

FILED

AUG 31 2020

GRAYS HARBOR COUNTY, WA
KYM FOSTER, COUNTY CLERK

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

STATE OF WASHINGTON
GRAYS HARBOR COUNTY SUPERIOR COURT

In re the Detention of:

GARY LEE CLARK,

Respondent.

NO. 20-2-389-14

PETITION

COMES NOW Petitioner, State of Washington, by and through Robert W. Ferguson, Attorney General, and Rose McGillis, Assistant Attorney General, and submits this petition seeking the involuntary civil commitment of the Respondent, Gary Lee Clark, as a sexually violent predator pursuant to RCW 71.09 *et seq.* Specifically, the State alleges that Gary Lee Clark is a sexually violent predator, as that term is defined in RCW 71.09.020(18), given the following:

1. Respondent has been convicted of the following sexually violent offenses as that term is defined in RCW 71.09.020(17):

a) On or about March 27, 1979 in Pierce County Superior Court, Pierce County, Washington, the Respondent was convicted of Rape in the Second Degree with Forcible Compulsion.

b) On or about June 17, 1993, in Grays Harbor Superior Court, Grays Harbor, Washington, the Respondent was convicted of Rape in the First Degree and Residential Burglary with sexual motivation.

2. Respondent currently suffers from a mental abnormality as that term is defined in RCW 71.09.020(8).

///

FILED

AUG 31 2020

GRAYS HARBOR COUNTY, WA
KYM FOSTER, COUNTY CLERK

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**STATE OF WASHINGTON
GRAYS HARBOR COUNTY SUPERIOR COURT**

In re the Detention of:

GARY LEE CLARK,

Respondent.

NO. 20-2-389-14

CERTIFICATION FOR
DETERMINATION OF
PROBABLE CAUSE

I, Rose McGillis, am an Assistant Attorney General for the State of Washington and am familiar with the investigation conducted by the Washington State Department of Corrections and various law enforcement agencies relating to Respondent, Gary Lee Clark.

Pursuant to RCW 71.09.030, the Attorney General for the State of Washington is filing this petition at the request of the Grays Harbor County Prosecuting Attorney.

Petitioner, State of Washington, sets forth the following in support of its motion for the determination of probable cause that Respondent, Gary Lee Clark, is a sexually violent predator pursuant to RCW 71.09.

I. SEXUALLY VIOLENT OFFENSES

Respondent, Gary Lee Clark, was born on September 20, 1962, and is now 57 years old. He has been convicted of three sexually violent offense(s) as that term is defined in RCW 71.09.020(17). Respondent is currently housed at the Stafford Creek Corrections Center in Aberdeen, WA. His scheduled release date is September 7, 2020.

//

//

1 **A. Rape in the Second Degree by Forcible Compulsion, Pierce County Superior Court,**
2 **Cause No. 54281, March 27, 1979**

3 At 6:00 a.m. on October 15, 1978, Clark, age 16, entered the home of Kathleen Woodring
4 by crawling through a bedroom window. Once inside the residence, Clark entered Ms. Woodring's
5 bedroom and proceeded to wake her up by falling on top of her. He then indicated, "Don't move
6 I'll kill you, I have a knife and I'll kill." She struggled with him and attempted to push him off
7 when she noticed he was intoxicated and that she recognized him as young man that lived nearby.
8 He again threatened her indicating that he had knife and proceeded to rape her against her
9 protestations. After raping her, Clark told Ms. Woodring to be quiet or he would tell his uncle and
10 his older brother who were waiting outside in the front yard. Clark instructed Ms. Woodring not
11 to tell her husband or he would tell him that he brought seven other men to the house and she had
12 intercourse with all seven of them. Clark fled the residence and Ms. Woodring immediately called
13 her Aunt and then notified the police.

14 A subsequent investigation revealed that Clark and with 18-year-old Carl Capoeman were
15 out drinking at 2:00 a.m. the previous night. The men were walking down Pacific Avenue in
16 Tacoma and observed Bernice White, an elderly woman, passed out in a vehicle. Clark and
17 Capoeman got into the vehicle and drove Ms. White to an abandoned garage where they raped her
18 on the floor of the garage. Clark took her vehicle, drove it around for a period of time and then left
19 it on the eastside of Tacoma. Clark returned home, drank some more beer and left to get pizza.
20 He then returned home and left to go to a nearby friend's house. It was while he was in route to
21 his friend's house that Clark entered Ms. Woodring's residence and raped her.

22 Clark was arrested on October 15, 1978 and charged with Rape in the First Degree relating
23 to Ms. Woodring. On October 17, 1978, Clark was charged as a juvenile for Rape in the First
24 Degree, Rape in the Second Degree, and Taking a Motor Vehicle without Permission relating to
25 Ms. White. The juvenile court declined jurisdiction on October 31, 1978 and remanded Clark to
26 adult status. On December 26, 1978, an Amended Information was filed charging Clark with Rape
in the Second Degree with Forcible Compulsion relating to Ms. Woodring. On December 26,

1 1978, Clark was admitted to Western State Hospital under an Order of Commitment for a 90-day
2 observation to determine sexual psychopathy. He returned to court on March 22, 1979, with a
3 finding that he was not amendable to treatment and not safe to be at large. On March 27, 1979,
4 Clark pleaded guilty to Rape in the Second Degree, in exchange for dismissal of the remaining
5 charges. Clark received a 5-year prison term in the Department of Corrections.

6
7 **B. Rape in the First Degree and Residential Burglary with Sexual Motivation, Grays
Harbor Superior Court, Cause No. 93-1-00124-2, April 10, 1993**

8 On April 10, 1993, at approximately 3:55 a.m., Deborah Adams was asleep in her
9 apartment when she was awoken by Clark kissing her on the cheek and grabbing her breasts. She
10 pushed Clark away and he fell onto the floor. Ms. Adams got up, ran for the door, and yelled for
11 the neighbor who lives downstairs. Ms. Adams tried to open the door but it was locked. As she
12 got the door unlocked, Clark got up and pushed it shut and tried to lock the door. Clark grabbed
13 Ms. Adams and pushed her against the wall while putting his hand over her mouth to keep her
14 from yelling. Ms. Adams noticed Clark's pants were unzipped and his penis was exposed. She
15 was able to push him into some furniture next to her and he fell to the floor. Ms. Adams ran out
16 of the apartment and called the police. Clark fled the apartment on foot.

17 At approximately 4:30 a.m. that same morning, Melissa Erickson was walking on Park
18 Street when a maroon van pulled up and Clark got out of the vehicle. Clark walked alongside Ms.
19 Erickson talking to her. After a short time, he grabbed her by the hair and hit her in the jaw. He
20 put his hand over her mouth threatening to kill her if she yelled or screamed. Clark told her he had
21 a gun, placing his hand in his pocket. As she started to say something to him, he put his hand over
22 her mouth to silence her. Ms. Erickson pleaded for her life asking Clark not to kill her. He drug
23 her down an alley by her hair. He took down his pants, exposed his penis and compelled Ms.
24 Erickson to have oral intercourse with him. He then shoved Ms. Erickson to the ground and forced
25 her to have vaginal intercourse and subsequently oral intercourse again. Clark then allowed Ms.
26 Erickson to put her underwear and pants back on. As she started to walk away he grabbed her and

1 compelled her to have oral sex with him. He then forced Ms. Erickson onto her back, pulled her
2 underwear and pants down, and anally raped her. Clark took Mr. Erickson down the street to a
3 convenience store and asked an individual to give his “sister” a ride home. Once inside the car,
4 Ms. Erickson asked for a ride to the Aberdeen police department where she immediately reported
5 the rape. Clark was arrested later in the morning. He denied the allegations and claimed he was
6 with his wife all day. However, Clark’s wife confirmed she had not been with him on April 10,
7 1993 from 1:30 a.m. to 6:30 a.m.

8 On April 16, 1993, Clark was charged with Rape in the First Degree for Melissa Erickson
9 (Count I) and Burglary in the First Degree for the break in and sexual assault of Deborah Adams
10 (Count II). The State also alleged the Burglary charge in Count II was sexually motivated. On
11 June 17, 1993, a jury found Clark guilty of Rape in the First Degree on Count I and a lesser-
12 included offense of Residential Burglary on Count II. The jury also returned a special verdict
13 finding that one of the purposes for which Clark committed the crime of Residential Burglary was
14 for his sexual gratification. Clark received an exceptional sentenced of 245 months on Count I and
15 84 months on Count II, to be served consecutively.

16 II. ADDITIONAL SEXUAL OFFENSE

17 In addition to the sexual offenses detailed above, Clark was convicted of an additional
18 offense that did not qualify as a “sexually violent offense” under RCW 71.09.020(17). However,
19 consideration of this offense aids in establishing a pattern of sexual deviancy and further indicates
20 Clark’s likelihood to engage in predatory acts of sexual violence if he is not confined to a secure
21 facility.

22 **Burglary in the Second Degree, Pierce County Superior Court Cause No. 81-1-01351- 23 3, April 7, 1982.**

24 While on escape from the Tacoma Work/Training Release, Clark rode in a vehicle with
25 Betty Ann Smith, 45 years of age, and her daughter to Ms. Smith’s residence at 6:30 a.m. on
26 November 5, 1981. Upon arrival at the Smith residence, Ms. Smith’s daughter went to bed and

1 Ms. Smith went to sleep on the couch. Clark left with Ms. Smith's brother. Later that same
2 morning, Clark unexpectedly came back to the residence and woke up Ms. Smith by holding a
3 knife in his left hand against her throat. Clark was sitting on the end of the couch and had his left
4 arm on her chest holding her down. Clark pushed Ms. Smith's head back and stated, "I need
5 something, I need some sex, if you don't give in I'll kill you." Ms. Smith started to talk to him and
6 asked him how he would like it if her sons did this to his mother. Clark said he would kill them if
7 such an incident happened. Clark put the knife down on the coffee table and proceeded to hold
8 Ms. Smith by the throat with his left hand and cover her mouth with his right hand. Ms. Smith
9 could not breathe and went limp. Soon thereafter, Ms. Smith's brother and her son arrived at the
10 residence. Clark took Ms. Smith's purse and fled the residence by foot. He left the stolen purse
11 on a fence post and took \$180.00 dollars that he used on his escape drinking binge.

12
13
14 On December 11, 1981, Clark was charged with Burglary in the First Degree while armed
15 with a deadly weapon, a knife. On February 9, 1982, an Amended Information was filed charging
16 Clark with Burglary in the First Degree. On February 17, 1982, a Second Amended Information
17 was filed charging Clark with Burglary in the Second Degree. On February 17, 1982, Clark was
18 convicted of Burglary in the Second Degree, by a plea of guilty, and was sentenced to 10 years to
19 run concurrent with his Escape in the Second Degree conviction.¹

20 21 III. SEX OFFENDER TREATMENT

22 On September 16, 2014, Clark entered the Department of Corrections Sex Offender
23 Treatment Program (SOTP). *Ex. A* at 6-7. On February 18, 2015, after only four months of
24 treatment, Clark was terminated from the program. *Id.* Clark attributed his dismissal from SOTP
25 to a statement he made to another offender in which he stated that he was "about to snap" due to

26

¹ On February 8, 1982, Clark was convicted, by a plea of guilty, of Escape in the Second Degree and was sentenced to 5 years to run concurrent with his conviction for Burglary in the First Degree.

1 repeated requests to rewrite his full disclosure assignment. *Id.* at 7. Clark believes his therapist
2 was informed of the comment and as a result became concerned for his own safety and welfare
3 thereby terminating Clark from treatment. *Id.* Official records indicate Clark was terminated
4 from treatment because he was unable to identify thoughts and feelings he experienced before
5 offending against his four different victims after being given three separate opportunities to
6 identify his thoughts and feelings in treatment. *Ex. A*, Addendum at 6.

7 Since being terminated from SOTP in 2015, Clark has not reapplied to re-enter sex
8 offender treatment. *Ex. C* at 4. During his August 2, 2020 interview with Dr. Judd, Clark reported
9 that he is of no risk to reoffend and that he did not feel a need for further sex offender treatment
10 if released to the community. *Id.*

11 IV. SEXUALLY VIOLENT PREDATOR EVALUATION

12 On June 3, 2016, Brian Judd, Ph.D., conducted an evaluation of Respondent pursuant to
13 RCW 71.09.025. A true and accurate copy of Dr. Judd's evaluation dated June 3, 2016, is attached
14 hereto as Exhibit A and is incorporated herein by reference. Dr. Judd is a licensed psychologist in
15 Washington, is familiar with RCW 71.09, and has considerable expertise in the evaluation,
16 diagnosis, and treatment of sex offenders. He has conducted a substantial number of sexually
17 violent predator ("SVP") evaluations. A true and accurate copy of Dr. Judd's curriculum vitae is
18 attached hereto as Exhibit B and is incorporated herein by reference.

19 Dr. Judd's written evaluation of Respondent is based on a review of 2,673 pages of records
20 available relating to Respondent's background, including police reports, court records, criminal
21 history records, community custody records, polygraph reports, and treatment reports. *Ex. A* at 1-
22 4. As part of his evaluation, Dr. Judd also interviewed Respondent for approximately 3.5 hours on
23 June 2, 2016. *Id.* at 1.

24 On August 3, 2020, Dr. Judd conducted an updated evaluation of Respondent based on a
25 request for an updated opinion regarding whether Respondent continued to meet criteria as an SVP.
26 A true and accurate copy of Dr. Judd's evaluation dated August 3, 2020, is attached hereto as

1 Exhibit C and is incorporated herein by reference. Since Dr. Judd's June 2016 evaluation, he has
2 conducted a review of approximately three hundred pages of updated records relating to
3 Respondent from the Department of Corrections. *Ex. C* at 2. Dr. Judd also interviewed Respondent
4 for an additional 2.25 hours on July 27, 2020. *Id.*

5 Dr. Judd concludes, to a reasonable degree of psychological certainty, that the
6 Respondent: 1) currently suffers from a mental abnormality which predisposes him to the
7 commission of criminal sexual acts in a degree which constitute him a menace to the health and
8 safety of others, and 2) due to this mental abnormality Clark is more likely than not to engage
9 in predatory acts of sexual violence if not confined to a secure facility. *Ex. A* at 5-13; *Ex. C* at
10 5.

11 **A. Diagnoses and Mental Abnormality**

12 Dr. Judd reviewed Respondent's history, including his developmental, educational,
13 criminal, substance abuse, sexual, mental health, and sex offender treatment history. After
14 reviewing over a thousand pages of records pertaining to Respondent's history and interviewing
15 Respondent on separate occasions, Dr. Judd diagnosed Respondent with the following diagnoses
16 listed in the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-V)*: Other
17 Specified Paraphilic Disorder (Non-consent), Alcohol Use Disorder, In a controlled environment;
18 and Antisocial Personality Disorder. *Ex. A* at 10.

19 Dr. Judd's opinion of Respondent's diagnosis of Other Specified Paraphilic Disorder
20 (Nonconsent) is evidenced by his durability and strength of interest in coercive sexuality. *Ex. A* at
21 9. Respondent has an extensive history of charges, convictions and non-charged sexual offenses
22 while in the community. *Id.* at 8. Inception of detected coercive sexual behavior was noted to have
23 occurred on October 15, 1978 when Clark was only 16 years of age and persisted despite repeated
24 sanctioning in the community and multiple remands to the Department of Corrections. *Id.* at 8-9.
25 Additionally, Clark has a lengthy history of institutional infractions in which he was infracted for
26 strong-arming other inmates for sexual favors and described as engaging in predatory sexual

1 behavior as it pertained to weaker and more vulnerable inmates. *Id.* At the inception of his sexual
2 deviancy treatment at Twin Rivers Correctional Center, Clark generally denied his deviant sexual
3 interests but later acknowledged “that the victim’s resistance made him more sexually aroused
4 during his sex offenses” and/or arousal to power and control. *Id.*

5 Dr. Judd’s opinion of Respondent’s diagnosis of Alcohol Use Disorder, In a controlled
6 environment is evidenced by the fact that he reported onset of alcohol abuse at the age of 12 or 13
7 and alcohol abuse in his later teen years with recommendations for treatment. *Ex. A* at 9. Alcohol
8 was implicated in both Clark’s prior sexual offending and as a precursor to his index spree. *Id.*
9 Additionally, while in the community Clark incurred a series of violations for failure to comply
10 with court-mandated treatment and frequenting establishments where the sale of alcohol was the
11 primary source of revenue. *Id.*

12 Dr. Judd’s opinion of Respondent’s diagnosis of Antisocial Personality Disorder is
13 evidenced by the fact that Respondent began demonstrating a pattern of broad-spectrum antisocial
14 behavior beginning as an adolescent and persisting into adulthood as denoted by a pattern of arrest
15 and adjudication that resulted in his incarceration for a majority of his life from mid-adolescence
16 to adulthood. *Ex. A* at 9. Additionally, Clark has demonstrated a pattern of deceitfulness,
17 impulsivity, and lack of remorse for his conduct. *Id.*

18 Of the above disorders, Dr. Judd opines that Other Specified Paraphilic Disorder
19 (Nonconsent) meets the statutory definition of a “mental abnormality” as defined by RCW
20 71.09.020(8). Dr. Judd further opines that Clark’s mental abnormality predisposes him to the
21 commission of predatory acts of sexual violence against women who were either strangers or with
22 whom he had a casual relationship, and cultivation of relations with vulnerable peer-aged males
23 for purposes of sexual exploitation. *Ex. A* at 10-11.

24 //

25 //

26 //

1 **B. Risk Assessment**

2 Dr. Judd considered whether the Respondent was likely to engage in predatory acts of
3 sexual violence if not confined in a secure facility. *Ex. A* at 11-12. In reaching his opinion, Dr. Judd
4 conducted a comprehensive risk assessment, including scoring the Respondent on several actuarial
5 instruments, considering his dynamic risk factors and any protective factors to determine whether
6 the Respondent was likely to reoffend if released to the community. *Id.*

7 Dr. Judd scored Respondent on several different actuarial instruments designed to help
8 evaluators estimate the probability of sexual and violent recidivism for adult males convicted of at
9 least one sexual offense. Dr. Judd used the Static 99-R, the Violence Risk Appraisal Guide-
10 Revised (VRAG-R) and the Hare Psychopathy Checklist- Revised 2nd Edition (PCL-R) in
11 evaluating Respondent’s risk of re-offense. *Ex. A* at 11-12. Dr. Judd also assessed a number of
12 dynamic risk factors, otherwise known as long-term vulnerabilities. *Id.* These are risk factors that
13 are potentially changeable but that interact with static, or unchangeable, risk factors. *Id.* Dr. Judd
14 used the Structured Risk Assessment – Forensic Version (SRA-FV) to assess these long-term
15 vulnerabilities. *Id.*

16 Dr. Judd also considered if there were additional individual or situational factors present
17 for Respondent, including whether Clark successfully participated in sex offender treatment. *Ex.*
18 *C* at 5. Dr. Judd found that Clark remains an untreated sex offender at present time and in the
19 absence of completed treatment or other evidence of significant mitigation of dynamic risk factors
20 associated with sexual recidivism, he constitutes a high risk for predatory acts of sexual violence
21 as defined by RCW 71.09.020(7). *Id.*

22 In conclusion, Dr. Judd opined to a reasonable degree of psychological certainty that
23 Respondent’s mental abnormality makes him likely to engage in predatory acts of sexual violence
24 if not confined to a secure facility. *Ex. C* at 5. The Respondent is due to be released to the
25 community on September 7, 2020.

1 Under penalty of perjury under the laws of the State of Washington, I certify that the
2 foregoing is true and correct to the best of my knowledge.

3 RESPECTFULLY SUBMITTED this 28TH day of August, 2020.
4

5 ROBERT W. FERGUSON
6 Attorney General

7 

8 ROSE MCGILLIS, WSBA # 34469
9 Assistant Attorney General
10 Attorneys for State of Washington
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Exhibit A

meets

Clark, G
287493

BETWEEN THE COLORED PIECES OF PAPER
IS A FORENSIC PSYCHOLOGICAL EVALUATION
COMPLETED FOR POSSIBLE CIVIL COMMITMENT UNDER
RCW 71.09.

THIS EVALUATION MAY CONTAIN INFORMATION THAT IS
EXEMPT FROM PUBLIC DISCLOSURE. PRIOR TO FURTHER
DISSEMINATION OF THIS EVALUATION, CONTACT THE
DEPARTMENT OF CORRECTIONS, END OF SENTENCE REVIEW
CORRECTIONAL RECORDS SUPERVISOR.

Brian W. Judd, Ph.D., P.C.
501 Columbia NW, Suite A
Olympia, WA 98501
360.352.5351
Fax 360 352.5357

PSYCHOSEXUAL EVALUATION

NAME: Gary Lee Clark
DOB: 9/20/62
EDUCATION: GED
OCCUPATION: Unemployed
JURISDICTION: Grays Harbor Superior Court
CAUSE NO.: 93-1-00124-2
EVALUATOR: Brian W. Judd, Ph.D.
DATE OF REPORT: 6/3/16

REASON FOR REFERRAL:

Mr. Gary Clark is a 53 year old male with a history of hands-on offending against adult females and males. He was referred by the Department of Corrections End of Sentence Review Committee for consideration of filing under the Revised Code of Washington (RCW) Chapter 71.09 as a “*sexually violent predator*” pursuant to RCW 71.09.020(18).

For purposes of the current evaluation I was provided with 2673 pages of discovery. Mr. Clark was interviewed for approximately 3.5 hours at the Stafford Creek Correctional Center in Aberdeen, WA on 6/2/16.¹

RECORDS REVIEWED:²

The following records were reviewed and relied upon in the preparation of this report:

- 1) United States Department of Justice Federal Bureau of Investigation Identification Division, 0015-0017.
- 2) Washington State Criminal History, 0018-0023.
- 3) Washington State Patrol Identification and Criminal History Section, dated 5/1/13, 0060-0070.
- 4) Criminal History Record dated 5/1/13, 0075-0086.
- 5) Department of Corrections Criminal Conviction Record authored by CC Marilyn Meldrich, dated 3/27/14, 0089-0092.

¹ Mr. Clark expressed reservations about having the interview recorded. Thus, no independent recording of the interview exists. However, at the conclusion of the interview, Mr. Clark did review my typewritten notes to ensure accuracy. No changes in the notes were made.

² Due to the limited time available for completion of this report, I chose to focus on the questions required under RCW 71.09. A supporting document entitled *Clark Index/Actuarials* summarizes Mr. Clark’s background history and provides the evidentiary basis for the conclusions of this report.

A Professional Corporation
Licensed Psychologist
Clinical & Forensic Consultation & Assessment

Clark, G. 002675

- 6) Department of Corrections Criminal History Summary, dated 11/14/05, 0118-0120.
- 7) *State of Washington vs. Gary Lee Clark* Information for Cause # 54281, dated 11/1/78, 0136.
- 8) *State of Washington vs. Gary Lee Clark* Amended Information for Cause # 54281, dated 12/26/78, 0137.
- 9) Department of Social and Health Services Presentence or Intake Summary Report for Cause # 54281 authored by R.W. Harris, PPO III, dated 3/21/79, 0138-0143.
- 10) Letter to the Honorable Authur W. Verharen authored by Allen J. Holzinger, MA Maureen Saylor, MA, and William D. Voorhees, Jr. MD, dated 3/26/79, 0144-0145.
- 11) *State of Washington vs. Gary Lee Clark* Judgment and Sentence for Cause # 54281, dated 3/27/79, 0146.
- 12) Board of Prison Terms and Paroles Sentence Fixed by Board for Cause # 54281, dated 9/11/79, 0148.
- 13) *State of Washington vs. Gary Lee Clark* Information for Cause # 81-1-00981-8 authored by Pierce County Deputy Prosecuting Attorney Stanley P. Wagner, Jr, dated 10/12/81, 0150.
- 14) *State of Washington vs. Gary Lee Clark* Information for Cause # 81-1-00981-8 authored by Pierce County Deputy Prosecuting Attorney Stanley P. Wagner, Jr, dated 1/8/82, 0151.
- 15) Department of Corrections Presentence and Intake Report for Cause #s 81-1-00981-8 and 81-1-0135133 authored by Ron Peterson PPO III, undated, 0152-0160.
- 16) *State of Washington vs. Gary Lee Clark* Judgment and Sentence for Cause # 81-1-00981-8, dated 4/7/82, 0161
- 17) Board of Prison Terms and Paroles Sentence Fixed by Board for Cause # 81-1-00981-8, dated 10/19/82, 0163.
- 18) *State of Washington vs. Gary Lee Clark* Judgment and Sentence for Cause # 81-1-01351-3, dated 4/7/82, 0172.
- 19) Board of Prison Terms and Paroles Sentence Fixed by Board for Cause # 81-1-01351-3, dated 10/19/82, 0175.
- 20) Department of Corrections Division of Community Corrections Notice of Violation for Cause # 81-1-01351-3 authored by Lori Ramsdell, CCO-II, dated 10/30/91, 0176-0178.
- 21) Department of Corrections Division of Community Corrections Notice of Violation for Cause # 81-1-01351-3 authored by Lori Ramsdell, CCO-II, dated 1/29/92, 0179-0181.
- 22) Department of Corrections Division of Community Corrections Notice of Violation for Cause # 81-1-01351-3 authored by Lori Ramsdell, CCO-II, dated 9/22/92, 0182-0185.
- 23) *State of Washington vs. Gary L. Clark* Judgment and Sentence for Cause # 89-1-00219-1, dated 6/4/90, 0214-0219.
- 24) Records regarding the assault and attempted kidnapping of TM, 0232-0240.
- 25) Records regarding misdemeanor obstructing, impersonating a police officer, accosting a stranger female, 0245-0249.

- 26) Aberdeen Arrest Report for Case # 93-02077, dated 2/21/93, 0256-0261.
- 27) Records for Case # 93-1141, 0294-0302.
- 28) Records for Case # 93-04081, 0341-0343.
- 29) Aberdeen Police Department statement of ME in reference to Case # 93-4080, dated 4/10/93, 0346-0350.
- 30) Statement of Ms. Patricia Clark, dated 4/10/93, 0360-0361.
- 31) Grays Harbor County Sheriff's Department Witness Statement for Case # 93-979, statement of DE, dated 4/12/93, 0403-0404.
- 32) Presentence Investigation Identification Information for Cause # 93-1-00124-2 authored by Dale L. Dewey, CCO III, dated 7/16/93, 0636-0644.
- 33) *State of Washington vs. Gary Lee Clark* Judgment and Sentence for Cause # 93-1-00124-2, dated 7/26/93, 0654-0658.
- 34) Omni: Legal Face Sheet, dated 4/19/16, 0775-0808.
- 35) Omni: Chronos Search Results from 10/11/89 through 4/19/16, various authors, 0821-0867.
- 36) Department of Corrections Screening Committee Incoming Transport Review Checklist, dated 10/10/11, 0902-0905.
- 37) Washington State Reformatory Notice of Hearing, dated 7/6/83, 1149.
- 38) Department of Corrections Infraction Report, dated 10/2/87, 1187.
- 39) Clallam Bay Corrections Center Incident Report, dated 9/24/99, 1259.
- 40) Clallam Bay Corrections Center Notice of Infraction, dated 9/29/99, 1260.
- 41) Department of Corrections Serious Infraction Report, dated 11/5/02, 1282.
- 42) Department of Corrections Initial Serious Infraction Report dated 3/10/06, 1316.
- 43) Department of Corrections Witness Statement, statement of Jason Persinger, dated 3/13/06, 1320-1321.
- 44) Department of Corrections Serious Infraction Report, dated 2/18/15, 1348.
- 45) Department of Corrections LSI-R Assessment, undated, 1480-1483 (incomplete).
- 46) Department of Corrections LSI-R Assessment, undated, 1484-1491.
- 47) Department of Corrections Notice of Violation authored by Alice Tate CCO-II, dated 9/7/89, 1882-1883.
- 48) Department of Corrections Supplemental Notice of Violation/Arrest, dated 1/4/90, 1884-1885.
- 49) Version of index offenses written by Mr. Gary Clark, undated, 1942-1947.
- 50) Sociologist's Overview authored by Robert C. Ledbetter, CC-III, dated 4/3/79, 2134.
- 51) Psychological Report authored by Felix Massaia, Ph.D., dated 4/9/79, 2135-2136.
- 52) Psychological Report authored by Curt Johnson, Ph.D., dated 5/19/88, 2139-2142.
- 53) Psychological Evaluation authored by Iris Rucker, Ph.D., dated 10/30/90, 2144-2153.
- 54) Mental Health Evaluation authored by Ronald D. Page, Ph.D., dated 6/7/95, 2154-2155.
- 55) Sex Offender Treatment Program Initial Treatment Plan authored by Aaron Rogers, BA and Lisa Dandescu CMHUS, dated 12/12/14, 2183-2192.
- 56) Sex Offender Treatment Program Monthly Progress Notes for 10/14 authored by Aaron Rogers, BA, dated 11/6/14, 2200-2202.

- 57) Sex Offender Treatment Program Monthly Progress Notes for 11/14 and 12/14 authored by Aaron Rogers, BA, dated 1/13/15, 2203-2205.
- 58) Sex Offender Treatment Program Monthly Progress Notes for 1/15 authored by Aaron Rogers, BA, dated 2/24/15, 2206-2210.
- 59) Sex Offender Treatment Program Monthly Progress Notes for 2/15 authored by Aaron Rogers, BA, dated 3/17/15, 2211-2214.
- 60) Sex Offender Treatment Program Treatment Termination Summary authored by Aaron Rogers, BA and Jon Hartz, SOTS, dated 3/2/15, 2215-2227.

RISK ASSESSMENT:

For purposes of conducting an assessment of Mr. Clark's risk of recidivism, I assessed Mr. Clark with the Hare Psychopathy Checklist-Revised 2nd Edition (PCL-R).³ Additionally, I assessed Mr. Clark's psychological needs and vulnerabilities using the Structured Risk Assessment - Forensic Version (SRA-FV),^{4,5} the Static-99R,^{6,7} and the Violence Risk Appraisal Guide – Revised (VRAG-R).⁸

LEGAL STANDARD:

RCW 71.09.020 (18) defines a "sexually violent predator" as "...any 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."

My opinion is organized around three questions: A) Has Mr. Clark been "convicted of or charged with a crime of sexual violence?"; B) Does Mr. Clark suffer "from a mental abnormality or personality disorder?"; C) Is Mr. Clark, as a result of a mental abnormality or personality disorder, "likely to engage in predatory acts of sexual violence if not confined in a secure facility?"

FINDINGS:

A) Has Mr. Clark been "convicted of or charged with a crime of sexual violence?"
YES.

Pursuant to RCW 71.09.020 (17) "sexually violent offense" as "an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in

³ Hare, R.D. (2003). *Manual for the Psychopathy Checklist – Revised*, 2nd Edition. Toronto: Multi-Health Systems.

⁴ Thornton, D., & Knight, R. (2013). Construction and validation of SRA-FV Need Assessment. *Sexual Abuse: A Journal of Research and Treatment*. doi: 10.1177/1079063213511120.

⁵ The density of Mr. Clark's psychological needs and vulnerabilities were assessed for purposes of ascertaining the Static-99R reference group used to determine absolute recidivism rates.

⁶ Harris, A., Phenix, A., Hanson, R.K., & Thornton, D. (2003). *Static-99 Coding Rules Revised – 2003*. Ottawa: Canada. Department of the Solicitor General of Canada.

⁷ The revised normative data was published by Amy Phenix, Maaiké-Leslie Helmus, and R. Karl Hanson on 1/1/15 and is available for download at static99.org.

⁸ Harris, G.T., Rice, M.E., Quinsey, V.L., & Cormier, C.A. (2015). *Violent Offenders: Appraising and managing risk (3rd Edition)*. Washington, DC: American Psychological Association.

the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this chapter, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection."

Mr. Clark has multiple predicate convictions which qualify as "sexually violent offense(s)" as defined in RCW 71.09.020(17). Mr. Clark was convicted of the following predicate offenses: Rape in the 2nd Degree by forcible compulsion committed on 10/15/78 (Cause # 54281), and Rape in the 1st Degree and Residential Burglary with sexual motivation committed on 4/10/93 (Cause # 93-1-00124-2).

B. Does Mr. Clark suffer 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?" YES

RCW 71.09.020 (8) defines a "mental abnormality" as "...a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others." RCW 71.09.020 (9) defines a "personality disorder" as "...an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture; is pervasive and inflexible, has onset in adolescence or early adulthood, is stable over time and leads to distress or impairment."

INTERVIEW WITH MR. CLARK:

Prior to initiation of the evaluation, I reviewed the limits of confidentiality, the nature of the evaluation, and possible dispositional recommendations with Mr. Clark.⁹ Following review of the preceding, Mr. Clark agreed to proceed with the interview.

⁹ These were provided to Mr. Clark orally and in written form. Mr. Clark had previously signed a consent to participate in the evaluation on 5/26/16 with his classification counselor, Mr. Ryan Denzer. Prior to initiating the evaluation, I provided a fresh consent to Mr. Clark and reviewed the elements, scope and nonconfidential nature of the evaluation, and possible dispositional outcomes.

Response to questions were generally clear, coherent and goal-directed, although articulation was occasionally dysarthric.¹⁰ Mr. Clark was affable and while acknowledging some anxiety, appeared to establish good rapport with the undersigned. Mentation appeared to be grossly within normal limits on screening with no disruption of orientation, attention and concentration, or short-term memory. Overall, Mr. Clark appeared to be in the low average to average range of intellectual functioning.

Mood, appetite, energy and sleep were reported to be within normal limits. Suicidal and homicidal ideation were denied as were auditory and visual hallucinations. Mr. Clark endorsed some realistic situational anxiety in regard to the current evaluation, but generally denied more substantive difficulties.

Libido was described as diminished, with masturbation approximately 1 time per month to memories of consensual sexuality with his wife. Mr. Clark denied fantasies involving force or coercion.

Mr. Clark was on no medication at the time of the evaluation. He opined that he was generally in good health.

Mr. Clark reported that he had exceeded his ERD and that he developed a transition to a clean and sober house in Tacoma, WA that accepted Level III sex offenders. Mr. Clark correctly noted that he had 2 years of community supervision on Cause # 93-1-00124-1. He stated that he would seek additional support services, including chemical dependency and mental health treatment through the Puyallup Tribe.¹¹

While Mr. Clark stated that he did not constitute a risk to reoffend in a sexual manner, he stated that he would seek out sexual deviancy treatment. When asked what purpose treatment would serve, Mr. Clark externalized his motivation, stating that he believed DOC would want him to participate in treatment.¹²

Mr. Clark was queried as to his participation in sexual deviancy treatment at TRCC between 10/16/14 and 2/18/15. When I queried Mr. Clark as to why he had declined treatment when offered in 2013 (0838) he stated that he was attempting to hide his crime from other inmates and that he wanted to defer treatment until he was closer to his ERD. Relatedly, when I inquired as to why Mr. Clark declined to participate in a sexual history polygraph for purposes of verifying his sexual history and range of deviancy (0828), Mr. Clark attributed his decision to the limitations of polygraphy and the advice of his attorney.

¹⁰ When queried as to his history of institutional offending, Mr. Clark became quite vague. On specific inquiry he tended to deflect questions or insinuate that the allegations were made by offenders motivated to have him placed in administrative segregation or administratively transferred.

¹¹ Mr. Clark stated that he could self-fund both treatment and housing due to years of accumulated disbursements as an enrolled member of the Puyallup Tribe.

¹² Mr. Clark also cited a classification counselor on a prior housing unit at SCCC who also thought "*it would be a good idea.*"

Asked as to his motivation to participate in treatment, Mr. Clark denied that his decision was motivated by external incentives (1348) and that he wanted to develop a better understanding of his prior history of offending. Mr. Clark continued by stating that even though he did not complete sexual deviancy treatment, he developed some tools as a result of his limited exposure. Asked to identify his risk mitigation tools, Mr. Clark stated that he developed an understanding of boundaries, entitlement, sexualizing, and sexual preoccupation. Asked to identify the cycle leading to the offense against his index victim, ME, Mr. Clark broadly stated, "*Alcohol and drugs, power and control, and entitlement.*" Asked to elaborate, Mr. Clark stated that as a teenager he associated sexuality with intoxication. He also denoted a history of rape attitudes, stating that he found the power and control over the victim arousing (2185),¹³ and that he harbored feelings of entitlement regarding sexuality.

While acknowledging the history of coercive sexuality in the community, Mr. Clark generally deflected questions regarding reported coercive behavior while incarcerated, neither clearly admitting nor denying the allegations (0849; 0853; 0855; 0861; 0864; 1149).¹⁴ When confronted on the apparent strength of his coercive paraphilic interests as denoted by the onset of coercive sexual behavior beginning at the age of 15, attempted and completed sexual assaults while married and engaging in consensual sexual activity with his wife,¹⁵ and following incarceration, Mr. Clark simply denoted that he had not received infractions in the past 8 or 9 years implying remission of coercive sexual interests.

Mr. Clark attributed his dismissal from the SOTP program to a statement he made to another offender in which he stated that he was "*about to snap*" due to repeated requests to rewrite his full disclosure assignment. Mr. Clark believes his therapist was informed of the comment, and as a result, became concerned for his own safety and welfare, thereby terminating Mr. Clark from treatment.

DIAGNOSES:

On 5/13/13, the American Psychiatric Association issued the DSM-5.¹⁶ In addition to dismissing the multi-axial format of the preceding editions, the APA substantially reworked the domain of paraphilic disorders. Specifically, the DSM-5 now distinguishes between a "*paraphilia*" and a "*paraphilic disorder*", stating, "*The term paraphilia denotes any intense and persistent sexual interest other than sexual interest in genital stimulation or preparatory fondling with phenotypically normal, physically mature, consenting human partners. In some circumstances, the criteria 'intense and persistent' may be difficult to apply, such as in the assessment of persons who are very*

¹³ Specifically, "...he did report at intake that the victim's resistance made him more sexually aroused during his sexual offenses."

¹⁴ Allegations of sexually predatory behavior were noted at Airway Heights Correction Center in 2005-2006 (0849; 0853), McNeil Island Corrections Center in 2002 (0855), Clallam Bay Correction Center in 1999 (0861), Washington State Penitentiary in 1998 (0864), and the Washington State Reformatory in 1983 (1149).

¹⁵ Mr. Clark estimated that he was sexually intimate with his wife approximately 3 times per week (6/2/16 Interview).

¹⁶ American Psychiatric Association (2013). *Diagnostic and Statistical Manual of Mental Disorders (5th Edition)*. Washington DC: Author.

old or medically ill and who may not have 'intense' sexual interests of any kind. In such circumstances, the term paraphilia may be defined as any sexual interest greater than or equal to normophilic sexual interests. There are also specific paraphilias that are generally better described as preferential sexual interests than as intense sexual interests" (p. 685). In contrast, "A paraphilic disorder is a paraphilia that is currently causing distress or impairment to the individual or a paraphilia whose satisfaction has entailed personal harm, or risk of harm, to others. A paraphilia is a necessary but not a sufficient condition for having a paraphilic disorder, and a paraphilia by itself does not necessarily justify or require clinical intervention. In the diagnostic criteria set for each of the listed paraphilic disorders, Criterion A specifies the qualitative nature of the paraphilia (e.g. an erotic focus on children or on exposing the genitals to strangers), and Criterion B specifies the negative consequences of the paraphilia (i.e., distress, impairment, or harm to others). In keeping with the distinction between paraphilias and paraphilic disorders, the term diagnosis should be reserved for individuals who meet both Criteria A and B (i.e., individuals who have a paraphilic disorder). If an individual meets Criterion A but not Criterion B for a particular paraphilia – a circumstance that might arise when a benign paraphilia is discovered during the clinical investigation of some other condition – then the individual may be said to have that paraphilia but not a paraphilic disorder" (p. 685-686).¹⁷

Mr. Clark has a history of charges (0136), convictions (0146; 0654-0658), and non-charged sexual offenses (0403-0404)¹⁸ in the community.¹⁹ Additionally, Mr. Clark has a lengthy history of institutional infractions in which he was infraacted for strong-arming other inmates for sexual favors (0902), and described as engaging in predatory sexual behavior as it pertained to weaker and more vulnerable inmates (0849; 0853; 0855; 0861; 0864; 1149). Inception of detected coercive sexual behavior was noted to have occurred on 10/15/78 when Mr. Clark was 15 years of age and persisted despite repeated sanctioning in the community and multiple remands to the Department of

¹⁷ The scope of paraphilic disorders identified in the DSM-5 maps closely on the range of disorders identified by the DSM-IV-TR. The principle difference is the breakout of the DSM-IV-TR category of Paraphilia, Not Otherwise Specified (302.9) into Other Specified Paraphilic Disorder (302.89) and Unspecified Paraphilic Disorder (302.9). Additionally, with the exception of Pedophilic Disorder (302.2) each of the paraphilic disorders now has "In full remission" or "In a controlled environment" specifiers.

¹⁸ Upon initiation of the investigation in reference to Cause # 93-1-00124-1, an additional victim, DKE was identified. In her report to the police (0403-0404), Ms. E reported that on 3/14 or 3/15/93 she was playing pool in the Moclips Tavern. Mr. Clark followed her to a payphone at a nearby store and physically assaulted her as she was returning to the tavern. Ms. E reported that she was "backhanded in the face" and fell to the ground striking her head on a rock. Mr. Clark proceeded to "put his left forearm across my throat, I was having trouble breathing. With his right arm he ripped my blouse and unsnapped my pants...I couldn't move because his chest was pressed against mine. I wouldn't spread my legs, so he masturbated, ejaculating on my stomach" (0403). Ms. E declined to report the incident to the police at the time of the assault for fear that her boyfriend would find out.

¹⁹ Additionally, while on escape status between 10/3/81 and 12/22/81 for Cause # 54281, Mr. Clark attempted to sexually assault 45 y/o BAS at her residence with a knife in the early morning hours of 11/6/81 stating, "I need something, I need some sex, if you don't give it I'll kill you" (0156). The sexual assault was interrupted by the arrival of Ms. S's brother and son at the residence. Mr. Clark fled the scene. Following his apprehension on 12/22/81 Mr. Clark entered a plea of guilty on 2/17/82 to Burglary in the 2nd Degree. Although this was not adjudicated as a sexually motivated offense, it is clear from the description of events that Mr. Clark intended to sexually assault the victim. Additionally, on 1/31/92 while on supervision for Cause # 81-1-01351-1, Mr. Clark assaulted TM (0184) resulting in the victim receiving a broken jaw. Review of records (0232-0240) associated with the assault indicated that Mr. Clark attempted to abduct TM in addition to assaulting her and that TM "thought that Clark had intended to rape her if he could have got her in the car" (0238).

Corrections. As such, the durability and strength of Mr. Clark's interest in coercive sexuality clearly meets the durational requirement for a paraphilic disorder. While generally denying deviant sexual interests at the inception of sexual deviancy treatment at the Sex Offender Treatment Program at Twin Rivers Correctional Center in Monroe, WA, Mr. Clark did acknowledge "*that the victim's resistance made him more sexually aroused during his sex offenses*" (2185) and/or arousal to power and control (6/2/16 Interview). Cumulatively, I believe there is sufficient evidence to support the finding that Mr. Clark meets criteria for Other Specified Paraphilic Disorder (Nonconsent) (302.89).

The DSM-5 defines Alcohol Use Disorder as, "*A problematic pattern of alcohol use leading to clinically significant impairment or distress, as manifested by at least two of the following, occurring within a 12-month period: 1) Alcohol is often taken in larger amounts or over a longer period than was intended; 2) There is a persistent desire or unsuccessful efforts to cut down or control alcohol use; 3) A great deal of time is spent in activities necessary to obtain alcohol, use alcohol, or recover from its effects; 4) Craving, or a strong desire or urge to use alcohol; 5) Recurrent alcohol use resulting in a failure to fulfill major role obligations at work, school, or home; 6) Continued alcohol use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of alcohol; 7) Important social, occupational, or recreational activities are given up or reduced because of alcohol use; 8) Recurrent alcohol use in situations in which it is physically hazardous; 9) Alcohol use is continued despite knowledge of having a persistent or recurrent physical or psychological problem that is likely to have been caused or exacerbated by alcohol; 10) Tolerance, as defined by either of the following: a) A need for markedly increased amounts of alcohol to achieve intoxication or desired effect; b) A markedly diminished effect with continued use of the same amount of alcohol; 11) Withdrawal, as manifested by either of the following: a) The characteristic withdrawal syndrome for alcohol (refer to Criteria A and B of the criteria set for alcohol withdrawal, pp. 499-500); b) Alcohol (or a closely related substance, such as a benzodiazepine) is taken to relieve or avoid withdrawal symptoms*" (p 490-491).

Mr. Clark reported onset of alcohol abuse at the age of 12 or 13 (0142) and alcohol abuse in his later teen years with recommendations for treatment (0138-0143). Alcohol was implicated in both prior sexual offending (0139; 0157; 0403-0404) and as a precursor to his index spree (0641). Additionally Mr. Clark incurred a series of violations while on supervision for 81-1-01351-3 (0176-0178; 0179-0181; 1882-1883; 1884-1885) for failure to comply with court-mandated treatment and frequenting establishments where the sale of alcohol was the primary source of revenue. Cumulatively, Mr. Clark appears to meet criteria for multiple substance abuse disorders including Alcohol Use Disorder, In a controlled environment (303.90).²⁰

The DSM-5 defines a personality disorder as, "*an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture. This pattern is manifested in two (or more) of the following areas: 1) Cognition*

²⁰ Records also indicated the weekly use of marijuana as an adolescent (0142) as well as use of crack cocaine while at liberty in the community during the early 1990s (0642). However, I have deferred cannabis and stimulant use disorder diagnoses as the impact of these substances on his adaptive functioning and offending behavior is unclear.

(i.e., ways of perceiving and interpreting self, other people, and events); 2) Affectivity (i.e., the range, intensity, lability, and appropriateness of emotional response); 3) Interpersonal Functioning; 4) Impulse Control: B) The enduring pattern is inflexible and pervasive across a broad range of personal and social situations. C) The enduring pattern leads to clinically significant distress or impairment in social, occupational, or other important areas of functioning. D) The pattern is stable and of long duration, and its onset can be traced back at least to adolescent or early adulthood. E) The enduring pattern is not better explained as a manifestation or consequence of another mental disorder. F) The enduring pattern is not attributable to the physiological effects of a substance (e.g., a drug of abuse, a medication) or another medical condition (e.g., head trauma)” (p. 646-647).

The DSM-5 defines Antisocial Personality Disorder (301.7) as a “pervasive pattern of disregard for and violation of the rights of others occurring since age 15 years, as indicated by three (or more) of the following: 1) Failure to conform to social norms with respect to lawful behaviors as indicated by repeatedly performing acts that are grounds for arrest; 2) Deceitfulness, as indicated by repeated lying, use of aliases, or conning others for personal profit or pleasure; 3) Impulsivity or failure to plan ahead; 4) Irritability and aggressiveness, as indicated by repeated physical fights or assaults; 5) Reckless disregard for the safety of self or others; 6) Consistent irresponsibility, as indicated by repeated failure to sustain consistent work behavior or honor financial obligations; 7) Lack of remorse, as indicated by being indifferent to or rationalizing having hurt, mistreated, or stolen from another.” (p. 659). Moreover, the disorder entails that the individual is at least 18 years of age and that there is evidence of a Conduct Disorder prior to the age of 15 years and that the antisocial behavior does not occur exclusively in the course of schizophrenia or bipolar disorder.

Mr. Clark clearly demonstrates a pattern of broad-spectrum antisocial behavior beginning as an adolescent (0118-0119; 0139; 0146) and persisting into adulthood (0161; 0172; 0214-0219; 0654-0658) as denoted by a pattern of arrest and adjudication that has resulted in his incarceration for a majority of his life from mid-adolescence to adulthood. Additionally, Mr. Clark has demonstrated a pattern of deceitfulness (0060; 0260; 0298; 0638; 1942-1947), impulsivity (0155; 0403-0404; 0828; 2219), and a lack of remorse for his conduct (0141; 0640; 0641; 0902; 1187; 2134; 2223). Given evidence of a Conduct Disorder prior to age 15 (0118-0119; 0142), I believe Mr. Clark clearly meets criteria for Antisocial Personality Disorder (301.7).

In summary, I believe Mr. Clark meets diagnostic criteria for Other Specified Paraphilic Disorder (Nonconsent) (302.89), Alcohol Use Disorder, In a controlled environment (303.90), and Antisocial Personality Disorder (301.7). Of these disorders, I believe Other Specified Paraphilic Disorder (Nonconsent) meets the statutory definition of a “mental abnormality” as defined by RCW 71.09.020(8) and predisposes Mr. Clark to the commission of predatory acts of sexual violence against women who were either

strangers or with whom he had a casual relationship, and cultivation of relations with vulnerable peer-aged males for purposes of sexual exploitation.²¹

C) Is Mr. Clark, as a result of a mental abnormality or personality disorder, “likely to engage in predatory acts of sexual violence if not confined in a secure facility?”
YES.

RECIDIVISM RISK:

Mr. Clark was assessed with the PCL-R, 2nd Edition. Factor analysis of the PCL-R has yielded 2 main factors and 4 facets. Broadly, Factor 1 is comprised of 8 items which load on interpersonal traits broadly described as selfishness, callousness, lack of empathy, and remorseless use of others. Factor 2 is comprised of 10 items pertaining to an unstable antisocial lifestyle and social deviance. Scores on the PCL-R range from 0 to 40. Categorically, individuals obtaining scores of 30 and above are regarded as being psychopathic and therefore at a significantly higher risk for violent and antisocial recidivism. In addition, scores on the PCL-R can be viewed dimensionally such that individuals obtaining higher scores on the measure are at a relatively higher risk of violent recidivism compared to individuals obtaining lower scores.

Mr. Clark was assigned a prorated score of 32²² on the PCL-R placing him at the 91st percentile²³ compared to North American male offenders and at the 96th percentile²⁴ compared to North American male forensic psychiatric patients.

SRA-FV:

The Structured Risk Assessment (SRA) framework (Thornton, 2002) identifies relatively enduring psychological factors that function as long-term vulnerabilities for sexual offending. These factors are individually predictive of sexual recidivism. They are sometimes called *need factors* since assessment of them indicates the appropriate focus of treatment needed to reduce risk. Need factors consistent with the SRA framework have incremental predictive validity relative to Static-99 and so function as external risk factors.²⁵

The Forensic Version of SRA-Need Assessment, an instrument developed by David Thornton Ph.D., was used to evaluate Mr. Clark. The SRA-FV assesses psychological factors that function as long-term vulnerabilities for sexual offending that fall in three domains: *Sexual Interests*, *Relational Style*, and *Self-Management*.

²¹ While the existence of the paraphilic disorder impedes Mr. Clark’s volitional control and predisposes him to act upon his coercive paraphilic interests, attributes of his antisocial personality disorder such as impulsivity and lack of remorse interact with his coercive drive state permitting expression of the disorder.

²² Technically, 32.2. I chose to omit Item 9, *Parasitic Lifestyle*, due to the duration of time Mr. Clark was incarcerated as an adult. Additionally, due to a lack of information regarding his developmental history prior to the age of 12, I also chose to omit Item 12, *Early Behavioral Problems*.

²³ Technically, the 91.2 percentile.

²⁴ Technically, the 96.2 percentile.

²⁵ In fact, the AUC for various measures of psychological needs is comparable to the AUC for commonly used actuarial measures such as the Static-99R and the VRAG-R.

Consistent with current training and professional guidance, in order to determine the applicable Static-99R reference group, it was necessary to assess the degree to which Mr. Clark demonstrates these relatively enduring psychological risk factors.

The Total Need Score assigned to Mr. Clark was 4.5. This score falls above the range of scores of those individuals identified as High Risk/Needs as defined by the interpretative guide provided by the author of the instrument.²⁶ Regardless of the level of pre-selection, offenders with this level of need are expected to have a recidivism rate at or possibly above those indicated by the Static 99R High Risk/Need norms.

STATIC-99R:

Mr. Clark was assigned a Static-99R score of 8. Mr. Clark's score of 8 places him at the 99th percentile compared to Canadian adult male sex offenders.²⁷ Mr. Clark would be expected to exhibit a recidivism rate 7.32 times higher than the recidivism rate of the typical sex offender (defined as a median score of 2). Thirty-six percent²⁸ of individuals with scores similar to Mr. Clark recidivated within 5 years of time at risk, and 49%²⁹ recidivated within 10 years of time at risk.

VRAG-R:

Mr. Clark was assessed with the Violence Risk Appraisal Guide – Revised (VRAG-R).^{30,31} Mr. Clark was assigned a prorated score of 41 on the VRAG-R placing him in Bin 9 at the 99th percentile compared to the standardization sample.³² Seventy-six percent of individuals with similar scores recidivated at 5 years of time at risk and 87% recidivated at 12 years of time at risk.

SUMMARY AND CONCLUSIONS:

Mr. Greg Clark is a 53 y/o male with a history of opportunistic hands-on offending against adult males and females. Onset of detected rape behavior occurred when Mr. Clark was 15 years of age and has been refractory to both repetitive sanctioning and incarceration. While Mr. Clark participated in sexual deviancy treatment (2200-2202; 2203-2205; 2206-2210; 2211-2214) beginning on 10/16/14 (0828), overall

²⁶ The SRA-FV range associated with High Risk/Needs norms is 3.3.

²⁷ Technically, the 99.1 percentile. Relative to the standardization samples, Mr. Clark's score falls between the 98.2 percentile and the 99.8 percentile at the 95% confidence interval.

²⁸ Technically 36.3%. 28.8% to 44.5% at the 95% confidence interval compared to a reference sample of 860 offenders.

²⁹ Technically 48.5%. 37.1% to 60.1% at the 95% confidence interval compared to a reference sample of 350 offenders.

³⁰ Harris, G.T, Rice, M.E., *op. cit.*

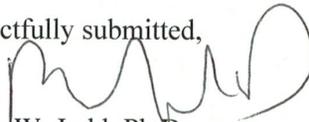
³¹ I chose to use the VRAG-R over the SORAG as the latter measure was standardized on 288 offenders. The VRAG-R was standardized on 961 offenders and cross-validated on an additional 300 offenders. AUC for the entire sample was .758. For the subsample of 745 sex offenders, the VRAG-R yielded an ROC of .738, compared to an AUC of .719 for the VRAG and .727 for the SORAG. As such, the VRAG-R demonstrated comparable or greater predictive validity than either the VRAG or SORAG. Scoring Mr. Clark with the SORAG yielded comparable risk estimates to those obtained with the VRAG-R, with 31% of individuals with similar scores recidivating at 5 years of time at risk and 58% recidivating at 12 years of time at risk.

³² I chose to omit Item 2, *Elementary School Maladjustment*, due to an absence of independent information regarding Mr. Clark's early developmental years.

participation was poor (0828) and appeared to be motivated by external incentives (1348), resulting in his termination from treatment on 2/18/15 (0827).

Mr. Clark currently meets conventional criteria for psychopathy and constitutes a high risk for sexual and violent (including sexually violent) recidivism upon his release into the community. Additionally, Mr. Clark demonstrates a high level of dynamic risk as assessed by the SRA-FV without substantive mitigation of "needs factors" through participation in sex offender specific treatment. While Mr. Clark has 2 years of community supervision on Cause # 93-1-00124-1 if released into the community, historically, Mr. Clark's prior comportment on supervised release has been poor with adjudications for absconding,³³ burglary,³⁴ possession of stolen property,³⁵ and multiple violations and infractions that did not result in criminal adjudication (0176-0178; 0179-0181; 0182-0185; 1882-1883; 1884-1885).³⁶ Cumulatively, this information suggests that supervision in the community has had a negligible deterrent effect on Mr. Clark's antisocial conduct, thus not mitigating his risk for recidivism. Summarily, I believe that Mr. Clark meets the criteria as a "sexually violent predator" as defined by RCW 71.09.020(18).

Respectfully submitted,



Brian W. Judd, Ph.D.
Licensed Psychologist
Washington License 1522
Certified Sex Offender Treatment Provider 171

I certify and declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

6/3/16 Olympia WA
Date and Place


Signature

³³ Cause # 81-1-00981-8

³⁴ Cause # 81-1-01351-3

³⁵ Cause # 89-1-00219-1

³⁶ At the time of commission of Mr. Clark's index spree on 4/10/93, he remained on monetary supervision with the Department of Corrections from earlier crimes.

THIS IS THE END OF THE FORENSIC
PSYCHOLOGICAL EVALUATION

Brian W. Judd, Ph.D., P.C.
501 Columbia St. NW, Suite A
Olympia, WA 98501
(360) 352-5351
Fax (360) 352-5357

Clark Index-Actuaries

DOB: 9/20/62

- 1) United States Department of Justice Federal Bureau of Investigation Identification Division, 0015-0017.
- 2) Washington State Criminal History, 0018-0023.
- 3) Washington State Patrol Identification and Criminal History Section, dated 5/1/13, 0060-0070.

0060 7 separate aliases and 4 social security numbers

- 4) Criminal History Record dated 5/1/13, 0075-0086.
- 5) Department of Corrections Criminal Conviction Record authored by CC Marilyn Meldrich, dated 3/27/14, 0089-0092.

0089 Note offense spree occurred on 4/10/93 – Residential Burglary with Sexual Motivation and Rape in the 1st Degree. Both were stranger victims and threatened to kill the second victim and “repeatedly raped her, including vaginal, oral and anal rape.”

0092 “While on escape from Work Release, Clark broke into a residence and tried to rape a female victim by holding a knife to her throat.

- 6) Department of Corrections Criminal History Summary, dated 11/14/05, 0118-0120.

0118 4/10/93 Rape in the 1st Degree – Melissa Erickson
4/10/93 Residential Burglary with Sexual Motivation – Deborah Adams

0118-0119 Entered into Raymond Hall at age 14 after he left home for a period of six days. On 11/26/77 entered into Raymond Hall for Minor in Consumption of Alcohol and for Simple Assault. On 5/11/78 again entered into Raymond Hall for Auto Theft, no disposition is known. On 6/15/78, he was again charged with Auto Theft. He was found guilty on 7/15/78 and placed on official probation. Probation was dismissed on 9/20/78. On 1/15/78 (age 15) Clark was arrested for Rape.

0119 10/15/78 convicted of Rape in the 2nd Degree for 2 rapes committed on 1/15/78. Juvenile court declined jurisdiction. (NB: These dates are in error – see 0139)

10/3/81 Escape in the 2nd Degree

A Professional Corporation
Licensed Psychologist
Clinical & Forensic Consultation & Assessment

G. Clark 002952

11/6/81 Burglary 2nd Degree While on Escape, Clark was drinking when he entered a residence and attempted to rape a victim by holding a knife to her throat.

6/5/90 Possession of Stolen Property

1/11/90 Parole Violation and found guilty of multiple violations resulting in an additional 4 to 6 months of incarceration

0120 Clark has a history of both violent behavior and sexual deviancy. On several occasions, he has raped or attempted to rape victims, threatening them with a knife, and on one occasion a gun. He has raped victims both in public and in their homes, breaking in to do so. Clark was sent to Western State Hospital for a 90 day period to determine sexual psychopathy and was returned to court on 3/22/79 with a finding that he was not amenable to treatment and not safe to be at large. As a juvenile, Clark was arrested and convicted of Simple Assault. Institutional conduct involves fighting, throwing rocks at officer, pressuring other inmates for sex, threatening inmates, assaulting inmates, and placing one victim in the hospital. Clark also had one escape, from a Tacoma Work Release facility.

- 7) *State of Washington vs. Gary Lee Clark* Information for Cause # 54281, dated 11/1/78, 0136. Mr. Clark was charged with Rape in the 1st Degree for the sexual assault of Kathleen Woodring on 10/15/78.
- 8) *State of Washington vs. Gary Lee Clark* Amended Information for Cause # 54281, dated 12/26/78, 0137. Mr. Clark was charged with Rape in the 2nd Degree for the sexual assault of Kathleen Woodring on 10/15/78.
- 9) Department of Social and Health Services Presentence or Intake Summary Report for Cause # 54281 authored by R.W. Harris, PPO III, dated 3/21/79, 0138-0143.

0139 ...on June 15, 1978, he was again charged with Auto Theft and on July 5, 1978, he was found delinquent and placed on official probation. Records indicate that Gary's probation was dismissed on September 20, 1978. After being arrested on October 15, 1978 for the instant offense, as a juvenile, he was charged on October 17, 1978 with Rape in the First Degree, Rape in the Second Degree and Taking a Motor Vehicle Without Permission. The Court declined jurisdiction on October 31, 1978 and he was remanded to Adult status and turned over to the Pierce County Sheriff's Office for adjudication.

At approximately 6:00 AM on October 15, 1978, Gary Lee Clark entered the home of Kathleen G. Woodring...by crawling through a bedroom window...He then indicated, "Don't move I'll kill you, I have a knife and I'll kill." ...she noticed her attacker was very drunk....recognized him as a young man who lived nearby.

0140 they observed a woman passed out in a vehicle. They subsequently got into the vehicle and drove the woman to an abandoned garage where they both had sexual intercourse with the woman on the floor of the garage. After raping this elderly Indian woman (Bernice White – 0141) Clark took her vehicle...on October 17, 1978, he was charged with Rape in the First Degree, Rape in the Second Degree and Taking a Motor

Vehicle Without Permission. On December 26, 1978, Gary Clark plead [sic] guilty to one count of Rape in the 2nd Degree and the other 2 charges were dismissed.

0141 He quite readily and repeatedly shifted the responsibility for his behavior onto the excessive consumption of alcohol...I did not pick up much of a sense of guilt or remorse...

0142 The consumption of alcoholic substances on the part of Mr. Gary Clark first began at the approximate age of 13 when he began to drink beer. Around the age of 15, he started drinking hard liquor on weekends...

- 10) Letter to the Honorable Authur W. Verharen authored by Allen J. Holzinger, MA Maureen Saylor, MA, and William D. Voorhees, Jr. MD, dated 3/26/79, 0144-0145.
- 11) *State of Washington vs. Gary Lee Clark* Judgment and Sentence for Cause # 54281, dated 3/27/79, 0146.
- 12) Board of Prison Terms and Paroles Sentence Fixed by Board for Cause # 54281, dated 9/11/79, 0148.
- 13) *State of Washington vs. Gary Lee Clark* Information for Cause # 81-1-00981-8 authored by Pierce County Deputy Prosecuting Attorney Stanley P. Wagner, Jr, dated 10/12/81, 0150. Mr. Clark was charged with Escape in the 1st Degree.

0150 ...on or about the 3rd day of October, 1981, did then and there being unlawfully and feloniously while being detained pursuant to a felony conviction, escape from Tacoma Work/Training Release, a detention facility...

- 14) *State of Washington vs. Gary Lee Clark* Information for Cause # 81-1-00981-8 authored by Pierce County Deputy Prosecuting Attorney Stanley P. Wagner, Jr, dated 1/8/82, 0151. Mr. Clark was charged with Escape in the 2nd Degree.
- 15) Department of Corrections Presentence and Intake Report for Cause #s 81-1-00981-8 and 81-1-0135133 authored by Ron Peterson PPO III, undated, 0152-0160.

0155 Once Clark decided not to return to the facility, he decided to consume alcoholic beverages and did so on almost a daily basis until he was apprehended in December 1981.

0156 "I need something, I need some sex, if you don't give in I'll kill you."

0157 On 2/9/82, Gary Clark was charged with Burglary in the First Degree under Pierce County Cause # 81-1-01351-3, while armed with a deadly weapon, a knife. On 2/17/82, a Second Amended Information was submitted charging Clark with Burglary in the Second Degree. On 2/17/82, Clark pled guilty to Burglary in the Second Degree under Pierce County Cause # 81-1-01351-3 with a sentencing date scheduled for 4/7/82.

Clark adamantly denies attempting to rape Ms. Smith or threatening her in any manner.

0158 Clark is not married nor has he ever been.

- 16) *State of Washington vs. Gary Lee Clark* Judgment and Sentence for Cause # 81-1-00981-8, dated 4/7/82, 0161
- 17) Board of Prison Terms and Paroles Sentence Fixed by Board for Cause # 81-1-00981-8, dated 10/19/82, 0163.
- 18) *State of Washington vs. Gary Lee Clark* Judgment and Sentence for Cause # 81-1-01351-3, dated 4/7/82, 0172.
- 19) Board of Prison Terms and Paroles Sentence Fixed by Board for Cause # 81-1-01351-3, dated 10/19/82, 0175.
- 20) Department of Corrections Division of Community Corrections Notice of Violation for Cause # 81-1-01351-3 authored by Lori Ramsdell, CCO-II, dated 10/30/91, 0176-0178.
- 21) Department of Corrections Division of Community Corrections Notice of Violation for Cause # 81-1-01351-3 authored by Lori Ramsdell, CCO-II, dated 1/29/92, 0179-0181.
- 22) Department of Corrections Division of Community Corrections Notice of Violation for Cause # 81-1-01351-3 authored by Lori Ramsdell, CCO-II, dated 9/22/92, 0182-0185.

0184 Mr. Clark has clearly demonstrated that he is unable/unwilling to maintain law abiding behavior. He is a danger to the community and I believe he should be considered a candidate for civil commitment.

- 23) *State of Washington vs. Gary L. Clark* Judgment and Sentence for Cause # 89-1-00219-1, dated 6/4/90, 0214-0219. Mr. Clark was convicted of Possession of Stolen Property in the 2nd Degree.
- 24) Records regarding the assault and attempted kidnapping of Ms. Tina Murphy, 0232-0240.
- 25) Records regarding misdemeanor obstructing, impersonating a police officer, accosting a stranger female, 0245-0249.
- 26) Aberdeen Arrest Report for Case # 93-02077, dated 2/21/93, 0256-0261.

0260 I asked him his name again. When I asked how to spell his last name for me, he spelled it differently twice. I asked him if he was ever arrested anywhere or had a drivers license. He told me had never been arrested or had a drivers license. He would speak very fast and mumble when giving his answers. He claimed there was no one, brother, sister, mother father, girlfriend who could be contacted to confirm who he was. He had on his person who he claimed was his girlfriend (wife), but didn't know her last name.

- 27) Records for Case # 93-1141, 0294-0302.

0297-0298 Attempted rape of Deborah Adams

0298 Sergeant Timmons advised me that Clark was interviewed and he said he was at his apartment all night with his wife. Sergeant Timmons said Clark resides at the

Harmony Apartments in Hoquiam. Clark said the apartment manager could also vouch for him. I told Sergeant Timmons I would contact the apartment manager and Clark's wife.

0299 Patricia said as Gary continued to drink he became rude and drunk.

0302 I told Edwards what I heard and asked her if she was raped about three weeks ago. Edwards said she was assaulted and her clothes got ripped, by an Indian male at the Moclip's Grocery. Edwards said he did not penetrate her vagina. I asked her if he was trying to rape her and she said "yes"...Edwards said she met the guy in the bar earlier in the evening. The male followed her out of the tavern to the back of the Moclip's Grocery....

28) Records for Case # 93-04081, 0341-0343.

0342 He said if he wanted to have sex, that he would "fuck his wife". Victim [sic] said that he had no knowledge of any rape, and, that he had not had sex with anyone in the last two days except for his wife...Clark was asked if someone was trying to set him up, someone who might know about his criminal past. Clark said that might be occurring.

29) Aberdeen Police Department statement of Ms. Melissa Erickson in reference to Case # 93-4080, dated 4/10/93, 0346-0350. (Denotes oral, vaginal and anal sex. Threats of death if not compliant. Was noted to have an erection.)

30) Statement of Patricia Clark, dated 4/10/93, 0360-0361.

0360 In the past couple of years since Gary has been out of prison, I have had my friends tell me he has tried to get to know them behind my back. They also said they were afraid of him and the way he followed and looked at them.

0361 He said he loved me and admitted he had been cheating on me the last couple of years.

31) Grays Harbor County Sheriff's Department Witness Statement for Case # 93-979, statement of Ms. Dorothy Edwards, dated 4/12/93, 0403-0404.

0403 He put his left forearm across my throat, I was having trouble breathing. With his right arm he ripped my blouse and unbuttoned my pants...I couldn't move because his chest was pressed against mine. I wouldn't spread my legs, so he masturbated, ejaculating on my stomach.

32) Presentence Investigation Identification Information for Cause # 93-1-00124-2 authored by Dale L. Dewey, CCO III, dated 7/16/93, 0636-0644.

0638 The defendant's version differs greatly from the official version of the offense. Basically, he states that she consented to have oral, vaginal, and anal intercourse with him. He claims that she asked if she could have 5\$ so that she could catch a taxi cab

home...He stated that he did not threaten, force or hit her in any way, that it was consensual sex and that she was drunk and needed cab fare money to get home.

The defendant stated that he entered Deborah Adams' apartment because she owed him \$25 that he gave her to purchase some rock.

0640 Mr. Clark is in complete denial with regard to both offenses....

0641 The defendant has not involved himself in any type of a sexual deviancy treatment program. Information received from Department of Corrections' files indicated that the defendant is not amenable to treatment. Clark is not admitting guilt in this matter. He is not taking any responsibility for the sex offense stating that she was a more than willing participant. He is not showing any remorse or empathy for the victim.

0642 The defendant married Patricia Mulair in October, 1991, while incarcerated at the Clallam Bay Corrections Center.

He has however, used crack cocaine since his release from the institution.

33) *State of Washington vs. Gary Lee Clark* Judgment and Sentence for Cause # 93-1-124-2, dated 7/26/93, 0654-0658.

34) Omni: Legal Face Sheet, dated 4/19/16, 0775-0808.

0804-0805 Infraction summary from 6/25/79 through 2/18/15.

35) Omni: Chronos Search Results from 10/11/89 through 4/19/16, various authors, 0821-0867.

0827 P was terminated from SOTP on 2/18/15.

0828 P was asked to identify thoughts and feelings he experienced before offending and P was not able to identify any thoughts or feelings he experienced before offending four different victim. P has been given three opportunities to present his full disclosure and was reminded that he had been given numerous opportunities to explore his thoughts and feelings during group and individual sessions. He was also reminded that he choose [sic] not to meet with supervisory staff and to discuss presenting his full-disclosure a fourth time. P has consistently characterized his offending as impulsive and did not identify thoughts and feelings he experience prior to offending and insight into thoughts and feelings he will need to manage to mitigate his risk to re-offend.

P accepted into the SOTP at MCC-TRU, assigned to SOTS A. Rogers, group start 10/16/14.

0834 P acknowledges committing the offenses generally, however his description differs from what was available at screening. When asked if P would participate in a sexual history polygraph if offered, he stated that he would not.

0838 He does not want to participate in SOTP.

0849 P was interviewed on 5/31/07 by SIU due to allegations that he sexually assaulted another offender at AHCC in 2005. P denied allegations and declined to participate in a polygraph examination. Allegations were not substantiated.

0853 P was referred to Ad-Seg pending investigation of pressuring another offender for sexual favors. He was consequently found guilty of a 504 & 659 major infraction.

0855 P was placed on Ad-Seg status on 10/22/02, pending the outcome of an investigation for sexual misconduct towards other offenders. P has predatory type behavior towards other offenders and will pay for favors through his inmate store purchases.

0861 P was placed on Ad-Seg for requesting sexual favors from another inmate.

P was placed on Ad-Seg on 9/24 for investigation of threatening inmates for sex. Info gathered shows that P indeed been preying upon weaker inmates for sex, not only in the unit, but also while working in the kitchen.

0864 Referred for sexually assaulting another I/M on 3 separate occasions. I/M claims innocence states he thinks someone wanted him out of MSC or off mainline so they made this story up.

36) Department of Corrections Screening Committee Incoming Transport Review Checklist, dated 10/10/11, 0902-0905.

0902 9/9/98 Ad-Seg for sexually assaulting another inmate on 3 separate occasions. 9/30/99 investigation for threatening inmates for sex. 10/22/02 investigation for sexual misconduct towards other offenders. 3/16/06 investigation over pressuring another offender for sexual favors. 6/5/07 interviewed due to allegations that he sexually assaulted another offender.

37) Washington State Reformatory Notice of Hearing, dated 7/6/83, 1149.

1149 Information from sources deemed reliable by the Captain's Office indicates that at approximately 8:00 pm on July 1, 1983 resident Clark did physically assault resident Wilson while in the stairwell of the institution. The assault occurred after Clark's repeated attempts to threaten and pressure Wilson into committing sexual acts against his will.

38) Department of Corrections Infraction Report, dated 10/2/87, 1187.

1187 ...indicates that on or around October 2, 1987, Clark seriously assaulted another inmate to the point there was injury to the eye area and the inmate had to be placed in

protective segregation. Clark has a long history of abuse directed towards weaker inmates...

39) Clallam Bay Corrections Center Incident Report, dated 9/24/99, 1259.

1259 ...stated to me that he is being threatened for sexual favors

40) Clallam Bay Corrections Center Notice of Infraction, dated 9/29/99, 1260.

1260 Clark did threaten and intimidate other inmates for sexual favors. Information also indicates that Clark has a history of such activities.

41) Department of Corrections Serious Infraction Report, dated 11/5/02, 1282.

1282 During my investigation, it was determined that Clark harassed inmates in the kitchen on a regular basis asking them for sexual favors.

42) Department of Corrections Initial Serious Infraction Report dated 3/10/06, 1316.

1316 On 3/9/06 confidential information was received from numerous sources that offender Clark, Gary had been pressuring another offender for sexual favors for store items and had offered to pay him money.

43) Department of Corrections Witness Statement, statement of Jason Persinger, dated 3/13/06, 1320-1321.

44) Department of Corrections Serious Infraction Report, dated 2/18/15, 1348.

1348 It should be noted that Mr. Clark refused to participate in SOTP until the recommendation to restore good conduct time was initiated 8/22/14 [sic]. He then agreed to participate, however once his GCT was restored, he was not invested in the programming he agreed to.

45) Department of Corrections LSI-R Assessment, undated, 1480-1483 (incomplete).

46) Department of Corrections LSI-R Assessment, undated, 1484-1491.

47) Department of Corrections Notice of Violation authored by Alice Tate CCO-II, dated 9/7/89, 1882-1883.

48) Department of Corrections Supplemental Notice of Violation/Arrest, dated 1/4/90, 1884-1885.

49) Version of index offenses written by Mr. Gary Clark, undated, 1942-1947.

50) Sociologist's Overview authored by Robert C. Ledbetter, CC-III, dated 4/3/79, 2134.

2134 Clark has a ninth grade education with below average grades and excessive absenteeism....He offers no remorse for the victim and uses blame displacement by citing alcohol as the only cause for his committing the crime.

51) Psychological Report authored by Felix Massaia, Ph.D., dated 4/9/79, 2135-2136.

2135 Mr. Clark acknowledged to having been precociously involved in the excessive use of alcohol, and of having begun to use marijuana within the past few years, the use increasing as he became older.

52) Psychological Report authored by Curt Johnson, Ph.D., dated 5/19/88, 2139-2142.

53) Psychological Evaluation authored by Iris Rucker, Ph.D., dated 10/30/90, 2144-2153.

54) Mental Health Evaluation authored by Ronald D. Page, Ph.D., dated 6/7/95, 2154-2155.

55) Sex Offender Treatment Program Initial Treatment Plan authored by Aaron Rogers, BA and Lisa Dandescu CMHUS, dated 12/12/14, 2183-2192.

2185 Mr. Clark does not acknowledge sexual deviant preference, but he did report at intake that the victim's resistance made him more sexually aroused during his sex offenses.

2187 Mr. Clark has not lived in the community for at lease [sic] two years with a partner.

56) Sex Offender Treatment Program Monthly Progress Notes for 10/14 authored by Aaron Rogers, BA, dated 11/6/14, 2200-2202.

57) Sex Offender Treatment Program Monthly Progress Notes for 11/14 and 12/14 authored by Aaron Rogers, BA, dated 1/13/15, 2203-2205.

2204 Mr. Clark disclosed that when he was thirteen years old he had sex for the first time with a peer aged fourteen year old female. He explained that they had vaginal sex one time...He revealed that when he was between the ages of thirteen and fifteen he had sex with five different peer aged women.

58) Sex Offender Treatment Program Monthly Progress Notes for 1/15 authored by Aaron Rogers, BA, dated 2/24/15, 2206-2210.

2207 I was intoxicated and high.

59) Sex Offender Treatment Program Monthly Progress Notes for 2/15 authored by Aaron Rogers, BA, dated 3/17/15, 2211-2214.

60) Sex Offender Treatment Program Treatment Termination Summary authored by Aaron Rogers, BA and Jon Hartz, SOTS, dated 3/2/15, 2215-2227.

2219 He consistently stated that he impulsively offended different victims and was adamant that he has never experienced deviant thoughts in his life.

2221 Mr. Clark most often reported that he offended three victim's, on one occasion he stated that he offended the four victim's [sic], and during one group session he stated that he offended five victim's [sic].

2223 Mr. Clark did not decrease his callous and indifferent orientation toward others. He minimized his offending behavior during group and individual sessions and did not consider how his offending behavior impacted the victims he offended.

PCL-R

1) Glibness/Superficial Charm

0

This item describes a glib, voluble, verbally facile individual who exudes an insincere and superficial sort of charm.

No evidence

2) Grandiose Sense of Self Worth

1

This item describes an individual with a grossly inflated view of his abilities and self-worth.

0342 He said if he wanted to have sex, that he would "fuck his wife". Victim [sic] said that he had no knowledge of any rape, and, that he had not had sex with anyone in the last two days except for his wife...Clark was asked if someone was trying to set him up, someone who might know about his criminal past. Clark said that might be occurring.

0864 Referred for sexually assaulting another I/M on 3 separate occasions. I/M claims innocence states he thinks someone wanted him out of MSC or off mainline so they made this story up.

Version of index offenses written by Mr. Gary Clark, undated, 1942-1947.

3) Need for Stimulation/Proneness to Boredom

2

This item describes an individual who demonstrates a chronic and excessive need for novel and exciting stimulation, and an unusual proneness to boredom.

0118-0119 Entered into Raymond Hall at age 14 after he left home for a period of six days. On 11/26/77 entered into Raymond Hall for Minor in Consumption of Alcohol and for Simple Assault. On 5/11/78 again entered into Raymond Hall for Auto Theft, no disposition is known. On 6/15/78, he was again charged with Auto Theft. He was found guilty on 7/15/78 and placed on official probation. Probation was dismissed on 9/20/78. On 1/15/78 (age 15) Clark was arrested for Rape.

0155 Once Clark decided not to return to the facility, he decided to consume alcoholic beverages and did so on almost a daily basis until he was apprehended in December 1981.

0361 He said he loved me and admitted he had been cheating on me the last couple of years.

0828 P was asked to identify thoughts and feelings he experienced before offending and P was not able to identify any thoughts or feelings he experienced before offending four different victim. P has been given three opportunities to present his full disclosure and was reminded that he had been given numerous opportunities to explore his thoughts and feelings during group and individual sessions. He was also reminded that he choose [sic] not to meet with supervisory staff and to discuss presenting his full-disclosure a fourth time. P has consistently characterized his offending as impulsive and did not identify thoughts and feelings he experience prior to offending and insight into thoughts and feelings he will need to manage to mitigate his risk to re-offend.

4) Pathological Lying

2

This item describes an individual for whom lying and deceit are a characteristic part of his interactions with others...People who score 2 on this item frequently use aliases and false identities.

0060 7 separate aliases and 4 social security numbers.

0260 I asked him his name again. When I asked how to spell his last name for me, he spelled it differently twice. I asked him if he was ever arrested anywhere or had a drivers license. He told me had never been arrested or had a drivers license. He would speak very fast and mumble when giving his answers. He claimed there was no one, brother, sister, mother father, girlfriend who could be contacted to confirm who he was. He had on his person who he claimed was his girlfriend (wife), but didn't know her last name.

0298 Sergeant Timmons advised me that Clark was interviewed and he said he was at his apartment all night with his wife. Sergeant Timmons said Clark resides at the Harmony Apartments in Hoquiam. Clark said the apartment manager could also vouch for him. I told Sergeant Timmons I would contact the apartment manager and Clark's wife.

0638 The defendant's version differs greatly from the official version of the offense. Basically, he states that she consented to have oral, vaginal, and anal intercourse with him. He claims that she asked if she could have 5\$ so that she could catch a taxi cab home...He stated that he did not threaten, force or hit her in any way, that it was consensual sex and that she was drunk and needed cab fare money to get home.

The defendant stated that he entered Deborah Adams' apartment because she owed him \$25 that he gave her to purchase some rock.

0834 P acknowledges committing the offenses generally, however his description differs from what was available at screening. When asked if P would participate in a sexual history polygraph if offered, he stated that he would not.

Version of index offenses written by Mr. Gary Clark, undated, 1942-1947.

5) Conning/Manipulative

1

This item refers to the use of deceit and deception to cheat, bilk, defraud, or manipulate others...unknown to his partners – he is involved in two or three intimate relationships at the same time.

While not a primary aspect of his presentation, there is some evidence to suggest this constitutes a consideration.

0361 He said he loved me and admitted he had been cheating on me the last couple of years.

6) Lack of Remorse or Guilt

2

This item describes an individual who shows a general lack of concern for the negative consequences that his actions both criminal and noncriminal, have on others.

As it pertains to his offending, this has been a consistent aspect of Mr. Clark's presentation.

0141 He quite readily and repeatedly shifted the responsibility for his behavior onto the excessive consumption of alcohol...I did not pick up much of a sense of guilt or remorse...

0640 Mr. Clark is in complete denial with regard to both offenses....

0641 The defendant has not involved himself in any type of a sexual deviancy treatment program. Information received from Department of Corrections' files indicated that the defendant is not amenable to treatment. Clark is not admitting guilt in this matter. He is not taking any responsibility for the sex offense stating that she was a more than willing participant. He is not showing any remorse or empathy for the victim.

0902 9/9/98 Ad-Seg for sexually assaulting another inmate on 3 separate occasions. 9/30/99 investigation for threatening inmates for sex. 10/22/02 investigation for sexual misconduct towards other offenders. 3/16/06 investigation over pressuring another offender for sexual favors. 6/5/07 interviewed due to allegations that he sexually assaulted another offender.

1187 ...indicates that on or around October 2, 1987, Clark seriously assaulted another inmate to the point there was injury to the eye area and the inmate had to be placed in protective segregation. Clark has a long history of abuse directed towards weaker inmates...

2134 Clark has a ninth grade education with below average grades and excessive absenteeism....He offers no remorse for the victim and uses blame displacement by citing alcohol as the only cause for his committing the crime.

2223 Mr. Clark did not decrease his callous and indifferent orientation toward others. He minimized his offending behavior during group and individual sessions and did not consider how his offending behavior impacted the victims he offended.

7) Shallow Affect

1

This item describes an individual who appears unable to experience a normal range and depth of emotion.

0361 He said he loved me and admitted he had been cheating on me the last couple of years.

8) Callous/Lack of Empathy

2

This item describes an individual whose attitudes and behavior indicate a profound lack of empathy and a callous disregard for the feelings, rights and welfare of others.

0089 Note offense spree occurred on 4/10/93 – Residential Burglary with Sexual Motivation and Rape in the 1st Degree. Both were stranger victims and threatened to kill the second victim and “repeatedly raped her, including vaginal, oral and anal rape.”

0120 Clark has a history of both violent behavior and sexual deviancy. On several occasions, he has raped or attempted to rape victims, threatening them with a knife, and on one occasion a gun. He has raped victims both in public and in their homes, breaking in to do so. Clark was sent to Western State Hospital for a 90 day period to determine sexual psychopathy and was returned to court on 3/22/79 with a finding that he was not amenable to treatment and not safe to be at large. As a juvenile, Clark was arrested and convicted of Simple Assault. Institutional conduct involves fighting, throwing rocks at officer, pressuring other inmates for sex, threatening inmates, assaulting inmates, and placing one victim in the hospital. Clark also had one escape, from a Tacoma Work Release facility.

0141 He quite readily and repeatedly shifted the responsibility for his behavior onto the excessive consumption of alcohol...I did not pick up much of a sense of guilt or remorse...

0156 “I need something, I need some sex, if you don’t give in I’ll kill you.”

Aberdeen Police Department statement of Ms. Melissa Erickson in reference to Case # 93-4080, dated 4/10/93, 0346-0350. (Denotes oral, vaginal and anal sex. Threats of death if not compliant. Was noted to have an erection.)

0640 Mr. Clark is in complete denial with regard to both offenses....

0641 The defendant has not involved himself in any type of a sexual deviancy treatment program. Information received from Department of Corrections’ files indicated that the defendant is not amenable to treatment. Clark is not admitting guilt in this matter. He is not taking any responsibility for the sex offense stating that she was a more than willing participant. He is not showing any remorse or empathy for the victim.

0902 9/9/98 Ad-Seg for sexually assaulting another inmate on 3 separate occasions. 9/30/99 investigation for threatening inmates for sex. 10/22/02 investigation for sexual misconduct towards other offenders. 3/16/06 investigation over pressuring another offender for sexual favors. 6/5/07 interviewed due to allegations that he sexually assaulted another offender.

1187 ...indicates that on or around October 2, 1987, Clark seriously assaulted another inmate to the point there was injury to the eye area and the inmate had to be placed in protective segregation. Clark has a long history of abuse directed towards weaker inmates...

2134 Clark has a ninth grade education with below average grades and excessive absenteeism...He offers no remorse for the victim and uses blame displacement by citing alcohol as the only cause for his committing the crime.

2223 Mr. Clark did not decrease his callous and indifferent orientation toward others. He minimized his offending behavior during group and individual sessions and did not consider how his offending behavior impacted the victims he offended.

9) Parasitic Lifestyle

Omit

This item describes an individual for whom financial dependence on others is an intentional part of his lifestyle

Omitted due to the duration of incarceration as an adult.

10) Poor Behavioral Controls

2

This item describes an individual with inadequate behavioral controls.

Frequent history of assaults and fights while in custody.

0120 Clark has a history of both violent behavior and sexual deviancy. On several occasions, he has raped or attempted to rape victims, threatening them with a knife, and on one occasion a gun. He has raped victims both in public and in their homes, breaking in to do so. Clark was sent to Western State Hospital for a 90 day period to determine sexual psychopathy and was returned to court on 3/22/79 with a finding that he was not amenable to treatment and not safe to be at large. As a juvenile, Clark was arrested and convicted of Simple Assault. Institutional conduct involves fighting, throwing rocks at officer, pressuring other inmates for sex, threatening inmates, assaulting inmates, and placing one victim in the hospital. Clark also had one escape, from a Tacoma Work Release facility.

Department of Corrections LSI-R Assessment, undated, 1480-1483 (incomplete).

11) Promiscuous Sexual Behavior

2

This item describes an individual whose sexual relations with others are impersonal, casual or trivial.

0139 ...on June 15, 1978, he was again charged with Auto Theft and on July 5, 1978, he was found delinquent and placed on official probation. Records indicate that Gary's probation was dismissed on September 20, 1978. After being arrested on October 15, 1978 for the instant offense, as a juvenile, he was charged on October 17, 1978 with Rape in the First Degree, Rape in the Second Degree and Taking a Motor Vehicle Without Permission. The Court declined jurisdiction on October 31, 1978 and he was remanded to Adult status and turned over to the Pierce County Sheriff's Office for adjudication.

At approximately 6:00 AM on October 15, 1978, Gary Lee Clark entered the home of Kathleen G. Woodring...by crawling through a bedroom window...He then indicated, "Don't move I'll kill you, I have a knife and I'll kill."...she noticed her attacker was very drunk....recognized him as a young man who lived nearby.

0140 they observed a woman passed out in a vehicle. They subsequently got into the vehicle and drove the woman to an abandoned garage where they both had sexual intercourse with the woman on the floor of the garage. After raping this elderly Indian woman (Bernice White - 0141) Clark took her vehicle...on October 17, 1978, he was charged with Rape in the First Degree, Rape in the Second Degree and Taking a Motor Vehicle Without Permission. On December 26, 1978, Gary Clark plead [sic] guilty to one count of Rape in the 2nd Degree and the other 2 charges were dismissed.

0157 On 2/9/82, Gary Clark was charged with Burglary in the First Degree under Pierce County Cause # 81-1-01351-3, while armed with a deadly weapon, a knife. On 2/17/82, a Second Amended Information was submitted charging Clark with Burglary in the Second Degree. On 2/17/82, Clark pled guilty to Burglary in the Second Degree under Pierce County Cause # 81-1-01351-3 with a sentencing date scheduled for 4/7/82.

Clark adamantly denies attempting to rape Ms. Smith or threatening her in any manner.

Records regarding the assault and attempted kidnapping of Ms. Tina Murphy, 0232-0240.

0297-0298 Attempted rape of Deborah Adams

Aberdeen Police Department statement of Ms. Melissa Erickson in reference to Case # 93-4080, dated 4/10/93, 0346-0350. (Denotes oral, vaginal and anal sex. Threats of death if not compliant. Was noted to have an erection.)

0361 He said he loved me and admitted he had been cheating on me the last couple of years.

Grays Harbor County Sheriff's Department Witness Statement for Case # 93-979, statement of Ms. Dorothy Edwards, dated 4/12/93, 0403-0404.

0403 He put his left forearm across my throat, I was having trouble breathing. With his right arm he ripped my blouse and unsnapped my pants...I couldn't move because his

chest was pressed against mine. I wouldn't spread my legs, so he masturbated, ejaculating on my stomach.

0902 9/9/98 Ad-Seg for sexually assaulting another inmate on 3 separate occasions. 9/30/99 investigation for threatening inmates for sex. 10/22/02 investigation for sexual misconduct towards other offenders. 3/16/06 investigation over pressuring another offender for sexual favors. 6/5/07 interviewed due to allegations that he sexually assaulted another offender.

12) Early Behavioral Problems

Omit

This item describes an individual who had serious behavioral problems as a child (i.e. age 12 and below).

No records from childhood.

13) Lack of Realistic Long-Term Goals

2

This item describes an individual who demonstrates an inability or unwillingness to formulate and carry out realistic, long-term plans and goals. He tends to live day to day and change his plans frequently.

0092 "While on escape from Work Release, Clark broke into a residence and tried to rape a female victim by holding a knife to her throat.

11/6/81 Burglary 2nd Degree While on Escape, Clark was drinking when he entered a residence and attempted to rape a victim by holding a knife to her throat.

0120 Clark has a history of both violent behavior and sexual deviancy. On several occasions, he has raped or attempted to rape victims, threatening them with a knife, and on one occasion a gun. He has raped victims both in public and in their homes, breaking in to do so. Clark was sent to Western State Hospital for a 90 day period to determine sexual psychopathy and was returned to court on 3/22/79 with a finding that he was not amenable to treatment and not safe to be at large. As a juvenile, Clark was arrested and convicted of Simple Assault. Institutional conduct involves fighting, throwing rocks at officer, pressuring other inmates for sex, threatening inmates, assaulting inmates, and placing one victim in the hospital. Clark also had one escape, from a Tacoma Work Release facility.

0155 Once Clark decided not to return to the facility, he decided to consume alcoholic beverages and did so on almost a daily basis until he was apprehended in December 1981.

Department of Corrections Division of Community Corrections Notice of Violation for Cause # 81-1-01351-3 authored by Lori Ramsdell, CCO-II, dated 10/30/91, 0176-0178.

Department of Corrections Division of Community Corrections Notice of Violation for Cause # 81-1-01351-3 authored by Lori Ramsdell, CCO-II, dated 1/29/92, 0179-0181.

Department of Corrections Division of Community Corrections Notice of Violation for Cause # 81-1-01351-3 authored by Lori Ramsdell, CCO-II, dated 9/22/92, 0182-0185.

Department of Corrections Notice of Violation authored by Alice Tate CCO-II, dated 9/7/89, 1882-1883.

Department of Corrections Supplemental Notice of Violation/Arrest, dated 1/4/90, 1884-1885.

0827 P was terminated from SOTP on 2/18/15.

0828 P was asked to identify thoughts and feelings he experienced before offending and P was not able to identify any thoughts or feelings he experienced before offending four different victim. P has been given three opportunities to present his full disclosure and was reminded that he had been given numerous opportunities to explore his thoughts and feelings during group and individual sessions. He was also reminded that he choose [sic] not to meet with supervisory staff and to discuss presenting his full-disclosure a fourth time. P has consistently characterized his offending as impulsive and did not identify thoughts and feelings he experience prior to offending and insight into thoughts and feelings he will need to manage to mitigate his risk to re-offend.

14) Impulsivity

2

This item describes an individual whose behavior is generally impulsive, unpremeditated and lacking in reflection or forethought.

0155 Once Clark decided not to return to the facility, he decided to consume alcoholic beverages and did so on almost a daily basis until he was apprehended in December 1981.

0828 P was asked to identify thoughts and feelings he experienced before offending and P was not able to identify any thoughts or feelings he experienced before offending four different victim. P has been given three opportunities to present his full disclosure and was reminded that he had been given numerous opportunities to explore his thoughts and feelings during group and individual sessions. He was also reminded that he choose [sic] not to meet with supervisory staff and to discuss presenting his full-disclosure a fourth time. P has consistently characterized his offending as impulsive and did not identify thoughts and feelings he experience prior to offending and insight into thoughts and feelings he will need to manage to mitigate his risk to re-offend.

2219 He consistently stated that he impulsively offended different victims and was adamant that he has never experienced deviant thoughts in his life.

15) Irresponsibility

2

This item describes an individual who habitually fails to fulfill or honor obligations and commitments to others. He has little or no sense of duty or loyalty to family, friends, employers.

Department of Corrections Presentence and Intake Report for Cause #s 81-1-00981-8 and 81-1-0135133 authored by Ron Peterson PPO III, undated, 0152-0160.

0155 Once Clark decided not to return to the facility, he decided to consume alcoholic beverages and did so on almost a daily basis until he was apprehended in December 1981.

0156 "I need something, I need some sex, if you don't give in I'll kill you."

0157 On 2/9/82, Gary Clark was charged with Burglary in the First Degree under Pierce County Cause # 81-1-01351-3, while armed with a deadly weapon, a knife. On 2/17/82, a Second Amended Information was submitted charging Clark with Burglary in the Second Degree. On 2/17/82, Clark pled guilty to Burglary in the Second Degree under Pierce County Cause # 81-1-01351-3 with a sentencing date scheduled for 4/7/82.

Clark adamantly denies attempting to rape Ms. Smith or threatening her in any manner.

0361 He said he loved me and admitted he had been cheating on me the last couple of years.

16) Failure to Accept Responsibility for Own Actions

2

This item describes an individual who is unable or unwilling to accept personal responsibility for his own actions...

0141 He quite readily and repeatedly shifted the responsibility for his behavior onto the excessive consumption of alcohol...I did not pick up much of a sense of guilt or remorse...

0157 On 2/9/82, Gary Clark was charged with Burglary in the First Degree under Pierce County Cause # 81-1-01351-3, while armed with a deadly weapon, a knife. On 2/17/82, a Second Amended Information was submitted charging Clark with Burglary in the Second Degree. On 2/17/82, Clark pled guilty to Burglary in the Second Degree under Pierce County Cause # 81-1-01351-3 with a sentencing date scheduled for 4/7/82.

Clark adamantly denies attempting to rape Ms. Smith or threatening her in any manner.

Records for Case # 93-04081, 0341-0343.

0342 He said if he wanted to have sex, that he would "fuck his wife". Victim [sic] said that he had no knowledge of any rape, and, that he had not had sex with anyone in the last two days except for his wife.

0640 Mr. Clark is in complete denial with regard to both offenses....

0641 The defendant has not involved himself in any type of a sexual deviancy treatment program. Information received from Department of Corrections' files indicated that the defendant is not amenable to treatment. Clark is not admitting guilt in this matter.

He is not taking any responsibility for the sex offense stating that she was a more than willing participant. He is not showing any remorse or empathy for the victim.

0864 Referred for sexually assaulting another I/M on 3 separate occasions. I/M claims innocence states he thinks someone wanted him out of MSC or off mainline so they made this story up.

Version of index offenses written by Mr. Gary Clark, undated, 1942-1947.

2134 Clark has a ninth grade education with below average grades and excessive absenteeism....He offers no remorse for the victim and uses blame displacement by citing alcohol as the only cause for his committing the crime.

17) Many Short-Term Marital Relationships

0

This item describes an individual who has had many marital relationships.

1 marriage noted

18) Juvenile Delinquency

2

This item describes an individual who has a history of serious antisocial behavior as an adolescent, aged 17 and below.

0139 ...on June 15, 1978, he was again charged with Auto Theft and on July 5, 1978, he was found delinquent and placed on official probation. Records indicate that Gary's probation was dismissed on September 20, 1978. After being arrested on October 15, 1978 for the instant offense, as a juvenile, he was charged on October 17, 1978 with Rape in the First Degree, Rape in the Second Degree and Taking a Motor Vehicle Without Permission. The Court declined jurisdiction on October 31, 1978 and he was remanded to Adult status and turned over to the Pierce County Sheriff's Office for adjudication.

At approximately 6:00 AM on October 15, 1978, Gary Lee Clark entered the home of Kathleen G. Woodring...by crawling through a bedroom window...He then indicated, "Don't move I'll kill you, I have a knife and I'll kill."...she noticed her attacker was very drunk....recognized him as a young man who lived nearby.

0140 they observed a woman passed out in a vehicle. They subsequently got into the vehicle and drove the woman to an abandoned garage where they both had sexual intercourse with the woman on the floor of the garage. After raping this elderly Indian woman (Bernice White – 0141) Clark took her vehicle...on October 17, 1978, he was charged with Rape in the First Degree, Rape in the Second Degree and Taking a Motor Vehicle Without Permission. On December 26, 1978, Gary Clark plead [sic] guilty to one count of Rape in the 2nd Degree and the other 2 charges were dismissed.

19) Revocation of Conditional Release

2

This item describes an individual who, as an adult (aged 18 or older) has violated a conditional release or escaped from an institution.

0092 “While on escape from Work Release, Clark broke into a residence and tried to rape a female victim by holding a knife to her throat.

11/6/81 Burglary 2nd Degree While on Escape, Clark was drinking when he entered a residence and attempted to rape a victim by holding a knife to her throat.

0120 Clark has a history of both violent behavior and sexual deviancy. On several occasions, he has raped or attempted to rape victims, threatening them with a knife, and on one occasion a gun. He has raped victims both in public and in their homes, breaking in to do so. Clark was sent to Western State Hospital for a 90 day period to determine sexual psychopathy and was returned to court on 3/22/79 with a finding that he was not amenable to treatment and not safe to be at large. As a juvenile, Clark was arrested and convicted of Simple Assault. Institutional conduct involves fighting, throwing rocks at officer, pressuring other inmates for sex, threatening inmates, assaulting inmates, and placing one victim in the hospital. Clark also had one escape, from a Tacoma Work Release facility.

State of Washington vs. Gary Lee Clark Information for Cause # 81-1-00981-8 authored by Pierce County Deputy Prosecuting Attorney Stanley P. Wagner, Jr, dated 10/12/81, 0150. Mr. Clark was charged with Escape in the 1st Degree.

0150 ...on or about the 3rd day of October, 1981, did then and there being unlawfully and feloniously while being detained pursuant to a felony conviction, escape from Tacoma Work/Training Release, a detention facility...

State of Washington vs. Gary Lee Clark Information for Cause # 81-1-00981-8 authored by Pierce County Deputy Prosecuting Attorney Stanley P. Wagner, Jr, dated 1/8/82, 0151. Mr. Clark was charged with Escape in the 2nd Degree.

0155 Once Clark decided not to return to the facility, he decided to consume alcoholic beverages and did so on almost a daily basis until he was apprehended in December 1981.

Department of Corrections Division of Community Corrections Notice of Violation for Cause # 81-1-01351-3 authored by Lori Ramsdell, CCO-II, dated 10/30/91, 0176-0178.

Department of Corrections Division of Community Corrections Notice of Violation for Cause # 81-1-01351-3 authored by Lori Ramsdell, CCO-II, dated 1/29/92, 0179-0181.

Department of Corrections Division of Community Corrections Notice of Violation for Cause # 81-1-01351-3 authored by Lori Ramsdell, CCO-II, dated 9/22/92, 0182-0185.

Department of Corrections Notice of Violation authored by Alice Tate CCO-II, dated 9/7/89, 1882-1883.

Department of Corrections Supplemental Notice of Violation/Arrest, dated 1/4/90, 1884-1885.

20) Criminal Versatility

2

This item describes an individual whose adult criminal record involves charges or convictions for many different types of offenses.

Washington State Patrol Identification and Criminal History Section, dated 5/1/13, 0060-0070.

0118-0119 Entered into Raymond Hall at age 14 after he left home for a period of six days. On 11/26/77 entered into Raymond Hall for Minor in Consumption of Alcohol and for Simple Assault. On 5/11/78 again entered into Raymond Hall for Auto Theft, no disposition is known. On 6/15/78, he was again charged with Auto Theft. He was found guilty on 7/15/78 and placed on official probation. Probation was dismissed on 9/20/78. On 1/15/78 (age 15) Clark was arrested for Rape.

0139 ...on June 15, 1978, he was again charged with Auto Theft and on July 5, 1978, he was found delinquent and placed on official probation. Records indicate that Gary's probation was dismissed on September 20, 1978. After being arrested on October 15, 1978 for the instant offense, as a juvenile, he was charged on October 17, 1978 with Rape in the First Degree, Rape in the Second Degree and Taking a Motor Vehicle Without Permission. The Court declined jurisdiction on October 31, 1978 and he was remanded to Adult status and turned over to the Pierce County Sheriff's Office for adjudication.

At approximately 6:00 AM on October 15, 1978, Gary Lee Clark entered the home of Kathleen G. Woodring...by crawling through a bedroom window...He then indicated, "Don't move I'll kill you, I have a knife and I'll kill."...she noticed her attacker was very drunk....recognized him as a young man who lived nearby.

0140 they observed a woman passed out in a vehicle. They subsequently got into the vehicle and drove the woman to an abandoned garage where they both had sexual intercourse with the woman on the floor of the garage. After raping this elderly Indian woman (Bernice White – 0141) Clark took her vehicle...on October 17, 1978, he was charged with Rape in the First Degree, Rape in the Second Degree and Taking a Motor Vehicle Without Permission. On December 26, 1978, Gary Clark plead [sic] guilty to one count of Rape in the 2nd Degree and the other 2 charges were dismissed.

State of Washington vs. Gary Lee Clark Information for Cause # 81-1-00981-8 authored by Pierce County Deputy Prosecuting Attorney Stanley P. Wagner, Jr, dated 1/8/82, 0151. Mr. Clark was charged with Escape in the 2nd Degree.

0157 On 2/9/82, Gary Clark was charged with Burglary in the First Degree under Pierce County Cause # 81-1-01351-3, while armed with a deadly weapon, a knife. On 2/17/82, a Second Amended Information was submitted charging Clark with Burglary in

the Second Degree. On 2/17/82, Clark pled guilty to Burglary in the Second Degree under Pierce County Cause # 81-1-01351-3 with a sentencing date scheduled for 4/7/82.

State of Washington vs. Gary L. Clark Judgment and Sentence for Cause # 89-1-00219-1, dated 6/4/90, 0214-0219. Mr. Clark was convicted of Possession of Stolen Property in the 2nd Degree.

State of Washington vs. Gary Lee Clark Judgment and Sentence for Cause # 93-1-124-2, dated 7/26/93, 0654-0658.

Auto Theft x 3
 Rape in the 1st
 Rape in the 2nd
 Escape
 Burglary in the 2nd
 Possession of Stolen Property
 Theft
 Failure to Comply
 Obstructing
 No Valid License

Total 29 with 2 omits

Prorated to 32.2

91st percentile compared to North American Male Offenders

96th percentile compared to North American Male Forensic Psychiatric Patients

SRA-FV

1) SID1: Sexual Interest in Children 0

2) SID2: Sexualized Violence 2

0089 Note offense spree occurred on 4/10/93 – Residential Burglary with Sexual Motivation and Rape in the 1st Degree. Both were stranger victims and threatened to kill the second victim and “repeatedly raped her, including vaginal, oral and anal rape.”

0139 ...on June 15, 1978, he was again charged with Auto Theft and on July 5, 1978, he was found delinquent and placed on official probation. Records indicate that Gary’s probation was dismissed on September 20, 1978. After being arrested on October 15, 1978 for the instant offense, as a juvenile, he was charged on October 17, 1978 with Rape in the First Degree, Rape in the Second Degree and Taking a Motor Vehicle Without Permission. The Court declined jurisdiction on October 31, 1978 and he was remanded to Adult status and turned over to the Pierce County Sheriff’s Office for adjudication.

At approximately 6:00 AM on October 15, 1978, Gary Lee Clark entered the home of Kathleen G. Woodring...by crawling through a bedroom window...He then indicated, "Don't move I'll kill you, I have a knife and I'll kill."...she noticed her attacker was very drunk...recognized him as a young man who lived nearby.

0156 "I need something, I need some sex, if you don't give in I'll kill you."

0861 P was placed on Ad-Seg for requesting sexual favors from another inmate.

P was placed on Ad-Seg on 9/24/for investigation of threatening inmates for sex. Info gathered shows that P indeed been preying upon weaker inmates for sex, not only in the unit, but also while working in the kitchen.

0902 9/9/98 Ad-Seg for sexually assaulting another inmate on 3 separate occasions. 9/30/99 investigation for threatening inmates for sex. 10/22/02 investigation for sexual misconduct towards other offenders. 3/16/06 investigation over pressuring another offender for sexual favors. 6/5/07 interviewed due to allegations that he sexually assaulted another offender.

2185 Mr. Clark does not acknowledge sexual deviant preference, but he did report at intake that the victim's resistance made him more sexually aroused during his sex offenses.

3) SID3a: Sexual Preoccupation (Rule-Based)

2

0089 Note offense spree occurred on 4/10/93 – Residential Burglary with Sexual Motivation and Rape in the 1st Degree. Both were stranger victims and threatened to kill the second victim and "repeatedly raped her, including vaginal, oral and anal rape."

0360 In the past couple of years since Gary has been out of prison, I have had my friends tell me he has tried to get to know them behind my back. They also said they were afraid of him and the way he followed and looked at them.

0361 He said he loved me and admitted he had been cheating on me the last couple of years.

0902 9/9/98 Ad-Seg for sexually assaulting another inmate on 3 separate occasions. 9/30/99 investigation for threatening inmates for sex. 10/22/02 investigation for sexual misconduct towards other offenders. 3/16/06 investigation over pressuring another offender for sexual favors. 6/5/07 interviewed due to allegations that he sexually assaulted another offender.

4) SID3b: Sexual Preoccupation (Concept-Based)**2**

0089 Note offense spree occurred on 4/10/93 – Residential Burglary with Sexual Motivation and Rape in the 1st Degree. Both were stranger victims and threatened to kill the second victim and “repeatedly raped her, including vaginal, oral and anal rape.”

0139 ...on June 15, 1978, he was again charged with Auto Theft and on July 5, 1978, he was found delinquent and placed on official probation. Records indicate that Gary’s probation was dismissed on September 20, 1978. After being arrested on October 15, 1978 for the instant offense, as a juvenile, he was charged on October 17, 1978 with Rape in the First Degree, Rape in the Second Degree and Taking a Motor Vehicle Without Permission. The Court declined jurisdiction on October 31, 1978 and he was remanded to Adult status and turned over to the Pierce County Sheriff’s Office for adjudication.

At approximately 6:00 AM on October 15, 1978, Gary Lee Clark entered the home of Kathleen G. Woodring...by crawling through a bedroom window...He then indicated, “Don’t move I’ll kill you, I have a knife and I’ll kill.”...she noticed her attacker was very drunk....recognized him as a young man who lived nearby.

0140 they observed a woman passed out in a vehicle. They subsequently got into the vehicle and drove the woman to an abandoned garage where they both had sexual intercourse with the woman on the floor of the garage. After raping this elderly Indian woman (Bernice White – 0141) Clark took her vehicle...on October 17, 1978, he was charged with Rape in the First Degree, Rape in the Second Degree and Taking a Motor Vehicle Without Permission. On December 26, 1978, Gary Clark plead [sic] guilty to one count of Rape in the 2nd Degree and the other 2 charges were dismissed.

0157 On 2/9/82, Gary Clark was charged with Burglary in the First Degree under Pierce County Cause # 81-1-01351-3, while armed with a deadly weapon, a knife. On 2/17/82, a Second Amended Information was submitted charging Clark with Burglary in the Second Degree. On 2/17/82, Clark pled guilty to Burglary in the Second Degree under Pierce County Cause # 81-1-01351-3 with a sentencing date scheduled for 4/7/82.

Clark adamantly denies attempting to rape Ms. Smith or threatening her in any manner.

0302 I told Edwards what I heard and asked her if she was raped about three weeks ago. Edwards said she was assaulted and her clothes got ripped, by an Indian male at the Moclip’s Grocery. Edwards said he did not penetrate her vagina. I asked her if he was trying to rape her and she said “yes”...Edwards said she met the guy in the bar earlier in the evening. The male followed her out of the tavern to the back of the Moclip’s Grocery....

0360 In the past couple of years since Gary has been out of prison, I have had my friends tell me he has tried to get to know them behind my back. They also said they were afraid of him and the way he followed and looked at them.

0361 He said he loved me and admitted he had been cheating on me the last couple of years.

0902 9/9/98 Ad-Seg for sexually assaulting another inmate on 3 separate occasions. 9/30/99 investigation for threatening inmates for sex. 10/22/02 investigation for sexual misconduct towards other offenders. 3/16/06 investigation over pressuring another offender for sexual favors. 6/5/07 interviewed due to allegations that he sexually assaulted another offender.

Sexual Interest Domain Total Score 1.3

5) RSD1: Lack of Emotionally Intimate Relationships 2

Duration of cohabitation was less than 2 years

0361 He said he loved me and admitted he had been cheating on me the last couple of years.

6) RSD2: Emotional Congruence with Children 0

7) RSD3: Callousness PCL-R Facet 2 1.75

8) RSD4a: Internal Grievance Thinking 0

No clear evidence at current.

9) RSD4b: Poorly-Managed Anger 2

0118-0119 Entered into Raymond Hall at age 14 after he left home for a period of six days. On 11/26/77 entered into Raymond Hall for Minor in Consumption of Alcohol and for Simple Assault. On 5/11/78 again entered into Raymond Hall for Auto Theft, no disposition is known. On 6/15/78, he was again charged with Auto Theft. He was found guilty on 7/15/78 and placed on official probation. Probation was dismissed on 9/20/78. On 1/15/78 (age 15) Clark was arrested for Rape.

1149 Information from sources deemed reliable by the Captain's Office indicates that at approximately 8:00 pm on July 1, 1983 resident Clark did physically assault resident Wilson while in the stairwell of the institution. The assault occurred after Clark's repeated attempts to threaten and pressure Wilson into committing sexual acts against his will.

Department of Corrections LSI-R Assessment, undated, 1480-1483 (incomplete).

Relational Interests Domain Total Score 1.2

10) SMD1: Lifestyle Impulsiveness - PCL-R Facet 3 2

11) SMD2: Resistance to Rules and Supervision – PCL-R Facet 4 **2**

12) SMD3: Dysfunctional Coping **2**

Self-Management Domain Total Score **2**

Total SRA-FV = 4.5

Static 99-R

1) Young **-1**

DOB: 9/20/62

DOR: 5/31/16

2) Ever Lived with a Lover.... **No** **1**

Married while incarcerated. Was at liberty in the community less than 2 years at the time he was arrested on 4/10/93

3) Index Non-Sexual Violence **No** **0**

0902 9/9/98 Ad-Seg for sexually assaulting another inmate on 3 separate occasions. 9/30/99 investigation for threatening inmates for sex. 10/22/02 investigation for sexual misconduct towards other offenders. 3/16/06 investigation over pressuring another offender for sexual favors. 6/5/07 interviewed due to allegations that he sexually assaulted another offender.

4) Prior Non-Sexual Violence **Yes** **1**

0118-0119 Entered into Raymond Hall at age 14 after he left home for a period of six days. On 11/26/77 entered into Raymond Hall for Minor in Consumption of Alcohol and for Simple Assault. On 5/11/78 again entered into Raymond Hall for Auto Theft, no disposition is known. On 6/15/78, he was again charged with Auto Theft. He was found guilty on 7/15/78 and placed on official probation. Probation was dismissed on 9/20/78. On 1/15/78 (age 15) Clark was arrested for Rape.

5) Prior Sex Offenses **3**

0140 they observed a woman passed out in a vehicle. They subsequently got into the vehicle and drove the woman to an abandoned garage where they both had sexual intercourse with the woman on the floor of the garage. After raping this elderly Indian woman (Bernice White – 0141) Clark took her vehicle...on October 17, 1978, he was charged with Rape in the First Degree, Rape in the Second Degree and Taking a Motor Vehicle Without Permission. On December 26, 1978, Gary Clark plead [sic] guilty to one count of Rape in the 2nd Degree and the other 2 charges were dismissed.

State of Washington vs. Gary Lee Clark Judgment and Sentence for Cause # 54281, dated 3/27/79, 0146.

0157 On 2/9/82, Gary Clark was charged with Burglary in the First Degree under Pierce County Cause # 81-1-01351-3, while armed with a deadly weapon, a knife. On 2/17/82, a Second Amended Information was submitted charging Clark with Burglary in the Second Degree. On 2/17/82, Clark pled guilty to Burglary in the Second Degree under Pierce County Cause # 81-1-01351-3 with a sentencing date scheduled for 4/7/82.

State of Washington vs. Gary Lee Clark Judgment and Sentence for Cause # 81-1-01351-3, dated 4/7/82, 0172.

State of Washington vs. Gary Lee Clark Judgment and Sentence for Cause # 93-1-124-2, dated 7/26/93, 0654-0658.

6) Prior Sentencing Dates 1

Washington State Patrol Identification and Criminal History Section, dated 5/1/13, 0060-0070.

Criminal History Record dated 5/1/13, 0075-0086.

0139 ...on June 15, 1978, he was again charged with Auto Theft and on July 5, 1978, he was found delinquent and placed on official probation. Records indicate that Gary's probation was dismissed on September 20, 1978. After being arrested on October 15, 1978 for the instant offense, as a juvenile, he was charged on October 17, 1978 with Rape in the First Degree, Rape in the Second Degree and Taking a Motor Vehicle Without Permission. The Court declined jurisdiction on October 31, 1978 and he was remanded to Adult status and turned over to the Pierce County Sheriff's Office for adjudication.

| | | |
|--|------------|----------|
| 7) Any Convictions for Non-Contact Offenses | No | 0 |
| 8) Any Unrelated Victims | Yes | 1 |
| 9) Any Stranger Victims | Yes | 1 |

0139 ...on June 15, 1978, he was again charged with Auto Theft and on July 5, 1978, he was found delinquent and placed on official probation. Records indicate that Gary's probation was dismissed on September 20, 1978. After being arrested on October 15, 1978 for the instant offense, as a juvenile, he was charged on October 17, 1978 with Rape in the First Degree, Rape in the Second Degree and Taking a Motor Vehicle Without Permission. The Court declined jurisdiction on October 31, 1978 and he was remanded to Adult status and turned over to the Pierce County Sheriff's Office for adjudication.

At approximately 6:00 AM on October 15, 1978, Gary Lee Clark entered the home of Kathleen G. Woodring...by crawling through a bedroom window...He then indicated,

“Don’t move I’ll kill you, I have a knife and I’ll kill.”...she noticed her attacker was very drunk....recognized him as a young man who lived nearby.

0140 they observed a woman passed out in a vehicle. They subsequently got into the vehicle and drove the woman to an abandoned garage where they both had sexual intercourse with the woman on the floor of the garage. After raping this elderly Indian woman (Bernice White – 0141) Clark took her vehicle...on October 17, 1978, he was charged with Rape in the First Degree, Rape in the Second Degree and Taking a Motor Vehicle Without Permission. On December 26, 1978, Gary Clark plead [sic] guilty to one count of Rape in the 2nd Degree and the other 2 charges were dismissed.

Aberdeen Police Department statement of Ms. Melissa Erickson in reference to Case # 93-4080, dated 4/10/93, 0346-0350. (Denotes oral, vaginal and anal sex. Threats of death if not compliant. Was noted to have an erection.)

10) Any Male Victims **Yes** **1**

0902 9/9/98 Ad-Seg for sexually assaulting another inmate on 3 separate occasions. 9/30/99 investigation for threatening inmates for sex. 10/22/02 investigation for sexual misconduct towards other offenders. 3/16/06 investigation over pressuring another offender for sexual favors. 6/5/07 interviewed due to allegations that he sexually assaulted another offender.

Total = 8
99.1 percentile (98.2 – 99.8)
RRR = 7.32
36.3 (28.8 – 44.5)
48.5 (37.1 – 60.1)

VRAG-R

- 1) Lived with both biological parents to age 16** **No** **2**
- 2) Elementary school maladjustment** **Omit**
- 3) History of alcohol or drug problems** **4**
 - a) Alcohol problem prior to age 18
 - b) Illegal drug problem prior to age 18
 - c) Alcohol involved in prior offense
 - d) Alcohol involved in current offense
 - e) Drug involved in current offense
- 4) Marital status at time of index offense** **Married** **-1**

5) Criminal History for Non-Violent Offenses 5

TMVWOP x 3 (15)

Escape

Possession of Stolen Property (1)

Theft (1)

Failure to Comply (1)

Obstructing (1)

No Valid License

6) Failure on Conditional Release Yes 4**7) Age at Index 1**

DOB: 9/20/62

DOO: 4/10/93

8) Criminal History Violent 4Rape in the 1st (10)Rape in the 2nd (10)Burglary in the 2nd (6)**9) Number of Prior Admissions to Correctional Institutions 6****10) Conduct Disorder before age 15 4**

0118-0119 Entered into Raymond Hall at age 14 after he left home for a period of six days. On 11/26/77 entered into Raymond Hall for Minor in Consumption of Alcohol and for Simple Assault. On 5/11/78 again entered into Raymond Hall for Auto Theft, no disposition is known. On 6/15/78, he was again charged with Auto Theft. He was found guilty on 7/15/78 and placed on official probation. Probation was dismissed on 9/20/78. On 1/15/78 (age 15) Clark was arrested for Rape.

0142 The consumption of alcoholic substances on the part of Mr. Gary Clark first began at the approximate age of 13 when he began to drink beer. Around the age of 15, he started drinking hard liquor on weekends...

11) Sex Offending History 3**12) PCL-R Facet 4 6**

Prorated per instructions to 10

Total = 38 with one omission**Prorate = 41**

Bin 9 at the 99th percentile
.76 to .87

Exhibit B

BRIAN W. JUDD, Ph.D., P.C.
501 Columbia NW, Suite A
Olympia, WA 98501
360.352.5351
Fax 360.352.5357

CURRICULUM VITAE

01/2020

EDUCATION:

| | | | |
|-------------------------|-------|-------------------------|------|
| Kansas State University | BS | Psychology/Anthropology | 1980 |
| University of Chicago | MS | Social Science | 1983 |
| University of Houston | MA | Psychology | 1987 |
| University of Houston | Ph.D. | Psychology | 1989 |

MASTER'S THESIS:

Topography of the 40 Hertz Evoked
Potential in the Auditory and Visual
Modalities

DOCTORAL DISSERTATION:

Lateralization of Language in
Traumatically Brain Injured Children

Jan. 1986 - July 1988

Clinical Internship in the Department of
of Psychiatry, University of Texas
Medical School, Houston, Texas, and The
Mental Health Section, Department of
Pediatrics, The University of Texas M.D.
Anderson Hospital and Tumor Institute,
Houston, Texas. Internship program
coordinated through the Clinical
Neuropsychology Program at the
University of Houston by Jack Fletcher,
Ph.D.

EXPERIENCE:

Sept. 1983 - Jan. 1984

Clinical Practicum, Division of
Neuropsychology, Medical Center Del Oro
Hospital, Houston, TX

A Professional Corporation
Licensed Psychologist
Certified Sex Offender Treatment Provider
Board Certified in Neurofeedback
Clinical & Forensic Consultation & Assessment

| | |
|-----------------------------|--|
| Jan. 1984 - Sept. 1984 | Clinical and Research Practicum, Transitional Learning Community, Galveston, TX |
| Sept. 1984 - May 1985 | Clinical Practicum, Department of Psychology, Veterans Administration Medical Center, Houston, TX |
| Sept. 1984 - Sept. 1986 | Research Associate, Regional Cerebral Blood Flow Laboratory, Department of Neurology, Baylor College of Medicine, Houston, TX |
| July 1988 - May 1989 | Consultation & Assessment, Larry Pollock, Ph.D. and Associates, and HCA Medical Center Hospital, Houston, TX |
| May 1989 - March 1991 | Coordinator of Outpatient Neuropsychology, Larry Pollock, Ph.D. and Associates, and HCA Medical Center Hospital, Houston, TX |
| March 1991- Oct. 1992 | Staff Neuropsychologist New Medico Community Re-Entry Services of WA, Mountlake Terrace, WA |
| Oct. 1992 – January 2001 | Psychological Consultant, Office of Disability Insurance, Renton, WA |
| January 1993 - Present | Private Practice, Olympia, WA |
| April 1993 - January 1998 | Contract Neuropsychologist, Rehab w/o Walls Inc., Seattle, WA |
| March 1994 – 2000 | Court Psychologist, West Seattle Psychiatric Hospital, Seattle, WA |
| May 1994 – November 2002 | Affiliate Sex Offender Treatment Provider, State of Washington |
| June 1994 – January 2001 | Contract Neuropsychologist, Green Mountain Rehabilitation Medicine, Bremerton, WA |
| January 1996 – January 2001 | Court Psychologist, Harborview Hospital, Seattle, WA |
| January 1996 – May 2002 | Court Psychologist, Snohomish County Evaluation and Treatment Facility and Steven's Hospital, Snohomish County, WA |

| | |
|-------------------------|---|
| January 1999 – Present | Contract Psychologist, Special Commitment Center, Steilacoom, WA |
| November 2002 – Present | Certified Sex Offender Treatment Provider, State of Washington. |
| April 2004 – May 2005 | Contract Psychologist, Office of Disability Insurance, Olympia, WA. |
| August 2013 – Present | Member, Pierce County Forensic Panel, Pierce County, WA. |
| August 2014 – Present | Member, Thurston County Forensic Panel, Thurston County, WA |
| July 2019 – Present | Board Certified in Neurofeedback |

CERTIFICATIONS:

Sex Offender Treatment Provider – FC 00000171
Board Certified in Neurofeedback – E6429

PROFESSIONAL AFFILIATIONS:

American Psychological Association
Association for the Treatment of Sexual Abusers (ATSA)
Association for Applied Psychophysiology and Biofeedback
International Society for Neurofeedback and Research

BIBLIOGRAPHY:

Published Articles in Peer Reviewed Journals:

Sinnett, E.R., Judd, B.W., Rissman, K., & Harvey, W.M. (1980). Temporal patterns of drug abuse by heroin addicts, International Journal of Addictions, 15, 1241-1248

Sinnett, E.R., Judd, B.W., & Olson M.A. (1983). Food, drugs and alcohol: A common temporal pattern of use. Perceptual and Motor Skills, 57 37-39.

Rogers, R.D., Meyer, J.S., Judd, B.W., & Mortel, K.F. (1985). Abstinence from cigarette smoking improves cerebral perfusion among elderly chronic smokers. Journal of the American Medical Association, 253, 2970-2974. French Edition JAMA, 10, 947-950.

Rogers, R.L., Meyer, J.S., Mortel, K.F. Mahurin, R.K., Judd, B.W. (1986). Decreased cerebral blood flow precedes multiinfarct dementia, but follows senile dementia of Alzheimer's type. Neurology, 36, 1-6.

Meyer, J.S., Rogers, R.L., Mortel, K.F. & Judd, B.W. (1987). Hyperlipidemia is a risk factor for decreased cerebral perfusion and stroke. Archives of Neurology, 44, 418-422.

Meyer, J.S., Judd, B.W., Tawaklna, T., Rogers, R.L., & Mortel, K.F. (1986). Improved cognition after control of risk factors for multi-infarct dementia. Journal of the American Medical Association, 265, 2203-2209. French edition JAMA, Supplement Neuro-Psychiatrie, 11, 27-34.

Judd, B.W., Meyer, J.S., Rogers, R.L., Gandhi, S., Tanahashi, N., Mortel, K.F., and Tawaklna, T. (1986). Cognitive performance correlates with cerebrovascular impairments in multi-infarct dementia. Journal of the American Geriatric Society, 34, 355-360.

Meyer, J.S., Rogers, R.L., Judd, B.W., Mortel, K.F., & Simms, P. (1988). Cognition and blood-flow fluctuate together in multi-infarct dementia. Stroke, 19, 163-169.

Copeland, D.R., Dowell, R.E., Fletcher, J.M., Sullivan, M.P., Jaffe, N., Cangir, A., Frankel, L.S. & Judd, B.W. (1988). Neuropsychological test performance of pediatric cancer patients at diagnosis and one year later. Journal of Pediatric Psychology, 13,(2), 183-186.

Dowell, R.E., Jr., Copeland, D.R., & Judd, B.W. (1989). Neuropsychological effects of chemotherapeutic agents. Journal of Developmental Neuropsychology, 5, (1). 17-24.

Abstracts in Peer Reviewed Journals:

Rogers, R.L., Meyer, J.S., Judd, B.W., & Mortel, K.F. (1985). Abstinence from cigarette smoking improves cerebral perfusion among elderly chronic smokers. Modern Medicine of Canada.

Judd, B.W., Meyer, J.S., Rogers, R.L., Gandhi, S., Tanahashi, N., Mortel, K.F., & Takwala, T. (1986). Cognitive performance correlates with cerebrovascular impairments in multi-infarct dementia. Geriatric Digest, 7, 19-20.

Meyer, J.S., Judd, B.W., & Rogers, R.L., (1986). Cognitive performance fluctuates in multi-infarct dementia. Neurology (supplement) 1, 36.

Meyer, J.S., Judd, B.W., & Rogers, R.L., & Mortel, K.F. (1986). Improved condition after control of risk factors in multi-infarct dementia. Annals of Neurology, 20, 158.

Meyer, J.S., Judd, B.W., Rogers, R.L., & Mortel, K.F. (1987). Cognition fluctuates in multi-infarct dementia. Stroke, 18, 297.

Meyer, J.S., Rogers, R.L., Judd, B.W., & Mortel, K.F. (1987). Cognitive performance and cerebral blood flow fluctuate in multi-infarct dementia. American Neurological Association, 112th Meeting, 37.

Judd, B.W., Dowell, R.E., Jr., & Copeland, D.R. (1987). Neuropsychological performance in an untreated brain tumor population: Implications for a taxonomy. Journal of Clinical and Experimental Neuropsychology, 10, (1) 45.

Dowell, R., Copeland, D. & Judd, B.W. (1987). Anterograde amnesia following diencephalic tumors in children. Journal of Clinical and Experimental Neuropsychology, 10, (1), 1718.

Ewing-Cobbs, L., Judd, B.W., & Miner, M.E. (1990). Lexical retrieval and intellectual function following traumatic brain injury in children. Journal of Clinical and Experimental Neuropsychology, 12, (1), 104.

Judd, B.W., Ewing-Cobbs, L., Papanicolaou, A.C., Fletcher, J.M., & Miner, M.D. (1990). Lateralization of language following traumatic brain injury in children. Journal of Clinical and Experimental Neuropsychology, 12, (1), 104.

Book Chapters:

Meyer, J.S., Judd, B.W., Rogers, R.L. & Mortel, K.F. (1988). Control of hypertension, abstention from smoking, and surgical revascularization procedures improve cognition in different categories of multi-infarct dementia. In *Cerebral Vascular Diseases*, 6, World Federation of Neurology 13th Salzburg Conference, International Conference Series, Excerpta Medica, Amsterdam.

PRESENTATIONS:

Schrock, B., Thompson, N., & Judd, B.W. Changes in cognitive functioning in head injury following non-acute rehabilitation. Poster presentation at the International Neuropsychological Society, San Diego, CA, February, 1985.

Spydell, J.D., & Judd, B.W. Topography of 40 Hz evoked potential in the auditory modality. Poster presentation at the American EEG Society, Orlando, FL, October, 1985.

Meyer, J.W., & Judd, B.W. Cognitive performance correlates with cerebrovascular impairment in multi-infarct dementia. Platform presentation at the Congress of Neurology, New Orleans, LA, May, 1986.

Meyer, J.S., Judd, B.W., Rogers, R.L., & Mortel, K.F. Improved cognition after control of risk factors in multi-infarct dementia. Poster presentation at the American Neurological Association, Boston, MA, October, 1986.

Judd, B.W., Dowell, R.E., Jr., & Copeland, D.R. Neuropsychological performance in an untreated brain tumor population: Implications for a taxonomy. Poster presentation at the International Neuropsychological Society, New Orleans, LA, January 1988.

Dowell, R., Copeland, D., & Judd, B.W. Anterograde amnesia following diencephalic tumors in children. Poster presentation at the International Neuropsychological Society, New Orleans, LA, January 1988.

Ewing-Cobbs, L., Judd, B.W., & Miner, M.E. Lexical retrieval and intellectual function following traumatic brain injury in children. Platform presentation at the International Neuropsychological Society, Kissimmee, FL, February, 1990.

Judd, B.W., Ewing-Cobbs, L., Papanicolaou, A.C., Fletcher, J.M., & Miner, M.E. Lateralization of language following traumatic brain injury in children. Poster presentation at the International Neuropsychological Society, Kissimmee, FL, February, 1990.

Hart, S.D., Judd, B.W., & Boer, D.P. Actuarial risk assessment of sexually violent recidivism. Platform presentation to the Association for the Treatment of Sexual Abusers, Chicago, IL, November, 1996.

Judd, B.W. Use of structured clinical techniques in evaluating risk of violent recidivism. Presentation to the Region III Parole Clinic, Los Angeles County, Los Angeles, CA, March, 1997.

Judd, B.W. Actuarial assessment of sexually violent recidivism. Presentation to the Los Angeles Roundtable On Sexual Offending, Los Angeles, CA, March, 1997.

Judd, B.W., What's New in Neuropsychology? Invited presentation to the Washington State Trial Lawyers Association, Seattle, WA, May, 1997.

Judd, B.W., & Hart, S.D. Actuarial and Clinical Risk Assessment of Violent Recidivism. Platform Presentation to the American Academy of Forensic Sciences, San Francisco, CA, February, 1998.

Judd, B.W. Neuropsychological Indices Associated with Domestic Abuse: Description of Preliminary Relationship. Invited presentation to the Kitsap County Bar Association, Port Orchard, WA, April, 1998.

Judd, B.W. Assessment of Domestic Abuse Recidivism. Presentation to the Region III Parole Clinic, Los Angeles County, Los Angeles, CA, September, 1998.

Judd, B.W. Actuarial and Clinical Risk Assessment of Violent Recidivism. Invited Presentation to Seattle Forensic Institute, Seattle, WA, October, 1998.

Judd, B.W. Efficacy of Treatment with Sex Offenders. Invited Presentation to Seattle Forensic Institute, Seattle, WA November, 2000.

Judd, B.W. Assessment of Child and Adolescent Psychopathy. Presentation to Jefferson County Department of Juvenile Services, Pt. Townsend, WA, March, 2001.

Judd, B. W. Long Term Psychological Vulnerabilities and Recidivism. Presentation to the King County Prosecuting Attorney and the Office of the Attorney General, Seattle, WA, March, 2012.

Judd, B. W. Paraphilic Coercive Disorder. Presentation to the King County Prosecuting Attorney and the Office of the Attorney General, Seattle, WA, March, 2012.

Judd, B. W. Integration of Psychological Need into Actuarial Risk Assessment. Presentation to the Washington Association for the Treatment of Sexual Abusers Fall Retreat, Chelan, WA, September 2012.

Judd, B. W. (co-presenter). The Violence Risk Appraisal Guide – Revised (VRAG-R). Application to Sex Offenders. Association for the Treatment of Sexual Abusers Annual Conference, San Diego, CA, November 2014.

Judd, B. W. (co-presenter). The Violence Risk Appraisal Guide –Revised (VRAG-R), Application to Sex Offenders. Association for the Treatment of Sexual Abusers Annual Conference, Montreal, CA, October 2015.

Judd, B. W. Recidivism Amongst Child Molesters: A Review of Research. Children’s Justice Conference, Spokane, WA, May 2016.

Judd, B. W. (co-presenter). The Violence Risk Appraisal Guide –Revised (VRAG-R). Western State Hospital, Steilacoom, WA, September 2016.

Judd, B. W. (co-presenter). The Violence Risk Appraisal Guide –Revised (VRAG-R), Application to Sex Offenders. Association for the Treatment of Sexual Abusers Annual Conference, Orlando, FL, November 2016.

Judd, B. W. The Violence Risk Appraisal Guide – Revised (VRAG-R), Application to Sex Offenders. Washington Association for the Treatment of Sexual Abusers, Olympia, WA, December 2017.

Judd, B. W. Violence and Mental Illness. Invited presentation to the Office of the King County Prosecuting Attorney, Seattle, WA, March 2018.

Judd, B. W., Helmus, L. M. The Violence Risk Appraisal Guide – Revised (VRAG-R). University of Saskatchewan, Saskatoon, CA, July 2018.

Judd, B. W., Helmus, L. M. The Violence Risk Appraisal Guide – Revised (VRAG-R). International Association for the Treatment of Sexual Offenders (IATSO), Vilnius, Lithuania, August 2018.

Judd, B. W., Quinsey, V. L. A Brief History of Actuarial Risk Assessment. Plenary presentation at the International Association for the Treatment of Sexual Offenders (IATSO), Vilnius, Lithuania, August 2018.

SELECTED CONTINUING EDUCATION SEMINARS:

| | |
|---|-------|
| The Battered Spouse Syndrome as a Criminal Defense | 03/93 |
| Battered Woman and Rape Trauma Syndrome as Forensic Issues | 03/94 |
| Forensic Evaluations and the MMPI-2 | 03/94 |
| Forensic Evaluations and Forensic Applications of the MMPI and MMPI-2 | 05/94 |
| Conference on Understanding the Anti-Social Personality | 06/94 |
| Detection of Distortion, Deception, and Malingering in the Witness, Victim, Defendant and Patient | 11/94 |
| The Ethics of Forensic Practice: Law, Ethics, and Professional Practice | 11/94 |
| Criminal Forensic Assessment: Exculpatory and Mitigating Defenses | 01/95 |

| | |
|--|-------|
| Risk Assessment: Implications for Evaluation, Intervention and Decision-Making | 01/95 |
| Diagnostic and Structured Interviewing: Applications to Forensic Evaluations | 01/95 |
| Ethical Issues in Medicolegal Consultations | 02/95 |
| Neuropsychology in a Psychiatric Setting | 02/95 |
| Working Memory: An Interface Between Brain Organization and Cognition | 02/95 |
| Personal Injury Evaluation: Ethics, Practice and Case Law | 02/95 |
| The Role of the Psychologist in Death Penalty Litigation | 02/95 |
| Sexual Violence: Perpetrators & Victims | 03/95 |
| Practical Legal Research Techniques for Forensic Psychologists | 03/95 |
| Forensic Assessment of Juveniles | 03/95 |
| Forensic Neuropsychological Assessment | 03/95 |
| WSOSA Conference on Risk Assessment and Risk Management | 05/96 |
| Advanced Workshop on Application of the PCL-R | 05/96 |
| Criminal Responsibility Assessment: A Practical Guide | 04/97 |
| Mental Health Law Update | 04/97 |
| The Psychopathic Personality | 04/97 |
| Assessment of Violence Potential | 04/97 |
| Sexual Offender Profiling | 12/98 |
| Risk Assessment of Sexual Offenders | 12/98 |
| Assessment of Violent Juvenile Offenders | 01/99 |
| Childhood Trauma: Forensic Psychological Issues and Applications | 01/99 |
| Ethical Issues for the Forensic Practitioner | 01/00 |
| Assessment of Workplace Violence | 01/00 |

| | |
|--|-------|
| Role of the Forensic Psychologist in Death Penalty Litigation | 01/00 |
| Sex Offender Re-Offense Risk Assessment | 09/00 |
| Assessing Psychopathy with the Hare Psychopathy Checklist – Revised | 02/02 |
| Assessing Violence Risk | 02/02 |
| Sexually Abusive Youth | 02/02 |
| Washington Association For The Treatment of Sexual Abusers – Spring Evaluation and Research Conference | 02/04 |
| Washington Association For The Treatment of Sexual Abusers – Spring Evaluation and Research Conference | 02/05 |
| Association For The Treatment of Sexual Abusers – Annual Conference, Salt Lake City, Utah. Adult Risk Assessment Track | 11/05 |
| Washington Association For The Treatment of Sexual Abusers – Spring Evaluation and Research Conference | 02/06 |
| Association For the Treatment of Sexual Abusers – Annual Conference, Chicago, Illinois. | 09/06 |
| Washington Association For The Treatment of Sexual Abusers – Spring Evaluation and Research Conference | 02/08 |
| Washington Association For the Treatment of Sexual Abusers – Spring Evaluation and Research Conference | 02/09 |
| Association for the Treatment of Sexual Abusers - Annual Conference, Dallas, Texas | 10/09 |
| Washington Association For the Treatment of Sexual Abusers - Spring Evaluation and Research Conference | 02/10 |
| Association for the Treatment of Sexual Abusers - Annual Conference, Phoenix, Arizona | 10/10 |
| Washington Association For the Treatment of Sexual Abusers - Spring Evaluation and Research Conference | 02/11 |
| Association for the Treatment of Sexual Abusers - Annual Conference, Toronto, CN | 11/11 |
| Washington Association for the Treatment of Sexual Abusers – Spring Evaluation and Research Conference | 02/12 |
| Washington Association for the Treatment of Sexual Abusers – Fall Retreat | 09/12 |

| | |
|--|-------|
| Association for the Treatment of Sexual Abusers – Annual Conference, Denver, CO | 10/12 |
| Washington Association for the Treatment of Sexual Abusers – Spring Evaluation and Research Conference | 02/13 |
| Washington Association for the Treatment of Sexual Abusers – Fall Retreat | 10/13 |
| Association for the Treatment of Sexual Abusers – Annual Conference, Chicago, IL | 11/13 |
| American Academy of Forensic Psychology – Comprehensive Assessment of Feigning in Forensic Settings, Ft. Lauderdale, FL | 11/13 |
| American Academy of Forensic Psychology – Challenges to Diagnostic Accuracy in Forensic Assessment, Ft. Lauderdale, FL | 11/13 |
| American Academy of Forensic Psychology – The MMPI-2-RF: An Advanced Workshop For Forensic Psychologists, Ft. Lauderdale, FL | 11/13 |
| American Academy of Forensic Psychology – Insanity Defense Evaluations, Ft. Lauderdale, FL | 11/13 |
| American Academy of Forensic Psychology – Assessment of Competency to Stand Trial Ft. Lauderdale, FL | 11/13 |
| Washington Association for the Treatment of Sexual Abusers – Spring Evaluation and Research Conference | 02/14 |
| Washington Association for the Treatment of Sexual Abusers – Fall Retreat, Manson, WA | 10/14 |
| Association for the Treatment of Sexual Abusers Annual Conference, San Diego, CA | 10/14 |
| Washington Association for the Treatment of Sexual Abusers – Spring Evaluation and Research Conference | 03/15 |
| Washington Association for the Treatment of Sexual Abusers – Spring Retreat, Manson WA | 06/15 |
| Association for the Treatment of Sexual Abusers Annual Conference, Montreal, CA | 10/15 |
| Washington Association for the Treatment of Sexual Abusers – Spring Evaluation and Research Conference | 03/16 |
| American Academy of Forensic Psychology Annual Conference, San Diego, CA | 03/16 |
| Association for the Treatment of Sexual Abusers Annual Conference, Orlando, FL | 11/16 |
| Washington Association for the Treatment of Sexual Abusers – Spring Evaluation and Research Conference | 02/17 |

| | |
|--|-------|
| 4 Day Professional EEG/Neurofeedback Certificate Program, Mill Valley, CA | 03/17 |
| 3 Day Professional Quantitative Electroencephalography Program, Mill Valley, CA | 03/17 |
| Assessing Psychopathy with the PCL-R | 05/17 |
| WATSA Roger Wolfe Memorial Retreat, Manson, WA | 05/17 |
| 5 Day Professional Biofeedback Certification Program, Las Vegas, NV | 08/17 |
| 4 Day Professional EEG/Neurofeedback Certificate Program, Las Vegas, NV | 08/17 |
| The Neuroanatomy & Neurophysiology of Brain & Behavior, Burbank, CA | 10/17 |
| Association for the Treatment of Sexual Abusers Annual Conference, Kansas City, MO | 10/17 |
| Advances in Trauma Treatment: Trauma, Memory, and Restoration, Portland, OR | 02/18 |
| The Duty to Protect: Ethical, Legal and Professional Considerations, Seattle, WA | 04/18 |
| What You Should Know: Psychopharmacology for Psychologists, Seattle, WA | 04/18 |
| International Society for Neurofeedback and Research, Phoenix, AZ | 10/18 |
| WATSA Spring Evaluation, Treatment and Research Conference, Cle Elum, WA | 03/19 |
| WATSA Roger Wolfe Memorial Retreat, Manson, WA | 05/19 |
| International Society for Neurofeedback and Research, Denver, CO | 09/19 |

TESTIMONY:

Qualified as an expert in: Superior Court, State of Washington
 Federal District Court

AREAS OF ESTABLISHED COMPETENCY:

- 1) Neuropsychological and Emotional Sequelae of Traumatic Head Injury
- 2) Civil Commitment - RCW 71.05
- 3) Assessment of Violence Risk and Risk of Recidivism
- 4) Juvenile Declines
- 5) Sexual Deviancy
- 6) Diminished Capacity
- 7) Competency To Stand Trial
- 8) Not Guilty By Reason of Insanity
- 9) Civil Commitment of Sexually Violent Predators – RCW 71.09

Exhibit C

MEETS

CLARK, Gary #287493

**BETWEEN THESE SHEETS IS A
FORENSIC PSYCHOLOGICAL EVALUATION
COMPLETED FOR POSSIBLE CIVIL COMMITMENT
UNDER RCW 71.09.**

**THIS EVALUATION MAY CONTAIN INFORMATION THAT IS
EXEMPT FROM PUBLIC DISCLOSURE.**

**PRIOR TO FURTHER DISSEMINATION OF THIS EVALUATION,
PLEASE CONTACT THE DEPARTMENT OF CORRECTIONS
END OF SENTENCE REVIEW RECORDS SUPERVISOR
OR THE CIVIL COMMITMENT PROGRAM SPECIALIST.**

Brian W. Judd, Ph.D., P.C.
501 Columbia NW, Suite A
Olympia, WA 98501
360.352.5351
Fax 360 352.5357

PSYCHOSEXUAL ADDENDUM

NAME: Gary Lee Clark
DOB: 9/20/62
EDUCATION: GED
OCCUPATION: Unemployed
JURISDICTION: Grays Harbor Superior Court
CAUSE NO.: 93-1-00124-2
EVALUATOR: Brian W. Judd, Ph.D.
DATE OF REPORT: 8/3/20

REASON FOR REFERRAL:

Mr. Gary Clark is a 57-year-old male with a history of hands-on offending against adult females and males. In 2016 Mr. Clark was referred by the Department of Corrections End of Sentence Review Committee for consideration of filing under the Revised Code of Washington (RCW) Chapter 71.09 as a "*sexually violent predator*" pursuant to RCW 71.09.020(18).

The evidentiary basis for my initial 6/3/16 report¹ was 2,673 pages of discovery and a 3.5 hour interview with Mr. Clark conducted on 6/2/16.² Based upon Mr. Clark's history of predicate offending pursuant to RCW 71.09.020(17),³ the presence of a '*mental abnormality*'⁴ as defined by RCW 71.09.020(8),^{5,6} and a high risk for sexual and violent

¹ 2675-2687.

² Mr. Clark expressed reservations about having the 2016 interview recorded. Thus, no independent recording of the interview exists. However, at the conclusion of the interview, Mr. Clark did review my typewritten notes to ensure accuracy. No changes in the notes were made.

³ Rape in the 2nd Degree by forcible compulsion committed on 10/15/78 (Cause # 54281), and Rape in the 1st Degree and Residential Burglary with sexual motivation committed on 4/10/93 (Cause # 93-1-00124-2).

⁴ For purposes of rendering an opinion regarding the presence of an underlying mental disorder, I utilized the DSM-5 psychiatric nomenclature. Please see: American Psychiatric Association (2013). *Diagnostic and Statistical Manual of Mental Disorders (5th Edition)*. Washington DC: Author.

⁵ I opined that the DSM-5 diagnosis of Other Specified Paraphilic Disorder (Nonconsent) met the statutory definition of a "*mental abnormality*" and predisposed Mr. Clark to the commission of predatory acts of sexual violence against women and vulnerable peer-aged males who were either strangers or with whom he had established a casual relationship for purposes of sexual exploitation (2684-2685). Additionally, I opined that Mr. Clark suffered from co-morbid diagnoses of Alcohol Use Disorder, In a controlled environment (303.90), and Antisocial Personality Disorder (301.7) (2683-2684).

⁶ I also opined that while the paraphilic disorder impeded Mr. Clark's volitional control and predisposed him to act upon his coercive paraphilic interests, attributes of his antisocial personality and high levels of psychopathy permitted expression of the disorder (2685, Footnote 21).

A Professional Corporation
Licensed Psychologist
Clinical & Forensic Consultation & Assessment

(including sexually violent) recidivism as assessed with multiple measures,^{7,8} I opined that Mr. Clark met the statutory criteria as a '*sexually violent predator*' as defined by RCW 71.09.020(18).⁹

As a result of my 6/3/16 report, Mr. Clark was detained through his expiry date of 9/7/20. I was asked to re-evaluate Mr. Clark regarding his status as it pertains to RCW 71.09.020(18). For purposes of the current report, I was provided with an additional 300 pages of discovery from the Office of the Attorney General. Additionally, Mr. Clark participated in a 2.25 hour interview at Stafford Creek Correctional Center on 7/27/20.

Interim Update:

Pursuant to my 6/3/16 report, Mr. Clark completed Substance Use Disorder Treatment on 10/25/18.¹⁰ Additionally, Mr. Clark completed a 21-week Redemption Self Awareness Class on 3/3/20.¹¹ Mr. Clark reported stable programming, but no employment since 2014. Mr. Clark stated that he had no additional behavioral infractions since our prior interview on 6/2/16.

Clinical Interview:¹²

Prior to initiating the interview, I reviewed orally and in writing my relationship with the retaining agency, the limits of confidentiality, possible dispositional outcomes,

⁷ Structured professional judgement and actuarial measures utilized in the 2016 assessment included the Hare Psychopathy Checklist – Revised 2nd Edition, the Structured Risk Assessment – Forensic Version (SRA-FV), the Static 99R, and the Violence Risk Appraisal Guide, (VRAG-R). Please see: Hare, R.D. (2003). *Manual for the Psychopathy Checklist – Revised, 2nd Edition*. Toronto: Multi-Health Systems; Thornton, D., & Knight, R. (2013). Construction and validation of SRA-FV Need Assessment. *Sexual Abuse: A Journal of Research and Treatment*. doi: 10.1177/1079063213511120; Phenix, A., Fernandez, Y., Harris, A.J.R., Helmus, L.M., Hanson, R.K., & Thornton, D. (2016). *Static-99R Coding Rules – Revised*; Harris, G.T., Rice, M.E., Quinsey, V.L., & Cormier, C.A. (2015). *Violent Offenders: Appraising and managing risk (3rd Edition)*. Washington, DC: American Psychological Association.

⁸ Mr. Clark was assigned a prorated score of 32 on the PCL-R, thereby meeting conventional criteria for psychopathy. Mr. Clark was assigned a score of 4.5 on the SRA-FV demonstrating a high density of criminogenic needs, comparable with his score of 8 on the Static-99R placing him at nominal Level IVb, independently demonstrating a high level of criminogenic needs. Thirty-six percent of individuals with Static-99R scores similar to Mr. Clark recidivated within 5 years of time at risk, and 49% recidivated within 10 years of time at risk. Mr. Clark was assigned a prorated score of 41 on the VRAG-R placing him in Bin 9 at the 99th percentile compared to the standardization sample. Seventy-six percent of individuals with similar scores recidivated at 5 years of time at risk and 87% recidivated at 12 years of time at risk (2685-2686).

⁹ In summarizing my opinion, I wrote, "*Mr. Clark currently meets conventional criteria for psychopathy and constitutes a high risk for sexual and violent (including sexually violent) recidivism upon his release into the community. Additionally, Mr. Clark demonstrates a high level of dynamic risk as assessed by the SRA-FV without substantive mitigation of "needs factors" through participation in sex offender specific treatment. While Mr. Clark has 2 years of community supervision on Cause # 93-1-00124-2 if released into the community, historically, Mr. Clark's prior comportment on supervised release has been poor with adjudications for absconding, burglary, possession of stolen property, and multiple violations and infractions that did not result in criminal adjudication (0176-0178; 0179-0181; 0182-0185; 1882-1883; 1884-1885). Cumulatively, this information suggests that supervision in the community has had a negligible deterrent effect on Mr. Clark's antisocial conduct, thus not mitigating his risk for recidivism. Summarily, I believe that Mr. Clark meets the criteria as a 'sexually violent predator' as defined by RCW 71.09.020(18).*" (2687).

¹⁰ 2819.

¹¹ 2818.

¹² Mr. Clark declined when asked if he would permit an audio recording of the interview. At the conclusion of the interview Mr. Clark was provided with the typewritten notes of the undersigned and reviewed them without significant modification.

and the voluntary nature of his participation in the interview. Following review of the preceding, Mr. Clark agreed to proceed with the interview.

Responses to questions were clear, coherent, and goal-directed. Orientation and attention and concentration were grossly intact on screening. Mr. Clark was able to retain 3 words following a 5-minute delay with intervening tasks. Fund of knowledge appeared adequate. Overall, Mr. Clark appeared to be of average intelligence.

Despite acknowledging anxiety in regard to the interview, Mr. Clark developed adequate rapport with the undersigned. Mood was characterized as euthymic with no disruption of sleep, appetite or energy endorsed. Suicidal and homicidal ideation were denied as were symptoms suggestive of psychosis. As noted above, Mr. Clark endorsed situationally constrained anxiety which was not generalized and did not impact his social or occupational functioning.

Mr. Clark reported his overall health remained good with no significant health issues aside from hypercholesterolemia¹³ and recurrent dental issues.

As noted in the preceding section, following my 6/2/16 interview, Mr. Clark completed chemical dependency programming and a 21-week restorative justice curriculum developed by The Redemption Project.¹⁴

Throughout the interview, Mr. Clark frequently cited the training he received in mindfulness and cognitive-behavioral therapy stating that he now understood "*Thoughts are just thoughts, they create feelings, feelings influence behavior, which reinforces the thoughts.*" Contextually, Mr. Clark emphasized this understanding as a tool to mitigate his risk for recidivism. Mr. Clark continued by stating that he was attempting to create a class for the Department of Corrections "*to teach people how to recognize and manage their thoughts and the choices and decisions that they choose to make*" in order "*to prevent negative or criminal behavior.*"¹⁵

Asked as to his masturbatory functioning, Mr. Clark reported no current masturbation, citing advancing age and lack of privacy. Mr. Clark continued by stating, "*Sex is not that big of a thing right now*" and asserted that he needed to have "*healthy thoughts*" when masturbating. Despite acknowledging a history of coercive sexuality with women and acknowledgement "*that the victim's resistance made him more sexually aroused during his sex offenses,*"¹⁶ Mr. Clark denied a history of masturbating to coercive fantasies. Asked as to the basis for his offending against females, as with the 6/2/16

¹³ Mr. Clark reported that he was taking an unspecified statin drug. Review of recent medical records (2874-2937) did not denote a prescription for a statin.

¹⁴ Mr. Clark also presented certificates of completion for Moral Reconciliation Therapy (6/8/09) and Stress and Anger Management (9/8/08).

¹⁵ Asked as to where he developed his understanding, Mr. Clark cited his chemical dependency treatment and ancillary readings.

¹⁶ 2185. When interviewed on 6/2/16 and in the current interview, Mr. Clark again asserted that he felt that power and control over his victims was arousing.

interview, Mr. Clark again cited displaced anger and intoxication as the basis for offending both at the time of his index offense on 4/10/93 and during prior offending.¹⁷

Mr. Clark has 2 years of community supervision on Cause # 93-1-00124-2 should he be released to the community on 9/7/20. As he had failed on community supervision previously in which the threat of reincarceration had not served as a deterrent,¹⁸ I asked Mr. Clark why he felt he would be successful. Mr. Clark responded by stating he now recognizes what constitutes healthy environments and relationships and what constitutes triggers (people, places, things). Asked to elaborate, Mr. Clark identified triggers as any establishment that serves alcohol and areas where illegal activities are prominent.¹⁹ Other identified triggers included financial stressors such as loss of a job and negative emotional states such as anger.

Notably, despite having failed to complete sexual deviancy treatment while incarcerated,²⁰ Mr. Clark stated that he constituted no risk for reoffense. Additionally, Mr. Clark opined that he did not feel a need for further treatment if released into the community.²¹ Asked what benefit he had derived from the 4 months he had participated in sex offender specific treatment, Mr. Clark stated that he developed an understanding of his high risks which were comprised of alcohol and drugs, sexual preoccupation, sexual entitlement, desire for power and control, and feelings of rejection.²²

Queried as to his plans upon discharge, Mr. Clark realistically stated that he could not formulate or submit a housing plan until resolution of his referral under RCW 71.09 had occurred. More generally, Mr. Clark stated that he would discharge to Pierce County and would seek resources and support through the Puyallup Tribal Treatment Center and the Kwawachee Counseling Center. Mr. Clark stated that he had accrued approximately \$45,000 in savings while incarcerated and an amount that he declined to specify in additional funds deposited in a community bank.

Asked as to community supports, Mr. Clark identified 2 sisters and 1 brother who resided in Pierce County. Asked regarding employment, Mr. Clark stated that he would be looking for “*anything*” specifically identifying, roofing, construction, lawn maintenance,

¹⁷ As with the 6/2/16 interview, when queried regarding allegations and infractions for strong-arming inmates for sexual favors (0849; 0853; 0855; 0861; 0864; 0902; 1149), Mr. Clark again implied that he did not commit the offenses and that the allegations were levied against him for purposes of getting him transferred off of mainline, referred to administrative segregation, or transferred from the institution.

¹⁸ Criminal offenses including: Absconding (Cause # 81-1-00981-8); Burglary (Cause # 81-1-01351-3); Possession of Stolen Property (Cause # 89-1-00219-1), and numerous violations and infractions which did not result in criminal adjudication (0176-0178; 0179-0181; 0182-0185; 1882-1883; 1884-1885). Additionally, at the time of his index spree on 4/10/93, Mr. Clark remained on monetary supervision with the Department of Corrections.

¹⁹ Mr. Clark specifically identified areas where gangs, prostitutes, or addicts congregate.
²⁰ 0827.

²¹ This constitutes a change in his stance since he was last interviewed on 6/2/16. Specifically, when previously interviewed, while stating he did not feel that he was at risk for sexual recidivism, Mr. Clark stated he was open to the prospect of treatment as it had been recommended by one of his counselors. Asked regarding current protective factors, Mr. Clark identified changes in his thought processes, the duration of his incarceration, and that advancing age “*had deterred him from that path.*” He continued by stating, “*I have to be responsible for my behavior in that sense.*”

²² Asked if he had reapplied to enter treatment following his dismissal, Mr. Clark stated that he did not as his primary therapist, Mr. Rogers, and his supervisor, Ms. Dandescu, were present at his dismissal. Additionally, Mr. Clark stated that following his dismissal he was rapidly transferred back to Stafford Creek Correctional Center.

or custodial work. Ultimately, Mr. Clark stated he aspired to obtain an AA degree in human relations through the Northwest Indian College and obtain employment in an addiction center or in the tribal treatment center assisting people.

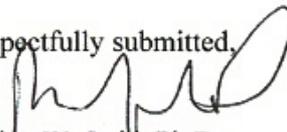
With regard to ongoing therapeutic involvement following discharge, Mr. Clark stated that he would continue with AA. Mr. Clark identified no other therapeutic endeavors.

Summary and Conclusions:

Mr. Clark is a 57-year-old male with a history of predicate offending against stranger females or casual acquaintances between the ages of 15 and 30 when he was last at liberty in the community on 4/10/93. While incarcerated on Cause # 93-1-00124-2 Mr. Clark continued to receive allegations and infractions for strong-arming vulnerable inmates through 2006²³ thereby contradicting his assertion that his offending behavior while in the community was fueled by intoxication and anger. To his credit, Mr. Clark has largely been infraction free for the last 14 years of his incarceration and appears to be making some positive changes in understanding his offense precipitants and application of self-management strategies developed through in-custody programming.

Despite these changes, Mr. Clark has not completed offense-relevant treatment. Despite numerous interventions by treatment staff, Mr. Clark was terminated from sex-offender specific treatment on 2/18/15²⁴ for failure to take responsibility for his prior offending and lack of progress in identifying emotional and cognitive offense precipitants. As such, Mr. Clark remains an untreated sex offender at the present time. In the absence of completed treatment or other evidence of significant mitigation of dynamic risk factors associated with sexual recidivism, I continue to believe that Mr. Clark suffers from a statutorily defined '*mental abnormality*' as defined by RCW 71.09.020(8). Additionally, I also believe that Mr. Clark constitutes a high risk for predatory acts of sexual violence as defined by RCW 71.09.020(7). Summarily, I affirm the opinion memorialized in my 6/3/16 report and continue to hold the opinion that Mr. Clark meets the statutory criteria as a '*sexually violent predator*' as defined in RCW 71.09.020(18). I hold this opinion to a reasonable degree of psychological certainty.

Respectfully submitted,



Brian W. Judd, Ph.D.

Licensed Psychologist

Washington License 1522

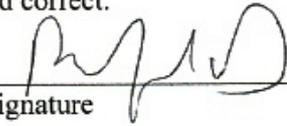
Certified Sex Offender Treatment Provider 171

²³ 0853.

²⁴ 0828.

I certify and declare under penalty of perjury under the laws of the State of Washington
that the foregoing is true and correct.

8/3/20 Olympia WA
Date and Place


Signature

**THIS IS THE END OF THE
FORENSIC PSYCHOLOGICAL EVALUATION**

FILED

AUG 31 2020

GRAYS HARBOR COUNTY, WA
KYM FOSTER, COUNTY CLERK

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**STATE OF WASHINGTON
GRAYS HARBOR COUNTY SUPERIOR COURT**

In re the Detention of:

GARY LEE CLARK,

Respondent.

NO. 20-2-389-14

MOTION FOR ORDER
DETERMINING EXISTENCE OF
PROBABLE CAUSE, DIRECTING
ISSUANCE OF WARRANT FOR
RESPONDENT'S CUSTODIAL
DETENTION, AND SETTING
PROBABLE CAUSE HEARING

COMES NOW Petitioner, State of Washington, by and through Rose McGillis, Assistant Attorney General, and requests that this Court find probable cause to believe Gary Lee Clark is a sexually violent predator. In addition, the State requests that this Court issue a warrant for Respondent's custodial detention pending the adversarial probable cause hearing. Finally, the State requests that this Court set a probable cause hearing in this matter within seventy-two (72) hours of Respondent's arrest on the warrant issued in this matter, as required by RCW 71.09.040(2). This motion is based upon the petition and certification for determination of probable cause filed in this matter and RCW 71.09.040(1) and (2).

DATED this 28th day of August, 2020.

ROBERT W. FERGUSON
Attorney General



ROSE MCGILLIS, WSBA # 34469
Assistant Attorney General
Attorney for Petitioner

MOTION FOR ORDER DETERMINING
EXISTENCE OF PROBABLE CAUSE,
DIRECTING ISSUANCE OF WARRANT FOR
RESPONDENT'S CUSTODIAL DETENTION,
AND SETTING PROBABLE CAUSE HEARING

ATTORNEY GENERAL'S OFFICE
Criminal Justice Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-6430

Certificate of Clerk of the Superior Court of Washington in and for Grays Harbor County. The above is a true and correct copy of the original instrument which is on file or of record in this court.



FILED

SEP -1 P1 54

Done this SEP 1 2020 day of
Kym Foster, Clerk By [Signature] Deputy Clerk

GRAYS HARBOR CO.
KYM FOSTER
CLERK

STATE OF WASHINGTON
GRAYS HARBOR COUNTY SUPERIOR COURT

In re the Detention of:

GARY LEE CLARK,

Respondent.

NO. 20-2-389-14

ORDER DETERMINING EXISTENCE
OF PROBABLE CAUSE, DIRECTING
ISSUANCE OF WARRANT, AND
SETTING PROBABLE CAUSE
HEARING

THIS MATTER came before the Court on the State's *ex parte* motion for determination of probable cause to believe Gary Lee Clark is a sexually violent predator, for the issuance of a warrant for Respondent's custodial detention, and for an order setting an adversarial probable cause hearing in this matter within seventy-two (72) hours of Respondent's arrest on the Court's warrant, as required by RCW 71.09.040(2). In determining this motion, the Court considered the pleadings submitted by the State, including the petition and certification for determination of probable cause.

Based upon this, IT IS HEREBY ORDERED:

1. There is probable cause to believe Gary Lee Clark is a sexually violent predator, as that term is defined in RCW 71.09.020(18).
2. The Clerk of the superior court shall issue a **no bail** warrant of arrest, returnable forthwith, for the custodial detention of Gary Lee Clark.
3. Upon Gary Lee Clark's arrest on this Court's warrant, he shall be detained at the Grays Harbor County Jail and not subject to bail.

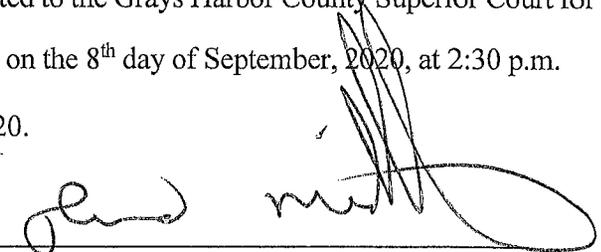
///

///

1 4. Gary Lee Clark shall be transported to the Grays Harbor County Superior Court for
2 an adversarial probable cause hearing to be held on the 8th day of September, 2020, at 2:30 p.m.

3 DATED this 1st day of ~~August~~, 2020.

4 ~~September~~

5 
6 Judge of the Superior Court

7 Presented by:

8 ROBERT W. FERGUSON
9 Attorney General

10 

11 ROSE MCGILLIS, WSBA # 34469
12 Assistant Attorney General
13 Attorney for Petitioner
14
15
16
17
18
19
20
21
22
23
24
25
26

1 Gary Lee Clark's date of birth is September 20, 1962. His Department of Corrections
2 number is 287493. He is a Native American male, approximately 5'9" tall, 190 lbs., and has black
3 hair and brown eyes.

4
5 BY ORDER OF THE COURT:

6 WITNESS THE HONORABLE
7 JUDGE OF THE SUPERIOR COURT, AND THE SEAL
8 OF SAID COURT THIS SEP - 1 2020

9 **KYM FOSTER**

10 COUNTY CLERK AND CLERK OF THE SUPERIOR
11 COURT OF GRAYS HARBOR COUNTY,
12 WASHINGTON

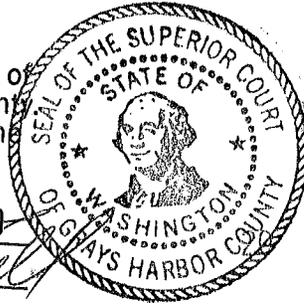
13 
14 DEPUTY CLERK



15 DATE OF ISSUE:

16 9/1/2020

Certificate of Clerk of the Superior Court of Washington in and for Grays Harbor County. The above is a true and correct copy of the original instrument which is on file or of record in this court.



FILED

Done this SEP 1 day of 2020
Kym Foster, Clerk By [Signature]
Deputy Clerk

SEP -1 P1 52

GRAY'S HARBOR CO.
KYM FOSTER
CLERK

**STATE OF WASHINGTON
GRAY'S HARBOR COUNTY SUPERIOR COURT**

In re the Detention of:

NO. 20-2-389-14

GARY LEE CLARK,

ORDER OF TRANSPORT

Respondent.

THIS MATTER having come before the Court on September 1, 2020, the Court having found that probable cause exists to believe that Gary Lee Clark is a sexually violent predator, and having directed the issuance of a no bail warrant for Respondent's custodial detention, does hereby enter the following order:

1. The Grays Harbor County Sheriff or representative of the sheriff shall transfer Gary Lee Clark from the Stafford Creek Corrections Center, located in Aberdeen, Washington, to the Grays Harbor County Jail.

///

///

///

///

///

///

