

No. 40096-1-II

THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION TWO

IN RE DETENTION OF CHERRY,

STATE OF WASHINGTON,

Respondent,

v.

GARY CHERRY,

Appellant.

FILED
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STATE OF WASHINGTON
2010 JUL -2 PM 3:50

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR MASON COUNTY

The Honorable Amber Finlay

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STATE OF WASHINGTON
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BRIEF ON ACCEPTANCE OF DISCRETIONARY REVIEW

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A. ASSIGNMENTS OF ERROR

1. The Mason County Superior Court erred in denying appellant Gary Cherry his statutory right to a recommitment proceeding under RCW 71.09.090(1) and (3) when it instead entered an order directing his continued confinement as a Sexually Violent Predator (SVP).

2. The Superior Court erred when it denied Mr. Cherry his statutory right to a recommitment proceeding under RCW 71.09.090(1) and (3).

3. The Superior Court erred in failing to follow the plain statutory dictate of RCW 71.09.090(1) when it denied Mr. Cherry's petition and "agreed order" for unconditional discharge from SVP confinement.

4. The Superior Court violated Mr. Cherry's statutory right to a jury by failing to follow RCW 71.09.090(3) and 71.09.060(1), and violated his jury trial right in SVP proceedings as guaranteed by the due process clause of the Fourteenth Amendment, when the court, from the bench, found that Mr. Cherry continued to meet the criteria of a Sexually Violent Predator, in the absence of a valid jury trial waiver by the detainee.

5. In the absence of substantial evidence to support the finding entered, the Superior Court erred in entering Amended Finding of Fact 2.

6. In the absence of substantial evidence to support the finding entered, the Superior Court erred in entering Amended Finding of Fact 3.

7. In the absence of substantial evidence to support the finding entered, the Superior Court erred in entering Amended Finding of Fact 4.

8. In the absence of substantial evidence to support the finding entered, the Superior Court erred in entering Amended Finding of Fact 5.

9. In the absence of substantial evidence to support the finding entered, the Superior Court erred in entering Amended Finding of Fact 6.

10. In the absence of substantial evidence to support the finding entered, the Superior Court erred in entering Amended Finding of Fact 7.

11. In the absence of substantial evidence to support the finding entered, the Superior Court erred in entering Amended Finding of Fact 8.

12. In the absence of substantial evidence to support the finding entered, the Superior Court erred in entering Amended Finding of Fact 9.

13. In the absence of substantial evidence to support the finding entered, the Superior Court erred in entering Amended Finding of Fact 10.

14. In the absence of substantial evidence to support the finding entered, the Superior Court erred in entering Amended Finding of Fact 11.

15. In the absence of substantial evidence to support the finding entered, the Superior Court erred in entering Amended Finding of Fact 12.

16. In the absence of substantial evidence to support the finding entered, the Superior Court erred in entering Amended Finding of Fact 13.

17. In the absence of substantial evidence to support the finding entered, the Superior Court erred in entering the unnumbered Amended Conclusion of Law at p. 4, ¶ 1.¹

¹On review, findings of fact incorrectly labeled conclusions of law re treated as factual findings. State v. Sweeting, 107 Wn.2d 388, 394, 730 P.2d 45 (1986).

18. In the absence of substantial evidence to support the finding entered, the Superior Court erred in entering the unnumbered Amended Conclusion of Law at p. 4, ¶ 2.

19. In the absence of substantial evidence to support the finding entered, the Superior Court erred in entering the unnumbered Amended Conclusion of Law at pp. 4-5, ¶ 3.

B. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. Whether the Superior Court of Mason County erred when it entered an order of continued confinement of Gary Cherry as an SVP, denying his petition pursuant to RCW 71.09.090(1) for a recommitment proceeding under RCW 71.09.090(3), in the face of a determination by the Department of Social and Health Services' Special Commitment Center that his "condition has so changed that [he] no longer meets the definition of a sexually violent predator," and an agreed order for his unconditional release submitted by Mr. Cherry and the Office of the Attorney General of the State of Washington.

2. Whether subsection (1) of RCW 71.09.090 requires the trial court within forty-five days to "order a hearing" upon receipt of a detainee's petition for unconditional release from SVP commitment following a determination by the Secretary of DSHS

that the detainee in question no longer meets the legal definition of a Sexually Violent Predator.

3. Whether the “hearing” mandated by RCW 71.09.090(1) is a full recommitment proceeding to determine SVP status, with all associated constitutional protections including, inter alia, the right to a jury and the right to demand proof of SVP status beyond a reasonable doubt, as set forth by the plain language of RCW 71.09.090(3)(a),

[or]

whether the trial court had grounds to ignore subsection .090(1) and replace the statutory directive with the court’s own decision that Mr. Cherry would be accorded merely the “show cause” hearing of RCW 71.090(2)(a)(i), in which the statutory standard is whether “probable cause exists to warrant” an SVP recommitment proceeding.

4. Whether the recommitment proceeding required by RCW 71.09.090(1) and (3) permits the trial court, from the bench, to find that the defendant meets the criteria of a Sexually Violent Predator, in the absence of a valid jury trial waiver by the detainee.

C. STATEMENT OF THE CASE

This Court of Appeals granted Mr. Cherry's RAP 2.3(b) motion for discretionary review and directed the parties' filing of further briefing regarding the Superior Court's failure below to follow the statutory procedure set forth in subsection (1) of RCW 71.09.090.

On September 17, 1999, Gary Eugene Cherry was found by a jury in Mason County to meet the criteria of RCW 71.09.020 as a Sexually Violent Predator, and he was ordered committed to the Special Commitment Center (SCC), a facility of the Department of Social and Health Services (DSHS, or the Department). Appendix A, at p. 1.²

Mr. Cherry's subsequent direct appeal challenging the order of SVP commitment below was ultimately unsuccessful. In re Detention of Cherry, 105 Wn. App. 1026, 2001 Westlaw 285763 (Wash. App. Div. 2, No. 25280-5-II), review denied, 144 Wn.2d 1017 (2001).

²References to the Appendices are to those attached to the Appellant's Motion for Discretionary Review.

On January 9, 2003, Mr. Cherry was released to a less restrictive alternative (LRA) placement at the Pierce County Special Commitment Transitional Facility (SCTF), which, like the SCC, is also on McNeill Island. Appendix A, at p. 8. Subsequently, in January of 2004, Mr. Cherry was granted the ability to return home to live with his family. Appendix A, at p. 8.

Thereafter, the trial court at various junctures granted Mr. Cherry additional "step-downs" in the restrictiveness of his supervision based on progress reports emanating from the Department which attested to the real and significant way in which Mr. Cherry was responding to treatment. Appendix A, at p. 8.

In September of 2008, the court granted a substantial decrease in Mr. Cherry's LRA conditions, including the ability to travel within the state without notifying his Community Corrections Officer. Appendix A, at p.9.

On May 13, 2009, the Department, through Dr. Bruce Duthie, the Forensic Services Manager of the Special Commitment Center, filed the report of an Annual Review of Mr. Cherry with the Mason County Superior Court. Appendix B.

The Annual Review report was based on an evaluation conducted by Dr. James Manley, Ph.D., a psychologist employed by DSHS at the Special Commitment Center. Appendix A.

Dr. Manley's May 7, 2009 report indicated that since Mr. Cherry's transition from the SCTF to an LRA, he has continued to actively participate in sex offender treatment and participate in a 12-step recovery group, continued to integrate relapse prevention strategies into his daily routine, and has displayed consistent and effective relationships with his community chaperones. Appendix A, at p. 2.

Mr. Cherry has reduced his risk below the "more likely than not" statutory threshold for SVP commitment and has reduced his risk level such that he can be safely discharged from civil commitment. Appendix A, at p. 9.

This opinion, the report noted, had also been the evaluator's conclusion in his Annual Review report of 2008. The May 7, 2009 report concluded:

It is the opinion of the undersigned that Mr. Cherry does not currently meet the definition of a sexually violent predator [and] has reached treatment readiness to be granted an unconditional release from his present commitment status.

Appendix A, at p.9.

Therefore, as authorized by RCW 71.09.090(1), Mr. Cherry filed a petition seeking a recommitment proceeding pursuant to that statute and seeking unconditional discharge from SVP commitment, which was heard before the Honorable Amber Finlay of the Mason County Superior Court on September 1, 2009.

Appendix C.

In anticipation of the recommitment proceeding, or full new trial on continued SVP status required by RCW 71.09.090(3), that is mandated by subsection .090(1) when the Department concludes that the detainee no longer meets the commitment criteria, Mr. Cherry retained the expert services of Dr. Richard Wollert.

Appendix D.

The trial court reviewed the briefing of the parties and heard argument of counsel, and acknowledged the presentation to the court of an agreed order between Mr. Cherry and the Criminal Justice Division of the Office of the Attorney General, authorizing Mr. Cherry's unconditional discharge from SVP commitment.

9/1/09RP at 1-12; Appendix E.

In effect, Mr. Cherry's counsel asked that the court, in the recommitment proceeding warranted by the Department's assessment that Mr. Cherry was not an SVP, grant a summary determination that Mr. Cherry was entitled to release, based additionally on the State's concession that it could not proceed to prosecute an SVP commitment trial given its conclusion that it could not prove SVP status beyond a reasonable doubt. 9/1/09RP at 1, 3 (statement by defense counsel Richard Woodrow), see 9/1/09RP at 4, 11 (statement of Assistant Attorney General Elizabeth Baker).

The court ruled, however, that there was not "probable cause . . . that Mr. Cherry's condition has 'so changed' such that . . . he no longer meets the definition of a sexually violent predator."³ Appendix F (Court's Amended Findings of Fact and Conclusions of Law) (citing "RCW 7.09.090").

The trial court therefore "denie[d] the request for a trial." Appendix F, Appendix G; see 9/1/09RP at 13-14.

The court further stated that the court's decision in any such trial would be that Mr. Cherry continued to be a Sexually Violent

³See subsection (2)(a)(i) of RCW 71.09.090 (setting forth standard for show cause hearing following an SVP detainee's petition for discharge "without the secretary's approval.")

Predator:

Additionally, since the matter also came on for an agreed motion asking the court to grant the order for unconditional release the Court makes the following additional finding and conclusion of law that the [sic] upon reviewing the entire file, the Court finds evidence beyond a reasonable doubt that Mr. Cherry still meets the criteria for a sexually violent predator and denies the request of the parties.

Appendix F; see 9/1/09RP at 14 (oral decision ruling that “the Court would find that there is evidence in the file beyond a reasonable doubt to find that he still is a sexually violent predator”).

Written findings of fact and conclusions of law were filed October 21, 2009, and amended findings and conclusions were filed November 9, 2009. Appendix F, Appendix H.

Mr. Cherry timely filed a notice of motion for discretionary review. Appendix I. The Motion was granted by this Court and Appellant provides further briefing.

D. ARGUMENT.

**THE SUPERIOR COURT ERRED IN FAILING TO
ORDER MR. CHERRY'S RECOMMITMENT
PROCEEDING AND AGREED RELEASE,
REQUIRING REVERSAL AND REMAND
PURSUANT TO RCW 71.09.090(1) AND (3).**

(1). This Court granted appellate review of the trial court decision denying Mr. Cherry's petition for a trial on unconditional release following Annual. This Court of Appeals granted appellate review of the trial court decision below, denying Mr. Cherry, an SVP detainee, a trial on the question whether, following the post-commitment Annual Review process, he continues to meet the criteria required for commitment under RCW Title 71, Chapter .09. In re Petersen, 138 Wn.2d 70, 74, 85, 980 P.2d 1204 (1999).

(2). Due process requires that a person detained as a Sexually Violent Predator must be provided an avenue under which to challenge the continued satisfaction of the criteria required for commitment. The protections of Due Process provide that the indefinite civil commitment of a person deemed under state law to be a Sexually Violent Predator is a restriction on the individual's fundamental right of liberty as protected by due process, and consequently, the rule is that the State may only

commit persons who meet certain narrowly tailored criteria. See Foucha v. Louisiana, 504 U.S. 71, 77, 112 S.Ct. 1780, 118 L.Ed.2d 437 (1992); U.S. Const. Amends. 5, 14; Wash. Const. article I, ¶ 3. A person may only be involuntarily committed, under either general civil commitment laws, or specific sexual offender laws such as Washington's Sexually Violent Predator law, if he has some mental illness or abnormality and the same renders him dangerous. Kansas v. Hendricks, 521 U.S. 346, 358, 117 S.Ct. 2072, 138 L.Ed.2d 501 (1997); In re Detention of Thorell, 149 Wn.2d 724, 731-32, 72 P.3d 708 (2003).

Consequently, a Washington citizen's due process rights are violated when the State continues to confine him in the absence of satisfaction of these standards. O'Connor v. Donaldson, 422 U.S. 563, 574-75, 95 S.Ct 2486, 45 L.Ed.2d 396 (1975). Where an SVP detainee's "confinement was initially permissible, it could not constitutionally continue after [one or both bases for SVP status specifically] no longer existed." Id.; see also Hendricks, 521 U.S. at 364 (upholding sexual offender civil commitment because "Kansas does not intend an individual committed pursuant to the Act to remain confined any longer than he suffers from a mental abnormality rendering him unable to control his dangerousness.");

see also In re Detention of Ambers, 160 Wn.2d 543, 553 n.4, 158 P.3d 1144 (2007).

Thus, while the State may indefinitely confine an individual under a civil commitment scheme whenever these twin requirements are met, “periodic review of the patient’s suitability for release” is essential for testing the continued constitutionality of the confinement under substantive due process. Jones v. United States, 463 U.S. 354, 368, 103 S.Ct. 3043, 77 L.Ed.2d 3043 (1984); see Hendricks, 521 U.S. at 364.

(3). In order to protect against unlawful continued commitment, Washington’s SVP statute requires a new trial on the issue of release in two prescribed circumstances. Where DSHS does not indicate its own determination on Annual Review that the detainee is no longer an SVP and thereby trigger the detainee’s right to a full recommitment proceeding pursuant to RCW 71.09.090(1), the detainee may, under RCW 71.09.090(2)(a)(i), petition for a recommitment trial, to which he will become entitled upon a showing to the court that his condition has “so changed” since his SVP verdict that he no longer meets the requirements of commitment. In re Detention of Elmore, 162 Wn.2d 27, 168 P.3d 1285 (2007).

In such a hearing, the State must present evidence that “(1) the prisoner still has a mental abnormality or personality disorder, and that (2) this mental abnormality or personality disorder will likely cause the prisoner to engage in predatory acts of sexual violence if conditionally released to a less restrictive alternative or unconditionally discharged” – i.e., a probable cause showing that the prisoner has not “so changed.” In re Detention of Petersen, 145 Wn.2d 789, 798, 42 P.3d 952 (2002); RCW 71.09.090(2)(b), (c).

If the State fails to carry its burden, or if the committed person establishes probable cause to believe that his condition has “so changed” from that determined for SVP commitment, then the person is entitled to a recommitment proceeding addressing release. RCW 71.09.090(2)(c); Petersen, 145 Wn.2d at 799.

The above are the procedures for obtaining a recommitment proceeding under RCW 71.09.090(2). However, different procedures apply where DSHS, on Annual Review, itself determines that the detainee no longer meets the criteria required for SVP commitment. RCW 71.09.090(1).

It is subsection .090(1) that applied in Mr. Cherry’s case below, and it is subsection .090(1) that the trial court failed to follow.

(4). The trial court erred in denying a recommitment trial and the parties' agreed order of release. Under subsection (1) of RCW 71.09.090, where the Secretary of DSHS makes his or her own determination on Sexually Violent Predator Annual Review that the detainee no longer meets the criteria for SVP commitment, a trial is mandated on the substantive question whether the detainee remains a Sexually Violent Predator. RCW 71.09.090(1).

Review of the structure and pertinent language of the post-commitment release statute indicates that this "recommitment proceeding" is in virtually all respects a brand new trial on SVP status.

RCW 71.09.090. Petition for conditional release to less restrictive alternative or unconditional discharge—Procedures

(1) If the secretary determines that the person's condition has so changed that either: (a) The person no longer meets the definition of a sexually violent predator; or (b) conditional release to a less restrictive alternative is in the best interest of the person and conditions can be imposed that adequately protect the community, the secretary shall authorize the person to petition the court for conditional release to a less restrictive alternative or unconditional discharge. The petition shall be filed with the court and served upon the prosecuting agency responsible for the initial commitment. The court, upon receipt of the petition for conditional release to a less restrictive alternative or unconditional discharge, shall within forty-five days order a hearing.

(2)(a) Nothing contained in this chapter shall prohibit the person from otherwise petitioning the court for conditional release to a less restrictive alternative or unconditional discharge without the secretary's approval. The secretary shall provide the committed person with an annual written notice of the person's right to petition the court for conditional release to a less restrictive alternative or unconditional discharge over the secretary's objection. The notice shall contain a waiver of rights. The secretary shall file the notice and waiver form and the annual report with the court. If the person does not affirmatively waive the right to petition, the court shall set a show cause hearing to determine whether probable cause exists to warrant a hearing on whether the person's condition has so changed that:

- (i) He or she no longer meets the definition of a sexually violent predator; or
- (ii) conditional release to a proposed less restrictive alternative would be in the best interest of the person and conditions can be imposed that would adequately protect the community.

* * *

(3)(a) At the hearing resulting from subsection (1) or (2) of this section, the committed person shall be entitled to be present and to the benefit of all constitutional protections that were afforded to the person at the initial commitment proceeding. The prosecuting agency shall represent the state and shall have a right to a jury trial and to have the committed person evaluated by experts chosen by the state. The committed person shall also have the right to a jury trial and the right to have experts evaluate him or her on his or her behalf and the court shall appoint an expert if the person is indigent and requests an appointment.

(b) If the issue at the hearing is whether the person should be unconditionally discharged, the burden of proof shall be upon the state to prove beyond a reasonable doubt that the committed person's condition remains such that the person

continues to meet the definition of a sexually violent predator. Evidence of the prior commitment trial and disposition is admissible. The recommitment proceeding shall otherwise proceed as set forth in RCW 71.09.050 and 71.09.060.

(Emphasis added.) RCW 71.09.090.

The statute's pertinent provisions make clear that where DSHS determines the detainee is no longer an SVP, the "hearing" that is mandated to be ordered within forty-five days is a full recommitment proceeding; in contrast, it is only when the detainee petitions for a trial in the absence of such determination emanating from the Department that he is no longer an SVP that the "hearing" referred to is merely a "show cause" hearing on the question whether probable cause exists to justify a recommitment proceeding. RCW 71.09.090(1), (3).

(i). The trial court erred in failing to order a recommitment proceeding as plainly required by the post-commitment release statute, RCW 71.09.090.

The right of persons committed as SVP's to have Annual Review of their continued confinement means that an SCC evaluator is required to issue a yearly opinion as to whether the person continues to meet the criteria of a sexually violent predator. RCW 71.09.070. The plain language of RCW 71.09.090(1)

indicates that if the SCC determines in its required annual assessment that a person's condition has "so changed" that he no longer meets the definition of an SVP, this finding authorizes the person to petition the court for unconditional discharge, and the superior court must in turn order "a hearing" on discharge under that circumstance. RCW 71.09.090(1).

Review of the previous version of the post-commitment release statute also confirms that the "hearing" referred to in RCW 71.09.090(1) is a full recommitment proceeding at which the State has the burden of proving beyond a reasonable doubt to a jury that the person currently meets the SVP criteria. The 1995-enacted version of RCW 71.09.090 contained the identical "hearing" language in current subsection .090(1), and then, in connection with that hearing, described the right to a jury and the State's burden of proving beyond a reasonable doubt that the person suffers from a mental abnormality and is likely to engage in predatory acts of sexual violence (the two SVP criteria). The former statute read:

(1) If the secretary determines that the person's mental abnormality or personality disorder has so changed that the person is not likely to engage in predatory acts of sexual violence if conditionally released to a less restrictive alternative or

unconditionally discharged, the secretary shall authorize the person to petition the court for conditional release to a less restrictive alternative or unconditional discharge. The petition shall be served upon the court and the prosecuting attorney. The court, upon receipt of the petition for conditional release to a less restrictive alternative or unconditional discharge, shall within forty-five days order a hearing. The prosecuting attorney or the attorney general, if requested by the county, shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of his or her choice. The hearing shall be before a jury if demanded by either the petitioner or the prosecuting attorney or attorney general. The burden of proof shall be upon the prosecuting attorney or attorney general to show beyond a reasonable doubt that the petitioner's mental abnormality or personality disorder remains such that the petitioner is not safe to be at large and that if conditionally released to a less restrictive alternative or unconditionally discharged is likely to engage in predatory acts of sexual violence.

Former RCW 71.09.090(1) (Laws of 1995, ch. 216 § 9). Later versions of the post-commitment release statute simply moved the detailed description of the full new trial to subsection (3) of .090.

Laws of 2005, ch. 344 § 2; Laws of 2001, ch. 286 § 9. Under both the former and the current statute, the Legislature's intent is plainly to require a full recommitment proceeding when the DSHS expert at the SCC determines at Annual Review that the detainee has changed such that he is no longer an SVP. Such an evaluation

coming from the Secretary bypasses the probable cause hearing.⁴

Furthermore, the recommitment proceeding carries all the same statutory and constitutional protections guaranteed to a person alleged at an initial commitment trial to be a Sexually Violent Predator. RCW 71.09.090(3); In re Det. of Keeney, 141 Wn. App. 318, 327, 169 P.3d 852 (2007). This includes the Due Process right to a jury trial. RCW 71.09.090(3)(b), RCW 71.09.060(1); In re Pers. Restraint of Young, 122 Wn.2d 1, 13, 48, 857 P.2d 989 (1993); In re Detention of Stout, 159 Wn.2d 357, 370-71, 150 P.3d 86 (2007); U.S. Const. Amend. 14.

Dr. Manley, the SCC psychologist responsible for conducting Mr. Cherry's 2009 Annual Review, determined that Mr. Cherry no longer met the definition of "Sexually Violent Predator" and should be granted an unconditional release from his present commitment status. Appendix A, at p. 9.

This determination satisfied RCW 71.09.090(1) and required the Mason County Superior Court to order a recommitment proceeding. RCW 71.09.090(1), (3). In failing to do so, the court

⁴Because the parties agreed that Mr. Cherry no longer met the criteria required to be committed as a Sexually Violent Predator under RCW 71.09, all of the trial court's findings of fact regarding Mr. Cherry's condition, in addition to being outside the court's purview to decide under RCW 71.09.090(1) and (3), were erroneously entered. See Assignments of Error 7-20, supra.

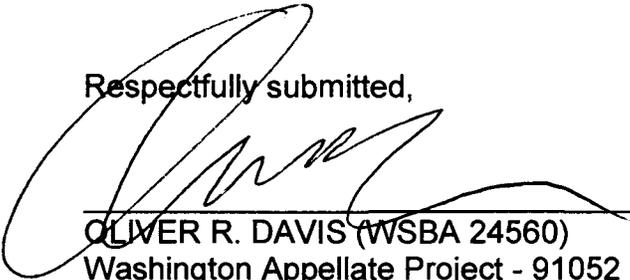
erred. In re Detention of Skinner, 122 Wn. App. 620, 94 P.3d 981 (2004) (trial court is required to follow mandatory procedures provided by SVP commitment statutes) (citing Thorell, 149 Wn.2d at 751).

E. CONCLUSION

For the above stated reasons, Mr. Cherry asks this Court to reverse the Mason County Superior Court's order of continued commitment as an SVP, and remand the case for (1) entry of an order of unconditional discharge of Mr. Cherry from continued SVP confinement; or (2) a recommitment proceeding as required by RCW 71.09.090(1), and pursuant to RCW 71.09.090(3), at which the parties may enter an agreed order of immediate release.

DATED this 2 day of July, 2010.

Respectfully submitted,



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Washington Appellate Project - 91052
Attorneys for Appellant

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

IN RE THE DETENTION OF) No. 40096-1-II
GARY CHERRY)
)

DECLARATION OF SERVICE

I, ANN JOYCE, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

1. THAT ON THE 2nd DAY OF JULY, 2010, A COPY OF **APPELLANT'S BRIEF ON ACCEPTANCE OF DISCRETIONARY REVIEW** WAS SERVED ON THE PARTIES DESIGNATED BELOW BY DEPOSITING SAID DOCUMENT IN THE UNITED STATES MAIL TO THE ADDRESSES INDICATED:

[X] Brooke Elizabeth Burbank
ASSISTANT ATTORNEY GENERAL
800 5TH AVE STE 2000
SEATTLE WA 98104-3188

[X] Gary Cherry
SPECIAL COMMITMENT CENTER
PO BOX 88600
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FILED
COURT OF APPEALS
10 JUL -7 AM 11:56
STATE OF WASHINGTON
BY  ANN JOYCE

SIGNED IN SEATTLE, WASHINGTON THIS 2nd DAY OF JULY, 2010

x  _____