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Kevin Coe deemed a danger to society

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The Washington Supreme Court on Thursday upheld the civil commitment of South Hill rapist Kevin Coe as a sexually violent predator, which means he's exhausted all legal avenues at the state level to win his freedom.

A jury committed Coe in 2008 following a monthlong trial. The state moved to commit Coe in 2006 just before his release after serving 25 years in prison on the only rape conviction that survived appeal. He was suspected in dozens of other attacks during a reign of terror that became a best-selling crime novel and made-for-television movie.

Coe and his attorneys appealed his commitment on the argument that Superior Court Judge Kathleen O'Connor erred when she allowed assistant attorneys general to introduce evidence from 36 sexual assaults that did not result in criminal charges against Coe. They also contended that he had ineffective counsel and that he deserved a new trial.

"Finding no reversible error in any of Coe's claims, we affirm his commitment," Justice Susan Owens wrote for the majority.

However, the justices differed with the opinion issued by the Division III Court of Appeals, which likewise upheld Coe's commitment. The justices found error with O'Connor allowing information from a database that tracks similarities in rapes because that information was based on hearsay.

"Regardless, Coe fails to establish prejudice" because each crime identified in the database was also independently identified by a prosecution expert, Owens wrote.

While he agreed with the final decision, Justice Tom Chambers wrote in a concurrence – which was also signed by Justice Charles Wiggins – that he was concerned about allowing the jury to hear of uncharged crimes as part of the civil commitment trial.

"In general, I believe allegations of uncharged crimes should not be admitted into evidence," Chambers wrote. "Experts should not act as funnels to allow lawyers to get into evidence through their expert opinion what is otherwise inadmissible."

Yet, Chambers noted that he agreed with the decision to uphold the conviction because of the "unusual elements" of the case.

"In many, though not all, of the uncharged crimes, the perpetrator put fingers into victims' mouths; attempted to induce the victim to urinate or defecate upon him; and

asked personal and offensive questions,” he wrote. “The overwhelming untainted evidence supports the jury’s verdict.”

The decision likely ends Coe’s legal pursuit of exoneration after his arrest in 1981, following dozens of rapes attributed to the so-called South Hill rapist.

A jury originally convicted Coe of four rapes, but all of those convictions were overturned on appeal because Spokane police detectives used hypnosis during interviews with witnesses. Former Spokane County Prosecutor Don Brockett refiled the charges, and a second jury in 1985 convicted Coe of three of the original four rape charges.

He appealed and the state Supreme Court overturned two of those convictions in 1988 on the same hypnosis issue. It left Coe with a single conviction for which he served 25 years in prison. Just before his release, 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 has been since his release from prison in 2006.

Attorney General Rob McKenna, who is the Republican candidate running for governor against Democrat Jay Inslee, praised the decision by the state’s high court in a news release.

“Today’s decision will come as a relief to the South Hill rapist’s victims, the people of Spokane and all of us who seek to keep the state’s most dangerous, mentally ill offenders off the streets,” McKenna said.