

“Colorado Politics” quotes NARSOL, Professor Ira Ellman in case showing flaws in registry system

written by admin | July 14, 2022



By [Michael Karlik](#) . . . Even while recognizing the defendant’s only sexual offense happened 25 years ago, that he had served his prison sentence, and that he had the cognitive abilities of a second grader, the federal appeals court based in Denver declined to order a lesser sentence for Kayode Dobosu’s failure to comply with certain conditions of his sex offender treatment.

A three-judge panel of the U.S. Court of Appeals for the 10th Circuit on Wednesday emphasized its limited power to second-guess the trial judge who sentenced Dobosu to five years of supervision for, among other things, visiting the Denver Zoo with his social group for intellectually-disabled people.

“(T)here is simply not a right answer when it comes to this

corner of the discretionary sentencing context,” wrote Judge Allison H. Eid in [the panel’s June 13 order](#).

Dobosu is required to register for life as a sex offender, but courts have repeatedly ordered him into supervision and sex offender treatment stemming from registration-related offenses. His most recent discharge from treatment prompted the government to seek Dobosu’s arrest after Dobosu did not comply with the terms of his program.

Specifically, Dobosu’s violations were possessing a personal computer and PlayStation 3, which were not connected to the Internet and which his probation officer tacitly approved; visiting places where children were present as part of his social group’s activities; and receiving consensual text messages from men that featured pictures of genitals.

A spokesperson for the National Association for Rational Sexual Offense Laws said Dobosu’s case illustrated the inherent problems of mandating lifetime registration as a sex offender, even when a person has not recommitted any sexual offense in decades.

“The treatment he is being required to undergo has nothing to do with his original offense. Rather, it was imposed more than two decades later due to his failing to keep his address current,” said Sandy Rozek, NARSOL’s communications director. “NARSOL’s view is that anyone who finds themselves in Mr. Dobosu’s circumstances would have difficulty complying with the sex offender treatment program’s requirements. Providers typically require that a person have no sexual relationships or sexual urges. Such expectations are not realistic nor are they constitutional in our view.” . . .

Ira Mark Ellman of the University of California at Berkeley, who has written and presented about sex offender laws, said data is clear that people who have not reoffended after more than a decade are unlikely to do so in the future. While he

acknowledged the rationale behind the 10th Circuit's opinion, Ellman questioned why the government was continuing to expend resources ensuring Dobosu's compliance with technical conditions not related to his original offense.

"If his trouble complying with them doesn't pose a risk to anyone else, why are we doing this to him?" he asked. "I think that's a reasonable question to raise."

[Read the full piece here at Colorado Politics.](#)

This case will be discussed on the July 16 episode of Registry Matters.