

STATE OF MICHIGAN
IN THE SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN

Plaintiff-Appellee

-vs-

PAUL J. BETTS

Defendant-Appellant

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MUSKEGON COUNTY PROSECUTOR

Attorney for Plaintiff-Appellee

STATE APPELLATE DEFENDER OFFICE

Attorney for Defendant-Appellant

Supreme Court No. 148981

Court of Appeals No. 319642

Lower Court No. 12-62665 FH

SUPPLEMENTAL AUTHORITY
PURSUANT TO MCR 7.212(F) AND MCR 7.312(I)

On June 9, 2021, the Supreme Court of South Carolina found that South Carolina’s “SORA[] requirement that sex offenders must register for life without any opportunity for judicial review violates due process because it is arbitrary and cannot be deemed rationally related to the General Assembly’s stated purpose of protecting the public from those with a high risk of re-offending. Therefore, we hold SORA’s lifetime registration requirement is unconstitutional absent any opportunity for judicial review to assess the risk of re-offending.” *Powell v Keel*, slip op attached.

This holding is relevant to Mr. Betts’ claim that Michigan’s SORA is unconstitutional ex post facto punishment because, in part, there is lifetime

registration and no opportunity for an individualized assessment of risk. The South Carolina Supreme Court's due process analysis is relevant to the factors from *Kennedy v Mendoza-Martinez*, 372 US 144 (1963), which are used to determine whether a registry is punishment and have been extensively briefed by the parties.

Mr. Betts files this Supplemental Authority with this Court to keep the Court informed of the most recent opinions involving the constitutionality of sex offender registries.

Respectfully submitted,

STATE APPELLATE DEFENDER OFFICE

/s/ Jessica Zimbelman

BY:

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