

Post Office Box 36123  
Albuquerque, NM 87176  
<https://narsol.org>



1709 19th Street, Ste 33  
Dupont Circle  
Washington, DC 20009

## **RSOL TO JUSTICE FOR ALL NORTH CAROLINA: TAKE DOWN THAT AD!**

**Albuquerque, NM / April 30, 2014**—in the strongest terms possible, Reform Sex Offender Laws, Inc. (RSOL) condemns both the content and the purpose of *Justice for all North Carolina*'s blistering ad attacking North Carolina Supreme Court Justice Robin Hudson's dissenting opinion in *State v. Bowditch* 700 S.E.2d 1 (N.C. 2010). RSOL further demands that the ad be immediately retracted and that *Justice for all North Carolina* make a public apology for smearing and defacing Justice Hudson's name by asserting that she supports child molesters over their victims. Such a characterization, aside from being brazenly libelous, is a gross misrepresentation of Justice Hudson's reasoned dissent and entirely distorts the fundamental question which faced the NC Supreme Court in reaching its opinion: whether or not a state law requiring electronic monitoring (SBM) of registered sex offenders (who have completed their sentences) could be applied to individuals who were convicted before the law was passed.

In *Bowditch*, the NC Supreme Court split 4-3 with the majority overturning a lower court's decision and asserting that, because the SBM requirement was not punitive, the offenders' claim was without merit. Justice Hudson penned a critical, but articulate, dissent. In it, Hudson concedes that while "...we may not be fond of this particular class of defendants . . . that does not lessen their Fourth Amendment rights nor their expectation of privacy in their own homes." While admitting that the majority was correct in determining that the NC General Assembly did not intend for the law to be punitive, Justice Hudson was unimpressed by the majority's conclusions regarding the law's punitive effects.

Hudson wrote, "[w]hen weighed against its almost complete lack of efficacy in furthering the purpose of protecting our children, the intrusions of the SBM program become punitive in effect. The physical and practical realities of the SBM program—the size and weight of the ankle bracelet and MTD, the requirement to remain in one place for six hours for daily recharging, the degree to which SBM interferes with everyday work and recreation activities, the degree to which the program impedes enrollees' freedom of travel, and its invasive requirement for consent to enter an enrollee's home—transform the effect of the scheme from regulatory to punitive."

In summarizing Hudson's dissent, UNC School of Government's Jaime Markham wrote, "Justice Hudson authored a dissent, joined by the other two women on the court. She . . . concluded that the regime's 'substantial interferences into the daily lives of those monitored are too punitive in effect to be imposed retroactively.' She questioned the law's baseline effectiveness and the underlying premise that sex offender recidivism rates are especially high, noting in a footnote that DOC's own sex offender specialist calls this notion a 'myth.' "

In anticipation of the May 6 primary and fueled by \$650,000 received from the Republican State Leadership Committee (RSLC), *Justice for all North Carolina* is peppering North Carolina

### **NATIONAL ASSOCIATION FOR RATIONAL SEXUAL OFFENSE LAWS**

**Fighting to restore dignity & constitutional rights to millions.**

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airwaves with what many are describing as the most egregious attack ad since the late Sen. Helms' "Hands" ad in his 1990 reelection bid against former Charlotte mayor Harvey Gantt. Writing for NCInsider.com, Scott Mooneyham labeled the ad "...perhaps the most despicable political advertisement ever aired in the state."

On May 6, Hudson faces two primary challengers in a nonpartisan race: Superior Court Judge Eric Levinson and Raleigh lawyer Jeanette Doran. The two highest vote-getters will then move on to the general election in November. Hudson is a Democrat. Both Levinson and Doran are Republicans.

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