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NO. 63222-1-I

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

IN RE THE DETENTION OF

CHRISTOPHER MULKINS

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SEATTLE, WA 98101

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

BRIEF OF APPELLANT

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A. ASSIGNMENTS OF ERROR

1. Section 11 of Engrossed Second Senate Substitute Bill 6630, which amended RCW 71.09.060 (1), violates due process.

2. Section 11 of Engrossed Second Senate Substitute Bill 6630, which amended RCW 71.09.060(1), violates the separation of powers doctrine.

3. The trial court erred in prohibiting Mr. Mulkins from introducing evidence of the Community Protection Program.

4. RCW 71.09.020, which allows for commitment based on a showing that a defendant will “likely” or “more probably than not” reoffend, violates due process.

B. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. Involuntary civil commitment effects a massive curtailment of liberty. Accordingly, a person subject to civil commitment must be afforded strong due process protections. Section 11 of Engrossed Second Senate Substitute Bill 6630 prohibits defendants from introducing evidence of the Community Protection Program to rebut the State’s evidence that they are likely to reoffend if not committed. Given that the private interest at stake is paramount, the risk of erroneous deprivation is high, and the

costs of allowing the evidence are negligible, does Section 11 violate due process?

2. The separation of powers doctrine prohibits one branch of government from encroaching upon the core functions of another. Although the legislature has the power to shape litigation, it may not intrude on the jury's fact-finding function. Does Section 11 of E2SSB 6630 improperly intrude upon the province of the jury by barring the factfinder from considering relevant evidence that is highly probative of whether an individual meets the definition of an SVP?

3. In order to satisfy due process, the State in an involuntary commitment proceeding must prove a person is mentally ill and dangerous by at least clear and convincing evidence. Does RCW 71.09.020 violate due process by allowing for the involuntary commitment of a person who is merely "likely" to reoffend, i.e., whose risk of reoffense is "more probable than not?"

C. STATEMENT OF THE CASE

Christopher Mulkins suffered oxygen deprivation at birth and is developmentally disabled. CP 6. He was abused by his biological parents and later by his foster parents. CP 5. His father is a sex offender. CP 905.

As a child, Mr. Mulkins was twice adjudicated guilty of child molestation in the first degree. CP 54-75. As an adult, Mr. Mulkins was convicted of child molestation in the third degree, for fondling a 14-year-old when he was 19 years old. 12/9/08 RP 110-13.

In 2001, while Mr. Mulkins was serving his sentence for the latter crime at the Washington Corrections Center in Shelton, he received a letter from the Department of Social and Health Services ("DSHS") indicating he qualified for the Department's Community Protection Program ("CPP"). CP 165. The CPP provides treatment, housing, and 24-hour-supervision for developmentally disabled individuals who have committed sex crimes and/or other violent offenses. CP 161.

However, before Mr. Mulkins was released from incarceration, the State filed a petition to commit him as a sexually violent predator. CP 1-40. In 2006, prior to Mr. Mulkins's commitment trial, the legislature amended RCW 71.09.060 to prohibit defendants from introducing evidence of the Community Protection Program as a defense to civil commitment. Laws of 2006, ch. 303. In pretrial motions, Mr. Mulkins argued the amendment violated his right to due process, and he asked the court to allow him to introduce evidence of the CPP to rebut the

State's evidence that he was likely to reoffend if not committed. CP 149-75, 231-50. The trial court denied the motion, ruling that the CPP was not a program that would exist for Mr. Mulkins and that due process was not implicated at all. CP 258-59. Accordingly, the court did not perform any analysis under Mathews v. Eldridge,¹ as Mr. Mulkins had requested.

Mr. Mulkins also moved for a ruling that RCW 71.09.020 violates due process because it allows for commitment based on a showing that a defendant is "likely" to reoffend, i.e., "more probably than not" will reoffend, as opposed to a showing that it is highly probable that he will reoffend. CP 314-15. The trial court denied the motion. CP 803.

At trial, the State's expert testified that Mr. Mulkins was likely to recommit sexually violent offenses as a result of both antisocial personality disorder and pedophilia. 12/9/08 RP 143. Mr. Mulkins's expert testified that Mr. Mulkins did not have pedophilia because he committed his sexually violent offenses when he was under 16 years of age and was himself still a child. 12/15/08 RP 110-16. The expert found it significant that not only was Mr. Mulkins a child when he committed his predicate offenses, but he was a

¹ 424 U.S. 319, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976).

developmentally disabled child. 12/15/08 RP 116. Accordingly, a pedophilia diagnosis was improper. 12/15/08 RP 110-16.

The jury found Mr. Mulkins met the definition of a sexually violent predator, and Mr. Mulkins was committed indefinitely to confinement on McNeil Island. CP 853-55.

Mr. Mulkins appeals. CP 1094-95.

D. ARGUMENT

1. THE 2006 AMENDMENT TO RCW 71.09.060, PRECLUDING EVIDENCE OF THE COMMUNITY PROTECTION PROGRAM AS A DEFENSE TO CIVIL COMMITMENT, IS UNCONSTITUTIONAL.

- a. Section 11 of Engrossed Second Senate Substitute Bill

6630 prohibits the factfinder in a commitment trial under RCW ch. 71.09 from considering the Community Protection Program in determining whether a defendant is likely to reoffend if not committed. Since 1996, the Department of Social and Health Services (“DSHS”) has run a program to house and treat developmentally disabled individuals who have behaved violently and/or committed sex offenses. CP 161; Senate Bill Report, E2SSB 6630 at 1-2. The program, called the Community Protection Program, provides 24-hour-per-day supervision, counseling, and job training. CP 161; Senate Report at 2. A

developmentally disabled person is eligible for the program if, inter alia, he has been convicted of a crime of sexual violence and constitutes a current risk to others. CP 162.

DSHS Policy 15.01 sets forth the process for identifying persons who are eligible for the Community Protection Program. CP 238-50. It includes two different form letters – one for individuals who meet the Community Protection Program criteria, and one for those do not meet the criteria but whose names have been entered in a database for tracking. CP 249-50. In 2001, while he was incarcerated in Shelton, Christopher Mulkins received a letter of the former type, indicating he met the program criteria. CP 165.

In 2006, the legislature codified the Community Protection Program by adopting Engrossed Second Senate Substitute Bill 6630 (“E2SSB 6630”). Laws of 2006, ch. 303. The purpose of the bill was not to “make any major policy changes,” but to codify what DSHS was already doing, provide program participants “their due process rights,” and afford DSHS greater flexibility in dealing with providers. House Bill Report, E2SSB 6630 at 3.² As originally

² See also <http://www.tvw.org/media/mediaplayer.cfm?evid=2006021122&TYPE=A&CFID=2>

introduced, the bill did not amend RCW ch. 71.09, but simply added new sections to RCW Ch. 71A.12 to describe the Community Protection Program. SB 6630.

However, the House introduced an amendment to the bill, adding Section 11:

Sec. 11. RCW 71.09.060 and 2001 c 286 s 7 are each amended to read as follows:

(1) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. In determining whether or not the person would be likely to engage in predatory acts of sexual violence if not confined in a secure facility, the fact finder may consider only placement conditions and voluntary treatment options that would exist for the person if unconditionally released from detention on the sexually violent predator petition. The community protection program under section 4 of this act may not be considered as a placement condition or treatment option available to the person if unconditionally released from detention on a sexually violent predator petition. When the determination is made by a jury, the verdict must be unanimous.

...

E2SSB 6630 – House Amendment 1057 at 11. In other words, although a person released on a sexually violent predator petition may, in fact, enter the Community Protection Program, the jury at a

[531009&CFToken=65d8b7b9ca7c5457-7FFCAB2A-3048-349E-4E8822271045F46C&bhcp=1](#) (audio recording of 2/20/06 committee hearing).

commitment trial may not be informed of this relevant fact. Laws of 2006, ch. 303; see RCW 71A.12.200 et seq.; RCW 71.09.060(1).

The amendment was introduced “in response to prosecutors’ concerns.”³ As explained in a committee hearing:

The concern was surrounding those people who would be looked at to be civilly committed. When a court decides whether a person can be committed under sexual predator statutes, they look at whether there is a place in community where the person can live and be adequately supervised, such that the community can be protected. And there were concerns that if the Community Protection Program were available as a placement, that that could be used essentially as a defense to being civilly committed. So it prevents it from being used as a defense⁴

The bill was passed as amended on March 7, 2006, and went into effect on June 7, 2006. Laws of 2006, ch. 303; RCW 71A.12.200 et seq.; RCW 71.09.020; RCW 71.09.060.

Thus, although Mr. Mulkins was eligible for the Community Protection Program if released from total confinement, and would have been able to share this information with the jury had his commitment trial occurred before June of 2006, he was not allowed

³<http://www.tw.org/media/mediaplayer.cfm?evid=2006021188&TYPE=A&CFID=2531009&CFTOKEN=65d8b7b9ca7c5457-7FFCAB2A-3048-349E-4E882271045F46C&bhcp=1> (2/23/06 committee hearing) at ~6:00.

⁴ Id. at ~2:30.

to introduce this evidence at his 2008 commitment trial. CP 258-59.

b. Section 11 of Engrossed Second Senate Substitute Bill 6630 violates due process. The Fourteenth Amendment prohibits the State from depriving a person of life, liberty, or property without due process of law. U.S. Const. amend. XIV. Involuntary civil commitment is a “massive curtailment of liberty.” In re Harris, 98 Wn.2d 276, 279, 654 P.2d 109 (1982) (quoting Humphrey v. Cady, 405 U.S. 504, 509, 92 S.Ct. 1048, 31 L.Ed.2d 394 (1972)).

Substantively, a law that abridges a fundamental right such as liberty satisfies due process only if it furthers a compelling state interest and is narrowly tailored to further that interest. In re Detention of Albrecht, 147 Wn.2d 1, 7, 51 P.3d 73 (2002).

Procedurally, “[t]he fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.” Mathews v. Eldridge, 424 U.S. 319, 333, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976).

In determining what procedures must be followed prior to depriving a person of life, liberty or property, courts consider three factors: (1) the private interest at stake, (2) the risk of erroneous deprivation of that interest under current procedures, and the

probable value of substitute procedures, and (3) the government's interest, including fiscal and administrative burdens in providing substitute procedures. Mathews, 424 U.S. at 335. The Mathews test is "the appropriate test for reviewing the constitutional adequacy of involuntary commitment procedures." In re Young, 122 Wn.2d 1, 43-44, 857 P.2d 989 (1993).

The private interest at stake here, liberty, is of the highest order. "[T]he most elemental of liberty interests [is] in being free from physical detention by one's own government." Hamdi v. Rumsfeld, 542 U.S. 507, 529, 124 S.Ct. 2633, 159 L.Ed.2d 578 (2004).

The risk of erroneous deprivation of liberty is high where an individual is precluded from rebutting the State's evidence of dangerousness by describing a community-based treatment program with round-the-clock supervision for which he is eligible. In general, "a fact finder may consider evidence that voluntary treatment on unconditional release is appropriate. Because this goes to whether the definition of SVP is met, the individual may bring this evidence in defense of commitment." In re Detention of Thorell, 149 Wn.2d 724, 751, 72 P.3d 708 (2003). The 2006 amendment introduces error into the process for those who qualify

for the Community Protection Program, because they cannot bring in the same type of highly probative evidence that individuals with other placement options can present. Because such evidence goes to whether the definition of SVP is met, it is critical to producing an accurate result in SVP trials and in ensuring that the narrow-tailoring requirement of substantive due process is satisfied.

But instead of ensuring accuracy, the amendment at issue forces a trial judge to place his or her thumb on the State's side of the scale. Cf. Holmes v. South Carolina, 547 U.S. 319, 324, 126 S.Ct. 1727, 164 L.Ed.2d 503 (2006) (evidence rule that prevented defendant from introducing evidence of a third party's guilt if the prosecution's proof was compelling unfairly burdened defendant's due process right to present a defense). It is fundamentally unfair to require the jury to evaluate the risk a defendant poses "if not confined to a secure facility" and simultaneously prevent the defendant from putting on evidence describing the conditions that would exist under such circumstances.

Finally, the fiscal and administrative burden of allowing this highly relevant evidence is negligible. Indeed, evidence of the Community Protection Program was admissible in commitment trials for the first 10 years of the Program's existence, with no

demonstrated burdens on the State. Furthermore, where a person is released to the Community Protection Program rather than committed to indefinite detention, the State enjoys substantial savings. CP 167 (as of 2006, average cost per resident per year in CPP was \$106,580); Gookin, Kathy, Comparison of State Laws Authorizing Involuntary Commitment of Sexually Violent Predators: 2006 Update, Revised at 5 (August 2007)⁵ (as of 2006, average cost per resident per year in SCC was \$149, 904).

In sum, section 11 of E2SSB violates due process because it implicates cases in which the private interest at stake is paramount and increases the risk of erroneous deprivation of liberty without a demonstrated administrative benefit to the State. This Court should hold that the required exclusion of evidence of the Community Protection Program in civil commitment trials is unconstitutional.

c. The trial court erred in prohibiting Mr. Mulkins from introducing evidence of the Community Protection Program to rebut the State's theory that he was likely to reoffend if not committed. The trial court denied Mr. Mulkins's motion to allow evidence of the Community Protection Program and to hold the portion of RCW

⁵ Available at <http://www.wsipp.wa.gov/rptfiles/07-08-1101.pdf>.

71.09.060(1) disallowing such evidence unconstitutional. CP 258-59. In so doing, the court committed multiple errors.

First, the trial court ruled that Mr. Mulkins had “failed to demonstrate that the CPP ‘would exist’ for him.” CP 258; see RCW 71.09.060(1) (jury may consider “placement conditions and voluntary treatment options that would exist for the person if unconditionally released”). This ruling is contrary to the record and to this Court’s decision in In re Detention of Post, 145 Wn. App. 728, 187 P.3d 803 (2008), review granted, 166 Wash.2d 1033 (2009).

The record shows that DSHS had deemed Mr. Mulkins eligible for the Community Protection Program. CP 165, 249-50. Even so, the State argued that the CPP was not a placement condition or voluntary treatment option that “would exist” under RCW 71.09.060(1) because Mr. Mulkins might choose not to enter the program if released from the Special Commitment Center. But 100% certainty is not the test. In Post, for example, this Court held the trial court properly allowed the defendant to present evidence of “a community-based treatment program in which he could participate, if released from custody, so as to lessen the likelihood that he would reoffend.” Post, 145 Wn. App. at 732. The evidence

was admissible despite the fact that the proposed treatment plan was not mandatory and the defendant could have declined to participate if released unconditionally. Id. at 736. Rather than excluding evidence of the proposed treatment plan on the basis that it was not certain to exist, the trial court properly allowed the State to rebut the defendant's testimony with evidence that the program at issue did not work well and the defendant had not completed voluntary programs in the past. Id. at 743-45. Similarly here, the Community Protection Program was a placement condition or voluntary treatment option that "would exist" for Mr. Mulkins if unconditionally released, regardless of whether the State could rebut evidence of the program with evidence that Mr. Mulkins was not certain to take advantage of it.

The trial court's second basis for denying Mr. Mulkins's motion evidenced a misunderstanding of the law of due process. The trial court ruled that "the statute does not violate due process because respondent has no entitlement to participate in the CPP." CP 258. In other words, the trial court ruled that due process is not implicated at all, and therefore the court need not reach the question of what process is due. This ruling is clearly erroneous.

It is axiomatic that due process is implicated in civil commitment proceedings, because involuntary commitment is a “massive curtailment of liberty.” Harris, 98 Wn.2d at 279; Cady, 405 U.S. at 509. “It is well-settled that civil commitment is a significant deprivation of liberty. Therefore, individuals facing commitment, especially those facing SVP commitment, are entitled to due process of law before they can be committed.” In re Detention of Stout, 159 Wn.2d 357, 369, 150 P.3d 86 (2007).

The fact that there is no entitlement to participate in the Community Protection Program is completely beside the point. Mr. Mulkins never claimed such an entitlement. The interest at stake is liberty. Mr. Mulkins has a right to physical liberty, including freedom from involuntary civil commitment, which may not be abridged absent due process of law. Mathews, 424 U.S. at 332; Addington v. Texas, 441 U.S. 418, 425, 99 S.Ct. 1804, 60 L.Ed.2d 323 (1979) (“This Court repeatedly has recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection”); Harris, 98 Wn.2d at 279 (“There is no question that due process guaranties must accompany involuntary commitment for mental disorders”).

As explained above, Mr. Mulkins was not afforded due process of law because he was denied the right to present evidence that was highly relevant to the question of whether he would likely reoffend if not committed. Thus, his right to be “meaningfully heard” was violated. Stout, 159 Wn.2d at 370. This Court should reverse.

d. Section 11 of Engrossed Second Senate Substitute Bill 6630 violates the separation of powers doctrine. In addition to the due process problem described above, the 2006 amendment to RCW 71.09.060 violates the separation of powers doctrine. The separation of powers doctrine is fundamental to the American constitutional system. Washington State Bar Association v. State, 125 Wn.2d 901, 906, 890 P.2d 1047 (1995).

It has been declared that the division of governmental powers into the executive, legislative, and judicial represents probably the most important principle of government declaring and guaranteeing the liberties of the people, and preventing the exercise of autocratic power, and that it is a matter of fundamental necessity, and is essential to the maintenance of a republican form of government.

Washington State Motorcycle Dealers Association v. State, 111 Wn.2d 667, 674-75, 763 P.2d 442 (1988). The purpose of the separation of powers doctrine is to prevent one branch of

government from aggrandizing itself or encroaching upon the “fundamental functions” of another. Carrick v. Locke, 125 Wn.2d 129, 135, 882 P.2d 173 (1994).

Although the legislature has the power to shape litigation, it may not intrude on the jury’s fact-finding function. Sofie v. Fibreboard, 112 Wn.2d 636, 651, 771 P.2d 711 (1989). Section 11 of E2SSB 6630 intrudes upon the province of the jury by barring the factfinder from considering relevant evidence that is highly probative of whether an individual meets the definition of an SVP. The amendment thus violates the separation of powers doctrine, and should be struck down.

2. THE PORTION OF RCW 71.09.060 ALLOWING THE COMMITMENT OF A DEFENDANT BASED ON A FINDING HE IS “LIKELY” TO REOFFEND IS UNCONSTITUTIONAL.

By statute in Washington, a person may not be committed indefinitely unless the State proves beyond a reasonable doubt he is a sexually violent predator. RCW 71.09.060. A “sexually violent predator” is a person “who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.”

RCW 71.09.020(18) (emphasis added). “Likely to engage in predatory acts of sexual violence if not confined in a secure facility’ means that the person more probably than not will engage in such acts if released unconditionally from detention on the sexually violent predator petition.” RCW 71.09.020(7) (emphasis added). This is the preponderance of the evidence standard.

But “the individual’s interest in the outcome of a civil commitment proceeding is of such weight and gravity that due process requires the state to justify confinement by proof more substantial than a mere preponderance of the evidence.” Addington v. Texas, 441 U.S. 418, 427, 99 S.Ct. 1804, 60 L.Ed.2d 323 (1979). The Constitution requires proof of present dangerousness by clear and convincing evidence. Addington, 441 U.S. at 433. “Clear and convincing evidence” means the fact in issue must be shown to be “highly probable.” In re Sego, 82 Wn.2d 736, 739, 513 P.2d 831 (1973). Thus, commitment is unconstitutional absent a finding that it is “highly probable” the person will reoffend. The “more probable than not” standard of RCW Ch. 71.09 violates due process.

Although our supreme court rejected this argument in In re Detention of Brooks, that opinion should be reexamined in light of

subsequent caselaw. See In re Detention of Brooks, 145 Wn.2d 275, 36 P.3d 1034 (2001). Since Brooks was decided, both the U.S. Supreme Court and Washington Supreme Court have held that involuntary commitment is unconstitutional absent a showing that a defendant has “serious difficulty” controlling dangerous, sexually predatory behavior. Kansas v. Crane, 534 U.S. 407, 413, 122 S.Ct. 867, 151 L.Ed.2d 856 (2002); In re Detention of Thorell, 149 Wn.2d 724, 735, 72 P.3d 708 (2003). The evidence must be sufficient to distinguish a sexually violent predator “from the dangerous but typical recidivist convicted in an ordinary criminal case.” Crane, 534 U.S. at 413; Thorell, 149 Wn.2d at 731.

The “serious difficulty” standard of Crane and Thorell is akin to the “highly probable” standard, not the “more likely than not” standard outlined in the statute. See Thorell, 149 Wn.2d at 742 (“although this evidence need not rise to the level of demonstrating the person is completely unable to control his or her behavior,” the State must prove the person “has serious difficulty controlling behavior”); see also In re Commitment of Laxton, 254 Wis.2d 185, 203, 647 N.W.2d 784 (2002) (upholding Wisconsin’s civil-commitment statute following Crane because statute required showing of “substantial probability that the person will engage in

acts of sexual violence,” and “substantially probable” means “much more likely than not”).

The high standard of proof is necessary to support the “requirement that an SVP statute substantially and adequately narrows the class of individuals subject to involuntary civil commitment.” Thorell, 149 Wn.2d at 737 (internal citation omitted). The State must “demonstrate[] the cause and effect relationship between the alleged SVP’s mental disorder and a high probability the individual will commit future acts of violence.” Thorell, 149 Wn.2d at 737 (emphasis added).

Thorell is consistent with the Court’s earlier pronouncements regarding the due process rights of those subject to civil commitment. In the seminal case of In re Harris, for example, the Court required “demonstration of a substantial risk of danger” in order to satisfy due process and “protect against abuse.” In re Harris, 98 Wn.2d 276, 281, 654 P.2d 109 (1982). The Court emphasized that “involuntary commitment requires a showing that the potential for doing harm is ‘great enough to justify such a massive curtailment of liberty.’” Id. at 283 (quoting Cady, 405 U.S. at 509). Thus, “[t]he risk of danger must be substantial ... before detention is justified.” Id. at 284. RCW Ch. 71.09 violates due

process because it requires only that the risk of danger be “likely” or “probable” – not substantial.

The fact that the statute mandates a “beyond a reasonable doubt” standard in one clause cannot save it given that it severely weakens the standard in another clause by allowing for commitment only where it is “likely” a person will reoffend. A finding beyond a reasonable doubt that it is merely “likely” or “probable” that a person will reoffend creates a standard which, in the aggregate, is lower than clear and convincing evidence.

Various hypothetical scenarios illuminate the problem. Imagine, for instance, that the statute mandated a showing beyond a reasonable doubt that an individual “might” reoffend. This would clearly violate due process. Similarly, imagine a criminal statute mandating a showing beyond a reasonable doubt that the defendant “likely” committed the crime. Obviously, the lowering of the standard in the second clauses of these scenarios renders what would otherwise have been proper standards unconstitutional.

The same is true here. In order to pass constitutional muster, the statute must mandate a showing by clear and convincing evidence that the defendant will reoffend if not confined to a secure facility – not a showing that he “might” reoffend, will

“probably” reoffend, or is “likely” to reoffend. See Addington, 441 U.S. at 420 (Texas trial court properly instructed jury it had to find, by clear and convincing evidence, that the defendant required hospitalization in a mental hospital for his own welfare and protection or the protection of others – not that he probably needed hospitalization).

The legislature has found that as a group, “sex offenders’ likelihood of engaging in repeat acts of predatory sexual violence is high.” RCW 71.09.010. Due process demands that this “highly likely” finding be made on an individual basis, for each person condemned to suffer indefinite confinement. This Court should hold that the “likely” and “more probably than not” standards of RCW 71.09.020 are unconstitutional.

E. CONCLUSION

Mr. Mulkins asks this Court to reverse the commitment order and remand for a new trial at which (1) Mr. Mulkins may present evidence of the Community Protection Program, and (2) the State will be required to prove that Mr. Mulkins is highly likely to reoffend if not committed.

DATED this 21ST day of December, 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lila J. Silverstein", written over a horizontal line.

Lila J. Silverstein – WSBA 38394
Washington Appellate Project
Attorneys for Appellant

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE**

IN RE THE DETENTION OF)
)

CHRISTOPHER MULKINS,)

APPELLANT.)

NO. 63222-1-I

2009 DEC 21 PM 4:55

STATE OF WASHINGTON

DECLARATION OF DOCUMENT FILING AND SERVICE

I, MARIA ARRANZA RILEY, STATE THAT ON THE 21ST DAY OF DECEMBER, 2009, I CAUSED THE ORIGINAL **OPENING BRIEF OF APPELLANT** TO BE FILED IN THE **COURT OF APPEALS - DIVISION ONE** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

<input checked="" type="checkbox"/> DAVID HACKETT, DPA KING COUNTY PROSECUTOR'S OFFICE SVP UNIT KING COUNTY ADMINISTRATION BLDG. 500 FOURTH AVENUE, 9 TH FLR SEATTLE, WA 98104	<input checked="" type="checkbox"/> U.S. MAIL <input type="checkbox"/> HAND DELIVERY <input type="checkbox"/> _____
<input checked="" type="checkbox"/> CHRISTOPHER MULKINS SPECIAL COMMITMENT CENTER PO BOX 881000 STEILACOOM, WA 98388	<input checked="" type="checkbox"/> U.S. MAIL <input type="checkbox"/> HAND DELIVERY <input type="checkbox"/> _____

SIGNED IN SEATTLE, WASHINGTON THIS 21ST DAY OF DECEMBER, 2009.

X _____ 

Washington Appellate Project
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Seattle, Washington 98101
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