

Sex offender in custody; attorney fighting for release

By Kathryn Reed

Joseph Scanio was taken into custody today after a court hearing in U.S. District Court in Sacramento.

Judge Morrison C. England Jr. ruled at the status conference that the South Lake Tahoe man is “a danger to the public.”

However, Scanio’s attorney, Assistant Federal Defender Timothy Zindel, told *Lake Tahoe News*, “This 63-year-old man is unfairly labeled as some sort of predator. I don’t think I’ve worked harder on anything than this.”



Joseph
Scanio

Zindel is working on an objection to the Nov. 17 ruling.

A decision about Scanio’s future is expected Dec. 1. He faces three to nine months in prison if found guilty of the probation violations.

Zindel said the problem is the probation department is not presenting all of the facts, including Scanio passing a polygraph and that the FBI in a forensics test of the computers seized from the Scanio residence turned up zero pornographic material.

Zindel makes the point that sex offenders come in different

categories. He is adamant Scanio is not a threat to society.

"Psychologists' reports confirm he is not a pedophile," Zindel said.

Scanio keeps having run-ins with the law that all stem from his guilty plea in October 2006 to possession of child pornography. He was released from prison in February 2010.

Scanio, who lives with his wife and young daughter in South Lake Tahoe, is a registered sex offender on federal probation. Right now he is in Sacramento County Jail until the judge makes a final ruling.

He was arrested this past May 26 on a federal warrant for violating terms of his supervised release. The U.S. Attorney's Office has filed nine counts against Scanio.

Zindel labels them as technical complaints.

Some of the current charges also deal with having been convicted Aug. 4 in El Dorado County Superior Court on local charges of being in an area where registered sex offenders are not allowed.

South Lake Tahoe has a local ordinance that prohibits any sex offender from being at the recreation center/ice rink even if his/her child is there. Even though Scanio had been going to watch his daughter skate since his release, it was not until earlier this year that law enforcement went after him.

Zindel said because the judge did not allow testimony in that case it could be appealed.

Current charges also deal with the use of a computer without permission from his probation officer, not presenting truthful monthly reports to the probation officer, associating with a felon without permission, and contact with children under 18 without approval.

The latter, according to Zindel, was a party for the skating coach where adults and children were present. The association with the felons was writing to inmates about non-sexual, non-pornographic subjects under the assumption the prison was reading the letters and without the knowledge it was illegal to send them, Zindel said.