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Appeals court rules against Coe

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Appellate judges on Thursday rejected South Hill rapist Kevin Coe's claim that evidence on dozens of sexual attacks shouldn't have been allowed in his civil commitment trial.

Coe had asked the Division III Court of Appeals to undo the civil commitment that's expected to keep him locked up for the rest of his life. State laws allow the detainment of rapists who are deemed sexually violent predators by juries.

Casey Grannis, the appellate attorney representing Coe, argued that Superior Court Judge Kathleen O'Connor erred in 2008 when she allowed evidence from uncharged cases where women alleged that Coe raped them.

Coe also made an argument, through his attorney, of ineffective counsel at his civil commitment trial, where he was represented by defense attorney Tim Trageser.

Judge Stephen Brown wrote extensively about each argument in finding against Coe.

"We reject his contentions and affirm," Brown wrote of Coe's arguments. Judges Laurel Siddoway and Dennis Sweeney concurred with the decision.

Trageser said he was disappointed with the decision.

"The prosecution was allowed to talk about all these un-adjudicated crimes. The case was allowed to be tried without witnesses coming forward to be cross-examined," Trageser said. "I just think that's outrageous."

After a trial in October 2008, the jury determined that Coe was a sexually violent predator who was likely to reoffend. The appeal was argued in February.

Grannis argued that the judge should not have allowed much of the testimony of clinical psychologist Dr. Amy Phenix, who said she reviewed 1,000 Spokane police reports and found 23 rape victims who identified Coe as their attacker in crimes that occurred during the decade leading up to Coe's 1981 arrest.

Phenix also listed another 30 sex crimes in which the victims could not identify their attacker, saying she believed Coe was the perpetrator because of similarities to the other attacks.

At trial, O'Connor allowed evidence from about two dozen of those women to be presented to the jury.

In his written decision, Brown – the appellate judge – sided with the state's argument.

"Mr. Coe did not challenge the occurrence of the un-adjudicated offenses, solely his identity as the perpetrator," Brown wrote. O'Connor "found by a preponderance of the evidence that the offenses occurred and found the reason the State sought admission of uncharged sexual offenses was to show Mr. Coe's 'prior sexual history demonstrates his propensity for future violence.' "

The latest decision came 30 years after Coe's arrest in 1981, following a string of dozens of rapes attributed to the South Hill rapist.

Originally convicted of four rapes, the cases were whittled down through appeals to a single rape conviction which kept Coe in prison for 25 years.

Just before his release in 2006, the state announced its intent to civilly commit Coe as a sexually violent predator.

Coe remains incarcerated at the state's Special Commitment Center on McNeil Island, where he will likely remain for life.