

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

JAMES NAULT-HART, Plaintiff, vs. UNITED STATES OF AMERICA, Defendant.	3:22-CV-03012-RAL 3:16-CR-30181-RAL JUDGMENT AND GRANT OF MOTION TO VACATE CONVICTION AND ENTERING JUDGMENT TO TERMINATE FEDERAL SUPERVISED RELEASE
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The Sex Offender Registration and Notification Act (SORNA) requires people who have been convicted of certain “sex offenses” to periodically register in the jurisdiction where they reside. 34 U.S.C. §§ 20911(1), 20913–20914. Federal law makes it a crime for a person who “is required to register under [SORNA]” and enters or resides in Indian country to “knowingly” fail to register as a sex offender or update certain information. 18 U.S.C. § 2250. In 2017, Petitioner James Nault-Hart pleaded guilty in this Court to violating § 2250 by failing to register as a sex offender. United States v. Nault-Hart, 16-cr-30181-RAL. Nault-Hart agreed in the factual basis statement that a conviction in Wisconsin state court required him to register as a sex offender under federal law. 16-cr-30181-RAL, Doc. 26.

In June 2022, Nault-Hart filed a petition under 28 U.S.C. § 2255 seeking to vacate his federal conviction for failing to register as a sex offender. Doc. 1. He argues that his Wisconsin conviction does not qualify as a “sex offense” under SORNA, see 34 U.S.C. § 20911(5)(c), and that he therefore was not required to register as a sex offender under federal law, Doc. 1-1. Nault-

Hart argues that his conviction violates the Constitution because his attorney provided ineffective assistance by failing to investigate his case and recognize that he was not required to register as a sex offender. The United States filed a response stating that it waives any statute of limitations and procedural default defenses and that it agrees that Nault-Hart's attorney provided ineffective assistance such that his federal conviction should be vacated. Doc. 7. For good cause, it is

ORDERED, ADJUDGED, AND DECREED that Nault-Hart's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence, Doc. 1, is granted, and that Judgment in 22-cv-3012-RAL hereby enters for Nault-Hart. It is further

ORDERED, ADJUDGED, AND DECREED that judgment of dismissal enters for Nault-Hart in 16-cr-30181-RAL, that the conviction and sentence for failure to register as a sex offender is vacated, and that Nault-Hart's federal supervised release is therefore terminated immediately.

DATED this 1st day of August, 2022.

BY THE COURT:



ROBERTO A. LANGE
CHIEF JUDGE