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**FILED**  
FEB 26 2010  
KATHY MARTIN  
WALLA WALLA COUNTY CLERK

**STATE OF WASHINGTON  
WALLA WALLA COUNTY SUPERIOR COURT**

In re the Detention of:  
  
MAVERICK A. LANNING  
AKA MAVRICK A. LANNING  
  
Respondent.

NO. **10 2 00169 8**  
PETITION

COMES NOW Petitioner, State of Washington, by and through ROBERT M. MCKENNA, Attorney General, and JAMES BUDER, Assistant Attorney General, and submits this petition seeking the involuntary civil commitment of Respondent, MAVERICK A. LANNING, AKA MAVRICK A. LANNING, as a sexually violent predator pursuant to chapter 71.09 RCW. Specifically, Petitioner alleges Respondent 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 a sexually violent offense, as that term is defined in RCW 71.09.020(17). Specifically, on or about December 11, 1995, in Walla Walla County Superior Court, Cause No. 95-8-00150-8, Respondent was convicted of Child Molestation in the First Degree, in violation of RCW 9A.44.083. Also, on or about September 6, 1996, in Walla Walla County Superior Court, Cause No. 96-8-00165-4, Respondent was convicted of Child Molestation in the First Degree, in violation of RCW 9A.44.083.

2. Respondent currently suffers from a mental abnormality and/or personality disorder, as those terms are defined in RCW 71.09.020(8) and (9).

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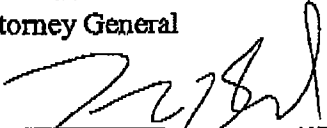
3. Respondent's mental abnormality and/or personality disorder cause him to have serious difficulty controlling his dangerous behavior and makes him likely to engage in predatory acts of sexual violence unless confined to a secure facility.

4. Respondent is currently incarcerated for Communicating with a Minor for Immoral Purposes, Walla Walla County Cause No. 06-1-00295-1, which constitutes a recent overt act as defined by RCW 71.09.020(12).

Based upon the foregoing, Respondent should be committed to the custody of the Department of Social and Health Services for placement in a secure facility for control, care, and treatment until such time as his condition has so changed that he no longer meets the definition of a sexually violent predator, or conditional release to a less restrictive alternative is in his best interest and conditions can be imposed that would adequately protect the community.

DATED this 19th day of ~~March~~ <sup>February</sup>, 2010.

ROB MCKENNA  
Attorney General

  
\_\_\_\_\_  
JAMES BUDER, WSBA #36659  
Assistant Attorney General  
Attorneys for Petitioner

**FILED**  
FEB 26 2010  
KATHY MARTIN  
WALLA WALLA COUNTY CLERK

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**STATE OF WASHINGTON  
WALLA WALLA COUNTY SUPERIOR COURT**

In re the Detention of:

NO. **10 2 00169 8**

**MAVERICK A. LANNING  
AKA MAVRICK A. LANNING**

**CERTIFICATION FOR  
DETERMINATION OF  
PROBABLE CAUSE**

**Respondent.**

I, JAMES BUDER, Assistant Attorney General for the State of Washington, am familiar with the investigation conducted by the Washington State Department of Corrections and various law enforcement agencies relating to Respondent, MAVERICK A. LANNING, AKA MAVRICK A. LANNING.

Pursuant to RCW 71.09.030, the Attorney General for the State of Washington is filing this Petition at the request of the Walla Walla County Prosecuting Attorney, JAMES L. NAGLE.

Petitioner, State of Washington, sets forth the following in support of its Motion for the Determination of Probable Cause that Respondent, MAVERICK A. LANNING, AKA MAVRICK A. LANNING, is a sexually violent predator pursuant to chapter 71.09 RCW et. seq.

///

**CERTIFICATION FOR  
DETERMINATION OF  
PROBABLE CAUSE**

**COPY**

**ATTORNEY GENERAL'S OFFICE  
Criminal Justice Division  
900 Fourth Avenue, Suite 2000  
Seattle, WA 98164  
(206) 464-6430**

1 **I. SEXUALLY VIOLENT OFFENSE**

2 Respondent, MAVERICK A. LANNING, AKA MAVRICK A. LANNING, was born  
3 on June 15, 1980, and is now 29 years old. He has been convicted of a sexually violent  
4 offense as that term is defined in RCW 71.09.020(17). He currently is incarcerated by the  
5 Washington State Department of Corrections, and is scheduled for release on March 2, 2010.

6 **A. Child Molestation in the First Degree, Walla Walla County Superior Court**  
7 **(No. 95-8-00150-8), December 11, 1995.**

8 On, or around July 19, 1995, Respondent, then 15 years old, had sexual contact with  
9 S.L., his six year-old sister. On that day, Respondent's mother returned home and saw her  
10 daughter, S.L. at the computer with Respondent. She saw Mr. Lanning jump back from the  
11 computer and pull up his pants. S.L. told her mother that while she was using the computer,  
12 Mr. Lanning came up behind her and pulled down his pants, exposing his penis. Mr. Lanning  
13 then grabbed S.L.'s hand and placed it on his penis. S.L. would pull her hand away, but  
14 Mr. Lanning would continue to place her hand back on his penis. Mr. Lanning later admitted  
15 to police that he forced his sister to rub his penis.

16 Mr. Lanning was charged with Child Molestation in the First Degree for his offense  
17 against S.L. on November 1, 1995. On December 11, 1995, Mr. Lanning pleaded guilty to  
18 this crime. On February 16, 1996, the court gave Mr. Lanning a suspended sentence of 13-16  
19 weeks, and granted him a Special Sex Offender Disposition Alternative (SSODA).

20 **B. Child Molestation in the First Degree, Walla Walla County Superior Court (No.**  
21 **96-8-00165-4), September 6, 1996.**

22 On, or around July 1, 1996, Respondent, then 16 years old, had further sexual contact  
23 with S.L., his now seven year-old sister while on the SSODA from his previous child  
24 molestation conviction. S.L. reported to her parents and police that Mr. Lanning had recently  
25 come into her room at night. Mr. Lanning then sat on S.L.'s legs and placed his hand over her  
26 mouth, pinning her to her bed. Mr. Lanning proceeded to tie S.L.'s hands behind her while

1 explaining that if she told anyone he would "kick your fucking ass and slap you across the  
2 face." During this incident, Mr. Lanning touched S.L.'s breast and pubic area with his fingers.  
3 After S.L. disclosed this to her father, he handcuffed Mr. Lanning and transported him to the  
4 police station. Mr. Lanning's father told officers that he was turning his son in because he  
5 didn't want S.L. or Mr. Lanning's other sister, K.L., in danger.

6 Mr. Lanning was charged with Child Molestation in the First Degree for his second  
7 offense against S.L. on July 16, 1996. On September 6, 1996, Mr. Lanning pleaded guilty to  
8 this crime. On September 13, 1996, the court sentenced Mr. Lanning to the Juvenile  
9 Rehabilitation Administration (JRA) for 52-65 weeks. On September 18, 1996,  
10 Mr. Lanning's SSODA was revoked, and he was sentenced to the JRA for the 13-16 weeks  
11 that had previously been suspended. The two sentences ran concurrently.

## 12 13 II. OTHER SEXUAL OFFENSES

14 Once released from the JRA, Mr. Lanning was placed into community custody  
15 through September 29, 2005. During this period, Mr. Lanning was incarcerated for several  
16 parole violations, including having many incidents of unsupervised contact with minors.  
17 Mr. Lanning was also incarcerated for Failing to Register as a Sex Offender in 2003, and  
18 received an extended period of community supervision.

19 On, or about August 1, 2006, Mr. Lanning was arrested for Rape of a Child in the  
20 Third Degree for having sexual contact with M.M., a 15 year-old girl. Mr. Lanning was 26  
21 years-old at this time. M.M. reported to police that Mr. Lanning and two other men  
22 transported her from Walla Walla, WA to Waitsburg, WA on July 21, 2006. Once they  
23 arrived at Mr. Lanning's room at the Waitsburg Inn, M.M. and Mr. Lanning were soon left  
24 alone by the other two men. Mr. Lanning and M.M. proceeded to smoke marijuana and have  
25 sexual intercourse. During the course of three days, Mr. Lanning and M.M. had sexual  
26 intercourse at least six times in his motel room. After three days, Mr. Lanning transported

1 M.M. back to Walla Walla because he had to attend a sex offender treatment session. While  
2 executing a search warrant, police discovered M.M.'s underwear, scooter, drug paraphernalia,  
3 and condoms in Mr. Lanning's motel room.

4 On August 3, 2006, Mr. Lanning was charged with six counts of Rape of a Child in the  
5 Third Degree for his sexual interactions with M.M. The information was filed under Walla  
6 Walla County Superior Court cause number 06-1-00295-1. On September 25, 2006, an  
7 amended information was filed, reducing the charges to one count of Communicating with a  
8 Minor for Immoral Purposes. Mr. Lanning pleaded guilty to that charge on the same day. On  
9 November 6, 2006, Mr. Lanning was sentenced to 43 months in prison for this conviction.

### 10 III. SEX OFFENDER TREATMENT

11 While serving his sentences at JRA facilities, including the Green Hill School and  
12 Maple Lane School, Mr. Lanning participated in sex offender treatment. While in the  
13 program at Green Hill School, he disclosed several other sex offenses he had committed. He  
14 disclosed that at age 13, he had sexual contact with his three-year-old niece, A.B., that  
15 included oral sex and penetration of her vagina, anus, and mouth with his penis. He also  
16 disclosed several instances of peeping on or groping of other females. Mr. Lanning was  
17 expelled from the Green Hill School sex offender treatment unit in March 1997 for lack of  
18 investment in treatment and disruptive behavior.

19 During his participation in the program at Maple Lane School, Mr. Lanning made  
20 further disclosures. For example, he disclosed sexual intercourse and fondling of a 10 year-  
21 old girlfriend when he was 15 years-old. Mr. Lanning was released from JRA in September  
22 of 1997.

23 Once in the community, Mr. Lanning participated in sex offender treatment at the  
24 Northwest Children's Home in Lewiston, ID. Mr. Lanning was removed from treatment  
25 groups in June 1998 due to lack of progress.  
26

1 Mr. Lanning matriculated into the Sex Offender Treatment Program (SOTP) at the  
2 Twin Rivers Unit in the Monroe Correctional Complex in February 2008 while serving his  
3 sentence for Communication with a Minor for Immoral Purposes. During treatment,  
4 Mr. Lanning admitted to being sexually preoccupied and having a history of deviant arousal to  
5 minors. He also disclosed that practically all of his girlfriends and sexual partners had some  
6 degree of developmental disability. Mr. Lanning explained that developmentally disabled  
7 girls were safer, more accepting, and "easier to manipulate their trust." Mr. Lanning  
8 completed SOTP in February 2009.

#### 9 10 **IV. SEXUALLY VIOLENT PREDATOR EVALUATION**

11 Dr. John Hupka, a psychologist with extensive experience in the evaluation, diagnosis,  
12 and treatment of sex offenders, conducted an initial assessment of Mr. Lanning at the request  
13 of the Joint Forensic Unit (JFU) on or about April 15, 2009. A copy of Dr. Hupka's curriculum  
14 vitae is attached hereto as Exhibit 1. A copy of the May 12, 2009, report generated pursuant to  
15 Dr. Hupka's assessment of Mr. Lanning is attached hereto as Exhibit 2 and is incorporated by  
16 reference.

17 Dr. Hupka is familiar with RCW 71.09 and has previously conducted assessments of sex  
18 offenders who are being considered for civil commitment pursuant to this statute and similar  
19 statutes in other states. In conducting his assessments, Dr. Hupka reviewed over 1700 pages of  
20 records, including police reports, legal documents, health information, previous psychological  
21 evaluations, and materials from the Department of Corrections relevant to Mr. Lanning's  
22 incarceration. Those records are the same as those upon which this certification is based.  
23 Dr. Hupka was also able to interview Mr. Lanning for approximately three hours as part of the  
24 initial evaluation.

25 Dr. Hupka reports that it is his opinion, to a reasonable degree of psychological  
26 certainty, that Mr. Lanning suffers from a mental abnormality and personality disorder.

1 Specifically, Dr. Hupka diagnosed Mr. Lanning with Pedophilia, sexually attracted to females;  
2 Paraphilia Not Otherwise Specified (NOS), Hebephilia/sexually attracted to developmentally  
3 delayed female teenagers; and Borderline Personality Disorder with antisocial and narcissistic  
4 traits. In Dr. Hupka's opinion, the combination of the Pedophilia, Paraphilia, and Borderline  
5 Personality Disorder combine to leave Mr. Lanning with poor emotional and volitional control  
6 over his sexually acting out behavior. In short, these disorders meet the definition of mental  
7 abnormality or personality disorder under RCW 71.09 in Mr. Lanning's case.

8 Dr. Hupka also opines, to a reasonable degree of psychological certainty, that  
9 Mr. Lanning's mental abnormality and personality disorder causes him serious difficulty in  
10 controlling his behavior, such that he is likely to engage in predatory acts of sexual violence if  
11 not confined to a secure facility. Specifically, he opines that Mr. Lanning's diagnosed  
12 disorders interact with one another to affect his volitional capacity to the extent that  
13 Mr. Lanning cannot confine his sexual deviance to fantasy.

14 In addition to his review of records and clinical interview with Mr. Lanning, Dr. Hupka  
15 employed several risk assessment instruments to aid in assessing Mr. Lanning's risk of  
16 recidivism. Some of these risk assessment instruments were actuarial in nature, and others  
17 were not, but each of the instruments used by Dr. Hupka are generally used and relied upon by  
18 similarly situated professionals.

19 In his risk assessment of Mr. Lanning, Dr. Hupka used three actuarial instruments: the  
20 Static-99, Static-02, and the Mn-SOST-R. Mr. Lanning's score on the Static-99 places him in  
21 the "moderate-high" risk category. Mr. Lanning's score on the Static-99 falls into the 73<sup>rd</sup>-83<sup>rd</sup>  
22 percentile. This means that 73-83% of sex offenders used in a representative and international  
23 sample of male sex offenders scored at or below Mr. Lanning's score on this actuarial.  
24 Individuals with scores similar to Mr. Lanning's were charged or reconvicted of a new sexual  
25 offense at a rate of about 27% within 10 years. This recidivism rate likely underestimates an  
26



1 offender's actual risk, because most sexual crimes do not result in criminal charges or  
2 convictions.

3 Mr. Lanning's score on the Static-02 places him in the "high" risk category.  
4 Mr. Lanning's score on the Static-02 falls into the 98<sup>th</sup>-99.9<sup>th</sup> percentile. This means that  
5 98-99.9% of sex offenders used in a representative and international sample of male sex  
6 offenders scored at or below Mr. Lanning's score on this actuarial. Individuals with scores  
7 similar to Mr. Lanning's were charged or reconvicted of a new sexual offense at a rate of about  
8 45% within 10 years. This recidivism rate also likely underestimates an offender's actual risk,  
9 because most sexual crimes do not result in criminal charges or convictions.

10 Finally, Mr. Lanning's score of "12" on the Mn-SOST-R actuarial instrument place him  
11 in the "high" risk category for sexual recidivism.

12 In addition to using actuarial instruments, Dr. Hupka employed empirically derived  
13 dynamic factors in his risk assessment. For example, he used the PCL-R to determine whether  
14 Mr. Lanning has a high level of psychopathy, if any. His score of "27" on the PCL-R indicates  
15 an elevated score on the continuum of psychopathy.

16 Dr. Hupka also used another dynamic risk factor instrument in his evaluation: the  
17 Stable-2007. In using the Stable-2007 instrument, Dr. Hupka opined that factors such as  
18 intimacy deficits, poorly controlled sexual impulses, and poor cooperation with institutional  
19 supervision fail to mitigate Mr. Lanning's risk. These factors have also been shown to be  
20 significantly related to sexual offense recidivism.

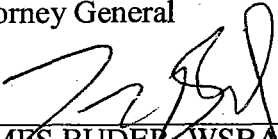
21 Dr. Hupka also considered possible mitigating factors in his risk assessment that could  
22 potentially reduce Mr. Lanning's risk. For example, Dr. Hupka took Mr. Lanning's  
23 participation in SOTP into account. Based on relevant research and his experience in  
24 conducting risk assessments, he concluded that while participation in treatment may offer some  
25 degree of mitigation of risk, it did not mitigate Mr. Lanning's risk in a significant way. In fact,  
26

1 it is Dr. Hupka's expert opinion, to a reasonable degree of psychological certainty, that  
2 Mr. Lanning is likely to engage in predatory acts of sexual violence if not confined to a secure  
3 facility.

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

6  
7 RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of ~~March~~ <sup>February</sup>, 2010.

8 ROB MCKENNA  
9 Attorney General

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11 JAMES BUDER, WSBA #36659  
12 Assistant Attorney General  
13 Attorneys for Petitioner  
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# Exhibit 1

LICENSURE

**Licensed Clinical Psychologist** (# 12944), California, 1992 - present

**Licensed Marriage Family and Child Counselor** (# 19507), California, 1984 - present

EDUCATION

**Ph.D. in Clinical Psychology**, California Institute of Integral Studies, San Francisco, Ca. 1990

**Master of Science in Clinical Psychopharmacology**, Alliant U., Alameda, Ca. 2001

**Post-Master's Family Therapy Training**, Virginia Polytechnic Inst., Blacksburg, Va. 1980-1982

**M.A. in Psychology**, West Georgia College, Carrollton, Ga. 1978

**B.A. in Psychology and Philosophy**, Miami University, Oxford, Ohio 1976

WORK EXPERIENCE - POST PSYCHOLOGY LICENSURE

**Private Practice**, 1992 - present

Forensic Psychology – Evaluation of sexually violent predators and mentally disordered Offenders. Expert witness court testimony in forensic cases.  
Neuropsychology – Neuropsychological and psychological assessment and consultation  
Counseling and Psychotherapy – Psychotherapy with individuals, couples, and families.

**Clinical Psychologist**, Dept. of Psychiatry, Kaiser Permanente Medical Center, 1995 - 1997

Outpatient individual, couple, and family psychotherapy.

**Staff Psychologist**, California Dept. of Corrections, Vacaville and San Quentin, 1992 - 1994

Psychotherapy with incarcerated offenders  
Psychological and neuropsychological evaluations  
Assessment of offenders' degree of dangerousness and parole suitability.

WORK EXPERIENCE - PRE-PSYCHOLOGY LICENSURE

**Post-Doctorate Neuropsychology Assistantship**, Transitions, Berkeley, Ca. 1991

**Post-Doctorate Psychology Assistantship**, Ross Hospital, Ross, Ca. 1990

**Adjunct Faculty**, Graduate Psychology Department, National Univ., Oakland, Ca. 1990-1992

**Family Therapist**, Woodside Women's Hospital, Redwood City, Ca. 1987-1989

**Employee Assistance Counselor**, Occupational Health Services, Oakland, Ca. 1985- 1990

**Clinical Supervisor**, Haight Ashbury Alcohol Treatment Services, San Francisco, Ca. 1985

**Family Therapist**, Care Unit, Novato Community Hospital, Novato, Ca. 1983-1984

**Emergency Services Supervisor**, New River Valley Mental Health Center, Radford, Va 1982

# Exhibit 2

JOHN HUPKA, Ph.D.

P.O. Box 797, Shingle Springs, CA. 95682

ph. / fax # (530) 677-5159

SEXUALLY VIOLENT PREDATOR CIVIL COMMITMENT  
CLINICAL EVALUATION

I. IDENTIFYING DATA

Name: Maverick Lanning  
Date of Birth: 6/15/80  
Facility: Monroe Correctional Center  
County of Commitment: Walla Walla  
Interview Date: 4/15/09  
DMH Evaluator: John Hupka, Ph.D.

This inmate was evaluated at Monroe Correctional Center on 4/15/09. I held a clinical interview with the inmate in a confidential interview room for approximately three hours. The inmate was told of the nature and purpose of the interview. I read to him a Notification of Evaluation as a Sexually Violent Predator form and discussed with him the nature and purpose of the interview. He indicated that he understood the nature and purpose of the interview. Issues of confidentiality and mandatory reporting were explained to the inmate. He agreed to be interviewed, signed the Notification form in that regard, and was offered a copy of that form.

SOURCES OF INFORMATION:

The following records were reviewed in this evaluation:

1. Juvenile Complaint Report from the Waitsburg Marshall's Office for Case No. 960702-3 dated July 2, 1996.
2. Preliminary Finding of Probable Cause Document dated July 3, 1996
3. Walla Walla County Superior Court Juvenile Department document for Case No. 968001654 dated 7/16/96 signed by Prosecuting Attorney Golden
4. Walla Walla County Superior Court Juvenile Department document for Case No. 958001508 dated 10/31/95 signed by Prosecuting Attorney Golden
5. Superior Court of Walla Walla County Juvenile Department document for Case No. 958001508 dated 11/13/95 signed by Prosecuting Attorney Golden
6. Order of Disposition and Warrant of Commitment document from the Walla Walla County Superior Court Juvenile Department for Case No. 968001654 signed by Probation Officer Golden dated 9/13/96
7. Undated document signed by Probation Officer Elmenhurst, four pages
8. Two-page document for Case No. 000801761 dated 4/11/00 by reporting officer Mundell
9. 4/1/04 Arrest Warrant from Asotin County
10. Investigation and Arrest Document from Clarkston Police Department Case No. 05P01492

11. Walla Walla Sheriff's Department Incident Report for Case No. 06-07-158
12. Walla Walla Sheriff's Department Incident Supplemental Report for Case No. 06-07-158
13. Statement of Megan M., handwritten two-page document
14. Undated Statement of Disclosure document signed by Probation Officer Schilling, two pages
15. Preliminary Finding of Probable Cause and Statement of Arresting Officer for Walla Walla County document dated 8/2/06
16. Walla Walla County Sheriff's Department document dated 8/2/06
17. Walla Walla County Sheriff's Department document dated 8/3/06, statement of Cody L.
18. Walla Walla County Sheriff's Department document dated 8/4/06, statement of Tanya S.
19. Walla Walla Sheriff's Office Incident Supplement for Case No. 06-07-158 dated 8/4/06
20. Walla Walla County Affidavit and Application for Search Warrant dated 8/2/06
21. Preliminary Findings of Probable Cause and Statement of Arresting Officer for Case No. 061002951 dated 8/2/06
22. Preliminary Finding of Probable Cause document dated 8/3/06
23. Certificate of Probable Cause document for Walla Walla Superior Court Case No. 061002951 dated 8/3/06
24. Walla Walla County Superior Court plea document for Case No. 061002951 dated 8/14/06
25. Letter dated July 29, 2008 to the Walla Walla County Superior Court Judge Honorable Robert Zagelow from Mr. Lanning
26. Washington State Department of Corrections draft file review for ESRC document dated 11/17/08
27. Washington State Department of Corrections Pre-Sentence Investigation Report dated 10/26/06 signed by Roy Massey
28. Walla Walla Superior Court Amended Information document for Case No. 061002951 signed by Prosecuting Attorney Nagle dated 9/12/06
29. Note for Motion document from Walla Walla County Superior Court for Case No. 06100295 dated 9/12/06
30. Walla Walla County Superior Court Statement of Defendant on Plea of Guilty to Sex Offense document for Case No. 06-01-00295-1
31. Letter to Honorable Robert L. Zagelo from Myrna H. dated 10/26/06
32. Judgment and Sentence document from the Walla Walla County Superior Court for Case No. 061002951, Judgment No. 069011577 dated 11/6/06
33. Walla Walla County Superior Court Additional Conditions of Sentence document dated November 6, 2006
34. List of offense count charges submitted by the Walla Walla County District Attorney for Case No. 061002951, submitted by Prosecuting Attorney Nagle dated 8/3/06
35. Greenhill School Treatment Report document for report date 9/20/06 to 3/20/07
36. Polygraph Exam dated 10/3/96
37. Psychosocial/Diagnostic Face Sheet dated 9/13/96
38. Greenhill School Initial Treatment Report dated 10/20/96
39. Psychosocial/Diagnostic Record of Official Action Report dated 9/19/96 from the Juvenile Rehabilitation Administration
40. Greenhill School Placement Review Hearing dated 2/5/97

41. State of Washington Department of Corrections Intake Screening document dated 12/10/04
42. State of Washington Department of Corrections Intake Screening Report dated 3/21/05
43. State of Washington Department of Corrections Intake Screening Report dated 11/8/06
44. Northwest Children's Home Master Treatment Plan dated 11/4/97
45. State of Washington Department of Corrections Intake Screening Report dated 1/23/08
46. Medical entries from the inmate's Department of Corrections and Rehabilitation records, various dates
47. Confidential Sexual History Report dated 4/28/97, submitted by R. Peregrin
48. Juvenile Rehabilitation Administration Sexual Vulnerability and Sexual Aggression Residential Screen Report dated 6/8/98
49. Northwest Children's Home Master Treatment Plan Report dated 11/4/97
50. Northwest Children's Home Treatment Plan Review Report dated 2/13/98
51. Greenhill School Psychiatric Report dated 9/24/96 signed by Dr. Dubey
52. Department of Social and Health Services Juvenile Rehabilitation Administration Maple Lane School Psychiatric Report dated 7/8/97 signed by Dr. Nielsen
53. Department of Social and Health Services Maple Lane School Juvenile Rehabilitation Administration Psychiatric Note dated 7/29/97
54. Northwest Children's Home Psychiatric Consult dated 11/28/97 signed by Dr. Crook
55. Northwest Children's Home Psychiatric Consult Follow-up Report dated 12/22/97 signed by Dr. Crook
56. Northwest Children's Home Psychiatric Consult Report dated 1/26/98 signed by Dr. Crook
57. Northwest Children's Home Psychiatric Consult Report dated 2/24/98 signed by Dr. Crook
58. Northwest Children's Home Psychiatric Consult Report dated 2/27/98 signed by Dr. Crook
59. Northwest Children's Home Psychiatric Consult Report dated 3/27/98 signed by Dr. Crook
60. Northwest Children's Home Psychiatric Consult Report dated 5/19/98 signed by Dr. Crook
61. Northwest Children's Home Psychiatric Consult Report dated 4/21/98 signed by Dr. Crook
62. Northwest Children's Home Psychiatric Consult Discharge Note dated 6/5/98 signed by Dr. Crook
63. Greenhill School Psychiatric Nursing Consultation Reports dated 11/4/96, 11/11/96, 11/18/96, 11/25/96, 1/13/97, 1/20/97, 1/31/97, and 2/10/97 signed by K. Kroening
64. Progress Note dated 11/4/97 signed by Ed Cheeney
65. T.P.R. Note dated 2/13/98 signed by Ed Cheeney
66. Progress Note dated 6/9/98 signed by Ed Cheeney
67. Adolescent Periodic Progress Evaluation dated 1/1/99 to 3/30/99
68. Adolescent Periodic Progress Evaluation dated 11/1/99 to 3/1/00
69. Northwest Children's Home Report dated 6/9/98 signed by Bruce Grimoldby
70. Northwest Children's Home Discharge Summary Report dated 6/15/98 signed by Bruce Grimoldby



71. Offender Mental Health Intake Interview Report dated 12/10/04
72. Mental Health Screening Report dated 11/8/06
73. Mental Health Report dated 11/14/06
74. Mental Health Appraisal Report dated 3/29/07
75. Primary Encounter Report dated 1/25/07
76. Primary Encounter Reports dated 2/5/08, 3/18/08, 4/28/08, 5/6/08, 6/25/08, 8/5/08, 8/19/08, 8/27/08, 9/6/08, 10/17/08, and 11/19/08
77. Mental Health Progress Note dated 2/15/07
78. Psychiatric Progress Note dated 6/6/07
79. Mental Health Entry from Dr. Narkiewicz dated 6/6/07
80. Department of Corrections and Rehabilitation Health Services Kite Documents, various dates
81. Northwest Children's Home Hopper Program Monthly Summary documents dated 10/1/97, 11/1/97, 12/1/97, 1/1/98, 2/1/98, and 3/1/98
82. State of Washington Department of Corrections and Rehabilitation Sex Offender Treatment Program Application document dated 12/4/07
83. Washington State Department of Corrections Sex Offender Treatment Program Monroe Correctional Complex Initial Treatment Plan document signed by Richard Anderson and Lisa Dandescu
84. Washington State Department of Corrections Sex Offender Treatment Program Twin Rivers Unit Mid-Progress Summary and Treatment Plan Review document dated 7/30/08
85. Sex Offender Treatment Program Monroe Correctional Complex Weekly Progress Notes for Report Dates 2/12/08 to 2/22/08, 3/1/08 to 3/21/08, 3/25/08 to 4/4/08, 4/8/08 to 4/18/08, 4/22/08 to 5/2/08, 5/6/08 to 5/16/08, 5/20/08 to 5/30/08, 6/3/08 to 6/13/08, 6/17/08 to 6/27/08, 7/15/08 to 7/25/08, 7/1/08 to 7/11/08, 7/29/08 to 8/8/08, 8/11/08 to 8/29/08, 9/6/08 to 9/26/08, 10/14/08 to 10/24/08, 9/30/08 to 10/10/08, 10/28/08 to 11/7/08, and 11/12/08 to 11/21/08
86. Monroe Correctional Complex Sex Offender Treatment Program Informed Consent document dated 1/31/08
87. SOTP Community Treatment Consent Form dated 10/1/08 and 10/3/08
88. Record of Official Actions at Greenhill School documents dated 9/24/96, 11/10/96, 11/24/96, 11/26/96, 1/7/97, 2/4/97, 2/18/97, 3/4/97, 3/19/97, 11/25/00, and 12/14/00
89. Intake document from Maple Lane School including a sexual history sheet
90. Record of Official Actions documents dated 5/17/97, 5/28/97, 6/24/97, 8/15/97, and 9/23/97
91. Maple Lane School document dated 5/13/97
92. Request for Field Investigation document dated 7/31/97
93. Evergreen Polygraph, Inc. document dated 4/28/97
94. Polygraph Examination document dated 1/16/00 signed by John Schrader
95. MnSOST-R scoring sheet identified as Document No. 854761
96. Washington State Sex Offender Risk Level Classification document dated 11/19/08
97. Superior Court of the State of Washington Department of Court Services document dated 9/17/96
98. Walla Walla County Superior Court Juvenile Department document for Case No. 958001508 dated 9/18/96

## EVALUATION PROCEDURES

- Record Review
- Clinical Interview
- Mental Status Examination
- Static-99
- Static-2002
- Minnesota Sex Offender Screening Tool-Revised (MnSOST-R)
- PCL-R

## II. FINDINGS

### A. Has the respondent been convicted of a sexually violent offense ? Yes

Mr. Lanning first came to the attention of authorities as a juvenile in Walla Walla Case No. 95-8-00150-8. On 7/19/95, when Mr. Lanning was 15 years old, he sexually assaulted his six-year-old sister. His mother reported that when she returned home she found her son, the young Mr. Lanning, standing behind the victim with his pants pulled down. The victim told her mother that she had been playing on the computer. Mr. Lanning approached her, pulled his pants down, and took her hand and put it on his penis. She pulled her hand away, but he put it back on his penis. The offense against his sister led to an offense of child molestation, first-degree. Subsequent to this incident Mr. Lanning was granted the Special Sex Offender Dispositional Alternative (SSODA) on 2/16/96.

Seven months later on 9/18/96, the SSODA was revoked after Mr. Lanning again molested his sister (the same victim as in his first offense). The sexual assault occurred on 6/30/96 against his sister who was, at that time, seven years old. After the second molestation of his sister, he pled to a charge of child molestation, first-degree in Walla Walla Case No. 96-8-00165-4. The victim reported to officers that Mr. Lanning came into her room at night. He put his hand over her mouth and sat on her legs, pinning her to the bed. He threatened her with bodily harm if she told anyone. He started to tie her hands behind her back. He then began touching her breasts and pubic area. For this offense, Mr. Lanning was committed to JRA on 9/13/96 for 52 to 65 weeks. While at JRA he reported that there was a third incident with his sister where he unsuccessfully attempted to have intercourse with her and "dry humped" her by rubbing his penis against her genitalia.

His most recent sex offense is in Walla Walla County Case No. 06-07-158. In this incident the 15-year-old female victim Megan reported that in the summer of 2006 she had sex with Mr. Lanning, who was then 26 years old. He was convicted in Walla Walla Superior Court Case No. 06-1-00295-1 of communicating with a minor for immoral purposes and received a 43-month sentence. The victim's Probation Officer described the victim as having limited cognitive ability.

In conclusion, Mr. Lanning has been convicted of a sexually violent offense.

**B. Does the respondent suffer from a mental abnormality or personality disorder? YES**

A mental normality is defined as an acquired or inherited condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constitution such a person a menace to the health and safety of others.

Developmental History:

Mr. Lanning told me that he was born in Walla Walla. He was raised by his parents. He is the oldest of four siblings. He has one brother and two sisters. He said his father was an alcoholic but "he made sure there was food on the table." When his father was drinking he was abusive – physically, mentally, and verbally. His mother was a housewife who he describes as "a pushover." He states, "She did what she was told to do by my father." The family lived with Mr. Lanning's grandparents to the age of six, and then his parents obtained their own residence for the family. When the young Mr. Lanning was 12 years old, his grandparents re-joined the family household. He said that the family moved around a lot because his father could not hold down a job due to his alcoholism. Mr. Lanning told me that he did not get along well with his mother or with his father. He got along with his grandparents better.

Education History:

Mr. Lanning told me that he stopped his schooling in the 10<sup>th</sup> grade, at which time he was sent to the Green Hill Juvenile Facility. He said he made A's in elementary school, which he describes as "up to the second grade." Then from grades two to nine he said he stopped trying and got mostly Cs, Ds, and Fs. He recalls "I gave up." He was in some special classes. He told me that he was always getting into trouble in school, mostly fighting. He said, "I would snap and tear someone's head off just for looking at me." In the sixth grade he was suspended for a half-year due to fighting and he stayed home for that half-year. By the time he was 15 years old he had attended eight different schools.

Marital History:

Mr. Lanning told me that he has never been married and has no children. He reports that his only long term relationship was from 1998 to 2006 with Theresa. She was nine years older than he. He said they lived together on and off for six years. He recalls, "She would bring home one of her ex's and kick me out for the night, but it was a solid relationship. I cheated on her once. She cheated on me 17 times." He said their sex life was "okay" and that they had sex once a night. He recalls, "I was in love with her, but I knew I would get hurt." He said their sex life was the only thing that kept the two of them together. They would usually have sex once a night, sometimes two or three times a night, and other times they would go for a week without having sex. Regarding their sex life, he says, "She was open for anything - vaginal, oral, anal, titty fucking, mutual masturbation, a lot of foreplay, vibrator, anal beads, tongue vibrators." He said

that they did not participate in group sex or bondage. He said that Theresa had handcuffs and wanted to use them with him, but he refused. Once they used porno together, but he was not really into that.

Employment History:

Mr. Lanning told me that from 1998 to 2005 he was a "full-time" janitor. He describes full-time as working eight hours a week. While he is in prison, he says he also works as a janitor.

Substance Abuse History:

Mr. Lanning reports that he used alcohol from the age of six years old. At that time he would drink alcohol out of his father's glass. He said he started using alcohol heavily at age nine. At that time he would drink a half of a fifth of alcohol two to three times a week, getting the alcohol from his father's supply. He said he was drinking during the general time period that he molested his sister, but he was not drunk at the time. He stated, "I knew what I was doing."

Mr. Lanning reports he used marijuana starting at the age of 14 years old. He last used in 2005, using that substance once or twice a month. From 2006 to 2007, he used amphetamines. He said he used that substance daily with his girlfriend Theresa. He said he once used amphetamines with his brother and he also took a two-week trip with his uncle who was a truck driver, during which time he used amphetamines once or twice a day. This was the same uncle that molested him. He said he used to snort amphetamines.

Criminal History:

Mr. Lanning reports a history of conduct disorder behaviors during his juvenile years. He told me that he often initiated fights and he said that at the age of nine years old he would use a brick or a bat in his fights. He has forced someone into sexual activity during his youth. He also reports deliberately destroying others' property. In this regard, he said that he cut off the heads of his sister's dolls twice when he was three years old at which time his sister was just a baby. He recalled, "I figured 'You get all Mom and Dad's attention. I will get even.'" He reports a history of behavioral problems in school.

Mr. Lanning has engage in other sex offense behaviors other than those described above in criterion A. While he was in JRA, his record indicates that he disclosed several other sex offenses that did not lead to adjudication. Mr. Lanning acknowledged sexually assaulting his three-year-old niece on three occasions by performing oral sex on her and penetrating her vagina, anus, and mouth with his penis. He was either 13 or 15 years of age when this happened. When he was 15 he peeped on his 16-year-old cousin while she was changing into a bathing suit. Other behaviors at age 15 include: touching the breast of a 13-year-old female without her knowing of his intentions; having sexual contact with his 12-year-old sister, which consisted of rubbing against her crotch and breast purposefully while swimming underwater; attempting to touch the genitals of an eight-year-old female neighbor and attempting to have her touch his penis; rubbing against the crotch of a 10-year-old female while swimming underwater; and having

intercourse with a 10-year-old female that he considered to be his girlfriend. He also disclosed watching relatives in their 30s have sex. Mr. Lanning variously acknowledged and recanted these disclosures ultimately leading to him acknowledging the disclosures under a polygraph exam. He reported that only one of his sexual partners did not have developmental issues. The other 11 were either seven years younger or were developmentally delayed to some degree.

On 3/16/05, Mr. Lanning is reported to have assaulted a 17-year-old female. The victim stated that she was raped by Mr. Lanning at his residence. She is described in the records as developmentally delayed and functioning at the level of a 12-year-old. She reported that while she was at Mr. Lanning's residence he performed cunnilingus on her and engaged in penile-vaginal intercourse with her. She told him she did not want to do this, and told him twice to stop, but he did not stop. Upon his arrest Mr. Lanning acknowledged the sexual contact with the victim, but said that it was consensual. He also acknowledged knowing that the victim was developmentally delayed. The victim said that she was initially okay with the sexual contact, but subsequently told him to stop and he did not. It is noted in the record that the victim contradicted herself in her report at times.

In my interview with him, Mr. Lanning told me that his first arrest was at the age of 15 years old when he molested his sister Samantha. He recalled, "I took her hand and masturbated myself. My mother walked in and caught it. When my father got home he took me to the police department." He said this molest occurred only once. He was put on the SOSSA Program and was allowed to stay at home.

Regarding the molest of his sister, he said that at the time he molested her, he was thinking, "She gets all the attention. She is mother's little spoiled bitch. I will put a stop to that." He said that his sister was spoiled rotten and he was angry at her. He recalled, "If I wanted something I had to wait, like I was always being punished. I got all the blame."

He states that a year after his first molest of Samantha, "I supposedly tied her up and raped her. My father took me to the police." He denies molesting his sister the second time. He said his sister falsely accused him because he told her she couldn't go somewhere. He recalled at the time, "We were all tying each other up with a bicycle tube - my brother and sister. I don't figure how I could have possibly raped her." He said he does not remember tying her up and raping her. Subsequently Mr. Lanning was placed in detention. He said he took a plea bargain and got 52 to 65 weeks. He was placed at Green Hill for 65 weeks and also at two other places until his release at the age of 18.

At the age of 18 years old, Mr. Lanning was on probation for two years. He said he lived in Idaho during that time staying in a half-way house for six months and subsequently in a house with his friends Jeff and Mary. He worked in a janitorial service and went to school to get his GED. Subsequently, Jeff and Mary told him he could not stay at their house anymore and he returned to the half-way house and after that to a motel room. He said he wore an ankle bracelet and his hours were restricted by his Probation Officer. Eventually he was returned to jail for a parole violation.

Mr. Lanning told me that he was off of probation when he was 21 years old at which time he worked part-time as a janitor in Clarkston. When he was 23 he said he was placed in jail for failure to register. He served 120 days and was put on two years probation. Subsequently, he broke up with Theresa and had sex with a 17-year-old girl. He said he met her through a school and "it was consensual." This resulted in a probation violation of 180 days. He allows that he had other probation violations as well, such as for drinking, crossing state lines, missing appointments, etc. He said all total he had 11 violations resulting in returns to custody. He reports that he was variously in and out of custody to 2005, at which time he was homeless, living on the street. He then got a job picking fruit. He went to Montana, where he stayed a month but got into an argument with his friend, Mike, who accused him of having an affair with Mike's wife, Sue. He denies the affair. Then he stayed with his friend Ann, who had children, but in 2006 Child Protective Services said he had to leave their residence. He came back to Washington and that is when he met Megan. He met her through a friend. She was 15, but he said he thought she was 21. He allowed her to stay in his room. They spent a few nights together and the third night they had sex; then again had sex on three subsequent nights. She was a runaway and when she told her Probation Officer that she might be pregnant, Mr. Lanning was arrested and subsequently convicted of his controlling offense of communicating with a minor for immoral purposes. He received a 43-month term with two years probation. He was arrested on 8/2/06 and convicted on 11/6/06 in Walla Walla County.

In describing his relationship with Megan, he said, "Megan looked 18. I thought she may have been underage. But I would push that thought out because I was looking for someone to be intimate with." He said that after he had been with her for about a week, "I realized she was acting immature, but I already had penetrated her with my finger, so I thought I might as well finish it out." He said he did not think he would get in trouble. He states, "I just thought we were in love and love has no limit on age." He allows, "I should have known better. I knew it was wrong, but I was already in the middle of it. I figured if I was going to get into trouble, I might as well go out with a bang."

I asked Mr. Lanning about the theft offense in his record. He recalled, "It was a dare. Theresa's brother Paul dared me to steal a shopping cart full of food. I took it to the house and put it away. Two police officers knocked on the door." He said that Theresa's house was next-door to a battered women's shelter where there were children.

Mr. Lanning's rap sheet reveals the following entries:

2-16-96	Child molest – conviction
9-13-96	Child molest – conviction
1-7-00	Probation violation
4-11-00	Probation violation
8-4-00	Probation violation
10-3-00	Probation violation
11-14-00	Child molestation
3-25-03	Failure to register
11-5-03	Failure to comply

1-29-04	Parole violation
3-17-04	Failure to comply
3-26-04	Parole violation
4-28-04	Failure to comply
6-2-04	Probation violation
6-28-04	Probation violation
8-24-04	Probation violation
<b>9-7-04</b>	<b>Theft - conviction</b>
12-8-04	Probation violation
3-15-05	Probation violation
6-3-05	Communication with a minor for immoral purposes
8-2-06	Rape of a child
11-8-06	Communication with a minor for immoral purposes
<b>9-25-06</b>	<b>Communication with a minor for immoral purposes – conviction</b>
11-8-06	Communication with a minor for immoral purposes

Medical and Mental Health Treatment History:

Mr. Lanning said that his health is good. There is nothing in his medical file to indicate any major illness that would affect his reoffense risk.

At age 15, he was in the SOSSA Program after his first sex offense. There he received treatment with Dr. Rubin, during which time he participated in groups once a week. He told me he did not get anything out of the treatment because, "Dr. Rubin would sit there and run on at the mouth. I thought I knew everything." He was prescribed no medications at the time.

In a 9-19-96 report, his record reveals that his SSODA counselor, Mr. Love, reported that he and the young Mr. Lanning were never really able to make any progress in sex offender therapy because his mother would call or come to every therapy appointment with some type of family crisis going on in the home that needed to be dealt with. The young Mr. Lanning was described as being very demanding of attention to the point of being annoying. He deals with issues in a very passive and manipulative manner. He hears what he wants to hear and tends to distort things. The young Mr. Lanning had been in counseling at the Children's Home Society and at the Mental Health Center for nearly three years, with the initial referral coming from his middle school because of his anger outbursts at school.

Between the ages of 16-18 he reports that he participated in sex offender groups every day when he was at Green Hill School. He recalled, "We actually would talk and do assignments, but I still wasn't getting anything out of it." He said it was not until he came to the Monroe Facility that "I realized maybe I did do something – maybe I did screw my sister's life up."

Mr. Lanning told me that he came to the Monroe Facility in 2008. He said he participated in the Sex Offender Treatment Program for one year in Monroe. This involved group treatment daily for two or three hours in sex offender treatment groups. Once every week or two he had a one-to-one session with his therapist, Andy Anderson. He said he talks with Mr. Anderson about

"everything – my crime, my life." He said he completed treatment on 2/17/09 and subsequently has participated in no treatment. He said he is waiting to participate in Phase III treatment with Dr. Rubin in Walla Walla, although he acknowledges that he previously had treatment with Dr. Rubin and did not get much out of it.

Sexual History:

Mr. Lanning said that when he was three years old he was molested by his uncle. In explaining this, he said, "He supposedly got caught with my mouth around him." He explains that his parents caught his uncle doing this and later his uncle tried to burn the house down with the young Mr. Lanning in it. He does not recall this, but that is what he has been told.

When the young Mr. Lanning was six years old, he said that his two older female cousins, Angel and Christina, "had me lay on them and rub." He said this occurred with their clothes off and with both Angel and Christina at the same time. They were approximately 16 or 17 years old and he said this occurred only once. Angel and Christina are sisters to each other. He then said he is not sure if this really happened or whether it was just a dream.

Mr. Lanning told me that from the age of nine to 13 years old he was raped by his cousin Jamie, who was his same age. He said this would occur once a week. He said it started when Jamie said, "You want to try something?" He recalled, "I fell for it. I tried to tell him to stop, but he wouldn't stop. I told my mother and she said to quit lying." He said he went along with the molest because Jamie threatened to get his parents to take his motorcycle away. He said that the molest involved "anal, oral, the whole nine yards."

Mr. Lanning told me that as a teenager he was raped when he was in the Green Hill Program and also at another program during his teen years. He also said that he was raped at the age of 23.

In relating his sexual history, Mr. Lanning told me that when he was 18 years old he had sex with a female named Tara, which he said was a one-night-stand; and he had sex once with Leanne in Idaho, she was 16 years old. Then when he was 18 years old he met Theresa while he was in jail on a violation of conditional. He said she was 30 at the time. From 1998 to 2006 he was involved with Theresa. In 2006, he said he had a relationship with 21-year-old Tiffany for two weeks, during which time they had sex nightly. In 2007 he was involved with Heather for two months. She was 18 and they had sex nightly. From 1996 to 2007, he said he had sex with Jackie on and off and their relationship was "hit and miss." In 2008, on Memorial Day, he said he had sex with Ann, and he maintained a relationship with her until August 2<sup>nd</sup>. They had sex approximately once a week. In 2008 he had sex with 15-year-old Megan. He said this occurred from 6/19/08 to 8/4/08, and that they had sex approximately six times, three times each day on three different days. He also recalled vaguely, "I was accused of raping a girl in Clarkston. She had the mind of a 13-year-old, but I didn't know it at the time." He said that this incident resulted in a parole violation and return to custody.

Mr. Lanning said that all of the women that he has been involved with have had some form of mental or intellectual disability. When I asked him why it is that he likes women who are



intellectually disabled, he said, "They are easier to get along with. They don't judge. They are open. They don't look at you like you are piece of scum."

Mr. Lanning told me that he has never been sexually attracted to children, either now or in the past. Mr. Lanning denies any sexual fantasies of children.

He said he has never visited prostitutes. He denies any history of such paraphilic behaviors as exposing himself, window peeping, or sex with animals. He said he has never contracted a venereal disease. He said that his masturbatory fantasies involve his ex-girlfriend Theresa. He said he masturbates approximately once a week and that his medications have now lowered his sex drive. In terms of his sexual fantasies, Mr. Lanning said that approximately a year ago he fantasized about Hannah Montana (an actress) but only for a minute, and then he quit "when I realized what I was doing." He said he now fantasizes only about age appropriate females.

A 4-28-97 report in his file gives the following sexual history as of that date:

(MINOR MALES):

1. Terry, Age 13: The client reports Terry engaged in anal intercourse with the client while he was staying at Terry's house.
2. Jamie S., Age 9: The client was 9 years old when he started sexual contact with Jamie over a period of 3 years. The sexual contact consisted of mutual fellatio, anal and digital intercourse. Jamie threatened the client in order to obtain sexual contact with him.
3. David L., Age 17: The client performed fellatio on his roommate in Green Hill in exchange for tobacco.

(MINOR FEMALES):

1. Sabrina, Age 15: The client was 14 when he engaged in kissing, hugging, touching and mutual fondling with his girl friend.
2. Angel, Age 3: The client was 15 years old when he engaged in cunnilingus with his cousin Angel.
3. Samantha, Age 8: The client was 15 years old when he engaged in sexual contact with the victim in the instant offense. He denies sexual contact with the victim when he was 16 years old on the second incident.
4. Christina, Age 16: The client was 15 years old when he engaged in peeping while watching Christina change into a bathing suit.
5. Justina, Age 13: The client was 15 years old when he engaged in fondling the breast of his 13 year old girl friend.
6. Kitty, Age 12: The client was 15 years old when he engaged in accidentally touching his sister's crotch under the water while swimming. The second time he went under water and intentionally touched her breast and crotch under the water.

7. Jolene, Age 8: The client was 15 years old when he attempted to touch the genitals of the 8 year old next door neighbor. He also attempted to have her touch his penis while in a car.
8. Sheena, Age 10: The client was 15 years old when he engaged in touching, fondling and consensual intercourse with Sheena age 10. Sheena was a friend of his sister and his girl friend at the time.

ADULT FEMALES:

1. Margo, Age 24: The client was 16 years old when his cousin masturbated him while at a party. She was intoxicated and he asked her to give him a "hand job" and she complied.

ADULT MALES:

None indicated.

PEEPING:

1. Age 8: The client peeped on his mother's friend Karen while she was undressed and staying in a bus that had been converted into a camper.
2. Age 15: The client peeped on Christina when she was changing into a bathing suit while at his house.

EXPOSING:

None indicated.

AUTO FELLATIO:

1. Age 9: The client reports he attempted to perform fellatio on himself, but was not successful.

RAPES:

None indicated.

ASSAULTS:

1. Age 13: The client was accused of pointing a bee bee gun at another youth. He denies he did it intentionally.

PROSTITUTES:

None indicated.

**MASTURBATION IN PUBLIC:**

None indicated.

**BESTIALITY:**

1. Age 9: The client used a cat to rub his penis. The cat scratched his penis and he threw it across the room.

**HOMOSEXUALITY:**

1. The client reports two homosexual partners in his past, which are listed in this report.

**DEVIANT FANTASIES:**

1. The client reports he was 8 years old when he started to have sexual fantasies of having intercourse with his younger victims.
2. The client reports he has had sexual fantasies of tying his girl friend up and having sex with her. This would be with her consent.
3. Maverick also reports he has had sexual thoughts of typing up Margo and having consensual sex with her.

**AFFAIRS:**

None indicated.

**S & M / BONDAGE / SEXUAL AIDS:**

1. The client reports he has just recently had sexual thoughts of using bondage with his girl friend and past sexual contacts he has had. He reports they have just started talking about that in treatment and it has stimulated a desire to check it out.

**TELEPHONE SEX:**

None indicated.

**FROTTAGE:**

None indicated.

**PORNOGRAPHY:**

1. PAST: The client was 6 years old when he first started to look at pornography, which consisted of Playboy magazines that belonged to his father. He also viewed x-rated videos for the first time at the age of 13 that belonged to his uncle. His uncle would rent the movies and watch them with the client.
2. CURRENT: None since he was at Greenhill and saw a pornographic picture.

CROSS DRESSING:

None indicated.

MASTURBATION:

1. PAST: The client was 9 years old when he started to masturbate about once a month. It eventually increased and decreased. There was a period of time he would masturbate up to 4 times a day.
2. CURRENT: The client currently masturbates once a month. He reports he lied about his masturbation during his polygraph at Green Hill because he did not want staff to think he was doing it too much.

SEXUAL HARASSMENT:

None indicated.

PHYSICAL / VERBAL ABUSE:

1. The client reports he has been verbally abusive with people that have been authority figures to him in the past.

TOPLESS- STRIP BARS:

None indicated.

PHOTOS DURING SEX:

None indicated.

GROUP SEX:

None indicated.

HITCHHIKERS FOR SEXUAL REASONS:

None indicated.

NECROPHILLA (DEAD BODIES):

None indicated.

FETISHES:

None indicated.

FAMILY HISTORY OF SEX OFFENSES:

1. His Uncle Terry: He was charged with rape of his girl friend. Terry also had anal intercourse with the client when he was 3 years old.

MENTAL STATUS EXAMINATION

Mr. Lanning is a 28-year-old Caucasian male. He is 5' 9" tall and weighs 191 pounds. He came to this interview appropriately groomed and dressed. He told me that his health is "fair." There was nothing unusual in his physical presentation. His speech was clear and coherent. He made appropriate eye contact. He was cooperative in this interview. His speech was often long-winded, but he was directable. His affect was constricted and flat with essentially no range of emotional expression. He said that recently his sleep has been poor because he has been worrying about the SVP Evaluation. His appetite is variable. He has no thoughts of harming himself or others. He was rather lethargic in his approach to this interview. He was well oriented. His fund of knowledge is limited. His memory seemed adequate. His intellectual level seemed limited, but this may have been affected by his lack of effort in the interview. He had a difficult time thinking abstractly in response to proverbs questions. He had a difficult time telling me what is the appropriate thing to do in social circumstances. For example, when I asked him what is the thing to do if you're the first person in a movie theater to see smoke and fire, he said, "Yell 'fire.'" He denies any history of psychotic disorder symptoms and there was no evidence of such in his current presentation. He tells me that he is currently on psychotropic medications. He said that all of his crimes have been committed when he is not on psychotropic medications. He said he is currently prescribed Lithium, Doxepin, Clonidine, and Geodon for his mood. He said he takes Benadryl for allergies and Cafergot for migraines. He also takes a second medication for migraine headaches. He said he has been prescribed Doxepin off and on since he was 16 years old. However, he explained that he found that crystal meth "worked as good as Doxepin, so I used meth." He said he has been on Lithium for the past year, Clonidine since 2006, and Geodon for the past year.

Overall, Mr. Lanning's demeanor in this interview was passive and self-defeating. He presents himself as a victim and he does not take responsibility for himself. In describing his life he has a sense of inevitability about what has happened to him, and in this regard he sees himself as a rather helpless and passive fellow in the world.

He told me that since he has come back to prison he has found religion and has been involved in the Latter Day Saints religion.

#### REVIEW OF MENTAL HEALTH AND MEDICAL RECORDS

The following information is obtained from the medical and mental health records in his file:

On 9/13/96, it was noted that he suffers from asthma. He was prescribed Paxil, Doxepin, and Clonidine. He reported that he has engaged in stealing property from his parents in the past, including cigarettes and money. His peer relations have not been good and his staff relations have been strained at times due to his neediness, lying to staff, and failure to follow directions. At his cottage he has been a target of verbal abuse and threats from other residents. He has not shown an ability to learn from his social mistakes. It was noted that he has been a Special Education student since the first grade.

On 9/24/96, it was noted that he has been treated for three years with Paxil, Doxepin, and Clonidine for mood swings. The diagnosis was Dysthymic Disorder in Partial Remission, and Conduct Disorder-Socialized with Sexual Aggressive Features. He was also noted to suffer from Mild Intellectual Deficit.

On 3/20/97, a report from Green Hill School reveals that he was initially committed to JRA Green Hill School from Walla Walla County on 9/20/96, and on 2/16/96 he was sentenced to a two-year SSODA for his child molestation offense. His SSODA was revoked on 9/18/96 and he was then committed to the Green Hill School for child molestation. Prior to his incarceration he had lived with his parents in Waitsburg, Washington. His parents separated off and on over the past three years. He was noted to have a sister, Samantha, who was then eight years old, another sister, Kitty, who was 13 years old, and a brother, Cody, who was 12. His parents were in denial about his sex offense behaviors. Mr. Lanning reported that his first sexual experience was at age nine, when he was victimized by his male cousin, Jamie. The sexual molest consisted of oral and anal sex performed by both partners occurring on many occasions over a three-year period. He said that his cousin abused other children in the family as well and was subsequently committed to JRA as a sex offender. He reported that between the ages of 13 and 16 he had a total of seven female victims, including digital penetration, touching them under their clothes and rubbing their genitals. He also reported that at age 15 he engaged in bestiality behaviors when he rubbed his cat's fur against his penis. He said that when he was 13 years old he had sexual contact on three separate occasions with his three-year-old niece, Angel. He performed oral sex and penetrated her vagina, mouth, and anus with his penis. He reported peeping on his 14-year-old cousin, Christina, watching her undress through a hole in his closet that viewed her bedroom. He reported having sexual contact with his 12-year-old sister, Kitty, by rubbing against her crotch while swimming underwater without her knowledge of his intentions. He reported having sexual contact with an eight-year-old female, Jolene. He attempted to have her touch his penis while he rubbed her genitals. He reported having sexual contact with 10-year-old Sheena, rubbing against her crotch while swimming underwater. While he was in the treatment program he disclosed that he and his roommate engaged in sexual behavior, including masturbation and felatio. It was

reported that he has a history of mental health disturbances for the past three years and has been involved in mental health counseling at Children's Home Society and at the Mental Health Center.

On 4/28/97, he said that he roams his house at night because he is "scared of himself" and he does it to keep his mind off of reoffending.

On 11/4/97, it was noted that he was hesitant to discuss his offenses and other issues of his past. He maintained regular contact with his family via telephone.

On 11/4/97, he was noted to have a full scale IQ of 79. He has received Special Education Services since he was in pre-school due to delayed development in receptive expressive language, articulation, gross and fine motor skills, cognitive skills, and visual perception skills. It was noted that most of the time his behavior is appropriate.

On 11/28/97, he reported problems with anger outbursts since he was nine years old.

On 2/13/98, he was described as making very slow progress in his treatment. He was described as presenting superficial information in order to manipulate difficult situations. The report states, "Maverick has avoided issues by attempting to take the focus off himself, blaming others, and lying by either not telling the truth or leaving out parts of the truth or twisting the truth....Maverick does not present himself openly and honestly and continues to present a pattern of lying, manipulation, and verbal assault." He was described as untrustworthy, deviant, and with little motivation to change. His effort in the classroom was poor, perhaps due to a sense of "learned helplessness." He was described as continuing to pose a high risk to the community in any less restrictive environment.

On 2/24/98, the diagnosis was Sexual Abuse of a Child with the Patient as Perpetrator, Sexual Abuse of a Child with the Patient as Victim, Dysthymia, History of Depression by Patient Report, Rule Out Major Depression Recurrent, and Rule Out Oppositional Defiant Disorder. He was also noted to suffer from Asthma and Chronic Back Pain and Mr. Lanning reported that he suffered from an ulcer. He was participating in the sex offender program.

On 3/5/98, it was noted that he continually changes the story of his offenses and his credibility was described as very low. His mother opined that his behavior was linked to her own victimization by a family member.

On 7/16/98, it was noted that after eight months in treatment Mr. Lanning remained unwilling to fully disclose the details of his offenses and consistently changed the descriptions of his offenses when he was required to divulge them. He was described at high risk to reoffend in the community. It was noted that he has made no measurable progress in his treatment for lowering his risk to the community.

On 11/13/06, he reported mood swings occurring at least 30 times a day. He reported being depressed all the time even though he does not show it on the outside. He said his Doxepin

medication was helpful to him but he was not able to afford it when he was homeless. He said he used to smoke methamphetamine and he found that this calmed him down. He said that he was tried on Ritalin in 1982 and 1983. He complained of racing thoughts and poor sleep. He said his mood swings and depression began when he was raped by his cousin at age nine. He ruminates over what was done to him and what he has done to others. He was described as suffering from Indigenous Depression with overlapping symptoms related to ADHD. He did not appear to suffer from Bipolar Disorder. The diagnoses were: Major Depressive Disorder, Single Episode; Polysubstance Abuse (Methamphetamine, Alcohol, and THC); and Rule Out PTSD.

On 6/6/07, he was noted to have a significant history of amphetamine abuse with "being up for three to four nights and then crashing" between the ages of 25 and 27.

On 3/7/08, an initial Treatment Plan Report from Monroe Correctional Complex Sex Offender Treatment Program reveals that Mr. Lanning stated, "I just want to be a productive member of society. I feel sorry for what I did. I will take any treatment that I can get." He reported that the cousin who molested him when he was nine years old eventually committed suicide at the age of 20. Regarding his index offense against the 15-year-old victim, he said, "In the back of my mind I knew it was wrong. A little voice said quit, but I kept going." He admitted being sexually preoccupied in the past and said that he had thought about sex "all the time, 24-7." He said he used sex to feel better, particularly when he was feeling sad, and he used masturbation to help calm him down. He said he looked at a lot of pornography, beginning at the age of nine and continuing until the time that he was incarcerated. He stated, "I used it as often as I could." He denied using child pornography or other deviant pornography. He also identified having a history of deviant sexual arousal to minors, such as Hannah Montana and Taylor Swift, who are entertainers. He acknowledged engaging in risky behavior after his offenses, including watching a two-year-old take a bath and having a baby boy sit on his lap. He was noted to have some views supportive of sexual offending and some distortions regarding his offenses. These included that his offenses were consensual and that the victims instigated the sexual contact. He tended to present himself as a victim. He said that he used to think children would sexually tease him, but now he realizes "It was all in my head." He acknowledged exploiting vulnerable women by choosing developmentally delayed women to have sex with. He said he is currently involved with a 23-year-old woman named Rose, although they have never met. He said they write letters and speak on the phone. He says he believes their relationship is "perfect." He said his longest relationship was for six years with a developmentally delayed woman that he met when he was 18. He said he would have relationships with developmentally delayed women because he feared rejection and they were more accepting of him. He also stated, "It is easier to manipulate their trust." It was noted that he was arrested 11 times between January of 2000 and March of 2005 for supervision violations and four times for failure to comply with court orders. He reported that he currently has no community support from his family and that his only support person is his girlfriend, Rose, whom he says he has never actually met. His mother passed away from breast cancer in 2007. He writes to his father, but his father does not write back. He reported that he was kicked out of school repeatedly beginning in the fourth grade for violent acting out behavior. He said he engaged in bullying behaviors at school and he allows a general



pattern of impulsivity. He said that he would engage in risky behaviors such as jumping motorcycles and speeding. He identified other impulsive behaviors as well. He said he has tried to kill himself 17 times through risky behaviors such as jumping motorcycles and playing Russian roulette. While incarcerated he has received infractions for fighting, failure to perform, as well as a general infraction. He said that he thought his sentence for his most recent sex offense was "too easy." He acknowledged that he has had a problem with his sexual behavior for most of his life and needs help in learning to control and manage himself sexually.

On 3/7/08, he reported in his group that he has always been sexually preoccupied and knows he has a problem in regards to sexual behavior. He said he sees himself as a sex addict and he says he used sex in place of self-esteem problems and for power in his life.

On 4/4/08, he reported that he was writing to and receiving letters from a female after he asked another inmate if he could write to her. He sexualized this relationship by asking her what she would do sexually and asking her about her body and sex organs. He also sent her an outline of his penis that she did not want and had not asked for. When asked about the offense in which he was accused of tying up his sister with an inner tube, he admitted to the offense after denying that he had tied her up.

On 4/18/08, it was noted that he plays Dungeons and Dragons to cope with his feelings and to distract himself from his feelings.

On 5/30/08, he acknowledged that at age 26 he was still acting like he was 16. He received feedback that he did not seem to have progressed in the areas of social functioning, self-discipline, career, or personal responsibility.

On 6/13/08, he reported that he and his sister were sexually abused when he was six years old. The perpetrator was an adult who caught him and his sister in sex play and he forced them both to masturbate him.

On 6/25/08, he said he recently received a letter from his sister in which she reported to him that she had attempted suicide. He said that he was very stressed about his release planning. His major concerns were about what he would do and where he would go upon his release in February of 2009. He appeared to be depressed, anxious, and irritable. The diagnosis was Major Depressive Disorder Recurrent.

On 7/30/08, it was noted that he kept a sexual arousal log indicating that most of his sexual arousal came from memories of past sexual acts, including his offenses. It was noted that he was trying to take advantage of treatment. He was initially passively noncompliant, dishonest, and avoidant when he began treatment, but after four months he decided to accept the opportunity for change. He was prescribed Paxil, Lithium, and Clonidine. It was noted that he initially asked for treatment in the hope that it would reduce his level of notification.

On 8/29/08, he reported that he did tie up his sister and rape her. Prior thoughts about the power over his mother from doing that were a precursor.

On 11/7/08, there was a concern that he may have been over-medicated.

On 11/19/08, he had continued concerns about how he was going to make it on the outside with the limited amount of positive family support he has.

At Mr. Lanning's request, a treatment summary report was obtained from his therapist Mr. Anderson. The treatment summary report dated 3/3/09 reveals that Mr. Lanning was on seven different medications for depression, sleep, and headaches. At the time of the report he had not yet come up with an acceptable release plan. His only social support included his sister who was his victim and who has prepubescent children, as well as his brother who is in drug rehab. He apparently has a lifelong friend who has given him moral support during his incarceration. He was described as having no intimacy in his life. He said he would cooperate with treatment with Dr. Rubin. The report notes that in his desire for sex and intimacy he is attracted to females with mental limitations where there is less criticism targeted at him and more acceptance. He stated "with someone my own age, I have to worry about rejection". It was noted that minors or developmentally delayed adults serve as substitutes for adult females that he can't attract for romantic sexual relationships. He has made marginal progress toward his treatment goals. On the positive side, he was noted to be an active participant in his own treatment and has met nearly every goal identified for him.

#### DIAGNOSTIC ISSUES

Mr. Lanning is a disturbed man in a number of ways. He is pervasively sexually deviant. He has a long history of sex offense behaviors. He has a history of molesting children as young as 3 years old. In addition to his history of pedophilic behaviors with pre-pubescent children, he also has a repeated history of sex with developmentally delayed adolescent females. He acknowledges that it is easier for him to relate to developmentally delayed females. Arrest, conviction, incarceration, and treatment have not deterred his sexual acting out. His paraphilic behaviors come in the context of a broadly sexually confused and sexually obsessed fellow. A diagnosis of pedophilia is warranted with Mr. Lanning in light of his history of sex with children. I also think a diagnosis of paraphilia NOS is warranted regarding his history of sexual molest of developmentally disabled teens.

There is one evaluation in his file that questions if he may suffer from mild intellectual disability. This would raise the possibility that he is seeking out developmentally disabled females who are at his equal intellectual level. However, I do not find this to be the case. Although I did not conduct formal intellectual assessment, the overall information in his record does not suggest developmental disability on his part. Prior intellectual testing has placed him at the cusp of the borderline to low average range. My general impression in meeting with this man is that his intellectual level is likely in the low average range, but his lack of effort and his psychological issues may give the impression of a somewhat lower IQ.

Mr. Lanning has a history of substance abuse. There are somewhat varying reports of his substance abuse in his file. He acknowledges a history of substance abuse, particularly amphetamine. He also has reported using alcohol and marijuana, but to a lesser degree. A polysubstance abuse diagnosis may be warranted with Mr. Lanning, and the record indicates that a diagnosis of amphetamine abuse is warranted.

Mr. Lanning is a severely personality disordered man. He has long standing impairments in his social functioning, thinking, impulse control, behavior, and emotions. The most prominent features of his personality disorder are of a cluster B type, primarily borderline characteristics. His interpersonal relationships, emotions, and impulse control are unstable. There are narcissistic characteristics reflected in his lack of empathy for others. There are also antisocial characteristics reflected in his history of disregard for the rights of others.

In his record, Mr. Lanning has been diagnosed as suffering from major depressive disorder and also from ADHD. These disorders may be possible with this man. However, I think that the depressive symptoms can more likely be explained by his borderline personality. I do not find convincing evidence of a major depressive disorder outside of the depressive symptoms and emotional lability associated with his borderline personality. His medications have been helpful to him, but his medications could have positive effects for either depression or severe borderline personality. There is reportedly a history of ADHD symptoms during his childhood, but I don't find convincing documentation of ADHD symptoms at the present time.

**Volitional Capacity:**

Mr. Lanning's volitional capacity is impaired to the extent that he has not been able to confine his sexual deviance to fantasy. In this regard, he has repeatedly acted out with molestation of children and developmentally disabled teenagers. His emotional capacity is impaired to the extent that he takes pleasure in sexual molestation of vulnerable developmentally delayed teenage girls, and children.

**Diagnosis DSMIV-TR**

- |        |        |  |
|--------|--------|--|
| AXIS I | 302.2  | Pedophilia, sexually attracted to females.   |
|        | 302.9  | Paraphilia NOS, hebephilia / sexually attracted to developmentally delayed female teenagers. |
|        | 305.7  | Amphetamine abuse, by history  |
|        |        | Rule out 305.9 Polysubstance Abuse   |
| AXISII | 301.83 | Borderline Personality Disorder, with antisocial and narcissistic features                   |

In summary, Mr. Lanning meets the criterion of having a mental abnormality and a personality disorder.

**C. As a result of his mental abnormality or personality disorder, is the respondent more likely than not to engage in predatory acts of sexual violence if not confined in a secure facility? YES**

In order to assess Mr. Lanning's risk of sexual reoffense he was scored on three actuarial instruments that provide general base rates of sexual reoffense for offenders similar to Mr. Lanning's. These instruments include the Static-99, the Static-2002, and the Minnesota Sex Offender Screening Tool-Revised (MnSOST-R). All three instruments have been subject to validation studies that have established their usefulness in predicting sexual reoffense.

Static-99

Mr. Lanning was scored on the Static-99, which is an actuarial measure of risk for sexual offense recidivism. This instrument has been shown to be a moderate predictor of sexual reoffense potential. As the table below illustrates, Mr. Lanning received a total score of 4, which places him in the medium-high risk category for being charged or convicted of another sexual offense.

Static-99 Score Summary

	Risk Factor	Yes = 1, No = 0	Scores
1	Under age 25 at release		0
2	Single (no two year relationship)		1
3	Index non-sexual violence, any conviction		0
4	Prior non-sexual violence, any convictions		0
5	Prior sex offenses (Score range is 0-3)		2
6	Prior sentencing dates (excluding index)		0
7	Convictions for non-contact sex offenses		0
8	Any unrelated victims		1
9	Any stranger victims		0
10	Any male victims		0
<b>TOTAL SCORE =</b>			<b>4</b>

It should be noted that the estimates provided the Static-99 reveals the probability that a sex offender will be rearrested or reconvicted of a new sexual offense. It underestimates the probability that he will commit a new sexual offense. Nor does the Static-99 estimate of risk take into consideration static and dynamic risk or mitigating factors beyond the ten items on the scale. For example, the mitigating effects of age are not taken into account for some offenders. The average age of sex offenders in the Static-99 developmental study was approximately 35 years old, and the results may not directly apply to persons who are significantly outside of that age range.

There have been a large number of studies examining the sexual recidivism rates associated with Static-99 scores. Harris, Helmus, Hanson & Thornton (2008)<sup>1</sup> summarized the results of 18 samples of sexual offenders (N=6,406) drawn from different countries including Canada, the United States, New Zealand, United Kingdom and Western Europe. In the studies used to develop these norms, recidivism was defined as charges in about half of the cases and as convictions in the other half.<sup>2</sup> These recent studies found that the ability of Static-99 to rank relative risk is reasonably consistent across samples and settings, but the observed recidivism rates vary across samples. Specifically, the average recidivism rates associated with each score are lower in contemporary samples (1990s and more recent) than in the original developmental samples, who were primarily released during the 1970s and 1980s. Consequently, the developers of Static-99 recommend that the original norms be replaced by new norms based on samples that are more recent, more representative, and larger than the original samples. Research has also found that there is meaningful variation in the recidivism rates based on factors not measured by Static-99. Samples that were pre-selected to be high risk (5 samples) show the highest recidivism rates, and the routine samples from the Correctional Service of Canada (CSC; 5 samples) show recidivism rates substantially lower than the original developmental samples. Consequently, in order to evaluate the recidivism risk of Mr. Lanning, we need to consider the extent to which he more closely resembles the typical member of the high risk samples or the typical member of the CSC samples.

The differences between the high risk and CSC samples are not fully known; nevertheless, the following features are worth considering. The typical member of the CSC samples would have graduated from both specialized sexual offender treatment programs as well as programs addressing other areas of skill deficits needs. Since the 1990s, CSC treatment programs have been based on principles that are known to be effective in reducing criminal recidivism:<sup>3</sup> been supported through a gradual re-integration into the community by parole supervision and human service programming. Members of the high risk sample included offenders who: resisted or failed to complete treatment; those whose antisocial behavior during incarceration was sufficiently problematic to compel the conclusion that their criminal propensities were still active, and offenders who had been judged by the court to have a risk that was sufficiently high to warrant exceptional measures (preventive detention, treatment orders, refusal of statutory release). Recidivism norms for both the CSC and the high risk group are now available in the 2008 update of recidivism rates. These norms now apply to scores from 0 to 10+. The new risk

<sup>1</sup> Harris, A. J. R., Helmus, L., Hanson, R. K., & Thornton, D. (2008, October). Are new norms needed for Static-99? Paper presented at the 27<sup>th</sup> Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, Atlanta, GA.

<sup>2</sup> Convictions provide a conservative estimate of sexual offending as research has shown that most sexual crimes do not result in charges or convictions, and when protected from prosecution, sexual offenders report they have committed more sexual crimes than they have been caught for. Another important consideration is that risk for reoffense increases as the opportunity time to reoffend increases. Thus, although the new Static-99 norms provide rates for a maximum of a 10-year period, cumulative risk continues to increase after 10 years.

<sup>3</sup> Bonta, J., & Andrews, D. A. (2007). Risk-need-responsivity model for offender assessment and rehabilitation. (User Report 2007-05). Public Safety and Emergency Preparedness, Ottawa, Canada.

estimates are determined by logistic regression. This is because logistic regression takes into account the recidivism rate associated with a single score in the context of the overall relationship between the Static-99 and recidivism. This reduces the impact of fluke variations in the observed recidivism rates that are due to fewer subjects within a given subgroup. The logistic regression estimates of recidivism are "bounded" by the lower risk estimates found in the CSC samples and the higher rates found in the high risk samples for each cut off score on the Static-99.

Mr. Lanning scored a 4 on the Static-99. The percentage range of risk for this score on the Static-99 is 7 % to 19 % in five years and 8 % to 27 % in 10 years. This score is higher than 73% to 83% of adjudicated Canadian sex offenders.

On balance, Mr. Lanning is more similar to the high risk samples than the low risk (CSC) samples.

#### Static-2002

The Static-2002 is an instrument designed to assist in the prediction of sexual and violent recidivism for sex offenders. Hanson and Thornton<sup>4</sup> developed this risk assessment instrument based on follow-up studies from Canada, the United States, and the United Kingdom with a total sample size of 2,169 sexual offenders. Using eight replication samples from four countries (Canada, UK, US, Denmark; n = 3,034), Static-2002 demonstrated moderate to large accuracy in the prediction of sexual, violent, and general recidivism.<sup>5,6,7</sup> The Static-2002 consists of 14 items and produces estimates of relative risk based upon the number of risk factors present in any one individual. The risk factors included in the risk assessment instrument are grouped into five domains: age, persistence of sex offending, deviant sexual interests, relationship to victims, and general criminality.

Normative data for the Static-2002 scores were based on a sample of 2,507 Canadian sexual offenders. On the Static-2002, an offender can be placed in one of five risk categories based on their total score (ranging from 0-14): low (0 – 2), low-moderate (3, 4), moderate (5, 6),

<sup>4</sup> Hanson, R. K., & Thornton, D. (2003). Notes on the development of the Static-2002 (User Report No. 2003-01). Ottawa, ON: Solicitor General Canada.

<sup>5</sup> Hanson, R. K., Helmus, L., & Thornton, D. (2008). Predicting recidivism among sexual offenders: A multi-site study of Static-2002. Manuscript in preparation.

<sup>6</sup> Hanson, R. K., Lloyd, C. D., Helmus, L., & Thornton, D. (2008). Using multiple samples to estimate percentile ranks for actuarial risk tools: A Canadian example using Static-2002. Manuscript submitted for publication.

<sup>7</sup> Hanson, R. K., & Thornton, D. (2003). Notes on the development of the Static-2002 (User Report No. 2003-01). Ottawa, ON: Solicitor General Canada.

moderate-high (7, 8) and high (9+). Mr. Lanning scored a 10 on the Static-2002. Similar to the Static-99 results, recidivism rates are provided based on logistic regression estimates. Also similar to the Static-99 the range of risk for five and ten years the recidivism estimates are presented as a range bounded on the low end with the CSC sample and the high end with the high-risk sample. The percentage range of risk for this score on the Static-2002 is 25 % to 37 % in five years and 30 % to 45 % in 10 years. This score is higher than 98% to 99.9% of adjudicated Canadian sex offenders.

On the Static-2002, Mr. Lanning received the following scores:

STATIC-2002 CODING		
ITEMS	Raw Score	Subscore
<b>AGE</b>		
1. Age at Release 50 or older = 0 35 to 49.9 = 1 25 to 34.9 = 2 18 to 24.9 = 3		2
<b>PERSISTENCE OF SEXUAL OFFENDING</b>		
2. Prior Sentencing Occasions for Sexual Offences: No prior sentencing dates for sexual offenses = 0 1 = 1 2, 3 = 2 4 or more = 3	2	
3. Any Juvenile Arrest for a Sexual Offense and Convicted as an Adult for a Separate Sexual Offense: No arrest for a sexual offense prior to age 18 = 0 Arrest prior to age 18 and conviction after age 18 = 1	1	
4. Rate of Sexual Offending: Less than one sentencing occasion every 15 years = 0 One or more sentencing occasions every 15 years = 1	1	
Persistence Raw Score (subtotal of Sexual Offending) 0 = 0 1 = 1 2, 3 = 2 4, 5 = 3	4	
Persistence of Sexual Offending SUBSCORE		3
<b>DEVIANT SEXUAL INTERESTS</b>		
5. Any Sentencing Occasion For Non-Contact Sex Offenses: No = 0 Yes = 1	1	
6. Any Male Victim: No = 0 Yes = 1	0	
7. Young, Unrelated Victims: Does <u>not</u> have two or more victims < 12, one of them unrelated = 0 Does have two or more victims < 12 years, one must be unrelated = 1	1	
Deviant Sexual Interest SUBSCORE		2

STATIC-2002 CODING		
ITEMS	Raw Score	Subscore
<b>RELATIONSHIP TO VICTIMS</b>		
8. Any Unrelated Victim: No = 0 Yes = 1	1	
9. Any Stranger Victim: No = 0 Yes = 1	0	
Relationship to Victims SUBSCORE		1
<b>GENERAL CRIMINALITY</b>		
10. Any Prior Involvement with the Criminal Justice System	1	
11. Prior Sentencing Occasions For Anything: Less than 3 prior sentencing occasions for anything = 0 3 - 13 prior sentencing occasions = 1 14 or more prior sentencing occasions = 2	1	
12. Any Community Supervision Violation: No = 0 Yes = 1	1	
13. Years Free Prior to Index Sex Offense: • More than 36 months free prior to committing the sexual offense that resulted in the index conviction AND more than 48 months free prior to index conviction = 0 • Less than 36 months free prior to committing the sexual offense that resulted in the index conviction OR less than 48 months free prior to conviction for index sex offense = 1	1	
14. Any Prior Non-Sexual Violence Sentencing Occasion: No = 0 Yes = 1	0	
General Criminality raw score (subtotal General Criminality items) 0 = 0 1, 2 = 1 3, 4 = 2 5, 6 = 3	4	
General Criminality SUBSCORE		2
<b>TOTAL 0 - 14</b>		10

MnSOST-R

The Minnesota Sex Offender Screening Tool-Revised (MnSOST-R) has also been shown to be a moderate predictor of sexual reoffense and it provides the likelihood of re-arrest for a sexual offense for a period of six years post-incarceration. The instrument was developed on offenders who were convicted of either rape or an extrafamilial sex offense. On the MnSOST-R, Mr. Lanning received a score of 12. This score falls in the high range of sexual reoffense.

PCL-R



By my scoring, Mr. Lanning receives a score of 27 on the PCL-R. This is an elevated score, but below the cutoff for psychopathy.

#### CONSIDERATION OF DYNAMIC RISK FACTORS

In addition to the static risk factors described above, it is also important to review relevant dynamic risk factors when assessing ones risk for sexual reoffense. A dynamic risk factor refers to something that has the capacity to change over time, for example with treatment. Below is a discussion of dynamic risk factors that are not directly scored on actuarial instruments but have been shown to be significantly related to sexual offense recidivism. These factors are contained in the STABLE-2007 (and Stable 2000) a dynamic risk assessment instrument developed by Hanson, Harris and Helmus<sup>8</sup>. The dynamic factors can help identify treatment targets that could potentially reduce his risk for sexual reoffense in the future.

#### Significant Social Influences

Criminal peer association is one of the most well established predictors of general recidivism. Significant social influences are also a factor to be considered that when present increase the risk of future sexual reoffense. These social influences would include an examination of the role relatives, friends and social supports play in an offender's life.

Mr. Lanning's record reveals that he has essentially no community support. In my interview, however, Mr. Lanning claimed to have "a lot" of support in the community. He said that he has a friend, Kurt, who lives in Walla Walla. They have been friends since they were six years old and "he is a Christian man." He said they last had contact about a week ago. His mother is deceased and his father is currently dying of a brain aneurism. His sister Samantha is living in Washington and they last talked two months ago. He states, "I told her I would never do it again." He has another sister in Washington to whom he wrote six months ago. She suffers from Bipolar Disorder and Schizophrenia according to Mr. Lanning and recently overdosed on her medications. Child Protective Services is involved with the family and, "She has a hard time keeping her kids." He has a brother but he tells me that his brother is incarcerated currently for drug abuse. He said that these people will help him emotionally, but not financially. He said he has had no visits while he has been in Monroe. He tells me that he calls and writes to his support network weekly, but they do not write back.

Mr. Lanning lacks any substantial social support network in the community.

#### Intimacy Deficits

- Lovers/Intimate partners

<sup>8</sup> Hanson, R.K., & Harris A.J.R., & Helmus, L. (2007). Assessing the risk of sexual offenders on community supervision: The Dynamic Supervision Project. User Report, Corrections Research, Ottawa: Public Safety Canada.

- Emotional identification with children
- Hostility towards women
- Loneliness/Social rejection
- Lack of concern for others

Intimacy deficits are evaluated by examining five components that represent potential problem areas for sexual offenders including lovers/intimate partners, emotional identification with children, hostility toward women, loneliness/social rejection and lack of concern for others. Individuals with a lack of concern for others have little consideration for the feelings of others and act according to their own self-interest. They have shallow regret and little or no remorse. They may have friends and associates and acquaintances but no stable caring relationships.

Mr. Lanning's capacity for intimacy is poor. He identifies emotionally with children and with developmentally disabled teens. His empathy for his sister Samantha appears to be very limited. Overall he seems to me to be a man with deficits in his capacity for intimacy and this is a reoffense risk factor with him.

He has no history of normal sustained sexual intimacy. He is a sexually deviant man whose capacity for intimacy is deficient. This is a reoffense risk factor with him.

#### Sexual self-regulation

- Sex drive/Preoccupation
- Sex as coping
- Deviant sexual interests

Individuals who have poorly controlled sexual impulses are at greater risk for sexual reoffense. The STABLE-2007 divides sexual self-regulation into three components including sex drive/preoccupation, sex as coping and deviant sexual interests. Sexual preoccupation focuses on the recurrent sexual thoughts and behaviors that are not directed to a current romantic partner.

Mr. Lanning's sexual self-regulation is poor as reflected in his sex offense history. He describes his relationship with victim Megan as a relationship in which he used to cope with his dependency needs. He tells me that it is easier to relate to girls who are developmentally delayed "because they don't judge." He explains feebly, "I'm not sexually attracted to their mind, but to their body." He said that in the past he has been able to connect with them because "I was a kid myself." He said now he has grown up as a result of being locked up and being in the program in Monroe.

Mr. Lanning's record reveals a lifelong history of poor sexual self-regulation. He has a well documented history of sexual attraction to minors and sexual attraction to vulnerable developmentally delayed females. He uses sex as a coping mechanism. His long history of poor sexual self-regulation is a reoffense risk factor with him.

#### Cooperation with supervision

An offender's lack of cooperation with supervision is related to an increased risk for sexual reoffense. While on the STABLE-2007 this was studied for individuals who have been released in the community, it is also helpful to examine institutional behavior in regard to cooperation with supervision.

Mr. Lanning was generally cooperative in this interview. He has apparently recently been cooperative with treatment at the Monroe Facility. His history, however, reveals that he has continued to reoffend despite supervised release in the community. His overall history of poor cooperation with supervision in the community is a reoffense risk factor with him.

#### General self-regulation

- Impulsive acts
- Poor cognitive problem solving skills
- Negative emotionality/Hostility

General self-regulation that is assessed by examining the inmate's impulsivity, problem solving skills and negative emotionality and hostility. Individuals who feel hostile, victimized and resentful and those vulnerable to emotional collapse when stressed are at higher risk of sexual reoffense.

Mr. Lanning has a history of impulsivity as reflected in his drug abuse, sex offenses, and criminal history, including his parole violations. He told me that if he is released into the community he will, "Get a job, work eight to five, hang out with a supportive team, or call someone supportive to come over and do something." He said that he would call Kurt or his sister Samantha, or "someone" if he found himself attracted to teenagers. When I asked him if he is attracted to teenagers now, he gave a very confusing account. He said, "I'm not attracted to teens really. It's attraction to the body, the mind." Mr. Lanning's cognitive problem solving skills are poor when it comes to preventing sex offenses. He is an impulsive fellow as reflected in his sex offense history and also in his apparent history of substance abuse. He tends to feel victimized and this may leave him vulnerable to emotional collapse. Overall, his poor general self-regulation abilities represent a reoffense risk factor.

#### PROTECTIVE RISK FACTORS

There are, additionally, three factors that are considered protective. That is, they decrease the risk of further sexual offending. They are:

- (1) Having been in the community without sexually re-offending for 10 years. Sex offenders who have demonstrated the ability to be in the community for a significant period of time without reoffending are at a reduced risk to reoffend.

Mr. Lanning has not been in the community offense free since his last sex offense. This is not a factor in mitigation.

- (2) Having less than 15 years left in the offender's time at risk due to illness or physical conditions that significantly decrease the motivation and/or ability to sexually reoffend. Advanced age, poor health, and limited mobility may warrant a reduction in an individual's risk to reoffend.

Advancing age and poor health do not limit Mr. Lanning's time to reoffend. This is not a factor in mitigation.

- (3) Successful completion of a cognitive behavioral treatment program for sex offenders. Sex offenders who complete an appropriate sex offender treatment program are at lower risk to reoffend than offenders who do not complete treatment. Such a treatment program must be of adequate duration and intensity to address the individual's treatment needs in order to adequately mitigate risk.

Mr. Lanning has participated in the sex offender treatment program at the Monroe Facility. This may offer some degree of mitigation of his risk; however, I think that any mitigation in this regard would be minor. In my opinion, the duration and intensity of his treatment to date has not been adequate to substantially mitigate his risk. Thus while he has completed some degree of treatment, I do not think that this is an adequate treatment given his deeply entrenched sexual deviance.

#### Predatory

Predatory is defined as an act directed toward a stranger, a person of casual acquaintance with whom no substantial relationship exists, or an individual with whom a relationship has been established or promoted for the primary purpose of victimization.

Mr. Lanning has a history of both incestuous offenses and predatory offenses. In that regard, some of his offenses have been directed towards persons with whom no substantial relationship exists. He has a well documented history of sex offenses against developmentally delayed teens with whom he has no substantial relationship. It is reasonable to assume that his risk of future offenses would include both incest and predatory offenses.

#### Alternative Sex Offender Treatment Plans

The California Supreme Court has directed that the following factors should be considered with regards to whether the inmate can be effectively and safely treated in the community:

- (1) The availability, effectiveness, safety and practicality of community treatment for the particular disorder the person harbors.
- (2) Does the person have sufficient volitional power to pursue community treatment voluntarily?

- (3) Is it reasonable to expect the person to voluntarily pursue community treatment in view of the intended and collateral effects such treatment might entail?
- (4) Has the person demonstrated treatability and progress in any previous mandatory sex offender specific treatment?
- (5) Has the person expressed an intent to seek out and submit to any necessary community treatment?
- (6) Any other indicia bearing on the credibility and sincerity of such an expressed intent.

Mr. Lanning lacks the insight and ability to supervise his own treatment. When I asked him about potential treatment in the community, he did not know of any sex offender treatment programs outside of meeting with Dr. Rubin in Phase III. If he were released into the community on his own resources, he would likely not have the internal resources nor the financial resources to provide treatment for himself. He said that he would like to attend Phase III and understands that this will be an extension of his treatment that he has received at Monroe. He does not know yet what Phase treatment would involve, but he thinks it would be provided for him for 17 months. He does not believe he would need any treatment beyond that.

Mr. Lanning lacks the volitional power and internal resources to pursue community treatment on a voluntary basis. In this regard, he lacks the insight and psychological resources that would be needed to obtain, maintain, and supervise his own treatment, and recognize the extent of treatment that he needs. With essentially no support network in the community and no work skills, it is unlikely that he would be able to afford voluntary treatment if he had to provide for that treatment himself. Previous treatment he has attended has been inadequate for him and I note that in the past he has reoffended while on community supervision. He expresses some willingness to participate in the treatment that would be provided for him, but he has an inadequate intent to pursue voluntary treatment. His sexual deviance is too severe to be addressed on a voluntary basis. In my opinion, he is not amenable to voluntary treatment.

#### SUMMARY

In summary, Mr. Lanning is a man with a long and pervasive history of sexual deviance. He is a psychologically disturbed fellow in a number of ways. From the age of 15, much of his life has been spent institutionalized in one setting or another. When he has been released into the community he quickly comes again to the attention of authorities and is returned to a custodial setting. He has little ability to manage his life on his own without resuming sex offense behavior, and this is repeatedly in his record. His pedophilia, paraphilia, and borderline personality disorder combine to leave him with poor emotional and volitional control over his sexually acting out behavior. These are mental disorders that are chronic and difficult to impact. The actuarial data reveal him to be in the high reoffense risk range. The dynamic risk factors do not warrant any reduction in that risk level. He has participated in sex offender treatment in the past, but to no avail. Recently he has participated in the sex offender treatment program at the Monroe facility. However, I find no indication that his treatment has produced any substantial

*John Hupka, Ph.D.*

*Inmate: Maverick Lanning  
Date: 5/12/2009*

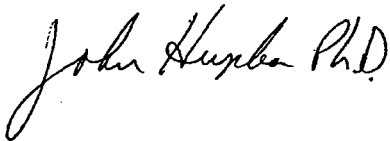
change in him that would result in a lowered reoffense risk as of yet. He is not amenable to voluntary treatment, and he is at risk for predatory sex offense behavior.

I opine that Mr. Lanning does meet the criterion of more likely than not to engage in predatory acts of sexual violence as a result of his mental abnormality or personality disorder, if not confined in a secure facility.

#### CONCLUSION

Based on the above information, it is my opinion that Mr. Lanning does meet the criteria as a sexually violent predator.

Respectfully submitted,



John Hupka, Ph.D.  
Licensed Psychologist, Washington State  
Lic # PY60024480

**FILED**

FEB 26 2010

KATHY MARTIN  
WALLA WALLA COUNTY CLERK

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**STATE OF WASHINGTON  
WALLA WALLA COUNTY SUPERIOR COURT**

In re the Detention of:

MAVERICK A. LANNING  
AKA MAVRICK A. LANNING,  
  
Respondent.


NO. **10 2 00169 8**

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

COMES NOW the Petitioner, State of Washington, by Assistant Attorney General James Buder and requests this court find probable cause to believe the Respondent is a sexually violent predator. In addition, the Petitioner requests that this Court direct the issuance of a warrant for the Respondent's custodial detention pending the adversarial probable cause hearing. Finally, the Petitioner requests that this Court set a probable cause hearing in this matter within 72 hours of the 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 23<sup>rd</sup> day of February, 2010.

ROBERT M. MCKENNA  
Attorney General

  
for JAMES BUDER, WSBA #36659  
Assistant Attorney General  
Attorneys for Petitioner

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

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PROPOSED ORDER FILED  
FEB 26 2010

KATHY MARTIN  
WALLA WALLA COUNTY CLERK

STATE OF WASHINGTON  
WALLA WALLA COUNTY SUPERIOR COURT

In re the Detention of:

MAVERICK A. LANNING  
AKA MAVRICK A. LANNING,

Respondent.

NO. 10 2 00169 8

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

THIS MATTER came before the Court on the Petitioner's ex parte motion for determination of probable cause to believe the Respondent is a sexually violent predator, for the issuance of a warrant for the Respondent's custodial detention, and for an order setting an adversarial probable cause hearing in this matter within 72 hours of the 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 Petitioner, including the petition and certification for determination of probable cause. Based upon this, IT IS HEREBY ORDERED:

1. There is probable cause to believe the Respondent is a sexually violent predator, as that term is defined in RCW 71.09.020(16).
2. The Clerk of the Superior Court shall issue a NO BAIL Warrant of Arrest, returnable forthwith, for the custodial detention of the Respondent.
3. Upon the Respondent's arrest on this Court's warrant, he shall be detained at the WALLA WALLA County Jail, not subject to bail.

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

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



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4. The Respondent shall be transported to the WALLA WALLA County Superior Court for an adversarial probable cause hearing to be held on the 3<sup>rd</sup> day of March 2010, at 10:00 Am.

DATED this 26<sup>th</sup> day of February, 2010.

John W. Lohrmann  
THE HONORABLE  
Judge of the Superior Court

Presented by:

ROBERT M. MCKENNA  
Attorney General

James Buder 50867

JAMES BUDER, WSBA #36659  
Assistant Attorney General  
Attorneys for Petitioner

**FILED**

**FEB 26 2010**

**KATHY MARTIN  
WALLA WALLA COUNTY CLERK**

**STATE OF WASHINGTON  
WALLA WALLA COUNTY SUPERIOR COURT**

In re the Detention of:  
  
**MAVERICK A. LANNING  
AKA MAVRICK A. LANNING**  
  
**Respondent.**

NO. **10 2 00169 8**  
  
**ORDER OF TRANSPORT**

THIS MATTER having come before the Court on the 26<sup>th</sup> day of February, 2010, the Court having found that probable cause exists to believe that the Respondent is a sexually violent predator, and having directed the issuance of a no bail warrant for the Respondent's custodial detention, does hereby enter the following ORDER:

1. The Walla Walla County Sheriff or his representative shall transfer the Respondent from the Washington State Penitentiary, located in Walla Walla, Washington, to the Walla Walla County Jail.

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2. The Respondent shall be held in the Walla Walla County Jail, not subject to bail, and transported to the Walla Walla County Superior Court on the 3<sup>rd</sup> day of March, 2010, at 10:00 a.m. for the adversarial probable cause hearing.

DATED this 26<sup>th</sup> day of February, 2010.

**JOHN W. LOHRMANN**

\_\_\_\_\_  
THE HONORABLE  
Judge of the Superior Court

Presented by:

ROBERT M. MCKENNA  
Attorney General

 30867

JAMES BUDER, WSBA #36659  
Assistant Attorney General  
Attorneys for Petitioner

**FILED**

FEB 26 2010

KATHY MARTIN  
WALLA WALLA COUNTY CLERK

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**STATE OF WASHINGTON  
WALLA WALLA COUNTY SUPERIOR COURT**

In re the Detention of:  
  
MAVERICK A. LANNING  
AKA MAVRICK LANNING,  
  
Respondent.

NO. **10 2 00169 8**  
  
WARRANT OF ARREST FOR  
CUSTODIAL DETENTION

STATE OF WASHINGTON        )  
  ) ss.  
COUNTY OF WALLA WALLA    )

TO: THE SHERIFF OF WALLA WALLA COUNTY, THE DEPARTMENT OF  
CORRECTIONS AND/OR ANY OTHER PEACE OFFICER OF THE STATE OF  
WASHINGTON

A Petition was filed on the 26 day of February, 2010, in the Superior Court of the State of  
Washington, for the County of Walla Walla, alleging that the Respondent is a sexually violent  
predator. Subsequently, the Court found probable cause to believe the Respondent is a sexually  
violent predator and entered an order directing the issuance of this NO BAIL WARRANT for the  
arrest and custodial detention of the Respondent.

The Walla Walla County Sheriff or his representative is commanded to forthwith arrest  
the Respondent and hold the Respondent in his custody, or in the custody of any other peace  
officer of the State of Washington, NOT SUBJECT TO BAIL, until Respondent is brought

WARRANT OF ARREST FOR  
CUSTODIAL DETENTION

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

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before this Court for a probable cause hearing currently scheduled for the 3<sup>rd</sup> day of March  
2010; at 10:00 p.m.

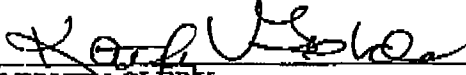
Respondent's date of birth is June 15, 1980. His Department of Corrections number is  
854761. He is a white male, approximately 5' 9" tall, 185 lbs., and has brown hair and hazel eyes.

**JOHN W. LOHRMANN**

BY ORDER OF THE COURT: WITNESS THE HONORABLE  
JUDGE OF THE SUPERIOR COURT, AND THE SEAL  
OF SAID COURT THIS 26 DAY OF FEBRUARY,  
2010.

Kathy Martin

COUNTY CLERK AND CLERK OF THE SUPERIOR  
COURT OF WALLA WALLA COUNTY,  
WASHINGTON

  
DEPUTY CLERK

DATE OF ISSUE:  
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NOTICE

**ATTENTION MAVERICK A. LANNING AKA MAVRICK LANNING:**

You are hereby provided with notice of and an opportunity to appear in person at a hearing to contest probable cause as to whether you are a sexually violent predator.

At the probable cause hearing, you shall have the following rights:

- 1. To be represented by counsel;
- 2. To present evidence on your behalf;
- 3. To cross-examine witnesses who testify against you; and
- 4. To view and copy all petitions and reports in the court file.

This probable cause hearing has been set for 10:00 a.m., on the 3<sup>rd</sup> day of March 2010.

**FILED**  
FEB 26 2010  
KATHY MARTIN  
WALLA WALLA COUNTY CLERK

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**STATE OF WASHINGTON  
WALLA WALLA COUNTY SUPERIOR COURT**

In re the Detention of:

**NO. 10 2 00169 8**

**MAVERICK A. LANNING  
AKA MAVRICK A. LANNING,**

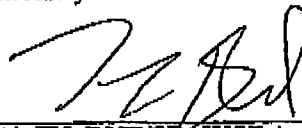
**DEMAND FOR JURY TRIAL**

**Respondent.**

Petitioner, State of Washington, by and through ROBERT M. MCKENNA, Attorney General, and James Buder, Assistant Attorney General, hereby demands a trial by jury of twelve persons on all issues so triable. This demand is made pursuant to CR 38 and RCW 71.09.050(3).

DATED this 19th day of February, 2010.

ROBERT M. MCKENNA  
Attorney General



JAMES BUDER, WSBA #36659  
Assistant Attorney General  
Attorneys for Petitioner