

# Failure to Register Chronology

*by Daryl B. Coppoletti*

On May 8, 1990, *Joe Henry Bandy* pleaded guilty to one count of Attempted 2nd Degree CSC (another count of 2nd Degree CSC was later dismissed at sentencing). While Bandy was baby-sitting a friend's nine and ten year-old daughters, he touched the breast area of the younger girl and tried to touch the older girl's buttocks as she was sleeping on the couch. On June 18, 1990, Judge McCarr sentenced Bandy to serve 17 months in prison but stayed the sentence for five years on the following conditions: no contact with the victim; no criminal charges; no mood altering chemicals; complete treatment; and six months in the workhouse. After one month in the workhouse, Bandy was furloughed to the Eden House Treatment Program which he left after one week. Judge McCarr then revoked the stayed sentence and ordered Bandy to serve the 17 months in prison (with credit for 156 days served in jail).

Bandy has been charged with four "failure to register" charges in Hennepin County since the law took effect in 1991 -- three of these charges were dismissed and Bandy pleaded guilty to the fourth. Since 1981 (the year Bandy turned eighteen), he has accumulated twenty-nine other charges, including the above charge of Attempted Second Degree CSC, one charge of Fifth Degree Controlled Substance, two charges of Aggravated Robbery, two charges of misdemeanor Fifth Degree Assault, one charge of misdemeanor Tampering with a Vehicle, one charge of False Information to Police, one charge of Disorderly Conduct, one charge of Lurking with Intent, eight charges of Driving After Revocation, two charges of Driving After Suspension, and nine other various misdemeanor and petty misdemeanor traffic charges. Thirteen of the twenty-nine charges and the four failure to register charges occurred since Bandy was released from prison on April 8, 1992.

## **6/30/92 -- Case #1**

**Failure to Register as a Sex  
Offender -- Misdemeanor**

**Event:** on 8/10/92, a complaint was filed for Case #1 and a complaint warrant was issued.

**Event:** on 11/7/92, Bandy was taken into custody on Case #1, bail was ordered at \$500, and Bandy posted bail.

**Event:** on 11/12/92, Bandy made his first appearance on Case #1, pleaded not guilty, and demanded a jury trial.

## **12/4/92 -- Case #2**

**Failure to Register as a Sex  
Offender -- Misdemeanor**

**Event:** on 12/11/92, a complaint was filed for Case #2 and a complaint warrant was issued.

**Outcome:** on 1/7/93, Case #1 and Case #2 were dismissed on motion of the prosecutor, David Gross.

## **12/15/95 -- Case #3**

**Failure to Register as a Sex  
Offender -- Gross Misdemeanor**

**Event:** on 12/18/95, a complaint was filed for Case #3, bail was set at \$1,000, an order of detention was filed, and a warrant was issued.

**Event:** on 12/19/95, Bandy was taken into custody and Case #3 was continued with his felony drug case.

**Outcome:** on 1/16/96, Bandy pleaded guilty to Case #3 and Judge Levy sentenced him to serve 365 days in the ACF (with credit for 33 days) but stayed the sentence for two years on the following conditions: aftercare is to be completed if necessary; no use of alcohol; register as a sex offender within 30 days; no criminal activity; random urinalyses; and treatment.

## **4/28/96 -- Case #4**

**Failure to Register as a Sex  
Offender -- Felony**

**Event:** on 6/5/96, an arrest and detention order was issued for Case #3 because Bandy tested positive for cocaine, failed to comply with aftercare at African-American Family Services, had a new assault charge on 4/25/96, failed to maintain contact with probation, and moved and failed to submit change of address for sex offender registration. It was ordered that Bandy be held without bail.

**Event:** on 6/17/96, Bandy was taken into custody on the arrest and detention order for Case #3.

**Event:** on 6/26/96, Bandy waived his right to a formal revocation hearing and Judge Levy revoked 90 days on the sentence for Case #3 (with credit for 43 days served in jail) and stayed the remaining 275 days for two years under the same conditions as the original sentence.

**Event:** on 7/16/96, a complaint for **Case #4** was filed, a warrant was issued, and bail was ordered at \$15,000.

**Event:** on 8/29/96, Bandy was taken into custody for **Case #4** and had his first appearance before Judge Greenberg who conditionally released Bandy with no bail required.

**Outcome:** on 10/22/96, Judge Greenberg dismissed **Case #4** on motion of the prosecutor, Beverly Benson.

**Event:** on 8/22/97, a second arrest and detention order was issued for **Case #3** because Bandy failed to maintain contact with his probation officer, moved from his last

reported address, failed to submit the change of address, and had four additional pending charges. It was ordered that Bandy be held without bail.

**Event:** on 9/17/97, Bandy was taken into custody on the arrest and detention order for **Case #3**, waived his right to a formal revocation hearing, and admitted violating the conditions of his probation. Judge Levy revoked 2 days on the sentence for **Case #3** (with credit for 2 days served in jail) and stayed the remaining 273 days for two years under the same conditions as the original sentence.

**Event:** on 1/16/98, Bandy's probation on **Case #3** ended.

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## Congratulations

to Sharon Jones, our Administrative Assistant, who received a scholarship from MCASA to attend the National Coalition Against Sexual Assault Conference in New Orleans in early September. We all hope to benefit from her experiences there.



### Thumbs up



to the St. Paul City Attorney's Office for its June study of misdemeanor gun and weapons cases. Although the office is out of our jurisdiction, we are impressed by their willingness to examine how the criminal justice system can improve its response to violence or the threat thereof. According to the study, despite a 99.5% conviction rate (excluding cases that were declined or dismissed) in 1996 and 1997, nearly 44% of cases had some error, ranging from incorrect charging and legal interpretation to incomplete police files. Despite public outcry over violent crime, the study also demonstrates that most miscreants experience no meaningful sanctions for their actions. In order to limit the number of future errors and elicit appropriate punishments, the St. Paul City Attorney's Office has compiled a new charging manual to address gun and weapons cases. For more information, or a copy of the report, please contact Tom Weyandt at (651) 266-8740.

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is committed to ending  
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of the organization.

## Follow-up on "Failure to Register Chronology"

by Daryl B. Coppoletti

In the Summer 1998 edition of *WATCH Post*, we presented the "failure to register" history of Joe Henry Bandy. In that chronology, we reported that the felony "failure to register" charge filed against Bandy on July 16, 1996 was dismissed by Judge Greenberg on October 22, 1996 on motion of the prosecutor, Beverly Benson. Although we accurately reported when and why the charges were dismissed, we did not report the underlying reasons for the dismissal. Since that newsletter, however, we received a memo from Assistant County Attorneys Beverly Benson and Paul Scoggin explaining the rationale for the dismissal of the charges and detailing what steps the County Attorney's Office took to address its concerns with the law. We thought their explanations would be of interest to our readers. Following is the relevant portion of their memo:

The original sex offender registration law made it a crime for a sex offender to fail to tell the police if he/she moved into a new home. The problem with this law, however, is that a number of sex offenders -- and Bandy is one of them -- are homeless. They live on the streets -- as a result, they cannot fail to register when they move into a new residence -- they do not have a permanent residence.

When we discovered cases like this, we went to the 1998 legislature and asked for some changes. The old law used the term "residence." "Residence" has a specific legal definition -- one stays there three days or more and intends to stay there permanently. The legislature removed the residence requirement and replaced it with the much looser term "new living address" -- no three days, no intent to stay permanently.