov/about">https://smart.ojp.gov/about</a> .
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10	21.	Plaintiff John Doe # 4 is a resident of the State of California.	Undisputed.
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16	22.	Mr. Doe #4 was convicted in 1996 for lewd and lascivious conduct with a child under 16 in violation of Florida Statute 800.04.	Undisputed.
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22	23.	Mr. Doe #4's conviction designated him a lifetime registrant in the State of Florida.	Undisputed to the extent this statement describes Doe #4's registration obligation under applicable Florida law, which imposed a lifetime registration requirement on all sex offenders within its jurisdiction. Fla. Stat. Ann. § 943.0435(11).
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28	24.	Mr. Doe # 4 subsequently moved to California, where he was also required to register for life under state law.	Undisputed to the extent this statement describes Doe #4's registration obligation under California law before 2021. In December 2017, the California legislature passed SB 384, which allows offenders to seek termination of their registration obligations based on the expiration

			of a tier-based mandatory minimum registration period beginning on July 1, 2021. <i>See</i> Cal. Penal Code §§ 290, 290.5.
25.	NONE		
26.	Mr. Doe # 4’s petition for his removal from Florida’s Sexual Offender Registry was granted by the Circuit Court of the Eleventh Judicial Circuit for Miami-Dade County, Florida, in 2022.	Ex. 3 (Doe # 4 Depo.) at 35:10–24, 39:1; Doe # 4 Decl., Ex. B.	Undisputed.
27.	Mr. Doe # 4’s petition for his removal from California’s Sex Offender Registry was granted by the Superior Court for Los Angeles County, California, in 2023.	Ex. 3 (Doe # 4 Depo.) at 48:22–25, 49:1–2; Doe # 4 Decl., Ex. C.	Undisputed.
28.	DOJ considers Florida Statute § 800.04 a Tier III offense.	Department of Justice, SORNA Substantial Implementation Review State of Florida at 3 (May 2010).	Disputed. The SORNA Substantial Implementation Review, State of Florida (2010) (“2010 Florida SIR”) identified a violation of the version of Fla. Stat. Ann. § 800.04 then in effect as a Tier II or Tier III offense, depending on the subsection of conviction, age of the victim, and other details identified under equivalent federal law offenses. 2010 Florida SIR at 11, 13-14. The 2010 Florida SIR



			<p>was issued by the SMART Office, a DOJ component responsible for administering certain grant programs and assisting states in implementing SORNA. <i>See</i> <a href="https://smart.ojp.gov/about">https://smart.ojp.gov/about</a>.</p>
29.	<p>The Alliance for Constitutional Sex Offense Laws (ACSOL) is a nonprofit organization, based in California “dedicated to protecting the Constitution by restoring the civil rights of people listed on the public registries and their families.”</p>	<p>Bellucci Decl. ¶ 6.</p>	<p>Disputed in that the quoted language deviates from the language contained in the cited declaration, Bellucci Decl. ¶ 6. The quoted language appears on ACSOL’s website at <a href="https://all4consolaws.org/about-us/">https://all4consolaws.org/about-us/</a>.</p>
30.	<p>ACSOL has members within the Central District of California.</p>	<p>Bellucci Decl. ¶ 8.</p>	<p>Undisputed.</p>
31.	<p>ACSOL’s membership includes individuals convicted of sex offenses, as described by federal law, and required to register as sex offenders under both California and federal law.</p>	<p>Bellucci Decl. ¶ 11.</p>	<p>Disputed. The only ACSOL members identified in this case are Doe #2 and Doe #4, who are not required to register under California law. Doe #2 Depo. Ex. 7; Doe #4 Decl. Ex. C [ECF 131-7, at 26]; Doe #3 Depo. 39:6-7 (Doe #3 is not an ACSOL member). As described in Defendants’ Objections, ACSOL should be precluded from offering evidence about members other</p>

			<p>than plaintiffs Doe #2 and Doe #4 to support its associational standing. <i>See</i> Defendants’ Objections to Plaintiffs’ Statement of Undisputed Facts ¶ 31 (“Defendants’ Objections” or “Defs.’ Obj.”).</p>
<p>32.</p>	<p>ACSOL’s membership includes individuals convicted of California crimes that are sex offenses, as described by federal law, who are putatively required to register as sex offenders under federal law, but have had their convictions expunged under California Penal Code § 1203.4 and have no other convictions.</p>	<p>Bellucci Decl. ¶ 12.</p>	<p>Disputed. The only ACSOL members identified in this case are Doe #2 and Doe #4; only Doe #2 obtained dismissal of his sex offense conviction under Cal. Penal Code § 1203.4; and that dismissal did not qualify as an “expungement” or relieve Doe #2 of his registration obligations under California law. Doe #2 Decl. Ex. A [ECF 131-5, at 11]; <i>Jennings</i>, 511 F.3d at 898-99 (§ 1203.4 “does not, properly speaking, ‘expunge’ the prior conviction”); <i>Meyer</i>, 34 Cal. 2d at 67, 206 P.2d at 1088 (holding § 1203.4 did not “purge [an individual] of the guilt inherent [in his prior conviction]”). ACSOL should be precluded from offering evidence about members other than plaintiffs Doe #2 and Doe #4 to support its associational standing. <i>See</i> Defs.’ Obj. ¶ 31.</p>
<p>33.</p>	<p>ACSOL’s membership includes individuals convicted of California crimes that are sex offenses, as described by</p>	<p>Bellucci Decl. ¶ 12.</p>	<p>Disputed. The only ACSOL members identified in this case are Doe #2 and Doe #4; only Doe #4 was granted relief under Cal. Penal Code § 290.5; but his original sex offense conviction was under Florida law. Doe #4 Decl. ¶ 3 &amp; Exs. A [ECF 131-7, at</p>

	<p>federal law, who are putatively required to register as sex offenders under federal law, but have been granted relief from registration under California Penal Code § 290.5 and have no other convictions.</p>		<p>12], C [ECF 131-7, at 26]; Cal. Penal Code § 290.5. ACSOL should be precluded from offering evidence about members other than plaintiffs Doe #2 and Doe #4 to support its associational standing. <i>See</i> Defs.’ Obj. ¶ 31.</p>
<p>34.</p>	<p>One of ACSOL’s central purposes is limiting unlawful registration requirements for its membership to help its members live law-abiding and productive lives as a part of their communities.</p>	<p>Bellucci Decl. ¶ 9.</p>	<p>Undisputed.</p>
<p>35.</p>	<p>On December 8, 2021, DOJ, at the direction of Defendant Garland, issued a rule, Registration Requirements Under the Sex Offender Registration and Notification Act, 86 Fed. Reg. 69,856 (Dec. 8, 2021) (the Rule).</p>	<p>Registration Requirements Under the Sex Offender Registration and Notification Act, 86 Fed. Reg. 69,856 (Dec. 8, 2021); Answer to First Amended Complaint at ¶ 57 (ECF No.</p>	<p>Undisputed that the Attorney General issued the cited Rule on December 8, 2021, following issuance of a proposed rule, 85 Fed. Reg. 49332 (Aug. 13, 2020), and notice and comment rulemaking procedures under the Administrative Procedure Act. 86 Fed. Reg. 69856, 69887 (Dec. 8, 2021); Answer [ECF 79] ¶ 57.</p>

<p>1 2 3 4 5 6 7 8 9 10 11</p>	<p>36. The Rule became effective on January 7, 2022.</p>	<p>79). Registration Requirements Under the Sex Offender Registration and Notification Act, 86 Fed. Reg. 69,856 (Dec. 8, 2021); Answer to First Amended Complaint at ¶ 58 (ECF No. 79).</p>	<p>Undisputed.</p>
<p>12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28</p>	<p>37. Under the Rule, despite his conviction having been expunged under California law and his registration obligation terminated, Mr. Doe # 2 is required to re-register as a sex offender.</p>	<p>Doe # 2 Decl. ¶ 8.</p>	<p>Disputed. Doe #2’s relief under Cal. Penal Code § 1203.4 was not an “expungement” and did not terminate his registration obligation under California law. <i>Jennings</i>, 511 F.3d at 898-99; Doe #2 Decl. Exs. A [ECF 131-5, at 11]. Doe #2’s registration obligation under California law did not end until he received a certificate of rehabilitation pursuant to Cal. Penal Code § 4852.13, which is not equivalent to an expungement. Doe #2 Decl. Ex. C [ECF 151-5, at 17]. Based on the facts asserted in this case, Doe #2 is not required under SORNA to “re-register as a sex offender.” Because Doe #2 cannot register in California, the affirmative defense in 18 U.S.C. § 2250(c) relieves him of any liability for failure to register. <i>See</i></p>

			28 C.F.R. § 72.8(a)(2) Example 2.
38.	NONE		
39.	Under the Rule, Mr. Doe # 3 is required to re-register as a sex offender, despite having been granted relief from registration under state law.	Doe # 3 Decl. ¶ 9.	Disputed. Based on the facts asserted in this case, Doe #3 is not required under SORNA to “re-register as a sex offender.” Because Doe #3 cannot register in California, the affirmative defense in 18 U.S.C. § 2250(c) relieves him of any liability for failure to register. <i>See</i> 28 C.F.R. § 72.8(a)(2) Example 2.
40.	Under the Rule, Mr. Doe # 4 is required to register as a sex offender, despite having been granted relief from registration under Florida law and California law.	Doe # 4 Decl. ¶ 10.	Disputed. Based on the facts asserted in this case, Doe #4 is not required under SORNA to “re-register as a sex offender.” Because Doe #4 cannot register in California, the affirmative defense in 18 U.S.C. § 2250(c) relieves him of any liability for failure to register. <i>See</i> 28 C.F.R. § 72.8(a)(2) Example 2.
41.	A county Sheriff’s detective told Mr. Doe #3’s attorney by email that the federal sex offender registry simply compiles state records, and that registration requirements are managed by states rather than federal authorities. The detective stated that his office does not handle federal registration and was	Doe # 3 Decl. ¶ 6, Ex. F.	Undisputed that the cited email contains this statement. The National Sex Offender Registry (NSOR) is a single file in the National Crime Information Center (NCIC) database that includes sex offender information entered by each jurisdiction. 34 U.S.C. § 20921; SMART Office, NSOPW vs. NSOR, <a href="https://www.govinfo.gov/content/pkg/GOVPUB-J-PURL-gpo189993/pdf/GOVPUB-J-PURL-gpo189993.pdf">https://www.govinfo.gov/content/pkg/GOVPUB-J-PURL-gpo189993/pdf/GOVPUB-J-PURL-gpo189993.pdf</a> .

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	not aware of any agency that does.		
42.	SORNA conditions certain federal funding on a state’s implementation of a comprehensive federal registration system for those convicted of certain offenses. When a jurisdiction fails to “substantially implement” SORNA, the Attorney General shall order that 10% of relevant grant funding be withheld from the state as a penalty.	34 U.S.C. § 20913; 34 U.S.C. § 20927(a); 18 U.S.C. § 2250(a)(1).	Disputed to the extent the descriptions deviate from the statutory language appearing in 34 U.S.C. § 20927 or other provisions of SORNA. 18 U.S.C. § 2250(a)(1) and 34 U.S.C. § 20913 are not concerned with the funding incentive for implementation and do not support this asserted fact.
43.	SORNA makes it a federal crime, punishable by up to 10 years in prison, for anyone to fail to register as directed by SORNA.	18 U.S.C. § 2250.	Disputed to the extent the description deviates from the statutory language in 18 U.S.C. § 2250. For example, § 2250 does not impose criminal liability on an individual convicted of a sex offense under state law unless the individual “travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country;” “knowingly fails to register or update a registration”; and is unable to establish the affirmative defense set forth in 18 U.S.C. § 2250(c).



1	44.	NONE		
2	45.	In the Rule, the Attorney General invoked his authority under 34 U.S.C. § 20912(b), 20913(d), and 20914(a)(7), (8), (b) to create additional registration requirements.	Registration Requirements Under the Sex Offender Registration and Notification Act, 86 Fed. Reg. 69,856 (Dec. 8, 2021).	Disputed in that Plaintiffs provide no pin cite, nor do they identify any specific invocation of authority, so it is unclear what this asserted fact, including the phrase “additional registration requirements,” seeks to reference. To the extent the Attorney General exercised authority under 34 U.S.C. §§ 201912(b), 201913(b), or 2014(a)(8), the Rule “embodies the same policies as those appearing in the previously issued SORNA guidelines and prior rulemakings.” 86 Fed. Reg. at 69856-57.
3	46.	According to the Rule, SORNA applies to “all sex offenders” regardless of when the conviction occurred and regardless of whether a jurisdiction has substantially implemented the Act.	Registration Requirements Under the Sex Offender Registration and Notification Act, 86 Fed. Reg. 69,856-57 (Dec. 8, 2021).	Disputed in that this unqualified assertion disregards the limitations on SORNA’s registration requirements and on liability for violations. <i>See, e.g.</i> , 86 Fed. Reg. at 69858-59, 69863, 69865 (no federal liability for violating SORNA requirements of which an offender is unaware, or where compliance is prevented by a jurisdiction’s failure to carry out a necessary complementary role, or where a state offender’s violation does not occur in circumstances supporting federal jurisdiction); <i>id.</i> at 69869, 69871 (limits on duration of registration).
4	47.	“SMART” Guidelines were promulgated by the Attorney General in 2008	The National Guidelines for Sex Offender Registration and	Disputed in that 42 U.S.C. § 16912 has been renumbered as 34 U.S.C. § 20912, and the citation and title of the Guidelines are incorrect. The Guidelines are

	<p>pursuant to § 112(b) of Title I of the Adam Walsh Child Protection and Safety Act of 2006, 42 U.S.C. § 16912(b).</p>	<p>Notification, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (“SMART”), 73 Fed. Reg. 38,030, 38,050 (July 2, 2008) (“SMART Guidelines”).</p>	<p>properly cited as Department of Justice, Office of the Attorney General; The National Guidelines for Sex Offender Registration and Notification, Final Guidelines, 73 Fed. Reg. 38030 (July 2, 2008), and are commonly referred to as the “SORNA Guidelines” or “2008 Guidelines,” not “SMART Guidelines.” Otherwise undisputed.</p>
<p>48.</p>	<p>The SMART Guidelines state that “an adult sex offender is ‘convicted’ for SORNA purposes if the sex offender remains subject to penal consequences based on the conviction, however it may be styled.”</p>	<p>The National Guidelines for Sex Offender Registration and Notification, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (“SMART”), 73 Fed. Reg. 38,030, 38,050 (July 2, 2008) (“SMART Guidelines”).</p>	<p>Undisputed that the quoted language appears in the SORNA Guidelines, but the citation is incorrect (see response to PSUF 47), and the quoted language provides one example of how post-conviction relief may not change an offender’s status as “convicted” but does not represent the SORNA Guidelines’ full discussion of this issue. SORNA Guidelines, 73 Fed. Reg. at 38039-40, 38050. For example, the Guidelines also state that “nominal changes or terminological variations [in state law] that do not relieve a conviction of substantive effect” do not “negate the SORNA requirements,” and “the sealing of a criminal record or other action that limits the publicity or availability of a conviction, but does not deprive it of legal validity, does not change its status as a ‘conviction’ for purposes of</p>

			SORNA.” <i>Id.</i> at 38050.
49.	The Rule sets out the information a sex offender must provide to a jurisdiction, which now includes the registrant’s date of birth, “remote communication identifiers” (e.g., internet usernames), temporary lodging information, all passport and immigration information, information about where the registrant’s vehicles are kept, and all professional licenses.	Registration Requirements Under the Sex Offender Registration and Notification Act, 86 Fed. Reg. 69,885 (Dec. 8, 2021).	Undisputed except to the extent Plaintiffs’ use of the term “now” is meant to indicate that the Rule imposes new requirements with respect to requiring sex offenders to provide the listed information. The 2008 Guidelines identified all information that Plaintiffs list—including “remote communication identifiers,” “temporary lodging information,” passport and immigration information, professional license information, “information concerning the place or places where the registrant’s vehicle or vehicles are habitually parked, docked, or otherwise kept,” and date of birth—as information that registrants must provide. 73 Fed. Reg. at 38056-57.
50.	The Rule requires sex offenders to appear “in-person” at least yearly in their local jurisdiction, and verify all information. Depending on the predicate offense, an individual may be required to appear as	Registration Requirements Under the Sex Offender Registration and Notification Act, 86 Fed. Reg. 69,885 (Dec. 8, 2021).	Undisputed except to the extent Plaintiffs seek to imply that the Rule originated this requirement. Congress set forth the requirement of periodic in person verification in 2006 when it enacted SORNA § 116. <i>See</i> 34 U.S.C. § 20918. In addition, when a jurisdiction does not allow a sex offender to appear in person at the intervals required under SORNA, the offender is eligible for the affirmative defense in 18 U.S.C. § 2250(c). <i>See</i> 28

	many as four times per year.		C.F.R. § 72.8(a)(2) Examples 1, 2.
51.	The Rule requires sex offenders to also report, in person, changes in address within three days, give advance notice if he plans to change residences, jobs, or school, report changes in remote communication identifiers within three days, and international travel plans prior to any trip.	Registration Requirements Under the Sex Offender Registration and Notification Act, 86 Fed. Reg. 69,885 (Dec. 8, 2021).	Disputed to the extent this asserted fact seeks to imply that the Rule originated these requirements. Congress set forth the requirement that sex offenders report changes of name, residence, employment, or student status in person within three business days in 2006 when it enacted SORNA § 113. <i>See</i> 34 U.S.C. § 20913(c). The 2008 Guidelines identified the requirement that a sex offender inform the jurisdiction “if the sex offender intends to commence residence, employment, or school attendance in another jurisdiction.” 73 Fed. Reg. at 38065. The 2008 Guidelines also identified the requirement that a sex offender report changes in remote communication identifiers within three business days. <i>Id.</i> at 38060, 38066; 86 Fed. Reg. at 69880. The International Megan’s Law, enacted in 2016, requires sex offenders to report intended international travel. <i>See</i> Pub. L. No. 114-119, § 6 (adding 34 U.S.C. § 20914(a)(7)); 86 Fed. Reg. at 69856.
52.	The Rule provides sex offenders who live in noncompliant states with an affirmative defense, but that defense is only	Registration Requirements Under the Sex Offender Registration and Notification	Disputed. The affirmative defense that Plaintiffs describe is set forth by statute, 18 U.S.C. § 2250(c). <i>See</i> 86 Fed. Reg. at 69887 (“A sex offender may have an affirmative defense to liability, as provided in 18 U.S.C. 2250(c) . . .”). That

<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15</p>	<p>available if they can prove that “uncontrollable circumstances prevented the sex offender from complying with SORNA, where the sex offender did not contribute to the creation of those circumstances in reckless disregard of the requirement to comply and complied as soon as the circumstances preventing compliance ceased to exist.”</p>	<p>Act, 86 Fed. Reg. 69,887 (Dec. 8, 2021).</p>	<p>defense is available to any defendant who meets its criteria, regardless of whether the defendant lives in a state that has not substantially implemented SORNA. <i>See</i> 18 U.S.C. § 2250(c). The Rule discusses the statutory defense in order to provide examples of how it applies in specific circumstances. <i>See</i> 86 Fed. Reg. at 69887; 28 C.F.R. § 72.8 (setting forth three examples of how the affirmative defense in 18 U.S.C. § 2250(c) would apply in different circumstances).</p>
<p>16 17 18 19 20 21 22 23 24 25</p>	<p>53. Failure to register in compliance with SORNA is a federal felony.</p>	<p>Registration Requirements Under the Sex Offender Registration and Notification Act, 86 Fed. Reg. 69,886 (Dec. 8, 2021); 18 U.S.C. § 2250.</p>	<p>Disputed. SORNA’s liability provision identifies a number of elements that must be proven before criminal liability could be imposed, and failure to register in compliance with SORNA is only one of those elements and can only be satisfied if the government proves an offender “knowingly” failed to register. <i>See</i> 18 U.S.C. § 2250. In addition, no criminal liability will be imposed if the affirmative defense set forth in 18 U.S.C. § 2250(c) applies.</p>
<p>26 27 28</p>	<p>54. The Rule requires Mr. Doe # 2, Mr. Doe # 3, and Mr. Doe # 4 to register</p>	<p>Doe # 2 Decl. ¶ 8; Doe # 3 Decl. ¶ 9; Doe # 4 Decl. ¶ 12.</p>	<p>Disputed. Because Doe #2, Doe #3, and Doe #4 have been relieved of registration obligations under California law, and California has</p>

	<p>and comply with the Rule’s requirements.</p>		<p>no mechanism for such individuals to register, the Rule recognizes that they would be entitled to the affirmative defense set forth in 18 U.S.C. § 2250(c). 86 Fed. Reg. at 69887; 28 C.F.R. § 72.8 (Example 2 to § 72.8(a)(2) indicates that if a sex offender “cannot register in a state in which he resides because its registration authorities will not register” him, he “would have a defense to liability because the state’s unwillingness to register sex offenders like him is a circumstance beyond his control”).</p>
<p>55.</p>	<p>Mr. Doe # 2, Mr. Doe # 3, and Mr. Doe # 4 must report, in person, changes in address within three days, give advance notice if they plan to change residences, jobs, or schools, report changes in remote communication identifiers, and report international travel plans prior to any trip.</p>	<p>Doe # 2 Decl. ¶ 11; Doe # 3 Decl. ¶ 11; Doe # 4 Decl. ¶ 13.</p>	<p>Disputed. Because Doe #2, Doe #3, and Doe #4 have been relieved of registration obligations under California law, and California has no mechanism for such individuals to register, the Rule recognizes that they would be entitled to the affirmative defense set forth in 18 U.S.C. § 2250(c). 86 Fed. Reg. at 69887; 28 C.F.R. § 72.8 (Example 2 to § 72.8(a)(2) indicates that if a sex offender “cannot register in a state in which he resides because its registration authorities will not register” him, he “would have a defense to liability because the state’s unwillingness to register sex offenders like him is a circumstance beyond his control”).</p>
<p>56.</p>	<p>Being required to register as a sex offender will harm Mr. Doe #2, Mr. Doe #3, and Mr.</p>	<p>Doe # 2 Decl. ¶ 12; Doe # 3 Decl. ¶ 12; Doe # 4 Decl. ¶ 14.</p>	<p>Disputed. The cited declaration paragraphs do not support the asserted facts. None of the cited paragraphs asserts any consequence relating to schools or</p>



	<p>Doe # 4’s reputations, would likely result in the loss of their jobs, ostracization from their communities, and potentially require them to move to avoid being near public schools and parks.</p>		<p>parks, and SORNA’s requirements are informational in nature and do not restrict employment, travel, or residency. Moreover, regardless of SORNA’s legal obligations, Doe #2, Doe #3, and Doe #4 cannot register in California, and their status as sex offenders under SORNA is not publicly available information. <i>E.g.</i>, Doe #3 Decl. ¶ 6; Segal Decl. ¶ 8. Doe #2 was required to, and did, maintain a sex offender registration in California from 2006 to 2016, and has continued to face registration requirements under SORNA since 2016, but he fails to identify any “devastating professional and personal consequences” that arose from these circumstances. <i>See</i> Doe #2 Decl. ¶¶ 4, 8, 15. The consequences Doe #3 describes apparently took place while Doe #3 was identified as a sex offender on California’s registration website, but Doe #3 was removed from that website in 2022 and identifies no continuing adverse consequences since that time despite his continuing obligation to register as a sex offender under SORNA. <i>See</i> Doe #3 Decl. ¶¶ 5, 12. Doe #4 similarly speculates regarding potential consequences, should he actually re-register as a sex offender, but he does not suggest those consequences follow from merely facing an obligation under SORNA that he cannot, as a</p>
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			practical matter, fulfill. <i>See</i> Doe #4 Decl. ¶¶ 11, 14.
57.	DOJ has found that California has not “substantially complied” with SORNA, in part, because it does not collect all of the information required by the Attorney General.	SORNA Substantial Implementation Review, State of California, DOJ, at 1 (April 2024).	Disputed. Plaintiffs cite page 1 of the SMART Office’s 2024 Substantial Implementation Review for California, but that page does not identify any failures to collect information required by the Attorney General. Page 6 of the Review identifies six pieces of information that California does not include in its registry but concludes that those deviations “do not substantially disserve the purposes of the SORNA requirements in this section.” 2024 California Review at 6. Those deviations therefore did not contribute to the conclusion that California has not substantially complied with SORNA.
58.	Mr. Doe # 2, Mr. Doe # 3, and Mr. Doe # 4 and ACSOL members intend to travel interstate.	Doe # 2 Decl. ¶ 6; Doe # 3 Decl. ¶ 7; Ex. 2 (Doe # 3 Depo.) at 75:2–4; Doe # 4 Decl. at 8; Ex. 3 (Doe # 4 Depo.) at 76:6–9; Bellucci Decl. ¶ 14.	Disputed. Doe #2, Doe #3, and Doe #4 each declare: “I aspire to travel interstate.” Doe #2 Decl. ¶ 9; Doe #3 Decl. ¶ 7; Doe #4 Decl. ¶ 8. Their declarations do not state that they intend to travel interstate or provide any detail about their aspirations to travel interstate. When asked if he had any concrete plans for interstate travel, Doe #3 testified: “They were concrete and now they’re not.” Doe #3 Depo. 75:5-6. Doe #4 testified that he “plan[ned] to visit family in Pennsylvania sometime in the fall” but that his plans were “not exact plans.” Doe #4 Depo. 76:8-9. Bellucci

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			<p>declared: “It is my understanding that many of ACSOL’s members travel interstate and aspire to travel interstate.” Bellucci Decl. ¶ 14. She did not identify those members or provide any detail about their aspirations to travel or the basis of her understanding. No plaintiff provides evidence of travel plans more concrete than the “‘some day’ intentions” that the Supreme Court has held are insufficient to serve as a basis for standing. <i>Lujan v. Defs. of Wildlife</i>, 504 U.S. 555, 564 (1992). In addition, ACSOL should be precluded from offering evidence about members other than the John Doe plaintiffs to support its associational standing. <i>See Defs.’ Obj.</i> ¶ 31.</p>
59.	<p>If Mr. Doe #2, Mr. Doe #3 or Mr. Doe #4 fail to follow any of the Rule’s registration requirements, they face criminal prosecution and up to 10 years in federal prison.</p>	<p>Registration Requirements Under the Sex Offender Registration and Notification Act, 86 Fed. Reg. 69,882 (Dec. 8, 2021).</p>	<p>Disputed. SORNA identifies elements in addition to a failure to register as required before criminal liability may be imposed, including that a state offender have traveled in interstate or foreign commerce and that any failure to register is “knowing.” <i>See</i> 18 U.S.C. § 2250(a). In addition, because Doe #2, Doe #3, and Doe #4 have been relieved of their obligation to register under California law, they cannot register in California, and California will not transmit registration information about them to the federal government. Segal Decl. ¶ 8. Plaintiffs identify</p>

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			no federal prosecutions of former California registrants in similar circumstances, and Doe #2 has not been prosecuted despite his failure to register in California since 2016. Even if indicted, Doe #2, Doe #3, and Doe #4 would be entitled to the affirmative defense set forth in 18 U.S.C. § 2250(c).
60.	Mr. Doe # 2, Mr. Doe # 3, and Mr. Doe # 4 seek to engage in anonymous speech on the internet through the use of anonymous remote communication identifiers, such as email addresses and social media usernames.	Doe # 2 Decl. ¶ 13; Doe # 3 Decl. ¶ 13; Doe # 4 Decl. ¶ 15.	Disputed. None of these individuals identifies a plausible desire to engage in anonymous online speech. Doe #2 and Doe #3 only use the Internet for very limited purposes, such as promoting their professional work, Doe #2 Depo. 24:18-25:2, or communicating with people they know through Facebook or email, Doe #3 Depo. 49:16-51:6 (conceding he never “create[d] an email address or other account in order to communicate anonymously” before he learned about SORNA). Doe #4 does not specify any message that he wishes to convey anonymously. Moreover, Doe #2 and Doe #4 are already publicly identified online as [REDACTED] and as sex offenders or former sex offenders. [REDACTED] (identifying Doe #2 and Doe #4 by name); [REDACTED] identifying Doe #2 by name as former sex offender

			registrant);  (identifying Doe #4 as sex offender registrant).
61.	The Rule requires Mr. Doe # 2, Mr. Doe # 3, and Mr. Doe # 4 to disclose their remote communication identifiers.	Doe # 2 Decl. ¶ 10; Doe # 3 Decl. ¶ 10; Doe # 4 Decl. ¶ 12.	Disputed. The Rule recognizes that Doe #2, Doe #3, and Doe #4 would be entitled to the affirmative defense set forth in 18 U.S.C. § 2250(c). 86 Fed. Reg. at 69887; 28 C.F.R. § 72.8. Example 2 to § 72.8(a)(2) indicates that if a sex offender “cannot register in a state in which he resides because its registration authorities will not register” him, he “would have a defense to liability because the state’s unwillingness to register sex offenders like him is a circumstance beyond his control.” Doe #2, Doe #3, and Doe #4 cannot register in California because California will not register them.
62.	Mr. Doe # 2, Mr. Doe # 3, and Mr. Doe # 4 have refrained from speaking on matters of public concern using their anonymous remote communication identifiers.	Doe # 2 Decl. ¶ 14; Doe # 3 Decl. ¶ 14; Doe # 4 Decl. ¶ 16.	Disputed. None of these individuals identifies a plausible desire to engage in anonymous online speech. <i>See supra</i> , response to Pls.’ SUF 60.
63.	ACSOL includes members in California who have been convicted of a sex	Bellucci Decl. ¶ 11.	Undisputed in that Doe #2 and Doe #4 are ACSOL members. ACSOL should be precluded from offering evidence about members other than plaintiffs Doe #2 and

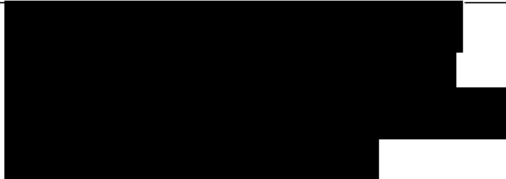
	<p>offense, as described by federal law, but who cannot comply with the Rule because California does not provide avenues for them to provide all of the required information to California authorities.</p>		<p>Doe #4 to support its associational standing. <i>See</i> Defs.’ Obj. ¶ 31.</p>
<p>64.</p>	<p>ACSOL includes members in California convicted of crimes that are sex offenses, as described by federal law, who are putatively required to register for life as sex offenders under federal law, but have had their convictions expunged under California Penal Code § 1203.4 and been issued Certificates of Rehabilitation or have been granted relief from registration under California Penal Code § 290.5.</p>	<p>Bellucci Decl. ¶ 12.</p>	<p>Disputed. The only ACSOL members identified in this case are Doe #2 and Doe #4; only Doe #2 obtained dismissal of his sex offense conviction under Cal. Penal Code § 1203.4; and that dismissal did not qualify as an “expungement” or relieve Doe #2 of his registration obligations under California law. Doe #2 Decl. Ex. A [ECF 131-5, at 11]; <i>Jennings</i>, 511 F.3d at 898-99 (§ 1203.4 “does not, properly speaking, ‘expunge’ the prior conviction”); <i>Meyer</i>, 34 Cal. 2d at 67, 206 P.2d at 1088 (holding § 1203.4 did not “purge [an individual] of the guilt inherent [in his prior conviction]”). ACSOL should be precluded from offering evidence about members other than plaintiffs Doe #2 and Doe #4 to support its associational standing. <i>See</i> Defs.’ Obj. ¶ 31.</p>

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<p>65.</p>	<p>ACSOL includes members in California who would be forced to re-register under the Rule, despite having had their offenses of conviction expunged under California law, face significant collateral consequences, such as loss of career opportunities and professional licensing, adverse reputation harms, inability to travel freely, and residency restrictions.</p>	<p>Bellucci Decl. ¶ 14.</p>	<p>Disputed. The only ACSOL members identified in this case are Doe #2 and Doe #4, and neither of them have had the offense of their conviction “expunged” under California law. Nor does the Rule require them to re-register. <i>See supra</i>, responses to ¶¶ 37, 40. The vague and speculative allegations of “collateral consequences” identified in this asserted fact are not supported by the cited declaration paragraph, which is also vague and speculative. <i>See supra</i>, response to ¶ 56. ACSOL should be precluded from offering evidence about members other than plaintiffs Doe #2 and Doe #4 to support its associational standing. <i>See</i> Defs.’ Obj. ¶ 31.</p>
<p>66.</p>	<p>ACSOL includes members in California who wish to engage in anonymous speech on the internet through the use of anonymous remote communication identifiers, such as email addresses and social media usernames, who wish to remain</p>	<p>Bellucci Decl. ¶¶ 16-17.</p>	<p>Disputed. ACSOL should be precluded from offering evidence about members other than plaintiffs Doe #2 and Doe #4 to support its associational standing. <i>See</i> Defs.’ Obj. ¶ 31. Doe #2 and Doe #4’s stated desire to engage in anonymous speech is not credible, given their lack of any concrete description regarding such desires, and Doe #4’s prior statements promoting a preference for non-anonymous speech. <i>See supra</i>, response to Pls.’ SUF 60; <i>see also</i></p>



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	<p>anonymous to preserve their privacy, and to avoid adverse reputational and other risks related to their past convictions, and who wish to speak anonymously about issues of public concern, including sex offender registration requirements and the unfairness of the Rule.</p>		<p> Moreover, the possible harms that Doe #2 and Doe #4 described are purely speculative where they have no mechanism to report internet identifiers, and their fears rely on the speculative possibility that their identifiers might become public and/or that law enforcement or other individuals will violate the law. Doe #2 Depo. 58:8-60:21, 61:6-18 [Wyer SJ Decl. Ex. 1] (conceding that possibility of harm is “really so speculative right now”); Doe #3 Depo. 53:3-58:5 [Wyer SJ Decl. Ex. 2] (“you’re asking me to speculate what the government would do”); Doe #4 Depo. 68:21-69:8-18, 70:19-71:5, 71:8-72:2, 72:8-22, 73:1-11 [Wyer Decl. Ex. 3] (conceding that his imagined scenarios depend on the notion that his identifiers might be collected and “call for too much speculation”).</p>
<p>[unnumbered]</p>	<p>On October 11, 2022, Plaintiffs filed a First Amended Complaint against DOJ alleging four causes of action: (1) violation of the nondelegation</p>	<p>First Amended Complaint at 20–27 (ECF No. 41).</p>	<p>Undisputed that Plaintiffs filed a First Amendment Complaint on October 11, 2022, but Plaintiffs’ description does not correctly identify their “causes of action.” Plaintiffs’ four challenges to the Rule are each asserted under the cause of action provided by the Administrative Procedure Act, 5 U.S.C. § 706. FAC ¶¶ 111, 124,</p>

1 2 3 4 5 6 7	doctrine and the separation of powers, (2) violation of the Administrative Procedure Act, (3) violation of the due process clause, and (4) violation of the First Amendment.		136, 151.
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Dated: January 17, 2025

Respectfully submitted,

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/s/  
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11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**

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14 DOE #2 et al.,

15 Plaintiffs,

16 v.

17 U.S. DEPARTMENT OF JUSTICE  
18 et al.,

19 Defendants.  
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NO. 5:22-CV-855-JGB-SP

**DEFENDANTS’ OBJECTIONS TO  
PLAINTIFFS’ STATEMENT OF  
UNDISPUTED FACTS**

Hearing Date: April 28, 2025

Hearing Time: 9:00 a.m.

Courtroom: Riverside, Courtroom 1

Honorable Jesus G. Bernal

United States District Judge

Pursuant to Federal Rule of Civil Procedure 56, Local Civil Rule 56-2, and this Court’s Standing Order, Defendants submit the following Objections to Plaintiffs’ Statement of Undisputed Facts [ECF 131-4].

Pls.’ SUF No.	Pls.’ Asserted Fact	Supporting Evidence	Objection
9.	The Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), a component of DOJ, issued SORNA Substantial Implementation Review, State of California, DOJ, in January of 2016.	Declaration of Janice Bellucci (“Bellucci Decl.”) ¶ 18; Answer to First Amended Complaint at ¶ 48 (ECF No. 79).	Irrelevant. FRE 402.
15.	In 2012, Mr. Doe #3 was convicted of misdemeanor failure to register under California Penal Code § 290(g)(1).	Ex. 2 (Doe # 3 Depo.) at 28:8–25, 29:1–4; Doe # 3 Decl., Ex. A.	Irrelevant. FRE 402.
16.	In 2015, Mr. Doe # 3’s 2011 misdemeanor conviction was expunged pursuant to Cal. Penal Code § 1203.4.	Doe # 3 Decl., Ex. B.	Irrelevant. FRE 402.

20.	DOJ has previously asserted that a violation of Cal. Penal Code § 288 is a Tier III offense, resulting in a lifetime registration obligation.	SORNA Substantial Implementation Review, State of California, DOJ, at 19 (Jan. 2016); Bellucci Decl., Ex. A.	Irrelevant. FRE 402. To the extent that SMART’s positions set forth in their SORNA substantial implementation reviews are relevant, SMART completed its most recent substantial implementation review for California in 2024.
31.	ACSOL’s membership includes individuals convicted of sex offenses, as described by federal law, and required to register as sex offenders under both California and federal law.	Bellucci Decl. ¶ 11.	Irrelevant. FRE 402. Defendants propounded an interrogatory to ACSOL asking whether ACSOL “intend[ed] to rely on the standing of any members other than Doe #1, Doe #2, Doe #2, and Doe #4 to establish your associational standing” and to “identify any such members.” Plaintiff ACSOL’s Responses and Objections to Defendants’ First Set of Interrogatories 3 (“ACSOL Interrog. Resp.”) [Wyer SJ Decl. Ex. 8, filed concurrently herewith]. ACSOL stated in a verified response that “for purposes of standing in this case ACSOL currently intends to rely specifically on the standing of John Does #1, #2, #3, and #4.” <i>Id.</i> ACSOL did not supplement this interrogatory response at any time. Based on this interrogatory response, Defendants did not take discovery regarding ACSOL’s members other than the John Doe plaintiffs. Doe #1 has dismissed his claims, and Doe #3 is not an ACSOL member. Doe #3 Depo.

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			39:6-7. Therefore, ACSOL should be precluded from offering evidence about members other than Doe #2 and Doe #4 to support its associational standing.
32.	ACSOL’s membership includes individuals convicted of California crimes that are sex offenses, as described by federal law, who are putatively required to register as sex offenders under federal law, but have had their convictions expunged under California Penal Code § 1203.4 and have no other convictions.	Bellucci Decl. ¶ 12.	Irrelevant. FRE 402. ACSOL should be precluded from offering evidence about members other than Doe #2 and Doe #4 to support its associational standing. <i>See supra</i> , Obj. to ¶ 31.
33.	ACSOL’s membership includes individuals convicted of California crimes that are sex offenses, as described by federal law, who are putatively required to register as sex offenders under federal law, but have been	Bellucci Decl. ¶ 12.	Irrelevant. FRE 402. ACSOL should be precluded from offering evidence about members other than Doe #2 and Doe #4 to support its associational standing. <i>See supra</i> , Obj. to ¶ 31.

	<p>granted relief from registration under California Penal Code § 290.5 and have no other convictions.</p>		
<p>34.</p>	<p>One of ACSOL’s central purposes is limiting unlawful registration requirements for its membership to help its members live law-abiding and productive lives as a part of their communities.</p>	<p>Bellucci Decl. ¶ 9.</p>	<p>Irrelevant. FRE 402.</p>
<p>42.</p>	<p>SORNA conditions certain federal funding on a state’s implementation of a comprehensive federal registration system for those convicted of certain offenses. When a jurisdiction fails to “substantially implement” SORNA, the Attorney General shall order that 10% of relevant grant funding be withheld from the state as a penalty.</p>	<p>34 U.S.C. § 20913; 34 U.S.C. § 20927(a); 18 U.S.C. § 2250(a)(1).</p>	<p>Irrelevant. FRE 402. A state’s substantial implementation status for purposes of federal funding eligibility does not determine whether an offender is able to provide required registration information to a state’s registry. <i>See, e.g., United States v. Brown</i>, 586 F.3d 1342, 1349 (11th Cir. 2009) (“An individual may therefore comply with SORNA’s registration requirements by registering through the state’s sex offender registry, even if that jurisdiction has not implemented SORNA’s administrative procedures.”). All states have in place sex offender registries, regardless of whether they have substantially implemented SORNA. <i>Id.</i></p>



1	49.	The Rule sets out the information a sex offender must provide to a jurisdiction, which now includes the registrant's date of birth, "remote communication identifiers" (e.g., internet usernames), temporary lodging information, all passport and immigration information, information about where the registrant's vehicles are kept, and all professional licenses.	Registration Requirements Under the Sex Offender Registration and Notification Act, 86 Fed. Reg. 69,885 (Dec. 8, 2021).	Irrelevant. FRE 402.
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17	50.	The Rule requires sex offenders to appear "in-person" at least yearly in their local jurisdiction, and verify all information. Depending on the predicate offense, an individual may be required to appear as many as four times per year.	Registration Requirements Under the Sex Offender Registration and Notification Act, 86 Fed. Reg. 69,885 (Dec. 8, 2021).	Irrelevant. FRE 402.
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28	51.	The Rule requires sex offenders to	Registration Requirements	Irrelevant. FRE 402.

1		also report, in	Under the Sex	
2		person, changes in	Offender	
3		address within three	Registration	
4		days, give advance	and	
5		notice if he plans to	Notification	
6		change residences,	Act, 86 Fed.	
7		jobs, or school,	Reg. 69,885	
8		report changes in	(Dec. 8, 2021).	
9		remote		
10		communication		
11		identifiers within		
12		three days, and		
13		international travel		
14		plans prior to any		
15		trip.		
16	56.	Being required to	Doe # 2 Decl. ¶	Irrelevant. FRE 402. As explained
17		register as a sex	12; Doe # 3	in Defendants' Responses, Doe #2,
18		offender will harm	Decl. ¶ 12; Doe	Doe #3 and Doe #4 cannot as a
19		Mr. Doe #2, Mr.	# 4 Decl. ¶ 14.	practical matter register in
20		Doe #3, and Mr.		California, so any harms they
21		Doe # 4's		assert they would suffer from
22		reputations, would		having to register are hypothetical.
23		likely result in the		<i>See Defs.' Resp. ¶ 56.</i>
24		loss of their jobs,		
25		ostracization from		
26		their communities,		
27		and potentially		
28		require them to		
		move to avoid		
		being near public		
		schools and parks.		
	57.	DOJ has found that	SORNA	Irrelevant. FRE 402.
		California has not	Substantial	
		"substantially	Implementation	
		complied" with	Review, State	
		SORNA, in part,	of California,	
		because it does not	DOJ, at 1	
		collect all of the	(April 2024).	
		information		
		required by the		

	Attorney General.		
58.	Mr. Doe # 2, Mr. Doe # 3, and Mr. Doe # 4 and ACSOL members intend to travel interstate.	Doe # 2 Decl. ¶ 6; Doe # 3 Decl. ¶ 7; Ex. 2 (Doe # 3 Depo.) at 75:2–4; Doe # 4 Decl. at 8; Ex. 3 (Doe # 4 Depo.) at 76:6–9; Bellucci Decl. ¶ 14.	Irrelevant to the extent this statement references ACSOL members other than Doe #2 and Doe #4. ACSOL should be precluded from offering evidence about members other than Doe #2 and Doe #4 to support its associational standing. <i>See supra</i> , Obj. to ¶ 31.
61.	The Rule requires Mr. Doe # 2, Mr. Doe # 3, and Mr. Doe # 4 to disclose their remote communication identifiers.	Doe # 2 Decl. ¶ 10; Doe # 3 Decl. ¶ 10; Doe # 4 Decl. ¶ 12.	Irrelevant. FRE 402.
63.	ACSOL includes members in California who have been convicted of a sex offense, as described by federal law, but who cannot comply with the Rule because California does not provide avenues for them to provide all of the required information to California authorities.	Bellucci Decl. ¶ 11.	Irrelevant to the extent this statement describes members other than Doe #2 and Doe #4. FRE 402. ACSOL should be precluded from offering evidence about members other than Doe #2 and Doe #4 to support its associational standing. <i>See supra</i> , Obj. to ¶ 31.
64.	ACSOL includes members in	Bellucci Decl. ¶ 12.	Irrelevant to the extent this statement describes members other

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	<p>California convicted of crimes that are sex offenses, as described by federal law, who are putatively required to register for life as sex offenders under federal law, but have had their convictions expunged under California Penal Code § 1203.4 and been issued Certificates of Rehabilitation or have been granted relief from registration under California Penal Code § 290.5.</p>		<p>than Doe #2 and Doe #4. FRE 402. ACSOL should be precluded from offering evidence about members other than Doe #2 and Doe #4 to support its associational standing. <i>See supra</i>, Obj. to ¶ 31.</p>
<p>65.</p>	<p>ACSOL includes members in California who would be forced to re-register under the Rule, despite having had their offenses of conviction expunged under California law, face significant collateral consequences, such as loss of</p>	<p>Bellucci Decl. ¶ 14.</p>	<p>Irrelevant to the extent this statement describes members other than Doe #2 and Doe #4. FRE 402. ACSOL should be precluded from offering evidence about members other than Doe #2 and Doe #4 to support its associational standing. <i>See supra</i>, Obj. to ¶ 31.</p>

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	<p>career opportunities and professional licensing, adverse reputation harms, inability to travel freely, and residency restrictions.</p>		
<p>66.</p>	<p>ACSOL includes members in California who wish to engage in anonymous speech on the internet through the use of anonymous remote communication identifiers, such as email addresses and social media usernames, who wish to remain anonymous to preserve their privacy, and to avoid adverse reputational and other risks related to their past convictions, and who wish to speak anonymously about issues of public concern, including sex offender registration requirements and the unfairness of</p>	<p>Bellucci Decl. ¶¶ 16-17.</p>	<p>Irrelevant to the extent this statement describes members other than Doe #2 and Doe #4. FRE 402. ACSOL should be precluded from offering evidence about members other than Doe #2 and Doe #4 to support its associational standing. <i>See supra</i>, Obj. to ¶ 31.</p>

1 the Rule.

2  
3 Dated: January 17, 2025

Respectfully submitted,

4 BRIAN M. BOYNTON  
5 Principal Deputy Assistant Attorney General  
6 JOSHUA E. GARDNER  
7 Special Counsel, Federal Programs Branch

8 /s/  
9 JEREMY S.B. NEWMAN (D.C. #1024112)  
10 KATHRYN L. WYER (D.C. #90023642)  
11 U.S. Department of Justice, Civil Division  
12 1100 L Street, N.W.  
13 Washington, DC 20005  
14 Tel. (202) 616-8475/Fax (202) 616-8470  
15 kathryn.wyer@usdoj.gov  
16 *Attorneys for the Defendants*  
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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

DOE #2 et al.,  
  
Plaintiffs,  
  
v.  
  
U.S. DEPARTMENT OF JUSTICE et  
al.,  
  
Defendants.

NO. 5:22-CV-855-JGB-SP  
  
**DECLARATION OF KATHRYN L.  
WYER IN SUPPORT OF  
DEFENDANTS’ MOTION FOR  
SUMMARY JUDGMENT**  
  
Hon. Jesus G. Bernal

I, KATHRYN L. WYER, declare as follows:

1. I am a Senior Trial Counsel for the U.S. Department of Justice, Civil Division, Federal Programs Branch. I am counsel to Defendants in the above-captioned action. I make this declaration on the basis of personal knowledge, in support of Defendants’ Motion for Summary Judgment.
2. Attached as Exhibit 1 are excerpts of the transcript of the deposition of Plaintiff John Doe #2 (Doe 2) in this action, taken on August 28, 2024.
3. Attached as Exhibit 2 are excerpts of the transcript of the deposition of Plaintiff John Doe #3 (Doe 3) in this action, taken on September 10, 2024.
4. Attached as Exhibit 3 are excerpts of the transcript of the deposition of Plaintiff John Doe #4 (Doe 4) in this action, taken on August 29, 2024.
5. Attached as Exhibit 4 is a document produced by Plaintiffs in this action, with Bates Number DOE00026. It was introduced as Exhibit 7 in the Deposition of Doe 2.
6. Attached as Exhibit 5 is a document produced by Plaintiffs in this action, with Bates Number DOE00041-46. It was introduced as Exhibit 14 in the Deposition of Doe 4.



1           7. Attached as Exhibit 6 is a document produced by Plaintiffs in this  
2 action, with Bates Number DOE00087-88.

3           8. Attached as Exhibit 7 are Plaintiff John Doe #2's Responses and  
4 Objections to Defendants' First Set of Interrogatories.

5           9. Attached as Exhibit 8 are Plaintiff The Alliance for Constitutional Sex  
6 Offense Laws ("ACSOL")'s Responses and Objections to Defendants' First Set of  
7 Interrogatories.

8

9 I declare under penalty of perjury that the foregoing is true and correct.

10 Executed on January 17, 2025

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\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

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Kathryn L. Wyer

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# EXHIBIT 1

***In The Matter Of:***

***John Doe #1***

***v.***

***U.S. Department of Justice***

---

**[REDACTED] VOL I**

***August 28, 2024***

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BH CDR Job # 1168834  
number of pages 71

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

\_\_\_\_\_)  
JOHN DOE #1, et al., )  
 )  
Plaintiffs, )  
 )  
vs. ) Case No.  
 ) 5:22-CV-855-JGB-SP  
U.S. DEPARTMENT OF JUSTICE, et al., )  
 )  
Defendants. )  
\_\_\_\_\_)

CONFIDENTIAL TRANSCRIPT

STENOGRAPHIC DEPOSITION OF

  
VIA VIDEOCONFERENCE

SAN DIEGO, CALIFORNIA

WEDNESDAY, AUGUST 28, 2024

REPORTED BY:

JOSEPH A. JOHNSON, CERTIFIED HUMAN STENOGRAPHER

RPR, CSR NO. 14288

JOB NO. 1168834

IAL

- 8/28/2024

1 The STENOGRAPHIC DEPOSITION OF [REDACTED]  
2 VIA VIDEOCONFERENCE, taken on behalf of defendant,  
3 in San Diego, California, commencing at 9:05 a.m. and  
4 ending at 11:28 a.m., on Wednesday, August 28, 2024,  
5 before JOSEPH A. JOHNSON, CERTIFIED HUMAN STENOGRAPHER,  
6 RPR, CSR NO. 14288.

7

8 APPEARANCES (all appearances via Zoom)

9 For Plaintiffs John Doe #1, et al.:

10 PACIFIC LEGAL FOUNDATION

BY: STEVE SIMPSON

11 MOLLY NIXON

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12 Suite 1000

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15 For Defendant U.S. Department of Justice:

16 OFFICE OF THE UNITED STATES ATTORNEY

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17 KATHRYN L. WYER

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18 Room 12014

Washington, DC 20005

19 202.532.3114

jeremy.s.newman@usdoj.gov

20 kathryn.wyer@usdoj.gov

21 \*\*\* END APPEARANCES \*\*\*

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IAL

- 8/28/2024

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INDEX TO EXAMINATION

WITNESS: [REDACTED]

EXAMINATION: PAGE  
BY ATTORNEY J. NEWMAN 5

QUESTIONS INSTRUCTED NOT TO ANSWER

PAGE LINE  
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[REDACTED] - 8/28/2024

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INDEX TO EXHIBITS

[REDACTED]

John Doe #1 v. U.S. Department of Justice  
Wednesday, August 28, 2024  
Joseph A. Johnson, RPR, CSR No. 14288

EXHIBITS WERE MARKED AND ATTACHED UNLESS OTHERWISE NOTATED

MARKED	DESCRIPTION	PAGE
Exhibit 1	A document from Volume 86 of the Federal Register, Pages 69856 through 69887	9
Exhibit 2	First Amended Complaint	15
Exhibit 3	Declaration of John Doe #2	18
Exhibit 4	Plaintiff John Doe #2's Responses and Objections to Defendant's First Set of Interrogatories	22
Exhibit 5	The court docket from [REDACTED] criminal case, Bates-stamped DOE00005 through -00012	33
Exhibit 6	8/23/2016 Certificate of Rehabilitation, Bates-stamped DOE00003 through -4	36
Exhibit 7	9/16/2016 letter titled "RE: Termination of Sex Registration Requirement," Bates-stamped DOE00026	40

\*\*\* END INDEX TO EXHIBITS \*\*\*



IAL

- 8/28/2024

1 WEDNESDAY, AUGUST 28, 2024; SAN DIEGO, CALIFORNIA  
2 9:05 A.M. - 11:28 A.M.

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EXAMINATION

10 BY ATTORNEY J. NEWMAN:

11 Q My name is Jeremy Newman. I'm an attorney  
12 with the U.S. Department of Justice. I represent the  
13 defendants in this case, the Department of Justice and  
14 Merrick Garland in his official capacity as Attorney  
15 General of the United States.

16 Have you ever been deposed before?

17 A No.

18 Q Have you ever testified in court before?

19 A I don't know. I don't think so.

20 Q Do you understand that you're under oath?

21 A Yes.

22 Q Do you understand that you have the same  
23 obligation to tell the truth as if you were testifying  
24 in a courtroom?

25 A Yes.

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1 interrogatory responses were true?

2 A Same as with Exhibit 3.

3 Q Are there any statements in your interrogatory  
4 responses that you now believe are not true?

5 ATTORNEY S. SIMPSON: You can read it all if you  
6 want to.

7 THE WITNESS: I want to just go through this one  
8 again.

9 They were correct at the time of this document.

10 BY ATTORNEY J. NEWMAN:

11 Q Do you believe that there are any statements in  
12 the interrogatories that were correct at the time of the  
13 document that are now incorrect?

14 A Yes. Interrogatory No. 12.

15 Q Okay. Can you explain in what respect  
16 Interrogatory No. 12 is no longer correct?

17 A It is the -- it is LinkedIn -- the  
18 intermittently posted on LinkedIn. We would have to add  
19 Facebook to that. Those are the two platforms that I  
20 now -- since I'm in private practice, to promote my  
21 private practice, I have become more active on both of  
22 those platforms.

23 Q At the time that -- strike that.

24 Since you submitted these interrogatory  
25 responses, you've begun to intermittently post or update

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1 your profile on Facebook; is that correct?

2 A That's correct.

3 Q So I'm going to ask you throughout the  
4 deposition some questions about these interrogatory  
5 responses, and I'll tell you the same thing I said with  
6 respect to the declaration. If, in going through this,  
7 you happen to see anything that you believe is  
8 inaccurate or should be corrected, you can let me know.  
9 All right?

10 Do you understand that?

11 A Yes.

12 Q Okay. So please turn to Interrogatory No. 1.  
13 Interrogatory No. 1 is on Page 3, and your response is  
14 on Pages 3 to 4. So I'm going to ask you some questions  
15 about that. So please read through those and let me  
16 know when you're done.

17 A Yes.

18 Q You've read the Interrogatory No. 1 and your  
19 response?

20 A Yes, I did.

21 Q Is your response to Interrogatory No. 1  
22 accurate?

23 A Yes, it is.

24 Q In Page 4, Subparagraph B, it states, "Criminal  
25 statutes of conviction: One count of Cal. Penal Code

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1 "I got this," you're referring to the Certificate of  
2 Rehabilitation that is Exhibit 6?

3 A Yeah, that's correct.

4 Q Do you recall if you had to do anything else  
5 after receiving the Certificate of Rehabilitation to  
6 obtain the letter from the California Department of  
7 Justice, which is Exhibit 7?

8 A No, I don't.

9 Q And is the letter -- Exhibit 7, is that  
10 the letter that you took to the Los Angeles Police  
11 Department to deregister that you referred to earlier?

12 A Yes, along with Exhibit 6.

13 Q Let's turn back to your declaration, which is  
14 Exhibit 3. I'm going to ask you about Paragraph 21 of  
15 your declaration, which is on Page 5. That paragraph  
16 reads, "Because of this concern, I have attempted to  
17 register as a sex offender in California. I have been  
18 unable to do so, however, and have been told by local  
19 law enforcement that I cannot register as required."

20 Do you see that?

21 A Yes, I do.

22 Q How many times have you unsuccessfully attempted  
23 to register as a sex offender in California after being  
24 deregistered?

25 A I have not.

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1 Q So Paragraph 21 says "I have attempted to  
2 register as a sex offender in California." What were  
3 you referring to in that paragraph?

4 A I was referring to the conversation I had  
5 with a police officer where I deregistered, during the  
6 deregistration process, and I asked the police officer  
7 "Isn't there something that I need to register now  
8 federally because of SORNA?" And he said, "Well, I  
9 don't know. There's nothing you need to do, nothing  
10 you can do."

11 And as you may know, [REDACTED]  
[REDACTED], and I've been hearing from  
13 many of them that they tried to register unsuccessfully.  
14 So based on that and the knowledge that I had, I said,  
15 "Okay. Well, there's no way I can register." And that  
16 was as far as my attempts went to try and register.

17 Q When was the conversation with the  
18 Los Angeles Police Department that you discussed in your  
19 last answer?

20 A That was in October.

21 Q October 2016?

22 A Yeah, October 2016. I don't know the exact  
23 date, but that was October 2016 when I went to the  
24 Pacific Division, deregistered.

25 Q So since October 2016, have you made any attempt

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1 to register as a sex offender in any jurisdiction?

2 A No.

3 Q Do you -- strike that.

4 In one of your previous answers, you said  
5 that you weren't sure if you'd be required to register  
6 in another state if you moved to another state. Do you  
7 have any intention of moving to another state?

8 A No. At least not for the time being.

9 Q You have not been pardoned for the offense of  
10 which you were convicted; correct?

11 A That's correct.

12 Q A pardon would have to come from the governor;  
13 correct?

14 A Correct.

15 Q Please turn back to the Certificate of  
16 Rehabilitation, which is Exhibit 6.

17 A Uh-huh.

18 Q Near the bottom of the page, there's some bold,  
19 all caps language. And then above that is the -- the  
20 previous paragraph ends "This court recommends that the  
21 Governor of the State of California grant a full pardon  
22 to said petitioner."

23 Do you see that?

24 A This court recommends -- yes, I see that.

25 Q After obtaining this certificate, did you pursue

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1 any steps to try to get a pardon from the Governor of  
2 the State of California?

3 A No, I did not.

4 Q Why not?

5 A It's a lengthy process. As far as I understand,  
6 I cannot do this by myself; I'd have to retain counsel.  
7 That is pretty expensive. To my knowledge, the governor  
8 has never granted a pardon to anyone who was previously  
9 on the registry.

10 Q I am going to go back to your -- the court  
11 docket, which is Exhibit 5. Please turn to Page 5 of  
12 that document, which has the Bates No. DOE00009. Near  
13 the top of the page, there is an entry dated 1/23/06,  
14 and near the bottom of that entry, it states "Defendant  
15 is excluded from Megan's Law website registration to the  
16 public, but must still register with law enforcement's  
17 website, modified due to verified letter from  
18 Department of Justice."

19 Do you see that?

20 A Yes, I do.

21 Q What is your understanding of what that -- what  
22 that statement meant?

23 A Well, that statement meant that the general  
24 public cannot see where I live, that I was convicted of  
25 a sexual offense, that I have to register.



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1 Q How did you obtain this exclusion?

2 A Through counsel.

3 Q There's a reference to a verified letter from  
4 the Department of Justice. Do you recall how you  
5 obtained this letter?

6 ATTORNEY S. SIMPSON: Object to the form.

7 Go ahead.

8 THE WITNESS: This must have happened behind the  
9 scenes between counsel and -- I don't know.

10 BY ATTORNEY J. NEWMAN:

11 Q Do you recall what the letter from the  
12 California Department of Justice said?

13 A No, I don't.

14 Q Does this exclusion mean that you were not  
15 listed on California's public sex offender website?

16 ATTORNEY S. SIMPSON: Objection.

17 You can answer.

18 THE WITNESS: That was my understanding.

19 BY ATTORNEY J. NEWMAN:

20 Q So you -- strike that.

21 It's your understanding that after you obtained  
22 this exclusion in 2006, if someone searched for you on  
23 California's public sex offender website, they wouldn't  
24 find you there?

25 ATTORNEY S. SIMPSON: Objection.

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1 You can answer.

2 THE WITNESS: Yeah, it was my understanding.

3 ATTORNEY J. NEWMAN: I'd like to just take a  
4 little break; so we can go off the record right now.

5 (A recess was taken at 10:21 a.m.)

6 (Back on the record at 10:41 a.m.)

7 BY ATTORNEY J. NEWMAN:

8 Q So I'd like to switch gears a little bit  
9 and ask some questions about requirements for sex  
10 offenders to report internet identifiers or remote  
11 communication identifiers. I may use the phrases  
12 "internet identifiers" or "remote communication  
13 identifiers" interchangeably.

14 When you were registered as a sex offender,  
15 did you ever include any internet identifiers in your  
16 registration information you reported?

17 A No.

18 Q Why not?

19 A As far as I understood, I wasn't required to.

20 Q What is your understanding of whether  
21 there's any current requirement under California law  
22 for sex offenders in California to report internet  
23 identifiers with their registration information?

24 THE WITNESS: (Indiscernible).

25 CERTIFIED STENOGRAPHER: Excuse me.

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1 know what law enforcement has up their sleeves, what  
2 they would do or not do. I don't know. But just the  
3 very fact that I have to report my internet identifiers  
4 is an invasion of my privacy.

5 BY ATTORNEY J. NEWMAN:

6 Q How do you believe that you would be harmed if  
7 -- strike that.

8 Are there any specific ways in which you  
9 believe you would be harmed if you were required to  
10 report your internet identifiers to law enforcement  
11 authorities?

12 ATTORNEY S. SIMPSON: Objection.

13 THE WITNESS: As I stated before, it's nothing  
14 that I can think of right now. But I am certainly aware  
15 of the possibility, and of a possibility that I don't  
16 even know is and would then turn out to be harmful for  
17 me.

18 BY ATTORNEY J. NEWMAN:

19 Q Have you -- have you refrained from engaging in  
20 any internet activity or any internet speech because of  
21 your understanding of any requirements for sex offenders  
22 to report internet identifiers to law enforcement  
23 authorities?

24 A Yes, I have.

25 Q In what ways?

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1 BY ATTORNEY J. NEWMAN:

2 Q Why not?

3 A Because this can change at any time.

4 Q Meaning that California statues can change at  
5 any time?

6 A Yes.

7 Q Do you know whether the U.S. Department of  
8 Justice has guidelines about whether internet  
9 identifiers can be disclosed to the public?

10 A I don't know that.

11 Q If the U.S. Department of Justice issued  
12 guidelines stating that states cannot, consistent with  
13 SORNA, include sex offenders' internet identifiers such  
14 as email addresses in the sex offenders public website  
15 postings or otherwise list or post sex offenders'  
16 internet identifiers on the public sex offender  
17 websites, would that affect your view of the potential  
18 harms from disclosing internet identifiers to California  
19 law enforcement authorities?

20 ATTORNEY S. SIMPSON: Objection.

21 THE WITNESS: No, it would not.

22 BY ATTORNEY J. NEWMAN:

23 Q Why not?

24 A Again, because this can change at any time.

25 Q Are there any harms from disclosing internet

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1 identifiers to law enforcement apart from your concern  
2 that they would ultimately be made available to the  
3 public?

4 A Yes. As I stated earlier, that I could possibly  
5 be criminally prosecuted for whatever I'm posting there.

6 Q You're concerned that if you posted -- strike  
7 that.

8 You're concerned that if you disclosed your  
9 internet identifiers to law enforcement authorities,  
10 that you could then be prosecuted for the material that  
11 you posted online using those internet identifiers?

12 ATTORNEY S. SIMPSON: Objection.

13 You can answer.

14 THE WITNESS: This could be a possibility.

15 BY ATTORNEY J. NEWMAN:

16 Q Why do you believe that's a possibility?

17 A Anything that you say can and will be used  
18 against you.

19 Q Have you ever been prosecuted in the past for  
20 your online speech?

21 A No, I have not.

22 Q Do you know anyone who has been prosecuted for  
23 their online speech advocating regarding sex offender  
24 laws and registry requirements?

25 A Not to my knowledge.

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1 Q Do you believe that the online activity  
2 that you would like to engage in violates any criminal  
3 laws?

4 A Not to my knowledge.

5 Q Is it your concern that even if you're engaged  
6 in online speech that doesn't violate any criminal laws,  
7 law enforcement authorities may prosecute you for it  
8 anyways?

9 A Honestly, at this point, nothing is impossible.

10 Q What do you mean by that?

11 A What I mean by that is I do not trust law  
12 enforcement in that way.

13 Q In what way?

14 A In the way that they may or may not prosecute  
15 or find ways to prosecute whatever I'm saying on the  
16 internet.

17 Q Why don't you trust law enforcement?

18 ATTORNEY S. SIMPSON: Objection.

19 You can answer.

20 THE WITNESS: That's a very personal -- that's a  
21 very personal question that I don't want to answer.

22 BY ATTORNEY J. NEWMAN:

23 Q You filed a lawsuit against the Department of  
24 Justice. You're subject to a requirement to appear for  
25 a deposition just like anyone else who files a lawsuit.

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1 I'm asking you questions.

2 Why don't you trust law enforcement?

3 A Law enforcement has traumatized me and my  
4 family in a very painful way, and this has led to me  
5 being afraid whenever I see a cop or a cop car or  
6 anything that remotely looks like law enforcement. So  
7 please understand that law enforcement and me are not  
8 really on good terms.

9 Q Why are you afraid whenever you see a police  
10 officer or law enforcement officer?

11 A It instills fear in me.

12 Q What are you afraid of when you see a police  
13 officer or a law enforcement officer?

14 ATTORNEY S. SIMPSON: Objection.

15 THE WITNESS: All I can say about that is due  
16 to the experiences that I have with law enforcement, I'm  
17 in constant fear of maybe having done something that I'm  
18 not even aware of or -- in short, whenever I see law  
19 enforcement, I'm a fear response. That's a psychological  
20 thing. A fear response starts happening for me based on  
21 my experiences.

22 BY ATTORNEY J. NEWMAN:

23 Q Right now you're not registered as a sex  
24 offender at all; correct?

25 A I'm not a sex offender who has to register in



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1 the state of California.

2 Q And you don't know whether California  
3 currently collects internet identifier information from  
4 sex offenders; correct?

5 A I don't know that.

6 Q What are the -- what are the steps that you  
7 believe could lead to you suffering harm based on your  
8 understanding of the requirements in the rule under  
9 review in this case relating to reporting of internet  
10 identifiers?

11 ATTORNEY S. SIMPSON: Objection.

12 You can answer.

13 THE WITNESS: I think, again, it could  
14 lead to criminal prosecution, it could lead to public  
15 notification of some sort, or them made public. I don't  
16 know. I mean, there's -- there's -- this is really so  
17 speculative right now. I really -- I could only  
18 speculate.

19 BY ATTORNEY J. NEWMAN:

20 Q When did you first become concerned about  
21 requirements of sex offenders to report internet  
22 identifier information?

23 A I don't know.

24 Q You don't know when?

25 A I don't.

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1 information, would the person you were meeting with look  
2 up your record in a database?

3 A You're asking if they looked up my data in  
4 their records?

5 Q Yes. Yes.

6 A I would assume they did. Not in front of  
7 my eyes.

8 Q When you appeared in person to provide  
9 information relating to your sex offender registry, did  
10 law enforcement ever ask you questions?

11 A Yes.

12 Q What sort of questions did they ask you?

13 A Questions about "Is your address still the  
14 same? Do you still drive the same car? Are you  
15 still working at the same address?" Questions -- the  
16 regular questions that are part of the sex offender  
17 requirement.

18 Q Did you ever need to fill out forms relating to  
19 your sex offender registration?

20 A Yes.

21 Q Was there -- strike that.

22 Each time you appeared for your sort of annual  
23 appearance, did you fill out a form each time?

24 A Yes.

25 Q You mentioned that you used LinkedIn. Do you

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1 A Mixed. Both.

2 Q Do you have any current plans to travel outside  
3 the State of California in the future?

4 A No.

5 ATTORNEY J. NEWMAN: I'd like to briefly go off  
6 the record.

7 (A recess was taken at 11:26 a.m.)

8 (Back on the record at 11:27 a.m.)

9 ATTORNEY J. NEWMAN: We have no more questions.  
10 Would you like to ask the witness any questions?

11 ATTORNEY S. SIMPSON: I don't know if now is the  
12 right time to -- we just want to talk about logistics of  
13 the transcript, our right to review.

14 ATTORNEY M. NIXON: I think we can just request  
15 that now, put that on the record.

16 ATTORNEY S. SIMPSON: Yeah, we might as well.

17 ATTORNEY M. NIXON: We request the right to  
18 review and correct the transcript under -- I think it's  
19 Rule 30.

20 ATTORNEY K. WYER: Okay. Does the court  
21 reporter, like, send that to you or --

22 ATTORNEY S. SIMPSON: I think so.

23 ATTORNEY M. NIXON: I'm not positive.

24 ATTORNEY S. SIMPSON: That's typically the way  
25 it's done.

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HUMAN STENOGRAPHER COURT REPORTER'S CERTIFICATE

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN DIEGO )

I, JOSEPH A. JOHNSON, RPR, CSR NO. 14288, hereby certify:

I am a duly qualified Certified Shorthand Reporter in the State of California, holder of Certificate Number CSR 14288 issued by the Certified Court Reporters' Board of California and which is in full force and effect. (Fed. R. Civ. P. 28(a)(1)).

I am authorized to administer oaths or affirmations pursuant to California Code of Civil Procedure, Section 2093(b) and prior to being examined, the witness was first duly sworn by me. (Fed. R. Civ.P. 28(a)(a)).

I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in this action. (Fed. R. Civ. P. 28).

I am the Court Reporter that stenographically recorded the testimony in the foregoing deposition, and the foregoing transcript is a true record of the testimony given by the witness. (Fed. R. Civ. P. 30(f)(1)).

Before completion of the deposition, review of

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1 the transcript was requested. If requested, any changes made  
2 by the witness (and provided to the reporter) during the  
3 period allowed, are appended hereto. (Fed. R. Civ. P.  
4 30(e)).

5 The dismantling, unsealing, or unbinding of the  
6 original transcript will render the Reporter's Certificate  
7 null and void.

8

9 Dated: September 4, 2024

10

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12

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JOSEPH A. JOHNSON, CERTIFIED HUMAN STENOGRAPHER

RPR, CSR NO. 14288

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# EXHIBIT 2

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JOHN DOE #1, et al., )  
)  
Plaintiffs, )  
)  
vs. )  
)  
U.S. DEPARTMENT OF JUSTICE.)  
et al., )  
)  
Defendants. )  
\_\_\_\_\_)

Case No. ~~5:22-CV-855-JGB-SP~~

**CERTIFIED  
TRANSCRIPT**

**CONFIDENTIAL**

CONFIDENTIAL TRANSCRIPT

DEPOSITION OF JOHN DOE #3  
SAN LUIS OBISPO, CALIFORNIA  
TUESDAY, SEPTEMBER 10, 2024  
8:54 A.M. - 11:32 A.M.

REPORTED BY MELISSA PLOOY, CSR #13068



1 THE DEPOSITION OF JOHN DOE #3 WAS TAKEN AT  
2 LAW OFFICES OF JEFFREY STEIN, 1119 PALM STREET,  
3 SAN LUIS OBISPO, CALIFORNIA BEFORE MELISSA PLOOY, A  
4 CERTIFIED SHORTHAND REPORTER IN AND FOR THE STATE OF  
5 CALIFORNIA, ON TUESDAY, SEPTEMBER 10, 2024, COMMENCING  
6 AT THE HOUR OF 8:54 A.M.

7

8 APPEARANCES OF COUNSEL

9

10 FOR THE PLAINTIFFS:

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14

15 FOR THE DEFENDANTS:

16 U.S. DEPARTMENT OF JUSTICE, CIVIL DIVISION  
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KATHRYN.WYER@USDOJ.GOV

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1	I N D E X		
2	WITNESS	EXAMINATION	PAGE
3	JOHN DOE #3	MS. WYER	4
4			
5			
6	I N D E X T O E X H I B I T S		
7	DEFENDANT'S	DESCRIPTION	PAGE
8	EXHIBIT 20	FIRST AMENDED COMPLAINT	8
9	EXHIBIT 21	DECLARATION OF JOHN DOE #3	12
10	EXHIBIT 22	RESPONSES AND OBJECTIONS	14
11	EXHIBIT 23	CALIFORNIA CRIMINAL HISTORY	21
12		INFORMATION	
13	EXHIBIT 24	ORDER ON PETITION TO TERMINATE	31
14		SEX OFFENDER REGISTRATION	
15	EXHIBIT 25	TERMINATION OF SEX OFFENDER	33
16		REGISTRATION REQUIREMENT	
17	EXHIBIT 26	EMAILS	42
18			
19			
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1 JOHN DOE #3,  
2 having been first duly sworn,  
3 was examined and testified as follows:  
4

5 EXAMINATION

6 BY MS. WYER

7 Q. Good morning. My name is Kathryn Wyer. I'm an  
8 attorney with the U.S. Department of Justice and I  
9 represent the defendants in this case, the U.S.  
10 Department of Justice and Merrick Garland in his  
11 official capacity as attorney general of the United  
12 States.

13 Have you ever been deposed before?

14 A. Not that I recall.

15 Q. And have you ever testified in court?

16 A. Yes.

17 Q. When was that?

18 A. Um, the early '90s.

19 Q. What was your involvement with that case?

20 A. It was -- I was a witness in my case.

21 Q. Okay. So you understand that when you testify  
22 in court, you're under oath, correct?

23 A. Yes.

24 Q. And that you have an obligation to tell the  
25 truth here in this deposition just as you would in a

1 known at the time?

2 MS. NIXON: Objection. Vague.

3 THE WITNESS: I'm sorry?

4 MS. NIXON: You can answer.

5 BY MS. WYER:

6 Q. At the time of your plea, was the age of your  
7 victim known?

8 A. I honestly can't remember. I believe at the  
9 time that was still in dispute because there were -- all  
10 of the charges were dropped and there were different  
11 dates that they said they occurred and I don't remember  
12 the date of the charge that I was -- I finally accepted.  
13 So I don't know.

14 Q. Okay. So are you saying that the victim had a  
15 birthday in between?

16 A. I believe so. If I remember correctly, there  
17 was a changing of the dates or something and she could  
18 have been older, she could have been younger. I just  
19 don't remember because there were different dates, they  
20 went back and forth, my attorney and the district  
21 attorney back and forth, and the final charge that they  
22 agreed on, I don't remember how that fell with her  
23 birthday and the age.

24 Q. Okay. What did you do to the victim?

25 A. That's relevant to this case?

1 that the sentence -- where is that? "Plaintiff responds  
2 that the sentence" -- or "the second offense listed in  
3 his response to Interrogatory Number 1 was six years in  
4 state prison. Plaintiff's prison sentence began on June  
5 4th, 1997. Plaintiff was released from state prison on  
6 October 6, 1999." Do you see that?

7 A. Yes.

8 Q. And the second offense that is referred to here  
9 is the offense under California Penal Code 288(a),  
10 correct?

11 A. Yes.

12 Q. And you were sentenced to six years in state  
13 prison for violating California Penal Code 288(a)?

14 A. Yes.

15 Q. And that sentence began on June 4th, 1997?

16 A. I don't recall if it was exactly that day, but  
17 I believe so.

18 Q. You were released from state prison on October  
19 6, 1999?

20 A. Yes.

21 Q. I'm just trying to understand why were you  
22 released in 1999 after beginning a six-year sentence in  
23 1997?

24 A. The judge in the case incorrectly sentenced me  
25 and I went to prison. [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED] he had made a mistake and they  
4 overturned it, his sentencing, and shortly thereafter I  
5 was released.

6 Q. What was the decision regarding what your  
7 sentence should have been?

8 A. California had passed a law and I don't  
9 remember the dates, I apologize, but part of the reason  
10 my attorney negotiated with the district attorney's  
11 office, the dates were off and I realized that that law  
12 had passed -- I don't know if I'm saying this correctly.  
13 The law had gone into effect in California that you  
14 could either serve 50 percent of the time if an offense  
15 happened before a certain date, if it was after a  
16 certain date, it was 85 percent of the time, and when I  
17 looked at the sentencing, I was kind of still in shock  
18 over everything. When I got to prison, I looked at my  
19 paperwork and the judge had said 85 percent and I went  
20 back and reviewed the case law -- or the law of the  
21 dates it was passed and he had gotten the dates wrong  
22 and I was eligible for 50 percent of time credits. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED] So I was released in October.

1 Q. Was that -- so 50 percent meaning 50 percent of  
2 six years?

3 A. Yes.

4 Q. So you had already served time during your --

5 A. Before court.

6 Q. Okay.

7 A. I mean before trial.

8 Q. Right. Have you been convicted of -- have you  
9 been convicted of -- well, going back to this Exhibit  
10 23, the criminal history information --

11 A. Page 4? Oh, wait.

12 Q. This one.

13 A. Oh, okay.

14 Q. This includes another conviction. Let's see.  
15 Is this a failure to register as a conviction that you  
16 have here?

17 MS. NIXON: Define what you're looking at.

18 MS. WYER: On the bottom of Page Doe 100, the  
19 pages at the bottom right.

20 THE WITNESS: Or 101?

21 BY MS. WYER:

22 Q. And at the top of Page 101, does that --

23 A. Yes.

24 Q. -- refer to the convicted for failing to  
25 register?

1 meant or...

2 Q. Was it -- did he tell you that that was a  
3 requirement under California law?

4 A. Yes.

5 Q. And did he make any reference to the federal  
6 requirements?

7 A. No.

8 Q. Were you aware of any federal requirements at  
9 that time?

10 A. No.

11 Q. Did he tell you that the obligation to register  
12 was a lifetime obligation?

13 A. Yes.

14 Q. And did you continue to register until sometime  
15 in 2022?

16 A. Yes.

17 Q. So going back to Interrogatory 5, you have read  
18 that response on Page 7, correct? Did you read that?

19 A. Yes.

20 Q. Is that response accurate?

21 A. I believe so, yes.

22 Q. In 2022, were you removed from the California  
23 Sex Offender Registry?

24 A. Yes.

25 Q. And did you receive that relief pursuant to



1 Q. This document bears the Bates stamp pages  
2 numbers Doe 112 to 113 and it is one of the documents  
3 your counsel produced to us. Is this the order to  
4 terminate your registration that was mentioned in your  
5 response to Interrogatory 5?

6 A. I believe so, yes.

7 Q. What is your understanding of the reason that  
8 your registration was terminated?

9 A. California passed a law that basically gave  
10 relief to -- they moved, I guess, to a tier system, is  
11 my interpretation of the law or my understanding, they  
12 went to a tier system and depending on the charge and  
13 the amount of time registering, it gave relief to  
14 certain individuals that they could get off the  
15 registration moving forward and I qualified for that and  
16 I believe my attorney filed a petition, and at that  
17 point, if my memory serves, the district attorney in my  
18 residing county and the district attorney of Fresno  
19 County both agreed to it and at that point it was  
20 granted.

21 Q. So under the new California tier system, do you  
22 know what -- were you assigned to a tier under that?

23 A. Yes.

24 Q. What tier were you assigned to?

25 A. Two.

1 Q. So by the time -- was it the case that by the  
2 time you filed this petition, the time period that  
3 applied to tier two offenders, you had already been  
4 registered for that time period?

5 A. Yes.

6 Q. And that was 20 years?

7 A. I believe mine was -- because I had the  
8 misdemeanor conviction for failing to register, it added  
9 one year, but I was still past that anyway. So I think  
10 it was 21 years.

11 Q. Going back to your Interrogatory Number 5  
12 response, the last sentence states the California  
13 Department of Justice confirmed removal from the  
14 registry by letter dated April 27, 2022. Do you see  
15 that?

16 A. Yes.

17 Q. I will introduce Exhibit 25.

18 (Defendant's Exhibit 25 was marked for  
19 identification.)

20 BY MS. WYER:

21 Q. Exhibit 25 is also a document produced by your  
22 counsel with Bates Number Doe 95. Is this the letter  
23 that you received informing you that your registration  
24 requirement was terminated?

25 A. Yes.

1 Q. Is that response accurate?

2 A. Yes.

3 Q. This response discusses efforts by your  
4 attorney to register after your California registration  
5 was terminated; is that correct?

6 A. Yes.

7 Q. Other than your attorney's efforts described in  
8 this response, have you made any additional efforts to  
9 register after your registration was terminated?

10 A. That's kind of a yes or no. After I found out  
11 about the federal law, I started inquiring. I called  
12 the sheriff's office where I had prior registered and I  
13 knew the -- there was a lady I cannot remember her name,  
14 but she was in charge of the actual physical  
15 registration. She would come in and take your  
16 fingerprints every year and so I called and asked her  
17 and I said what is this, you know, do I still need to  
18 register and she said no, you're done, we don't do that,  
19 you don't have to come in and I said, well, because I  
20 specifically said about the federal law and she said no,  
21 that's it, and I said, oh, okay. So I was relieved  
22 initially and -- but I did call my attorney at the time  
23 and asked him about it and then he took it from there  
24 and he reached out to the sheriff's office himself.

25 Q. When you said you learned about the federal

1 coming up against just 50 different answers to every  
2 single question depending on who he asked and then I  
3 forget the circumstances that he -- the lawsuit and we  
4 became involved in this, I forget how that happened, but  
5 that's when he said we need to look at this.

6 Q. Are you a member of ACSOL?

7 A. No.

8 Q. Okay. And you know what ACSOL is?

9 A. I'm beginning to. My attorney a few weeks ago  
10 sent me a thing and said, you know, you should research  
11 this and -- but I've been very busy and I haven't had a  
12 chance to. So, no, I'm not -- I'm not real familiar  
13 with everything --

14 Q. Okay.

15 A. -- that involves or -- so I guess the short  
16 answer is no, I'm not a member.

17 Q. When you were required to register in  
18 California during that span, how did that work? How did  
19 you go about registering?

20 A. There was a one- or two-week window around the  
21 time of my birthday every year that I would call ahead  
22 of time and schedule an appointment and then I would go  
23 in with my identification and go to the sheriff's office  
24 and process would take about 10 minutes, 15 minutes and  
25 then they would give me an ID -- not an ID card, but a

1 piece of paper saying I had registered and I usually  
2 kept that in my wallet.

3 Q. Did they -- when you made an appointment, did  
4 they know that you were required to register?

5 MS. NIXON: Objection. Calls for speculation.

6 BY MS. WYER:

7 Q. I mean, did you -- I mean, how did you identify  
8 yourself such that they would know or did you? Did you  
9 just -- I'm trying to figure out if they had some list  
10 that they looked you up in or...

11 A. I'm not sure what their process was for doing  
12 that, but it was up to me to call and make an  
13 appointment within that -- I think it was one week  
14 before my birthday and then one week after, that window,  
15 and they would schedule an appointment and I would go  
16 and then I'm trying to remember -- I don't remember  
17 anyone ever calling and saying, [REDACTED], it's time for  
18 you to register or anything. They just wouldn't do  
19 that. It was up to the registrant to do that.

20 Q. When you would go in for your appointment, did  
21 you fill out a form?

22 A. No. You would -- there was one form -- well,  
23 I'm sorry. No. You're correct. There were two forms.  
24 One was just a review of your name, address, phone  
25 number, what vehicles you owned, and you would review

1 that, and if there were any changes, you would let them  
2 know.

3 Q. So that was something that they already had  
4 that they would --

5 A. Yes.

6 Q. -- they would present to you, they had printed  
7 it out before your appointment?

8 A. Yes. And it would be 75 percent pre-filled  
9 with the information they had from the previous year and  
10 then I would take a few minutes just to review it and  
11 they said if there's any changes, let us know and then  
12 signed that and then the other form was just a list of  
13 requirements, registration requirements, and you would  
14 go through and read it and initial it and at the very  
15 end sign the back of it.

16 Q. Do you have copies of those forms?

17 A. I don't think so. I think I did. I used to  
18 have -- I saved every year. I was always worried that  
19 someone would say I didn't have one or I didn't sign it  
20 or something. So I always kept them. I don't remember  
21 if that's part of what I finally got rid of after I -- I  
22 don't think I have one lying around.

23 Q. Do you remember if you provided your email  
24 address on the form?

25 A. I don't think so. I know I never did starting

1 out. I had been doing it so long there really wasn't an  
2 Internet. So I don't know if at some point they ever  
3 asked for it or not, to be honest.

4 Q. Did they ask for your telephone number?

5 A. Yes. Cell phone number. And I would show them  
6 my driver's license and then -- and license plate  
7 numbers. I'm trying to remember. It was a two-page  
8 form. So front and back. Things like have you gotten  
9 any new tattoos or things of that nature.

10 Q. Did you ever submit updates in between the  
11 annual registrations?

12 A. The one time that resulted in the misdemeanor  
13 charge, they required it when you moved from county to  
14 county or wherever or any change of address you had to  
15 let them know and I had moved [REDACTED] here and  
16 so you had a certain amount of time period from the time  
17 you made that move, you had to register and I did that.  
18 So that was the only what I would call midterm time  
19 that, you know, I had to do it. Other than that, it was  
20 always on my birthday.

21 Q. Okay.

22 (Defendant's Exhibit 26 was marked for  
23 identification.)

24 BY MS. WYER:

25 Q. Exhibit 26 I'm handing you. This is also

1 correct?

2 A. Yes.

3 Q. You have not been pardoned, correct?

4 A. No.

5 Q. What is your understanding of what a pardon is?

6 A. I always thought I knew what a pardon was, but  
7 now I've gotten confused in the last -- in relation to  
8 how it affects me. There's pardons, certificate of  
9 rehabilitation, expungement and now -- I'm not an  
10 attorney, so I don't know the legalese on some of those,  
11 but a pardon to me is -- well, I always thought an  
12 expungement meant whatever prior convictions were  
13 completely wiped off of your record. My prior  
14 understanding of a pardon was that your record would  
15 remain the same, but you were pardoned from the  
16 punishments involved, whether it be prison or pardoned  
17 or you were pardoned from the imprisonment and whatever  
18 punishments were there. Now I'm not sure if my  
19 understanding is correct or completely off base.

20 Q. But you know that you have not gotten a pardon?

21 A. Right, I do know that, yes.

22 Q. And are you -- do you know -- is it your  
23 understanding that a pardon would have to come from the  
24 governor?

25 A. Yes. That's always been my understanding.



1 Q. You have not gotten -- well, are you familiar  
2 with Cal Penal Code 1203.4?

3 A. I've heard of the number. I'd have to have a  
4 refresher on exactly which -- if that is the law that  
5 was passed in regards to registration, I'm -- no, I  
6 don't. That's the shortest answer.

7 Q. But are you -- have you -- you have not gotten  
8 post-conviction relief under that provision, correct?

9 A. You would have to tell me what that provision  
10 is.

11 Q. Well, that provision is different from Section  
12 290 and 290.5.

13 A. So -- okay. If I'm correct, then 290, 290.5 is  
14 the law that was passed in California, the tiering law  
15 and the registration law. So then, no, I don't know  
16 what 120...

17 Q. Okay. I don't have a copy of it, but you're  
18 not familiar with that one?

19 A. No. I may have been told at one point, but I  
20 can't recall at the moment.

21 Q. And you have not received a certificate of  
22 rehabilitation in California, correct?

23 A. Right. I don't believe we even applied for  
24 one.

25 Q. Let's look at Paragraph 19 of your declaration,

1 Q. So you were not aware that the federal SORNA  
2 law has required reporting Internet identifiers since  
3 2008?

4 A. No. I was never aware that there was even a  
5 SORNA law.

6 Q. Do you know whether California has ever  
7 required reporting Internet identifiers or remote  
8 communication identifiers?

9 A. Not to my knowledge. I don't remember ever  
10 being asked about things of that nature. I could be  
11 wrong, but I don't think it was ever brought up to me.  
12 In fact, I don't even -- in response to your prior  
13 question, I don't remember specifically them even asking  
14 for my email address. They may have, but I know it  
15 didn't start out -- it just wasn't really a thing.

16 Q. Do you participate in online fora?

17 A. Well, that's a lot broader scope than it used  
18 to be. 99.9 percent of my communication is my email,  
19 which is my -- my business email is my personal email  
20 too. I'm on Facebook and I don't have Twitter. I'm not  
21 a computer -- well, I'm old. So, anyway, that's -- it's  
22 not a thing for me.

23 Q. Have you ever -- I mean, how many email  
24 addresses do you have then? Just the one?

25 MS. NIXON: Objection. You're asking for a

1 number, not the email addresses?

2 MS. WYER: Correct.

3 THE WITNESS: I have one, I may have two that I  
4 started. I think it was an AOL. That's how long ago it  
5 was, but I know I started another one because I needed a  
6 rescue email in case our website went down and so I  
7 don't want to say no I only have one because I think I  
8 may have another one, but it's there for a rescue email  
9 or whatever in case that one goes, that's where they --  
10 in fact, I probably don't even know how to use that one.  
11 So it's probably whatever rescue is a lost cause, but,  
12 anyway, yeah, one, possibly two.

13 BY MS. WYER:

14 Q. Before you learned about the federal SORNA law,  
15 did you ever create an email address or other account in  
16 order to communicate anonymously?

17 A. No.

18 Q. Has there been any instance when you refrained  
19 from doing so after you learned about the SORNA law?

20 A. Can you be more specific?

21 Q. Are you involved in like -- I mean, I think you  
22 already said that you were not, but have you ever  
23 been -- have you been active in chat groups or other  
24 fora online?

25 A. I don't think I've ever been in a -- I'm not

1 really sure what a chat group is, I mean, other than,  
2 you know, I do -- on Facebook someone will post  
3 something that I graduated with and we'll start  
4 commenting on that comment and we will talk back and  
5 forth. So I guess that's a chat group or something, but  
6 that would probably be about the extent of it. Yeah.

7 Q. Okay. Going back to Paragraph 19 that we just  
8 looked at on the declaration.

9 A. Yes. Page...

10 Q. On Page 3.

11 A. Yes.

12 Q. I'm just wondering, I mean, how -- is that  
13 actually -- it says here that you're worried that you  
14 cannot speak freely about issues of public concern  
15 because of the Internet identifier reporting  
16 requirement. I'm just wondering why you're worried  
17 about that.

18 A. You know, and if you had asked me before I  
19 really knew about SORNA, that might not have  
20 particularly applied to me, but I've learned that it's  
21 so -- it's almost like SORNA is -- was just written --  
22 it's the worst written law you could ever come up with  
23 and anyone who has to register will never speak up  
24 because they can't afford to. It doesn't matter they  
25 truly could -- anything can be done to them or at them,

1 people in society, but something like this, speaking up,  
2 it would be devastating. I'm sorry for the speech.

3 Q. That's fine. I'm just -- could you just be  
4 more specific about how you think -- what is the -- what  
5 are the steps that you see between speaking up and some  
6 negative consequence? Like, how would that happen?

7 A. Well, you mean speaking up in what -- like I  
8 said, here, "I refrain from speaking on these matters of  
9 public concern using my anonymous remote communication  
10 identifiers because of the new rule."

11 Well, if I put my name and let's say I said  
12 this was unfair, this law was unfair or in relation  
13 to -- or even if I weren't John Doe Number 3, if this  
14 were out in the public and [REDACTED] in San Luis  
15 Obispo, California, oh, wait, he's -- you know, I know  
16 that company or I know that, you know, person or friend,  
17 family, neighbor, whatever, it's hard to describe how to  
18 someone like you or anybody else the ramifications of  
19 that if it becomes known, even more so than the  
20 registration.

21 Q. Becomes known by whom?

22 A. Well, anybody.

23 Q. So are you saying that the fear is that it  
24 would become publicly known?

25 A. Well, publicly and even, you know, my other

1 concern is the government monitoring it. If someone  
2 were very outspoken and, you know, I'm not a --  
3 necessarily a big brother type of fear mongerer, but I  
4 also know that there's really nothing private anymore  
5 and so, yeah, I just think it would be -- well, just the  
6 thought of it scares me to death.

7 Q. So in terms of the government, how exactly  
8 would this happen? So you're saying you -- I mean,  
9 first of all, you've already stated that you -- right  
10 now as of now, you don't have any anonymous remote  
11 identifiers, correct?

12 A. No, I didn't say that.

13 Q. You do have?

14 A. I mean I didn't say it.

15 Q. You don't have any emails you've created to  
16 communicate anonymously?

17 A. Right.

18 MS. NIXON: Objection.

19 THE WITNESS: I'm sorry. No, I don't.

20 BY MS. WYER:

21 Q. Or any other -- you don't have any other user  
22 names that you've created to communicate anonymously?

23 MS. NIXON: Objection. Leading. You can  
24 answer.

25 THE WITNESS: I mean, I've got user names

1 because now they tell you don't use your real name or  
2 whatever. Are you talking about things like log-ins  
3 and --

4 MS. WYER: No.

5 THE WITNESS: Okay. What specifically -- now  
6 I'm confused.

7 BY MS. WYER:

8 Q. No. That's fine. I'm just trying to ask.

9 So if you did have an email that you had  
10 created in order to communicate anonymously and then you  
11 did use it to say something negative about SORNA  
12 anonymously and you had reported that email as part of  
13 your sex registration, what do you think would have to  
14 happen? Like, what are the steps that would have to  
15 happen for there to be a negative consequence from the  
16 government?

17 MS. NIXON: Objection. Calls for speculation,  
18 but you can answer.

19 THE WITNESS: Well, to my understanding and I'm  
20 not a computer person, but let's say a registrant had an  
21 anonymous thing and it was registered with the  
22 government and they were speaking out and saying that,  
23 you know, there's a new law, I think it's unfair or  
24 SORNA, is the government monitoring that communication?  
25 Or let's say I had one and I want to talk about SORNA

1 and I'm talking about something in regards to this case,  
2 will the government monitor that? I mean, I know it  
3 sounds like a conspiracy theorist or whatever, but I --

4 BY MS. WYER:

5 Q. I mean, so your fear is the government is going  
6 to be monitoring statements that people make about SORNA  
7 and then they are going to --

8 A. I'm just using that as an example or it could  
9 be anything.

10 Q. And then what do you think they would do? I  
11 mean...

12 A. I don't know. I truly don't. I mean, could it  
13 be -- let's say they said something and the government  
14 said, you know what, we're going to charge him with  
15 whatever because he said that he hates this politician  
16 or, you know, thinks that so-and-so needs to jump off a  
17 bridge. You know, you're asking me to speculate what  
18 the government would do and I just -- I don't think  
19 there's a whole lot of limits on that. At the end of  
20 the day, what -- if they're -- where is the boundaries  
21 of privacy versus is it free speech? Are they allowed  
22 to say whatever and feel free about that or not and I  
23 don't know. There's just a lot of gray area in there to  
24 me.

25 Q. So, I mean, your fear is that you would be



1 charged with something you didn't do as a retaliation  
2 for speaking?

3 MS. NIXON: Objection. Mischaracterizes the  
4 witness's testimony.

5 THE WITNESS: Yeah, I didn't -- aside from the  
6 objection, I didn't quite understand.

7 BY MS. WYER:

8 Q. Are you saying that you would be -- your fear  
9 is that you might be charged with some criminal offense  
10 that you did not commit as retaliation?

11 A. That is one of many, many different things.  
12 Specifically for myself, I can't imagine that I would  
13 ever, whether it was anonymously or not, really  
14 communicate anything that would be against the law, but  
15 I would rather not have -- you know, or I don't trust  
16 the government to actually keep any of these records  
17 secure so that maybe my anonymous thing if I were  
18 saying -- and I'm going to say this, but let's say I was  
19 saying that Donald Trump is a crazy you know what or  
20 whatever or this and that and I'm saying it anonymously  
21 because maybe I'm saying really some angry things that I  
22 normally wouldn't say to a client or to a friend or  
23 whatever and that's released because they have a  
24 security breach or because they have those records or  
25 for whatever reason, yeah, it would harm me or I

1 actually think that would harm anybody too besides  
2 myself, but, I mean, but especially in regards to SORNA,  
3 I think there should be a way to discuss it, you know,  
4 freely without the government monitoring it or things of  
5 that nature.

6 Q. So --

7 MS. NIXON: We've been going for an hour and 40  
8 minutes. I don't know if it's a good time to take -- I  
9 know you're in your line of questioning, but if there's  
10 a good time to take a bathroom break.

11 MS. WYER: Yeah. Do you want a break now?

12 THE WITNESS: Yeah. I was kind of hoping.

13 MS. WYER: Yeah. We can take a break now.

14 (Recess.)

15 BY MS. WYER:

16 Q. I wanted to go back to this Exhibit 26.

17 A. Okay. The emails?

18 Q. These emails from your counsel. You had said  
19 that you were the one that found out about SORNA, the  
20 federal SORNA, after your registration obligation was  
21 terminated and then you asked your counsel to look into  
22 it and then he sent these series of emails. It looks to  
23 me that he is sending them every year, a follow-up email  
24 every year. Is that your understanding?

25 A. I don't know when he sent them. I informed me

1           A.     Because I think he knows how concerned I am  
2     that I want to make sure I'm trying to comply, trying to  
3     do whatever it takes. I want to stay legal, I want to  
4     make sure I'm doing everything I can on my end because  
5     I'm just constantly worried that for some reason I could  
6     be prosecuted for not registering even though I'm trying  
7     to do it or trying to make sure that if that's something  
8     I have to do that I'm doing it and so I'm sure a part of  
9     why he does it is to allay my fears that we're doing  
10    everything and following up in case anything's changed  
11    because the one thing I've learned about this is that  
12    it's fluid in nature. It's changed through the years.  
13    So I just want to make sure if all of a sudden it  
14    changed and there was a way for me to register, that  
15    we're not missing it.

16           Q.     Going back to the -- your concerns about the  
17    Internet identifiers, are you -- do you know whether  
18    California put -- includes Internet identifiers on their  
19    public registry site?

20           A.     I don't know.

21           Q.     Do you know if your email address was ever on  
22    the California public registry site?

23           A.     I don't know.

24           Q.     Did you ever look at your --

25           A.     And that's against the law.

1 MS. NIXON: I'm going to object and advise you  
2 not to answer.

3 THE WITNESS: It's against the law.

4 BY MS. WYER:

5 Q. Are you concerned that if you were required to  
6 report your Internet identifiers, they would become  
7 public?

8 A. Well, yes.

9 Q. And how do you think that would happen?

10 A. How do I think all the possible ways it could  
11 happen?

12 Q. I mean do you expect -- is that something you  
13 would expect would happen if you reported your Internet  
14 identifiers?

15 A. It just seems every single day there's another  
16 data breach or a -- someone getting hacked or something  
17 of that nature or all the different things, I just --  
18 probably 100 ways I can't even think of that that would  
19 happen, that it would become somehow public.

20 Q. But the ways that you are thinking of, would  
21 all of them involve some kind of a data breach?

22 MS. NIXON: Objection to form. You can answer.

23 THE WITNESS: Say it again. I'm sorry.

24 BY MS. WYER:

25 Q. When you say that there's many ways that it

1 could happen, do all of those ways involve some kind of  
2 a data breach?

3 A. No. Huh-uh.

4 Q. What are the other ways?

5 A. Well, knowing the incompetency sometimes, it  
6 could be an error on behalf of the government. They  
7 could -- they could have a situation with a disgruntled  
8 employee, they could have like a Jeffrey Snowden or --  
9 was that his name, Snowden? But, you know, someone who  
10 decided, oh, okay, here's all this, I'm just mad at this  
11 particular group of people and I'm going to do this.  
12 There's really just 100 different ways that are above my  
13 pay grade when it comes to that that I can see it  
14 happening.

15 Q. In terms of the harms that would follow from  
16 that, I'm still trying to figure out the -- where you  
17 see the harm specific to reporting your Internet  
18 identifier as opposed to just harm -- the harm that you  
19 see from your, like, status as someone on the registry.

20 MS. NIXON: Was there a question there?

21 BY MS. WYER:

22 Q. Well, can you help explain is there a  
23 difference in the harms between those two things?

24 A. I'm not on a registry right now. So my  
25 information is not public for the first time in 20 --

1 the people seeing your communication may be able to  
2 identify you --

3 A. When you say people, are you talking about the  
4 government itself?

5 Q. No. I'm talking about the people you were  
6 mentioning who you're concerned would discount your  
7 views or show up in your front yard.

8 A. Well, if -- I think we're getting back to the  
9 point of, okay, how could it harm me? Well, the only  
10 way people would do that or be able to with a remote  
11 identifier is if the government because they would be  
12 the only other person besides myself who would know who  
13 the anonymous email is or whatever the identifier would  
14 be, it would have to be the government that either  
15 leaked it or was hacked or who, you know -- do you see  
16 what I mean? Because the government would be the only  
17 other avenue they could find out.

18 Q. Right. So when you say you are concerned about  
19 it, is that what you're concerned about, that the -- you  
20 would report the identifiers and then the government  
21 would leak the information or be hacked?

22 MS. NIXON: Objection. Misstates the witness's  
23 testimony.

24 THE WITNESS: Yeah, I can't speak for how it  
25 would happen or the manner, but the possibilities of it

1 affecting me negatively are not zero at all. In today's  
2 day and age, it's just not, and I think even the most --  
3 if someone's being truthful, no one can say any amount  
4 of data is secure anymore and to say, well, it's only  
5 the government that has it, only the government would  
6 know, you know, and what are you worried about? Well,  
7 I'm worried because, you know, the government can't even  
8 get my driver's license to me on time, you know, and so  
9 I just -- yeah. And that fear -- and then -- and just  
10 the thought of it, the thought of it, and I tried to  
11 convey this earlier, that someone that has to register,  
12 the fear of that is something that they would not speak  
13 freely about this, you know, whether it's SORNA or  
14 anything else, you know, if they had valid concerns,  
15 whether it would be a chat room or people who are really  
16 in fear of it, it wouldn't -- they wouldn't participate,  
17 I don't think.

18 BY MS. WYER:

19 Q. But you think you would be willing to speak  
20 anonymously if you don't have to report your Internet  
21 identifiers?

22 A. I think in that circumstance if that were to  
23 happen, I think I would be -- feel freer to express my  
24 opinions, I guess. I think I would -- if I knew it was  
25 truly confidential on a certain matter, I think I would

1 be -- feel freer to comment or to communicate. Does  
2 that make sense?

3 Q. Even --

4 A. If I'm -- the only analogy I can say is if I'm  
5 talking to someone on the phone, a family member or  
6 friend, and we're talking about this and we're talking  
7 freely, I would tell a family member or friend, if that  
8 were the case, we were talking, I would express opinions  
9 and things. If I knew that the government had my phone  
10 number and there's a possibility they might be listening  
11 to that conversation, I don't think I would be as free  
12 to talk and I don't think anyone would regardless of the  
13 situation. Does that make sense? I mean, I just --

14 Q. Well, isn't it the case that the government did  
15 have your phone number during the period you were  
16 registered?

17 A. Yes.

18 Q. And did you have a fear that your phone calls  
19 were monitored during that time?

20 A. No, I didn't have a fear that my phone calls  
21 were monitored, but if I thought that was an option  
22 because there are safeguards in place, I don't know what  
23 the safeguards are in place as far as Internet  
24 monitoring, whether it's chat rooms or things of that  
25 nature, I'm not sure of the laws there. I am -- well, I



1 would like to think that they would have to have certain  
2 parameters before they can monitor phone conversations,  
3 you know, warrants and things like that. I'm not sure  
4 how it applies to monitoring social media or chat rooms  
5 or all the other things that are prevalent today, but as  
6 an analogy, you're asking what my fears would be, it  
7 would be similar to that.

8 Q. So you're saying you would report your  
9 identifier, the government would have to either be  
10 monitoring -- I mean, just an identifier in isolation,  
11 how would they know where to monitor that?

12 A. I can't speak for them. I don't know what  
13 their capabilities are, but you're asking me to kind of  
14 speculate on that, but if you -- let's say your remote  
15 identifier was an email and you gave an email, it would  
16 probably take them about a minute or two to be able to  
17 monitor your emails.

18 Q. Subject to -- I mean, is it your understanding  
19 that they could do that without the same parameters that  
20 apply to phone calls?

21 MS. NIXON: Objection. Calls for speculation.

22 THE WITNESS: I think I stated previously I  
23 don't know what the laws are for that and I don't know  
24 what the guardrails are for that.

25 ///

1 A. Yes, I would have to.

2 Q. And then they would have to be used in some way  
3 by a government or by them becoming --

4 A. Public knowledge in some way or form?

5 MS. NIXON: I'll counsel the witness to let  
6 Ms. Wyer finish her question.

7 THE WITNESS: Oh, okay. She was struggling and  
8 I was trying to help her out.

9 BY MS. WYER:

10 Q. Right. So either the government would have to  
11 use them in some way or they would have to become  
12 publicly available, correct?

13 A. Yes.

14 Q. And then if they were -- you don't know how  
15 they would become publicly available, correct?

16 A. I can think of possibilities of how they  
17 could -- that make me nervous and scared. I think I  
18 have mentioned quite a few different circumstances where  
19 that could happen. I don't know how much more specific  
20 I could be as far as, you know, you asked how do you  
21 think that could happen and I've answered that, I think.  
22 Was there something else you were...

23 Q. Right. There's nothing other than what you've  
24 mentioned?

25 MS. NIXON: Objection. Misstates the witness's

1 BY MS. WYER:

2 Q. Do you have any trips planned in the future  
3 outside the state?

4 A. Yes. That I would like to go, yes.

5 Q. And do you have any concrete plans?

6 A. They were concrete and now they're not. My  
7 mother just -- [REDACTED]

[REDACTED] and so that's thrown everything --  
9 what we thought we were going to be able to do and what  
10 reality is now is two different things. So are they  
11 concrete? No.

12 Q. During the time that you were registered in  
13 California, did you ever travel outside the state for a  
14 long enough time that you had to register in another  
15 state?

16 MS. NIXON: Objection. Calls for a legal  
17 analysis.

18 BY MS. WYER:

19 Q. Let me rephrase. During the time that you were  
20 required to register in California, did you ever  
21 register in another state because you had traveled  
22 outside the state?

23 A. No. I never -- in fact, until -- honestly, I  
24 think it was after reading SORNA to where I really --  
25 that's another thing too. When you register, they don't

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REPORTER'S CERTIFICATE

STATE OF CALIFORNIA) SS.

I, MELISSA PLOOY, Certified Shorthand Reporter,  
licensed in the State of California, holding CSR License  
No. 13068, do hereby certify:

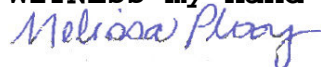
That prior to being examined, the witness named in  
the foregoing proceeding was by me sworn to testify the  
truth; the whole truth and nothing but the truth;

That said deposition was verbatim-reported by me by  
the use of computer shorthand at the time and place  
therein stated and thereafter transcribed into writing  
under my direction.

Before completion of the deposition, review of the  
transcript [ x ] was [ ] was not requested. If  
requested, any changes made by the deponent (and  
provided to the reporter) during the period allowed are  
appended hereto.

I further certify that I am not interested in the  
outcome of this action.

WITNESS my hand this 25th day of September 2024.



---

MELISSA PLOOY, CSR#13068



# EXHIBIT 3

***In The Matter Of:***

***John Doe #1***

***v.***

***U.S. Department of Justice***

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**[REDACTED] VOL I**

***August 29, 2024***

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

_____	)
JOHN DOE #1, et al.,	)
	)
Plaintiffs,	)
	)
vs.	) Case No.
	) 5:22-CV-855-JGB-SP
U.S. DEPARTMENT OF JUSTICE, et al.,	)
	)
Defendants.	)
_____	)

CONFIDENTIAL TRANSCRIPT

STENOGRAPHIC DEPOSITION OF



VIA VIDEOCONFERENCE

SAN DIEGO, CALIFORNIA

THURSDAY, AUGUST 29, 2024

REPORTED BY:  
JOSEPH A. JOHNSON, CERTIFIED HUMAN STENOGRAPHER  
RPR, CSR NO. 14288  
JOB NO. 1168835



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1 The STENOGRAPHIC DEPOSITION OF [REDACTED]  
2 VIA VIDEOCONFERENCE, taken on behalf of defendant,  
3 in San Diego, California, commencing at 9:05 a.m.  
4 and ending at 11:47 a.m., on Thursday, August 29, 2024,  
5 before JOSEPH A. JOHNSON, CERTIFIED HUMAN STENOGRAPHER,  
6 RPR, CSR NO. 14288.

7

8 APPEARANCES (all appearances via Zoom)

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21 \*\*\* END APPEARANCES \*\*\*

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1 INDEX TO EXHIBITS

2 


3 John Doe #1 v. U.S. Department of Justice

4 Thursday, August 29, 2024

5 Joseph A. Johnson, RPR, CSR No. 14288

6

7 EXHIBITS WERE MARKED AND ATTACHED UNLESS OTHERWISE NOTATED

8 MARKED	DESCRIPTION	PAGE
9 Exhibit 8	A document from Volume 86 of the Federal Register, Pages 69856 10 through 69887	9
11 Exhibit 9	First Amended Complaint	10
12 Exhibit 10	Declaration of John Doe #4	13
13 Exhibit 11	Plaintiff John Doe #4's Responses and Objections to Defendants' 14 First Set of Interrogatories	16
15 Exhibit 12	A kind of report from the FBI that did a search using  16 fingerprints of his criminal history; 12 pages	21
17 Exhibit 13	Order Granting Defendant's 18 Petition For Removal From Florida's Sexual Offender 19 Registry, Bates-stamped DOE00049 through -57	35
20 Exhibit 14	Sex Offender Registration, Change 21 of Address / Annual or Other Update	45
22 Exhibit 15	6/6/2023 Order on Petition 23 to Terminate Sex Offender Registration, Pen. Code 290.5	48
24		
25	*** END INDEX TO EXHIBITS ***	

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1 THURSDAY, AUGUST 29, 2024; SAN DIEGO, CALIFORNIA

2 9:05 A.M. - 11:47 A.M.

3

4

5 [REDACTED],  
having been first duly sworn by the

6 Certified California Shorthand Reporter,

7 was examined and testified as follows:

8

9

EXAMINATION

10 BY ATTORNEY K. WYER:

11 Q Good morning, [REDACTED]. My name is  
12 Kathryn Wyer. I am an attorney with the U.S. Department  
13 of Justice. I represent the defendants in this  
14 lawsuit -- the U.S. Department of Justice and Merrick  
15 Garland, the attorney general, in his official capacity.

16 Have you ever had your deposition taken before?

17 A No, I have not.

18 Q And have you ever been a witness in a court  
19 case?

20 A No.

21 Q But you understand that today you're testifying  
22 under oath?

23 A Yes.

24 Q That just as if you were in a courtroom, you're  
25 required to tell the truth?

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1 A Yes.

2 Q Was there -- had there been, like, an earlier  
3 sentencing?

4 A Let me provide clarification on this.  
5 No. 1C -- excuse me. No. 1D, "Date of Adjudication,"  
6 as I mentioned, that was in the fall of 1995. I  
7 did not understand that accepting the plea deal was  
8 a sentencing; therefore, in Section 1G, "Date of  
9 Sentencing," I understood sentencing to be sentenced to  
10 incarceration.

11 Q So when you were sentenced to incarceration, did  
12 you appear at a sentencing hearing?

13 A Yes.

14 Q Had you appeared at a sentencing hearing before  
15 that time?

16 A I do not know. I do not know the title of the  
17 hearings that I attended.

18 Q Was your probation revoked at the same hearing  
19 when you were sentenced to incarceration?

20 A I don't recall.

21 Q Do you recall any proceeding where you were  
22 told you were now on probation, or was that something  
23 that just happened after you entered the plea deal?

24 ATTORNEY M. NIXON: Objection to form.

25 THE WITNESS: I'm sorry. Could you repeat that?

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1 BY ATTORNEY K. WYER:

2 Q How did you learn that you were put on  
3 probation?

4 A I attended a hearing at which the judge  
5 approved the plea agreement reached between my attorney  
6 and state's counsel.

7 Q Were you told at that time that you are now on  
8 probation for a certain period of time?

9 A Yes.

10 Q And that was -- in your understanding, was  
11 that the -- the sentence that you were receiving for the  
12 offense of 800.04?

13 A Was that the entire question?

14 Q Yeah.

15 A Okay.

16 Q Was the probation you were told about at that  
17 hearing when they accepted your plea agreement, was  
18 that -- was it your understanding that that was the  
19 sentence at that time?

20 A At this time, sitting here today -- and at that  
21 time -- I did not understand the approval of the plea  
22 agreement by the judge as sentencing. And in the course  
23 of those discussions with my attorney and with state  
24 prosecutors, there had been mention of, if successful on  
25 probation, that I would not have a record afterwards.

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1 So I do not -- I did not recognize that as sentencing at  
2 that time.

3 Q Okay. Did you think that there would be a  
4 sentencing hearing at a later point?

5 A I do not know.

6 Q Okay. Looking back, I'd like to ask you about  
7 your response to interrogatory -- well, let's first --  
8 let just take a look at this Exhibit 12. If you could,  
9 just look at the page that has "Criminal History" at the  
10 top, which is five pages from the end. The top, it says  
11 "Criminal History," "Cycle 001," "Tracking Number."

12 A Yes, I see the page you're referring to.

13 ATTORNEY M. NIXON: I'm actually not sure you're  
14 on the same page.

15 THE WITNESS: Thank you.

16 BY ATTORNEY K. WYER:

17 Q Can you look at what I'm looking at here  
18 (indicating)? It's counting five pages from the back.

19 A That's correct. It was not the same page.

20 I believe we're on the same page now. It  
21 says "Criminal History," and just below that, it says  
22 "Cycle 001." Is that the same page?

23 Q I believe so.

24 And then it says, "Earliest Event Date:

25 1995 [REDACTED], " "Incident Date: 1995 [REDACTED]."

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1 Q Looking at the next page after the one we were  
2 just looking at, where it says at the top, "Prosecutor  
3 Agency FL013-," in that top part there is a mention of  
4 "State Offense Code: 800.04."

5 A Uh-huh.

6 Q And above that, it says "Sex offense-against  
7 child-fondling."

8 A Yes.

9 Q And then the next section there also says --  
10 there's "State Offense Code: 800.04," and above that,  
11 "Offense Text: Sex offense-against child-fondling."

12 Do you know whether there were two counts of the  
13 offense or...

14 A Or?

15 Q Or one, or it just repeated for some other  
16 reason.

17 A Okay. To the best of my recollection, there  
18 were two charges.

19 Q Okay.

20 A Yes, there were two charges.

21 Q Okay. And what is your understanding of why the  
22 term fondling appears here?

23 A I do not know and I can only guess.

24 Q Did you hear that term used in regards to your  
25 offense --



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1 A No, I did not.

2 Q -- at the time?

3 A No, I did not.

4 Q So now let's go back to the interrogatory  
5 responses and turn to Page 6. I'd like to ask you about  
6 your response to Interrogatory No. 5, so please take a  
7 look at that and read it.

8 A Okay. Specifically for No. 5, you said?

9 Q Uh-huh.

10 A Okay. I've read it.

11 Q Is that response accurate?

12 A To the best of my recollection, that is  
13 accurate.

14 Q In November 2022, a court in Florida entered  
15 an order removing your requirement to register under  
16 Florida law; is that correct?

17 A To the best of my knowledge, yes, that is  
18 accurate.

19 Q And in June 2023, a court in California  
20 entered an order removing your requirement to register  
21 under California law; is that accurate?

22 A Yes, to the best of my understanding, that is  
23 accurate.

24 Q Are you currently registered in any state sex  
25 offender registry?

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1 A I can confirm that I'm not on either the  
2 California or Florida sex offender registry. I had  
3 briefly visited another state after I was released  
4 from incarceration, and I do not know if they retained  
5 records, how long they retained records, and I do not  
6 know if I am on their registry. I do not believe that I  
7 am.

8 Q What state was that?

9 A Pennsylvania.

10 ATTORNEY K. WYER: I'm going to hand you  
11 what the court reporter has as Tab 5, and I'll mark  
12 it as Exhibit 13. This is a document entitled, "Order  
13 Granting Defendant's Petition For Removal From Florida's  
14 Sexual Offender Registry." This is a document your  
15 counsel produced to us in response to document requests,  
16 with Bates Nos. DOE00049 through DOE00057.

17 (Exhibit 13 was marked by the CSR for  
18 identification and is attached hereto.)

19 BY ATTORNEY K. WYER:

20 Q Do you recognize this document?

21 A Yes, I recognize this.

22 Q Is this the order from the Florida court  
23 removing your requirement to register under Florida law?

24 A It appears to be, yes, exactly that.

25 Q On the first page, near the top, it has a stamp,

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1 A Yes.

2 Q In person?

3 A Yes.

4 Q Did you testify?

5 A No.

6 Q Do you recall what happened at the proceeding?

7 A Yes. My attorney presented arguments as  
8 to why I should be removed from the Florida sex offender  
9 registry, the state attorney argued against my being  
10 removed, and the judge then took it under consideration.  
11 And that's where the hearing ended at that time.

12 Q Was it your understanding at the time you  
13 were seeking to be removed from the Florida sex offender  
14 registry that you were still required to register under  
15 the federal SORNA law?

16 A I do not recall. I don't believe I had any  
17 thoughts regarding Florida versus SORNA, et cetera.

18 Q At that time, you were already a plaintiff in  
19 this case; is that right?

20 A Yes. Yes.

21 Q And when you became a plaintiff in this case,  
22 did you believe that you were required to register under  
23 the federal SORNA law?

24 A I did not know if I was required to register or  
25 not. It was my understanding that I would be required,

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1 but there was no way, as a resident of California,  
2 that I was able to submit the federal SORNA requirement  
3 information they required. There was no person or no  
4 office to which I would submit that information.

5 Q And what information are you thinking of,  
6 specifically?

7 A I believe federal SORNA requires such things  
8 as my name, date of birth, work information, home  
9 address information, charges against me, adjudication  
10 or sentencing, and numerous other items. But as I said,  
11 there was nowhere for me to provide that information.  
12 The office at the City of Pasadena Police Department  
13 would not accept that. They worked for the City of  
14 Pasadena and not for the federal government.

15 Q At that time, you were still registering with  
16 the state registry; correct?

17 ATTORNEY M. NIXON: Objection.

18 BY ATTORNEY K. WYER:

19 Q At the time that you became a plaintiff in this  
20 case, you were still registering in the California state  
21 registry; is that correct?

22 A Thank you for that clarification.

23 Yes. In fact, at the time of this initial  
24 filing for this case, I was still registering -- I was  
25 still registered in Florida and I was still registering

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1 in the state of California.

2 Q And you were providing your name and date  
3 of birth and other information to the state registry;  
4 correct?

5 A To the State of California. State of Florida  
6 did not require or request any updates.

7 Q Why did you petition to be removed from the  
8 Florida registry at the particular time when you did?

9 A I had learned that it might be possible for me  
10 to be removed from the State of Florida registry. Did  
11 not know all the details, but I was given an attorney's  
12 name to get in touch with who could provide me with more  
13 information.

14 Q Was the reason, in your understanding, based --  
15 related to the time period that had elapsed?

16 A Yes, that's my understanding. After a  
17 specific time period -- I believe it was after  
18 20 years -- I could make application to be removed from  
19 the Florida sex offender registry.

20 Q And otherwise, the Florida laws required you to  
21 remain registered for life; is that correct?

22 A Actually, beyond life. They keep people's names  
23 on there even after they are deceased.

24 Q At the hearing that you attended in Florida, was  
25 there any mention of your obligation or not to register

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1 under the federal SORNA law?

2 A I do not recall that being mentioned.

3 Q You ended your incarceration in what year?

4 A February 16th, 2002.

5 Q And when did you move to California?

6 A Beginning of [REDACTED] 2002.

7 Q Did you register in Florida before you moved to  
8 California in the Florida sex offender registry?

9 A I do not recall personally registering. I  
10 believe my information was automatically registered or  
11 enrolled by the Florida Department of Corrections.

12 Q Were you told that you were required to register  
13 in the Florida sex offender registry?

14 A I was informed that I would be required to  
15 register each year.

16 Q When were you informed?

17 A I was informed around the time of my release  
18 from Florida Department of Corrections.

19 Q Around February 2002?

20 A Yes.

21 Q At that time, did they tell you whether you  
22 were required to register under Florida law or under the  
23 federal SORNA law, or did they distinguish?

24 ATTORNEY M. NIXON: Object to the form.

25 THE WITNESS: I do not recall.

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1 BY ATTORNEY K. WYER:

2 Q When did you first register in California?

3 A As soon as I arrived, the beginning of [REDACTED]  
4 of 2002, I would have gone to the police department and  
5 registered at the police department.

6 Q How did you know that you were required to do  
7 that?

8 A As I recall, shortly before my release  
9 from incarceration in Florida, they told me I would be  
10 required to register as a sex offender in, I think they  
11 told me, any jurisdiction that I would move to.

12 Q When you registered in California the first  
13 time, did you do that in person?

14 A I'm sorry. In California?

15 Q Yes.

16 A Absolutely, yes.

17 Q Was that in a California state office of some  
18 kind?

19 A No. Since moving to California, every time I  
20 register except that initial time -- which was around  
21 the beginning of [REDACTED] 2002 -- I register annually,  
22 within five days before or after of my birthday. And  
23 every one of those registrations has taken place at the  
24 City of Pasadena Police Department, in person.

25 Q When you would go in to register in person

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1 annually, what took place?

2 A I make an appointment with the registering  
3 agent. I enter the lobby. I wait for her to open a  
4 door and usher me into the small room where they take  
5 an updated photo and where she presents me with a list  
6 of -- she presents me with a form to verify all the  
7 information, which would include my name, my address,  
8 where I work, details about my car, its registration, my  
9 conviction. And along with that form, there are a few  
10 pages of requirements that I initial. Then I am  
11 fingerprinted each year, photographed, and then I am  
12 given a copy of the form that I have signed and I leave.

13 Q How do they know that you -- when you  
14 made -- how did they know you are someone who needs  
15 to register when you go in? I mean, what I'm trying  
16 to figure out, like, do they -- when you make an  
17 appointment, do they verify that you are on the registry  
18 at that time or do they -- do they do that when you come  
19 in?

20 ATTORNEY M. NIXON: Objection.

21 You can answer.

22 THE WITNESS: I can answer? Okay.

23 For all but a couple years, that process has,  
24 for the past 20 years, been handled by the same individual.  
25 There are approximately 350 registered sex offenders



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1 in Pasadena, and I believe that she has a pretty good  
2 awareness of who all of them are. So when I call and  
3 identify myself by name, she knows who I am and she  
4 knows that I am a [REDACTED].

5 BY ATTORNEY K. WYER:

6 Q When you go in, is the form already filled  
7 out with the information they have, or do you fill it  
8 out new every time?

9 A Initially, I provided all the information, and  
10 every time there's a change such as I change residence  
11 or I get a new vehicle, I make appointment, go in, and  
12 update that information myself. They put it in their  
13 system. That's the best of my understanding. And so  
14 typically I am presented with a prefilled form that I  
15 merely need to affirm and sign.

16 Q So you have these annual visits. When you just  
17 mentioned updating information, were those visits in  
18 addition to the annual visits?

19 A Yes, those would be in addition. And I  
20 believe the requirement is about ten days within --  
21 around the time of the change, whether it's change of a  
22 job, change of a residence, or change of a vehicle.

23 Q Did you always provide those updates in person?

24 A Yes.

25 Q Do you have the option -- okay.

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1 A I do not recall providing any additional  
2 information. I do not recall if I informed them at this  
3 time, but I had informed them on several occasions that  
4 they had my eye color wrong.

5 Q Did you ever attempt to provide additional  
6 information --

7 ATTORNEY M. NIXON: Objection.

8 BY ATTORNEY K. WYER:

9 Q -- that does not fall under data box identified  
10 on the form?

11 A I'm sorry. Which data box?

12 Q Any of them. Did you ever try to provide  
13 information that was not covered by any of these boxes  
14 on the form?

15 A I may have. I might have in the past; however,  
16 I do not recall. It was my understanding, after years  
17 of registration, that I was just to look at the form and  
18 sign it and confirm that it was my name. I was told  
19 that everything else was unchanged, and I verified with  
20 them, yes, none of my other information has changed.

21 Q And then you initialed these statements on  
22 Pages 3, 4, 5, is that right, of this exhibit?

23 A Yes, I initialed those. Yes.

24 ATTORNEY K. WYER: I want to now look at what  
25 the court reporter has as Tab 6. I will mark this

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1 legal argument.

2 Q Was it your understanding that this order had  
3 any connection to the order that you got in the Florida  
4 court?

5 A No direct connection, no.

6 Q Was it your understanding, when you got this  
7 order, that you were still required to register as a sex  
8 offender under the federal SORNA law?

9 A I don't know.

10 Q You have not been pardoned; correct?

11 A I am sorry?

12 Q You have not received a pardon; correct?

13 A No, not that I'm aware of.

14 Q Are you familiar with the California law called  
15 California Penal Code 1203.4?

16 A I have a vague understanding what it is.

17 Q Did you receive any relief under that provision?

18 A No.

19 Q Okay. Let's go back to your interrogatory  
20 responses.

21 ATTORNEY M. NIXON: I'd note we've been going  
22 for an hour and a half. I would ask if there's a good  
23 time to take a break in your questioning.

24 ATTORNEY K. WYER: We can do that. Would you  
25 like to do that now?

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1 "To the best of his recollection when he registered in  
2 California, he provided his cell phone number and his  
3 personal email address. Plaintiff does not recall, but  
4 he may have provided his work telephone number and email  
5 address."

6 Is that response accurate?

7 A Yes.

8 Q Did you provide your cell phone number  
9 and personal address every time you registered in  
10 California?

11 A I don't believe that I was -- that I  
12 provided it repeatedly. I think I affirmed it on  
13 numerous occasions. Because the form was prefilled when  
14 I arrived to register, I merely reviewed the information  
15 and affirmed it.

16 ATTORNEY K. WYER: And let the record reflect  
17 that right now, you are looking at Exhibit 14.

18 BY ATTORNEY K. WYER:

19 Q Where on this form did you report your email  
20 address, on Exhibit 14?

21 A I do not see it on this form; however, if you  
22 look at Page 2 of 6 of that document, it provides the  
23 registering officer's name and also her email address.  
24 She and I have communicated in the past in order to make  
25 appointments, so she does have my personal email address

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1 in order to make registering appointments.

2 Q Is it your understanding that your email address  
3 was part of your record in the sex offender registry?

4 A I believed that it was, but I am not certain.  
5 That was my belief.

6 Q It's not on this form. And this Exhibit 14  
7 is the form that you filled out, is that correct, or  
8 that you verified when you went in for registration  
9 appointments?

10 ATTORNEY M. NIXON: Objection to form.

11 THE WITNESS: Yes, this is the form that I  
12 filled out. But because I had communication from the  
13 registering officer, it was my understanding that the  
14 Pasadena Police Department has my personal email  
15 address.

16 BY ATTORNEY K. WYER:

17 Q Had you communicated with the Pasadena Police  
18 Department on subjects other than your sex offender  
19 registration?

20 ATTORNEY M. NIXON: Objection.

21 You can answer.

22 THE WITNESS: Yes, I have.

23 BY ATTORNEY K. WYER:

24 Q Was that by email?

25 A Yes.

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1 Q In regard to what did you communicate with them  
2 by email?

3 A I believe I sent congratulations to two people  
4 who were retiring, and I believe I submitted a few  
5 comments to the chief of police regarding police matters  
6 unrelated to registration.

7 Q How many email addresses do you have?

8 A I don't know.

9 Q Do you have more than one?

10 A Yes.

11 Q Is there one that you use most often?

12 A Yes.

13 Q Is that the one that you used to communicate  
14 with the Pasadena Police Department?

15 A Yes.

16 Q Since your removal from the sex offender  
17 registry in California, have you made any attempts to  
18 register as a sex offender?

19 A No. It is my understanding that I do not  
20 have to register as a sex offender in the state of  
21 California, and so I make no attempts to do so.

22 Q Do you think you would be able to do so if you  
23 tried?

24 ATTORNEY M. NIXON: Objection. Speculation.

25 You can answer.

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1 THE WITNESS: I do not know. I am aware that  
2 the City of Pasadena would not accept my attempt to  
3 register since I am no longer required to register by  
4 the State of California.

5 BY ATTORNEY K. WYER:

6 Q How do you know that?

7 A Because the registering agent has been  
8 informed that I no longer need to register, and so  
9 she would question why I am making an appointment to  
10 register when I no longer need to register. But that is  
11 speculation.

12 Q You have not tried to do that? You have not  
13 tried to make an appointment since you were removed?

14 A No.

15 Q And has your counsel made any attempt to provide  
16 registration information through California sex offender  
17 registry after -- since the time that you were removed  
18 from the registry?

19 A Not to the best of my knowledge. No counsel has  
20 acted in such a way on my behalf.

21 Q After you got this order that is Exhibit 15  
22 granting your petition to terminate sex offender  
23 registration dated June 6, 2023, did you go through a  
24 process to get deregistered?

25 A I don't recall. I don't believe so.

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1 harms you think that document inflicts on you, you  
2 mentioned a harm to free speech. Can you explain how  
3 you think that would occur?

4 A Certainly. It's my understanding it would harm  
5 my free speech rights in the sense that I could not make  
6 anonymous comments online if I were required to submit  
7 every internet name, nickname, email account, et cetera.  
8 That would hinder my ability to make anonymous comments  
9 on any number of topics.

10 Q How would you -- what is the harm that you think  
11 would occur, exactly?

12 A Well, for example, I may wish to make comments  
13 on political situations or candidates, and I do not want  
14 to step outside my front door and be confronted by some  
15 angry individual who took offense at my comment about a  
16 politician or a political situation.

17 Q So what you are saying is if -- I'm just  
18 trying to connect the dots between reporting your  
19 internet identifier to a sex offender registry and an  
20 individual showing up on your doorstep. Can you explain  
21 how that would happen?

22 A Yes. If that information were somehow made  
23 publicly available, that an individual could find me and  
24 my address and my personal information online, that they  
25 may pursue to confront me, threaten me, harm me,



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1 et cetera, as a result of comments that I may have made  
2 online thinking that those comments were being made  
3 anonymously.

4 Q Let's look at --

5 A Additional harm may come from the fact that  
6 I am not able to engage as fully as I might wish to in  
7 community affairs, including local political actions.

8 Q And is that because -- is that also because  
9 you think some private individual would show up on your  
10 doorstep?

11 A Yes, some private individual or some group may  
12 threaten me in some format.

13 Q Let's turn back to your interrogatory, which  
14 is the Document 11. On Page 9, Interrogatory No. 12,  
15 Page 9 to 10 --

16 A I'm sorry. Which number again?

17 Q Interrogatory 12 -- well, it's Document 11.

18 A Okay. Thank you.

19 Q Page 9 to 10. I am referring specifically to  
20 the list of online fora that you identified on Page 10.

21 A Okay. What is your question.

22 Q This interrogatory asked "All online fora  
23 in which you have posted comments or engaged in online  
24 direct communications in the past five years."

25 Is this an accurate response, this list?

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1 A This is accurate to the best of my knowledge.  
2 There may be others that I do not remember and therefore  
3 did not list.

4 Q Could you help me understand what you -- what  
5 internet identifiers are associated with each of these  
6 fora?

7 ATTORNEY M. NIXON: Objection. Are you asking  
8 for the identifiers themselves?

9 ATTORNEY K. WYER: No, just, like, what kind.  
10 BY ATTORNEY K. WYER:

11 Q Is it an email address? Is it -- for example,  
12 your Nextdoor app, is that associated with an email --  
13 your email address?

14 THE WITNESS: That is actually associated  
15 with my actual name. The requirements for using that  
16 app, although often ignored, it is a requirement one use  
17 their actual name. Their address is not available, just  
18 their general neighborhood; but their actual, true,  
19 legal name is intended to be used.

20 BY ATTORNEY K. WYER:

21 Q And is your email address also --

22 A My email address is not.

23 Q -- on that account?

24 A I don't recall. I post on the app, not via my  
25 email. Although I receive notification of activity on

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1 my email, so the app does have my email. I don't know  
2 if that's available for individuals to see or not.

3 Q And the X app, do you know if that app has your  
4 email?

5 A I don't believe so. I think that's anonymous.

6 VRBO, yes, they do have my email address.

7 Craigslist has my email address, although  
8 they -- it's my understanding that they anonymize most  
9 communication.

10 EBay, yes, they have my email address.

11 Patreon, it requires my actual legal name  
12 as well as my email address, and I do receive email  
13 notifications from them.

14 Yelp, I'm not sure to what extent they  
15 anonymize me.

16 Google Maps, I don't recall. Et cetera.

17 Q But do you get emails from Yelp?

18 A I believe I do occasionally.

19 Q And Google Maps, can you tell me what kind of --

20 A I believe that posts my actual name when I  
21 make a review of a restaurant or a park that I visit or  
22 a museum or -- et cetera.

23 Q Did they have your -- are they associated with  
24 your -- with a Gmail email?

25 A Yes, I receive notification from Google,

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1 Google Maps, regarding comments I posted on restaurants,  
2 museums, et cetera.

3 Q Lyft?

4 A Lyft has my email address and my cell phone  
5 number, which is part of using the app.

6 Q And Pasadena Citizens Service Center?

7 A They have my email address, which I believe is  
8 required with every submission to them.

9 Q And Signal?

10 A I believe they have my email address.

11 Q Google Messages?

12 A I believe they have my email address.

13 Q Gmail?

14 A They certainly have it.

15 Q LinkedIn?

16 A Yes, they have my email address.

17 Q Mail.com?

18 A Yes.

19 Q Reddit?

20 A Yes.

21 Q Tumbler?

22 A Yes.

23 Q Pinterest?

24 A Yes.

25 Q And ACSOL?

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1 A Yes.

2 Q Can you explain when you -- how you first came  
3 to be concerned about reporting internet identifiers?

4 A The concern about reporting internet  
5 identifiers first came to my awareness, to the best of  
6 my recollection, from reading something on the ACSOL  
7 website. That's the last item on the list you just  
8 read. It stands for Alliance for Constitutional Sex  
9 Offense Laws. Their website often posts comments and  
10 articles and links to news items relating to laws.

11 I recall one of the changes in one state  
12 would require registrants to list all of their internet  
13 identifiers, email addresses, any type of item used to  
14 identify them on the internet. That brought to my  
15 awareness the concern about doing such things, including  
16 the awareness of the difficulty in providing those,  
17 specifically in my case because I have some utility  
18 accounts for internet and for natural gas service,  
19 et cetera, that have automatically created email  
20 addresses for me that I do not use and I'm only vaguely  
21 aware of. So if I were required to list all of my  
22 internet identifiers, I do not know all of the internet  
23 identifiers that may have been assigned to me without my  
24 knowledge.

25 Q Do you use email addresses that you don't know

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1 what they were to communicate?

2 A I think my internet service provider -- I  
3 know that they have provided me with an email address,  
4 and when I communicate with them via email, it is  
5 through that email address they have assigned to me.

6 Q Do you know what the email address is?

7 A Vaguely, but not precisely.

8 Q When you look at your message, is it identified?

9 A I can see it, yes. I can find it if I need  
10 to. But that brings to light the issue of who may have  
11 assigned email addresses to me that I do not know of or  
12 have forgotten about and I do not know if they're  
13 currently active, et cetera.

14 Q So when was that that you first heard about  
15 reporting internet identifiers?

16 A I don't know precisely. A few years ago, and it  
17 was regarding a proposed law in some other jurisdiction.  
18 I don't remember what state.

19 Q Did you ever hear about California requiring  
20 internet identifiers as part of a sex offender  
21 registration?

22 A I believe at one point it was under  
23 consideration by the state government, but I -- to  
24 the best of my knowledge, that proposal had failed.

25 Q At some point, did you come to have an

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1 understanding that the federal SORNA law required  
2 reporting internet identifiers?

3 A Yes.

4 Q When did you learn this?

5 A Probably around the time that this case was  
6 filed, this lawsuit was filed.

7 Q Was that the same time you became a plaintiff in  
8 the lawsuit?

9 A It would have been around that same time, yes.

10 Q How close in time?

11 A I probably learned about the internet identifier  
12 requirements a few months to several months before I  
13 learned about this lawsuit.

14 Q You -- so prior to that, you were not aware  
15 of any federal SORNA requirement to provide internet  
16 identifiers as part of a sex offender registration; is  
17 that --

18 A Prior -- prior to those few months beforehand?

19 Q Right.

20 A Yes, to the best of my recollection, I was not  
21 aware of any federal requirement to do so prior to a few  
22 months before the filing of this lawsuit.

23 Q So is it your understanding that this is a new  
24 requirement as of -- when you learned about it, was it  
25 your understanding at that time that it was a new

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1 requirement?

2 A A new requirement for federal SORNA?

3 Q Right.

4 A I had not really considered very much about  
5 federal SORNA prior to learning that unique identifiers  
6 may be required -- and all sorts of other information --  
7 which I learned a few months prior to the lawsuit. But  
8 prior to those few months before, I really didn't have a  
9 clear awareness of federal SORNA. My focus was primarily  
10 on my California and Florida obligations to be  
11 registered, not on any federal requirement.

12 Q Let's go back to your declaration, which was  
13 Document No. 10.

14 A Okay. Yes.

15 Q On Page 2, at the bottom, Paragraph 11, it  
16 states, "I must also report, in person, changes in  
17 address within three days; give advance notice if I plan  
18 to change residences, jobs, or schools; report changes  
19 in remote communication identifiers; and international  
20 travel plans prior to any trip."

21 Do you see that?

22 A Yes, I see that.

23 Q Is your understanding that the federal SORNA law  
24 requires to you report changes in remote communication  
25 identifiers in person?



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1 A I do not have a clear understanding of federal  
2 SORNA and the requirements. I only have a rather vague  
3 understanding of all the requirements. However, I would  
4 direct you to Item 10 up above that identifies  
5 "information in person to California officials." So  
6 those items I mentioned in No. 11, those are in regards  
7 to my California registration, not any federal  
8 requirement.

9 Q So what is your understanding of the federal  
10 requirement?

11 A My understanding is that there is a lot of --  
12 there is a lot of information that is required from a  
13 person that has to register for federal SORNA. I don't  
14 know all of the information. I understand that it  
15 includes everything that I would have had to provide  
16 to State of California, plus additional information  
17 including internet identifiers, internet nicknames,  
18 et cetera.

19 Q What is your understanding of how you would go  
20 about reporting information required under the federal  
21 SORNA law?

22 A I have no understanding of that except that  
23 it -- it's my understanding that there is no actual  
24 manner or process or procedure I could follow to submit  
25 that information. There is no federal agent, there is

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1 no federal office, there isn't a federal location I  
2 would go to to submit that information. So I am  
3 supposedly required to submit information, and yet I  
4 have no availability or opportunity to do so. So that  
5 leaves me stuck. And I should say that leaves me at  
6 risk.

7 Q Let's look at Paragraph 14 of the declaration.  
8 On Page 3, it states: "The new rule requires me to  
9 disclose my remote communication identifiers as a part  
10 of registration, which could be accessible by members of  
11 the public."

12 A Do you see that?

13 A Yes.

14 Q Why do you believe that your remote  
15 communication identifiers could be accessible by members  
16 of the public?

17 A Frankly, I have no reason to believe it would  
18 not be accessible to members of the public. The Florida  
19 sex offender registry is readily available over the  
20 internet to members of the public. The California sex  
21 offender registry is readily available to members of the  
22 public over the internet. And I have no reason to  
23 believe that the federal sex offender registry would be  
24 any different from that.

25 Q Are you aware of email addresses or other remote

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1 communication identifiers appearing on the California or  
2 Florida sex offender registry websites?

3 A I'm not aware of that.

4 Q Are you aware whether federal law allows  
5 for email addresses or other remote communication  
6 identifiers to be publicly available on a state's sex  
7 offender registry website?

8 A A federal requirement that they appear on a  
9 state sex offender registry?

10 Q Right.

11 A Please repeat your question.

12 Q Are you aware of any federal law that  
13 prohibits internet identifiers -- that prohibits states  
14 from including internet identifiers on the state sex  
15 offender registry website?

16 A I am not aware of any such federal law.

17 Q Who do you think would have access to your  
18 internet identifiers if you reported them?

19 A The federal government, and if they list it on a  
20 sex offender website, the general public.

21 Q If they do not list it on a sex offender  
22 registry website, do you agree that the general public  
23 would not have access?

24 A No, I absolutely don't agree with that. Because  
25 there are so many breaches of internet websites and

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1 confidential information, I have no reason to believe  
2 that my personal information could not be divulged by  
3 such a breach or a hack.

4 Q So let's say -- let's imagine that you did  
5 report your internet identifier, for example your email  
6 address, to the State of California, and it accepted --  
7 I mean, I want to, like, think through what would have  
8 to happen before we get to the point where that random  
9 person is standing on your doorstep. So we looked at  
10 your registration form, which is Document 14. There's  
11 no spaces on that form that identifies your email  
12 address; correct?

13 A Correct.

14 Q And so if you tried to report your email address  
15 to the California registry, they do not have a space on  
16 that form to put it; correct?

17 A I do not see a space on the form.

18 Q Are you aware of -- have you looked at your --  
19 I mean, before you were removed from the California sex  
20 offender registry, did you ever look at your -- at the  
21 website -- at the sex offender registry website and at  
22 your own information on there?

23 A I was -- to the best of my knowledge, I was not  
24 permitted to do so.

25 Q From what I understand from what you've said,

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1 in order for your internet identifier to become public,  
2 it would have to be on that public website or else it  
3 would have to be exposed through some kind of hacking  
4 incident.

5 ATTORNEY M. NIXON: Objection.

6 BY ATTORNEY K. WYER:

7 Q I mean, feel free to clarify.

8 A That would -- honestly, that would call for too  
9 much speculation. I don't know how it might be exposed.  
10 It may be exposed by someone who works for U.S. DOJ who  
11 wants to, you know, publish all the names of every sex  
12 offender and all their email addresses throughout the  
13 United States such as, you know, WikiLeaks or whatever  
14 the fellow's name is who divulged all that confidential,  
15 top secret information. So I have no reason to believe  
16 that such a thing might not happen, especially  
17 considering the public animosity towards registered  
18 individuals.

19 Q I mean, in your scenario that you're  
20 envisioning, how would the connection be made between  
21 your internet identifier and something you posted on  
22 some form somewhere?

23 ATTORNEY M. NIXON: Objection.

24 THE WITNESS: I'm not technologically savvy  
25 enough to provide a clear answer to that. I do not

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1 know how people are able to access information or break  
2 through passwords or whatever it may be. I simply do  
3 not know how an individual who wishes to do such a thing  
4 can do such a thing. I only know that too often, such  
5 things do happen.

6 When do I get to ask her questions?

7 BY ATTORNEY K. WYER:

8 Q So you are -- you would imagine that reporting  
9 your internet identifier would lead to someone using  
10 technological measures that you do not understand to  
11 make a connection between something that you posted  
12 and -- I'm just trying to -- like, how would that work,  
13 exactly?

14 ATTORNEY M. NIXON: Objection to form.

15 You can answer.

16 THE WITNESS: I simply don't know. As I  
17 answered previously, I do not have the technological  
18 internet skills to know how people breach security walls  
19 and access information that is restricted. I only know  
20 that it does happen, and I know that if I were to make  
21 anonymous comments on public websites on any number of  
22 issues, including political issues or candidates or  
23 police activity, et cetera, that that may subject me to  
24 targeting. And if they're able to trace me back through  
25 an internet identifier, they may be able to find out

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1 where I live when I intended that message to be  
2 anonymous.

3 BY ATTORNEY K. WYER:

4 Q And when you say "they," who are you talking  
5 about?

6 A Any person who may have the technological skills  
7 or desire to do such things.

8 Q How would they go -- I'm just trying to, like,  
9 comprehend how this would work. You're talking about a  
10 member -- a private person; correct? You're talking  
11 about a private person who would see your anonymous  
12 speech on an internet forum?

13 ATTORNEY M. NIXON: Objection. Mischaracterizes  
14 testimony.

15 BY ATTORNEY K. WYER:

16 Q Is that what --

17 A A private individual, a group of individuals,  
18 some organization with their own specific agenda. I  
19 don't know who such individuals might be, I'm only  
20 saying I'm certain people are out there and capable of  
21 doing such things -- are capable of breaching security  
22 walls and internet protocols, et cetera -- and I would  
23 prefer to keep my anonymous comments anonymous, and that  
24 is why I post them anonymously. I'm not sure how else I  
25 can answer this more clearly.

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1 Q So I think what you're saying is this private  
2 person would have to see your speech and decide that  
3 they want to target it in some way. And then how would  
4 they connect it to your internet identifier?

5 ATTORNEY M. NIXON: Objection. Mischaracterizes  
6 testimony.

7 THE WITNESS: Again, I do not know how they  
8 would be able to connect it. I am not knowledgeable  
9 enough of internet security to know how people can do  
10 this; I just know that it can be done. There are news  
11 stories relating such things all the time.

12 ATTORNEY K. WYER: Can I see that (indicating)?  
13 BY ATTORNEY K. WYER:

14 Q I wanted to go back to Exhibit 12. I just want  
15 to look at the dates again. If you go to three pages  
16 before the end, do you see, in the second little section  
17 there, "Final Disposition Date: 1996-9-30"? Are we on  
18 the same page there?

19 A Uh-huh.

20 Q And then on the bottom, the last line of  
21 that section says, "Disposition: Guilty/Convicted  
22 (1996-9-30)."

23 A Uh-huh.

24 Q Does that sound accurate to you as the date  
25 that you were convicted? Because there's just some



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1 (Back on the record at 11:45 a.m.)

2 BY ATTORNEY K. WYER:

3 Q In the past year, how many times have you  
4 traveled outside the state of California?

5 A Possibly three times.

6 Q Do you have any current plans to travel outside  
7 the state?

8 A Yes, but not exact plans. I plan to visit  
9 [REDACTED] Pennsylvania sometime in the fall.

10 Q Do you know how many days you would be away?

11 A I do not know.

12 Q You mentioned, when describing the incident that  
13 led to your conviction, that it involved [REDACTED] with a  
14 male under the age of 16; correct?

15 A Correct.

16 Q Were you performing oral sex on the individual  
17 or did he perform oral sex on you?

18 A It was my understanding that one of the 800.04  
19 charges was my performing oral sex on him and one of the  
20 charges was him performing oral sex on me.

21 ATTORNEY K. WYER: No further questions.

22 ATTORNEY M. NIXON: No questions.

23 We do, again, request the right to review,  
24 correct, and sign the transcript.

25 CERTIFIED STENOGRAPHER: Off the record?

AL

[REDACTED] - 8/29/2024

1 HUMAN STENOGRAPHER COURT REPORTER'S CERTIFICATE

2

STATE OF CALIFORNIA )

3 ) ss.

COUNTY OF SAN DIEGO )

4

5 I, JOSEPH A. JOHNSON, RPR, CSR NO. 14288, hereby  
6 certify:

7 I am a duly qualified Certified Shorthand Reporter  
8 in the State of California, holder of Certificate Number  
9 CSR 14288 issued by the Certified Court Reporters' Board of  
10 California and which is in full force and effect. (Fed. R.  
11 Civ. P. 28(a)(1)).

12 I am authorized to administer oaths or affirmations  
13 pursuant to California Code of Civil Procedure, Section  
14 2093(b) and prior to being examined, the witness was first  
15 duly sworn by me. (Fed. R. Civ.P. 28(a)(a)).

16 I am not a relative or employee or attorney or  
17 counsel of any of the parties, nor am I a relative or  
18 employee of such attorney or counsel, nor am I financially  
19 interested in this action. (Fed. R. Civ. P. 28).

20 I am the Court Reporter that stenographically  
21 recorded the testimony in the foregoing deposition, and the  
22 foregoing transcript is a true record of the testimony given  
23 by the witness. (Fed. R. Civ. P. 30(f)(1)).

24 Before completion of the deposition, review of  
25 the transcript was requested. If requested, any changes made

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1 by the witness (and provided to the reporter) during the  
2 period allowed, are appended hereto. (Fed. R. Civ. P.  
3 30(e)).

4 The dismantling, unsealing, or unbinding of the  
5 original transcript will render the Reporter's Certificate  
6 null and void.

7

8 Dated: September 4, 2024

9

10

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12

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JOSEPH A. JOHNSON, CERTIFIED HUMAN STENOGRAPHER

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RPR, CSR NO. 14288

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CONFIDENTIAL

[REDACTED] - 8/29/2024

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WITNESS'S CHANGES OR CORRECTIONS

Note: If you are adding to your testimony, print the exact words you want to add. If you are deleting from your testimony, print the exact words you want to delete. Specify with "Add" or "Delete" and sign this form.

DEPOSITION OF: [REDACTED]

DATE OF: AUGUST 29, 2024

PAGE	LINE	CHANGE/ADD/DELETE
<u>25</u>	<u>13</u>	<u>Strike entire answer. Replace with "Yes, but the correct date is 1996." (Reason: error, subsequent recall)</u>
<u>26</u>	<u>2</u>	<u>Replace "1995" with "1996" (Reason: error, subsequent recall)</u>
<u>26</u>	<u>4</u>	<u>Replace "1995" with "1996" (Reason: error, subsequent recall)</u>
<u>26</u>	<u>5</u>	<u>Replace "1995" with "1996" (Reason: error, subsequent recall)</u>
<u>28</u>	<u>11</u>	<u>Replace "1995" with "1996" (Reason: error, subsequent recall)</u>
<u>29</u>	<u>6</u>	<u>Replace "1995" with "1996" (Reason: error, subsequent recall)</u>

Witness's Signature [REDACTED] Date 10/17/2024

CONFIDENTIAL

[REDACTED]

8/29/2024

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WITNESS'S DECLARATION UNDER PENALTY OF PERJURY

I, [REDACTED], declare under penalty of perjury that I have read the entire foregoing transcript of my deposition or the same has been read to me.

I also declare under penalty of perjury that the foregoing transcript of my deposition is true and accurate, except for changes, corrections, additions, or deletions indicated by me on the ERRATA SHEET hereof, with the understanding that I offer these changes, corrections, additions, or deletions as if still under oath.

Signed on the 17<sup>th</sup> day of October, 2024, at  
[REDACTED], California.  
(City) (State)

[REDACTED]

# EXHIBIT 4

**KAMALA D. HARRIS**  
Attorney General

State of California  
**DEPARTMENT OF JUSTICE**



**VIOLENT CRIME INFORMATION CENTER**  
**CALIFORNIA SEX OFFENDER REGISTRY**  
P.O. Box 903387  
SACRAMENTO, CA 94203-3870  
(916) 227-3288  
Facsimile (916) 227-4345

September 16, 2016

[REDACTED]

RE: Termination of Sex Registration Requirement

Dear Mr. [REDACTED]:

This is to notify you that your requirement to register as a sex offender pursuant to California Penal Code section 290 has been terminated by the California Department of Justice (DOJ).

The DOJ has updated its records and a notification concerning this termination action has been sent to the law enforcement agency that last registered you. It is recommended that you retain this letter as evidence that your existing registration requirement has been terminated. Please be aware that your requirement to register may be reinstated if you are convicted of another sex offense in the future.

If you would like to request a review of your criminal history record, please contact the DOJ, Record Review Unit at (916) 227-3835. Otherwise, if you have any questions concerning this letter, please contact the California Sex Offender Registry at (916) 227-3288.

Sincerely,

*AR* ARTURO RODRIGUEZ, Manager  
California Sex Offender Registry

For **KAMALA D. HARRIS**  
Attorney General

# EXHIBIT 5





STATE OF CALIFORNIA  
CJIS 8102S  
(Rev. 01/2022)

DEPARTMENT OF JUSTICE

1 of 6

### SEX OFFENDER REGISTRATION CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE

Sex Offender Registration Act – Penal Code (Pen. Code) sections (§§) 290–290.024 and 290.01

**PLEASE FOLLOW THESE IMPORTANT PROCESSING INSTRUCTIONS:**

- Print or type the required information and enter into the California Sex and Arson Registry (CSAR) application.
- Submit a current photograph of the registrant to the DOJ Image System: <https://calphoto.ext.doj.ca.gov/>.
- Have the registrant read and initial the registration requirements on pages 3, 4, and 5 of this form.
- Verify the registrant understands the requirements.
- Retain the original of this form.
- Provide a photocopy to the registrant as a receipt.

FACILITY TYPE (Enter alpha code in Facility Type field):	
Day Care Center	DC
Family Child Care Home	FCH
Group Home	GH
Foster Home	FH
Adult Day Care	AD
Sober Living Home	SLH
Elderly Care Home	ECH

REASON FOR REGISTRATION (More than one box can be checked):

- ANNUAL     30 DAY (TRANSIENT)     90 DAY (SVP)     CHANGE OF ADDRESS     OTHER (e.g., Initial, Additional Address)

REGISTRATION EVENT (Check all that apply):

<input type="checkbox"/> INITIAL (1st 8102S in CSAR) <input type="checkbox"/> Residence <input type="checkbox"/> Campus (Attending, Employed, Volunteer) <input type="checkbox"/> Employment (Out of state resident employed in CA) <input type="checkbox"/> Transient <input type="checkbox"/> ADDITIONAL ADDRESS (Concurrent) <input type="checkbox"/> Residence <input type="checkbox"/> Campus (Attending, Employed, Volunteer) <input type="checkbox"/> Employment (Out of state resident employed in CA) <input type="checkbox"/> UPDATE (No Change in Registration Status)	REGISTRANT HAS MOVED/CHANGE OF ADDRESS <input type="checkbox"/> INTO JURISDICTION <input type="checkbox"/> INTO JURISDICTION FROM OUT OF STATE <input type="checkbox"/> WITHIN JURISDICTION <input type="checkbox"/> OUT OF JURISDICTION <input type="checkbox"/> OUT OF STATE <input type="checkbox"/> INACTIVATE ADDRESS - If registrant has more than one registered address, list the address registrant is vacating from in the space below:	<input type="checkbox"/> ABSCONDED (LEA has verified whereabouts unknown) <input type="checkbox"/> DEPORTATION <input type="checkbox"/> INCARCERATION <input type="checkbox"/> CDCR <input type="checkbox"/> LOCAL <input type="checkbox"/> FED    INC DATE: <input type="checkbox"/> DJJ <input type="checkbox"/> DSH/DDS <input type="checkbox"/> ICE
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If the registrant is DECEASED, do not complete this form. To update a registrant to DECEASED status, complete and submit form CJIS 8086B.

FULL NAME OF REGISTRANT: Last [REDACTED] First [REDACTED] Middle [REDACTED] Suffix [REDACTED]

ALIASES: [REDACTED]    DATE OF BIRTH: [REDACTED]    CII NUMBER (SID): [REDACTED]    DRIVER'S LICENSE/I.D. NUMBER: [REDACTED]    STATE: CALIFO    EXPIRATION DATE: 2025

FCN NUMBER: [REDACTED]    SOCIAL SECURITY NUMBER: [REDACTED]    INSTITUTION NUMBER (CDCR, DJJ, or DSH): [REDACTED]    FBI NUMBER: [REDACTED]

SEX: MALE    RACE: WHITE    HAIR COLOR: BROWN    EYE COLOR: BROWN    HEIGHT: 6-00    WEIGHT: 160    PLACE OF BIRTH: [REDACTED]    ORIGINATING AGENCY CASE NUMBER (OCA): [REDACTED]

TYPE OF CONVICTION IF NON-CALIFORNIA OFFENSE:  OUT OF STATE     FEDERAL     MILITARY

NEW OR MODIFIED SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS NOT IN CSAR 1	LOCATION	DESCRIPTION	PICTURE	TEXT
NEW OR MODIFIED SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS NOT IN CSAR 2	LOCATION	DESCRIPTION	PICTURE	TEXT
NEW OR MODIFIED SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS NOT IN CSAR 3	LOCATION	DESCRIPTION	PICTURE	TEXT

HOME PHONE NUMBER: [REDACTED]    WORK PHONE NUMBER: [REDACTED]    CELLULAR PHONE NUMBER: [REDACTED]

ADDRESS: Street Number and Name [REDACTED]    Apt./Unit Number [REDACTED]    CITY: [REDACTED]    STATE: CALIFO    ZIP CODE: 91104

DWELLING TYPE:  Single Family Residence     Apartment / Condominium     Hotel / Motel     Other    LICENSED FACILITY:  YES     NO    FACILITY TYPE: [REDACTED]

LOCATION(S) FREQUENTED BY TRANSIENT

ADDITIONAL REGISTRATION ADDRESS:  Residence     Campus     Employment    Street Number and Name [REDACTED]    Apt./Unit Number [REDACTED]    CITY: [REDACTED]    STATE: [REDACTED]    ZIP CODE: [REDACTED]

DWELLING TYPE:  Single Family Residence     Apartment / Condominium     Hotel / Motel     Other    LICENSED FACILITY:  YES     NO    FACILITY TYPE: [REDACTED]

CAMPUS REGISTRATION:  Attending     Employed     Volunteer    CAMPUS NAME/ADDRESS [REDACTED]    STREET NUMBER AND NAME [REDACTED]    CITY: [REDACTED]    STATE: [REDACTED]    ZIP CODE: [REDACTED]

[REDACTED SIGNATURE]    DATE: JUNE 28, 2022

SIGNATURE OF REGISTRANT    DATE

Registrant Rolled Right Thumbprint - If amputated, use next available finger

DISTRIBUTION: Original to Registering Agency; Copy to Subject Registering



STATE OF CALIFORNIA  
CJIS 8102S  
(Rev. 01/2022)

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### SEX OFFENDER REGISTRATION CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE

Sex Offender Registration Act – Penal Code (Pen. Code) sections (§§) 290–290.024 and 290.01

NAME OF REGISTRANT Last		First	Middle	CII NUMBER (SID)	DATE		
[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	JUNE 28, 2022		
RELATED ADDRESS (e.g., Mailing, Emergency Contact)		Street Number and Name	Apt./Unit Number	City	State	Zip Code	
RELATED ADDRESS TYPE <input type="checkbox"/> Mailing <input type="checkbox"/> GPS Charging Location		NAME OF EMERGENCY CONTACT (if emergency contact is checked)		RELATIONSHIP TO EMERGENCY CONTACT (e.g., Mother, Father)			
[REDACTED]		[REDACTED]		[REDACTED]			
RELATED ADDRESS (e.g., Mailing, Emergency Contact)		Street Number and Name	Apt./Unit Number	City	State	Zip Code	
[REDACTED]		[REDACTED]		[REDACTED]			
RELATED ADDRESS TYPE <input type="checkbox"/> Mailing <input type="checkbox"/> GPS Charging Location		NAME OF EMERGENCY CONTACT (if emergency contact is checked)		RELATIONSHIP TO EMERGENCY CONTACT (e.g., Mother, Father)			
[REDACTED]		[REDACTED]		[REDACTED]			
OCCUPATION		EMPLOYER'S NAME		DATE CURRENT EMPLOYMENT BEGAN			
[REDACTED]		[REDACTED]		[REDACTED]			
EMPLOYER'S ADDRESS		Street Number and Name	Suite/Unit Number	City	State	Zip Code	
[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	CALIFO	91803	
WORK ADDRESS (if different than Employer's Address)		Street Number and Name	Suite/Unit Number	City	State	Zip Code	
[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
REGISTERING AGENCY (Do Not Abbreviate)			REGISTERING OFFICER'S NAME AND TITLE				
[REDACTED]			[REDACTED]				
REGISTERING AGENCY'S E-MAIL ADDRESS		PHONE NUMBER	ORI	MNEMONIC	DNA COLLECTED?		
[REDACTED]		626 744 7206	CA0195300	PAS0	<input type="checkbox"/> YES <input type="checkbox"/> NO		
PROBATION/PAROLE OFFICER				PHONE NUMBER			
[REDACTED]				[REDACTED]			
COMMENTS (Include additional, new or modified Scars, Marks, Tattoos, and Other Characteristics)							
[REDACTED]							
<b>ADDRESS/RESIDENCE DEFINITIONS:</b>							
ADDRESS - Address at which I regularly reside, regardless of the number of days or nights spent there.							
ADDITIONAL ADDRESS - Additional address at which I regularly reside, regardless of the number of days or nights spent there.							
RELATED ADDRESS - Address of a relative or other person who is likely to know how to contact me.							
EMPLOYER'S NAME/ADDRESS - The name and address of my employer (e.g., company, individual, entity), and the address of that employer.							
WORK ADDRESS - The address at which I work.							
RESIDENCE - One or more addresses at which I regularly reside, regardless of the number of days or nights spent there, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles. (Pen. Code, § 290.011)							
HAS YOUR VEHICLE INFORMATION CHANGED SINCE YOUR LAST REGISTRATION? IF SO, PLEASE PROVIDE THE UPDATED VEHICLE INFORMATION BELOW.							
VEHICLE #1		VEHICLES OWNED, REGISTERED, OR REGULARLY DRIVEN			VEHICLE #2		
<input checked="" type="checkbox"/> Registered Owner <input type="checkbox"/> Regularly Driven					<input type="checkbox"/> Registered Owner <input type="checkbox"/> Regularly Driven		
VEHICLE (#1) IDENTIFICATION NUMBER (VIN)			VEHICLE (#2) IDENTIFICATION NUMBER (VIN)				
Nonresponsive							
LICENSE PLATE NUMBER #1	STATE	TYPE	YEAR OF EXPIRATION	LICENSE PLATE NUMBER #2	STATE	TYPE	YEAR OF EXPIRATION
Nonresponsive	CALIFORN	PASSENGER	08/2022				
VEHICLE YEAR	MAKE	MODEL	STYLE/COLOR	VEHICLE YEAR	MAKE	MODEL	STYLE/COLOR
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
HAVE YOU SOLD OR STOPPED REGULARLY DRIVING A VEHICLE SINCE YOUR LAST REGISTRATION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO							
END DATE		MAKE		MODEL			
[REDACTED]		[REDACTED]		[REDACTED]			
SIGNATURE OF REGISTRANT					DATE		
[REDACTED]					JUNE 28, 2022		
DISTRIBUTION: Original to Registering Agency, Copy to Subject Registering					Registrant Rolled Right Thumbprint - If amputated, use next available finger		
[REDACTED]					[REDACTED]		





STATE OF CALIFORNIA  
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### SEX OFFENDER REGISTRATION CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE

#### Sex Offender Registration Act – Penal Code (Pen. Code) sections (§§) 290–290.024 and 290.01

NAME OF REGISTRANT	Last	First	Middle	CII NUMBER (SID)	DATE
					JUNE 28, 2022

#### REGISTRATION REQUIREMENTS - REGISTRANT IS REQUIRED TO READ AND INITIAL ALL REQUIREMENTS

1. I understand that if I have a registrable adult (superior court) conviction, the California Department of Justice will determine whether my mandatory minimum registration period in California is 10 years (Tier 1), 20 years (Tier 2) or a lifetime requirement (Tier 3). (Pen. Code, §§ 290, 290.005)
2. I understand that if I have a registrable juvenile adjudication (juvenile court), the California Department of Justice will determine whether my mandatory minimum registration period in California is 5 years (Tier 1) or 10 years (Tier 2). (Pen. Code, § 290.008)
3. I understand that the California Department of Justice may place me in a "tier-to-be-determined" category if my tier designation cannot be immediately determined. If I am placed in this category, I am required to continue to register pursuant to the Act. (Pen. Code, § 290)
4. I understand that if I am court-ordered to register pursuant to Penal Code section 290.006 after January 1, 2021, the court will determine whether my mandatory minimum registration period is 10 years (Tier 1), 20 years (Tier 2) or a lifetime requirement (Tier 3). (Pen. Code, § 290.006)
5. I understand that my tier level may change based upon my criminal history. (Pen. Code, § 290)
6. I must register in person, if I have never registered, within five (5) working days of: 1) coming into California, or 2) release from incarceration, placement, commitment, or release on probation, with the law enforcement agency having jurisdiction over my place(s) of residence or where I am physically present as a transient. (Pen. Code, § 290)
7. I must re-register in person, if I have previously registered, within five (5) working days, after release from incarceration, placement, or commitment that lasted 30 or more days, or within five (5) working days after release on probation. I do not have to re-register after release if I was incarcerated for less than 30 days, and I return to the last registered address, and the update of registration that is required to occur within five (5) working days before or after my birthday did not fall within that incarceration period. (Pen. Code, § 290.015)
8. I must annually update my registration information in person, within five (5) working days before or after my birthday, at the law enforcement agency having jurisdiction over my residence address or where I am currently present as a transient. Annual updates begin with my first birthday following registration or change of address. (Pen. Code, § 290.012)
9. Upon coming into, or when changing my residence address within a city and/or county in which I am residing, I must register or re-register in person, within five (5) working days, with the law enforcement agency having jurisdiction over my residence. (Pen. Code, §§ 290, 290.013)
10. If I change my registered address to a new address, either within the same jurisdiction or anywhere inside or outside of the state, I must inform the last registering agency or agencies in person within five (5) working days before or after I leave. If I do not know my new residence address or transient location I must later notify, by registered or certified mail, the last registering agency or agencies of the new address or transient location with five (5) working days of moving to the new address or location. (Pen. Code, § 290.013)

I have been notified of my duty to register as a sex offender pursuant to Pen. Code, §§ 290–290.024 and 290.01. I have read or had read to me, and initialed each registration requirement specified on pages 3, 4, and 5 of this form. I understand it is my duty to know the registration requirements, including changes to the law that may be made after I sign this form. I certify the information provided is true and accurate. I understand failure to comply with the registration requirements, including failure to provide information on the form, or failing to provide accurate information is punishable as a criminal offense. Refusing to sign this form is also punishable as a criminal offense.

Registrant Rolled Right Thumbprint -  
If amputated, use next  
available finger



Penalty Use Side Imprints

JUNE 28, 2022

SIGNATURE OF REGISTRANT

DATE

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### SEX OFFENDER REGISTRATION CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE

Sex Offender Registration Act – Penal Code (Pen. Code) sections (§§) 290–290.024 and 290.01

NAME OF REGISTRANT	Last	First	Middle	CII NUMBER (SD)	DATE
					JUNE 28, 2022

**REGISTRATION REQUIREMENTS - REGISTRANT IS REQUIRED TO READ AND INITIAL ALL REQUIREMENTS**

- 11. If I am registered at a residence address and become transient, I have five (5) working days within which to register in person with the law enforcement agency having jurisdiction where I am physically present as a transient. (Pen. Code, § 290.011)
- 12. If I am registered as a transient and move to a residence, I have five (5) working days within which to register in person with the law enforcement agency having jurisdiction over the new address. (Pen. Code, § 290.011)
- 13. If I have no residence address, I must register in person in the jurisdiction where I am physically present as a transient within five (5) working days of becoming transient. Thereafter, I must update my registration information in person no less than once every 30 days with the law enforcement agency having jurisdiction over the place where I am physically present as a transient on the day I re-register. I do not need to report changes of transient location within the 30-day period unless I move out of state. I must also comply with the annual requirement to update my registration. (Pen. Code, § 290.011)
- 14. If I am registered as a transient and I am moving out of state, I must inform the law enforcement agency having jurisdiction over the place where I was physically present as a transient, in person, within five (5) working days before or after I leave. I must also inform the law enforcement agency of my planned destination, residence, or transient location out of state, if known, and any plans to return to California. (Pen. Code, § 290.011)
- 15. If I move outside of California, I am required by federal law to register in the new state within three (3) working days. Federal law requires me to notify my registering agency no less than 21 days before I intend to travel internationally.
- 16. If I have ever been committed as a sexually violent predator, I must update my registration information in person, no less than once every 90 days with the law enforcement agency having jurisdiction over my residence or transient location. I must also comply with the annual requirement to update my registration in person. (Pen. Code, §§ 290.001, 290.012)
- 17. If I have more than one residence address at which I regularly reside (regardless of the number of days or nights I spend at each address), I must register in person, within five (5) working days at each address with the law enforcement agency having jurisdiction over each residence. If I no longer reside at a registered address, I must inform in person, the registering agency having jurisdiction over that address within five (5) working days before or after I leave. (Pen. Code, § 290.010)
- 18. If I reside or am a transient on a University of California, California State University, or community college campus, I must register in person, within five (5) working days with the local law enforcement agency having jurisdiction over the campus and additionally with the campus police. (Pen. Code, §§ 290, 290.011)
- 19. If I am enrolled or employed (with or without compensation) at an institution of higher learning, I must register within five (5) working days of commencement of the term of enrollment or employment, with the campus police department or if no campus police department exists, with the law enforcement agency having jurisdiction over that campus. I must also register in person with the law enforcement agency having jurisdiction over my place of residence or transient location. When I cease being enrolled or employed at that institution, I must notify the registering agency for the campus within five (5) working days. (Pen. Code, §§ 290.009, 290.01)

I have been notified of my duty to register as a sex offender pursuant to Pen. Code §§ 290–290.024 and 290.01. I have read or had read to me, and initialed each registration requirement specified on pages 3, 4, and 5 of this form. I understand it is my duty to know the registration requirements, including changes to the law that may be made after I sign this form. I certify the information provided is true and accurate. I understand failure to comply with the registration requirements, providing false information on the form, or failing to provide accurate information is punishable as a criminal offense.

Registrant Rolled Right Thumbprint

If amputated, use next

Personally Used/Valid Information

SIGNATURE OF REGISTRANT: \_\_\_\_\_ DATE: JUNE 28, \_\_\_\_\_

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### SEX OFFENDER REGISTRATION CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE

#### Sex Offender Registration Act – Penal Code (Pen. Code) sections (§§) 290–290.024 and 290.01

NAME OF PERSON NOTIFIED Last	First	Middle	CI NUMBER (SID)	DATE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	JUNE 28, 2022

#### REGISTRATION REQUIREMENTS - REGISTRANT IS REQUIRED TO READ AND INITIAL ALL REQUIREMENTS

- 20. [REDACTED] Campus registration must be in person unless I am enrolled in an online course which does not require my presence at an institution of higher learning in California. I must register for online courses by mailing the Department of Justice Online Course Registration Form to the campus police department, or if no campus police department exists, to the law enforcement agency having jurisdiction over that campus, within five (5) working days of commencement of my term of enrollment. When I cease being enrolled at that institution, I must notify the registering agency for the campus within five (5) working days. (Pen. Code, §§ 290.009, 290.01) The DOJ Online Course Registration Form is available at: [www.oag.ca.gov](http://www.oag.ca.gov).
- 21. [REDACTED] I understand that if I wish to come into any school building or upon any school ground (grades K-12), I must have a lawful purpose and written permission from the school's chief administrative officer indicating the date(s) and time(s) for which permission has been granted. (Pen. Code, § 626.81)
- 22. [REDACTED] If I live outside of California and I am required to register in that state and I attend school or am employed in California, I must register in person with the law enforcement agency having jurisdiction over my school or employment location within five (5) working days of beginning attendance or becoming employed, in addition to registering in my state of residence. (Pen. Code, § 290.002)
- 23. [REDACTED] I must provide proof of residence to the registering agency within 30 days of registration or re-registration at a new residence address. (Pen. Code, § 290.015)
- 24. [REDACTED] If I am on parole or probation, I must provide proof of registration to my parole agent or probation officer within six (6) working days of release on parole or probation and proof of any change or update to my registration within five (5) working days. (Pen. Code, § 290.85)
- 25. [REDACTED] If I change my name I must notify in person, within five (5) working days, the law enforcement agency or agencies having jurisdiction over my place of residence or place where I am required to register as a transient. (Pen. Code, § 290.014)
- 26. [REDACTED] I understand I am required to submit DNA samples, as well as fingerprints and full palm prints. (Pen. Code, §§ 296, 296.2)
- 27. [REDACTED] If I accept a position as an employee or volunteer with any person, group, or organization where I would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children, I shall disclose my status as a registrant, upon application or acceptance of a position, to that person, group, or organization. If I have been convicted of a crime where the victim was a minor under 16 years of age, I shall not be an employer, employee, independent contractor, or act as a volunteer with any person, group, or organization in a capacity in which the registrant would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children. If I work in an accompanied setting with minor children, and my work would require me to touch the minor children on more than an incidental basis, I shall disclose my status as a registrant, upon application or acceptance of the position, to that person, group, or organization. (Pen. Code, § 290.95)

I have been notified of my duty to register as a sex offender pursuant to Pen. Code, §§ 290–290.024 and 290.01. I have read or had read to me, and initialed each registration requirement specified on pages 3, 4, and 5 of this form. I understand it is my duty to know the registration requirements, including changes to the law that may be made after I sign this form. I certify the information provided is true and accurate. I understand failure to comply with the registration requirements, providing false information on the form, or failing to provide accurate information is punishable as a criminal offense. I understand refusing to sign this form is also punishable as a criminal offense.

Registrant Rolled Right Thumbprint -  
If amputated, use next  
available finger



[REDACTED SIGNATURE] \_\_\_\_\_  
SIGNATURE OF REGISTRANT

JUNE 28, 2022  
DATE

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### SEX OFFENDER REGISTRATION CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE

Sex Offender Registration Act – Penal Code (Pen. Code) sections (§§) 290–290.024 and 290.01

NAME OF PERSON NOTIFIED Last [REDACTED]	First [REDACTED]	Middle [REDACTED]	CII NUMBER (SID) [REDACTED]	DATE JUNE 28, 2022
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**Privacy Notice**  
As Required by Civil Code § 1798.17

**Collection and Use of Personal Information.** The California Justice Information Services (CJIS) Division in the Department of Justice (DOJ) collects the information requested on this form as authorized by Pen. Code, §§ 290–290.024 and 290.01. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The DOJ's general privacy policy is available at <https://oag.ca.gov/privacy-policy>.

**Providing Personal Information.** All the personal information requested in the form must be provided. Failure to provide requested information may result in your address change not being processed.

**Access to Your Information.** Please contact the local law enforcement agency where you registered if you wish to review the personal information collected on this form, as permitted by the Information Practices Act.

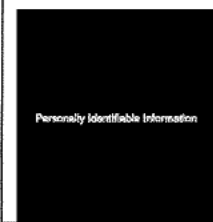
**Possible Disclosure of Personal Information.** The local law enforcement agency where you registered is required by law to enter this information into the California Sex and Arson Registry (CSAR). Additionally, the California Sex Offender Registry is required by law to provide the information in CSAR to other law enforcement agencies.

The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

I have been notified of my duty to register as a sex offender pursuant to Pen. Code, §§ 290–290.024 and 290.01. I have read or had read to me, and initialed each registration requirement specified on pages 3, 4, and 5 of this form. I understand it is my duty to know the registration requirements, including changes to the law that may be made after I sign this form. I certify the information provided is true and accurate. I understand failure to comply with the registration requirements, providing false information on the form, or failing to provide accurate information is punishable as a criminal offense. I understand refusing to sign this form is also punishable as a criminal offense. I have read and understand the Privacy Notice as required by Civil Code § 1798.17.

Registrant Rolled Right Thumbprint -  
If amputated, use next available finger



Personally Identifiable Information

[REDACTED SIGNATURE]

JUNE 28, 2022

SIGNATURE OF REGISTRANT

DATE

California Department of Justice  
California Sex Offender Registry (CSOR)  
P.O. Box 903387  
Sacramento, CA 94203-3870

DISTRIBUTION: Original to Registering Agency. Copy to Subject Registering

# EXHIBIT 6

**ROB BONTA**  
*Attorney General*

*State of California*  
**DEPARTMENT OF JUSTICE**



**VIOLENT CRIME INFORMATION CENTER  
CALIFORNIA SEX OFFENDER REGISTRY**  
P.O. Box 903387  
SACRAMENTO, CA 94203-3870  
(916) 210-3113  
Facsimile (916) 227-4345

**January 28, 2023**

[REDACTED]

DOB: [REDACTED]  
CII: [REDACTED]  
FCN: [REDACTED]

RE: California Sex Offender Registrant Tier Level Designation

Dear [REDACTED]:

The California Department of Justice (DOJ) has reviewed your requirement to register as a sex offender in California pursuant to the Sex Offender Registration Act (California Penal Code sections 290 to 290.024, inclusive).

The DOJ has designated you as: **Tier 2 - Adult**

You are required to register as a sex offender in California pursuant to California Penal Code section 290(d)(2)(A). You are subject to registration for a minimum of twenty (20) years following your conviction and release from incarceration, placement, commitment, or release on probation or other supervision for your registrable offense (or most recent registrable offense, if you have more than one offense for which you currently register).

Your duty to register does not automatically terminate following the expiration of the twenty (20) years following your conviction and release from incarceration, placement, commitment, or release on probation or other supervision for your registrable offense. You are required to register until you have been granted a petition relieving you of your duty to register pursuant to California Penal Code section 290.5. Persons eligible to petition may do so on or after their first birthday following the expiration of their mandated minimum registration period after July 1, 2021.

You may be eligible to petition for termination of sex offender requirements after ten (10) years from release from custody of your registrable offense if all of the following apply: (A) your registrable offense involved no more than one victim fourteen (14) to seventeen (17) years of age, inclusive; (B) you were under twenty-one (21) years of age at the time of the offense; (C) your registrable offense is not specified in California Penal Code section 667.5(c), except California Penal Code section 288(a); and (D), your registrable offense is not specified in California Penal Code section 236.1. For additional information, please refer to California Penal Code sections 290.5(b)(1) and 290.5(b)(2). If you are unsure as to whether you meet the above criteria, please



consult with a public defender's office or a private attorney.

If you are convicted of another registrable sex offense in the future, your tier level will be re-assessed by the DOJ and your tier level may change. Your mandated minimum registration period will re-start upon release from your subsequent conviction for the new registrable offense. If your duty to register as a sex offender is terminated in California and you are later convicted of another registrable offense, your previous conviction for your registrable offense will be reviewed as part of the tier level designation process.

The DOJ cannot provide legal assistance. If assistance is required, please consult a public defender's office or a private attorney. If you have questions regarding tiered registration, you may access registrant Frequently Asked Questions, available on the Attorney General's website at [www.oag.ca.gov](http://www.oag.ca.gov) under the Sex Offender Registry program. For copies of the petition form(s), please contact the juvenile court or superior court in the county in which you reside or are transient.

If you would like to request a review of your criminal history record, please contact the DOJ Record Review Unit at (916) 227-3835. If you have any questions concerning this letter, please contact the California Sex Offender Registry at (916) 210-3113.

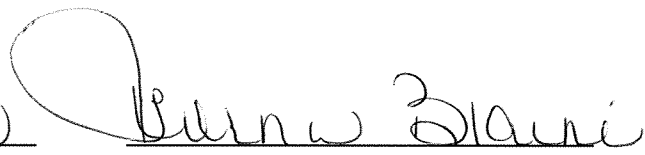
Provided By:

PASADENA PD

Agency

LORNA BLAINI

Printed Name



Signature

# EXHIBIT 7

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JOHN DOE #1,  
JOHN DOE #2,  
JOHN DOE #3,  
JOHN DOE #4,

&

THE ALLIANCE FOR CONSTITUTIONAL  
SEX OFFENSE LAWS,

Plaintiffs,

v.

U.S. DEPARTMENT OF JUSTICE,

&

MERRICK B. GARLAND,  
ATTORNEY GENERAL OF THE  
UNITED STATES, in his official capacity,

Defendants.

Case No. 5:22-cv-00855

**PLAINTIFF JOHN DOE #2's RESPONSES AND OBJECTIONS TO  
DEFENDANTS' FIRST SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff John Doe #2 provides his responses and objections to Defendants' First Set of Interrogatories, served on December 15, 2023, as follows.

**PRELIMINARY STATEMENT**

For the purpose of these responses John Doe #2 responds under his true name, [REDACTED]. By disclosing his true name in these discovery responses, Plaintiff does not waive his ability to proceed under the pseudonym John Doe #2 in public

filings, in accordance with this Court's Order on Motion for Leave to Proceed Using Pseudonyms (Doc. 46).

Plaintiff's responses and objections are based on such information and documents that are currently available to him and are specifically known to him. Further discovery, independent investigation, legal research, and analysis may supply additional facts and lead to additions, changes, and variations from the answers herein. Plaintiff reserves the right to change, add, vary, or supplement these responses as discovery continues and additional facts, documents, or other evidence becomes known.

### **GENERAL OBJECTIONS**

1. By these responses, Plaintiff reserves the right to make all pertinent evidentiary objections at a trial or at any stage of the proceedings. The responses herein may contain information which is neither reliable nor admissible at a trial.
2. Plaintiff objects to the Interrogatories to the extent they are overly broad, unduly burdensome, vague, duplicative, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case.
3. Plaintiff objects to the Interrogatories to the extent they seek information protected by the attorney-client privilege or work-product doctrine.
4. Plaintiff objects to these Interrogatories to the extent that they seek information not in Plaintiff's possession, custody, or control.
5. Plaintiff objects to the Interrogatories to the extent that they seek information that is publicly available, already in Defendants' possession, or in the possession or control of third parties.

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6. Plaintiff objects to the Interrogatories as confusing, ambiguous, or vague.
7. Plaintiff expressly reserves all objections as to competency, relevancy, materiality, and admissibility of the answers contained herein and any objections to future discovery requests.
8. Plaintiff expressly reserves the right to alter, amend, revise, and/or supplement these responses. No response shall be construed as a waiver of any further objection.

**INTERROGATORIES**

**INTERROGATORY NO. 1** (to Doe #1, Doe #2, Doe #3, and Doe #4) Identify any crimes for which you were convicted, pled guilty or *nolo contendere*, or received any adjudication other than an acquittal or dismissal of charges. For avoidance of doubt, include in your identification any crimes for which you later received some sort of post-conviction relief, including but not limited to relief under Cal. Penal Code § 1203.4 or a Certificate of Rehabilitation under Cal. Penal Code § 4852.01. Identify: (a) the jurisdiction, (b) the criminal statute of conviction or adjudication, (c) the type of adjudication (e.g., conviction after trial, guilty plea, *nolo contendere* plea), (d) the date of adjudication, (e) if the crime involved a specific victim or victims, the age of the victim or victims at the time of the crime, (f) the sentence imposed (including, but not limited to, any sentence of incarceration or probation imposed), and (g) the date of sentencing.

**RESPONSE:** Plaintiff incorporates all General Objections as if set forth herein. Plaintiff further objects to this Interrogatory as overly broad, unduly burdensome and not proportional to the needs of the case because it asks for the identification of “any crimes” for which he was “convicted, pled guilty or *nolo contendere*, or received any

adjudication other than an acquittal or dismissal of charges” without defining or limiting the scope of the term “crimes”—which could encompass even minor misdeeds like traffic offenses or property maintenance violations under the California Penal Code and the laws of the several other states. Subject to and without waiving these objections, Plaintiff responds as follows:

- a) Jurisdiction: Superior Court of California, County of Los Angeles
- b) Criminal statutes of conviction: One count of Cal. Penal Code § 243.4 (A)
- c) Type of adjudication: Nolo contendere
- d) Date of adjudication: March 16, 2005
- e) Age [REDACTED]
- f) Sentence imposed: formal probation with the County of Los Angeles Probation Department for 3 years; 30 days jail; restitution fee of \$200; not associate with victims or victims’ family; and 52 weeks of sexual abuse offender counseling in group and individual settings.
- g) Date of sentencing: April 18, 2005

INTERROGATORY NO. 2 (to Doe #1, Doe #2, Doe #3, and Doe #4) For each crime listed in your response to Interrogatory #1, what sentence did you serve? If you were incarcerated, when did your incarceration begin and when were you released from incarceration? If you were sentenced to probation, when did your probation begin and end? If your incarceration or probation ended earlier than the terms provided in your

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sentence, under what circumstance or authority did that occur?

RESPONSE: Plaintiff incorporates all General Objections as if set forth herein. Subject to the objections stated in the response to Interrogatory No. 1, Plaintiff responds that the sentence for the offense listed in Interrogatory No. 1 was 30 days in jail, which he was allowed to serve in the [REDACTED], 2005, and ending on [REDACTED], 2005. Formal probation with Los Angeles County Probation Department started on April 18, 2005, and ended on March 18, 2008.

INTERROGATORY NO. 3 (to Doe #1, Doe #2, Doe #3, and Doe #4) For each crime listed in your response to Interrogatory #1, do you contend that the crime was or was not a sex offense as defined by 34 U.S.C. § 20911(5)?

RESPONSE: Plaintiff incorporates all General Objections as if set forth herein. Plaintiff further objects to this Interrogatory to the extent it calls for legal conclusions, that those legal conclusions are more specifically within the knowledge of Defendants, and to the extent responses could reflect conversations covered by attorney client privilege. Subject to and without waiving the foregoing objections, it is Plaintiff's current understanding that DOJ classifies his offense as a sex offense as defined by 34 U.S.C. § 20911(5).

INTERROGATORY NO. 4 (to Doe #1, Doe #2, Doe #3, and Doe #4) For each crime listed in your response to Interrogatory #1, do you contend that the crime qualified you as a tier I sex offender under 34 U.S.C. § 20911(2), a tier II sex offender under 34 U.S.C. § 20911(3), a tier III sex offender under 34 U.S.C. § 20911(4), or not a sex offender of

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any kind under SORNA?

RESPONSE: Plaintiff incorporates all General Objections as if set forth herein. Plaintiff further objects to this Interrogatory to the extent it calls for legal conclusions and to the extent responses could reflect conversations covered by attorney client privilege. Plaintiff also objects to this question on the grounds that the answer is more specifically within the knowledge of Defendants, who interpret the provisions of SORNA. Subject to and without waiving the foregoing objections, it is Plaintiff's current understanding that DOJ asserts that his offense in the response to Interrogatory No. 1 is a Tier II offense.

INTERROGATORY NO. 5 (to Doe #1, Doe #2, Doe #3, and Doe #4) For each crime listed in your response to Interrogatory #1, did you receive any type of post-adjudication relief, including but not limited to relief under Cal. Penal Code § 1203.4 or a Certificate of Rehabilitation under Cal. Penal Code § 4852.01? Identify the type of relief, the jurisdiction or authority that provided such relief, and the date on which you received such relief.

RESPONSE: Plaintiff incorporates all General Objections as if set forth herein. Subject to the objections stated in the response to Interrogatory No. 1, Plaintiff responds that he received the following post-adjudication relief for the crime listed in Interrogatory No. 1:

- Reduction of felony to a misdemeanor on December 5, 2008
- Post-adjudication relief under California Penal Code § 1203.4 on April 24, 2012
- Post adjudication relief under California Penal Code § 4852.01 on August 23,



2016

INTERROGATORY NO. 6 (to Doe #1, Doe #2, Doe #3, and Doe #4) During what time periods (identify month and year) have you registered as a sex offender and in what jurisdictions?

RESPONSE: Plaintiff incorporates all General Objections as if set forth herein. Subject to and without waiving these objections, Plaintiff responds that he first registered as a sex offender after sentencing for the crime listed in Interrogatory No. 1 in April of 2005. Since then, Plaintiff registered with the Los Angeles Police Department, Pacific Division, every year within the required time period of his birthday until [REDACTED] of 2016. Plaintiff deregistered with Los Angeles Police Department Pacific Division in October of 2016.

INTERROGATORY NO. 7 (to Doe #1, Doe #2, Doe #3, and Doe #4) During what time periods do you contend that you were required by the law of California or any other state or territory to register as a sex offender? If you contend that you are not currently required by the law of California to register as a sex offender, when and under what authority do you contend that your obligation under California law to register as a sex offender ceased?

RESPONSE: Plaintiff incorporates all General Objections as if set forth herein. Plaintiff further objects to this Interrogatory to the extent it calls for legal conclusions and to the extent responses could reflect conversations covered by attorney client privilege. Subject to and without waiving these objections, it is Plaintiff responds that it is his current understanding that he was required to register as a sex offender for

the periods in which he did register. See Responses to Interrogatories No. 5 and No. 6.

INTERROGATORY NO. 8 (to Doe #1, Doe #2, Doe #3, and Doe #4) Identify all instances when you have attempted to register as a sex offender or update information with your state registry but were unable to do so, including the date, registry, method that you attempted to use to register or update your information, and information that you attempted to provide, and explain why you were unable to register or update your information.

RESPONSE: Plaintiff incorporates all General Objections as if set forth herein. Subject to and without waiving these objections, Plaintiff responds that during the time period in which he was required to register as a sex offender, see Response to Interrogatory No. 6, there are no instances in which he attempted to register as a sex offender but was unable to do so.

INTERROGATORY NO. 9 (to Doe #1, Doe #2, Doe #3, and Doe #4) Identify all instances when you have successfully registered as a sex offender or updated information with your state registry within the past 5 years, including the date, registry, method that you used to register or update your information, and category of information that you provided.

RESPONSE: Plaintiff incorporates all General Objections as if set forth herein. Plaintiff further objects to the extent that the interrogatory seeks information within the possession of third parties—specifically, state law enforcement agencies. Plaintiff also objects that the answer with respect to registration with federal authorities is more specifically within the knowledge of Defendants. Subject to and without waiving

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these objections, Plaintiff responds that there are no instances within the past 5 years in which he had to register as a sex offender. Plaintiff further responds that he was not required to register as a sex offender with the State of California after he received his Certificate of Rehabilitation on August 23, 2016. See Responses to Interrogatories Nos. 5 and 6.

INTERROGATORY NO. 10 (to Doe #1, Doe #2, Doe #3, and Doe #4) If you contend that the Rule changed any aspect of your registration requirements under SORNA, explain the basis for that contention.

RESPONSE: Plaintiff incorporates all General Objections as if set forth herein. Plaintiff objects to this question to the extent that it calls for legal conclusions and because the Rule has not been implemented by California.

INTERROGATORY NO. 11 (to Doe #1, Doe #2, Doe #3, and Doe #4) Have you ever disclosed any remote communication identifiers to any authority as part of your sex offender registration? If so, what type of remote communication identifiers did you disclose to what authorities on what dates? For avoidance of doubt, this Interrogatory asks you to identify the type of remote communication identifier that you disclosed, not the actual remote communication identifier itself.

RESPONSE: Plaintiff incorporates all General Objections as if set forth herein. Additionally, Plaintiff asserts his constitutional right against self-incrimination, and, therefore, refuses to provide a response to the type of remote communication identifiers ever disclosed to authorities over an unlimited timeframe. Subject to and without waiving these objections, Plaintiff responds that to the best of his recollection he did

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not have to disclose any remote communication identifiers as part of his sex offender registration.

INTERROGATORY NO. 12 (to Doe #1, Doe #2, Doe #3, and Doe #4) Identify all online fora in which you have posted comments or engaged in online direct communications in the past 5 years, approximately how many times you have posted or engaged in direct communications in each forum, and the approximate dates of such posts or communications.

RESPONSE: Plaintiff incorporates all General Objections as if set forth herein. Plaintiff further objects to this Interrogatory as overly broad, unduly burdensome and not proportional to the needs of the case. Subject to and without waiving these objections, Plaintiff responds that he uses email and to the best of his recollection he has posted and updated his professional profile on LinkedIn intermittently, such as when his employment status changed and when he obtained his professional licensure.

INTERROGATORY NO. 13 (to Doe #1, Doe #2, Doe #3, and Doe #4) Explain how your reputation, privacy, or safety of your families has been affected by the Rule.

RESPONSE: Plaintiff incorporates all General Objections as if set forth herein. Subject to and without waiving these objections, Plaintiff responds that since becoming aware of the possible consequences of not being able to obey the requirements of the Rule, he and his wife live in constant fear of his being arrested by federal law enforcement. He fears losing his social work license and being sentenced to a lengthy prison term. He and his wife are in constant fear of losing their social support network, their home, and their livelihood. Living in limbo creates a constant stressor in their lives and it

negatively affects their relationship.

INTERROGATORY NO. 14 (to Doe #1, Doe #2, Doe #3, and Doe #4) How did you first learn of your obligation to register as a sex offender under state law or federal law? What governmental authority first informed you of your obligation to register as a sex offender under state law or federal law, on what date, and what information did such authority provide you about your registration obligations?

RESPONSE: Plaintiff incorporates all General Objections as if set forth herein. Plaintiff further objects to the extent that the Interrogatory seeks information within the possession of state and federal authorities. Plaintiff also objects that the answer with respect to federal authorities is more specifically within the knowledge of Defendants. Subject to and without waiving these objections, Plaintiff responds that he learned about his obligation to register as a sex offender under state law and federal law when he was sentenced in April of 2005. However, he was not informed by any state or federal authority that he had to actively register under federal law. Plaintiff also did not receive any notice from federal authorities as to the new Rule, nor did he receive a notice from federal authorities regarding a federal or state agency where he would need to register with federal authorities.

INTERROGATORY NO. 15 (to Doe #1, Doe #2, Doe #3, and Doe #4) Identify and describe all disclosures from any federal, state, local, or other governmental authority concerning your sex offender registration obligations under state law or federal law.

RESPONSE: Plaintiff incorporates all General Objections as if set forth herein. Plaintiff further objects to the interrogatory on the grounds that it is overbroad,

**CONFIDENTIAL - SUBJECT TO A STIPULATED PROTECTIVE ORDER**

duplicative, unduly burdensome, and vague. Plaintiff also objects to the extent that it seeks information within the possession of third parties—specifically, federal, state, local, or other governmental authorities. Plaintiff also objects that the answer with respect to federal authorities is more specifically within the knowledge of Defendants. Subject to and without waiving these objections, Plaintiff responds that in addition to the responses above, to the best of his knowledge he does not possess any such disclosures.

As to objections:

Dated: March 7, 2024

JEREMY BRENNAN TALCOTT  
CA Bar No. 311490  
Pacific Legal Foundation  
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Fullerton, CA 92831  
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JTalcott@pacifical.org

Attorneys for Plaintiffs

By s/ Molly E. Nixon

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MNixon@pacifical.org  
SSimpson@pacifical.org

\* Admitted pro hac vice

**VERIFICATION**

I, [REDACTED] hereby declare as follows:

1. I have read PLAINTIFF JOHN DOE #2'S RESPONSES AND OBJECTIONS TO DEFENDANTS' FIRST SET OF INTERROGATORIES and know its contents.

2. I am informed and believe that the matters stated therein are true and correct.

On that ground, I declare under penalty of perjury, under the law of the State of California, that the same are true and correct.

07/03/2024

[REDACTED] \_\_\_\_\_  
[REDACTED]

**CONFIDENTIAL - SUBJECT TO A STIPULATED PROTECTIVE ORDER**

**CERTIFICATE OF SERVICE**

I hereby certify that on March 7, 2024, I served the foregoing document on the following counsel by email, pursuant to the parties' agreement of December 5, 2023 to receive service of discovery requests and responses by email: Kathryn Wyer (Kathryn.Wyer@usdoj.gov); Jeremy S. Newman (Jeremy.S.Newman@usdoj.gov).

By *s/ Molly E. Nixon*  
MOLLY E. NIXON



# EXHIBIT 8

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JOHN DOE #1,  
JOHN DOE #2,  
JOHN DOE #3,  
JOHN DOE #4,

&

THE ALLIANCE FOR CONSTITUTIONAL  
SEX OFFENSE LAWS,

Plaintiffs,

v.

U.S. DEPARTMENT OF JUSTICE,

&

MERRICK B. GARLAND,  
ATTORNEY GENERAL OF THE  
UNITED STATES, in his official capacity,

Defendants.

Case No. 5:22-cv-00855

**PLAINTIFF ACSOL'S RESPONSES AND OBJECTIONS TO DEFENDANTS'  
FIRST SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Alliance for Constitutional Sex Offense Laws (ACSOL) provides its responses and objections to Defendants' First Set of Interrogatories, served on December 15, 2023, as follows.

**PRELIMINARY STATEMENT**

ACSOL's responses and objections are based on such information and documents that are currently available to ACSOL and are specifically known to it. Further

discovery, independent investigation, legal research, and analysis may supply additional facts and lead to additions, changes, and variations from the answers herein. ACSOL reserves the right to change, add, vary, or supplement these responses as discovery continues and additional facts, documents, or other evidence becomes known.

### **GENERAL OBJECTIONS**

1. By these responses, Plaintiff reserves the right to make all pertinent evidentiary objections at a trial or at any stage of the proceedings. The responses herein may contain information which is neither reliable nor admissible at a trial.
2. Plaintiff objects to the Interrogatories to the extent they are overly broad, unduly burdensome, vague, duplicative, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case.
3. Plaintiff objects to the Interrogatories to the extent they seek information protected by the attorney-client privilege or work-product doctrine.
4. Plaintiff objects to these Interrogatories to the extent that they seek information not in Plaintiff's possession, custody, or control.
5. Plaintiff objects to the Interrogatories to the extent that they seek information that is publicly available, already in Defendants' possession, or in the possession or control of third parties.
6. Plaintiff objects to the Interrogatories as confusing, ambiguous, or vague.
7. Plaintiff expressly reserves all objections as to competency, relevancy, materiality, and admissibility of the answers contained herein and any objections to future discovery requests.

8. Plaintiff expressly reserves the right to alter, amend, revise, and/or supplement these responses. No response shall be construed as a waiver of any further objection.

**INTERROGATORIES**

**INTERROGATORY NO. 16** (to ACSOL) Do you intend to rely on the standing of any members other than Doe #1, Doe #2, Doe #3, and Doe #4 to establish your associational standing? If so, identify any such members.

**RESPONSE:** ACSOL incorporates all General Objections as set forth herein. Subject to and without waiving these objections, ACSOL has members in California who are required to register as sex offenders under both California and federal law but cannot provide all of the federally required information to California authorities, which do not collect that information. ACSOL also has members who were convicted of crimes that may require continued registration under federal law, but who are no longer required to register under California law. ACSOL asserts associational standing on behalf of all of its members affected or potentially affected by the provisions of SORNA and the Rule but for purposes of standing in this case ACSOL currently intends to rely specifically on the standing of John Does #1, #2, #3, and #4.

As to objections:

Dated: March 7, 2024

JEREMY BRENNAN TALCOTT  
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MNixon@pacificlegal.org  
SSimpson@pacificlegal.org

\* Admitted pro hac vice

## VERIFICATION

I, Janice Bellucci, hereby declare as follows:

1. I have read PLAINTIFF ACSOL'S RESPONSES AND OBJECTIONS TO FIRST SET OF INTERROGATORIES and know its contents.

2. I am informed and believe that the matters stated therein are true and correct.

On that ground, I declare under penalty of perjury, under the law of the State of California, that the same are true and correct.

03/07/2024

*Janice Bellucci*

Janice Bellucci (Mar 7, 2024 07:46 PST)

---

Janice Bellucci  
Executive Director  
ACSOL

**CERTIFICATE OF SERVICE**

I hereby certify that on March 7, 2024, I served the foregoing document on the following counsel by email, pursuant to the parties' agreement of December 5, 2023 to receive service of discovery requests and responses by email: Kathryn Wyer (Kathryn.Wyer@usdoj.gov); Jeremy S. Newman (Jeremy.S.Newman@usdoj.gov).

By *s/ Molly E. Nixon*  
MOLLY E. NIXON

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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

DOE #2 et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF JUSTICE

et al.,

Defendants.

NO. 5:22-CV-855-JGB-SP

**DECLARATION OF BRIAN SEGAL**

I, Brian Segal, declare as follows:

1. I am a Deputy Attorney General at the California Department of Justice (CA DOJ). I serve in part as legal counsel to the California Sex Offender Registry and am designated as a subject matter expert by CA DOJ on all things related to sex offender registration in the State of California. I make this declaration based on my personal knowledge and information learned in the course of my official duties.

2. In 1947, California became the first state in the nation to enact a sex offender registration law that required offenders convicted of specified offenses to register with their local law enforcement agency. This practice is still in place and the California Sex and Arson Registry database (CSAR) serves as the statewide repository for information on registered sex offenders.

3. Those required to register as sex offenders under California law are initially, in most cases, given notice of their duty to register using a Notice of Sex Offender Registration Requirement form, CJIS 8047. This form is filled out by



1 either California Superior Court staff or law enforcement, with the subject, and  
2 sent via mail or transmitted electronically to CA DOJ. A true and correct copy of  
3 the current version of this form is attached hereto as Exhibit A.

4 4. After initial registration, a sex offender must update their registration  
5 at least annually with the chief of police of the city in which the person is residing,  
6 or the sheriff of the county if the person is residing in an unincorporated area or  
7 city that has no police department, as set forth in Cal. Penal Code §§ 290 *et seq.*  
8 Police departments and sheriffs' offices throughout California use a standard  
9 form, CJIS 8102S, to update sex offenders' registration information. A true and  
10 correct copy of the current version of this form is attached hereto as Exhibit B.

11 5. In 2012, Proposition 35, known as the CASE Act, would have  
12 required all California sex offender registrants to provide Internet identifiers as  
13 part of their registration. However, following a temporary restraining order and  
14 preliminary injunction, the 2012 requirement was never implemented. Under the  
15 revised current law, California only collects Internet identifiers from certain sex  
16 offenders convicted of a felony after January 1, 2017, as specified under Cal.  
17 Penal Code § 290.024<sup>1</sup>. A true and correct copy of CJIS 8041, the separate form  
18 used to collect this information from those required to provide it, is attached as  
19 Exhibit C. California law does not permit public disclosure of Internet identifiers  
20 collected through CJIS 8041 except as required by court order. *See* Cal. Penal  
21 Code § 290.45(h). As of the date of this declaration, CA DOJ does not transmit  
22 internet identifier information to the National Crime Information Center's  
23 National Sex Offender Registry (NSOR).  
24  
25

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26 <sup>1</sup> *See* California Department of Justice, Information Bulletin No. 17-02-CJIS (Jan.  
27 5, 2017), [https://oag.ca.gov/sites/all/files/agweb/pdfs/info\\_bulletins/17-02-cjis.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/info_bulletins/17-02-cjis.pdf).  
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1           6.     The information that is collected on the CJIS 8047 and CJIS 8102S  
2 includes information mandated by CA DOJ, under California law, to be gathered  
3 from sex offender registrants during designated registration events, such as an  
4 initial or registration update. This information is then entered into CSAR, and  
5 portions of that information is transmitted electronically to NSOR. CA DOJ does  
6 not mandate any other information outside of what can be found on these forms to  
7 be taken from registrants during these designated registration events.

8           7.     Local police departments and sheriffs' offices may in their discretion  
9 collect information from current California sex offender registrants regarding  
10 international travel plans and transmit that information directly to the U.S.  
11 Marshals Service.

12           8.     California Senate Bill No. 384, which became operative July 1, 2021,  
13 replaced California's former lifetime registration scheme with a tier-based system.  
14 Under current law, qualified California sex offender registrants can petition for  
15 relief from their registration duty pursuant to Cal. Penal Code § 290.5 when, in  
16 part, a minimum registration period based on the offender's tier designation has  
17 elapsed. A registrant's duty to register under California law continues until it is  
18 terminated as described in Cal. Penal Code § 290.5, or it is relieved by some other  
19 judicial means, such as the registrant's underlying sex offense conviction being  
20 overturned on appeal or vacated. Once an individual's duty to register as a sex  
21 offender under California law has ended, California law enforcement generally  
22 will not accept, and CA DOJ does not mandate, any new registration information  
23 from that individual, including Internet identifiers or information regarding  
24 international travel plans, and CSAR will not transmit any updated registration  
25 information about that individual to NSOR.  
26  
27  
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1 Pursuant to 28 U.S.C. § 1746, I declare, under penalty of perjury, that the  
2 foregoing is true and correct to the best of my knowledge and belief.

3  
4 Dated: 1/16/25

**Brian Segal** Digitally signed by Brian Segal  
Date: 2025.01.16 07:45:02  
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Brian Segal

# EXHIBIT A



**NOTICE OF SEX OFFENDER REGISTRATION REQUIREMENT**  
**Sex Offender Registration Act – Penal Code (Pen. Code) sections (§§) 290–290.024 and 290.01**

**PLEASE FOLLOW THESE IMPORTANT PROCESSING INSTRUCTIONS:**

- Print or type required information and submit the original form to the Department of Justice (DOJ) within three (3) business days.
- Submit a current photograph of the registrant to the DOJ Image System: <https://calphoto.ext.doj.ca.gov/>.
- Have the registrant read, sign, and initial the registration requirements on pages 2, 3, and 4 of this form.
- Verify the registrant understands the requirements.
- Retain a copy of this form; provide a copy of this form to the Notifying Agency (if different than Registering Agency) and to the registrant.
- Send this original form to the California Department of Justice, California Sex Offender Registry, P.O. Box 903387, Sacramento, CA 94203-3870

<b>PERSONAL HISTORY INFORMATION</b>	FULL NAME OF PERSON NOTIFIED Last		First		Middle		Suffix	DATE OF BIRTH		
	DRIVER'S LICENSE/I.D. NUMBER		CII NUMBER (SID)		SOCIAL SECURITY NUMBER		FBI NUMBER		INSTITUTION NUMBER	
	SEX		GENDER IDENTITY		RACE	HAIR COLOR	EYE COLOR	HEIGHT	WEIGHT	
	SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS			LOCATION	DESCRIPTION	PICTURE	TEXT			
<b>CONVICTION INFORMATION</b>	ARRESTING AGENCY		DATE OF ARREST		PROSECUTING AGENCY		NAME OF COURT			
	REGISTERABLE CONVICTION/ADJUDICATION				ADULT OR JUVENILE CONVICTION		CONVICTION DATE			
	<input type="checkbox"/> FELONY		<input type="checkbox"/> MISDEMEANOR		<input type="checkbox"/> ADULT		<input type="checkbox"/> JUVENILE			
	CONVICTION TYPE (Check all that apply)				DATE OF SCHEDULED DISCHARGE OR RELEASE		DATE SUPERVISION ENDS			
<input type="checkbox"/> OUT OF STATE				<input type="checkbox"/> FEDERAL		<input type="checkbox"/> MILITARY				
<b>RELEASE INFORMATION</b>	FULL ADDRESS WHERE I EXPECT TO RESIDE UPON RELEASE FROM CUSTODY <u>OR</u> LOCATION(S) FREQUENTED BY TRANSIENT								<input type="checkbox"/> SUBJECT IS TRANSIENT	
	RELATED ADDRESS (Emergency Contact)				I PLAN TO RESIDE OUTSIDE OF CALIFORNIA WITHIN FIVE (5) DAYS OF MY RELEASE					<input type="checkbox"/> YES <input type="checkbox"/> NO
	NAME OF AGENCY SUPERVISING PAROLE OR PROBATION				NAME OF SUPERVISING PAROLE OR PROBATION OFFICER					
	PAROLE/PROBATION AGENCY ADDRESS			CITY		STATE	ZIP CODE	TELEPHONE NUMBER		
	NOTIFYING AGENCY		ORI			MNEMONIC		TELEPHONE NUMBER		
<b>STATEMENT OF NOTIFYING OFFICER</b>	AGENCY ADDRESS		CITY		STATE	ZIP CODE	NOTIFYING AGENCY E-MAIL ADDRESS			
	I certify that I notified the individual described above of their duty to register under provisions of the applicable statute(s), and I verified the individual understands the registration requirements. <b>DO NOT UTILIZE A STAMP TO INDICATE NAME, TITLE, OR SIGNATURE.</b>									
	NAME & TITLE OF NOTIFYING OFFICER (Print or Type ONLY)				OFFICER'S ORIGINAL SIGNATURE (No Stamp)			DATE		
<b>STATEMENT OF PERSON NOTIFIED</b>	<p>I have been notified of my duty to register as a sex offender pursuant to Pen. Code, §§ 290–290.024 and 290.01. I have read or had read to me, and initialed each registration requirement specified on pages 2, 3, and 4 of this form. I understand it is my duty to know the registration requirements, including changes to the law that may be made after I sign this form. I certify the information provided is true and accurate. I understand failure to comply with the registration requirements, providing false information on the form, or failing to provide accurate information is punishable as a criminal offense. I understand refusing to sign this form is also punishable as a criminal offense.</p> <p>(NOTE: THIS FORM DOES NOT COMPLETE YOUR DUTY TO REGISTER. UPON RELEASE FROM INCARCERATION OR RELEASE INTO SUPERVISION, YOU MUST REGISTER IN PERSON WITHIN FIVE (5) WORKING DAYS TO COMPLETE THE REGISTRATION PROCESS.)</p>								Registrant Rolled Right Thumbprint - If amputated, use next available finger	
	SIGNATURE OF PERSON BEING NOTIFIED				DATE					



**NOTICE OF SEX OFFENDER REGISTRATION REQUIREMENT**  
**Sex Offender Registration Act – Penal Code (Pen. Code) sections (§§) 290–290.024 and 290.01**

NAME OF PERSON NOTIFIED	Last	First	Middle	CII NUMBER (SID)	DATE
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**REGISTRATION REQUIREMENTS - REGISTRANT IS REQUIRED TO READ AND INITIAL ALL REQUIREMENTS\***

1. \_\_\_\_ I understand that if I have a registrable adult (superior court) conviction, the California Department of Justice will determine whether my mandatory minimum registration period in California is 10 years (Tier 1), 20 years (Tier 2) or a lifetime requirement (Tier 3). (Pen. Code, §§ 290, 290.005)
2. \_\_\_\_ I understand that if I have a registrable juvenile adjudication (juvenile court), the California Department of Justice will determine whether my mandatory minimum registration period in California is 5 years (Tier 1) or 10 years (Tier 2). (Pen. Code, § 290.008)
3. \_\_\_\_ I understand that the California Department of Justice may place me in a “tier-to-be-determined” category if my tier designation cannot be immediately determined. If I am placed in this category, I am required to continue to register pursuant to the Act. (Pen. Code, § 290)
4. \_\_\_\_ I understand that if I am court-ordered to register pursuant to Penal Code section 290.006 after January 1, 2021, the court will determine whether my mandatory minimum registration period is 10 years (Tier 1), 20 years (Tier 2) or a lifetime requirement (Tier 3). (Pen. Code, § 290.006)
5. \_\_\_\_ I understand that my tier level may change based upon my criminal history. (Pen. Code, § 290)
6. \_\_\_\_ I must register in person, if I have never registered, within five (5) working days of: 1) coming into California, or 2) release from incarceration, placement, commitment, or release on probation, with the law enforcement agency having jurisdiction over my place(s) of residence or where I am physically present as a transient. (Pen. Code, § 290)
7. \_\_\_\_ I must re-register in person, if I have previously registered, within five (5) working days, after release from incarceration, placement, or commitment that lasted 30 or more days, or within five (5) working days after release on probation. I do not have to re-register after release if I was incarcerated for less than 30 days, and I return to the last registered address, and the update of registration that is required to occur within five (5) working days before or after my birthday did not fall within that incarceration period. (Pen. Code, § 290.015)
8. \_\_\_\_ I must annually update my registration information in person, within five (5) working days before or after my birthday, at the law enforcement agency having jurisdiction over my residence address or where I am currently present as a transient. Annual updates begin with my first birthday following registration or change of address. (Pen. Code, § 290.012)
9. \_\_\_\_ Upon coming into, or when changing my residence address within a city and/or county in which I am residing, I must register or re-register in person, within five (5) working days, with the law enforcement agency having jurisdiction over my residence. (Pen. Code, §§ 290, 290.013)
10. \_\_\_\_ If I change my registered address to a new address, either within the same jurisdiction or anywhere inside or outside of the state, I must inform the last registering agency or agencies in person within five (5) working days before or after I leave. If I do not know my new residence address or transient location I must later notify, by registered or certified mail, the last registering agency or agencies of the new address or transient location with five (5) working days of moving to the new address or location. (Pen. Code, § 290.013)
11. \_\_\_\_ If I am registered at a residence address and become transient, I have five (5) working days within which to register in person with the law enforcement agency having jurisdiction where I am physically present as a transient. (Pen. Code, § 290.011)
12. \_\_\_\_ If I am registered as a transient and move to a residence, I have five (5) working days within which to register in person with the law enforcement agency having jurisdiction over the new address. (Pen. Code, § 290.011)

**\*DEFINITION: "Residence" means one or more addresses at which a person regularly resides, regardless of the number of days or nights spent there, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles. (Pen. Code, § 290.011)**



**NOTICE OF SEX OFFENDER REGISTRATION REQUIREMENT**  
**Sex Offender Registration Act – Penal Code (Pen. Code) sections (§§) 290–290.024 and 290.01**

NAME OF PERSON NOTIFIED	Last	First	Middle	CII NUMBER (SID)	DATE
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**REGISTRATION REQUIREMENTS - REGISTRANT IS REQUIRED TO READ AND INITIAL ALL REQUIREMENTS\***

13. \_\_\_\_ If I have no residence address, I must register in person in the jurisdiction where I am physically present as a transient within five (5) working days of becoming transient. Thereafter, I must update my registration information in person no less than once every 30 days with the law enforcement agency having jurisdiction over the place where I am physically present as a transient on the day I re-register. I do not need to report changes of transient location within the 30-day period unless I move out of state. I must also comply with the annual requirement to update my registration. (Pen. Code, § 290.011)
14. \_\_\_\_ If I am registered as a transient and I am moving out of state, I must inform the law enforcement agency having jurisdiction over the place where I was physically present as a transient, in person, within five (5) working days before or after I leave. I must also inform the law enforcement agency of my planned destination, residence, or transient location out of state, if known, and any plans to return to California. (Pen. Code, § 290.011)
15. \_\_\_\_ If I move outside of California, I am required by federal law to register in the new state within three (3) working days. Federal law requires me to notify my registering agency no less than 21 days before I intend to travel internationally.
16. \_\_\_\_ If I have ever been committed as a sexually violent predator, I must update my registration information in person, no less than once every 90 days with the law enforcement agency having jurisdiction over my residence or transient location. I must also comply with the annual requirement to update my registration in person. (Pen. Code, §§ 290.001, 290.012)
17. \_\_\_\_ If I have more than one residence address at which I regularly reside (regardless of the number of days or nights I spend at each address), I must register in person, within five (5) working days at each address with the law enforcement agency having jurisdiction over each residence. If I no longer reside at a registered address, I must inform in person, the registering agency having jurisdiction over that address within five (5) working days before or after I leave. (Pen. Code, § 290.010)
18. \_\_\_\_ If I reside or am a transient on a University of California, California State University, or community college campus, I must register in person, within five (5) working days with the local law enforcement agency having jurisdiction over the campus and additionally with the campus police. (Pen. Code, §§ 290, 290.011)
19. \_\_\_\_ If I am enrolled or employed (with or without compensation) at an institution of higher learning, I must register within five (5) working days of commencement of the term of enrollment or employment, with the campus police department or if no campus police department exists, with the law enforcement agency having jurisdiction over that campus. I must also register in person with the law enforcement agency having jurisdiction over my place of residence or transient location. When I cease being enrolled or employed at that institution, I must notify the registering agency for the campus within five (5) working days. (Pen. Code, §§ 290.009, 290.01)
20. \_\_\_\_ Campus registration must be in person unless I am enrolled in an online course which does not require my presence at an institution of higher learning in California. I must register for online courses by mailing the Department of Justice Online Course Registration Form to the campus police department, or if no campus police department exists, to the law enforcement agency having jurisdiction over that campus, within five (5) working days of commencement of my term of enrollment. When I cease being enrolled at that institution, I must notify the registering agency for the campus within five (5) working days. (Pen. Code, §§ 290.009, 290.01) The DOJ Online Course Registration Form is available at: [www.oag.ca.gov](http://www.oag.ca.gov).

**COMMENTS**

**\*DEFINITION: "Residence" means one or more addresses at which a person regularly resides, regardless of the number of days or nights spent there, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles. (Pen. Code, § 290.011)**





**NOTICE OF SEX OFFENDER REGISTRATION REQUIREMENT**  
**Sex Offender Registration Act – Penal Code (Pen. Code) sections (§§) 290–290.024 and 290.01**

NAME OF PERSON NOTIFIED	Last	First	Middle	CII NUMBER (SID)	DATE
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**REGISTRATION REQUIREMENTS - REGISTRANT IS REQUIRED TO READ AND INITIAL ALL REQUIREMENTS\***

- 21. \_\_\_\_ I understand that if I wish to come into any school building or upon any school ground (grades K-12), I must have a lawful purpose and written permission from the school's chief administrative officer indicating the date(s) and time(s) for which permission has been granted. (Pen. Code, § 626.81)
- 22. \_\_\_\_ If I live outside of California and I am required to register in that state and I attend school or am employed in California, I must register in person with the law enforcement agency having jurisdiction over my school or employment location within five (5) working days of beginning attendance or becoming employed, in addition to registering in my state of residence. (Pen. Code, § 290.002)
- 23. \_\_\_\_ I must provide proof of residence to the registering agency within 30 days of registration or re-registration at a new residence address. (Pen. Code, § 290.015)
- 24. \_\_\_\_ If I am on parole or probation, I must provide proof of registration to my parole agent or probation officer within six (6) working days of release on parole or probation and proof of any change or update to my registration within five (5) working days. (Pen. Code, § 290.85)
- 25. \_\_\_\_ If I change my name I must notify in person, within five (5) working days, the law enforcement agency or agencies having jurisdiction over my place of residence or place where I am required to register as a transient. (Pen. Code, § 290.014)
- 26. \_\_\_\_ I understand I am required to submit DNA samples, as well as fingerprints and full palm prints. (Pen. Code, §§ 296, 296.2)
- 27. \_\_\_\_ If I accept a position as an employee or volunteer with any person, group, or organization where I would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children, I shall disclose my status as a registrant, upon application or acceptance of a position, to that person, group, or organization. If I have been convicted of a crime where the victim was a minor under 16 years of age, I shall not be an employer, employee, independent contractor, or act as a volunteer with any person, group, or organization in a capacity in which the registrant would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children. If I work in an accompanied setting with minor children, and my work would require me to touch the minor children on more than an incidental basis, I shall disclose my status as a registrant, upon application or acceptance of the position, to that person, group, or organization. (Pen. Code, § 290.95)

**COMMENTS**

\*DEFINITION: "Residence" means one or more addresses at which a person regularly resides, regardless of the number of days or nights spent there, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles. (Pen. Code, § 290.011)





**NOTICE OF SEX OFFENDER REGISTRATION REQUIREMENT**  
**Sex Offender Registration Act – Penal Code (Pen. Code) sections (§§) 290–290.024 and 290.01**

NAME OF PERSON NOTIFIED	Last	First	Middle	CII NUMBER (SID)	DATE
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**Privacy Notice**

As Required by Civil Code § 1798.17

**Collection and Use of Personal Information.** The California Justice Information Services (CJIS) Division of the Department of Justice (DOJ) collects the information requested on this form as authorized by Pen. Code, §§ 290–290.024 and 290.01. The CJIS Division uses this information to register a sex offender as mandated by law. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The DOJ's general privacy policy is available at <https://oag.ca.gov/privacy-policy>.

**Providing Personal Information.** All the personal information requested in the form must be provided. Failure to provide the mandatory personal information will result in your form not being processed.

**Access to Your Information.** You may review the records maintained by the CJIS Division in the DOJ that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

**Possible Disclosure of Personal Information.** In order to register a sex offender as mandated by law, we may need to share the information you give us with law enforcement agencies.

The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes; and
- To another government agency as required by state or federal law.

**Contact Information.** For questions about this notice or information on your registrant records, you may contact the California Sex Offender Registry manager by phone at (916) 210-3113, by e-mail at [MegansLaw@doj.ca.gov](mailto:MegansLaw@doj.ca.gov), or via mail at:

The Department of Justice  
California Sex Offender Registry  
P.O. Box 903387  
Sacramento, CA 94203-3870

I have been notified of my duty to register as a sex offender pursuant to Pen. Code, §§ 290–290.024 and 290.01. I have read or had read to me, and initialed each registration requirement specified on pages 2, 3, and 4 of this form.

I understand it is my duty to know the registration requirements, including changes to the law that may be made after I sign this form. I certify the information provided is true and accurate.

I understand failure to comply with the registration requirements, providing false information on the form, or failing to provide accurate information is punishable as a criminal offense. I understand refusing to sign this form is also punishable as a criminal offense. I have read and understand the Privacy Notice as required by Civil Code § 1798.17

SIGNATURE OF REGISTRANT

DATE

*Return the original, completed, and signed form to:*

**The Department of Justice**  
**ATTN: California Sex Offender Registry**  
**P.O. Box 903387**  
**Sacramento, CA 94203-3870**

**(NOTE: This is not a registration form. Please use the CJIS 8102S form for registration purposes.)**

**DISTRIBUTION:** Original to DOJ/CSOR; Copy to Law Enforcement Agency having jurisdiction over address; Copy to Notifying Agency; and Copy to Registrant

# EXHIBIT B



**SEX OFFENDER REGISTRATION  
CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE**

**Sex Offender Registration Act – Penal Code (Pen. Code) sections (§§) 290–290.024 and 290.01**

**PLEASE FOLLOW THESE IMPORTANT PROCESSING INSTRUCTIONS:**

- Print or type the required information and enter into the California Sex and Arson Registry (CSAR) application.
- Submit a current photograph of the registrant to the DOJ Image System: <https://calphoto.ext.doj.ca.gov/>.
- Have the registrant read and initial the registration requirements on pages 3, 4, and 5 of this form.
- Verify the registrant understands the requirements.
- Retain the original of this form.
- Provide a photocopy to the registrant as a receipt.

**FACILITY TYPE** (Enter alpha code in Facility Type field):

- Day Care Center ..... DC
- Family Child Care Home ..... FCH
- Group Home ..... GH
- Foster Home ..... FH
- Adult Day Care ..... AD
- Sober Living Home ..... SLH
- Elderly Care Home ..... ECH

**REASON FOR REGISTRATION** (More than one box can be checked):

- ANNUAL  30 DAY (TRANSIENT)  90 DAY (SVP)  CHANGE OF ADDRESS  OTHER (e.g., Initial, Additional Address)

**REGISTRATION EVENT** (Check all that apply):

- INITIAL (1st 8102S in CSAR)
  - Residence
  - Campus (Attending, Employed, Volunteer)
  - Employment (Out of state resident employed in CA)
  - Transient
- ADDITIONAL ADDRESS (Concurrent)
  - Residence
  - Campus (Attending, Employed, Volunteer)
  - Employment (Out of state resident employed in CA)
- UPDATE (No Change in Registration Status)

- REGISTRANT HAS MOVED/CHANGE OF ADDRESS
  - INTO JURISDICTION
  - INTO JURISDICTION FROM OUT OF STATE
  - WITHIN JURISDICTION
  - OUT OF JURISDICTION
  - OUT OF STATE
- INACTIVATE ADDRESS - If registrant has more than one registered address, list the address registrant is vacating from in the space below: \_\_\_\_\_

- ABSCONDED (LEA has verified whereabouts unknown)
- DEPORTATION
- INCARCERATION  FED  LOCAL  ICE INC DATE: \_\_\_\_\_
- CDCR  DJJ  DSH/DDS

If the registrant is **DECEASED**, do not complete this form. To update a registrant to **DECEASED** status, complete and submit form **CJIS 8086B**.

FULL NAME OF REGISTRANT		Last	First	Middle	Suffix	DATE OF BIRTH
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ALIASES	FCN NUMBER	CII NUMBER (SID)	DRIVER'S LICENSE/I.D. NUMBER	STATE	EXPIRATION DATE
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SOCIAL SECURITY NUMBER	INSTITUTION NUMBER (CDCR, DJJ, or DSH)	FBI NUMBER	ORIGINATING AGENCY CASE NUMBER (OCA)
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SEX	GENDER IDENTITY	RACE	HAIR COLOR	EYE COLOR	HEIGHT	WEIGHT	PLACE OF BIRTH
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TYPE OF CONVICTION/ADJUDICATION IF NON-CALIFORNIA OFFENSE  OUT OF STATE  FEDERAL  MILITARY

NEW OR MODIFIED SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS NOT IN CSAR 1	LOCATION	DESCRIPTION	PICTURE	TEXT
NEW OR MODIFIED SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS NOT IN CSAR 2	LOCATION	DESCRIPTION	PICTURE	TEXT
NEW OR MODIFIED SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS NOT IN CSAR 3	LOCATION	DESCRIPTION	PICTURE	TEXT

HOME PHONE NUMBER	WORK PHONE NUMBER	CELLULAR PHONE NUMBER
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ADDRESS	Street Number and Name	Apt./Unit Number	CITY	STATE	ZIP CODE
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DWELLING TYPE	LICENSED FACILITY	FACILITY TYPE
<input type="checkbox"/> Single Family Residence <input type="checkbox"/> Apartment / Condominium <input type="checkbox"/> Hotel / Motel <input type="checkbox"/> Other	<input type="checkbox"/> YES <input type="checkbox"/> NO	

LOCATION(S) FREQUENTED BY TRANSIENT

ADDITIONAL REGISTRATION ADDRESS	Street Number and Name	Apt./Unit Number	CITY	STATE	ZIP CODE
<input type="checkbox"/> Residence <input type="checkbox"/> Campus <input type="checkbox"/> Employment					

DWELLING TYPE	LICENSED FACILITY	FACILITY TYPE
<input type="checkbox"/> Single Family Residence <input type="checkbox"/> Apartment / Condominium <input type="checkbox"/> Hotel / Motel <input type="checkbox"/> Other	<input type="checkbox"/> YES <input type="checkbox"/> NO	

CAMPUS REGISTRATION	CAMPUS NAME/ADDRESS	STREET NUMBER AND NAME	CITY	STATE	ZIP CODE
<input type="checkbox"/> Attending <input type="checkbox"/> Employed <input type="checkbox"/> Volunteer					

SIGNATURE OF REGISTRANT _____		DATE _____
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Registrant Rolled Right Thumbprint - If amputated, use next available finger



**SEX OFFENDER REGISTRATION  
CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE  
Sex Offender Registration Act – Penal Code (Pen. Code) sections (§§) 290–290.024 and 290.01**

NAME OF REGISTRANT		Last	First	Middle	CII NUMBER (SID)	DATE	
RELATED ADDRESS (e.g., Mailing, Emergency Contact)			Street Number and Name		Apt./Unit Number	City	State Zip Code
RELATED ADDRESS TYPE <input type="checkbox"/> Mailing <input type="checkbox"/> Emergency Contact <input type="checkbox"/> GPS Charging Location		NAME OF EMERGENCY CONTACT (If emergency contact is checked)			RELATIONSHIP TO EMERGENCY CONTACT (e.g., Mother, Father)		
RELATED ADDRESS (e.g., Mailing, Emergency Contact)			Street Number and Name		Apt./Unit Number	City	State Zip Code
RELATED ADDRESS TYPE <input type="checkbox"/> Mailing <input type="checkbox"/> Emergency Contact <input type="checkbox"/> GPS Charging Location		NAME OF EMERGENCY CONTACT (If emergency contact is checked)			RELATIONSHIP TO EMERGENCY CONTACT (e.g., Mother, Father)		
OCCUPATION			EMPLOYER'S NAME			DATE CURRENT EMPLOYMENT BEGAN	
EMPLOYER'S ADDRESS			Street Number and Name		Suite/Unit Number	City	State Zip Code
WORK ADDRESS (If different than Employer's Address)			Street Number and Name		Suite/Unit Number	City	State Zip Code
REGISTERING AGENCY (Do Not Abbreviate)				REGISTERING OFFICER'S NAME AND TITLE			
REGISTERING AGENCY'S E-MAIL ADDRESS			PHONE NUMBER		ORI	MNEMONIC	DNA COLLECTED? <input type="checkbox"/> YES <input type="checkbox"/> NO
PROBATION/PAROLE OFFICER						PHONE NUMBER	
COMMENTS (Include additional, new or modified Scars, Marks, Tattoos, and Other Characteristics)							
<b>ADDRESS/RESIDENCE DEFINITIONS:</b>							
<b>ADDRESS</b> - Address at which I regularly reside, regardless of the number of days or nights spent there.							
<b>ADDITIONAL ADDRESS</b> - Additional address at which I regularly reside, regardless of the number of days or nights spent there.							
<b>RELATED ADDRESS</b> - Address of a relative or other person who is likely to know how to contact me.							
<b>EMPLOYER'S NAME/ADDRESS</b> - The name and address of my employer (e.g., company, individual, entity), and the address of that employer.							
<b>WORK ADDRESS</b> - The address at which I work.							
<b>RESIDENCE</b> - One or more addresses at which I regularly reside, regardless of the number of days or nights spent there, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles. (Pen. Code, § 290.011)							
<b>HAS YOUR VEHICLE INFORMATION CHANGED SINCE YOUR LAST REGISTRATION? IF SO, PLEASE PROVIDE THE UPDATED VEHICLE INFORMATION BELOW.</b>							
VEHICLE #1 <input type="checkbox"/> Registered Owner <input type="checkbox"/> Regularly Driven		VEHICLES OWNED, REGISTERED, OR REGULARLY DRIVEN				VEHICLE #2 <input type="checkbox"/> Registered Owner <input type="checkbox"/> Regularly Driven	
VEHICLE (#1) IDENTIFICATION NUMBER (VIN)				VEHICLE (#2) IDENTIFICATION NUMBER (VIN)			
LICENSE PLATE NUMBER #1		STATE	YEAR OF EXPIRATION		LICENSE PLATE NUMBER #2		STATE YEAR OF EXPIRATION
TYPE	VEHICLE YEAR	MAKE	MODEL	STYLE/COLOR	TYPE	VEHICLE YEAR	MAKE MODEL STYLE/COLOR
HAVE YOU SOLD OR STOPPED REGULARLY DRIVING A VEHICLE SINCE YOUR LAST REGISTRATION? <input type="checkbox"/> YES <input type="checkbox"/> NO							
END DATE			MAKE			MODEL	
SIGNATURE OF REGISTRANT						DATE	
DISTRIBUTION: Original to Registering Agency; Copy to Subject Registering						Registrant Rolled Right Thumbprint - If amputated, use next available finger	



**SEX OFFENDER REGISTRATION  
CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE**

**Sex Offender Registration Act – Penal Code (Pen. Code) sections (§§) 290–290.024 and 290.01**

NAME OF REGISTRANT	Last	First	Middle	CII NUMBER (SID)	DATE
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**REGISTRATION REQUIREMENTS - REGISTRANT IS REQUIRED TO READ AND INITIAL ALL REQUIREMENTS**

1. \_\_\_\_\_ I understand that if I have a registrable adult (superior court) conviction, the California Department of Justice will determine whether my mandatory minimum registration period in California is 10 years (Tier 1), 20 years (Tier 2) or a lifetime requirement (Tier 3). (Pen. Code, §§ 290, 290.005)
2. \_\_\_\_\_ I understand that if I have a registrable juvenile adjudication (juvenile court), the California Department of Justice will determine whether my mandatory minimum registration period in California is 5 years (Tier 1) or 10 years (Tier 2). (Pen. Code, § 290.008)
3. \_\_\_\_\_ I understand that the California Department of Justice may place me in a “tier-to-be-determined” category if my tier designation cannot be immediately determined. If I am placed in this category, I am required to continue to register pursuant to the Act. (Pen. Code, § 290)
4. \_\_\_\_\_ I understand that if I am court-ordered to register pursuant to Penal Code section 290.006 after January 1, 2021, the court will determine whether my mandatory minimum registration period is 10 years (Tier 1), 20 years (Tier 2) or a lifetime requirement (Tier 3). (Pen. Code, § 290.006)
5. \_\_\_\_\_ I understand that my tier level may change based upon my criminal history. (Pen. Code, § 290)
6. \_\_\_\_\_ I must register in person, if I have never registered, within five (5) working days of: 1) coming into California, or 2) release from incarceration, placement, commitment, or release on probation, with the law enforcement agency having jurisdiction over my place(s) of residence or where I am physically present as a transient. (Pen. Code, § 290)
7. \_\_\_\_\_ I must re-register in person, if I have previously registered, within five (5) working days, after release from incarceration, placement, or commitment that lasted 30 or more days, or within five (5) working days after release on probation. I do not have to re-register after release if I was incarcerated for less than 30 days, and I return to the last registered address, and the update of registration that is required to occur within five (5) working days before or after my birthday did not fall within that incarceration period. (Pen. Code, § 290.015)
8. \_\_\_\_\_ I must annually update my registration information in person, within five (5) working days before or after my birthday, at the law enforcement agency having jurisdiction over my residence address or where I am currently present as a transient. Annual updates begin with my first birthday following registration or change of address. (Pen. Code, § 290.012)
9. \_\_\_\_\_ Upon coming into, or when changing my residence address within a city and/or county in which I am residing, I must register or re-register in person, within five (5) working days, with the law enforcement agency having jurisdiction over my residence. (Pen. Code, §§ 290, 290.013)
10. \_\_\_\_\_ If I change my registered address to a new address, either within the same jurisdiction or anywhere inside or outside of the state, I must inform the last registering agency or agencies in person within five (5) working days before or after I leave. If I do not know my new residence address or transient location I must later notify, by registered or certified mail, the last registering agency or agencies of the new address or transient location with five (5) working days of moving to the new address or location. (Pen. Code, § 290.013)

**I have been notified of my duty to register as a sex offender pursuant to Pen. Code, §§ 290–290.024 and 290.01. I have read or had read to me, and initialed each registration requirement specified on pages 3, 4, and 5 of this form. I understand it is my duty to know the registration requirements, including changes to the law that may be made after I sign this form. I certify the information provided is true and accurate. I understand failure to comply with the registration requirements, providing false information on the form, or failing to provide accurate information is punishable as a criminal offense. I understand refusing to sign this form is also punishable as a criminal offense.**

Registrant Rolled Right  
Thumbprint -  
If amputated, use next  
available finger

\_\_\_\_\_  
SIGNATURE OF REGISTRANT

\_\_\_\_\_  
DATE

DISTRIBUTION: Original to Registering Agency; Copy to Subject Registering



**SEX OFFENDER REGISTRATION  
CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE**

**Sex Offender Registration Act – Penal Code (Pen. Code) sections (§§) 290–290.024 and 290.01**

NAME OF REGISTRANT	Last	First	Middle	CII NUMBER (SID)	DATE
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**REGISTRATION REQUIREMENTS - REGISTRANT IS REQUIRED TO READ AND INITIAL ALL REQUIREMENTS**

11. \_\_\_\_ If I am registered at a residence address and become transient, I have five (5) working days within which to register in person with the law enforcement agency having jurisdiction where I am physically present as a transient. (Pen. Code, § 290.011)
12. \_\_\_\_ If I am registered as a transient and move to a residence, I have five (5) working days within which to register in person with the law enforcement agency having jurisdiction over the new address. (Pen. Code, § 290.011)
13. \_\_\_\_ If I have no residence address, I must register in person in the jurisdiction where I am physically present as a transient within five (5) working days of becoming transient. Thereafter, I must update my registration information in person no less than once every 30 days with the law enforcement agency having jurisdiction over the place where I am physically present as a transient on the day I re-register. I do not need to report changes of transient location within the 30-day period unless I move out of state. I must also comply with the annual requirement to update my registration. (Pen. Code, § 290.011)
14. \_\_\_\_ If I am registered as a transient and I am moving out of state, I must inform the law enforcement agency having jurisdiction over the place where I was physically present as a transient, in person, within five (5) working days before or after I leave. I must also inform the law enforcement agency of my planned destination, residence, or transient location out of state, if known, and any plans to return to California. (Pen. Code, § 290.011)
15. \_\_\_\_ If I move outside of California, I am required by federal law to register in the new state within three (3) working days. Federal law requires me to notify my registering agency no less than 21 days before I intend to travel internationally.
16. \_\_\_\_ If I have ever been committed as a sexually violent predator, I must update my registration information in person, no less than once every 90 days with the law enforcement agency having jurisdiction over my residence or transient location. I must also comply with the annual requirement to update my registration in person. (Pen. Code, §§ 290.001, 290.012)
17. \_\_\_\_ If I have more than one residence address at which I regularly reside (regardless of the number of days or nights I spend at each address), I must register in person, within five (5) working days at each address with the law enforcement agency having jurisdiction over each residence. If I no longer reside at a registered address, I must inform in person, the registering agency having jurisdiction over that address within five (5) working days before or after I leave. (Pen. Code, § 290.010)
18. \_\_\_\_ If I reside or am a transient on a University of California, California State University, or community college campus, I must register in person, within five (5) working days with the local law enforcement agency having jurisdiction over the campus and additionally with the campus police. (Pen. Code, §§ 290, 290.011)
19. \_\_\_\_ If I am enrolled or employed (with or without compensation) at an institution of higher learning, I must register within five (5) working days of commencement of the term of enrollment or employment, with the campus police department or if no campus police department exists, with the law enforcement agency having jurisdiction over that campus. I must also register in person with the law enforcement agency having jurisdiction over my place of residence or transient location. When I cease being enrolled or employed at that institution, I must notify the registering agency for the campus within five (5) working days. (Pen. Code, §§ 290.009, 290.01)

I have been notified of my duty to register as a sex offender pursuant to Pen. Code §§ 290–290.024 and 290.01. I have read or had read to me, and initialed each registration requirement specified on pages 3, 4, and 5 of this form. I understand it is my duty to know the registration requirements, including changes to the law that may be made after I sign this form. I certify the information provided is true and accurate. I understand failure to comply with the registration requirements, providing false information on the form, or failing to provide accurate information is punishable as a criminal offense. I understand refusing to sign this form is also punishable as a criminal offense.

Registrant Rolled Right Thumbprint - If amputated, use next available finger

\_\_\_\_\_  
SIGNATURE OF REGISTRANT

\_\_\_\_\_  
DATE

DISTRIBUTION: Original to Registering Agency; Copy to Subject Registering





**SEX OFFENDER REGISTRATION  
CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE  
Sex Offender Registration Act – Penal Code (Pen. Code) sections (§§) 290–290.024 and 290.01**

NAME OF PERSON NOTIFIED	Last	First	Middle	CII NUMBER (SID)	DATE
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**REGISTRATION REQUIREMENTS - REGISTRANT IS REQUIRED TO READ AND INITIAL ALL REQUIREMENTS**

20. \_\_\_\_ Campus registration must be in person unless I am enrolled in an online course which does not require my presence at an institution of higher learning in California. I must register for online courses by mailing the Department of Justice Online Course Registration Form to the campus police department, or if no campus police department exists, to the law enforcement agency having jurisdiction over that campus, within five (5) working days of commencement of my term of enrollment. When I cease being enrolled at that institution, I must notify the registering agency for the campus within five (5) working days. (Pen. Code, §§ 290.009, 290.01) The DOJ Online Course Registration Form is available at: [www.oag.ca.gov](http://www.oag.ca.gov).
21. \_\_\_\_ I understand that if I wish to come into any school building or upon any school ground (grades K-12), I must have a lawful purpose and written permission from the school's chief administrative officer indicating the date(s) and time(s) for which permission has been granted. (Pen. Code, § 626.81)
22. \_\_\_\_ If I live outside of California and I am required to register in that state and I attend school or am employed in California, I must register in person with the law enforcement agency having jurisdiction over my school or employment location within five (5) working days of beginning attendance or becoming employed, in addition to registering in my state of residence. (Pen. Code, § 290.002)
23. \_\_\_\_ I must provide proof of residence to the registering agency within 30 days of registration or re-registration at a new residence address. (Pen. Code, § 290.015)
24. \_\_\_\_ If I am on parole or probation, I must provide proof of registration to my parole agent or probation officer within six (6) working days of release on parole or probation and proof of any change or update to my registration within five (5) working days. (Pen. Code, § 290.85)
25. \_\_\_\_ If I change my name I must notify in person, within five (5) working days, the law enforcement agency or agencies having jurisdiction over my place of residence or place where I am required to register as a transient. (Pen. Code, § 290.014)
26. \_\_\_\_ I understand I am required to submit DNA samples, as well as fingerprints and full palm prints. (Pen. Code, §§ 296, 296.2)
27. \_\_\_\_ If I accept a position as an employee or volunteer with any person, group, or organization where I would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children, I shall disclose my status as a registrant, upon application or acceptance of a position, to that person, group, or organization. If I have been convicted of a crime where the victim was a minor under 16 years of age, I shall not be an employer, employee, independent contractor, or act as a volunteer with any person, group, or organization in a capacity in which the registrant would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children. If I work in an accompanied setting with minor children, and my work would require me to touch the minor children on more than an incidental basis, I shall disclose my status as a registrant, upon application or acceptance of the position, to that person, group, or organization. (Pen. Code, § 290.95)

**I have been notified of my duty to register as a sex offender pursuant to Pen. Code, §§ 290–290.024 and 290.01. I have read or had read to me, and initialed each registration requirement specified on pages 3, 4, and 5 of this form. I understand it is my duty to know the registration requirements, including changes to the law that may be made after I sign this form. I certify the information provided is true and accurate. I understand failure to comply with the registration requirements, providing false information on the form, or failing to provide accurate information is punishable as a criminal offense. I understand refusing to sign this form is also punishable as a criminal offense. I have read and understand the Privacy Notice as required by Civil Code § 1798.17.**

Registrant Rolled Right  
Thumbprint -  
If amputated, use next  
available finger

SIGNATURE OF REGISTRANT	DATE
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**SEX OFFENDER REGISTRATION  
CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE**  
**Sex Offender Registration Act – Penal Code (Pen. Code) sections (§§) 290–290.024 and 290.01**

NAME OF PERSON NOTIFIED	Last	First	Middle	CII NUMBER (SID)	DATE
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**Privacy Notice**

As Required by Civil Code § 1798.17

**Collection and Use of Personal Information.** The California Justice Information Services (CJIS) Division in the Department of Justice (DOJ) collects the information requested on this form as authorized by Pen. Code, §§ 290–290.024 and 290.01. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The DOJ's general privacy policy is available at <https://oag.ca.gov/privacy-policy>.

**Providing Personal Information.** All the personal information requested in the form must be provided. Failure to provide requested information may result in your address change not being processed.

**Access to Your Information.** Please contact the local law enforcement agency where you registered if you wish to review the personal information collected on this form, as permitted by the Information Practices Act.

**Possible Disclosure of Personal Information.** The local law enforcement agency where you registered is required by law to enter this information into the California Sex and Arson Registry (CSAR). Additionally, the California Sex Offender Registry is required by law to provide the information in CSAR to other law enforcement agencies.

The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

I have been notified of my duty to register as a sex offender pursuant to Pen. Code, §§ 290–290.024 and 290.01. I have read or had read to me, and initialed each registration requirement specified on pages 3, 4, and 5 of this form. I understand it is my duty to know the registration requirements, including changes to the law that may be made after I sign this form. I certify the information provided is true and accurate. I understand failure to comply with the registration requirements, providing false information on the form, or failing to provide accurate information is punishable as a criminal offense. I understand refusing to sign this form is also punishable as a criminal offense. I have read and understand the Privacy Notice as required by Civil Code § 1798.17.

Registrant Rolled Right  
Thumbprint -  
If amputated, use next  
available finger

SIGNATURE OF REGISTRANT

DATE

**California Department of Justice  
California Sex Offender Registry (CSOR)  
P.O. Box 903387  
Sacramento, CA 94203-3870**



# EXHIBIT C



## INTERNET IDENTIFIER REGISTRATION FORM

### Sex Offender Registration Act – California Penal Code (Pen. Code) section (§) 290.024

Pursuant to Pen. Code, § 290.014(b), if any person, required to register Internet identifiers pursuant to Pen. Code, § 290.024, adds or changes an Internet identifier as defined in Pen. Code, § 290.024, the person shall send written notice by mail of the addition or change to the law enforcement agency or agencies with which they are currently registered within thirty (30) working days of the addition or change.

The law enforcement agency or agencies shall make the information available to the Department of Justice.

**PLEASE DO NOT SUBMIT THIS FORM TO THE CALIFORNIA DEPARTMENT OF JUSTICE.**

**IMPORTANT:** This form is to be used only for registrants specified under Pen. Code, § 290.024.

Pursuant to Pen. Code, § 290.024(a), a person who is convicted of a felony on or after January 1, 2017, requiring registration pursuant to the Act, shall register their Internet identifiers if a court determines at the time of sentencing that any of the following apply:

- The person used the Internet to collect any private information to identify the victim of the crime to further the commission of the crime.
- The person was convicted of a felony pursuant to subdivision (b) or (c) of Pen. Code, § 236.1 and used the Internet to traffic the victim of the crime.
- The person was convicted of a felony pursuant to Chapter 7.5 (commencing with Pen. Code, § 311) and used the Internet to prepare, publish, distribute, send, exchange, or download the obscene matter or matter depicting a minor engaging in sexual conduct, as defined in subdivision (d) of Pen. Code, § 311.4.

For purposes of this chapter, "Internet identifier" means any electronic mail address (e-mail) or username used for instant messaging or social networking that is actually used for direct communication between users on the Internet in a manner that makes the communication not accessible to the general public. "Internet identifier" does not include Internet passwords, date of birth, social security number, or Personal Identification Number (PIN).

#### For Registrant Completion

*This information is for registrant identification purposes only*

LAST NAME	FIRST NAME	MIDDLE INITIAL
DRIVER'S LICENSE NUMBER	STATE OF ISSUANCE	DATE OF BIRTH

\_\_\_\_\_ I declare that I have no active Internet identifiers to disclose at this time.  
(Initials)

\_\_\_\_\_ I declare that I have the following active Internet identifiers to disclose at this time.  
(Initials)

INSTANT MESSAGING / SOCIAL NETWORKING APPLICATION <small>(For example, Facebook, Twitter, Snapchat, Instagram, etc.)</small>	E-MAIL / USERNAME	ACTIVE DATE (REQUIRED)	INACTIVE DATE

I have been notified of my duty to register Internet identifier information pursuant to Pen. Code, §§ 290.024(a) and 290.014(b). I have read or had another read to me the declaration statements, and I initialed the applicable statement. I understand my duty to know sex offender registration requirements, including changes to the law, that may be made after I sign this form. I certify the information provided is true and accurate. I understand failure to comply with registration requirements, providing false information, or failing to provide accurate information is punishable as a criminal offense. I understand that refusing to sign this form is also punishable as a criminal offense.

\_\_\_\_\_ REGISTRANT SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

#### For Law Enforcement Purposes

Internet identifier information should be **submitted via the California Sex and Arson Registry application** within 72 hours. **Do not submit the hard copy** Internet Identifier Registration Form to the California Department of Justice. Please retain the original, signed form at your agency and provide a copy to the registrant.

OFFICER NAME	PHONE NUMBER
REGISTERING AGENCY	CII _____ FCN _____

Registrant Rolled Right Thumbprint -  
If amputated, use next available finger

\_\_\_\_\_ OFFICER SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_



### INTERNET IDENTIFIER REGISTRATION FORM

#### Sex Offender Registration Act – California Penal Code (Pen. Code) section (§) 290.024

NAME OF PERSON NOTIFIED	Last	First	Middle	CII NUMBER (SID)	DATE
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#### Privacy Notice

As Required by Civil Code § 1798.17

**Collection and Use of Personal Information.** The California Justice Information Services (CJIS) Division of the Department of Justice (DOJ) collects the information requested on this form as authorized by Pen. Code, § 290.024. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The DOJ's general privacy policy is available at <https://oag.ca.gov/privacy-policy>.

**Providing Personal Information.** All the personal information requested in the form must be provided. Failure to provide the mandatory personal information will result in your registration not being processed.

**Access to Your Information.** Please contact the local law enforcement agency where you registered if you wish to review the personal information collected on this form, as permitted by the Information Practices Act.

**Possible Disclosure of Personal Information.** The local law enforcement agency where you registered is required by law to enter this information into the California Sex and Arson Registry (CSAR). Additionally, the California Sex Offender Registry is required by law to provide the information in CSAR to other law enforcement agencies.

The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

I have read and understand the Privacy Notice as required by Civil Code § 1798.17

\_\_\_\_\_  
SIGNATURE OF REGISTRANT

\_\_\_\_\_  
DATE