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STATE OF WASHINGTON
CHELAN COUNTY SUPERIOR COURT

In re the Detention :

TROY SCOTT PETERSON,

Respondent.

NO.

07-2-00193-4

Amended

CERTIFICATION FOR
DETERMINATION OF PROBABLE
CAUSE

I, JANA R. FRANKLIN, 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 the Respondent.

Pursuant to RCW 71.09.030, the Attorney General for the State of Washington is filing this Petition at the request of the Chelan County Prosecuting Attorney, Gary A. Riesen.

Petitioner State of Washington sets forth the following in support of its Motion for the Determination of Probable Cause that Respondent is a sexually violent predator pursuant to RCW 71.09 *et seq.*

I. OFFENSE HISTORY

Troy Scott Peterson was born on January 11, 1970, and is now 37 years old. He has been convicted of three sexually violent offenses as that term is defined in RCW 71.09.020(15).

**1. Indecent Liberties with Forcible Compulsion – S.S.B., age 15
(Grays Harbor County Cause No. 86-8-00259-4)**

On August 18, 1986, Peterson, age sixteen, orally raped his fifteen-year-old cousin
S.S.B.

1 At the time of the offense, Peterson was staying with S.S.B.'s family. On the morning
2 of the offense, Peterson had gotten up and started drinking beer. He and S.S.B. discussed their
3 plans for the day, but Peterson fell asleep before they went anywhere. When S.S.B. began to
4 leave without him, Peterson woke up, grabbed S.S.B., and ordered her to lie down and remove
5 her clothes. When S.S.B. refused, Peterson threw her to the ground and began forcibly
6 removing her clothes. S.S.B. convinced Peterson to leave her panties on and made him
7 promise not to rape her. Peterson promised not to rape her, saying that he was "just going to
8 play." Peterson then told S.S.B. to roll over onto her stomach so he could "butt fuck" her. In
9 response, S.S.B. jumped up and began to struggle more. Peterson caught her and threw her
10 back down on the floor again. He demanded that she remove her panties and spread her legs.
11 Peterson then performed oral sex on S.S.B. while S.S.B. cried. Peterson next forced her to
12 perform oral sex on him twice. Peterson told S.S.B. to spread her legs again so he could "play
13 some more." He then attempted to digitally penetrate S.S.B.'s vagina. S.S.B. began screaming
14 at Peterson, saying "you promised not to hurt me." With that Peterson stopped and apologized.
15 However, he forced her to perform oral sex on him again. When S.S.B. asked Peterson why he
16 was offending against her, he told her it was because he loved her.
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19 When someone knocked at the door, S.S.B. threw on her clothes and ran to answer it,
20 thinking it was likely her father. It was the landlord, asking if anything was wrong after a
21 neighbor reported to her she heard a female voice screaming things like "rape" and "get off
22 me." S.S.B. told the landlord that her cousin had just tried to rape her. The landlord took
23 S.S.B. to the manager's apartment and called the police.
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1 Peterson was charged with Indecent Liberties by Forcible Compulsion. On
2 November 6, 1986, Peterson pled guilty to the charge and was sentenced to 30 to 40 weeks in
3 juvenile detention.

4 **2. Rape in the Second Degree with Forcible Compulsion and Burglary in the First**
5 **Degree – P.J.M.P., age 39**
6 **(Chelan County Cause No. 88-1-00142-2)**

7 On July 2, 1988, Peterson, age eighteen, raped thirty-nine-year-old P.J.M.P.

8 P.J.M.P. was visiting her mother in Wenatchee after her father had passed away earlier
9 that week. On the evening of July 1, 1988, Peterson came up to the house and looked in the
10 open front door where P.J.M.P. was sitting watching television. He asked to speak to someone
11 and was told that he had the wrong house. With that, Peterson left. P.J.M.P. continued
12 watching television, and then shut and locked both the front and back doors and went to bed.

13 In the early morning hours of July 2, 1988, Peterson and Itimad A. Hasanat cut the
14 phone line into the home of P.J.M.P.'s mother. They then cut a small hole in the screen door
15 and unlocked the door. They opened the door and entered the house. The two men found
16 P.J.M.P. asleep in bed with her three-year-old daughter. They stood at the end of the bed and
17 began to rouse P.J.M.P., telling her to wake up and not to scream. P.J.M.P. immediately
18 recognized Peterson as the man that had come to the house earlier in the evening. Hasanat
19 covered P.J.M.P.'s daughter with the bedspread and sat down next to P.J.M.P. He began
20 pulling up her nightshirt, and when she resisted, he took out a knife (eight to ten inches long)
21 and pointed it at P.J.M.P.'s chest. Peterson then shook his fist at P.J.M.P., stating that if she
22 did not cooperate she would get hurt. Hasanat unzipped his pants and, holding the knife to her
23 throat, demanded that P.J.M.P. perform oral sex on him. He grabbed her by her hair and
24 forced her perform oral sex on him. Hasanat ejaculated in P.J.M.P.'s mouth almost
25 immediately. He then held the phone to her ear, showing her that the line was dead.
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1 Peterson then approached P.J.M.P., forced her on her knees, took out his penis, and told
2 her "make it hard." He forced her to perform oral sex on him briefly, and then pushed her on
3 her back and attempted to penetrate her vagina. P.J.M.P. noticed that he was having difficulty
4 penetrating her because his penis was not very erect. Peterson again told P.J.M.P. to "make it
5 hard" but did not force her to perform oral sex again. Instead, he attempted to penetrate her
6 vagina again and was eventually successful. Peterson then demanded that P.J.M.P. keep her
7 eyes open and look at him while he raped her. Once Peterson was finished, Hasanat vaginally
8 raped P.J.M.P. He attempted to anally rape her as well, but P.J.M.P. was able to convince him
9 otherwise.

10 Hasanat told P.J.M.P. that they needed money for cocaine. However, nothing was
11 taken from the home. As they left, Peterson and Hasanat threatened to return and kill P.J.M.P.
12 and her daughter if she went to the police. P.J.M.P. assumed that Peterson and Hasanat had
13 already killed her mother who had been sleeping in another room.

14 When Peterson returned home, he told his grandmother that he and Hasanat had done
15 something bad, that he was afraid of Hasanat, that Hasanat had threatened Peterson and
16 Peterson's family if Peterson told anyone what they did, and that Hasanat told Peterson he had
17 diplomatic immunity from being charged.

18 On September 19, 1988, the court ordered a competency evaluation on Peterson. The
19 evaluator found Peterson competent. On October 3, 1988, Peterson pled guilty to Rape in the
20 Second Degree with Forcible Compulsion and Burglary in the First Degree. The prosecutor
21 made a favorable sentencing recommendation in exchange for Peterson's testimony against
22 Hasanat. On December 5, 1988, Peterson was sentenced to 41 months in custody with one
23 year of community supervision. During the PSI, Peterson stated that he was under the influence
24 of alcohol and cocaine at the time of the offense.

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1 **3. Attempted Rape in the Second Degree and Indecent Liberties with Forcible**
2 **Compulsion – T.J., age 35**
3 **(Chelan County Cause No. 97-1-00095-6)**

4 On March 3, 1997, Peterson attempted to rape 35-year-old T.J., his second cousin.

5 Peterson went to T.J.'s house to pick up some gloves he had supposedly forgotten in
6 her car. At one point, T.J. used the bathroom, and when she came out, she found Peterson in
7 his underpants, standing in front of her. Peterson told T.J. to go to the bedroom because he
8 wanted to masturbate in front of her. Peterson grabbed T.J. and dragged her to the bedroom
9 where he threw her on the bed. He told her to remove her shirt so he could see her breasts.
10 T.J. complied after Peterson threatened to beat her unconscious if she did not. Peterson then
11 told her to remove her pants, which she did. Peterson then removed his underpants and kissed
12 T.J. Peterson told T.J. that if he went to jail for his conduct, her "kids will remember," a
13 statement T.J. understood to be a threat against her children. Peterson then started to hit T.J. in
14 the head and pull her hair in order to subdue her. Peterson stopped the attack, saying he
15 needed lubricant. T.J. told him she had lubricant in the kitchen. Peterson let her get up and
16 followed her to the kitchen. T.J. grabbed a large metal spoon and began hitting Peterson with
17 it. She then ran to the phone and called 911. Peterson got dressed and left immediately.

18 According to Peterson, they were going to have sex and she started to "freak out" after
19 he kissed her and told her that he was going to tell her husband that they had sex. Peterson
20 also stated that he asked her if she wanted "rape or regular sex."

21 On March 5, 1997, the court ordered a competency evaluation. He was determined to
22 not be competent, and on July 9, 1997, Peterson was found not guilty by reason of insanity.

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1 **II. CONVICTIONS FOR NON-SEXUAL OFFENSES**

2 **A. Simple Assault, Chelan County**

3 On December 5, 1984, Peterson was charged with Simple Assault after shooting
4 another boy with a BB gun. The charges were diverted and Peterson ultimately completed his
5 diversion conditions, including some therapy sessions.

6 **B. Minor in Possession of Alcohol, Chelan County**

7 In February of 1986, police found Peterson passed out in a grocery store parking lot.
8 Peterson was given six months Community Supervision.

9 **C. Taking a Motor Vehicle without Permission, Chelan County**

10 On November 21, 1987, Peterson stole his grandmother's car when she refused to lend
11 it to him. He returned it two hours later. The charge was diverted, and Peterson completed the
12 diversion conditions, though he was kicked out of group therapy.

13 **D. Assault in the Fourth Degree, Domestic Violence, Grays Harbor County**

14 On January 26, 1992, Peterson assaulted his stepfather who confronted Peterson about
15 possessing a bathing suit magazine. A competency evaluation was ordered by the court.
16 Peterson was found competent and guilty.

17 **E. Theft in the Third Degree, Douglas County**

18 On February 24, 1994, Peterson was caught stealing a door lock installation kit, an
19 eight-piece drill bit set, and a digital thermostat from a local hardware store.

20 **F. Burglary in the Second Degree, Douglas County**

21 On March 20, 1994, Peterson broke into a local junior high school to steal computers
22 that he could sell for cocaine. The court ordered a competency evaluation. Peterson was
23 ultimately found competent, and on June 9, 1994, Peterson pled guilty to one count of Burglary
24 in the Second Degree. He was sentenced that same day to 180 days in custody.

1 **G. Assault in the Fourth Degree, Domestic Violence, Chelan County**

2 On November 13, 1994, Peterson assaulted his aunt 32-year-old, D.S.H. At the time of
3 the assault, Peterson had been living with his aunt and uncle for about a week because he was
4 homeless. On the night of the assault, his aunt came home from work and asked Peterson to
5 make dinner. She left the apartment briefly, and when she came back, Peterson jumped up and
6 slapped her in the face, saying "you're going to give me a back rub." D.S.H. refused and
7 Peterson slapped her again, knocking her onto the couch. Peterson pinned her down, putting
8 his hand over her mouth and telling her not to scream. He then began dragging D.S.H. toward
9 the bedroom. D.S.H., believing that Peterson intended to rape her, began screaming, and
10 Peterson let her go. The neighbor heard the screams and rushed to the apartment where both
11 she and D.S.H. yelled at Peterson to leave. As Peterson left, he told the two women that he
12 would return and kill them if they called the police. The court ordered a competency
13 evaluation, and Peterson was found competent and was convicted.

14 **III. BEHAVIOR WHILE INCARCERATED AND ON COMMUNITY SUPERVISION**

15 **A. November 6, 1986 – June 14, 1987**

16 While incarcerated for the assault on S.S.B., Peterson was infractioned for refusing
17 classes, smoking in unauthorized areas, making racial slurs, refusing to get up for breakfast,
18 and fighting. Peterson completed sex offender group treatment in February 1987. In addition,
19 he received some mental health counseling. He also participated in the Exodus Program for
20 alcohol addiction from May 17, 1987 until his release on June 14, 1987 to his grandmother.

21 **B. December 8, 1988 – December 1, 1991**

22 On January 19, 1990, while Peterson was incarcerated for the rape of P.J.M.P., a
23 Registered Nurse lodged a complaint regarding threatening statements and gestures made
24 towards her by Peterson. During an observation period in October 1991, Peterson was
25 observed yelling, "[W]hen I get my hands on that bitch doctor I'm going to make her suck my
26

1 cock as I cut her up.” It was during this period of incarceration that Peterson began to believe
2 he had a radio transmitter implanted in his jaw that told him to rape and kill women. These
3 hallucinations would continue until approximately 1999.

4 **C. December 1, 1991 – February 13, 1992**

5 While on community supervision, police were called to a report that Peterson was
6 harassing a female high school student. During this time period Peterson was also violated for
7 failing to attend outpatient SOTP.

8 **D. October 15, 1993 – March 21, 1994**

9 While on community supervision, Peterson was reported to have harassed a female
10 employee of a dental clinic. He was also violated for failing to pay his legal financial
11 obligations.

12 **E. August 17, 1994 – November 13, 1994**

13 While on community supervision, Peterson began making harassing phone calls to a
14 female. Peterson was ultimately arrested during this time period for fighting in a restaurant
15 parking lot and for violating his conditions of release by contacting D.S.H.

16 **IV. SEXUAL DEVIANCY TREATMENT**

17 **A. February 1987 – Sex Offender Group Treatment, Juvenile Detention**

18 Peterson completed sex offender group treatment following his incarceration for the
19 assault on S.S.B.

20 **B. January 1989 to April 1989 - Sex Offender Treatment Program (SOTP), Twin
21 Rivers Correction Center**

22 While at Twin Rivers Correction Center, Peterson participated in SOTP for
23 approximately four months. However, his participation was cut short after Peterson began
24 threatening and harassing other inmates, including calling some “baby rapers”. This behavior
25 culminated one evening where Peterson shoved another 75-year-old inmate while arguing over
26 the television. As a result, administrators feared for Peterson’s safety as he continued to

1 infuriate other group members. Though Peterson later formulated a contract and requested
2 readmission, he was denied. It appears part of Peterson's interest in readmission arose after a
3 prison counselor commented to Peterson that, outside of TRCC, Peterson was likely to be
4 raped given his age, youthful looks, and small stature.

5 **V. SEXUALLY VIOLENT PREDATOR EVALUATION**

6 Dr. Brian Judd, Ph.D., completed a twenty-eight page evaluation on February 27, 2007,
7 under the auspices of the Joint Forensic Unit to determine whether Peterson is a Sexually Violent
8 Predator according to RCW 71.09. Dr. Judd's evaluation included a file review of hundreds of
9 pages of information gathered from various law enforcement agencies, prosecuting attorney's
10 offices and the Washington Department of Corrections, and actuarial test results. Peterson
11 refused to participate in an interview with Dr. Judd.

12 Dr. Judd is familiar with RCW 71.09, and has done numerous assessments of persons to
13 determine whether they meet the criteria for civil commitment as sexually violent predators. A
14 copy of Dr. Judd's curriculum vitae is attached hereto as Exhibit A. A copy of the report he
15 generated pursuant to the assessment is attached hereto as Exhibit B.

16 Dr. Judd diagnosed Peterson with Schizophrenia, Paranoid Type, Episodic with no
17 Interepisode Residual Symptoms, Paraphilia, Not Otherwise Specified (Non-Consent), and
18 with Alcohol Dependence, Physiological Dependence Unspecified, In Sustained Full
19 Remission, In a Controlled Environment, Cocaine Abuse and Cannabis Abuse. Dr. Judd also
20 diagnosed Peterson with a personality disorder, Antisocial Personality Disorder. Of these
21 disorders, Dr. Judd found that Peterson's Paraphilia meets the criteria for a mental abnormality
22 as defined by RCW 71.09.020.

23 Dr. Judd administered three actuarial instruments commonly used to assess the risk of
24 sexual recidivism. These instruments indicate that Peterson constitutes a moderate-high to
25 high likelihood for sexual recidivism. Dr. Judd scored Peterson on the Static-99, an instrument
26 which assesses the likelihood that a person will commit a new sex offense within five, ten, and

1 fifteen years of release. Peterson's Static-99 score of seven places him in the high risk
2 category for reconviction of a new sexual offense. Of those individuals with similar scores,
3 43% within five years, 43% within 10 years, and 53% within fifteen years were reconvicted of
4 a new sexual offense.

5 Dr. Judd scored Peterson on the Sex Offender Risk Appraisal Guide (SORAG), an
6 instrument which is effective in predicting sexual recidivism as well as the likelihood that a
7 person will violently recidivate (including sexual and non-sexual violent recidivism) within
8 seven and ten years after release. Peterson obtained a score of thirty-two, placing him in Bin 9,
9 at the 98.5 percentile compared to the standardization sample. All individuals with similar
10 scores recidivated within 7 and 10 years, making Peterson's likelihood of sexually violent
11 recidivism to be high.

12 Finally, Dr. Judd scored Peterson on the Hare Psychopathy Checklist-Revised (PCL-R),
13 scoring him a 30. Peterson's score places him in the 84th percentile compared to North
14 American male offenders and at the 90th percentile compared to North American male
15 psychiatric patients.

16 Dr. Judd stressed that not only do these instruments place Peterson in the high range of
17 recidivism, but such instruments are recognized to be an underestimate of a person's likelihood
18 to reoffend. This is due to a number of factors, including that the follow-up periods and
19 continuing failure rates for new charges of between 1 to 2% after the first 5 years.

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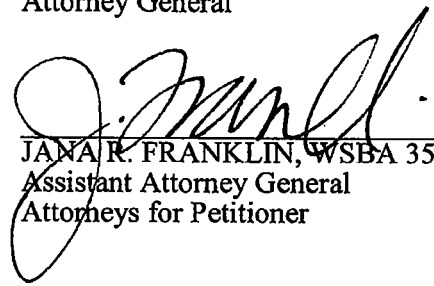
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The Respondent is due to be released to the community on March 3, 2007.

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

RESPECTFULLY SUBMITTED this 28 day of February, 2007.

ROBERT M. MCKENNA
Attorney General



JANA R. FRANKLIN, WSBA 35524
Assistant Attorney General
Attorneys for Petitioner