

SEX OFFENDER WITH HYTA (Holmes Youthful Training Act) PASSPORT REVOKED!

To: The House Judiciary Committee:

Please remove those sentenced under the Holmes Youthful Trainee Act. I have been on the registry since April 2004. I was advised that I would have no criminal record, my case would be dismissed, and record sealed. What I have realized is that it makes NO difference between being sentenced under HYTA and having a Felony, at least to those on the Sex Offender Registry.

Never did I imagine that:

- My picture would be on the public internet and that eventually I would be searchable by Google.
- I would be listed as a "convicted" sex offender, even though I was never convicted.
- I would be denied multiple jobs due to background check companies conducting an auto scan of the sex offender registry. Most of all employers did not and could not understand how I am not convicted on one hand, but convicted on the other.
- I would be denied entry on both Carnival and Royal Caribbean cruise lines, because they do a sex offender registry check, and registrants are banned (including myself, although I was never convicted). This has a complete embarrassment on both cruise lines! Can you imagine getting a phone call the day before ship sails, advising that you are denied boarding due to being listed on the Sex Offender Registry? This was to celebrate my Master's Degree, and it turned out to be a complete disaster!
- My passport would be revoked because it didn't have "convicted sex offender" reflected (as required per International Megan's law with anyone who is required to be listed on both a public and non-public registry).
- My passport is required to have the words "convicted sex offender", a passport that I use for identification purposes at banks and stores, not just for travel. Why is my "sealed" record being disclosed?
- I would be denied entry to Mexico, Jamaica, and Japan due to being listed on the registry, and sent back home to the United States almost immediately upon arrival with no refund, and yet another embarrassment! No warning before I went that I would be denied entry....until I got there! Why have I constantly been denied? Because the United States Boarder Patrol/Customs sends "Green Notices" to countries regarding every registrant listed on a public or non-public registry who is traveling to that country. The Green Notices are standard general notices, that don't take into account the offender, whether the record is sealed or anything! Its standard verbiage is that the a registrant is traveling, and "likely to re-offend". If you were the government in another country, and didn't know the circumstances, or that the record was dismissed and no conviction was ever entered, wouldn't you respond with the same fear and send them back to the United States? Who wouldn't?

According to the HYTA Statue, those sentenced under this act "shall suffer no civil disability or loss of right or privilege". When HYTA was first written in the 1960's, the legislature could not have had this intent for those with no criminal record. To even be eligible for HYTA, one has to prove to the judge by

“clear and convincing” evidence, they are not a threat.

([http://www.legislature.mi.gov/\(S\(1pllpsft2bfhsjqelfbmzmju\)\)/mileg.aspx?page=GetObject&objectname=mcl-762-11](http://www.legislature.mi.gov/(S(1pllpsft2bfhsjqelfbmzmju))/mileg.aspx?page=GetObject&objectname=mcl-762-11)).

Today's legislature could not have known that those on the Sex Offender Registry would eventually be required to have their passports stamped with the word "convicted sex offender" (as of July 2016) by the US State Department, solely because they are listed on the Sex Offender Registry. The Customs/Border Patrol and Homeland Security (when sending sex offender green notices to other countries) had no CLUE about my HYTA Status (as they could not see that information), only that I was listed on the public Sex offender Registry as a "Convicted Sex Offender". That is all they knew!

Nonetheless, I am still listed on Michigan's registry, as a Tier 3(the most dangerous) "Convicted" Sex offender. The majority of Sex Offenders are not allowed on school property or around parks, BUT there is an exception for those sentenced under HYTA. Those restrictions do not apply to HYTAs. However, I am listed as a Tier 3, the most dangerous. Does that make sense?

I sincerely ask of you, to please listen to the snippet below from the Michigan Supreme Court, in the case of State VS. Temelkoski, where the Michigan Supreme Court removed a defendant sentenced under HYTA. Please LISTEN to the State's reply when the Supreme Court justices asked the State what someone sentenced under HYTA should tell an employer? This is one of the MAIN ISSUES when applying for a job for those sentenced under HYTA.

You will be APPALLED at the State's response. PLEASE watch starting at 42:40 to 46:00

Supreme Court Justice: "How does that work when he applies for a job. What is he suppose to say?"

State of Michigan: "He can rightfully say that he has never been convicted of a crime."

Supreme Court Justice:"And when they google his name and it pops up that he's a Convicted Sex Offender, whats his response?"

State of Michigan: "He could say that he received a special consideration due to his Youthful Offender status"

If that is the case, WHAT IS THE PURPOSE HYTA?

150643 People vs Boban Temelkoski

150643 People vs Boban Temelkoski

Case background: <http://courts.mi.gov/Courts/MichiganSupremeCourt/oral-arguments/2016-2017/Pages/150643.aspx>

In conclusion, I ask that you please remove all those sentenced under HYTA since we do not have a criminal record, the case was dismissed, sealed, and no judgment of conviction was ever entered. It is

estimated that out of 44,000 sex offenders in Michigan, only 200 have been sentenced under HYTA. Please remove HYTAs, Set-Asides, and even juveniles.

We're Putting Sex Offender Stamps on Passports. Here's Why It Won't Curb Sex Tourism & Trafficking.

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