

“Resides” and “Habitually Lives” Decisions in § 2250 Cases

Circuit	Facts	Holding	Citation
1	D lived in a residential reentry home and then left the state to live with his girlfriend and sister; he had been living in the new location at least 3 weeks.	Sufficient to prove D habitually lived in the new location	U.S. v. Dones 2018 WL 1169115 (D. Mass. 3/6/18)
2	D moved from New York to Florida in April of 2009 and repeatedly used the same Florida address for multiple benefits applications through his arrest in January 2010.	Sufficient to prove D resided in Florida	U.S. v. Kimble 905 F. Supp.2d 465 (W.D.N.Y. 9/5/12)
3	D moved from DC to Delaware in May 2005, applied for a DE DL using a DE address in May 2005, and used the address to apply for a passport in October 2005. He then moved to Germany in November 2005 and was convicted of a sex offense there in October 2006. He was deported to the US in January 2008 and used the DE address on his customs form. He used it as a mailing address from January to March of 2008, although he was not physically in DE for most of that time. He admitted to living there at the time of his arrest.	Sufficient to prove D habitually lived in Delaware	U.S. v. Pendleton 636 F.3d 78 (3d Cir. 2011)
4	Over the course of a little more than a month, D regularly seen in a city's park, library, and YMCA; had also reserved space in two campgrounds close to the same city. When he left the state or area, always returned to the same city. Stated his intent to ‘reset his residence’ every time he left the county or state.	Sufficient to prove D habitually lived in West Virginia	U.S. v. Kokinda 93 F.4 th 635 (4 th Cir. 2024) <i>Overruled in light of Loper-Bright and remanded for further proceedings, 145 S.Ct. 124 (2025)</i>
4	D spent the night in a friend's house in Virginia for 3 weeks, then was kicked out, but continued to stay in his car in Virginia (and Maryland) for the next 10 days.	Sufficient to prove D habitually lived in Virginia	U.S. v. Bruffy 466 Fed. Appx. 239 (4 th Cir. 2012)

“Resides” and “Habitually Lives” Decisions in § 2250 Cases

Circuit	Facts	Holding	Citation
5	D left his residence, dropped off the keys, rented a moving truck and went to another city for several weeks. He was transient while there, living in the truck, a hotel, or other locations.	Sufficient to prove D habitually lived in the new location	U.S. v. Thompson 811 F.3d 717 (5 th Cir. 2016)
5	Not decided on underlying facts of the case.	Discussion of resides and habitually lives jury instructions	U.S. v. Wampler 703 F.3d 815 (5 th Cir. 2013)
6	D maintained a residence in Tennessee and a residence in the Philippines over the course of several years. The government could prove he lived in Tennessee for 36 days after last returning from the Philippines.	Sufficient to prove D resided in Tennessee	U.S. v. Paul No. 2:12-cr-00005 (M.D. Tenn. 3/13/17)
8	D was registered in Texas and worked for a Texas company. The Texas company sent him to Iowa for a long-term work project; he lived in Iowa for three months.	D could have multiple “residence jurisdictions” for SORNA purposes	U.S. v. Cano 2017 WL 2347189 (N.D. Iowa 5/30/17)
9	D convicted of a state offense in Florida, registered there. Moved to Texas, did not register. Then registered in Michigan, and travelled in multiple states for work, registering in none of them, and did not advise Michigan of travels.	D habitually lived in the states where he was sent to work and once in a state where he intended to live until his next work assignment, required to register w/in 3 days	U.S. v. Lyte 2023 WL 3477842 (9 th Cir. May 16, 2023)
9	D lived in a home in Montana for more than 30 days over a seven-month period and had a requirement to register in Montana.	Sufficient to prove D resided in Montana	U.S. v. Walker 552 Fed. Appx. 646 (9 th Cir. 2014)
9	D was arrested in March 2011 in Spokane, seen by an officer in Spokane earlier that month, and was in a photograph in a Spokane newspaper in April of 2010.	Sufficient to prove D resided in Washington	U.S. v. Sorrell 2011 WL 13072338 (E.D. Wash. 9/28/11)

“Resides” and “Habitually Lives” Decisions in § 2250 Cases

Circuit	Facts	Holding	Citation
10	D moved from California to New Mexico, where he stayed in the apartment of a friend for 18 days. He bought food for the house and made no serious efforts to move on to another state.	Sufficient to prove D intended to reside or habitually live in New Mexico	U.S. v. Alexander 817 F.3d 1205 (10 th Cir. 2016)
10	D was asked to leave the residence he was renting and did so. He left behind a few personal possessions and his car was parked outside. He traveled on an ‘extended vacation’ for about seven months and returned for a brief stay (a few days) during that time.	Sufficient to prove D no longer ‘resided’ at the rental property once he left the first time	U.S. v. Forster 549 Fed. Appx. 757 (10 th Cir. 2013)
11	No specific facts listed.	“Habitually lives” means a place where a sex offender lives for at least 30 days, but the days need not be consecutive	U.S. v. Davis 2022 WL 636724 (M.D. Ala. 3/4/22)