

**Sex Offender Registration Law Update #21
December 2, 2008**

1. Bradshaw v. State, 2008 Ga. LEXIS 1022 (Nov. 25, 2008)

• **8th Amendment Violation: Life Sentence for Failure to Register**

Bradshaw was convicted of a second offense of failure to register as a sex offender, and sentenced to mandatory life imprisonment. The court found that the mandatory sentence violated the Eighth Amendment of the U.S. Constitution, and remanded for resentencing. The opinion contains an excellent summary of the current sentencing ranges for failure to register among the states.

2. State v. Werneth, 2008 Wash. App. LEXIS 2758 (Nov. 25, 2008)

• **Out of state conviction**

Werneth was convicted of child molestation in Georgia in 1992. He subsequently moved to Washington State. The court concluded that the Georgia conviction was not “comparable” to a Washington Sex Offense and that Werneth, therefore, was not required to register as a sex offender.

3. Sharma v. State, 2008 Ga. App. LEXIS 1314 (Nov. 24, 2008)

• **Out of state conviction**

Sharma was convicted of second degree sexual assault in Texas in 2000. He subsequently moved to Georgia. The court concluded that the Texas conviction was not the “same or similar to” a Georgia sex offense which would require registration and that Sharma, therefore, was not required to register as a sex offender.