

# CURE-SORT NEWS



Volume 31, Issue 3

3rd Quarter 2022

## Chester County Pennsylvania Judge declares SORNA unconstitutional

by Steven F. Fairlie, Fairlie & Lippy. P.C. Aug. 27

(NOTE: A copy of Judge Royer's 28-page ruling can be found here: [Commonwealth v. Torsilieri – Aug. 2022 ruling](#))

Chester County Judge Allison Bell Royer has determined that SORNA is unconstitutional on many grounds in a blockbuster opinion. In *Commonwealth v. George Torsilieri*, the Pennsylvania Supreme Court had remanded the case back to the Chester County Court for a determination of how five factors from *Kennedy v. Mendoza-Martinez* applied to the application of SORNA. The Court struck down SORNA as being unconstitutional on its face and also as applied to Mr. Torsilieri.

**The Court found** that SORNA creates an irrebuttable presumption that defendants convicted of sex-related crimes will re-offend and that the presumption is not universally applicable. The logical extension from that is that people who will not re-offend are being treated as though they will. This puts such people at a serious disadvantage in life and the Court found that to be inherently unfair.

The Court next found that the punitive nature of SORNA offends the doctrines espoused in *Alleyne* and *Apprendi*. Punishment cannot exceed the maximum sentence for the crime, so if SORNA is viewed as punishment and lasts longer than the statutory maximum for the crime it is unconstitutional under the two afore-mentioned cases. Thus, SORNA is unconstitutional and cannot be applied.

**The Court further** found that SORNA violates Federal and state proscriptions against cruel and unusual punishment. SORNA can have a dramatic, life-altering impact on someone's ability to gain employment or housing, travel, be around children, and function in society. Given the severe impact it imposes, the Court determined it was cruel and unusual punishment, especially since many of the crimes that trigger it can have no basis whatsoever in sex crimes, or a very limited connection to sex crimes. Imagine a relatively immature 20-year-old who has sex with a 15-year-old. Should that person be labelled a sex offender for life with notification and registration requirements? Or is that cruel and unusual punishment?

The Torsilieri case breathes new life into challenges against SORNA, which were largely given up on after

Finally, the Court found that SORNA violates the separation of powers clause and thus there was one more ground to have it declared unconstitutional. the Pennsylvania Supreme Court reversed the LaCombe decision. If you are subject to SORNA restrictions, you should contact us to review your case and determine whether you might want to challenge the applicability of SORNA to your case. (EDITOR'S NOTE: Or if you have your own attorney you wish to check on your behalf, it is suggested you do so.)

### A History of the Texas Civil Commitment Program

By Derek Logue, Once Fallen

On Sept. 17, I'll be in Texas standing in unison with loved ones of those civilly committed by the Texas Civil Commitment Office. We will be in Austin TX at the Texas State Capitol.

The Texas civil commitment program has a long history of corruption and mismanagement. The program was once an outpatient program heralded as the cost-effective alternative to costly inpatient civil commitment, but that program was undermined by a corrupt specially appointed judge and the housing crisis and mismanagement of funds by the various entities tasked to run this program.

Today, the Texas program is a long-term extension of prison with many of the same problems plaguing the Minnesota program, and others. The facility is an old prison, run by a private company, relies heavily on solitary confinement as punishment, and are called inmates, yet we're supposed to believe this is a "treatment" facility.

A thanks to those who helped edit and helped me put this thing together.

Report can be found on the CURE-SORT website.

#### In this issue

Pg 1: PA Chester County Judge declares SORNA unconstitutional!

Texas Civil Commitment History

Pg 2: NARSOL honors Donald Surret, Jr

Members Pass Away

WEBINAR – Sex Offense Recidivism Risk

Pg 3: Hopeful Paths workbook

GETTING TO KNOW RESISTANCE

Pg 4: From the Director's Desk

Available resources

## **NARSOL honors Donald Surrett, Jr., a registrant and a hero in an Oregon shooting attack**

By Sandy of NARSOL . . .

On August 28 a man went to an Oregon shopping center armed with an AR-15-style rifle and a shotgun; more weapons and bombs were found in his automobile. Before he was stopped, he had wounded two and killed two. The first man killed was a customer in the Safeway store where the deranged killer opened fire. The second man was an employee, and he is credited with stopping the gunman and almost without question preventing additional deaths.

Donald Surrett, Jr. was an employee of the Safeway store for five years and manager of the produce department. He was a veteran, having served his nation for 26 years as a member of the United States Army. He worked in the Forest Service of the U.S. Department of Agriculture for six years.

**He was also one** of almost a million Americans whose name is found on a state sexual offense registry; his conviction was in 1994.

When Donald went to work on the 28th of August, he could not have imagined that his training in the military and his personal code of courage and service would be called upon to the ultimate degree before the day ended. As the killer walked through the store with his weapons, Donald hid out of sight until the man drew equal with him, and he then attacked him with his produce knife. Killing Donald Surrett was the last thing the gunman did other than turning his gun on himself and taking his own life.

Some media outlets, in "yellow" journalism's best tradition, made much more of the sexual crime conviction and the "sex offender" designation and registration than they did of Donald's heroism and bravery in the face of a crisis which few of us — or them — will ever have to face. They almost grudgingly acknowledge that he has committed no crimes since the one that placed him on the registry, and yet they speak of his being a "sex offender" as though that distant offense had occurred yesterday and that was all he had ever done.

**Honor and respect** for Donald Surrett, Jr. and for his courageous act are, thankfully, also forthcoming. A spokesperson for the local police department said, "Mr. Surrett's background does not change the fact that in this instance, when faced with great peril, he acted heroically in attacking and attempting to disarm an active

shooter . . ." According to local Oregon media, the local chapter of the Disabled American Veterans and the Veterans of Foreign Wars are planning a plaque honoring him. Additionally, the Forest Service posted this online honorarium. And NARSOL's affiliated organization in Florida, FAC, wrote this moving tribute to Donald.

We honor his commitment to living a life of decency and respect for the past 28 years and, most especially, for the sacrifice of his life for the safety of others.

---

### **Members pass away**

Hedy Harden, longtime chair of Missouri CURE, passed away in June following a lengthy illness. National CURE director Charlie Sullivan said, "Harden was a person who dedicated her life to help others. She spent the last 30 years of her life helping people incarcerated and their loved ones. This was through serving individuals and advocating for policy reform in the Missouri prison system. In her memory, we encourage you to mail a check to Missouri CURE, PO Box 28931, Kansas City, MO 63132."

Along with the sad news about Harden, we have learned of the passing of some of our members since the last issue.

We learned of the passing of Vance Ray Moller at the Fulton State Hospital at Fulton, MO. And we learned of the passing of David Jannetta at the Minnesota SOP at Moose Lake, MN. Also, we have learned of the passing of Les Snowberger at Pickaway Correctional Institution in Orient, OH. A recent notice came about William Seigler at DeBerry Special Needs Facility at Nashville, TN.

One non-prisoner death has recently been brought to our attention with the passing of Evelyn Danforth in Galesburg, IL.

Our thoughts to the family and close friends of them.

---

### **WEBINAR – Sex Offense Recidivism Risk: Not What You Think It Is**

One Standard of Justice (OSJ) is a NARSOL Affiliate in Connecticut who hosted a presentation in May 2021 by Dr. Karl Hanson, the inventor of the Static99R, a tool you probably see referenced in ALL your adult male psychosexual evaluations (& which should not be used on anyone else!). It is presented in plain language to make it easier to understand.

You might even want to cite it or play it for your judges – it definitely takes away some of the fear associated with reports of "average" or "above-average" sexual recidivism risk, especially if the behavior was long ago, and shows how extremely low "lower" risk people are.

There's even a part where he explains how the highest risk category that is used to describe general criminal recidivism does not even exist in the population who has committed a sexual offense because nobody sexually

reoffends as often as other criminal populations reoffend.

Another important take-away is that even the highest risk people are low risk once they've lived in the community for 20 years without sexually reoffending.

The 78-minute video can be accessed here.

[https://onestandardofjustice.org/sex-offense-  
recidivism-risk-not-what-you-think/](https://onestandardofjustice.org/sex-offense-<br/>recidivism-risk-not-what-you-think/)

This was proved by Ms. Laurie Rose Kepros, Dir. of Sexual Litigation of the CO Public Defender.

## Hopeful Paths: Prosocial Approaches to Changing inappropriate Sexual Behavior

by Barbara K. Schwartz PhD and Henry R. Cellini, Ph.D.

This guided workbook is designed for individuals who have had problems with sexually inappropriate behavior. This may have resulted in criminal convictions, civil lawsuits, or loss of relationships, jobs, or status within the community. Inappropriate sexual behavior can range from downloading illegal pornography to violent sexual assaults. When a person is accused of some type of sexual misconduct, there can be many responses. One might readily admit guilt and take full responsibility, or one might totally deny the charge. Most commonly the response is somewhere in between. An individual may admit that something happened but disagree with the nature of the behavior, the frequency, the degree of force. The behavior of the victim might be challenged. There are as many different explanations of why people act out sexually as there are offenders. The aim of Hopeful Paths is to help individuals in treatment separate and understand the legitimate dynamics of their behavior from explanations that might make them feel better but interfere with helping acknowledge and thus correct harmful behavior.

<https://www.civresearchinstitute.com/toc/HPTOC.pdf>

## Getting to Know Resistance, Getting to Know Your Patient in Moving to Recovery

By GERAL BLANCHARD, LPC, Author and Psychotherapist

This article has two intentions: 1) to define the clinical term resistance and 2) to determine when it is healthy and when it is unhealthy.

Resistance: A subtle, overt, or even aggressive display of opposition to how they are being treated. It must be understood that resistance can be a normal and often protective human behavior that occurs with almost every person who desires, or is pushed into making, changes in their behavior or lifestyle.

For control driven therapists – prison workers, parole officers, child protection workers, assistant principals, and overscheduled therapists, as a few examples – any noncompliance to institutionalized rules may be classified as defiance. Professionals who may not be very self-aware often, and sometimes out of their own needs to be efficient and in the driver's seat, hastily personalize the patient's response and see it in simple

## Board of Directors

Wayne Bowers  
Norman, OK

Tom Chleboski  
Baltimore, MD

Mike Dell  
Colorado Springs, CO

Ed Gundersen  
New Amsterdam, NY

Janet Mackie  
Reno, NV

Jim Prager  
Toledo, OH

David S. Prephan  
Toledo, OH

Dr. JoEllen Wiggington  
Van Nuys, CA

To become a CURE-SORT member or make  
A donation, please fill in and mail this form  
To:

**CURE-SORT**  
P.O. Box 1022  
Norman, OK 73070-1022

Name: \_\_\_\_\_

Inmate #: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ ZIP: \_\_\_\_\_

E-mail: \_\_\_\_\_

Prisoner \$ 4/year  
 Individual \$ 10/year  
 Family \$ 20/year  
 Life \$100  
 Sponsor \$ 50  
 Organization \$100

Make checks payable to: **CURE-SORT**  
<http://www.cure-sort.org/join--contribute.html>

CURE-SORT News is publication of CURE-SORT. SORT stands for Sex Offenders Restored through Treatment. CURE-SORT is one of four issue chapters of a national criminal justice reform organization known as Citizens United for the Rehabilitation of Errants (CURE), located in Washington, D.C., PO Box 2310, Washington, DC 20013

**CURE-SORT**  
**P.O. Box 1022**  
**Norman, OK 73070-1022**  
**(405) 639-7262**  
**e-mail: [Info@cure-sort.org](mailto:Info@cure-sort.org)**  
**web: [www.cure-sort.org](http://www.cure-sort.org)**

Director: Wayne Bowers  
Editor: Michael Dell  
Production Consultant: Ila Davis

terms, as little more than defiance. This can bring on punitive consequences and encourage still further resistance on both sides. It is too simple to categorize resistance as a pathological feature or even as inherently problematic. It can be a very helpful window to understanding people, a way to find out what threatens a seemingly threatening patient. It is an

opening to human understanding if first approached with curiosity and respect rather than harsh judgments or a desire to shut it down.

Often this assertion of honor over one's life is born of a sense of powerlessness, which is compensated for with displays of power, control, or resistance. Looking in on the "fishbowl" of therapy, both parties can be equally afflicted and oblivious to the unfolding process. They can get swept up in an emotional battle.

**Shaming and blaming** are common precipitating factors. Being insensitively or judgmentally exposed for their mistakes, a patient will naturally resist anyone – often someone that is reminiscent of an emotionally abusive parent or partner – who rubs their nose in their missteps, particularly when it is done in a public setting.

Resistance shows up when there is a control imbalance. If a domestic abuser constantly attempts to control his wife, expect her to resist a police officer who tells her to just "leave the bum," as if it is that simple.

Jeffrey Kottler, a brilliant and self-aware psychotherapist wrote in *Compassionate Therapy*, "...when clients are difficult it is because they are trying desperately to maintain homeostasis in their lives." So, talk about it.

**From my experience** minorities -- especially Native Americans and African Americans -- particularly after intergenerational and institutionalized discrimination and persecution, could easily be diagnosed as pathological if they did not resist authority figures who refuse to get to know them and the full context of their life experiences. Learned helplessness and masochism are ways they could be branded for being submissive, overly compliant, and servile.

The dominant, majority society often places resistant persons in a "drama of evil," a simplistic world of good guys and bad guys that demonizes them. This alienating form of moralization is a lazy person's way of avoiding the responsibility of getting to know their client.

In the book *Engaging Resistance*, Flinton and Scholz said of their work with sexual abusers, "Our contention is that many obstacles that impeded successful treatment, which were once seen as the 'offender's problem,' can be overcome by changing the change agents." It starts with the helpers being helpers. They went on: "Redefining resistance begins with redefining our goals as change agents. If our daily interactions with clients pathologize them, find shortcomings, and create ostracism, we'll probably achieve these results and end up with individuals who may be worse off than when we met them." At that point, helpers tend to rebrand the client as resistant and that simply deepens client resolve not to cooperate with persons they believe don't have their best interests at heart.

**If we explore** the passionate reasons that can fuel noncompliance or even obstructionism, not take client reactions so personally, and if we spend less time feeding the resistance by our reactionary (vs.

responsive) demeanor, we can team up and move people along the path of change.

<https://www.geralblanchard.com/getting-to-know-resistance-getting-to-know-your-patient>

---

## From the Director's Desk

### By Wayne Bowers

In the final issue of 2019, I commented on the issues of messaging for advocates for those with sex offenses and it is repeated later in this column. I still hear the term far too often in conference and ZOOM calls and in conversation. The term "sex offender" is something constantly used by the legal profession and the media in their court action or in stories. That probably won't change unless we advocates make a major effort to confront and point this out. So please think about saying "a person with a sex offense" or "registered person" or something that you feel comfortable in saying, rather than the term that is first person and is a scare tactic that the person in question is dangerous forever.

Here is what I wrote in the last column of 2019:

**Many advocates and professionals** continue to feed into the poor job of messaging that our folks have failed to change. I make it a point to bring this to attention anytime I hear the term "sex offender" used either on one prisoner or registrant or as a term in general. That term as a noun in present tense folks. Someone who used to sexually offend, if in control or in treatment, or even in prison, is no longer offending. Media and lawmakers and many in public continue to use that term and it only inflames the hysteria.

So, I implore people to work to change your phrasing and use former offender or recovering offender or one who formerly sexually abused or registrant

### Available Resources from CURE-SORT

We are pleased to offer the following resources. Donations accepted to cover cost of postage and printing. Mail donations to the CURE-SORT, address on Page 3.

**One Breath at A Time** by Ila Davis (\$17.50)  
Non-prisoner only due to facility restrictions

**Understanding Offending Behavior** by Stephen Price. (A collection of 9 of Stephens articles from previous newsletters) (\$ 4.00 for the set of 9 articles)

**When Someone on the Registry Moves into My Neighborhood** (Member Price \$5; Non-Member: \$10)

**SUPPORT GROUP:** Families & friends for those in civil confinement, contact Eldon Dillingham. Interested persons contact at 404 Walnut St., Wamego, KS 66547  
[eldoncdillingham@gmail.com](mailto:eldoncdillingham@gmail.com)

**No More Victims - One Man's Journey into Sexual Offending and Recovery.** By S. Sands (Ed G), \$15.95. (Includes postage). Send requests to CURE-SORT or email to [gunder788@verizon.net](mailto:gunder788@verizon.net) or on amazon.com