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AUG 30 2006

THOMAS R. FALLOUTT
SPOKANE COUNTY CLERK

STATE OF WASHINGTON
SPOKANE COUNTY SUPERIOR COURT

In re the Detention of:

KEVIN COE,

A/K/A FREDERICK HARLAN COE,

Respondent.

NO. **06203843-1**
PETITION

COMES NOW the Petitioner, State of Washington, by and through ROB McKENNA, Attorney General, and TODD BOWERS and MALCOLM ROSS, Assistant Attorneys General, and submits this petition seeking the involuntary civil commitment of the Respondent, KEVIN COE, as a sexually violent predator pursuant to RCW 71.09 *et seq.* Specifically, the Petitioner alleges the Respondent is a sexually violent predator, as that term is defined in RCW 71.09.020(16), given the following:

1. Respondent has been charged with, and convicted of, one sexually violent offense, as that term is defined in RCW 71.09.020(15). On or about March 23, 1981, Respondent was charged with Count III, Rape in the First Degree, in Spokane County Superior Court, Spokane County, Washington. On or about March 18, 1985, in King County Superior Court, King County, Washington, the Respondent was convicted of Count III, Rape in the First Degree.

2. Respondent currently suffers from the following mental abnormalities, as that term is defined in RCW 71.09.020(8):

(a) Paraphilia Not Otherwise Specified (NOS), nonconsenting females, with sadistic traits;

- 1
2 (b) Paraphilia NOS, Urophilia and Coprophilia;
3 (c) Exhibitionism; and
4 (d) Personality disorder NOS, with Narcissistic and Antisocial Traits.

5 3. Respondent's mental abnormalities cause him to have serious difficulty controlling
6 his sexually violent behavior and make him likely to engage in predatory acts of sexual violence
7 unless he is confined to a secure facility.

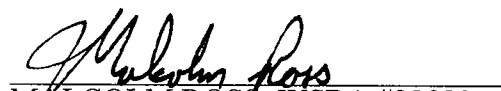
8 Based upon the foregoing, the Respondent should be committed to the custody of the
9 Department of Social and Health Services for placement in a secure facility for control, care, and
10 treatment until such time as the Respondent's condition has so changed that he no longer meets
11 the definition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

14 DATED this 30th day of August, 2006.

15
16 ROB MCKENNA
17 Attorney General

18 

19 TODD BOWERS, WSBA #25274
20 Assistant Attorney General

21 
22 MALCOLM ROSS, WSBA #22883
23 Assistant Attorney General
24 Attorneys for Petitioner
25
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In re the Detention of:

KEVIN COE,

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Respondent.

NO. **06203843-1**

CERTIFICATION FOR
DETERMINATION OF
PROBABLE CAUSE

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

Pursuant to RCW 71.09.030, the Attorney General for the State of Washington is filing this Petition at the request of the Spokane County Prosecuting Attorney, Steven J. Tucker.

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

I. SEXUALLY VIOLENT OFFENSE

Kevin Coe (Coe) was born on February 2, 1947 and is 59 years old. He has been charged with, and convicted of, one sexually violent offense, as that term is defined in RCW 71.09.020(15).

1 On the evening of October 23, 1981, J.H. left work, took a bus to a stop near where she
2 lived and began walking home. She and her husband had moved to Spokane a few weeks
3 earlier, and into a house on East 22nd Avenue only the day before. In fact, she missed her bus
4 stop and had to walk northbound on South Freya Street two blocks to reach 22nd Avenue.
5

6 As she turned right onto that street, a stranger jogged past, turned to look back at her,
7 and continued on. It was approximately 6:30 p.m. She lost sight of him until she approached
8 the intersection of East 22nd Avenue and South Rebecca Street. There, behind a motor home
9 parked near the intersection, the jogger, Kevin Coe, was crouched down and peering out into
10 street.

11 J.H. thought he was playing a game on someone else, but as she turned to see from
12 whom he was hiding, Coe attacked her. With his arm around her ribs, he tried to force his
13 gloved hand into her mouth. She bit down hard on his thumb as he tried to pry her jaws open,
14 and her teeth cut into his glove. Coe warned her not to say anything or scream because he had
15 a knife and would kill her. Eventually he pried her jaw open and thrust three fingers into her
16 throat. Then he forced her into a nearby vacant lot that was littered with grass clippings and
17 bordered by bushes and shrubs. When she tripped he dragged her; she lost her purse and a
18 shoe along the way. Coe kept his fingers jammed into her throat. Near a tree at the back of the
19 lot he threw her down onto the ground.
20

21 A car passed by. When Coe turned his back on J.H. to look, she lifted her leg into the
22 air, hoping to attract attention. Coe saw her, slammed her leg back down and struck her in the
23 temple twice. He unzipped her pants' zipper and told her to take her clothes off. When she
24 bent her legs to remove her pants, he slammed them down again and slapped her. Then he
25
26

1 pulled her pants off and threw them behind her.

2 Another car passed, and as Coe looked toward it J.H. studied his face. He saw her
3 looking at him and struck her again, four times. When he hit her, "things kind of went black
4 for just a second." Brushing her hair over her face, he warned her not to do that again.

5 With Coe pinning her to the ground and struggling to remove her clothes, J.H. pulled
6 one leg out of her pantyhose and underwear. Coe then switched his hands in her mouth. The
7 gloved fingers that he now pushed into her throat were covered with grass and gravel; it too
8 went into her mouth. Coe took the glove off his free hand and rubbed her stomach. He tried to
9 lift her blouse but was thwarted by a sash. J.H. removed the sash and Coe pushed her blouse
10 and bra up over her breasts, which he began to rub. As Coe unzipped his own pants and began
11 to masturbate, he talked to J.H.

12
13
14 Coe asked J.H. when she had last been "fucked." He rubbed her vagina and told her
15 she had a nice "cunt." As he masturbated he told her that he liked to "beat off." He pushed his
16 fingers into her vagina, pulled them out and put them into his mouth, then put them back into
17 her again. He then got on top of her, vaginally raped her, and climaxed. Throughout his
18 assault on her, Coe kept his gloved fingers down J.H.'s throat.

19 When he had finished, Coe rolled J.H. onto her stomach and patted her buttocks. He
20 told her that once home, she was to explain her condition by saying she had "fallen." He said
21 he knew where she lived, and if she called the police he would kill her. He told her to count to
22 ten, and that if she did not, he would come back and kill her. He took his hand out of her
23 mouth and ran away. Although he had repeatedly threatened her with a knife, she never saw
24 one.
25
26

1 J.H. sustained a gash on her leg, a cut on the inside of her left ankle, a "goose egg" on
2 her temple that turned into a bruise covering half her face, bruised ribs, and her tonsils and
3 tongue were swollen. She was barely able to swallow for two days, until the swelling went
4 down.

5
6 On or about March 23, 1981, the State charged Coe with Rape in the First Degree, in
7 Spokane County Superior Court, Cause No. 81-1-00230-8. Found guilty by a jury, his August
8 17, 1981 conviction for that crime was overturned on appeal. Following a change of venue to
9 King County, Coe was again found guilty by a jury, and convicted of Rape in the First Degree
10 on March 18, 1985.

11 **II. SEXUALLY VIOLENT PREDATOR EVALUATION**

12
13 At the request of the End of Sentence Review Committee (ESRC) of Washington
14 State's Department of Corrections (DOC), Dr. Amy Phenix, Ph.D., completed a Sexually
15 Violent Predator Evaluation (evaluation) of Coe. The ESRC requested that Dr. Phenix
16 evaluate whether Coe appears to meet the criteria for civil commitment under RCW 71.09.
17 Coe declined to be personally interviewed for the evaluation, so Dr. Phenix completed it based
18 upon a review of approximately 67,000 pages of records, as well as other information she
19 obtained.

20 Among the documents Dr. Phenix reviewed were: Law enforcement records and
21 victim and witness statements; legal documents, including trial transcripts; DOC records,
22 including medical and psychological reports; some of Coe's writings; and a Modus Operandi
23 & Signature Analysis by Dr. Robert Keppel.

24 In addition, Dr. Phenix considered the results of two actuarial instruments that are
25 commonly accepted and used within the community of experts who assess sex offenders'
26 recidivism risk: The Static-99 and the Minnesota Sex Offender Screening Tool – Revised

1 (MnSOST-R). She also scored Coe on a widely recognized and used instrument that measures
2 psychopathic traits, known as the Hare Psychopathy Checklist, revised, 2nd Edition (PCL-R).

3 Finally, Dr. Phenix considered other research-derived static and dynamic risk factors
4 that are not fully accounted for by the instruments above, such as intimacy deficits, sense of
5 sexual entitlement and lack of supervision upon release. After considering all of the
6 information at her disposal, Dr. Phenix opines, to a reasonable degree of psychological
7 certainty, the Coe suffers from mental abnormalities that cause him serious difficulty
8 controlling his sexually violent behavior, and that he is more likely than not to commit a
9 predatory act of sexual violence if he is not confined in a secure facility.

10 A true and correct copy of Dr. Phenix's evaluation and her curriculum vitae are
11 attached hereto as Appendices 1 and 2, respectively.

12 **A. Mental Abnormality**

13 The term "mental abnormality," is defined in RCW 71.09 as:

14 [A] congenital or acquired condition affecting the emotional or volitional capacity
15 which predisposes the person to the commission of criminal sexual acts in a
degree constituting such person a menace to the health and safety of others.

16 71.09.020(8). Dr. Phenix diagnoses Coe as suffering from four (4) mental abnormalities:

- 17 1. Paraphilia, Not Otherwise Specified (NOS), nonconsenting females, with sadistic
18 traits (arousal to forced sexual contact; likes to humiliate & degrade);
- 19 2. Paraphilia NOS, Urophilia & Coprophilia (sexual arousal to urine & feces);
- 20 3. Exhibitionism (likes to expose himself to strangers); and
- 21 4. Personality Disorder NOS, with Narcissistic and Antisocial Traits.

22 Dr. Phenix's evaluation explains the diagnostic criteria for each of these conditions, and
23 cites specific information she reviewed that supports her diagnoses. She concludes that these
24 conditions cause Coe serious difficulty controlling his behavior and predispose him to commit
25 predatory acts of sexual violence. Her diagnoses can found in the attached evaluation at pages
26 74-89.

1 **B. Risk Assessment**

2 Dr. Phenix concludes that Coe's mental abnormalities make him likely to commit
3 predatory acts of sexual violence if he is not confined to a secure facility. In forming her
4 opinion Dr. Phenix relied upon actuarial instruments, in addition to the unusually large record
5 she reviewed. These instruments compare relevant features of Coe and his offending against
6 those of other known sexual recidivists, to obtain a baseline for her risk assessment. The
7 actuarial instruments indicate that Coe's recidivism risk is medium-high to high. Dr. Phenix
8 concludes that these results are an underestimate of Coe's true risk.
9

10 Dr. Phenix also considered other risk factors, not accounted for by the actuarials.
11 These factors confirm that Coe presents a high risk to the community. For example, Dr.
12 Phenix scored Coe on the PCL-R. As Dr. Phenix explains at page 92 of the attached
13 evaluation:

14
15 Psychopathy is a concept that is similar to antisocial personality disorder;
16 however, it represents a more extreme form of dangerousness. Higher scores on
17 the PCL-R are associated with increased risk of future non-sexual violence and
18 sexual violence.

19 While Coe's overall score does not exceed the threshold where he would be considered
20 a "psychopath," it is sufficiently high to conclude that it exacerbates his risk. Furthermore, the
21 PCL-R is subdivided into 2 factors, on one of which Coe scored extremely high. Dr. Phenix
22 explains:

23 Mr. Coe received a total score on the PCL-R of 25.3. This places him in the
24 moderate range for psychopathy. Compared to other North American inmates, his
25 score falls into the approximate 62.1 percentile. This score is below where a
26 subject would be considered a psychopath.

27 The PCL-R is subdivided into 2 factors. Factor I measures psychopathic
28 personality tendencies or interpersonal and affective styles such as glibness,
29 grandiosity, need for stimulation, pathological lying, etc. Factor II measures a
30 history of actual psychopathic behaviors or social deviance. Mr. Coe's Factor I

1 score was 15 out of a possible 16 points placing him at the 98.6 percentile
2 compared to other prison inmates. His Factor II score was 7.9 points out of a
3 possible 20 points placing him at the 25.2% percentile compared to prison
4 inmates. It is notable that Mr. Coe has almost all of the personality characteristics
5 that are typical of someone with psychopathy

6 Evaluation at 92.

7 Finally, Dr. Phenix considered Coe's age. Coe is currently 59 years old, and research
8 suggests that recidivism, including sexual recidivism, decreases with age. However, after
9 considering all relevant information, as well as the relevant research, Dr. Phenix concludes
10 that: "Mr. Coe's age may modestly reduce his risk; however, the strength of his sexual
11 deviance, high actuarial risk, the presence of many dynamic risk factors and lack of treatment
12 outweighs any significant reduction for risk because of his age."

13 Dr. Phenix's risk assessment can be found at pages 89-98 of the attached evaluation.


14 * * *

15 The Respondent is due to be released to the community on September 8, 2006.

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

18 RESPECTFULLY SUBMITTED this 30th day of September, 2006.

19 ROB McKENNA
20 Attorney General

21 
22 MALCOLM ROSS, WSBA #22883
23 Assistant Attorney General
24 Attorneys for Petitioner
25
26

Amy Phenix, Ph.D.
Clinical Psychologist
CA Lic. No. PSY 12730
WA Lic. No. PY 3472

SEXUALLY VIOLENT PREDATOR EVALUATION

Date: August 25, 2006

I. IDENTIFYING INFORMATION

NAME: COE, Frederick "Kevin"
DOB: 02-02-47
DOC No.: 279538

II. REASON FOR REFERRAL:

This evaluation is being completed pursuant to RCW 71.09, the Sexually Violent Predator Act. This case was referred for evaluation by the Washington State End of Sentence Review Committee. For the purpose of this evaluation, Mr. Coe was asked if he would participate in a clinical interview by his correctional counselor. Mr. Coe declined to be interviewed according to a Notification of Evaluation as a Sexually Violent Predator Form signed by Mr. Coe's Correctional Counselor on 03-08-06. Consequently, this evaluation is being completed on a review of available records. There are inherent limitations completing evaluations on record review alone. The accuracy of the information contained in the evaluation is dependant upon the completeness and accuracy of the records provided. I was unable to obtain a firsthand perspective of Mr. Coe or to perform a Mental Status Examination.

This evaluation will address the following two questions:

- A. Does Mr. Coe have a mental abnormality defined in RCW 71.09 as "a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others?"
- B. By reason of his mental abnormality, is Mr. Coe likely to engage in predatory acts of sexual violence?

III. SOURCES OF INFORMATION

For the purpose of this evaluation I reviewed all available legal records, criminal records including arrest reports, records from the Department of Corrections and

APPENDIX 1

psychological evaluations for Mr. Coe. Specific documents relied upon for the clinical opinions offered in this evaluation are noted in the narrative of the evaluation.

EVALUATION PROCEDURES

- Record Review
- Static-99
- Minnesota Sex Offender Screening Tool-Revised (MnSOST-R)
- Hare Psychopathy Checklist Revised (PCL-R)

IV. FINDINGS

Pursuant to RCW 71.09, "a crime of sexual violence" is defined as "a sexually violent offense" and means, "an act committed on, before, or after July 1, 1990, that is:

- rape in the first degree, rape in the second degree (by forcible compulsion), rape of a child first or second degree, statutory rape first or second degree, indecent liberties (by forcible compulsion or involving a child under 14), child molestation first or second degree, incest against a child under age 14 or
- felony offense in effect prior to 7/1/90 that is comparable to any of the crimes in (a) above, or any federal or out-of state conviction for a felony that under Washington law would be a sexually violent offense, or
- murder in the first or second degree, assault in the first or second degree, assault of a child first or second degree, kidnapping first or second degree, burglary first degree, residential burglary, or unlawful imprisonment, any of which are proven to be sexually motivated at sentencing for the offense or at the commitment trial, or
- an attempt, criminal solicitation or criminal conspiracy to commit (a), (b) or (c).

ADJUDICATED SEXUALLY VIOLENT OFFENSES

Spokane County, Case No. 81-1-00230-8, Conviction Date: 1981

Mr. Coe was arrested on 03-10-80. The Spokane County Information, Case No. 81-1-00230-8 (date illegible) indicated Mr. Coe was charged with the following offenses.

COUNT	CHARGE	DATE	VICTIM	AGE
Count I	Second Degree Rape	04-26-78	J.C.#1	19
Count II	First Degree Rape	08-30-80	S.S.#1	15
Count III	First Degree Rape	10-23-80	J.H.#1	27
Count IV	First Degree Rape	12-17-80	C.H.#1	14

Count V	First Degree Rape	02-05-81	M.S.#1	51
Count VI	First Degree Rape	02-09-81	D.F.	20

A Spokane County Judgment and Sentence and Warrant of Commitment – Verdict of Guilty, Case No. 81-1-00230-8, dated 08-17-81, indicated that Mr. Coe was found guilty by jury trial on 07-29-81 of the following counts:

COUNT	CHARGE	DATE	VICTIM	AGE
Count II	First Degree Rape	08-30-80	S.S.#1	15
Count III	First Degree Rape	10-23-80	J.H.#1	27
Count V	First Degree Rape	02-05-81	M.S.#1	51
Count VI	First Degree Rape	02-09-81	D.F.	20

According to the Judgment, Sentence and Warrant of Commitment-Verdict of Guilty, filed 08-17-81, Mr. Coe was sentenced to a maximum of not more than 20 years in Washington Department of Corrections (DOC) for Count II, not more than 25 years for Count III (consecutive to Count II), not more than 30 years for Count V (consecutive to Count III), and not more than life for Count VI (consecutive to Count V).

After Mr. Coe was found guilty of four counts of First Degree Rape and while serving his sentence, he appealed and the Supreme Court reversed and remanded. Mr. Coe's 1981 convictions were overturned by the Supreme Court of the State of Washington. The primary basis for reversal was the admission of post-hypnotic testimony of some witnesses who had been hypnotized prior to Mr. Coe's arrest and identification by the witnesses.

On 10-27-84, Mr. Coe was released on bond and a second trial was held in 1985. A King County Judgment, Sentence and Warrant of Commitment-Verdict of Guilty, dated 03-18-85, indicated Mr. Coe was convicted on 02-12-85 of three counts of First Degree Rape (Count III, J.H.#1; Count V, M.S.#1; and Count VI, D.F.) with one Count resulting in a hung jury (Count II, S.S.#1). A decision was made by the State to not retry Mr. Coe on Count II that resulted in a hung jury. Mr. Coe was sentenced on 03-18-85 to 25 years in DOC on Count III, 30 years in DOC on Count V and Life in prison for Count VI to run consecutively. Mr. Coe was returned to DOC.

A Notice of Appeal to the Supreme Court of Washington, Case No. 84-1-03047, filed 04-11-85, affirmed the First Degree Rape conviction in Count III for victim J.H.#1 but reversed the convictions for Counts V and VI due to the admission of post-hypnotic identification testimony at the trial. Mr. Coe was sentenced to 25 years in DOC for his conviction on Count III, Rape in the First Degree, perpetrated against J.H.#1.

VICTIM J.C.#1, 19 years of age (Spokane Police Department Report #78-21058, 04-28-78) Count I, a charge of Second Degree Rape involved victim,

J.C.#1, occurring at 11:45 p.m. on 04-25-78. Ms. J.C.#1 was walking toward her home in Spokane, Washington, when an individual whom she identified at the trial as Mr. Coe jumped out from behind a parked car, ran towards her and put his left hand over her face. In a forceful voice he told her not to scream and if she did not stop screaming he would "hurt her, and hurt her bad." He put four fingers of his right hand in her mouth in order to make sure that she could not scream for help. This caused abrasions on the inside bottom lip of her mouth.

Coe pulled her in between two houses, pulled up her shirt and her bra and started to fondle her breasts. He asked her if she had "to pee." He reached down and unbuttoned her jeans, pulled them down, tearing the zipper, and removed her jeans and panties. He then started to fondle the region of her vagina and found that she was menstruating. He removed the tampon which she was wearing and threw her to the ground. He asked her if she wanted to "go pee or take a shit." He said to her, "I'm going to clean you out" and proceeded to commit oral copulation upon her. He asked her again if she had to "pee or shit." He then pushed her to the ground, unzipped his own pants and started to masturbate.

The victim rolled over on her stomach to try and breathe. She felt a vaginal penetration and did not know if it was his penis or fingers. At this point he inserted a finger or fingers into her vagina which struck her IUD and the pain from that, as well as the pain from the fingers which were still in her mouth, caused her to choke and gag. He tried to put both of his hands in her mouth but was unsuccessful. He asked her questions including if she were married, if she had a child, where she lived, what her name was and "Do you like fucking?" After rolling over on her stomach she bit him on the hand and he forced her jaw open wider.

She heard him unbuckle his belt buckle and unzip his pants. He said he was going to "jack off" and that he was not going to hurt her and just to let him do what he wanted to do. He then placed his fingers into her vagina and said, "Now I'm going to play with your cunt." The victim then felt vaginal penetration by the defendant's penis and she felt that he did ejaculate on her back and buttocks.

He said he was going to "put myself up your ass," and he was on top of her moving, presumably masturbating and moaning, "Come on, come on," several times. She felt something wet on her vaginal and anal area. He laid on top of her, not moving, after he ejaculated. He told her not to say anything to anyone and she promised not to call the police. He jumped up and ran off.

On 05-05-78 she was administered a polygraph and asked 1) "Regarding your being forced to submit to a sexual assault on 04/25 have you been 100 percent truthful about that? 2) On 04/25 of this year, did an unknown man really grab you, forcibly remove your clothing and sexually molest you? 3) Are you making up any part of the story you gave about being sexually assaulted the night of 04/25 this

year?" Ms. J.C.#1 was found to be truthful in her responses.

Ms. J.C.#1 described her assailant as a white male, 18 to 21 years, straight, brown hair, not curly or wavy and she thought over the ears but was not sure. He was clean-shaven, except for a mustache, according to a Summary of Facts Report No. 78-021058, dated March 1981. He was five feet eight inches, 165 pounds and wore a blue jean denim jacket and blue jeans. He was wearing a belt of unknown description. Ms. J.C.#1 first identified John Blake Mounsey as the perpetrator (Spokane Police Report No. 87-21058, dated 03-20-80) but the identification was considered weak because she hesitated and was emotionally unstable at the time. Later investigation indicated Mounsey did not have a mustache at the time of the identification nor did the physical evidence link Mr. Mounsey to the rape. Ms. J.C.#1 later identified Mr. Coe in a photographic line-up on 03-10-81 as the individual who raped her. Further when she saw the picture she became emotionally upset and repeatedly stated that the photograph was a picture of the person who assaulted her.

A Signature Analysis Report by Robert D. Keppel, Ph.D., dated 08-08-06 indicated that the J.C.#1 sexual assault matched Coe's "signature." He noted "The signature has been referred to as the 'calling card' of an offender or the perpetrator's psychological imprint." This term is used to describe a unique combination of behaviors that emerges across multiple offenses and is described as a pattern that may include aspects of both the Modus Operandi or the behaviors that are requisite to a particular offender successfully perpetrating a crime and his rituals or highly individualized aspect of the crime scene that are linked to the perpetrator's primary motivation or purpose of the criminal act itself. These behaviors are fantasy based, and symbolic as opposed to functional and involve the unique psychodynamics of the individual responsible for enacting the sexual assault. For example the ritualistic behaviors enacted by Mr. Coe in his sexual assaults involved specific and repetitive statements by Coe to his victims during the sexual assaults. The offender's signature can assist in knowing what crimes were committed by the same offender. Dr. Keppel's analysis determined that Coe's "signature" was present for the sexual assault of J.C.#1.

The Spokane Police Department "Officer's Work Product and Conclusions Form" dated 07-01-81, indicated that at the time of the sexual assault Coe was living with his ex-wife, Jennifer Linnea Coe.

VICTIM S.S.#1, 15 years of age, (Spokane Police Department Report #80-48994, 08-30-80, Defense Interview with S.S.#1, 12-10-84, Spokane Police-Sheriff Additional Report No. 84-55414,12-12-84), Count II, a charge of First Degree Rape involved victim S.S.#1 who had gotten off of a city bus at approximately 12:30 a.m. on the morning of 08-30-80, after attending a rock concert in downtown Spokane the evening before. After exiting the bus she noticed a yellow car following her. She was walking home when an individual she later identified as Coe came jogging towards her. As he got to her, he

grabbed her by putting his left hand around her neck. She screamed and he put his right gloved hand in her mouth and they fell to the ground. He pushed his fingers in her mouth, and she bit his fingers. He pushed his fingers way into her mouth and told her not to bite and to be calm. He continued to keep his fingers far down her throat so she could not scream. He told her to do what he wanted and threatened her with a knife, which was not displayed, and said "I will put a knife in you so fast it will make your head swim" if she did not cooperate. He then dragged her from mid-block into a vacant lot over toward a rock wall. She told him "Please don't hurt me. Don't kill me."

He told her to take her clothes off and when she attempted to stand up to take them off, he pushed her back down on the ground and took her underwear off. When he felt the underwear he commented to her that it was "kind of heavy." She thought he may have had a white mask on. He asked her her first name, her age, address and school. She gave all the information, except her address, but pointed in a different direction from her house. He asked her whether or not she masturbated and when the last time was that she "got fucked." He inserted his finger into her vagina, touched her breast and also removed his pants and climbed on top of her. He penetrated her vagina with his penis. He asked her if she liked it and she said no. He said that he did. When he had his fingers in her vagina, he said "I'm making myself hard."

He then made her lie on her stomach and he lay beside her and rubbed her back, neck and buttocks. She asked him to please not kill her and he said he was not going to. He rubbed her chain and asked her what it was and she said it was a cross. He asked her whether or not he had cut her lip or "any place else?" When she said no he said "Well, if you get a bruise or something, tell people that you fell down." During the incident he told her that she "had a nice cunt, ass (according to the 12-10-84 interview)" and a nice small body. He also asked her whether or not she had any money. He told her not to call police and if she did he would learn about it in the paper and come back and get her. He said he knew where she lived and he would "stick her with a knife."

Ms. S.S.#1 described Coe to her friend as having "brown hair, husky build, a gray jogging suit and a little yellow sports car." She identified he was wearing black gloves. In her statement (Misc. 80-48994) she described him as "tall, jeans, jeans jacket, brown hair about past his collar, frizzy; looked kind of husky in his shoulders but skinny in his waist and his leg areas." He had a brown belt she described as "shiny, square and silver." Although she did not see him from the front, from the side view he had a mustache and his hair was brown, straggly, kind of curly, frizzy." Her statement dated 09-16-80 indicated she described him at six feet one inches or six feet two inches weighing from 170 to 180.

On 09-04-80 the investigator went to her house and she gave the following description of the perpetrator:

WM, about 6'2', (she is 5'10" to 5'11") and he was taller and husky). He had a soft voice; she noticed no jewelry on him; he did not use any vulgar language, except to say, "When is the last time you got fucked?" There was no odor about him; she did not really notice his hands; but they did not seem as if they were big; he seemed to have a smooth voice and seemed educated. There was no accent. He seemed like a clean cut person. He was muscular in the shoulders but not fat. His hair did not seem clean cut, but long and straggly; she described the hair as being dark brown. In the initial report, it mentioned dark stocking hat; however, she stated she can't remember a stocking hat; that he could have had a hat, as his hair was not flying as he was jogging. She further described his voice as nice, soft and gentle. The clothing was described as gray sweatshirt, jeans, possibly tennis shoes, a shiny, square silver belt buckle, black leather gloves, which appeared to be smooth leather; and, at one time he appeared to have some type of white cloth across his nose and mouth; however, he did not always have it on. At first, she thought it was some type of surgical mask. He did not display a knife, but said that he had one.

A Spokane Police Report No. 80-48994, dated 08-30-80, indicated that after hypnosis she recalled few additional details. She said the perpetrator appeared 27 to his early 30's and he was skinny and a lot taller than her with "big cheek bones." He could have a mustache and a belt buckle that had possibly a "Harley" on it. She also described him wearing faded Levis with a "WP" on the back pocket and black gloves that were smooth with lines around the fingers. She said that his complexion was "kind of bumpy." After hypnosis she described his tennis shoes as blue. Also after hypnosis she was able to describe a bright yellow car with a green and white license, the car she earlier described in more detail, including the license number of the car.

In a lineup on 03-17-81 (Report Number 80-48994) Ms. S.S.#1 identified Mr. Coe as the person who sexually assaulted her. She also identified him by voice saying "I knew the voice very well."

Coe was seen during surveillance by the Special Rape Squad (Officer Steve Christian) on 03-07-81 following the same bus route that the victim had taken. Also during surveillance a female decoy was walking in the area and a white male subject was observed to walk around the side of a nearby building and slowly crouch behind a tree approximately 10 to 15 feet from her vehicle. He resembled the victim's description of Coe. As the female decoy walked by, the subject looked out from behind the tree and darted back behind the tree when a car went by. He then got in his car and exited the area. The car was a 1979 or 1980 silver Chevrolet Citation with yellow covering the license plates. The officer observing the decoy identified the subject as Mr. Coe and reported she had seen him several times around the area wandering in the area, running into bushes

and that they were unable to run him down to identify him.

Furthermore a witness (H.O.) said she was looking out her window and at about 12:30 am she saw a Caucasian male about six feet two inches, heavy build, about 200 pounds, approach the victim from behind and hit her on the back of her neck. He got hold of her neck and dragged her across the sidewalk to a vacant lot and she observed him trying to get her down on the ground. The victim was struggling and he forcibly pressed her head down to the ground. She heard the victim scream once after being knocked to the ground. She observed the suspect with a knife he pulled out of his jacket pocket and the witness looked away to avoid watching what was happening. She saw the perpetrator put his hand over her mouth when she screamed. He then ran out of sight. She described him as having shoulder length, dark brown, curly hair that looked like it was blown dry, with long bangs. He had almond shaped eyes, brown mustache, dark clothes, a navy jacket with brass buttons and at least two buttons on each sleeve cuff. He had navy pants that were flared at the ankles and possibly a gold serpentine necklace.

Virginia Perham, Coe's girlfriend, reported that she has seen him wearing a gray jogging suit and had black leather gloves that at one point had a torn finger off of the right glove. Coe told her he fell while jogging. At the trial the victim identified blue Adida running shoes which were found in Coe's home upon the execution of a search warrant as similar to those worn by her assailant. The laboratory found human semen on both the underpants and jeans of the victim which were typed and determined to be Blood Type A. The victim's Blood Type is "O" and Mr. Coe has Blood Type A.

Dr. Keppel's analysis determined that Coe's "signature" was present for the sexual assault of S.S.#1.

VICTIM J.H.#1, 27 years of age, (Spokane Police Department Report #80-60076, 10-23-80), Count III, a charge of First Degree Rape involved J.H.#1, age 27, and it occurred between 6:30 and 6:45 p.m. on 10-23-80. This rape occurred as Mrs. J.H.#1 was walking toward her home on the southeast side of Spokane after she had gotten off a bus. An individual whom she identified as the defendant jogged past her going in the same direction. After he passed her, he stopped and looked at her. As she approached a recreational vehicle, she noticed that he was squatting down at the rear of the motor home and she thought he was playing a game of hiding from someone. As she walked by, she was grabbed from behind by gloved hands around her throat and two to three fingers down her throat. She said she bit him on his thumb "pretty hard" and he hit her in the face. He told her "Don't scream, don't make any noise" and told her that he had a knife and would stab her. She did not see a knife.

Several times when cars would go by he would hit her on the head and stick his fingers farther down her throat. He hit her numerous times on or about her head.

A Spokane Police Report No. 84-55414 indicated he also said "I've been watching you" and "Don't look at me" several times. He dragged her to an area near the sidewalk and then into a vacant lot where there was considerable brush. He told her to undo her pants and take her clothes off. He fondled her vagina and unzipped his pants, however, he had difficulty in obtaining an erection. He had her pull her bra up and kissed and fondled one of her breasts. He then licked his fingers and placed them in her vagina while he masturbated himself. He then was able to get an erection and engaged in sexual intercourse with the victim. During all of the time, he asked her questions such as "When was the last time you got laid? Do you masturbate all the time? Do you like getting fucked?" She stated his favorite word seemed to be "fucked." He also told her that she "had a nice cunt." He turned her over on her stomach and put her face down into the dirt. He told her when he was finished that she had better not go to the "fucking police" because he knew where she lived and he would come after her with a knife and the police couldn't protect her all the time. He told her if anyone asked her how she got so dirty, to tell them that she fell over a rock.

Ms. J.H.#1 described her attacker as five foot ten inches to six foot, weighing 165 to 170 pounds of average build about 20 to 30 years old. He had well-manicured, collar length, wavy hair just below the earlobes, wearing a jacket with an elastic waist, jogging slacks, running shoes, gloves and no glasses. She said he had high cheekbones, hazel eyes, dark brown hair, a straight nose, average lips, narrow chin with a small cleft and a firm face. He was in good shape and looked like the "all American well-groomed guy." On 10-27-80 she said he "had a little Latin in him" but said he was Caucasian. She also said he looked like a cross between the "dark fellow on Chips and the dark fellow on Starsky and Hutch." She viewed two photographs of suspects and did not identify them. Ms. J.H.#1 viewed a physical lineup on 03-10-81 and identified Mr. Coe as the person who sexually assaulted her. In addition, at trial, she identified a pair of gray and blue Nike jogging shoes found in the search of the defendant's home as similar to those worn by her assailant.

Ms. J.H.#1 had suffered severe injuries to her throat and the left side of her face as a result of the sexual assault. The doctor found much grass and dirt in the area of her vulva. He also found a one to one-half centimeter tear in the posterior portion of the vaginal introitus. Human semen was found on the panties and coat that she was wearing which when typed was Blood Group A. The victim is Blood Group O and Coe was Blood Group A.

After Mr. Coe became a prime suspect in some of the rape cases and he was placed under surveillance, he was observed on numerous occasions in his vehicle, following busses, bus routes, as well as jogging areas. One of the routes which he would follow would be the bus that Ms. J.H.#1 would take.

Ms. J.H.#1 was not subject to hypnosis after the crime.

Dr. Keppel's analysis determined that Coe's "signature" was present for the sexual assault of J.H.#1.

VICTIM C.H.#1, 14 years of age, (Spokane Police Department Case No. 80-71045, 12-17-80, Spokane Police Department Sheriff- Additional Report No. 807104), Count IV, a charge of First Degree Rape involved C.H.#1 at 6:30 p.m. on 12-17-80. C.H.#1, a ninth grader, was walking in southeast Spokane to join a friend of hers who was to meet her at a particular corner that was on a Spokane City bus route. The location was where she often got off her bus. She saw an individual jogging and heard running behind her, but before she could react, she was grabbed from behind by an individual who shoved two gloved fingers (one report indicates all his fingers) in her mouth and forced her to the ground. He told her to "stand up, don't look or I'll stick you." Even though she never saw a knife, she felt what she thought was a knife poking her in the stomach. He had her walk forward into the wooded area in a vacant lot secluded by trees and weeds. He had her lie on the ground and made her take her coat and shoes off and to unzip her pants. He told her not to look at him. She told him that she was in route to a friend's house and would be missed if late.

While she was doing this, he pulled her pants down and told her to take off her shirt. He took off his gloves and asked her "Have you ever gone to bed with anyone?" "Have any boys ever seen you naked?" "Do you masturbate?" and other language referring to her body. He pulled off her bra and then started talking to her as he first put two fingers in her vagina and then got up and unzipped his pants. He orally copulated the victim. He got up and unzipped his pants and engaged in sexual intercourse with her. He asked when she had to be at her friend's house and where it was. The victim replied that she lived a half mile away and just then her friend yelled her name. He put his two fingers back in her mouth and told her not to yell or he would run the knife through her. He got up and dressed and told her she could get dressed. He advised her not to call the police. He then got up and ran off. The victim reported seeing the tip of a knife.

Ms. C.H.#1 described her attacker as six feet tall, 170 pounds, long brown hair, 28 years of age, wearing a white ski type hat with a design of some kind, a red hooded sweatshirt, green down vest, blue jeans and Nike running shoes. On 03-10-81 she viewed a physical lineup and identified Mr. Coe as the person who raped her. Coe was acquitted of this count largely because the victim testified that she was unable to see the person's face at the time of the incident; however, she did identify him in the courtroom as her assailant on the basis of a voice identification which occurred at trial and also previously at a police lineup. To police she said after hearing his voice that "she was absolutely positive" that Coe was her attacker. At the trial she identified the blue Adida jogging shoes taken from Coe's home at the search as similar to those worn by her assailant. Human semen was found and it was typed and found to be Blood type A. The victim was Type O and the Mr. Coe is Type A.

Ms. C.H.#1 was not subject to hypnosis after the crime.

Dr. Keppel's analysis determined that Coe's "signature" was present for the sexual assault of C.H.#1.

VICTIM M.S.#1, 51 years of age (Spokane Police Department Report No. 81-07757, 02-05-81; Defense Interview of M.S.#1 dated 12-12-84), Count V, a charge of First Degree Rape involved 51-year-old M.S.#1, which occurred between 6:30 and 7:00 a.m. on 02-05-81, at a location known as Hart Field in Spokane, Washington. It was just beginning to get light. Mrs. M.S.#1 ran on the same track at the same time approximately three times per week and on one occasion prior to this date, she had observed a vehicle pull into the area of the track and sit for a few minutes and then leave. Mrs. M.S.#1, who was jogging alone that morning at Hart Field, noticed an individual running on the grass portion inside the track towards her. As he passed her, she said good morning to him. (She reported in the deposition for the second trial, 12-12-84, that it was when he was jogging toward her that she got the best look at him.)

He then grabbed her from behind and struck the victim in the mouth. He put both hands around her neck and told her to be quiet. She said, "Damn you, damn you" and he asked her what she said. He then said "Don't scream," but she did. He attempted to put his gloved fingers in her mouth but she kept her mouth closed and he was unsuccessful. During this attempt he cut her mouth and surrounding facial area. He wrestled her to a grassy area inside the track and threw her on the grass, telling her he had a knife. He warned her to quit fighting. The victim said she did not observe a knife, but she believed he had one. He said (several times) he would not hurt her unless she screamed. He continued to attempt to ram his fingers down her throat and he kept telling her, "Quit fighting me, I won't rape you." He continued to wrestle with her, striking her with his hands in the face and stomach. He straddled her and pinned her to the ground with his knees on her arms which he placed over her head. Several times he told her to open her mouth, but she would not do it and he slapped her. In her deposition for the second trial, dated 12-12-84, she reported that he would pull her cap over her face to obscure his identity and she would push it back up several times. She estimated she looked at him six times before he began "mauling her face trying to get his hands in her mouth." She reported she clasped her jaws shut and the struggle went on for five minutes.

He pulled down her jogging pants and panties and penetrated her vagina with his fingers after taking one glove off. As he was doing this he stated, "Do you enjoy it with your husband?" She said "no" and asked him why he didn't find some young people, as she was not well. He said "Are you embarrassed at me looking at you? I like to look at it and jack off." He also reached underneath her top and bra and fondled her breasts. He told her, "You don't know how much I needed this." The victim asked him why he didn't find a girl in a bar someplace; he said,

"I can't do that." He then lay on top of her and tried to spread her legs but couldn't. He was moving around as if having intercourse and then said, "I did you a favor and came in my pants." (In the deposition for the second trial, she said he was on top of her about a "minute or two.") He got up and ran off. In the deposition for the second trial she reported that after he got off of laying on her, he hit her in the stomach and told her not to look back.

Mrs. M.S.#1 suffered bruises to her neck, shoulders, face and small lacerations to her upper right lip and inner mouth and also complained of sore shoulders and one of her arms was bruised because he had positioned himself on top of her with his knees on her arms.

Prior to hypnosis, Mrs. M.S.#1 described him as a white male, approximately 25 to 27 year of age, six feet tall, weighing 165 to 170 pounds, having blond hair, wearing a stocking cap, bright red possibly nylon jacket, blue jeans and wearing some type of gloves with pock marks or acne on his face. She identified a definite jaw line and deep-set eyes.

Approximately a week after her sexual assault she was hypnotized and she added minor detail to his physical description. She said his hair was blond and curly and about two to three inches long, that his eyebrows were medium and that his eyes were gray or hazel "or something like that." Additionally she observed under hypnosis that he had hollow cheeks, a dimple on his chin, a few pock marks on the chin and thin lips. She was able to describe his shoes as blue and white tennis shoes. While she identified his red jacket prior to hypnosis, she added details of having side pockets, coming over "the suspect's butt" and being quilted.

Mrs. M.S.#1 first viewed 18 photographs of possible suspects after giving her initial statement about the rape. On 02-06-81 she was shown 50 photographs of individuals matching the description of the individual who attacked her and she rejected all of those photos. She was contacted by several officers of the Spokane Police Department who on a number of occasions have shown her additional photographs of individuals thought to be suspects and she rejected those photographs. On 02-13-81 she was shown a photographic line-up and she did not definitely pick a suspect from the line-up. During the viewing of the photographs, she identified individuals who had similarities to the perpetrator, but she did not identify her attacker.

On 02-25-81 she was shown a photograph of Mr. Coe and upon viewing the photograph she exclaimed "That's him! That's definitely him. His hair is lighter now." "That's definitely him!" She identified Mr. Coe as her assailant on 03-10-81 and also identified a red ski jacket, blue jeans, and Nike jogging shoes which had been taken from the home of the defendant in the execution of the search warrant as similar to those worn by her assailant. A night manager and two custodians of Sacajawea Junior High School testified that they observed an

automobile on the morning of this rape similar to that belonging to Mr. Coe with a similar license plate covered by yellow plastic located near the Sacajawea Junior High School which is just north of the location on Hart Field where Mrs. M.S.#1 was raped.

Dr. Keppel's analysis determined that Coe's "signature" was present for the sexual assault of M.S.#1.

VICTIM D.F. 20 years of age (Spokane Police-Sheriff's General Report, No. 81-07890, 02-09-81; Defense Interview with D.F., dated 11-30-84): Count VI, involved a charge of First Degree Rape of D.F., age 20, that occurred at 6:25 a.m. on 02-09-81. Coe admitted to this rape to a psychiatrist, Dr. Robert Wetzler, at sentencing when he was pursuing sexual psychopath proceedings as an alternative to being sentenced to prison.

Ms. D.F. had just gotten off a bus in the early morning and had taken her one-year-old son to her parents' house. Returning to the bus from her parents' residence she was walking by a large tree between the sidewalk and the street, and Coe jumped out from behind the tree, grabbed her and covered her eyes and mouth with his hands. She was, however, able to "look right at him (Deposition, 11-30-84)." The victim struggled and screamed and tried to kick Coe. He shoved several fingers which were in a quilted oven mitt down her throat, causing her to choke. He told the victim "I won't hurt you but I do have a knife and I'll use it." The victim said "I have a baby, don't hurt me, I won't scream." At one point, her nose was bleeding quite badly as a result of the roughness used by Coe. He threw her to the ground on her back and told her not to scream and said that he had a knife and he would use it.

Coe slid his hand up her skirt and started rubbing her legs. He then took her into a front yard and underneath a large tree where he placed her on the ground. The victim said "Don't hurt me" and he said "I won't." He told her to whisper and quit talking so loud. He told her, "I have been watching you," and "How come you don't take the same bus all the time?" The victim screamed again and Coe said "If you scream anymore, I'll stick a knife in you." She said she would not scream.

Coe pulled up her shirt and pulled down her pantyhose and told her to take off her shirt and her bra. After she did this, he told her to lie down and started to rub her breasts. He told her, "I want to fuck you, I've been watching you for a long time and I've wanted to fuck you for a long time." He then began to rub the area of her vagina and said, "You have a nice cunt." He used the word "cunt" several times. He told her to spread her legs further apart and asked if it were hurting her legs. She said about that time someone across the street opened their door and it looked like they might be coming out. He stopped what he was doing for a little while and told her to be quiet and just looked over in that direction. The person entered their house and Coe had vaginal intercourse with her and afterwards told her to roll over on her stomach. He then asked her where she

worked, where she was going to go to school, was she enjoying it, when was the last time she "fucked," whether or not she liked to have sex, whether she was enjoying this, and whether or not she ever masturbated.

He then said, "I'm just going to jack off, but I want to look at your ass when I do." He also asked her, "Do you like the sounds of guys when they shoot?" He said "Have you ever heard the noises of people when they fuck?" She turned to look at him and he told her not to. She heard him make noises like moaning and groaning and thinks he ejaculated at that time; however, he was standing and she was in a position where she could not see him. He lay on top of her for a while and then got up.

Coe made her stand up next to the tree without any clothing on, and he put his hands over her nose and mouth as if to quiet her and looked around. He waited for a minute very silently as if he might have heard something or someone coming. He asked her how much money she had and she replied "twenty dollars in all." He went to get her purse and took the twenty dollars. He told her "I don't want to hear anything about this. Don't tell the cops. I know where you live, you don't want a guy with a knife following you all over." He then ran from the scene.

Upon examination at the hospital, the victim was found to have abrasions around her mouth and also blood around her mouth. She had red welt-type abrasions on the left side of her neck and injury to the back portion of her throat. (On the medical examination her posterior pharynx was red and raw with a large number of ecchymotic areas from recent trauma.) Her cervix was abraded on the external surface.

Ms. D.F. initially said she did not get a good look at Coe, but noted his "square-set jaw" as an outstanding feature. She said that he was tall, medium build, light brown hair wearing a quilted ski jacket, jeans, boots and oven mitts. At the hospital she was shown 25 to 30 photographs of suspects and she was unable to pick any of the photographs as the person who attacked her.

Ms. D.F. was hypnotized about two weeks after giving her report to police. There were no substantial changes in her description of her rapist or the incident. After hypnosis, she identified he had collar length hair and square fingers. He had shiny eyelets on his boots, and she identified there were flowers on the oven mitts.

Ms. D.F. identified Mr. Coe as her attacker in a physical line up on 03-10-81. About her identification, she said she was "absolutely positive" Mr. Coe was her attacker. She identified Coe as her assailant in court. She also identified the oven mitts found in his home upon the execution of a search warrant as similar to those that were worn by her assailant. Laboratory tests indicated that there was human semen in the bra worn by the victim and when tested, it was found to be positive for Type A soluble blood substance. The victim was Type O and the

defendant was Type A. In addition, on the knit glove that was worn by the victim at the time of the attack, there were found several human hairs which when compared with the hair of Mr. Coe, were found to be similar to his.

Dr. Keppel's analysis determined that Coe's "signature" was present for the sexual assault of D.F.

HISTORY OF NON-ADJUDICATED SEXUAL OFFENSES WHERE THE VICTIM IDENTIFIED MR. COE AS THE PERPETRATOR (22 victims)

Victims:

D.A. & J.E.	J.L.
R.B.	V.L.
R.B.	C.M.
P.C.	B.M.
C.D.	M.O.
M.G.	P.O.
C.H.#2	C.R.
J.H.#2	B.R.
A.J.	R.T.
D.J.	J.T.
C.K.	
D.L.	

These crimes are listed in chronological order.

Victim D.J. (Spokane Police Report No. 71-38159, 05-28-71): Coe was arrested for a Second Degree Burglary/Indecent Liberties incident on 05-28-71 and charged with Second Degree Burglary. Coe entered an unlocked apartment and climbed onto a bed with a sleeping white female who was unknown to him. He unbuttoned her nightwear and put his hands under her blouse and in her panties. "Don't you remember me, you invited me up here to fuck?" The victim screamed. Coe ran from the apartment but was apprehended by two males after taking evasive action through alleys on foot. At the time of apprehension he told the two males, "You better watch out. I made Golden Gloves champion." The charges were dismissed on 12-04-72 when the victim moved to Texas and failed to respond to letters from the prosecuting attorney's office. Coe was identified by the victim and other witnesses.

Coe admitted spending the evening with his girlfriend and stopping at an apartment of an acquaintance he "used to know" when he lived in Spokane. Later he admitted to police he did not know her and he had never met. He alleged the door was open a foot and when he knocked, the door opened further and he entered. He said a female was sleeping on the couch and a male subject was in a bed. He said he touched her on the shoulders and she woke up

screaming and he left.

Dr. Keppel determined that there was insufficient information to base a linkage analysis to Coe's "signature" in this case.

Victim C.M. (Spokane Police Department Report No. 81-16255, 04-24-81):

C.M. is the son of Coe's ex-sister-in-law. C.M. lived with Coe and his ex-wife when he was seven or eight. C.M. was interviewed when he was 13 years of age and in junior high school. He reported that Coe engaged in cruel and abusive behavior with him and that Coe sexually assaulted him. He said he lived with the Coes in Las Vegas in August 1975 until they moved from Las Vegas to Santa Monica in April 1976.

C reported that when living with the Coes, Fred Coe would throw him in the swimming pool in seven feet of water and told him that he was going to learn to swim, even though C.M. was afraid of water. When C.M. would cry, Coe told him, "Buckoos never cry." He reported that he wanted to "box with C.M. and use C.M. as a punching bag." C.M. said when he smacked his lips while eating, Fred Coe would use a board on his bare bottom to discipline him. C.M. reported when he would cry when he was being boxed by Fred Coe, Coe would hit him with a board. He said that he was paddled in the garage about 50 times and C.M. would yell because it hurt and stung. Coe also broke the paddle while paddling C.M. C.M. would be paddled if he would not get in the swimming pool, and one time when he was eating too slowly, Coe paddled C.M. and broke the inch and a half thick paddle on C.M.'s bare bottom. One time when he was paddling C.M., he caused bruises, cuts and a broken vein on C.M.'s hand because C.M. would put his hands over his bottom to try to protect it and was hit on the hands. The next day, Coe put iodine on it and C.M. went to school. A teacher reported it to the office and C.M. was interviewed regarding his injuries, and reported that Coe would paddle him. At the time, he was in the second grade.

When Coe was working on a book, he would lash out at C.M. and hit him with a belt on C.M.'s bare bottom. He did this three times because C.M. would be walking back and forth in the house. One time after Coe had beaten him on his bare bottom with a paddle, C.M. got up and found dried, caked blood in his pajamas and on the sheets. C.M. reported that "all the sticks in the closet finally got all broken to pieces from Fred hitting him." He said that Coe would sometimes pull his pajamas up so hard, and would hold them up, that he would ruin the pajamas in the crotch area and that this happened with two different pairs of pajamas. C.M. reported that he had a teddy bear when he was in Las Vegas; however, Fred Coe took it because he thought that C.M. was "a baby" and C.M. never saw the teddy bear again.

Fred Coe would intentionally frighten C.M. by talking to him about "kids being punished" in places like Alaska where they would be sent to fishing camps which were torture camps and the kids would go out fishing and giant squids would

come and "bite off their 'peter" referring to the boy's penises. On other occasions, Fred told C.M. to take out his "peter" and talked of putting screws around the "peter" and a larger screw in the hole and then pulling the penis. Later Fred Coe told C.M. that he had just made up the story about the screws. Fred Coe would hit C.M. under the chin with the upper part of his hand to make C.M.'s jaw rattle and, at times, would hit C.M.'s jaw so much that it would bruise. At one time in Los Angeles, he hit C.M.'s jaw so often that his throat was bruised and red, and Fred Coe kept him out of school. When he was sent back to school, Coe told C.M. to tell the school that he fell down in the sand, and another time to tell them that he fell down on the cement.

Fred Coe took C.M. to a carnival and C.M. wanted to ride the "cute cars." However, Coe put him on the roughest rides and it made C.M. sick. Coe made C.M. drink beer and at one time, made him drink three and a half bottles of beer and C.M. vomited on his shirt and had to wear the shirt until that night. C.M. stated he did not like the beer and did not want to drink it; however, Coe made him drink the beer and said if he did not, he would take away the film and flash that he had given C

Regarding the Indecent Liberties charge (Spokane Police Department Report No. 81-16255, 05-04-81), C.M. reported the following:

Regarding Indecent Liberties, in Las Vegas, when C.M. took a shower, Fred made him put soap up his nose to clean the "buggers," and this would sting. When C.M. would take a shower, which is about two times a week, Fred would always come in, would take a washcloth, and would put the washcloth around C.M.'s penis and would stretch it about seven inches to a foot, it stung and C.M. would scream and then Fred would snap at C.M.'s penis with a towel. Fred also made C.M. put soap up his rectum. C.M. would scream and Jennifer would ask Fred what was going on in there and Fred would say, "Oh, nothing, dear." After the shower and after C.M. would go into his bedroom, Fred would come into the bedroom with a dog and would have C.M. take his pants down and then had the dog lick C.M.'s anus. C.M. stated that he had a Collie and a mutt. One time C.M. asked Fred to stop the dog from doing that and Fred said, "I'll let the dog lick your ass anytime I want." C.M. stated that Fred had told him not to tell anyone about the incidents in the shower and told him not to "narc." C.M. also stated that he never had a chance to tell his grandmother or mother about this over the phone, because Fred or Jennifer would be listening on the other extension.

When I asked C.M. if he knew whether Fred ever hit Jennifer, C.M. stated that Jennifer had chased Fred out of the Santa Monica home in Los Angeles; that she held a knife on Fred. One night, he heard

them fight and heard Jennifer tell Fred, "Walk away, asshole," and then heard him hit her.

When I asked C.M. how he felt about Fred now, C.M. stated that Fred has been giving him dollar bills and toys and when I asked him why, C.M. stated that he thought it was to get rid of Fred's guilt and give Fred power, if something like this came up.

C.M. stated he wanted to press charges; however, I explained to him that I believed that it has been too long now and that I would find out for sure for him. He then asked if he would have to testify in court and I advised him that it is possible that we may want him to and he seemed willing to, however, he stated that he was afraid that the newspapers would write about him in the paper and everybody would know about it and he did not want that.

When this detective previously had talked with Fred Coe's ex-girlfriend, Virginia Perham, Virginia had mentioned something about a nephew that Fred would throw into the pool and also one night, when Virginia was staying with Fred, his ex-wife arrived at the house, the ex-wife was drunk and said that Fred had hit her nephew. When Virginia asked Fred about this, Fred said that the kid needed to be disciplined; that he was a "big sissy."

Dr. Keppel determined that there was insufficient information to base a linkage analysis to Coe's "signature" in this case.

Victim C.D. (Spokane Police Report No. 77-13033, 03-18-77): Mr. Coe was charged on 03-22-77 with Being a Disorderly Person under the city vagrancy ordinance at that time. A 19-year-old female was using a toilet in the women's room at VIP's Restaurant in Spokane, Washington. Coe lifted himself over the stall being used by the victim, and he began to say crude things such as "You have a nice cunt." It is notable that this language is identical to language he used during his later sexual assaults. The police report indicated that a similar incident had happened earlier. Coe was chased from the area and was seen getting into a 1976 Oldsmobile, Washington License CWT-610. This vehicle was registered to Coe's father. Contact was made shortly thereafter with Coe by police officers. Coe had been drinking and was "very uncooperative." He lied and said he had been driving his parents' other car and he said he had not been to VIP's restaurant. The officers noted that the vehicle was still warm. Coe denied knowing anything about VIP's Restaurant or driving the vehicle in question. Gordon Coe, the defendant's father, told officers that his son had permission to drive the vehicle in question and had been driving the vehicle in question. Coe was later identified by the victim on 03-21-77 by photographic line-up. She said she could not be absolutely positive but that the picture looked like the perpetrator. Furthermore he was identified as wearing a black leather

jacket mentioned in other rape cases. A disposition for the Disorderly Person charge was never found despite the fact that he was subsequently charged by warrant with "City Vagrancy" on 03-22-77. A case summary indicated the prosecutor's case file pertaining to the case could not be located.

Victim B.M. (Spokane Police Department Report No. 78-03749, 01-23-78): Coe was charged with Indecent Liberties on 01-23-78. The victim was walking east on Broadway from Madison approaching Monroe. She observed an individual described as a white male approximately six foot three inches, 185 pounds, with medium length brown curly hair, in his early 20s, wearing a dark jacket and white pants. The suspect walked towards the victim. As he came towards her, he put both of his hands on her breasts and "shook" them. She then turned towards the courthouse and made contact with a sheriff's deputy and told him what had happened. The suspect ran away but was observed by two males who were driving in the area. They saw him get into a silver 1978 Pontiac with a personalized Washington license plate of DISCO. Registration was obtained and the vehicle was found to be registered to an F. H. Coe. A photo line-up was made and Coe was identified by both the victim and the witnesses who had followed Coe. The detective investigating the case was never able to find Coe so no charges arose out of this even though the victim was willing to follow through and pursue charges.

Dr. Keppel determined that there was insufficient information to base a linkage analysis to Coe's "signature" in this case.

Victim R.T. (Spokane Police Department Report No. 78-62341, 11-26-78): At 5:25 p.m. on 11-26-78 a 19-year-old female was walking on the street. She reported a white male fitting the description of Mr. Coe walked towards the victim. She moved to the side but he continued to come directly at her. He walked up to her, put both hands on her breasts and "shook" them. She told him he would "be sorry" and she turned away. He ran but was observed by two males who were driving in the area. He got into a silver 1978 Pontiac with a Washington personalized license saying "DISCO." The car was registered to F. H. Coe and Coe was identified in a photographic line-up by both the victim and the witnesses who followed Coe to the Savage Hours Pizza nearby. Coe's whereabouts could not be determined by the investigating detective and he was not charged even though the victim indicated a willingness to sign a complaint.

Dr. Keppel determined that there was insufficient information to base a linkage analysis to Coe's "signature" in this case.

Victim M.O. (Spokane Police Department Report No. 78-66690, 12-19-78): At 7:00 a.m. the victim, 55 years of age, was waiting for a bus, and it was dark and cold outside. She was near an arc light. A male, who she identified as Coe, appeared nearby, ran south down the street and crossed the street to her side and hid behind telephone poles and then appeared under the arc light, exposing

his penis which he held in both hands. She said the penis did not appear artificial. He looked at her and did not speak. After she told him to get out of there, he ran north. She identified him on television after he had been arrested for rape charges and said that she "is sure he is the one" and that "She would never forget him as he was under the arc light." She described his jacket as a school type jacket, a similar description as given by rape victim, J.H.#1. No charges were filed because it was beyond the statute of limitations.

Dr. Keppel determined that there was insufficient information to base a linkage analysis to Coe's "signature" in this case.

Victims D.A. and J.E. (Spokane Police Department Report No. 79-32753, 06-17-79): Both victims were employees of Tigers Den Massage parlor and both were at work on 06-17-79. At 12:30 p.m., a white male, 25 years, six feet, 160, blond hair, blue eyes, wearing a dark blue ski-type cap, blue ski jacket, brown plaid shirt, blue jeans, came in but was told by J.E. they were busy and to return. He returned at 2:00 p.m., but was again turned away. He returned at 2:45 p.m., agreed to a program and paid \$25. He was taken to a room where he pulled a knife, pressed it against J.E.'s back and told her, "Don't say anything and you won't get hurt." He next bound J.E.'s hands behind her back, put her on the floor and pulled down her suit. She begged him not to do anything because she had just had an operation. He continuously told her to be quiet and she would not be hurt. He put his fingers into her anus and vagina. He had sexual intercourse by placing his penis into her rectum only. He removed his penis and did climax on her back. He bound her feet and put a towel in her mouth and left the room. He next went into another room and confronted D.A., telling her something happened to J.E.. As D.A. went back to investigate, she was grabbed by the man who said, "I want some money." She told him where the money was kept, but he refused to take it. He next pushed her into another room, called her a whore, removed her clothing, taped her hands behind her back, bent her over a massage table, took a bottle of oil and rubbed oil on her anal area, then asked, "Are you going to give me some head?" D.A. refused. Suspect became very angered, grabbed D.A.'s face, squeezing it, stating "I don't give a fuck, you're going to give me something," "You're a whore and you can take it." He then pushed her to the floor, spread her legs, placed the bottle of oil into her vagina and injected oil into her vagina. He then started to masturbate and next placed his penis into her vagina, had intercourse for a short period and did not climax. He next stopped, stood up, said he was sorry, wiped off the bottle, doorknob, and everything else he touched. He then told D.A. not to leave the room for five minutes or he would return and kill her, and he left. After leaving, both victims discovered that the suspect took \$40 from one purse, plus his original \$25.

Regarding a description, D.A. stated the suspect was a white male, 23-25 years, 6 feet, 150 to 160 pounds, brown hair and blue eyes. The subject was large boned; the hair sticking out from under a dark blue ski cap. It appeared to D.A. the hair was streaked at the ends; it appeared to be brown having curly ends.

She described the hair as appearing like having an old permanent, possibly an Afro and at this time growing out. Stated the subject had very thin lips, clean shaven, very bright blue eyes, his fingernails were dirty, however, his hands were not dirty as the type of hands a mechanic would have. Stated she believed the subject was wearing a hunting vest with the shoulders being an orange and the vest being a dark blue. Believed he was wearing a pair of brown loafers. Stated the subject had two large holes on the left leg of his jeans near the knee.

On 05-21-81, D.A. was shown a photo of a police lineup and picked Mr. Coe as being the man who attacked both her and J.E. on 06-17-79. Although Mr. Coe had been arrested for other sexual assaults, Ms. D.A. said she had not seen his picture in the paper or on other news media. J.E. was also shown the photo on 06-01-81, but was unable to determine between two of the photographs, one being Mr. Coe.

Mr. Coe's ex-girlfriend, Geni Perham, was asked regarding the clothing identified as worn by the perpetrator of the rapes. She said when she first met Fred Coe, he had a brown plaid shirt, blue vest and some jeans that did have holes in one leg. (Spokane Police Department Report No. 81-00757). Other confidential information from massage parlor employees indicated Coe frequented parlors often and his sexual interests and behaviors were "extremely kinky." He was said to defecate in sinks, urinate on the hot rocks, request girls pee on him, request they beat him and call him a bad boy, and used his father's credit cards, and he wanted them to dress up like little girls.

Dr. Keppel determined that this case was "out of context for signature, but could treat these women different because he thought of them as whores."

Victim P.O. (Spokane Police Department Report No. 79-88100 and 79-443696, 08-15-79): At 8:50 p.m. a 20-year-old female was walking on the street and noticed a Caucasian male standing five foot eight to five foot ten inches, medium build, sandy colored hair, fine features, nice teeth, clean-shaven with a red shirt, dark pants and estimated to be 18 or 19 years of age. He was headed in the same direction. The victim paused on the corner to let him get one half block ahead. She observed him to turn into a driveway where a large hedge blocked further view of him. She walked to where she last observed him. He jumped out from the hedge, grabbed her, started fondling her breasts and attempted to put his hand down her clothing. She kicked him and he released her, doubled over, moaned and ran off. On 01-06-81 she called Spokane Police and said she observed a composite drawing of the alleged perpetrator on television and she said her attacker looked like the composite drawing. After viewing a photographic lineup, she identified Coe as her attacker. She confirmed she felt "very strongly" he was the perpetrator. No charges were filed in this case for unknown reasons.

Dr. Keppel determined that there was insufficient information to base a linkage

analysis to Coe's "signature" in this case.

Victim B.R. (Spokane Police Department Report, Case No. 79-55251, dated 10-06-79): At 9:00 p.m. the victim reported that she was putting luggage in her car when she noticed a suspect approaching her from the south. Suspect was wearing no pants. He walked beside her vehicle, fondling his penis. The victim got into her car and locked the doors, and the suspect came right up to her window while he fondled his penis, and then walked across the parking lot and disappeared. The victim moved from Spokane to California and knew nothing of the arrest of Mr. Coe until her sister-in-law sent newspaper clippings. The victim reported she is "absolutely positive after viewing several photographs of Coe that he is the same individual who exposed himself the morning in question."

Victim C.H.#2 (Spokane Police Department Report 81-40912, 07-28-81): Sometime between 10-29-79 and 11-05-79, (last Tuesday of October – first Tuesday of November 1979), the 17-year-old victim was waiting for a bus to go to Lewis and Clark High School to practice for the drill team. While waiting for the bus, she heard what sounded like a car door close and then she saw a person she later identified as Coe in a grey jogging suit wearing black gloves and jogging shoes. He came up to her and asked her what time the bus was due. She stated 6:15, at which time she turned away from him. When she turned around to see if the bus was coming, his pants were down and he was masturbating. Since he was standing under a street light, she got a good look at him. She began to back up and he stated, "Hey, come here, I want to touch your cunt. I want you to suck me." She ran two blocks and jumped on a bus. Two weeks later she saw Coe wearing the same grey jogging outfit standing next to Rosauer's Store and advised a girlfriend she was standing with that this was the same person who exposed to her on an earlier occasion. She came forward after seeing a picture of Coe in the newspaper, believing that the information should be reported.

Victim J.T. (Spokane Police Department Report, No 79-67661, 12-11-79): At 6:45 a.m. the pre-hypnosis police report indicated that a 22-year-old female stated she was walking to work when a man she identified as Coe came down the stairs of a home and grabbed her, covering her mouth with his hand. He wore black leather gloves and when she screamed, he pushed his hand completely into her mouth, making her almost pass out, and he dragged her up the stairs, stating, "Don't scream, or I'll slug you in the face." He then dragged her through the yard where the victim offered her purse, but he just threw it down, along with her lunch sack. He then dragged her up next to the house and threw her onto the ground, repeating, "Don't scream or I'll slug you in the face." He took off his right glove and held her down, almost laying on her and took off her right shoe, pantyhose and panties. She told him that she was having her period and he reached and pulled out her tampon and stuck one of his fingers into her vagina. He then stated, "You're really tight. When's the last time you had a good fuck?" He then said she was "too tight" and took off the right side of

her dress and fondled her right breast and put her breast in his mouth. At the time he stated he was going to "jack off," and he began to masturbate himself, still holding her down. Just before ejaculation, he jumped up and sat on her chest and said, "Look at this." She did not look at him but turned her head, and he ejaculated on her neck and chest. He then pulled her pants back up and told her to lie still or he would get a knife and come back and cut her before she could leave the yard. He then absconded and the victim dressed. To police, the victim reported she had a cut lip and stated the inside of her throat was also cut. A Crime Victim Compensation Report, dated 12-11-79, indicated that she also had bruises on her vulva.

Ms. J.T. described her attacker as a Caucasian male, 21 to 22 years of age standing five feet ten inches with a stocky build, brown messy hair, no facial hair. He wore a green hat with flop-down ear covers that were tied up. He had red marks under each eye that looked almost like bruises or lipstick marks. He wore a heavy dark colored coat that was three quarters length. He wore blue jeans that were old and faded and heavy hiking boots. On 04-01-80 the victim was hypnotized, but provided no new information.

The crime lab found presence of "A" and "H" soluble blood substance and seminal fluid on the lapel of the victim's dress. Coe was found to have "A" and "H" soluble blood substances. Ms. J.T. was shown a photographic lineup on 04-10-80 and she did not identify her perpetrator. On 04-21-80 she was shown another lineup (not containing Coe) and she could not identify the perpetrator. On 06-25-80 she was shown another physical line-up and she was unable to identify her attacker. During the trial of Mr. Coe, on 07-21-81, Ms. J.T. (married name Johnson) told police that she believed the picture of Coe on the news allowed her to feel "quite certain that this is the person who raped her."

Dr. Keppel's analysis determined that Coe's "signature" was present for the sexual assault of J.T.

Victim V.L. (Spokane Police Department No. 80-70722, dated 12-16-80): The victim reported on 12-16-80 that she took a bus from Spokane Falls College to where she would transfer to take a bus home. She waited about 10 minutes before the transfer bus arrived, and then got on the bus and exited near her home. She could see a male individual coming toward her and he seemed to be jogging. When he got alongside of the victim, he suddenly reached out with his left arm and put it around her neck. He tried to pull the victim to the ground and she resisted and was able to bite him on his forearm. She was able to reach in her pants pocket and grab a canister of mace and squirt him in the face. He let her go and then she screamed, and he ran away. The victim reported that she usually takes the same bus every day and at the same time. She complained of neck and upper back pains from the attack.

She described her attacker as six feet one inch to six feet two inches, 190 pounds and about 20 to 21 years of age. He wore a dark knit stocking cap and was clean shaven. His hair was dark to medium length to the top of his shoulders. He wore a light-weight ski jacket possibly green in color and nylon. His pants were dark in color and possibly blue jeans. He wore tennis shoes. He had black gloves that were thick looking and possibly imitation leather. The victim was shown a series of photographs on 12-19-80 and she could not pick out her attacker. On 04-07-81, the victim identified Coe as her attacker in a photographic lineup, but could not identify that he was definitely the perpetrator. She said "Can't say for definite, but could be."

Dr. Keppel determined that there was insufficient information to base a linkage analysis to Coe's "signature" in this case.

Victim D.L. (Spokane Police Department Report No. 80-08590, 02-16-80 and Spokane Police – Sheriff Additional Report No. 81-04075, 04-07-81): This victim reported being raped twice, on 02-16-80 and again on 07-05-80. A 24-year-old female reported the first rape and robbery on 02-16-80. At 7:45 p.m., she was walking southbound on the street and observed the suspect walking toward her. She said she had a bad feeling and started to walk in a different direction into the street. At this point, he walked out into the street and stood in front of her. She stated that he said that he "needed sex" and displayed "a very large dildo" which he held in his hand in front of his crotch. He put his arm around the victim's neck, stood behind her and pushed her to the north side of the house on the street. Once between the houses, he told her to get on the ground, which she did. He then ordered her to remove her pants and she complied. He also got on the ground and committed an act of oral copulation and pushed the victim's sweater up, exposing her breasts at that time. He removed his pants and got on top of the victim but was unable to penetrate her vagina with his penis. He asked her her age and when the last time she had sex was and told her she had nice skin. He inserted his finger "or something" in her vagina and anus. He rolled off of her and asked her if she had ever seen a man "jack off" and she said no. He inserted the fingers of one hand into her vagina as he masturbated with the other hand. He then told her to roll over on her stomach and he got dressed. When he was dressed, he asked her if she had any money in her purse to which she replied yes. He told her to give him all the money she had and she gave him \$40 from her purse. He took the money and walked away. The victim stated that he told her "If you do what I say, you won't get hurt." She also stated that he may have made some mention of a knife, but she was not sure. After he left, she got dressed and ran up the street until she saw a friend who was driving, looking for her. Her friend took her home and she called police. When first asked to identify the perpetrator, she said that it was dark and she did not see his face and did not believe she would be able to recognize the suspect. When interviewed again by police, she reported that when he was orally copulating her, he asked her to urinate on him, but she told him that she had just gone to the bathroom before and could not.

On 03-10-81, D.L. viewed a physical line-up and identified Coe not as the one who had raped her at the time the February offense, but had subsequently raped her (Police Report 81-04075) on 07-05-80. After viewing him and hearing his voice, she broke down and cried profusely for a period of time before identifying Coe as her attacker. On 04-06-81, she went to the police station and reported that after thinking further about the line-up that Coe "could have been the first one that raped her, the second one that raped her, or both."

In Police Report No. 81-04075, D.L. described the second rape that occurred on 07-05-80. In a statement by D.L., in the Spokane Police Department Report No. 81-04075, she reported she was walking home from eating dinner inside a fence on the sidewalk of the school grounds. As she approached Oak, she observed the suspect running down the street towards her. She then became concerned as to what to do and began running south up the hill and he grabbed her by a nearby house, which was all lit up. She screamed but no one came out of the house.

He then took her to a school grounds and took her across the pavement and then up the stairs to the middle of the vacant lot that used to be the old school grounds. After they had gotten to the top of the stairs and before he started to rape her, she asked him if he were the same one who had raped her before. He walked her up stairs and put her on the ground. He told her to take her shorts off and he orally copulated her. He asked about the last time she had "been with anybody" and she said she had broken up with her boyfriend in March and that it had been a long time. He asked if she got "horney." She asked if he was the person who had raped her previously and he said no. He told her to pretend that he was her boyfriend and that would cause her to enjoy it more. He held her hands after orally copulating her and he placed his fingers in her vagina. He masturbated himself and engaged in sexual intercourse with the victim. After the act was completed, they laid side by side and talked and he asked her a lot of personal questions. He asked if in the dentist office where the victim worked, if the dentist was "after her." He talked about his fantasies about dental assistants. He said the majority of dental assistants seemed kind of "straight-laced" and he thought it would be "neat" if the assistant would make passes at him and put her hand on his penis and "make advances". Before leaving, the victim said she would not report the offense to police, but later did.

Dr. Keppel's analysis determined that Coe's "signature" was present for the sexual assault of D.L.

Victim P.C. (Spokane Police Department Report, No. 80-17889, 04-02-80):

On 04-06-80, a 48-year-old victim reported that at 6:00 a.m., she was in the back of her building to hang some items on the clothes line. This was a secluded area behind the building and down some stairs. When she got there, about 5:50 a.m., she observed a male about six inches from her and she stated, "You scared me."

He said a couple of words, but she could not hear what he said. He had an 8- to 10-inch flesh colored item (by her description it sounds like this is a dildo) and this was held down by his crotch area. After she first talked to him, he turned and put the item under his arm and ran up the steps. She stated he had straight hair, not long, and it was clean and not stringy. She did not think he had any facial hair. On 04-21-80, she examined two mug books and the Lewis and Clark High School Yearbook and was unable to identify the perpetrator. She was in the courtroom on 04-24-81 during the trial of Mr. Coe and reported to a detective during the recess that she believed that Coe was the perpetrator who displayed a dildo to her. She said she had heard about the dildo subject being brought up in the trial and decided to come to court and take a look at the person. She had previously, however, viewed a photographic lineup in April of 1981, including Coe and did not identify him in the photo. She stated she thought his hair was lighter at the time of the incident, and, therefore, was looking for a blond.

Dr. Keppel determined that there was insufficient information to base a linkage analysis to Coe's "signature" in this case.

Victim C.R. (Spokane Police Department Report No. 81-16179, 03-12-81):

Some time in August 1980 at 9:30 or 10:00 p.m., the victim was walking by herself in the middle of the street when suddenly, from out of the bushes an individual she identified as Coe came towards her, not saying anything, wearing a gray jogging suit. She said to him "If you are the South Hill Rapist, I am going to take this cane and I'm going to beat your head and knock your balls off." He asked her if she would really hit him with a cane and she replied "If you come towards me, I'll beat you from head to toe." He asked her if he could walk with her for a few blocks both on opposite sides of the street. He kept talking to her and she finally decided he was lonely and just wanted someone to talk to. She asked him why he was hiding in the bushes and he said he was going to the bathroom. In their conversation he said "Feel my muscles." "I work out." "Do you think I'm good looking?" (He said that several times) They came to a street light and he looked at her and told her that he thought at first that she was an old lady with a cane and then when he saw her in the light he said she was quite good looking and attractive and younger than he thought. He said he was thinking about getting married to his girlfriend and believe her name was Virginia. They walked to Manito Park and sat down. He became "amorous" and wanted her to go into the bushes with him and engage in sexual activity. He said he wanted to orally copulate her. He kissed her and embraced her and she said she remained calm so he would not grab her as she did not know how to get out of the situation. He said his name was Kevin Coe and he was a realtor and he wanted to be her friend. He gave her his telephone number and business card, she thought from "Roger Crane Realty." He walked to the front of her house and said "Oh, you are so pretty," etc. and she said she was going inside and he said, "Don't you like me?" He grabbed her hand and put it on his genitals and again asked her to go with him into the bushes. She was able to get away from him and entered her house. After that she began to receive phone calls at all hours

of the day and night especially in the past two to three weeks. The person would not speak, just play romantic music. If her husband answered the telephone, the person would hang up.

A Summary of Witnesses and Probable Testimony document, dated 05-28-81, indicated that Coe "recalled talking to a rather obese woman who he feels must be C.R., and that except for certain language quotes, he agrees with her statement."

The victim reported he was wearing a gray jogging outfit, his hair was combed forward, it was short and had bangs. She further stated that about three days or a week after she met him, she read an article in the paper regarding a rape on High Drive and the description of that rapist fit his description. She also identified that Coe had delicate nice hands as identified by the rape victim. The victim identified Coe from a photographic lineup.

Victim R.B. (Spokane Police Department Report 80-48125, 08-26-80): A 39-year-old female was jogging on the street at about 6:30 to 6:40 a.m. when an individual she identified as Coe was jogging toward her. He put his left arm around her throat, pulled her over the bluff, and threatened to kill her with a knife if she looked at him. He told her to remove her clothes, but she could not, because he was holding her down. Finally he pulled up her shirt and he told her again to take everything off. She pulled up her bra and he repeated "Take it off." Then he pulled his pants off and took off the rest of her clothing. He took out her tampon (as in victim J.C.#1). She said she struggled to get a good look at him, but he told her he had a knife and said, "Do what I tell you or I'll kill you." He told her to urinate and defecate. When he told her to urinate, she said she could not. He told her to get on her stomach and then up on her knees, which she did. He got behind her but did not do anything. He asked her how long it had been since she "was laid." She continued to talk to him, and he stated, "Stop babbling so much or I'll jab you in the chest." He also said he would "smash her face in the rocks." He then said, "I can't get it hard because you're talking so much (also said to victim D.L.)." He engaged in vaginal intercourse with her. He made her walk nude while he held her arms behind her further down the hill and told her to continue walking to some trees and then turn around and he had disappeared. While he mentioned having a knife several times, she never saw it, but he did say that he would stab her with a knife. Furthermore, he told her to keep her eyes covered during the sexual assault. She said that he was very rough with her and threatened to kill her if she did not cooperate. The victim sustained a small bruise and laceration on her cheek and scratches and bruises on her back and buttocks area. She was also bleeding from a cut on her left palm.

She also recalled him saying, while threatening her not to look at him, "You know what it feels like to have a knife in your chest." He told her how beautiful her body was and then began to talk about having four children who were all waiting for breakfast and he then told her to put her legs up and urinate and when she

could not, he screamed at her again, "Why not?" and "Do it," but she could not. He then told her to get up on her knees and told her to defecate while he was positioned below her and behind her with his hands on her buttocks. She described him as "really angry" and "so mean." The victim also recalled that he asked her personal questions such as how long it had been since she was "laid." She replied she did not know, and he said, "What's the matter. Don't you like it?"

She described her attacker as a white male, 5'9" – 5'10", early 20s, slim build, thick, medium dark brown hair with bangs, hair to just below ear with lots of body, light complexion, slim, small feminine hands with slim fingers and small fingernails, clean shaven. Wore dark glasses, sweat shirt (may be gray), royal blue nylon-like down vest, gray sweat pants, white dirty tennis shoes with about three blue stripes from arch to shoelaces.

When Ms. G.C. viewed a physical lineup on 03-13-81, she did not identify Mr. Coe as her assailant. On 03-17-81, she talked further regarding a lineup with a detective who asked her about the person she picked in the lineup and she stated that there was a question in her mind between Coe and the individual she chose because they seemed quite similar. She said she was not 100 percent sure regarding the individual she chose. Furthermore, Coe had been observed a number of times in the vicinity where Ms. G.C. was raped. C.R. (Spokane Police Report 81-16179) first noticed him just a few yards from where R.B. lived. There was another complaint on 03-01-81 from Don H. (Spokane Police Report 81-12453) where the victim identified Coe as the person who exposed himself to his daughter and this incident was in close proximity to where R.B. was raped. Furthermore, the special squad who were doing surveillance on COE throughout the night and early morning hours noted that on 03-01-81, Coe was observed leaving his house and he was spotted in the vicinity of the rape. Dr. J.L., a witness on 02-28-81, observed an individual he identified as Mr. Coe also in the vicinity of where the victim was raped and at that time, he was exposing himself.

Ms. G.C. attended Coe's trial. After seeing him on the witness stand, she said that she felt "quite strongly, more so now" that he was her rapist. She especially believed his hands looked like the hands of her rapist.

Dr. Keppel's analysis determined that Coe's "signature" was present for the sexual assault of R.B..

Victim A.J. (Spokane Police Report 81-00830, dated 01-02-81): The victim, a 32-year-old female, was waiting for a bus when a male individual walked towards her, dressed in a gray jogging suit with a blue vest over the top. She reported she "got a good look at him." The perpetrator did not say anything but pulled down his pants and exposed his penis to her. He then returned in a few minutes. She lived across the street and headed for home to get her husband. As she left she noticed him going north of her location. She told police that he may have exposed a dildo to her, but was unsure if it was his penis or a dildo. On 03-25-

81, she viewed a photographic lineup and identified Coe as the person that exposed himself to her. She said "Oh that's him!" upon viewing the photograph. She reported she was "absolutely positive with no doubts whatsoever" that it was Coe.

Victim J.H.#2 (Spokane Police Department Report No. 81-12453, 03-01-81):

A 17-year-old female was jogging at 10:20 a.m. on 03-01-81 on a Sunday. She spotted a male wearing red shorts and a red jogging jacket lying on a bench with his shorts pulled down and he was masturbating. He noticed her and stood up and said something to her although she did not hear it. She had been very close to him. She fled and ran home to call police. She later picked Coe from a police lineup photo stating "It looks like him" but could not be positive. It is notable that the day prior to this incident, Coe was identified in an exposure eight blocks south of this location wearing red shorts and a red sweatshirt. On 03-19-81 police showed her a photographic line-up containing Coe initially without glasses. She said it looked like Coe and one other individual. When shown another photograph of individuals with glasses on, she identified only Coe.

Dr. Keppel determined that there was insufficient information to base a linkage analysis to Coe's "signature" in this case.

Victim J.L. (Spokane Police Department Report No. 81-12453, 03-02-81 and 81-02914, 03-24-81):

This was the first of two exposures that occurred in close proximity in time and location. On 02-28-81 J.L. was jogging in Spokane at 8:45 a.m. on a Saturday morning when he noticed a white male who was approximately six foot tall, 180 pounds, between 22 and 33 years of age with medium length brown hair, jogging. The suspect was running ahead of J.L. and going in the same direction. At that time the victim observed that the male was wearing only a red sweatshirt and had no shorts of any kind on. This person ran past two females who then told J.L. that the man had exposed himself to them. J.L. watched this person drop out of sight over a bank on 33rd and High Drive, and when he came back up he was wearing bright red running shorts. This is the same bank where the R.B. sexual assault was reported to have taken place. The doctor chased him to the area of 28th and High Drive where a man he identified as Coe disappeared. In a photographic lineup, J.L. positively identified Coe without hesitation as being the same person he observed exposing himself to two females.

Dr. Keppel determined that there was insufficient information to base a linkage analysis to Coe's "signature" in this case.

Victim M.G. and witnesses W. L. and W.F. (Spokane Police Department Report No. 81-14019, 03-08-81):

At 10:30 a.m. on 03-08-81 an 18-year-old female was running along a woodchip trail in east Spokane near the Washington Water Power Building. As she was jogging along the trail, a male individual approached her and either exposed his penis or a dildo to her saying "Are you

watching me now, come on, watch" or did she "want to see my cock." He also said something about "ejaculate" and he said to her "Let me see your cunt." He appeared to be "playing with himself." She turned around and ran and then because she was angry about the incident, turned and chased the defendant. She stopped a vehicle coming from a retirement home and the individuals in the vehicle then took chase. Mr. W. F. followed Coe around the area while he attempted to hide and when he re-appeared saw that the perpetrator got into a 1980 silver-over-black Chevrolet Citation with a license plate covered by yellow plastic. They chased the vehicle into an area that dead-ended at the Washington Water Power Building and obtained the license number of the vehicle that was found to be registered to Coe's father, Gordon Coe. Coe was also identified by a security guard, Lewis Leonetti, who observed the two cars, Coe's and W.F.'s cars, chasing each other that ended up in the Washington Water Power area east side. As he walked around the building, he observed two witnesses in pursuit of Coe leave at a high rate of speed. He observed Coe run to his car, enter it and drive off at a high rate of speed. The security officer said he had to jump out of the way or Coe would have run over him. Mr. Leonetti was able to identify Coe's license number. In addition, the defendant was seen by a security guard at the Washington Water Power Company when this incident occurred. All three of these individuals including Mr. W.F.'s wife positively identified Mr. Coe in a physical lineup on 03-13-81 as the person who was involved in the incident.

Dr. Keppel determined that there was insufficient information to base a linkage analysis to Coe's "signature" in this case.

Victim R.B. (Spokane Police Department Report 81-36657, dated 06-22-81):
On 06-22-81, Coe was observed exiting the "The Bath" Massage Parlor. Since in June of 1979, two massage parlor employees were raped, and one of the employees identified Coe as the individual who raped her at Tiger's Den Massage Parlor, the detective requested contact with The Bath Massage Parlor to check employees' welfare and to inquire about Coe's intentions. Detectives interviewed M. S. who advised that she knew Coe from the Tiger's Den and Den of Foxes. She said he was there at 1:00 p.m. at "The Bath" and talked to her and asked the price of massages. Detectives also interviewed R.B. on 06-24-81. She reported that Coe had chased her home one night some time before December 1980, and that she had reported it to police and police gave her a ride home. When she arrived at her home, Coe was there again, hiding behind a tree and was whistling a "weird song at her."

After Coe was arrested for rape, R.B. identified him one day in jail when she was visiting her husband and Coe was visiting with his parents. She told her husband that he was the person who chased her that night some time ago, and her husband told her that it was the "South Hill Rapist." While in "The Bath" Massage Parlor, staff reported that he asked what the prices were and if they accepted credit cards. A staff member responded yes, and he said, "I'll be back later" and left. At this time, R.B. was hiding from Coe behind a curtain. In speaking with

another staff member of the massage parlor, she advised that the prior Monday that Coe "hit all of their massage parlors" and that they tipped each other off about him coming and agreed that they would not give him any service. This resulted because one and a half to two years ago, he was trying to charge on his father's credit card; they called the card and found out that he was not permitted to use it and refused him service. He became belligerent. A year and a half to two years previously, he frequented the "Den of Foxes" and sometimes the "Tiger's Den" on a weekly basis. He would use the name of Harlan Coe or Gordon Coe. The owner of the Tiger's Den, Den of Foxes and The Bath was interviewed. She said that he had frequented the Tiger's Den at 9:00 p.m. the night previously, but employees "just put him off."

Dr. Keppel determined that there was insufficient information to base a linkage analysis to Coe's "signature" in this case.

Victim C.K., (Spokane Police Department Report 84-55414, dated 11-12-84): Sometime in early November, Ms. C.K. was walking when a male who she described as "real nice," in an expensive three-piece suit, approached her, grabbed both of her breasts and twisted them and left. She pulled a hairpin out of her bun she was wearing in her hair and took a swipe at him and grazed the back of his left arm. When he grabbed her, he said, "nice tits" before he took off. She then chased him and swore at him. She went to meet some of her friends and while she was walking, a silver colored Citation drove by once, slowed down, went around the block and came around again. She noticed there were yellow plates on the car and noted that they were too bright to be Oregon plates. When the car came around again, she was trying to get the license number and he took off. It was twilight at the time, but she could see him and later, when Coe was arrested and his picture was in the paper and on television, she recognized him as being the person who assaulted her, saying "There was no doubt in her mind that it was him." She reported she had previously called police about the incident and they said that they would "check around," but she did not know if a report was taken. She said prior to the incident and since then, she had received many obscene phone calls where the suspect would either breathe or laugh and say "[her first name]" like he knew who she was. He then said he was going to come over and ram his "dick" in her and asked if she had ever had it in the rear. She then had her phone number changed to an unlisted phone. She stated that someone also broke in her basement door; however, he was scared off by her dog. She said she received the calls also where she worked in the beauty salon. In fact, she reported the obscene phone calls to police on 01-14-80 (Spokane Police Report 80-02387) where she said she had received the phone calls since February of 1979, and also reported prowlers in the house. No additional work was conducted on this case, according to the police report because there was a lack of evidence as to who the perpetrator was.

HISTORY OF NON-ADJUDICATED OFFENSES WHERE THE VICTIM COULD NOT IDENTIFY MR. COE AS THE PERPETRATOR

Victims:

E.A.	K.K.
S.A.	M.L.#1
F.B.	M.L.#2
J.C.#2	M.M.
L.C.	K.M.
M.D.	R.O.
K.E.	M.R.
K.G.	K.S.
S.H.	S.S.#2
R.H.	M.S.#2
K.H.	C.T.
M.I.	L.T.
S.J.	T.T.
P.K.	D.T.
T.K.	E.W.

These crimes are listed in chronological order.

Victim P.K. (Spokane Police Department Report, No. 79-66727, 12-06-79): A 27-year-old female stated she was walking home and a male was jogging on the same side of the street. As he approached her, he grabbed her and pushed his thumb down her throat so she would not scream. At that time, the perpetrator began dragging her between two bushes. She stated he pushed her to the ground and told her if she screamed, he would hurt her. He told the victim that he had a knife, but the victim did not see one. The victim stated that he achieved penetration of the vagina, but did not ejaculate in her vagina. He talked to her during the sexual assault, in what she described as a "young voice," whispering most of the time. He asked her if she masturbated and if she enjoyed sex and liked sex. He asked her how old she was. She told him she was pregnant. (The victim was three months pregnant.) The perpetrator was continually pushing her face to the side to keep her from seeing his face. He made her turn over, but did not attempt anal intercourse. He began to masturbate and laid down on the victim's back as he achieved ejaculation. He patted her on the back and stated, "You're a nice little lady." The victim stated that he told her not to scream when he left or he would hurt her. He then ran in the direction that he had come from. The victim incurred abrasions on the inside of her lower lip where the perpetrator tried to put his thumb. She described him as having very thick hair, approximately collar length, with a broad square face and small hands. He wore a blue down coat with a white mark across the back and around the sleeves, white socks and dark colored vinyl or leather gloves. He had no facial hair. The victim was contacted on 12-07-79 by police where she gave a very detailed description of the perpetrator. She said his face was broad and he had a square chin. He had fine features, however, she described his voice as that of a young,

possibly even a high school age, individual. She also noted that it looked like he had something like grease underneath his eyes, like the grease football players put underneath their eyes, at the time of the sexual assault. She said he wore jogging shoes with stripes. The victim was transported to Deaconess Hospital where she received the sexual assault examination. She was shown a photographic lineup on 01-07-80, and she eliminated all the pictures but that of John Mounsey. She said it was difficult to tell from the picture, but he seemed to be her assailant. She was scheduled for a hypnosis session on 01-08-80, but never participated in one. On 03-11-80, Ms. P.K. was unable to identify John Mounsey from a physical lineup. At a lineup on 03-13-81, she was unable to identify Mr. Coe as her assailant.

Dr. Keppel's analysis determined that Coe's "signature" was present for the sexual assault of P.K.

Victim D.T. (Spokane Police Department Report, No. 79-1118, 12-29-79): At 7:30 p.m., a 21-year-old female said she had gotten off a bus and was walking when she observed a male across the street. He ran over and grabbed her with one hand on her face and mouth and one hand to the throat. She screamed and he told her, "Be quiet, don't scream." He pulled her through a yard between two houses where he forced her to the ground. He removed her pants entirely and pulled her pantyhose off on one leg and down to the ankle on the other leg. He unbuttoned her blouse and pulled her bra upwards. She attempted to knee him a couple of times, but was restrained continuously by him as he was holding her down. He said he had a knife, but she did not see it. He said, "I won't hurt you," and asked her how old she was and asked her if she had ever been "fucked before." He kept his head lowered so she could not see his features and he kept her head back flat against the ground so she could not see him. He attempted to engage in vaginal intercourse with her but could not because he did not achieve an erection. He masturbated and again attempted to engage in vaginal intercourse with her, but could not. He ejaculated on the outside of her vaginal area, partially laying on her during this time. When he got up to leave, he said, "If you scream, I have a knife to come back and get you." She got dressed and walked to her parents' home where she called police. She had a one-inch scratch on her throat, and the inside of her lip was bruised by a blow from the suspect, possibly when she was first attacked or immediately after. He spoke with her by whispering. The victim went to Deaconess Hospital for a sexual assault examination. Ms. T. was subjected to hypnosis on 01-07-80. There she described him as wearing jeans and grey socks and a dark jacket. He had dark hair, but it was not very long. She also described him as wearing grey sweats, like a runner, and tennis shoes. She recalled him repeatedly hitting her. The victim identified John Mounsey as her attacker in a physical lineup on 01-09-80.

Dr. Keppel's analysis determined that Coe's "signature" was present for the sexual assault of D.T.

Victim T.T. (Spokane Police Department Report No. 79-22961, 04-30-79):

The 18-year-old victim was jogging and she noticed a male that she described as Caucasian, six feet two inches, 180 pounds, 25 years of age, light brown "blow dried" hair over his ears, a khaki coat, light shirt, blue jeans and tennis shoes. He walked up to the victim, grabbed her and put his fingers in her mouth. He hit her in the face with a fist, dragged her to a grassy area and told her to shut up. The victim screamed and broke loose and she fled from the scene. When the victim was interviewed, on 05-01-79, at Lewis and Clark High School, she reported that she immediately began screaming and he told her to shut up and put his fingers down her throat in an attempt to get her to stop screaming and then he hit her in the face with his fist. She incurred a sore nose, but it was not broken or bruised. She also had bruising inside her mouth where he put fingers in her mouth. The entire incident took place while she was standing up. The victim viewed a lineup on 06-24-80 that did not contain Mr. Coe, and the victim identified one of those individuals. On 03-13-81 she viewed a line-up that contained Mr. Coe and she did not identify Coe as her attacker.

Dr. Keppel determined that a more detailed interview or materials were needed to determine if Coe's "signature" was present in this offense.

Victim S.A. (Spokane Police Department Report No. 79-41329, 07-30-79):

A 21-year-old female reported late at night that she left her second story apartment and walked about 50 feet through the driveway to the apartment mailboxes located in the stairwell of the apartment complex. She noticed a man crouching close to the fence and she initially thought someone was playing a joke. He then attacked her and after a brief struggle, they fell to the ground with his hand at her throat as he said, "Bitch, shut up and you won't get hurt." The struggle lasted approximately two minutes and the victim reported she nearly bit through the attacker's index finger. He then stated, "That's all for you, bitch." He absconded and she returned to her apartment and called police. She suffered bruises and cuts to her lips and mouth as well as scratches, bruises and swelling about the neck. She did not feel she was able to identify the subject and there was no indication that she was subject to a lineup. She described the perpetrator as a Caucasian male, five feet 10 inches tall, 17 to 22 years of age, medium build, short brown hair, wearing a vest, blue jeans and long-sleeved shirt. Part of this police report is illegible.

Dr. Keppel determined that there was insufficient information to base a linkage analysis to Coe's "signature" in this case.

Victim C.T. (Spokane Police Department Report No. 79-49024, 09-08-79):

An 18-year-old female reported she left her parents' house and walked to her apartment about 11:15 at night, and she observed a subject walking toward her. When he was about to pass her, he grabbed at her knees and knocked her down to the sidewalk. He held her on the ground on her back and was pulling on her

shorts trying to pull them down, and she was screaming and he kept hitting her. He kept telling her to open her mouth and she stated he was holding his hand in such a way as if he had a pill or something small in his hand to put in her mouth. She stated she would not open her mouth and when she did, she would keep her teeth together. She described the male as Caucasian, early 20s, approximately six feet tall, square blocky build, not heavy-set, with sandy or dark hair. During the assault, a woman yelled out, "Are you alright out there?" although she did not know where the voice came from. Some male witnesses ran up the street to assist her. The victim sustained a cut lip, and abrasions on her left forehead, as well as left shoulder and back. She was taken to the hospital for examination. Under hypnosis she identified her perpetrator as wearing gray sweatpants, a gray sweat top and high top tennis shoes. The victim identified John Mounsey as the individual who assaulted and attempted to rape her during a lineup on 01-09-80. In identifying the perpetrator, C reported that she relied more on the voice than the physical appearance and that she was "pretty sure" but not positive of her identification. A witness to the incident also selected Mounsey as the picture that most closely resembled the attacker but said he was only 50 percent sure of the identification. A coworker of Mounsey reported that Mounsey was working out of town at the time of the sexual assault and Mounsey was not charged in the incident.

Dr. Keppel determined that there was insufficient information to base a linkage analysis to Coe's "signature" in this case.

Victim S.H. (Spokane Police-Sheriff's Additional Report, No. 479-49120, 09-10-79): As she was leaving work at 11:00 p.m. as a radio disc jockey at KJRB, the 20-year-old victim reached for the door of her car and the perpetrator placed his right arm around her neck and began dragging her to a brushy area between KJRB and a service station. He told her to keep quiet and said he was not going to hurt her. When they reached the brushy area he struck her two to three times in the face causing an excessive amount of blood on her face. He also strangled her. He tried to put his hand in her mouth to keep her from screaming and she bit him on his finger. He knocked her to the ground. The victim said he removed her pants, panties and blouse and pushed her bra up without unhooking it. He orally copulated her for several minutes. He asked her to urinate on him. He told her he was going to degrade her and make her feel dirty. He repeatedly told her that he listened to her on the radio all the time and as he did so, he masturbated. He asked her if she ever masturbated and placed her hand in her own groin area and told her to masturbate. He asked her questions such as how she performed it and if she had a boyfriend and was married. He asked her if she ever watched her husband masturbate. He rolled her on her stomach and licked her rectum for several more minutes. He then forced her to lick his rectum. He said he knew where she worked and where she lived and that he would return and kill her if she resisted. Every time she attempted to see his face, he would turn his head or turn the victim's head.

The perpetrator stood up and removed his pants and underwear and laid on top of the victim who was still on her stomach. He attempted to penetrate her rectum with his penis but could not as he did not have an erection. He rolled the victim on her back and attempted vaginal intercourse but was unable to complete the act. He straddled her chest and told her to "suck him off." The victim performed oral copulation but he did not get an erection. He laid down beside the victim and masturbated himself and ejaculated on her leg and groin area. He then asked her how she planned to further her radio career and she told him and he said he enjoyed listening to her and he thought she was very good. He said while he sat at home and masturbated, he always thought it would be a neat idea to rape her and this is something that he's always wanted to do so he just decided to do it. He asked her what she was going to do and she said she would not tell any of the disc jockeys about this because she would be embarrassed. He said "That's right" and said he knew where she lived and where to get hold of her if he had to. He said it would be very stupid to tell them about it. He told the victim to lie still and he dressed and left on foot. This occurred at 2300 hours.

To police she said she believed his voice was the same as a male who called her three times at the radio station, the last time three weeks previously and said he was listening to her and masturbating. He also called her "dear" several times. After the rape she received a number of obscene telephone calls, also.

She described her attacker as a Caucasian male five feet eight inches weighing 150 pounds, dark brown shag style hair with narrow eyes, about 20 to 25 years of age. On 03-13-81 she viewed a physical lineup containing Mr. Coe. She was unable to identify anyone from this lineup.

Police interviewed Virginia "Gini" Perham, Coe's live-in girlfriend and she disclosed the following information about Coe's interest in S.H. (aka "S. S.") a local disc jockey at KJRB radio. Gini stated that Kevin had quite a fascination with her and explained that fascination as an interest from one broadcaster's point of view in another broadcaster's ability. She said that, in fact, he was so interested he had written a letter to her, telling her how much he thought of her broadcasting talents and abilities. Gini was asked if she had ever seen, or had Kevin ever seen, "S.S." and she stated that at one time, she and Kevin had gone to, she thought, Buchanan Chevrolet. Kevin had expressed an interest in a Chevrolet and when they got there, "S.S." was broadcasting from the car lot. She stated that he was quite taken back and fascinated with the presence of "S.S." and that he lost all interest in the purchase of a car and just continued to watch her performance. Gini was asked if "S.S." had seen him and she said she was not sure. Gini was asked what she would say if she was told that "S.S." had been the victim of a rape. She reflected somewhat, was a little shocked, and then stated that she had noticed that he had stood back quite a distance away from "S.S." and had not gone close by and was really fascinated with the broadcaster.

Dr. Keppel's analysis determined that Coe's "signature" was present for the

sexual assault of S.H.

Victim M.M. (Spokane Police Department Report No. 80-01712, 11-19-79):

The victim was a 25-year-old female who was going from her car into her home at approximately 7:00 p.m. When she drove into the alley of her residence, she saw a white male wearing blue and grey jogging clothes, standing by an arc light. She put her car in the garage and was in the process of unlocking the door when she noticed that he was standing next to her. He was exposing himself at the time. He then grabbed her and forced her to the side of the house and made her lie down. He pulled down her jeans and committed an act of oral copulation. After laying her down, he talked to her for awhile and possibly threatened her, but she was unsure. While orally copulating her, he asked her if she was not able to "get off on it." He asked her if she had a boyfriend and if she masturbated.

He then penetrated her vagina from the frontal position with his penis, forced her to turn over on her stomach and again penetrated her vagina with his penis. She reported that he had to masturbate himself to ejaculate. He also fondled her breasts while she was laying on her back. Before he left, he told her that she should be more careful. He told her he had been watching her and watching her undress. She described her attacker as six feet tall, 180 pounds, brown hair, 22 to 24 years old, wearing a blue-gray jogging jacket, gray jogging pants with pockets, tennis shoes and was neat appearing. The incident occurred on 11-19-79 and she reported the incident on 01-09-80. She said she did not report the incident immediately because of the humiliation and she "just wanted to forget about the whole thing." On 01-11-80, she was shown a photographic lineup which included John Mounsey. Without hesitation, she picked the photograph of Mr. Mounsey as her assailant.

Dr. Keppel determined that a more detailed interview or materials were needed to determine if Coe's "signature" was present in this offense.

Victim R.O. (Spokane Police Department, No. 79-65360, 11-30-79):

A 26-year-old female reported that she went to her garage and opened the garage door and noticed a jogger just outside the garage, but did not think much of it because she frequently sees them in the morning. She started to get into her vehicle. He began approaching her. He opened her door and got in just as she got into the vehicle and then attempted to get her into the vehicle. He had locked the door and she kept trying to open it. He pulled his pants down and began fondling himself. She began screaming and honking the horn until the subject ran off. She described him as a Caucasian male, five feet 10 inches tall, 170 pounds, wearing a dark blue stocking cap covering his entire face, a dark shirt, grey sweatpants and running shoes. She also discovered that someone had cut the wires to the light in the garage and that the light bulb was missing.

Dr. Keppel determined that there was insufficient information to base a linkage analysis to Coe's "signature" in this case.

Victim R.H. (Spokane Police Department Report No. 80-15142, 12-10-79):

Rape Crisis was contacted by an anonymous female who used the name "Susan Jones." The victim, age unknown, reported being sexually assaulted on 12-05-79 while jogging. The assailant grabbed her from behind while she was jogging. She struggled and screamed and the assailant hit her in the face with his fist and pulled her off to the side and told her to get down. He unzipped her coat, pulled up her shirt and bra and fondled her breasts. He pulled down her pants and orally copulated her vagina and anus. He asked questions about her sexual experiences and attempted intercourse unsuccessfully. He told her to say "Fuck my cunt," and asked her if her husband had a big penis. He talked about his "juice" and not having been able to "get it off." The rest of the description of the sexual assault was not legible. She identified her attacker as between 25 and 30 years old, five foot eight inches to five foot ten inches, 170 to 190 pounds with dark hair, clean shaven. She described him as having fine features with a square chin. He wore a quilted light tan jacket, jeans or sweatpants and running shoes. She initially identified John Mounsey as the perpetrator. This report is limited because the documents are largely illegible.

Victim K.M. (Spokane Police Department Report No. 80-0466, 01-07-80):

A Summary of Facts contained in the Police Report, indicated that on 01-02-80 between 6:10 p.m. and 6:40 p.m., the victim (unknown age) exited a bus and observed the perpetrator standing between tall shrubs that she passed. She was grabbed by him with a hand over her mouth and he pushed her into the bushes and she struggled. He assaulted her numerous times and made the statement that if she did not stop fighting, he was going to take out his knife. He attempted to get her pants off, but before he could, she broke free and crawled through the bushes. He caught her again and hit her hard several times in the stomach, knocking the wind out of her. He attempted to pull her back into the bushes, but she was able to break free and run across the street where she was picked up by a local resident. He took her to his residence where police were called. She was interviewed under hypnosis on 01-04-80, then viewed a photographic lineup where she identified a John Mounsey as her assailant. On 03-13-81, Ms. K.M. viewed a lineup containing Mr. Coe and she did not identify anyone in the lineup.

Dr. Keppel determined that there was insufficient information to base a linkage analysis to Coe's "signature in this case.

Victim M.L.#1 (Spokane Police Department Report No. 80-13569, 03-11-80):

A 27-year-old female was walking on the street at 11:00 p.m. on 03-11-80 when the perpetrator emerged from a staircase (on a sloping hill) and put his arms around her throat. She screamed and he said, "I'll put a knife to your throat if you don't do what I say." He did not display a knife at this time. He then pulled her up the stairs and into the front lawn, keeping his arm around her neck. He laid down and told her to take off her clothes. He then took off her shoes, pants and underclothes while she took off her jacket, sweater and bra. He then crouched

over her and told her "Keep your eyes closed." He began asking her questions and demanding quick answers. "Did you piss yet? If you don't, I'll hurt you." "Do you use the word cunt?" "Do you know what jizz is?" "Do you masturbate?" "Show me how." In a later interview on 03-11-80, the victim reported that she believed the questions he asked at the time of pulling her into the yard were questions necessary for him to become sexually excited. Questions she could recall were, "How old are you?" "When did you last have sex, and who with?" "Did you get off?" She stated if she was slow in answering he would jump right back on the question with "What did you say?" She stated that there was one unusual statement he made at the time of having intercourse with her. "I'm fucking you now, I have your panties down." She said that the perpetrator made this statement three or four times during the sexual act. After she was abducted and he asked her lewd questions, the victim attempted to urinate, but could not. She then put her finger in her vagina to show him how she masturbated. He could not get an erection so he told her to give him a "blow job" which she did and he got an erection and penetrated her vagina twice, ejaculating the second time. He got up and put his clothes on, but would not permit her to get dressed. He laid down beside her and told her to look away, keeping her eyes closed. She said she was cold, and he said he wanted to look at her and needed time to figure out what to do next. This time he began to ask her questions about school, where she lived and if she had any money. She said she did not have any money, but he wanted to see her wallet. She showed him her wallet and he said, "Don't you have any twenties?" She said no. He said he did not want her small change and told her to keep it, then stood up and said, "You can get dressed now, I'm taking off, if you scream, I'll be back with a knife. If I were you, I wouldn't say anything." He then walked away. The victim dressed and walked to a hotel where she found police. In addition to the sexual acts described, he also penetrated her vagina with his finger and also her rectum and said "I have to have this." She also reported to police that she thought that he had planned the rape and she reported that no attempt was made by the perpetrator to place his thumb or fingers in her mouth during the attack. She described the suspect as a Caucasian male, five foot ten inches, 150 pounds, blond colored hair, 20 to 25 years of age, wearing a blue down vest, dark plaid shirt and jeans. On 03-13-81, she viewed a lineup containing Mr. Coe and did not make an identification.

Dr. Keppel's analysis determined that Coe's "signature" was present for the sexual assault of M. L.

Victim M.D. (Spokane Police Department Report No. 80-18637, 04-04-80): A 19-year-old female was jogging and could see the perpetrator walking on the street. She said at the time, she did not think much about it and continued jogging south. She said she jogged by him a few feet and he grabbed her and she screamed. She broke away a couple of times, but he was able to grab her again and they wrestled. She said he forced her across a dirt field. She was trying to escape the entire time. She said they fell to the ground two or three times while crossing the field. He forced her to a grassy area between two

outbuildings near an alley. The perpetrator kept telling her to quit screaming, that he had a knife and if she did not stop, he would use it. At the grassy area, she tried to talk him out of the assault and kept asking him to quit and let her go. On the grassy area, he pushed her to the ground with her face to the ground so she could not breathe at this point. He rolled her over on her back and told her to take her pants off. When she did not, she said he took her pants off and pulled her shirt up to her neck. He pulled his pants down to his knees. He fondled her breasts and licked and kissed them. After that, he told her how pretty her breasts were. He had her put her finger in his anus. He engaged in vaginal intercourse and without ejaculating, pulled his penis out and forced her to orally copulate him. He asked her if she wanted him to ejaculate in her mouth and she said no, and he did not. He engaged in vaginal intercourse a second time and ejaculated in her vagina. He forced her to orally copulate him again. She said he stopped, got up and threw her clothes at her, at which time she got dressed. He walked her in front of him, telling her not to look back to the street. She ran home. She reported a total of two acts of sexual intercourse and three acts of oral copulation. He told her during the incident that he had seen her running on the street before and he said he knew where she lived. When he let her go, he told her not to tell police or he would kill her. She was examined at the hospital for evidence. She described her attacker as a Caucasian male in his 20s, six feet tall, 150 to 160 pounds, brown collar length hair that was "kind of feathered-like", average build, two to three days growth of beard, wearing blue jeans and brown and maroon leather-looking waist length jacket. On 01-13-81, the victim viewed a lineup containing Mr. Coe, and she was unable to identify her attacker.

Dr. Keppel's analysis determined that Coe's "signature" was present for the sexual assault of M.D.

Victim E.W. (Spokane Police Department Report 80-21085 04-16-80): A 22-year-old female was running at 9:30 p.m. and passed a male who grabbed her around her neck with right arm. She could not breathe and she passed out or was knocked out when she hit a tree. The next thing she remembered was that she was in the center of a play area at the Franklin School. Her attacker was standing over her and she felt bruises on her face, neck and forehead. The perpetrator told her to take off her top, at first she would not and then he stated he had a knife and threatened to use it. She took off her top and was forced to remove her pants at this time. She told him she had VD and started to tell the subject some of the symptoms of VD, like blindness. She screamed during the first part of the assault, but did not scream during this time. For some time, he made her lay in the field naked, and looked at her. Each time she would attempt to look at him, he would turn his head away. He asked her if she had been "laid before" and told her she was just stalling for time with the VD story. After some time, she told him again she had VD and he began to believe her and said "I'm splitting," and then ran into the woods. She described him as a Caucasian male, five foot eight inches to six feet, medium build, straight brown dark collar length style hair, a sharp chin, 18 to 21 years of age, navy blue jacket with zipper, blue

jeans, yellow running shoes (had orange stripe and waffle type pattern sole) and dark blue plaid shirt. The victim incurred a cut on her chin which later required 17 stitches where the gravel had been embedded in her jawbone. She sustained a chipped bone and chipped teeth on both sides and cuts on her tongue. On 03-13-81, the victim was unable to attend a physical lineup containing Mr. Coe. She subsequently viewed a photograph of the lineup, but did not identify Mr. Coe as her attacker.

Dr. Keppel determined that a more detailed interview or materials were needed to determine if Coe's "signature" was present in this offense.

Victim S.S.#2 (Spokane Police Department Report No. 80-25859, 05-11-80):

A 42-year-old female reported that she was jogging when she became aware of someone running behind her. She glanced over her shoulder and observed the perpetrator and was aware he was jogging in jeans and a jeans jacket, at the time recalling that was unusual. She stated the next thing she was aware of was that he threw his arms around her, tackled her and threw her into the brush on the side of the road. He made no threatening comments, only that she should not make any noise. He pushed her sweatshirt and bra up and immediately placed his mouth over her breast. He tried to put his hand down the front of her pants. She said she was attempting to use her mace, however, was unable. She told him, "There are a lot of people in cars. You're going to get caught." She stated that he got up and she is not certain why she believes he then laughed and ran off. The victim received a small cut on the right leg and a cut on her stomach. She described him as a Caucasian male, approximately 23 years old, five feet five inches and weighing 135 to 140 pounds. He had a narrow beard and possibly a mustache. His hair was brown and medium length. She advised that she did feel she would be able to identify him if she observed him again. On 03-10-81, she observed a lineup containing Mr. Coe but did not identify him as the perpetrator.

Dr. Keppel determined that there was insufficient information to base a linkage analysis to Coe's "signature" in this case.

Victim E.A. (Spokane Police Department Report No. 80-25819 05-13-80):

A 19-year-old female reported that she left her friend's house at 7:50 p.m. and she felt that someone was behind her as she was traveling home. She saw a man jogging down the street. She said when he became close, he put an arm around her neck and as she struggled, he tightened his grip. She fell into a ditch and he lifted her by the neck and dragged her through the grass as he choked her. She said she fell two times and both times he picked her up by the neck. Once they got near a tree, he turned his attention away from her for a few moments at which time, she started to get up. However, as soon as she started to get up, he grabbed her by the ankles and whipped out a knife and said, 'Do everything I say, and you won't get hurt.' She said he kept pushing her head back and saying to her, "Don't look or you'll get killed." He then took her clothing off. She

said he ripped off one of the small hooks or loops on her dress and then she took the rest of the parts of her dress off. She said that he said repeatedly that he was going to kill her if she did not shut up. He threw her clothes to the side. She told him to pick them up because she did not want to have to look for all her clothing, and he disregarded what she said. He kissed her and then he laid in the grass, after he had taken all of her clothing off with the exception of her jewelry. He started to fondle her vaginal area and then orally copulated her with one hand on the knife pointed near her stomach at all times. When he was orally copulating her, he said, "Ya got a nice pussy." He put his tongue inside of her vagina and placed his finger in her vagina, then he began to lick her breasts. He digitally penetrated her for 10 to 15 minutes and repeated over and over that she had "a nice pussy" and that "He'd like put his cock in her." She kept telling him to "knock it off" and he repeated, "Shut up and you won't get hurt." He then said "Now I want you to suck me off," and she refused and he repeated his threat to kill her if she did not cooperate. He said if she bit him or did anything wrong, he would put the knife through her neck, then he orally copulated her and had her orally copulate him again. The second time he orally copulated her, he told her to concentrate on how much fun she was having. She told him she was not having fun and he seemed apologetic when he told her he could understand under the circumstances. Also, she said it just made her sick. He inserted his penis in her vagina and engaged in sexual intercourse with the victim. She said it took, "a long time" and he placed her legs up against her own chest. After some time, he let her move her legs down as they were tired, but continued to engage in sexual intercourse until he ejaculated. Then he started kissing her, but she kept trying to get away. He started sucking on her breasts and told her he was going to orally copulate her again, which he did for "quite a long time" and he told her that he wanted her to "get off." He said that he wanted to "put his cock" in her. He again engaged in sexual intercourse with her and laid on his side with his arm around her neck and said, "You're gonna watch me jerk off." She said at one point during this, she moved her hand near her vagina in an attempt to cover it up, and he told her to move it. When he ejaculated, he told her to watch it come out, "It's coming, it's coming." He pulled his pants up and said, "You're a real nice girl, too bad it had to happen this way. I had no intention of killing you in the first place," and then he took off. She put her clothes back on and walked home. She also reported that he had taken her glasses off and flung them away at the beginning when he removed her clothing, and he told her to "lean up against the tree and take a piss." She said she did not have to, at which point, he began to orally copulate her. She also said he wanted her to continually "touch his ass," saying to her, "just feel it up." She described her assailant as a Caucasian male, six feet to six one, thin build, light brown to dark brown wavy hair, medium length over the ears almost to the shoulders in back, 30 to 35 years, wearing gray two-piece jogging suit. There were no records indicating the victim viewed a physical or photographic line-up of suspects.

Dr. Keppel's analysis determined that Coe's "signature" was present for the sexual assault of E.A.

Victim L.T. (Spokane Police Report No. 80-28065, 05-23-80): A 16-year-old female reported she had just gotten off a bus and was walking in the middle of the street at 10:30 p.m. The perpetrator jumped out of some bushes, ran up to her and put a hand over his mouth and said, "If you scream, I'll put a knife in you." He then forced her toward a vacant lot and they fell down. He made her get up and go further into the field about 40 feet from the road edge. He had the victim take all her clothing off and lie down. He engaged in sexual intercourse with her and she reported that he had an orgasm. He got up, pulled his pants on and started to walk away. He got into the street and turned around and came back to the victim, told her not to call police and then left. The victim heard a car leave the area after he left the scene of the attack. She put on her clothes and went back and told her parents. She was very upset and did not want to call police or have them involved, but was talked into going to the hospital for an examination. She incurred marks and bruises around her throat. She described her attacker as a Caucasian male, five eleven, 160 pounds, brown hair, about 20 years old, blue jacket and blue jeans. On 03-13-81, the victim viewed a physical lineup containing Mr. Coe, and she did not identify him at the lineup.

Dr. Keppel's analysis determined that the facts of the case "look close" to Coe's "signature" but the victim was uncooperative with police so the facts of the case were insufficient for a definitive conclusion.

Victim K.G. (Spokane Police Department Report No. 80-29391, 06-06-80): A 33 year-old female was walking on the street at 4:30 p.m. and the suspect grabbed her and rolled her down a hill. He had a black handled pocket knife. He told her not to scream. She said "Don't hurt me" and "I'll be quiet if you put the knife away." He put the knife away and unbuttoned her blouse and pants. He took his mask off and told her not to look at him. He fondled her vaginal area and told her to get onto her hands and knees. He pulled her pants off and attempted sexual intercourse with her. She did not believe he made penetration but she was unsure. After this he sat and talked with her a short time admitting he had a girlfriend. He apologized for sexual assaulting her. He said he would never do anything like that again and retrieved the victim's glasses. He left on foot. The victim went to Deaconess Hospital for an examination. Under hypnosis, on 06-06-80, she described her attacker as having curly hair, swept to the left side of his forehead and a broad forehead. His hair was medium to light brown and his eyes were "wild looking." She thought he had blue eyes and he was wearing a white tee shirt and a light blue checked long-sleeved flannel shirt and brown slacks that were something like denim and brown shoes such as hiking boots. His breath smelled of cigarette smoke or alcohol, but she said she did not try to look at him after she saw he had a knife. She said his hands looked like a laborer's hand. She incurred some injuries, her back was bruised and scratched and her legs were bruised around the ankles as well as bruises on her finger or thumb. On 03-13-81, she viewed a physical lineup containing Mr. Coe,

but was unable to identify anyone. She did, however, say that she thought it was probably number two or number three and Mr. Coe was number two.

Dr. Keppel determined that there was insufficient information to base a linkage analysis to Coe's "signature" in this case.

Victim T.K. (Spokane Police Department Report No. 80-23157 06-20-80): A 22-year-old female exited a bus on 06-20-80 around midnight coming from a girlfriend's house and the perpetrator approached her on foot and grabbed her by the neck. She fought as hard as she could, but could not overcome him, and he threw her to the ground. He continued choking her and cutting off her air supply. She struggled, managing to get air and scream. He thrust two or three fingers into her mouth and told her he had a knife, and if she screamed again he would kill her. He moved her to a grassy area, putting her face down away from him and commanded her to take off her clothes which she did. He also fondled her breasts and inserted his finger into her vagina, after which he licked his finger. He laid on top of her and he engaged in vaginal intercourse with the victim for 10 to 15 minutes which she described as being very painful. He ejaculated in the victim's vagina. During the intercourse, he stated a number of comments, "How old are you." "What's your name?" "Where were you going?" "Where were you coming from?" "Don't look at me." "Don't tell the police and report this or I will kill you." "I know this neighborhood about where you live." "You're a curious person, aren't you?" "How do you like this?" "God, this feels good." "Do you know how much a guy needs this?" He asked her if she knew what would happen if he "shit inside me" and she said no. Then he asked her if she knew how good it would feel if he did that and how good it would feel for him. When he stopped, she was crying and he got up and continued to make her lie with her face away from him and he absconded. He threatened to kill her if she looked at him. Right before he left, he said, 'Don't move or scream or I'll come back and kill you.'" She explained that her fear of what happened kept her from reporting the incident immediately. She described her attacker as a Caucasian male in his mid-20s, five eight to five ten, medium build, light brown hair, slightly wavy medium length hair wearing a dark color down vest or jacket and jeans. On 03-20-81, the victim was shown a photograph of a lineup that had been conducted in person on 03-13-81 that contained Mr. Coe. She was unable to identify anyone in the lineup photo.

Dr. Keppel's analysis determined that Coe's "signature" was present for the sexual assault of T.K..

Victim M.R. (Spokane Police Department Report No. 80-34242, 06-21-80): At 11:20 p.m. a 21-year-old African-American female reported that on the night she was attacked she had been staying with friends. She found she had the wrong key to their apartment and, therefore, walked toward another location and observed her attacker walking down the hill toward her with a "swinging walk." He waited until he was just past her and grabbed her with his right arm around

her throat. She yelled "Help." He choked her tightly and said, "Don't say anything," and dragged her and pushed her down and said, "I'm going to hurt you if you don't do what I say." He was "all hyped up and paranoid." She told him that she was having health problems and she sobbed and "got to his emotions" and he let go on the choke-hold and told her not to get loud and he was very determined. He was behind her and she told him that she had to take her medicine. He said "Grab your purse and come back with me." She just laid there and stalled for time. He hit her on the side of the head about three different times. She reached for her purse, still stalling. He said, "What's wrong, are you drunk?" She stated, "No, I'm sick." She said she then became overdramatic. He said, "Okay, just relax. I mean it, if you don't, I'll hurt you." He then put his hands up her shirt and tried to pull her pants off without unbuttoning her pants. She stated she was very weak and scared and she nonchalantly untied her shoes, hoping for a chance to run and he said, "Take your pants off, take your underwear off." She would not get up and would not take her pants off. He tried to pull her up and she just dropped back to the ground. He again hit her on the side of her head. She grabbed her purse. He pushed her down and put her head to the ground and put his hands over her mouth and she figured someone must be going by. Then she heard some girls laughing and saw the heads of two girls going by. She pulled his hands off and screamed. He took off running and she ran and the girls, who appeared to be 17 or 18 years of age, screamed and took off running, too, and threw the bag they were carrying as they ran. She stated she ran to another residence and she felt like he was right behind her. She viewed a physical lineup that did not contain Mr. Coe, and she was unable to identify anyone. She was termed a "reluctant victim" and ultimately police were unable to make further contact with her.

Dr. Keppel determined that there was insufficient information to base a linkage analysis to Coe's "signature" in this case.

Victim S.J. (Spokane Police Department Report No. 80-40269, 07-20-80): A 34-year-old female victim had worked at Squire Tavern near University City. She got off work about 2:00 a.m., and a friend usually met her when she got off work. He did not show up, so she drove home without him. While she was driving home, she did not notice anyone following her or anything unusual. She reached her residence at 2:15 or 2:20 p.m. She parked her car in the street and got out of her car and glanced over and noticed a male walking towards her crossing the street. At that time, she glanced briefly and noticed the side of his face and noticed that he had his hands in his pockets. She cut across the lawn area towards her apartment building and did not hear the perpetrator behind her. She was about four feet from the steps of the main entrance when she was grabbed from behind. He put his right arm around her throat and tried to choke her. She tried to scream, however, she was unable to make any noise at all. He tightened his grip around her throat and threatened her if she screamed that he had a knife and he would use it on her. He also told her that if she looked at him, he would put a knife in her. She did not know whether he actually had a knife. He said,

"Don't scream and I won't hurt you." He told her to take off all of her clothing and laid beside her. She started to remove her clothes and then started to scream, but he told her that he would put a knife into her if she made any noise. He asked her age and said, "I need a little," and she removed the rest of her clothing. He engaged in vaginal intercourse with her and asked her things like when was the last time she had intercourse and "Does your husband dump a load when he does it?" He also said he attacked her because he was "horny." While he was having sexual intercourse with her, he was using his right hand to pat her on the head. It is unknown as to why he was doing that; however, she was crying. He asked her how much money she had. She said four dollars. He said, "That's okay. It's not enough." He asked her "When was the last time you made love?" and he asked her where she worked. When he was finished, he said, "I'm going to leave in a couple of seconds. Get your clothes on, I'm going to run. If you scream or holler, I'll come back and knife you where you won't be able to talk at all." He told her he was going to watch her and her apartment and if he saw any cops, he was going to get her for it. The victim incurred a cut on her right upper lip, and abrasions on her neck and on her upper clavicle. She had chest tenderness. She put on her clothes and went back to her apartment and called her landlords and her landlords came to her apartment at which time she told them what had happened and they contacted police.

She described him as Caucasian, six feet to six feet two, about 170 pounds to 190 pounds, early 30s to mid-30s, sandy colored curly short hair and a soft voice - unless he was whispering - and sandy colored white pants and sandy colored white jacket which appeared like a teardrop design on either side of the chest area. She could not see him, therefore, she was unable to do a composite drawing, but she could tell he had sandy curly hair she observed from the street light. After hypnosis she was still unable to visualize the suspect's face because it was too dark during the assault. The victim was shown numerous pictures. She identified an individual from photographs which she was shown and stated "This guy looks like the guy - I don't know." She said she picked the picture because of the face and hair, but did not notice the face, "just took a quick glance and that was it." She was not shown a picture of Mr. Coe at the time. On 03-13-81, she viewed a physical lineup containing Mr. Coe and she did not identify him as the one who raped her.

Dr. Keppel's analysis determined that Coe's "signature" was present for the sexual assault of S J

Victim F.B. (Spokane Police Department Report 80-41546, 07-26-80): A 30-year-old female was at a friend's house at approximately 3:00 a.m. on 07-26-80, but left the friend's house by car. After arriving at a residence where she was house sitting, she got out of her car and went to the door of the house and inserted a key when she saw someone walking to the gate. It was a man she did not recognize and he was running towards her. She identified "red marks" under his eyes which frightened her and she tried to get in the house as fast as she

could. He said, "You're coming with me." She said, "No, I'm not," and started screaming and he told her to shut up and not to struggle with him and pulled her down the steps, and we "sort of both fell to the garden by the deck and he kept yelling at me not to scream and told me if I came with him, he wouldn't hurt me and he tried to force me to be quiet. I can't remember exactly what he was doing, but I remember thinking that my jaw was going to break because it hurt so bad. I think he had his hand in my mouth...While he was grabbing my face, opening my jaw and shoving his fingers down my throat and he was pushing so hard I think that's what was...He was pushing my jaw so far open." She said this was because she was screaming and fighting. When she would not quiet, he took both hands and choked her. She then remembered being on the front of the lawn, feeling as if she had been dreaming, but then realized he was dragging her. He was telling her to stand up and walk. She noted he had gloves on both hands and that he shoved his left hand way down her throat against the back of her mouth so she could not fight or scream or talk and his right arm was around her. As they came near a house with lights on where she was familiar with the residents, she screamed as loudly as she could. He grabbed her and kept hold of her, but he jerked her and slapped her around a little bit. He threw her in some bushes at the next dark house. She heard a car drive by and he said he was going to stab her if she did not "shut up" and he said "shut up bitch." He got control of her again. She reported he was "very angry by this time." She thought that she should be quiet or she would be hurt. He shook her a few times, saying "Why did you scream, why did you scream?" and continued to walk with her through a gate and into a football field. He threw her into some bushes and told her to take her clothes off. She sat there for a minute and he screamed for her to take her clothes off, so she complied. He told her that he would not hurt her. He asked her how old she was and then he took off his right glove and put his fingers in her vagina, and asked her how long it had been since she had "been laid." A siren sounded and he said, "I wonder if that's for you," and he took off immediately. She put on some of her clothing, grabbed the rest, leaving her panties and ran out the same way she came in, yelling for her friend when a police car pulled up to her and took her to her house where she was house sitting so she could get her key which had been left in the back door lock, and her purse, which was by the back gate. Police found that the screen had been cut in her front screen door. Furthermore, the screen door was unlocked in the front, and the screen door had always been locked in the past. She reported that the perpetrator was distracted before he had sexual intercourse with her and he touched her nowhere on her body except when he put his finger in her vagina.

In a hypnosis session, she remembered that she bit his hand when he had one of his fingers in her mouth. He said things like, "I'm going to get you." "You're going to come with me." He shook her when she yelled. When he shoved her in the bushes, he said if she was not quiet, he would stab her. He called her a "bitch." He continued to tell her not to look at him. She incurred abrasions on her feet, below her right eye, her left knee and a large abrasion about two or three inches in diameter on her back just behind and below her right arm. Her

lips were swollen after the incident and her throat hurt where he had scrapped her and choked her. She described him as being six feet tall, having a thin face, high cheekbones, sunken cheeks, long nose, hair color was light sandy-brown and kind of dirty and "flippy curly," hair parted in the middle, mouth "kind of thin," high forehead and pinkish red marks under his eyes. His hair was a little below the ears and longer in the back and he wore a coat that was buttoned partway up and described as a plaid shirt-jacket. He was wearing tan pants, possibly corduroy, and dirty tennis shoes with yellow stripes on the side. He had black simulated leather gloves. He was five nine to five ten, lean build. The victim required the use of crutches after the incident. On 03-10-81, after Coe's arrest, F.B. viewed a physical lineup and picked another individual. She was unable to identify Coe. Queried about it later she said she was not convinced in her mind that the one she picked was her suspect. She requested to see the picture of the lineup again. On 04-23-81 she was shown the picture of the lineup with Coe in it from 03-13-81 and she said the suspect she picked was too big in the neck.

Victim M.I. (Spokane Police Department Report No. 80-49954, 09-04-80): At 6:50 a.m. a 27-year-old female was walking and passed a Caucasian male and said hello while she was doing stretching exercises. She was at a park preparing to go jogging. She was attacked from behind. He put his arm around her throat and dragged her down a hill under a foot bridge. He said, "Do you want to be hurt," "Don't say anything and don't make any noise." "If you don't cooperate, I'll put a knife through you" The victim did not see a knife. She talked to him and tried to reason with him, and said a girlfriend was coming and that she was having her period. He forcibly pulled down her pants and pulled up her shirt. She struggled the entire time. For an unknown reason, he stopped, jumped up and ran away. The victim received a bloody nose from the struggle. She incurred a number of injuries including soreness to her neck and scratches on her left ear and neck. Her neck was swollen. On 03-10-81, the victim was shown a physical lineup and identified another individual and not Coe as her attacker. She admitted she was not sure about his identity "at all."

Dr. Keppel determined that a more detailed interview or materials were needed to determine if Coe's "signature" was present in this offense.

Victim K.K. (Spokane Police Department Report No. 80-54521 09-25-80): At 11:25 p.m. a 20-year-old female victim reported she observed her attacker walking along the street. After she parked her car across from some apartment buildings, she said she thought that the subject was in the area when she got out of her car. After exiting the vehicle, he came from behind another vehicle and grabbed the victim and dragged her into the bushes. The perpetrator was wearing leather gloves and he put the thumb of his right hand in her mouth and covered the rest of her face with his fingers. The victim was screaming and the perpetrator kept telling her to just cooperate and he would not hurt her. He repeated this several times. He took her pants down partway, and touched her breasts, and he was startled by a noise. He noticed another apartment dweller

watching from his apartment and he fled. Ms. K.K. was shown a photographic lineup on 03-19-81 that contained a picture of Mr. Coe. She was not able to identify anyone in the photos and stated that it had been too long and she could not identify her attacker.

Dr. Keppel's analysis determined that the beginnings of Coe's "signature" was present for the sexual assault of K.K. but that there was insufficient evidence for a complete signature due to the assault being interrupted. He noted the assault was probably perpetrated by Coe.

Victim L.C. (Spokane Police Department Report, No. 80-54445, 09-26-80):

Ms. C reported that she exited a bus and while walking home was confronted by a male who was "jacking off." He asked her, "How do you like this?" At that time she called him a "sick pervert." She said that he grabbed her by the arm with one hand and grabbed her breasts with the other hand. At this time, she told him to turn her loose, and she then jerked away from him and told him not to lay another hand on her, and that she was going to call the police if he attempted to touch her again. She said she was going to "cut his balls off." She stated he looked at her for a minute and then made a movement as if he were going to grab her again and she told him, "Come on ahead, you sonofabitch." She stated she just turned and started walking away and lost sight of him. She stated that if she were to see him again, she thought she might know him. She looked at a number of composites of mug shots not containing Mr. Coe and was not able to identify anyone. She said he wore a dark blue lightweight nylon-type windbreaker and faded jeans. He was fair complected and thought he would not have to shave often. His hair was light brown or medium blond, collar length. There is no information in the records to indicate that she was shown a physical or photographic lineup containing Mr. Coe.

Dr. Keppel determined that there was insufficient information to base a linkage analysis to Coe's "signature" in this case.

Victim K.E. (Spokane Police Department Report No. 80-56585, 10-06-80):

The victim, a 21-year-old female, reported that she had gotten off a bus at 9:15 p.m. at 11th and Madison streets. She was walking when a male ran toward her and put his hand over her mouth, pushed her to the sidewalk and put at least two fingers down her throat. A dog came out and started barking and scared the subject away. The victim described the suspect as a Caucasian male in his early 20s, five feet nine inches tall, 175 pounds with black, padded gloves, a dark stocking cap, and a Scandinavian type of sweater. He was not dressed as a jogger. It is notable that the Scandinavian sweater that was taken from Coe's house during a search seemed to fit the description given by the victim. The victim received several minor abrasions on her right elbow and under her chin and to her forehead, but declined medical treatment. The victim viewed a physical lineup on 03-13-81 containing Mr. Coe, but she did not identify anyone in the lineup.

Dr. Keppel's analysis determined that a partial Coe's "signature" was present for the sexual assault of K.E., but that there was insufficient evidence for a complete "signature" due to the assault being interrupted. He noted the assault was probably perpetrated by Coe.

Victim K.S. (Spokane Police Department Report No. 80-63874,11-11-80): A 17-year-old female reported that while she was walking her dog, she bent down near a pine tree to pick up a pine cone for her dog to retrieve, and she saw a pair of tennis shoes and the perpetrator was hiding behind the tree. He grabbed the victim, who was still bent over, around the chest from behind. She struck him in the groin with her right elbow and he threw her against the tree. She hit her face and received a small laceration on the left cheek. The perpetrator then took off running and before he left he stated "You bitch," in a low voice. The attacker wore faded blue jeans with a rip in the right knee and frayed bottoms on the pants and a blue nylon jacket with red tennis shoes. She described him as 180 to 200 pounds, stocky build, black collar length hair and being 18 to 21 years of age. On 03-13-81, the victim viewed a physical lineup containing Mr. Coe. She was unable to identify her perpetrator.

Dr. Keppel determined that there was insufficient information to base a linkage analysis to Coe's "signature" in this case.

Victim M.L.#2 (Spokane Police Department Report No. 80-64196, 11-13-80): At 2:45 a.m., a 27-year-old female reported that the perpetrator approached her in jogging fashion while she was walking in the middle of the street and he yelled, "Hey, wait a minute." The victim works nights and had taken the bus home and then walked to her apartment. She became afraid and kept walking without looking back. He grabbed her from behind with his right arm and she recalled biting his right index finger. After she bit him, he struck her with his fist in the mouth and near her right eye, causing swelling and a cut inside her upper lip with bruises near the corner of her eye. He wore a pair of leather gloves and told her to keep her mouth shut and asked what was she doing out so late. He also asked her if she had a boyfriend and when was the last time she had sex with her boyfriend, and he asked if she enjoyed sex with her boyfriend the last time she had it. The only thing she said during the assault was "Just don't hurt me." He dragged her into the park while choking her and hitting her. He tore open her blouse and pulled up her bra and removed her pants and panties. He stated to her, "You don't know how bad I need this. Keep your mouth shut and I won't hurt you." Also during the attack, the perpetrator managed to pull his pants partially down and was on his knees to the left of her body when he began to fondle her breasts with his left hand while holding her to the ground with his right forearm. He fondled her breasts for a short period of time and then moved his hand down to her vaginal area. She also reported he put his hand in her mouth and pulled her lower jaw down. She was able to get her foot free and kicked him in the groin, disabling him. She jumped up with her clothes partially on and ran into the

street. She was able to escape and ran back to her apartment. She could not see his face as her glasses had been knocked off. She described the perpetrator as six foot one, 170 pounds, shoulder length dark hair, 20 to 22 years of age, wearing a dark blue knit jogging jacket with diagonal light blue stripes, faded jeans, jogging shorts and dark suede gloves. On 03-13-81, the victim participated in a physical lineup containing Mr. Coe, and she was unable to identify anyone at the lineup.

Dr. Keppel's analysis determined that Coe's "signature" was present for the sexual assault of M.L.#2 up until the victim "knead" the perpetrator. Dr. Keppel termed the sexual assault "classic South Hill Rapist signature."

Victim J.C. (Spokane Police Department Report No. 80-67492, 11-30-80): A 16-year-old female reported she rode the bus home on the evening after she got off work on 11-30-80. Usually her mother picks her up, but on this day, she rode the bus because her mother was out of town. At 5:45 p.m. she saw a male in the bushes and went to the center of the street, then a car came by so she went to the other side of the street. At this point, he was jogging past her when he grabbed her right shoulder and put his right arm around her neck. Her back was to the suspect who dragged her to the south and stated to her, "Don't scream. You want a knife in your back?" She could not scream because of the choke hold he had on her. He pushed her to the ground and told her not to make any noise or she would be lucky to get away without being stabbed. He told her to take off her coat and unbutton her dress, and she was told to hurry. While she was doing this, the subject stated, "Fuck" several times. He asked her if she had a boyfriend and if they "fucked." He also wanted to know the last time that they "fucked," and he asked her if she was a virgin. He asked her name and told her to take off her slip and nylons and to unfasten her bra and told her to take off her underpants. At the time that he was fondling and kissing her breasts, he was talking "as filthy as he could" and referred to her vaginal area as "a cunt." He digitally penetrated her vagina, moving his finger up and down and told her to be calm. He then inserted his penis into her vagina and she said it took him, "a long time for him to have an orgasm." During the sexual intercourse he pushed her head to the side and covered her head. He withdrew his penis from her vagina and masturbated on the victim, ejaculating. He told the victim to turn over on her stomach and patted her on the bottom. He got up and zipped his jacket and left. He told her if he read about it in the morning paper that he would come to where she lived and stab her to death. She described her attacker as five foot ten to six feet tall, 160 pounds, wearing light blue jeans, tennis shoes, wearing some kind of blue, waist length ski coat with what appeared to be a cloth collar. She was subject to hypnosis to assist her in developing a composite of the perpetrator. She was shown two photographic lineups on 02-05-81 but she did not identify anyone as the perpetrator. There is no information in the records to indicate that she was shown a physical or photographic lineup containing Mr. Coe.

Dr. Keppel's analysis determined that Coe's "signature" was present for the

sexual assault of J.C.

Victim M.S. (Spokane Police Department Report No. 80-70004, 12-12-80):

At 10:45 p.m. an 18-year-old female, a student at Gonzaga University, had boarded a city bus. She said her parents would normally have met her when she exited the bus, but they did not this night because she wanted to surprise them and did not tell them she was coming. After she departed the bus, she walked down the street which is poorly lit. Near a neighbor's yard where she was raped, she heard footsteps running toward her from behind a large pine tree in a vacant field next to the neighbor's property. He grabbed her from behind and she began screaming while he dragged her to the area at the base of two pine trees where he apparently had been hiding. He threw her to the ground and forced his fingers down into her mouth to silence her screams. She thought that he was wearing a cloth mitten which he placed in her mouth to stop her from screaming. He told her repeatedly, "Be quiet. Do as I say or I'll kill you with a knife." She fought back by kicking and pinching. She stated that they struggled for what seemed like several minutes. He tried to remove her blouse, but never got her clothes off as she became aware of people walking by, and she was able to scream again despite threats from her attacker. He ran because of the presence of pedestrians and she got up and ran to the neighbor's house. The victim received medical attention for the soreness in her mouth and throat. After Mr. Coe was arrested on 03-10-81, Ms. M.S. was asked to attend a physical lineup, but police were unable to reach her. Another lineup was held on 03-13-81, however, she was out of town on that date. She placed a call to police on 03-27-81 and said that she did not see the suspect's face at all and that she believes she would remember the voice. She said she knew Frederick Coe and she thought the voice of the perpetrator sounded like his, but she could not say that it was him. She further stated she was afraid she may be influenced by what she read in the newspapers regarding him. It is notable that she recalls the perpetrator wearing something orange, thinking it was a scarf or jacket lining. When items of clothing were taken from Frederick Coe's house by search warrant on 02-10-81, a vest was taken which was reddish-orange on the top part and dark blue on the lower part. The victim described her attacker as being five ten, 25 to 30 years of age, wearing navy blue stocking cap, dark bulky ski coat and dark gloves.

Dr. Keppel's analysis determined that the beginnings of Coe's "signature" were present for the sexual assault of M.S.#2 but there was insufficient information to make a conclusion.

Victim K.H. (Spokane Police Department Report No. 80-70798, 12-16-80): A witness heard what she thought was coughing behind her residence. After investigating she came upon an 18-year-old female who reported she had been strangled and raped. The victim had been living in the area about one and a half months, and was walking home from a friend's house around 11 o'clock at night. She walked across the Woodrow Wilson school grounds toward her house and

heard the perpetrator walking behind her. He said something, but she could not tell what he said and she replied, "Good evening," and she thought he had cowboy boots on because she said she could hear the heels on the pavement. He grabbed her from behind around the throat with his right arm. She tried to get away, but he dragged her over to the bushes and dragged her down to the ground. He had his pants unzipped and said, "I'm going to kill you. I'm going to kill you if you don't do what I want. Give me some head." The victim stated she thought he was going to kill her. The perpetrator put his penis in the victim's mouth and made her orally copulate him. He then put his penis in her vagina and ejaculated. He grabbed the victim around the throat from the front with his hands and he continued to choke the victim until the victim became unconscious. She stated that he made her take off her shoes, socks, pants and underpants. He also instructed her to take off her shirt and bra, but she refused. He then pushed her shirt up, exposing her breasts and bra. The victim was taken to the hospital and examined. The victim was shown a photographic lineup that did not contain Mr. Coe and she identified one of the individuals as the perpetrator (Mark Stephan Derroeth). On 03-13-81, the victim viewed a physical lineup containing Mr. Coe, and she did not identify anyone in the lineup as the one who had raped her.

Dr. Keppel determined that a more detailed interview or materials were needed to determine if Coe's "signature" was present in these offenses.

ADDITIONAL EVIDENCE THAT MR. COE WAS INVOLVED IN COMMITTING NON-ADJUDICATED OFFENSES

Surveillance of Coe

The Spokane Police Department Report No. 81-07757 indicated that a special decoy squad was set up in the late spring, early summer of 1980. This surveillance was not a 24-hour surveillance and usually only covered the hours from early evening to early morning. Officers described Mr. Coe watch one of their decoys. Officer Sandy Brewer was working with Officer Judy Carl and Officer Charles Bown. They were working a special rape detail in the southwest portion of Spokane. Officer Brewer was sitting in her vehicle, doing surveillance near the intersection of 5th and Madison while Judy Carl was working as a decoy and was walking nearby. Coe was observed in his 1980 silver Citation acting very suspicious. He watched the decoy for quite some time and then he went to an area and hid behind some trees which were close to the area of the decoy. He then returned to his vehicle and left. As he crouched behind a tree, he was approximately 10 to 15 feet from Officer Brewer's vehicle and did not ever see her. At the time, he was wearing a blue sleeveless nylon vest and blue jeans. Officer Brewer obtained a license number of his vehicle at that time and observed the vehicle to be a 1980 silver Citation. The officer was later shown a photographic lineup containing Coe and positively identified Coe as being the same individual who appeared to be stalking the decoy in May 1980.

During the time officers observed Mr. Coe in his father's Citation, they saw him follow a number of bus routes including the bus routes that victims S.S., J.H.#1 and D.F. had ridden. They also observed that he drove by areas where joggers frequented, including Hart Field. One officer also observed him driving through Comstock Park and watching the people and joggers. On another occasion the same officer observed Mr. Coe driving by Ferris High School when students had gotten out and watching the young girls. Additionally officers saw Coe in a red jacket and other clothing that was similar to clothing worn by the attacker. During the time of surveillance Coe was never observed to actually jog.

Also during this time when surveillance was taking place two Indecent Exposures occurred. Both of these exposures occurred after surveillance of Coe had been taken off in the morning. Spokane Police Department Report No. 81-12453, 03-02-81, pertained to J.L. who witnessed Coe exposing himself at 8:45 a.m. on 02-28-81 to two females and victim J.H.#2 who spotted Coe lying on a bench masturbating at 10:20 a.m. on 03-01-81.

Police Interview with Virginia Perham:

The Spokane Police Department Report No. 81-07757, 03-18-81, indicated that Coe's girlfriend, Virginia (Gini) Perham, was interviewed by police. She lived with Kevin Coe from 09-04-80 to the day of his arrest on 03-10-81. She indicated during that time that he would be gone in the early morning hours and in the evening hours, indicating that he was out jogging. He never indicated to her that he was at his parents; either having breakfast and/or dinner during those times. She observed Coe jog only on one or two occasions during their time together. Additionally she observed Coe come back from jogging with a variety of injuries which he related occurred while jogging. For example in the latter part of August of 1979 she said that the outside of his hands were "badly scarred" and he had some fingernails on both hands which were black and blue. His face had bruises around his left eye and there were cuts around the left eye and cheeks and forehead. Coe claimed that a German shepherd attacked him while he was jogging in Manito Park.

Before Gini moved in with him sometime before September 1980, she noticed a bright red patch on the side of his neck and in the late spring or summer of 1980 he had a round, deep cut on the palm of his hand. He claimed that he fell while jogging. In the fall of 1980 he came home with a cut on the inside of his mouth that he said had occurred while he was jogging. He had a red circular scar on his left buttock which he said a girl inflicted with her fingernails during sexual activity.

Additional evidence that Mr. Coe suffered unexplained injuries was reported by Mr. Coe's coworkers and acquaintances after his arrest on 03-10-81. The Spokane Police Department Report 81-07757, 03-23-81 indicated that Vickie J.

Sturdevant stated that she had her house up for sale with Roger Crane Company and that Kevin Coe was her realtor, and that he came to her house one day with several scratches on his neck. This detective and Detective Roy Allen contacted Mrs. Sturdevant (age 31), at her home on 03-11-81, and also present there was her friend, Debra L. Barbour, age 24. Debbie first observed the scratches on Coe's neck the day before when a Crane Realty group viewed and toured the Sturdevant house (This tour group came on 01-13-81), and she thought then that the scratches were starting to heal. They were on the left side of his neck and Debbie thought right away that it looked like fingernail marks. Debbie told Vickie to look at his neck when he came back to the house. The following day he returned to the house and Vickie did look at the scratches and they looked like bad scratches and looked infected and looked like they may have happened within the last three or four days, were still red, and he was self-conscious about it and was trying to cover it up by holding his head to the side. Vickie stated that one scratch appeared to be a real long one and the other one was shorter.

A Spokane Police-Sheriff Additional Report dated 10-08-85, Case No. 84-55414, indicated that on 10-02-84 the Prosecutors' Office received a call from Mary Moltke, who said she had information on Kevin Coe. At Prosecutor Thompson's request, a detective called Moltke on this date. Mary Moltke related the following: When Kevin Coe was a realtor for James S. Black & Co., he was the realtor for Mr. and Mrs. Moltke when they sold and then bought a house. She did not know the exact time this was but will check on their house purchase papers. (The detective had previously ascertained that Coe started working for Black in January of 1979.) At one time she and her husband observed Coe with scratches by his eye and nose. When they questioned him about it, he gave them three different stories – two to her and one to her husband. First he told Mrs. Moltke that a cat scratched him, and when she said that a cat couldn't scratch him like that, he then said he had a run-in with some hoodlums downtown. She expressed surprise to him that her "three-piece-suit realtor" would get into a fight downtown. He was silent then, and she felt she should say no more as she thought maybe his wife did it. Right after that she learned that her husband also asked him about the scratches, and Coe told Mr. Moltke that he ran into a screen door.

The Spokane Police Department Report No. 81-07757, dated 07-10-81, indicated that one of Mr. Coe's work colleagues, Jim Cory, the office manager for Coe when he worked at James S. Black Realty, reported that when Coe worked there he came to work with a black eye and some scratches and said he got them running in Manito Park.

Mr. Coe used black gloves in most of his sexual assaults. Gini also observed a pair of black gloves that he owned, noting that they eventually became more deteriorated and actually had one of the fingers hanging off. In a defense transcript of her statement, Ms. Perham said not too long before he was arrested he almost always wore black leather gloves, even during the summertime.

Gini also indicated that Coe had a dildo (used by Coe in several incidents of exposure) and often times would come into the bathroom holding it in front of himself. He indicated to her that he would like to see the reaction of people who would observe him putting the dildo in his genital area. Gini also indicated that he had a number of items of clothing that matched descriptions of clothing worn by the perpetrator in the crimes in question, including the red jacket which was hers and a grey jogging outfit, black gloves and oven mitts.

Gini also talked about Mr. Coe's dietary habits. She indicated that at times he would fast for three to four days, occasionally as long as a week to 10 days, where he would lose weight and be on a strict diet where he would only eat meat and drink Perrier water. He would then have what he referred to as "flooding" binges where he would eat junk food and other normal food. During that time he would gain weight and occasionally would get pimples on his face. Also, when he was "flooding" he would not shave for two to three days where he would get a slight growth of hair.

She reported that his habits began to change in the few months before his arrest and he became more secretive. She said he would enter at night through the back door and rather than coming into the kitchen, he would suddenly go down into the basement for a minute or two. Also after jogging he would wash clothes early in the morning at 6:00 or 7:00 a.m. after his morning jogs. She said in the last few months he had been either jogging a great deal at night, two to four hours at a time, or doing business a great deal. He would not come home until 10 or 11 o'clock or sometimes midnight. Gini also indicated that one time she noticed that at 6:00 a.m. when she got up, he was washing the oven mitts from their home that had rarely been used. (These mitts were implicated in the sexual assault on D.F.). He had no explanation for washing them.

At his trial Mr. Coe and his mother claimed to be surveilling the community on watch for the South Hill Rapist. This was his explanation for cruising neighborhoods where the sexual assaults occurred and following bus lines where victims had exited buses. However Coe never indicated to Gini that he was out looking for clues to catch the South Hill Rapist at any point during their relationship. He also never indicated that he was receiving help from his parents, especially his mother, while looking for clues.

Police Interview with Jay Williams:

Police interviewed Jay Williams, a lifelong friend of Coe (Spokane Police Report No. 84-55414, 12-05-84). Mr. Williams reported that when he visited Mr. Coe in jail, Coe asked him to tell police that the two of them had been looking for the South Hill rapist by having Mr. Williams dress up as a woman and Mr. Coe would follow him. Mr. Williams refused to testify to this because it was a lie. Coe told his friend that he had put a sweater and a dildo in a home listed for sale by his girlfriend and insisted that Mr. Williams find the evidence and destroy the dildo

and give the sweater to the Goodwill organization. Ultimately Mr. Williams was able to access the dildo and destroy it.

Police Interview with John Cockburn:

The Spokane Police Department Report No. 84-55414, 10-22-84, indicated that John Cockburn, Coe's former brother-in-law, indicated that Coe and his family asked him to testify that Coe had been eating breakfast and dinner with the family every day. Mr. Cockburn had been living with the family in the first part of 1981. Cockburn refused to testify to this because it was untrue.

Confession of Rape to Dr. Robert Wetzler:

Following his first conviction, Coe confessed to the rape of Ms. D.F. His confession was made to a psychiatrist, Dr. Robert Wetzler, who was evaluating Mr. Coe to see if he qualified as a sexual psychopath. Dr. Wetzler had informed Mr. Coe that his interview was not privileged. Later Coe claimed the confession was false and part of a strategy to avoid prison by entering the sexual psychopath treatment program. He also admitted to two other incidents, which the police were able to match with actual incidents.

First, Mr. Coe had indicated to Dr. Wetzler that he was involved in looking for the South Hill Rapist and in doing so he saw a person rape a girl on 37th Street in Spokane. He said he watched the rape from a vacant house and derived, in a perverse way, a feeling of excitement about the rape and wanted to commit one himself. Investigation revealed that on 11-30-80, a rape took place on 37th Street after the victim had got off a bus at 37th and Manito Boulevard. A jogger passed her and grabbed her from behind, semi-choking her. She was dragged to a vacant residence. There the suspect inserted his fingers in her vagina and then had penile intercourse. He also masturbated himself and ejaculated on the victim. He turned her over on her stomach and patted her buttocks area. He also fondled and kissed her breasts. The victim was threatened with a knife and told not to look at his face and he would cover her face with her hair. He used the same language of "cunt" and "fuck" plus asking the same type of personal questions as outlined in charges against Mr. Coe. The victim was also told not to report the assault to the police as he would return and stab her. Evidence indicated the rapist was a type A and H secretor as Coe was.

Secondly Mr. Coe admitted to Dr. Wetzler that he attempted a rape in December 1980 but was driven off by the use of mace. Investigation revealed that in December 1980 (Spokane Police Department No. 80-70722, dated 12-16-80, victim V.L.): an attempted rape took place after a victim got off a bus at 15th and Bernard and walked toward McClellan. A jogger approached her and when he got to her, grabbed her around the neck and put his fingers over her mouth and tried to drag her down. She was able to bite through the jacket sleeve and spray

mace in his face. He ran away. The victim made a tentative identification of the defendant, Coe, from a photo line-up.

Police Report of Steve Smith:

A Spokane Police –Sheriff General Report No. 02-81-0775, dated 07-23-81, indicated that Coe took his car into Evans Gas and Car Wash, and on one occasion the attendant found a pink colored dildo under the front seat while vacuuming.

A Spokane Police –Sheriff General Report No. 02-81-0775, dated 07-23-81, indicated that Steve Smith, the manager of Steve's Body and Fender, reported that when Mr. Coe's car was in the shop being repaired after it was involved in an accident, Mr. Coe came in wearing tight gloves. Mr. Smith observed two additional pairs of gloves behind the driver's seat. He did not know if they were men's or women's gloves but said on several occasions Coe entered the business wearing gloves.

CRITERIA A. Does Mr. Coe have a mental abnormality as defined in RCW 71.09? YES.

According to RCW 71.09, the basis for an individual's judicial commitment is a mental abnormality that predisposes the person to the commission of criminal sexual acts. A "mental abnormality" is defined in the statute as "a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

While the definition of a "mental abnormality" is statutorily defined, clinicians utilize the diagnostic categories of the Diagnostic and Statistical Manual of Mental Disorders – Fourth Edition – Text Revision (DSM-IV-TR) to describe the mental abnormality. In order to ascertain if Mr. Coe has a mental abnormality, his psychosocial history will be reviewed.

PSYCHOSOCIAL HISTORY

Mr. Coe declined to be interviewed for the purpose of this evaluation. Consequently the following information is derived from the available records as identified in the narrative that follows.

Developmental History

A Mental Health Evaluation from Washington State Prison (WSP) authored by Ronald D. Page, Ph.D., indicated Mr. Coe was born and raised in Spokane by his natural parents. He is eight years older than his sister, who according to DOC records lives in France.

An interview with Dr. Robert Wexler, dated 05-12-81, indicated that Mr. Coe reported that he had the normal childhood diseases, "nothing serious."

The Pre-Sentence and Intake Report (PSI), Case No. 81-1-00230-8, from the DOC, dated 11-09-81, indicated "From all indications, Mr. Coe came from a well-to-do family. He received all the backing and encouragement from his folks that he could receive, a well-knit family that sticks together; up to age 12, he attended church regularly with his parents."

To Dr. Wetzler on 05-12-81, he described his family history. He described his father as "a nice person – gentle, could talk and relate – no problems." He stated that he was close to his mother and that she was more "outgoing and sociable." He was asked if his mother was domineering and possessive, and he said that others may see her that way, but he reported that he was the domineering man in the relationship. He described his family as close and said that they seldom quarreled. Dr. Page, in his 07-09-02 evaluation, noted Mr. Coe "apparently maintained a close and perhaps symbiotic relationship with his natural mother well into adulthood." Gini Perham described Mr. Coe's relationship with his mother as very volatile and said he would talk about her "vicious, vindictive nature and her terrible unpredictable temper." Ms. Perham witnessed many arguments between Mr. Coe and his mother.

According to DOC records, Mr. Coe maintained contact with his parents and sister in DOC until his parents died. His mother died in 1996 and his father died in 1999.

Educational History

The PSI, Case No. 81-1-00230-8, 11-09-81, indicated, "Mr. Coe attended the Wilson and Comstock Grade School in Spokane. He went to Sacajawea Junior High School until the ninth grade and Lewis and Clark High School, also in Spokane, until the 12th grade. He went to Washington State University at Pullman for his first two years of college and then went to work." It was noted that he attended a radio and engineering school for two months, and graduated from a radio and engineering program after two months in Huntington Beach, California.

The Page (04-02-91) evaluation indicated Mr. Coe graduated from high school in 1965. Following his high school graduation, he matriculated to Washington State University from 1965 to 1967. He then transferred to Gonzagga University where he attended a semester before he transferred to radio schools in California.

In the interview with Dr. Wetzler (05-12-81), Mr. Coe discussed his school history. He reported getting "good grades," and said that "Bs came easily," and it

was "no effort to do better." He denied being expelled from school. He described sports as being important to him. He said in his senior year he had a 3.0 grade point average. At Washington State University where he attended for a year, he had a 2.5 grade point average and then transferred to Gonzagga University, but found that he did not like it, and he stated he was not sure why he quit. He said he was bored with college but he did not want to be drafted, and he got involved in radio and television work. He then went to a four-month course in San Francisco in radio and television.

Employment History

The Page evaluation (04-02-91) indicated Mr. Coe worked in college for a time as a radio announcer. He then attended school in San Francisco and Huntington Beach area in radio broadcasting in 1968. The Indeterminate Sentencing Review Board (ISRB) document dated 05-16-88 from Patricia A Thompson, Deputy Prosecuting Attorney in Spokane County, indicated in early 1970 Mr. Coe moved to Los Angeles for a year and worked in the "theater business" which apparently was employment in a movie theater while attempting to get into screenwriting. He returned to Spokane in early 1971 according to the ISRB document, while Dr. Page's (04-02-91) report indicated he later worked as a radio announcer in Spokane between 1968 and 1969 and again in 1971. He resided in Las Vegas and worked as a radio announcer at KENO and in discotheques until 1977. Upon his return to Spokane, he was employed as a part-time realtor and pursued a mail order business which he had initiated in 1969. That business evidently involved the sale of publications of a "how-to" nature and Mr. Coe reportedly profited from the mail order business until his arrest in March of 1981. The amount of profit is unknown given that records indicated that Mr. Coe was not a successful businessman and primarily lived off of his parents.

In an interview with Dr. Wetzler (05-12-81), Mr. Coe reported working in a number of different radio stations in 1968 and then moving to California where he was unable to find work in radio. He became assistant manager of a theater chain and then became interested in writing a novel which he attempted unsuccessfully to publish over the next few years. In 1972, he went to Las Vegas to work at a radio job and reported he "did quite well." He said he "moved up the ladder in the disco business" from 1974 to 1976 when he decided to be a publisher. He wrote "Sex and the White House," a satire, but could not sell it and became financially burdened and acquired a poor credit standing. He went to Spokane to get in the real estate business and also worked at discos.

Mr. Coe lived with his parents when he had economic need. In late 1977, he did not have luck working in the disco business and he went to Santa Monica, California, at that time feeling "depressed, suicidal and frustrated." He finished a novel in the fall of 1978. Mr. Coe went to real estate license school and started working in real estate. He reported to Dr. Wetzler that he was "a natural in it –

superstar" but "didn't put time and effort into it because interested in side issues," such as bringing the big city atmosphere to Spokane.

The interview notes with Dr. Wetzler (05-12-81) indicated that Mr. Coe reported, "Before arrest, I had tremendous potential and intelligence – I was going to be a hardworking, dedicated real estate salesman and then developer. I was going to really work hard – Obviously made mistakes – Loss of credit – (blames wife) – then says it is my fault. Probably spent too much time with reality."

The PSI, Case No. 81-1-00230-8, 11-09-81, indicated he reported he worked from November 1980 to March of 1981 at Roger Crane and Associates Real Estate office in Spokane, Washington; from November 1979 to November 1980, he worked at Williams Maine Realtors; from October 1978 (a Spokane Police Department Additional Report No. 78-21058 dated 04-23-81 indicated he started in January 1979) to October 1979, he worked at James S. Black and Company Real Estate Company; and he was self-employed in Correntael House Comm., Entertainment Productions.

Nonsexual Criminal History

The records indicated the following adult nonsexual criminal history for Mr. Coe. The reader is referred to Criteria "A" for information about all sexual offenses committed by Mr. Coe.

- A Spokane Police-Sheriff General Report No. 80-50745, dated 09-08-80, indicated that Mr. Coe was charged with Third Degree Theft. According to a Statement of the Defendant on Plea of Guilty, Case No. 76325, he was convicted of Third Degree Theft and sentenced to six months confinement and/or a \$500 fine. Mr. Coe was shopping at Rosauer's Market in Spokane. He was observed by two store personnel shoplifting a pack of Perrier water and tenderloin steak, having not paid for them. The store personnel indicated that this had occurred on a previous occasion but Coe had been allowed to pay for the items at that time. At the time of his arrest, Coe was advised of his rights and waived them. He indicated that he had a lot on his mind and had forgotten to pay for the items. Coe showed the arresting officer that he had two five dollar bills in his wallet. He was issued a citation for Third Degree Theft and found guilty at a court trial. Coe later wrote to the judge who heard the trial, making various complaints. In that letter, Coe stated that he had \$110 on his person, which he showed to the arresting officer. This conflicted with the arresting office's report of there being only two five dollar bills on Coe's wallet.

Coe wrote a document about the theft called "My Version of What Happened—The Truth" and "Coe vs. Rosauers—A History." He reported that he picked up the food items, began reading a paperback for 10 minutes that was on a rack nearly outside the

store. He said he practiced a type of psycho-cybernetics and mental discipline called "Laserlife." He claimed to enter a "Laserlife state" that he goes into and out of during the day that allows for "near-perfect concentration" but allowed him to forget other things such as paying for his groceries. He also reported his girlfriend was waiting for him in his car, which was not true. He alleged that he was nearly to the car and realized he had the groceries and yelled to his girlfriend who was leaning against the car having a cigarette that he would be right back. He said he was then apprehended by two store clerks who escorted him back into the store. He said he was "shocked when the officer actually wrote me a citation for this trumped-up charge."

In his document "Coe vs. Rosauers-A History" Mr. Coe accused Rosauers of persecuting him because he had written a number of criticisms to the store management about the store practices. He said he was threatened by a store "underling" not to return to the store. After returning to eat at the store about a month later he accused the staff of intentionally giving him food poisoning. He further alleged that the grocery chain wanted to "get him" because a former district court judge and close friend of the Rosauers was suing the Spokane Chronicle and a number of its employees including his father. He said it might have been some sort of "duty of friendship to cause embarrassment to the editor's son." He said he began to work on "building my case for the upcoming hearing and subsequent lawsuit I planned to bring against this low-end outfit, once I was adjudged not guilty." Furthermore Coe convinced his girlfriend, Gini Perham, to lie in reporting she was waiting for him in the car.

Substance Use History

The Ronald D. Page, Ph.D., Mental Health Evaluation from Washington State Penitentiary indicated Mr. Coe denied difficulty with alcohol and claimed not to have used illicit substances. This was apparently in keeping with various allergies and asthma and he completely discontinued the use of alcohol in 1977.

Mr. Coe reported in DOC according to the Level of Service Inventory-Revised (LSI-R) dated 02-25-05 that at one time in his life he used to drink to excess which lead to his first arrest in 1971 for sexually assaulting D.J. Coe claimed it occurred because he was drunk and thinking he knew someone who lived in the apartment that he walked into during the middle of the night. He said he did not drink to excess after that. There is no indication that during his sexual assaults in the late 1970's and early 1980's that Mr. Coe was using alcohol or drugs.

Institutional Adjustment and Community Supervision

An Intake Interview Form from Washington Reception Center, dated 11-02-81, indicated that Mr. Coe requested to go to Washington State Hospital for treatment and that he was referred to a psychologist.

In regard to institutional programming, the Classification Referrals indicated that Mr. Coe was continuously housed in protective custody. Despite that, he was assaulted in April of 1994 by another inmate who cut his throat. He did not program actively and spent most of his time in his cell, vocationally unassigned. He spent his time reading, writing, and conducting legal research.

His release plans, according to a Classification Referral dated 03-07-00, indicated he was planning to move to France and live with his sister. His release plans at the current time are unknown.

Sexual History

Little is known of Mr. Coe's early sexual history. The police report listed charges of Carnal Knowledge (No. 313146, 06-14-65) when Mr. Coe was 18 years of age. The report indicates Coe and several other males were engaging in what appeared to be consenting group sexual activity with a female. A classmate reported that in high school Mr. Coe "at least thought" he was a ladies man and was involved in setting up some "trains/gang bangs."

In the late 1970s and up until his arrest there were reports of massage parlor employees who identified Mr. Coe as a weekly visitor to the massage parlors (Spokane Police Department Report No. 81-07757, 05-26-81). He came "frequently" according to one employee to the Den of Foxes and sometimes the Tiger's Den. This staff member, Martina S., reported that in 1981 Coe had chased her and she reported it to the police. Police gave her a ride home and Coe was there hiding behind a tree and whistling a "weird" song at her.

Apparently Coe regularly visited the Roman Health Spa and was attended to by only one woman named Bobbi. Bobbi reported that Mr. Coe engaged in sexual acts that were termed "extremely kinky." He enjoyed having the female dress as a young girl and was into whipping and beating. On numerous occasions he had his female partner urinate on his body. Other confidential information from massage parlor employees indicated Coe was said to defecate in sinks, urinate on the hot rocks, request girls pee on him, request they beat him and call him a bad boy. He always used his father's credit cards at the massage parlors.

In a letter to a friend dated 09-28-70, Coe acknowledged an interest in teenage females when he was 23 years of age. He said "Lately I've been staying away from those 15-year-old dirty broads I was telling you about (remember, the Puerto Rican) cuz I'd hate to go to jail over the whole fucking thing." He also

acknowledged he dated peer aged females. He said "I've been seeing a girl my age (23) lately. She's from Kansas City, Missouri."

The Spokane Police –Sheriff Additional Report No. 81-07757, dated 03-23-81, contained a description of Mr. Coe and his girlfriend's sexual activity. When Gini Perham was questioned regarding Frederick Coe's sexual habits, she related the following: He frequently would masturbate and fondle his genitals around the house; during the spring of 1979 and early summer 1979, he had difficulty reaching a climax and would masturbate during the lovemaking and he felt a need to masturbate a great deal in the morning.

When she was asked if he ever licked his finger during the lovemaking, she said no, however, he would always smell his fingers during and after the lovemaking. She stated he would insert his finger in her anus, as well as her vagina. He "loved" to orally copulate her. When she was asked if he seemed to have any interest in watching her go to the bathroom, she said no.

She described him as being a tender, passionate person and that it was important for him to satisfy her. When she was asked if he ever rubbed her back she stated that he had and mentioned one time when he rubbed her neck so hard that she almost fainted and he apologized to her about that. She further stated that when she first met him, and up to the night before his arrest, on many occasions he would say to her, "I've always told women that they shouldn't get involved with me...because of the way I am." She asked him what he meant by "the way he was," and he was always very vague in his answers, and often would not answer.

She stated that in the late spring of 1980, he would talk openly with her about sex, that he liked to be experimental and he talked of wanting women to commit oral sex on him; that he liked to ejaculate in the woman's mouth. For two or three days, he would talk about this almost every day. He claimed that Las Vegas was a great place to live, as everyone there was open about sex. He said that the women "in this town were so uptight" and something to the effect that they were "prudish" and not open and free about sex. He told her that his ex-wife liked "kinky sex," that she often wanted another woman in bed with them and she (the ex-wife) liked to have anal intercourse.

A statement by Ms. Perham to police indicated that Coe had a strong sex drive. She said "he talked a great deal about how much he loved sex."

The Spokane Police Department Report No. 81-07757, dated 04-21-81, indicated that Gini Perham was asked what Coe would ask her or say during sexual activity. She said he would say "Fuck my cunt" "Do it to me" and many times he would say he was going to "shoot his semen." Ms. Perham said that he talked positively about women as being a "superior race and that he loved women."

The same report indicated that Gini said that five months before he was arrested he started doing something with her during their love-making that in the past he said he did not like to do. He would suck on her breasts quite hard and quite often and it was painful.

Relationship History

The Spokane Police Department Report 81-07757, dated 03-23-81, indicated that after his arrest, Marjorie Carkhuff called to tell police she had engaged in a close relationship with Mr. Coe "that was quite intense" for about two years in 1978 and 1979 and that it fluctuated between "casual and intense up until about a year ago." She had met him in 1976 when he was living with his parents. She said the relationship was sexual and she had regular sex with him for two years. She said she "really liked him" and that "he was the best of all the men in Spokane she had dated." She met him when he drove up to her on the street and said "Hi, little doll" and she was "charmed" and got in and rode with him. She said he was not pushy with sex and he took her to nice places. He would take her to his parents' house when they would be gone but not to his residence. Oddly in the same interview she reported she had spent some time in gay bars and that she did not really like men.

The Ronald D. Page, Ph.D., Mental Health Evaluation from WSP indicated Mr. Coe was married twice, initially from 1972 to 1976 and again between 1986 and 1988. Both marriages ended in divorce.

To Dr. Wetzler in 1981 Mr. Coe reported marrying for the first time on 12-30-72 to Jennifer Sandstrom in Las Vegas, Nevada. The couple divorced on 07-23-76. He described his first wife as "two years older than I, sullen and remorse." She apparently used drugs and later in the marriage she "drank too much." He reported after meeting his wife in 1971 that he was not in love with her and things were "okay sexually." He said after two months, she lost her drive and desire due to depression and he dated other women. He said that she knew this, but they stayed together and in 1976, she started drinking heavily.

To Dr. Wetzler he said that in May of 1979, he met Virginia (Gini) Perham, who was 27 years old and worked in a Laundromat. He described her as "cute" and "quite appealing." He said he had not promised fidelity to Gini and he dated other women. A defense interview with Ms. Perham dated 11-29-81 indicated that she first saw him in December of 1978 and she did not see him again until February of 1979. They first dated in May of 1979. In late summer of 1980 they moved in together. Ms. Perham testified against Mr. Coe at his trials and their relationship ended when he was arrested in 1981.

The records from Dr. Wetzler indicated that Mr. Coe had a girlfriend named Paula at the time of his interview with Dr. Wetzler who he described as "a very feminine, smart, 'non-mannish' person."

After Mr. Coe was incarcerated in DOC, a Classification Referral/Progress Report, review period 09/85 to 03/86, indicated that Mr. Coe had been attempting to get married. His marriage to Shawn Marie O'Brian was approved on 03-07-86 and on 09-01-86 the couple married. Classification Referral/Progress Reports indicated Mr. Coe and his wife and family were involved in the Extended Family Visit Program. Ms. O'Brian filed for a Dissolution of marriage on 05-09-88. A letter from Ms. O'Brian dated 05-13-88 indicated she was questioning why Mr. Coe had not signed the dissolution. Disturbed by this she said "I realize he is suffering from a case of severe psychopathy, and must see this delay to his advantage as far as the media is concerned" and said she was removed from his Extended Family Visit List and his regular Visit List.

Psychiatric History

A Washington Corrections Center Psychological Report from the Reception Center, conducted by Mark Seling, Ph.D. 12-15-81, was conducted to assist in planning in case management. Mr. Coe declined to be interviewed because his case was under appeal and his lawyer had advised him not to discuss his circumstances with anyone. In spite of not discussing his case material, he wished to talk about some general issues in psychology because he had been reading some textbooks on issues of "sociopathy and sex crimes." Dr. Seling reported:

He impressed me as being a verbally intelligent man, one who is well read upon the subjects mentioned. After our brief discussion, he stated that he was willing to take an MMPI. He went on to relate that something might "break" in his case, thus enabling him to engage in further discussion with me and that the MMPI results would be useful at that time. As it developed, there was no change in his circumstances and he was not subsequently interviewed.

Mr. Coe was tested on the Minnesota Multiphasic Personality Inventory (MMPI) which was unavailable to this evaluator. Dr. Seling opined "The profile reflects a strong tendency to distort answers in a socially desirable direction. Thus it is judged invalid and interpretable."

Mr. Coe was evaluated by Felix E. Massaia, Psychologist, on 04-17-85 after he was returned to DOC after his second trial. He received no psychiatric diagnosis.

Evaluation by Ronald B. Page, Ph.D. 04-02-91:

A Mental Health Evaluation from WSP, dated 04-02-91, by Ronald B. Page, Ph.D., was conducted at the request of the Indeterminate Sentence Review Board in anticipation of a parole hearing scheduled for October of that year.

During the clinical interview, Mr. Coe denied guilt for any of the rape counts for which he was accused or convicted. He reported that he was spending as much as "100 hours per week" studying and writing litigiously, apparently in preparation for his appeal of his convictions.

Dr. Page indicated Mr. Coe had no prior psychiatric history. Dr. Page diagnosed Mr. Coe with sexual sadism and borderline personality disorder. Dr. Page reported:

If one discounts his claimed innocence or relies upon the verdict and pre-sentencing allegations, Mr. Coe appears to have been a sexual predator of seeming consuming preoccupation with his outlet. His actions appear to have been premeditated, aggressive, sadistic, degrading and possibly repeated in a serial fashion.

Mr. Coe's lifestyle from the late 1960s until the time of his arrest in 1981 appears to have involved fair reliance on living by his "wits" and communication skills. His pattern of employment including self-employment may be consistent with manipulative, potential and relatively consistent immersion in unconventional or unstructured vocational setting. Interpersonal relationships may have been somewhat superficial and of a narcissistic orientation. Insight into such individuals often is occluded by defensive reliance upon rationalization projection, and other characterological defensiveness. This man is non-psychotic, shows no significant neurotic leaning and apparently is relatively free of significant subjective stress.

Dr. Page summarized, "If one assumes this man's guilt for the remaining conviction and if one accepts the tenor of related allegations, Mr. Coe must be viewed as a repeatedly offending sexual predator of established sadistic preoccupation." He was not thought to be in need of an imminent mental health referral. Dr. Page offered, "Because of the community threat which he may pose and the manipulative potential of which he may be capable, eventual out-placements necessarily will require close supervision, periodic polygraphic monitoring, association restrictions, and immediate revocation in the event of seeming pre-rape activities.

Three years later, on 08-31-94, Mr. Coe was again evaluated by Ronald D. Page, Ph.D., at WSP. Mr. Coe did not participate in a clinical interview for the purpose of this evaluation and the report was based exclusively upon the review of DOC Central Medical Files. Mr. Coe was noted to devote his time to "litigation and other literary pursuits." He continued to "claim his innocence and refuses referral for treatment in the sex offender program at Twin Rivers." He consistently declined participation in meetings with the Indeterminate Sentence Review Board. It was noted that he suffered an assault in which his throat was slashed

on 04-09-94. He received a diagnosis of sexual sadism and borderline personality disorder. It was noted that, "Mr. Coe has been described as a manipulative individual, egocentric reference who also has pursued a sadistic sexual cathexis through serial rapes. He is non-psychotic, guileful, bright and articulate by most descriptions of him. Unfortunately he either lacks insight or motivation for treatment of his sexual offenses, assuming the accuracy of court convictions." He was not found in need of mental health intervention other than sex offender treatment.

Dr. Page evaluated Mr. Coe a third time on 07-09-02 in anticipation of an upcoming 0.100 Hearing. The referral requested assessment of customary risk factors and diagnostic evaluation. Mr. Coe declined to participate in the evaluation and the report was based on a review of the files. About Mr. Coe's criminal offense behavior, it is notable that Mr. Coe continued to "aver his innocence though the evidence used to convict him seems far from ambiguous, at least from reviewing documentation in his file. The crimes were characterized by undeniable predatory motivation of a sadistic nature and they were perpetrated with unnecessary violence and cruelty as victims who were humiliated, assaulted, violated, threatened and unceremoniously attacked from his vantage of jogging with a presumable intent of finding and surprising his victims." His crimes were said to "be unnecessarily sadistic and undeniably predatory."

Mr. Coe was tested on the Hare Psychopathy Checklist-Revised (PCL-R) which was scored from a record review alone. On the PCL-R, Mr. Coe received a total score of 20, a Factor One score of 15, a Factor Two score of 13. The raw Factor One score of 15 corresponds to the 97th percentile for the referenced standardization group of prison inmates at the time the test was administered and according to Dr. Page, suggesting Mr. Coe "may be much more sociopathic than the average criminal in that sample." It was noted that his total raw score, however, of 20 fell at the 32nd percentile relative to the norm group, lowered significantly by Mr. Coe's third percentile standing on Factor Two. While Mr. Coe's overall score was not in the high range, Dr. Page opined:

I believe Mr. Coe has been a sociopathic individual whose self-control and ability to delay gratification enabled him to function with more effective premeditation and stealth thereby increasing his dangerousness and successful predation. Assuming these personality factors persist to date, Mr. Coe may continue to be egocentric and potentially dangerous even though he expresses the ability to conform in a chameleon-like fashion to expectations of him in a penal setting or in the community, when he knows he is being observed. He is less likely to betray his underlying motivation by impulsive actions or remarks than the average sociopath may be who lacks this man's frustration tolerance, impulse control and ability to delay gratification.

In summary, it appears that Dr. Page believed Mr. Coe had greater psychopathy than that measured by the PCL-R.

Mr. Coe was also administered the Violence Risk Appraisal Guide (VRAG) and he received a total score of minus 3, placing him in Bin 4 relative to the standardization group. His risk of future violence in seven years was 17 percent and his risk of violent recidivism in 10 years was 31 percent. Dr. Page predicted a "significant risk of violence based on the underlying deviancy and the history of predation." His condition was not seen as improved since he had not participated in treatment or other interventions which might reduce his sexual deviance.

Interview with Dr. Robert Wetzler, M.D.:

At the sentencing phase of Mr. Coe's first trial the defense presented expert testimony by Dr. Robert Wetzler, a psychiatrist who opined that Mr. Coe met the criteria as a sexual psychopath. In that trial, according to the Spokane Police - Sheriff Additional Report (Report No. 84-55414, dated 01-21-05) Dr. Wetzler indicated that Mr. Coe was a psychopathic personality and a "sexual psychopath." To Spokane police, on 01-21-85, Dr. Wetzler stated prior to interviewing Mr. Coe, he had already formed an opinion that Frederick Coe was a psychopathic personality. Furthermore at the time of Mr. Coe's second trial, a number of admissions by Coe that were not revealed at the first sentencing were disclosed. Mr. Coe had confessed to the rape of the victim charged in Count 6, the First Degree Rape of D.F. on 02-08-81. Dr. Wetzler stated that Coe's admission of the rape would be sufficient to meet preliminary standards for a sex psychopathy requirement, so he took a confession from Coe. However Dr. Wetzler said he was not interested necessarily in the details of the rape, so he did not query about the exact details of the sexual assault.

The police report indicated:

Dr. Wetzler stated that Coe indicated he was not the South Hill rapist, however, he did commit one rape, and indicated that the rape was a "copycat" rape of the South Hill rapist, but that it was not as involved as "they" (the police/newspaper) claimed. Dr. Wetzler stated that Coe said "they" (again meaning the police) "took a ploy to get me and I can't deny behavior in my behavior in the past that leads to the man they want." Coe indicated that the victim lied when she said the suspect had a knife, as he did not have a knife. Coe went on to say that he was unable to accomplish the rape and was disgusted with himself. Coe indicated to the doctor that the victim had been found at 24th and Bernard.

Coe further advised the doctor that in December, he had attempted a rape and indicated that he had been driven away with mace. Coe advised the doctor that was the first time, although the doctor indicated that in his earlier history or at some other point in the interview that Coe had said he had been maced at an apartment. Coe did indicate to Dr. Wetzler that he was responsible for the rape that occurred in Count 6.

Dr. Wetzler said that Coe advised that "they" (meaning the police) had established an MO and it is not at all fitting to Coe. Dr. Wetzler further stated that at that point, Coe stated that 90 percent of what he said was the truth, and he had indicated he was partially guilty. According to the doctor, that was followed up with a statement from Coe, indicating that if he had known how this end result would have turned out, he would have pled guilty.

Dr. Wetzler further indicated that Coe had told him that while looking for real estate property for Coe's sister and searching for clues to the South Hill rapist, that he observed a man grab a girl on 37th and Coe watched a rape take place. Coe stated that he watched the rape take place from an empty house. Coe advised the doctor that he had derived, in a perverse way, a feeling of excitement about the rape, and Coe then went home and stated he felt so excited about the rape that he had to try one himself. Coe indicated to the doctor that he had stopped looking for clues in the South Hill setting for some time prior to his arrest. Coe further stated that he was not the South Hill rapist or as sick as the rapist would be.

Subsequent police investigation indicated the sexual assault Coe claimed to have observed was perpetrated against victim J.C. on 11-30-80. In this incident the victim had gotten off a bus at 37th and Manito Boulevard, and was walking westbound on 37th. She observed an individual jogging westbound. When he ran by her he turned and grabbed her from behind, semi-choking her. He dragged her to a vacant residence and there inserted his fingers in her vagina and then had intercourse. He masturbated and ejaculated on the victim. He turned the victim over on her stomach and patted her on her rear end. He also fondled and kissed her breasts. He turned her head to one side and told her not to look at him and covered her face with her hair. He also threatened her with a knife, telling her "Don't scream, you don't want a knife in your back." He used the terms "cunt" and "fuck" and asked her if she was a virgin. He asked her if she'd ever fucked her boyfriend, what her name was and told her that if she reported the rape to the police that he would return and stab her. Lab tests indicated that the suspect in this case would have "A" blood type and was a secretor, the same as Coe.

The Spokane Police – Sheriff's Additional Report, No. 84-55414, dated 01-21-85, went on to quote Dr. Wetzler as to how he determined that Mr. Coe met the diagnosis of a sexual psychopath as codified under RCW 71.06.010 and the revised portion of it in 1975.

This portion of the interview with Dr. Wetzler allowed for Dr. Wetzler to qualify his position. After reading the legal definition of the law, he stated that that was, for law purpose; however, he had a list of traits that he felt was the basis of a psychopath. Dr. Wetzler basically believes that the psychopath has a personality behavior maladjustment to sum up the concept of sexual psychopath. He outlined his version of personality disorder and stated they maintain or contained the following personality disorder traits.

Pleasure seeking; Poor school record (applying of self; impaired sense of responsibility; can't accept rules and regulations, i.e., authority; resentful of controls; defiant, hostile, aggressive, no sense of remorse, does not learn by mistakes; poor judgment; repeats errors; no insight; poor personal habits; self-discipline lacking; procrastination; stealing – lying; no warmth in personal relations; sexual difficulties; not able to feel guilt or pure consciousness; blames others; makes excuses; rationalizes; jealous; aloof and cold; unreliable or un-dependable; manipulative; a poor lifestyle.

The doctor stated he used that as a baseline for his interviews and was able to determine from the interviews, as well as elicit agreement on the part of Coe relative to his findings on those traits, that Coe was definitely a psychopathic personality.

I asked Dr. Wetzler, if within his interview with Coe, that he saw evidence of other sexual dysfunction in addition to Coe's admission of the rape Count 6. Dr. Wetzler said yes, there were several incidences throughout the interview that emphasize sexual dysfunction. I asked Dr. Wetzler what those might be and he related the following in his own language:

- #1 Sex play with a boy in a shower
- #2 An incident of an attempted rape where mace was used
- #3 Sex behavior with his wife, Jennifer
- #4 Sex behavior with his girlfriend

Relative to sex with Coe's wife, Jennifer, and Coe's girlfriend, I asked him what kind of sexual acts Coe described and Dr. Wetzler replied that Coe said he was demanding, selfish, impulsive and unpredictable in his sexual behavior with them.

- #5 Coe indicated he was unable to get an erection
- #6 He indicated that at one time he had taken a little girl's pants off at Comstock Park

Dr. Wetzler went on to say that he would not or could not make a statement as to the amenability of Coe to a sexual psychopathy program, and that the team responsible for making those determinations would make a determination after a 90-day examination of Coe and that would be "based on Coe's honest admission to all sexual acts and Coe's honest effort at working to correct the problems."

Additionally, Dr. Wetzler indicated that besides the admission to the rape of D.F., there were other incidents throughout the interview which emphasized sexual dysfunction on the part of Coe. One of these incidents involved sex play with the boy in a shower. Information came to light after Coe's arrest that his ex-wife's nephew had lived with the defendant and his wife in Las Vegas and Los Angeles for about a year. During that time the defendant had a number of sexual contacts with his nephew. The victim indicated that Coe would play with his penis while in the shower and would snap a towel on his penis. There were also a number of other incidents involving Coe beating the boy and other activities (Spokane Police Department Report No. 81-16255).

Dr. Wetzler also indicated that Coe said at one time he had taken a little girl's pants off at Comstock Park. The police have not found any reports regarding such an incident.

Institutional Adjustment

Mr. Coe entered the Washington DOC initially on 10-30-81 and he was first released on 09-27-84 when his case was overturned on appeal. He remained free on bail for seven months prior to being readmitted to DOC on 04-17-85. His release date is 09-08-06. During his entire incarceration he was housed in protective custody in Administrative Segregation.

The DOC Legal face sheet indicated he did not work during his prison sentence. All Classification Referrals indicated he did not place his name on the Job waiting list. He alleged on 09-11-92, according to his Classification Referral, that he remained unassigned because of a "medical condition." He said he had allergies and asthma preventing him from holding an institution job. Yet a memo indicated he said he could not work because he needed "every spare moment to pursue his litigation." It was the author's concern that he was attempting to circumvent the "mandatory programming policy" by alleging that he could not work due to medical restrictions.

He completed the final two years of college for his bachelor's degree. He maintained contact with his sister by telephone and mail.

A Classification Referral, dated 03-22-93, indicated "If inmate Coe would request, the committee would probably review favorably, recommending that he be transferred to Twin Rivers Corrections Center's Sex Offender Treatment Program." Mr. Coe never requested sex offender treatment.

A Classification Referral, dated 10-03-94, indicated that the committee rated "Coe's prospects as poor based upon his lack of accepting responsibility for his committing offense and refusal to program and receive treatment."

Classification Reviews indicated that Mr. Coe maintained contact with his parents until they died and he continues to have contact with his sister.

DOC Rules Infractions for Mr. Coe include the following:

- 12-03-85 Dangerous Infraction: Coe paid another inmate to send a gift of four silk roses and a card stating "Shawny, Merry Christmas, Love Kevin". He was placed on the "Mail Hot List" and all mail he sent was checked for contents and correspondent. He was found guilty of the infraction.

- 12-17-88 Threatening: While showers were running with approximately eight inmates in the area, Coe and another inmate were yelling at each other. He was observed by an officer to lean over the shower partition with his finger pointing at the other inmate saying "If you do I'll fuck you up." This was taken as a direct threat to the other inmate. He was found guilty of the infraction.

- 03-08-91 Interference with Staff Duties:
Soliciting of Goods and Services with No Funds to Pay: Coe ordered goods from an outside vendor without funds to pay for it. He was found guilty of the infraction.

- 11-09-02 Mr. Coe received an infraction for not accepting position of alternate shower porter. He refused the assignment as he did not have a current Health Status Report for restrictions from work. He was found guilty of the infraction.

A Classification Review Questionnaire in preparation for his Classification Review indicated upon release Mr. Coe planed to go to France and reside with his sister.

Medical History

An interview with Dr. Wetzler, on 05-12-81, indicated that Mr. Coe reported that he had incurred two concussions before 1972. With one of them, he was in the hospital overnight. He reported no evidence of any residual effects.

Mr. Coe reported in prison in a letter dated 11-30-02 to Superintendent Morgan that he suffered from allergies and asthma since 1963. In DOC he was issued a non-assignment modality and taken off the job list. On 04-09-94 his throat was slashed in DOC by a mentally ill inmate.

MENTAL STATUS EXAMINATION

Mr. Coe declined to be interviewed so a mental status examination could not be conducted.

MENTAL ABNORMALITY:

The following diagnoses are listed in the Diagnostic and Statistical Manual of Mental Disorders—Fourth Edition—Text Revision (DSM-IV-TR) and constitute mental abnormalities according to RCW 71.09.

Axis I	302.9	Paraphilia, Not Otherwise Specified, non-consenting females, with sadistic traits
	302.9	Paraphilia Not Otherwise Specified, Urophilia and Coprophilia
	302.4	Exhibitionism
Axis II	301.9	Personality disorder Not Otherwise Specified, with Narcissistic and Antisocial Traits.

Paraphilia Not Otherwise Specified, Non-Consenting Females, with Sadistic Traits

Paraphilias are defined as recurrent, intense sexually arousing fantasies, sexual urges, or behaviors generally involving 1) nonhuman objects, 2) the suffering or humiliation of oneself or one's partner, or 3) children or other nonconsenting persons that occur over a period of at least 6 months. The category Paraphilia Not Otherwise Specified is included in the DSM-IV-TR for coding paraphilias that do not meet the criteria for any of the specific categories, such as for individuals who show deviant sexual arousal to rape activity or non-consenting sexual activity.

The onset of Coe's known deviant sexual arousal to non-consenting sexual activity can be traced back to 1971 when he was arrested and charged with Second Degree Burglary on 05-28-71. Coe entered an unlocked apartment and

climbed onto a bed with a sleeping female stranger. He unbuttoned her nightwear and put his hands under her blouse and in her panties. He said, "Don't you remember me, you invited me up here to fuck?" The victim screamed. Coe ran from the apartment but was apprehended by two males after taking evasive action through alleys on foot. At the time of apprehension he told the two males, "You better watch out. I made Golden Gloves champion." The charges were dismissed on 12-04-72 when the victim moved to Texas and failed to respond to letters from the prosecuting attorney's office. Coe was identified by the victim and other witnesses.

Despite consenting sexual relationships and having been married, about six years later Mr. Coe was charged on 03-22-77 with Being a Disorderly Person under the city vagrancy ordinance at that time. A 19-year-old female was using a toilet in the women's room at VIP's Restaurant in Spokane, Washington. Coe lifted himself over the stall being used by the victim, and he began to say crude things such as "You have a nice cunt." This language is identical to the language he would later use with some of his rape victims. The police report indicated that a similar incident had happened earlier but the individual was not identified. Coe was chased from the area and was seen getting into a 1976 Oldsmobile, Washington License CWT-610. This vehicle was registered to Coe's father. Contact was made shortly thereafter with Mr. Coe by police officers. He had been drinking and was "very uncooperative." He lied and said he had been driving his parents' other car and he said he had not been to the VIP's restaurant. The officers noted that the vehicle was still warm. Gordon Coe, his father, told officers that his son had permission to drive the vehicle in question and had been driving the vehicle at the time of the offense. Coe was later identified by the victim on 03-21-77 by photo line-up. There was little question that the offense was perpetrated by Mr. Coe. A disposition for the Disorderly Person charge was never found and the entire case file pertaining to the case could not be located. This would comprise Mr. Coe's second and perhaps third act of non-consenting sexual activity if he was involved in a similar incident at the VIP's restaurant previously, as suggested.

Ten months later Coe exhibited pre-rape frottage behaviors in two known incidents that appeared to be precursors to the multiple rapes that were to follow. He was charged with Indecent Liberties on 01-23-78 perpetrated against B.M.. While she was walking on the street, a man she identified as Coe came towards her and put both of his hands on her breasts and "shook" them. She then contacted a sheriff's deputy and told him what had happened. The suspect ran away but was observed by two males who were driving in the area. They saw him get into a silver 1978 Pontiac with a personalized Washington license plate of DISCO. Registration was obtained and the vehicle was found to be registered to an F. H. Coe. A photo line-up was made and Coe was identified by both the victim and the witnesses who had followed Coe. The detective investigating the case was never able to find Coe so no charges arose out of this even though the victim was willing to follow through and pursue charges. Again there was little

question that Mr. Coe was the perpetrator.

Similarly on 11-26-78, a 19-year-old female, R.T., was walking on the street when Coe walked up to her, put both hands on her breasts and "shook" them in an identical fashion to his previous offense against B.M. She told him he would "be sorry" and she turned away. He ran but was observed by two males who were driving in the area. He got into a silver 1978 Pontiac with a Washington personalized license plate saying "DISCO." The car was registered to F. H. Coe and Coe was identified by both the victim and the witnesses who followed Coe to the Savage Hours Pizza nearby, leaving little question that he was the perpetrator. Coe's whereabouts could not be determined by the investigating detective, and he was not charged even though the victim indicated a willingness to sign a complaint. It was a short five months later when he committed his first charged rape, on J.C.#1.

While Mr. Coe has staunchly denied involvements in sexual assaults, froterism, or exhibitionism since his incarceration, he admitted to Dr. Wetzler in August of 1981 that he raped D.F. and attempted another sexual assault that was thwarted when the victim sprayed him with mace. While he did not provide details of the assaults, he discussed his motivation with Dr. Wetzler. Coe said he was looking for real estate property and perhaps the South Hill rapist and observed a rape take place, which he watched from an empty house. Rather than intervening, he described how he "derived, in a perverse way, a feeling of excitement about the rape and then went home and stated he felt so excited about the rape that he had to try one himself."

Although Mr. Coe now denies arousal to non-consenting sex, it is evident from his multiple sexual assaults, his scripted deviant pattern of sexual behavior and his comments when he was more forthcoming, that he has an entrenched deviant sexual arousal to non-consenting sexual activity. While he was ultimately only convicted of one rape after his second trial, there is every reason to believe that due to similar modus operandi, victim identification of Mr. Coe as the perpetrator and evidence from a case analysis by Dr. Keppel that identified Coe's "signature" on 18 sexual assaults, that he is responsible for the charged offenses and in the very least the additional sexual offenses where he was identified by the victims or Dr. Keppel as being responsible.

During some of his sexual assaults, Mr. Coe was able to avoid identification by the victim through threats and physical force by pushing the victim's face down and obscuring his face. It is likely that additional offenses with a similar modus operandi that I have discussed previously where the victim could not identify Mr. Coe were also perpetrated by Coe; especially those identified in Dr. Keppel's signature analysis.

Mr. Coe has exhibited similar characteristics to other serial rapists in his offenses beside his previous offenses leading up to rape. He told victims J.H.#1 and D.F.

that he had been watching them, one victim "for a long time" indicating that he was cruising the area for victims that fit his victim pool, in this case younger females walking alone at night. It is notable that Mr. Coe's victim pool includes young teenage females to middle-aged women. Two of his charged victims were 14 and 15 years of age and another was 51 years of age. By surveillance reports and reports by his girlfriend, Ms. Perham, Mr. Coe spent two to four hours daily alleging to be jogging when he was cruising for rape victims in the South Hill area. He was observed to pay particular attention to parks with joggers and to bus routes.

During Mr. Coe's offending, he exhibited a distinct deviant script, or precursor behaviors, that "turned on" Mr. Coe when assaulting non-consenting females. Many of his charged, convicted and alleged assaults were strikingly similar indicating an active fantasy life that preceded the sexual assaults. The language and behaviors in his deviant script have been identified in a highly analytical way by Dr. Keppel in his "Signature Analysis" Report.

Mr. Coe would force gloved fingers down his victim's throat to initially silence them and then threaten to stab them with a knife to gain compliance. While his victims did not see a knife, they were sufficiently scared to comply with his demands. He may strike his victims in the head to gain silence and compliance if they look at him or struggle. Once in an isolated area he would fondle the victim's vagina, pull up her bra and fondle her breasts and put his finger in the victim's vagina while masturbating himself. During these acts he would ask each victim similar personal and sexual questions to heighten his arousal. He would ask the victims personal questions such as their name, where they lived, the school they attended, if they were married and if they had children. He also asked questions about their sexual activity to heighten his arousal vicariously. He asked if they masturbated and how they did it, if they liked "getting fucked" and when was the last time they had sex. He said he was going to play with the victim's "cunt" and that his victims "had a nice cunt." To one victim (D.F.) he said "I'm just going to jack off, but I want to look at your ass when I do," and "Do you like the sounds of guys when they shoot?" and "Have you ever heard the noises of people when they fuck?" Some of these questions may have been to humiliate and degrade his victim. After these queries, while he was inserting his fingers in the victim's vagina and masturbating, he would then achieve an erection and engage in sexual intercourse with the victim. While some of his sexual assaults varied somewhat, for the completed offenses, these elements remained very consistent. The frequency with which an offender engages in the same deviant script indicates the strength of his arousal to this scripted sexual fantasy. In the case of Mr. Coe, these scripted sexual activities seemed to be a prerequisite for deviant sexual arousal.

The language that Mr. Coe used in sexually assaulting his victims was consistent with sexual language reported by Mr. Coe's girlfriend, Gini Perham, and a woman he corresponded with in prison, C.G. Ms. Perham reported to police

(Spokane Police Report No. 81-07757, 04-21-81) that during their lovemaking he would say "Fuck my cunt; "Do it to me" and that he was going to "shoot his semen" into her. To Ms. G in a sexually explicit letter he wrote to her from prison in 1985 he said "I'll fuck your cunt" and "I want to ream you out." He asked Ms. C.G. similar sexual questions as he asked his victims such as "How much sex are you getting?" and "How many partners do you have now?"

In consideration of all available evidence, it appears that Mr. Coe completed a large number of sexual assaults including those that he was charged with and 12 additional rapes identified in Dr. Keppel's "Signature Analysis." Furthermore there were other sexual assaults not charged or convicted or identified in Dr. Keppel's signature analysis where the victim identified Mr. Coe as her attacker. This would include the rapes of D.A. and J.E. (06-17-79) and C.R. (03-12-81). All totaled there appear to be 21 sexual assaults attributed to Mr. Coe between 05-28-71 and 08-26-80 when G.C. was sexually assaulted. Of course there could be others since most sexual offenses go undetected and some of the identified cases in this report where victims did not identify Mr. Coe as the assailant could have been perpetrated by him. This behavior spanned over ten years and became significantly more severe between 1978 to his arrest in 1981. Mr. Coe's paraphilia is best described as paraphilia, not otherwise specified, non-consenting females with sadistic traits.

Some evaluators have opined that Mr. Coe suffers from sexual sadism, and I agree that he has traits of sexual sadism. Sexual sadism is defined as over a period of at least six months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving acts (real, not simulated) in which the psychological or physical suffering (including humiliation) of the victim is sexually exciting to the person. The person has acted on these sexual urges with a nonconsenting person, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.

Dr. Ronald Page gave Mr. Coe a diagnosis of sexual sadism on 04-02-91 and on 07-09-02. This was based on Dr. Page's conclusion that "Mr. Coe appears to have been a sexual predator of seeming consuming pre-occupation with his outlet. His actions appear to have been premeditated, aggressive, sadistic, degrading and possibly repeated in a serial fashion. While I do not disagree with Dr. Page's conclusions about Mr. Coe's offending, it is difficult to know the extent to which Mr. Coe was explicitly aroused by the humiliation, pain and suffering of his victims. Perhaps the most support for this diagnosis can come from the sexual assault of S.H. As part of the sexual assault, he asked Ms. S.H. to masturbate in front of him and asked her humiliating questions about her sexual life as he did with most of his victims. The purpose could have been to humiliate the victims or for his own arousal rather than to intentionally humiliate his victims. More definitive sadistic behaviors would be his attempted anal intercourse of S.H., an act that is more sadistic because of the almost certain pain it causes the victim. Also S.H. was one of several victims he asked to urinate on him. But to

Ms. S.H. he said it was to "degrade her and make her feel dirty," consistent with sexual sadism. He also forced her to lick his rectum, perhaps for purposes of degradation.

One way to assess the diagnosis of sexual sadism is to ascertain if the offender used more force than necessary to affect the act of rape. Mr. Coe forced his fingers down the throat of almost all his victims and some incurred injuries. This may have been for the purpose of injuring or torturing his victims, making it hard for them to breathe, but it appeared it was done primarily for the purpose of silencing them. If he struck victims, it was generally because they were not cooperating or bit his fingers, struggled or screamed. He threatened his victims with a knife if they screamed or if they disclosed the assaults, but there is no evidence he had a knife and he did not inflict knife wounds on his victims.

In support of sexual sadism, while he told his victims he would not hurt them, for example in the case of Ms. D.F. in the process of putting his hands with oven mitts down her throat, her nose was bleeding quite badly as a result of his roughness, and he threw her to the ground on her back and proceeded to sexually assault her anyway. In examining his conduct during the sexual assaults, it is evident, in the very least, Mr. Coe has sadistic traits to his rape behavior.

Paraphilia Not Otherwise Specified Urophilia/Coprophilia

This category is included in the DSM-IV-TR for coding paraphilias that do not meet the criteria for any of the specific categories. Urophilia is generally defined as over a period of at least six months sexual arousal, sexual urges or behaviors involving urine. Coprophilia involves over a period of at least six months sexual arousal, sexual urges or behaviors involving feces.

Reports from massage parlors Mr. Coe frequented weekly indicated Coe engaged in sexual acts that were termed "extremely kinky" including on numerous occasions he had his female partner urinate on his body. Other information from massage parlor employees indicated Coe was said to defecate in sinks, and urinate on the hot rocks.

Mr. Coe corresponded in prison with a C.G., a woman whom he sent pornographic letters and a recorded tape. Although the correspondence was initially consenting, she married and asked Coe to stop writing her. When he continued writing her what she termed "vulgar" letters and also sent a pornographic tape he recorded while masturbating, she turned them over to the Moscow, Washington, Police Department who sent them to the Spokane Police Department (Spokane Police Department Report No. 84-55414, 06-26-85). She gave them to police in an effort to stop him from contacting her. The explicit sexual tape Mr. Coe recorded to send to Ms. G. contained significant information about his sexual interests

including sexual arousal to feces and urine during sexual activity. The following are excerpts from his tape recording while masturbating for Ms. G. (who he called Magic):

"Oh baby, I'd love to have you sit on my face. Oh Magic, yeah. I'd like to have you sit on my face, baby, and send a stream of piss down my chest. Oh yeah, I can dig that. Oh baby, yeah, yeah, I'd love to see you piss, baby. I'd love to see you shit. I wanna make love to you, baby, in every possible way, in every possible position. Oh. Magic, oh yeah, baby. I'd love to have you take a shit, baby, and then I'd fuck you in the ass, getting some shit on my dick, baby and shit, in my come up there. Oh Magic, turn me on, baby, turn me on. Oh baby, don't be afraid to get freaky with me doll...

Oh yeah, you'll be so – after you come so good, the urine'll come out, baby. Oh baby, oh yeah, the salty fluid'll go down my throat, baby doll, along with your precious cunt juice...

I'm about to bust a glorious nut, honey. God, can you feel me, Magic? Can you feel me fuckin' you, baby? Oh Magic, oh Magic, oh baby, I'm gonna piss, too. I'm gonna piss so bad it's gonna make this a beautiful nut...

While Mr. Coe's arousal to urine and feces during sexual activity is established for consenting persons he also exhibited this arousal to urine and feces in in-consenting sexual activity. His arousal is also substantiated in the alleged sexual assaults of J.C. (04-25-78), S.H. (09-10-79), D.L. (02-16-80), M.L.#1 (03-11-80), E.A. (05-13-80), T.K. (06-20-80), and G.C. (08-26-80) where he asked the victims to urinate or defecate.

In the case of J.C.#1, Coe pulled up her shirt and bra and started to fondle her breasts. He asked her if she had to "pee." He then fondled her vaginal area and removed her tampon as she was menstruating. He asked her if she wanted to "go pee or take a shit" and said to her, "I'm going to clean you out" as he orally copulated her. As with S.H., he knocked her to the ground, removed her pants, orally copulated her for several minutes and asked her to urinate on him. Similarly, to D.L., he asked her to urinate on him while he was orally copulating her. To victim M.L.#1 after he had her disrobe, he said "Did you piss yet? If you don't, I'll hurt you." She opined that the questions he asked her were necessary for him to become sexually excited.

To victim E.A. he told her to stand up next to a tree and "take a piss." When she said she did not have to, he began to orally copulate her. To T.K. after he engaged in sexual intercourse with the victim and while asking her personal and sexual questions, he asked her if she knew what would happen if he "shit inside her." Indicating his heightened sexual arousal to feces, he asked her how good it would feel if he did that and how good it would feel for him. To G.C. after telling her "Do what I tell you or I'll kill you," he told her to urinate or defecate. When he told her to urinate, she said she could not. The acts of deviant sexual arousal during non-consenting sexual activity to urine and feces during sexual activity occurred between 04-25-78 and 08-26-80, a period of 28 months with a total of seven non-consenting victims, and Mr. Coe also demonstrated similar arousal while attending massage parlors and in 1985 in prison. This would satisfy the diagnostic criteria of paraphilia, not otherwise specified, urophilia and coprophilia.

While the crimes against victims S.H., D.L., M.L.#1, E.A., T.K., and G.C. did not result in formal charges, the crimes perpetrated against all of these victims contained Coe's "signature" according to Dr. Keppel. Also since the arousal to feces and urine is very unusual, it makes it more likely that the crimes were perpetrated by the same offender, Mr. Coe.

Exhibitionism

Exhibitionism is defined as over a period of at least six months, recurrent, intense, sexually arousing fantasies, sexual urges, or behaviors involving exposure of one's genitals to an unsuspecting stranger. The person has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.

Mr. Coe has an extensive history of being accused of exposing his genitals to strangers between 12-19-78 and 03-08-81, a span of 27 months. It is well established that many offenders suffer from multiple paraphilias, like Mr. Coe. None of these offenses were officially charged but police reports for the incidents indicate that all nine victims were able to identify Mr. Coe as the person who exposed his genitals or simulated genitalia, a dildo, to them. The following victims have identified Mr. Coe as exposing his genitals or a large dildo to them or others in public: M.O. (12-19-78), B.R. (10-08-79), C.H.#2 (between 10-29-79 and 11-05-79), P.C. (04-06-80), A.J. (01-02-81), J.L. (02-28-81) (witnessed Coe expose to two females), J.H. (03-01-81), and M.G. (03-08-81).

It is notable that Ms. Perham, Coe's girlfriend, acknowledged he owned a large dildo and had talked about it being by their bed for some months before it disappeared two months before he was arrested. Ms. Perham said Mr. Coe came in the bathroom in the morning and "paraded with the dildo over his genitals with a grin on his face." He would comment to the effect of "Look at

this!" or "What do you think?" or "Look!" "One day he jokingly commented on what a great joke it would be to drive in his car and pull up to a stop sign (or whatever) where a person or people were standing and flash the dildo from his groin area to make the bystander think it was his hard-on." His dildo was discovered in his car at a local carwash at the end of the summer in 1980. The fact that Mr. Coe was carrying the dildo in his car allowing for easy access to use it in the community for exposing lends additional credence to the victims' reports of such behavior.

M.O., 55 years of age, was waiting for a bus when a male, who she identified as Coe, approached and exposed his penis which he held in both hands. She said the penis did not appear artificial. He looked at her and did not speak. After she told him to get out of there, he ran north. She identified him on television after he had been arrested for rape charges and said that she "is sure he is the one" and that "She would never forget him as he was under the arc light." No charges were filed because the statute of limitations had expired.

B. R., 46 years of age, was putting luggage in her car when she noticed a suspect approaching her from the south wearing no pants. He walked beside her vehicle and fondled his penis. The victim got into her car and locked the doors, and the suspect came right up to her window while he fondled his penis, and then walked across the parking lot and disappeared. The victim moved from Spokane to California and knew nothing of the arrest of Mr. Coe until her sister-in-law sent newspaper clippings. The victim reported she was "absolutely positive after viewing several photographs of Coe that he is the same individual who exposed himself the morning in question."

P.C., a 48-year-old female, was hanging laundry at 6:00 a.m. in the back of her building and Coe exposed himself by holding a dildo at his crotch before turning and putting it under his arm and running away. After viewing Coe in the courtroom at his trial, she identified him as the person who exposed himself to her using a dildo.

A.J., a 32-year-old female, was waiting for a bus when Coe pulled down his pants and exposed either a dildo or his penis to her. She identified Coe as the person who exposed to her in a photographic lineup with "no doubts whatsoever."

On 02-28-81 J.L. witnessed a person who he identified as Coe expose himself to two females. Coe was jogging with no pants on. Only a few days later on 03-01-81 in a nearby location, J H was jogging and spotted Coe lying on a bench with his shorts pulled down and he was masturbating. She identified Coe in a photograph.

Coe exposed his penis or a dildo to M.G., 18 years of age, as she was jogging on a trail and made lewd comments to her, indicating his own sexual arousal during

the act. He said "Are you watching me now, come on, watch" and asked did she want to see his "cock." He said something about ejaculate and said "Let me see your cunt," a comment he had made to several of his sexual assault victims. Ms. M.G. and two other witnesses to the incident were able to identify Coe out of a physical lineup as the perpetrator.

C.H., a 17-year-old female, reported that while she was waiting for a bus to go home from drill team practice at high school, she was approached by Coe in a jogging suit wearing black gloves. He asked her what time the bus was due and then exposed himself and masturbated in her presence. Again he demonstrated sexual excitement at exposing his genitals to a stranger and said "Hey, come here, I want to touch your cunt. I want you to suck me." She was able to run away. She identified a picture of Coe in the newspaper.

There is sufficient information to establish that Mr. Coe has deviant sexual arousal to exhibitionism given his nine known victims over a span of two years and three months. Further his exposing became more deviant over time. While he initially simply exposed his genitals or a dildo and then left the scene, by March of 1981 he was masturbating in front of victim J.H.#2 and on his last two incidents of exposure, to victims M.G. and C.H.#2, he made lewd comments to the victims that were similar to those he made to his rape victims to increase his arousal during the assaults.

Additional Possible Diagnoses:

Pedophilia

Pedophilia is defined in the DSM-IV-TR as the following: a) over a period of at least six months recurrent, intense, sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a pre-pubescent child or children, (generally age 13 years or younger); b) the fantasies, sexual urges or behaviors cause clinically significant distress or impairment in social, occupational or other important areas of functioning; c) the person is at least 16 years and at least five years older than the child or children.

There is evidence that Mr. Coe may have sexual arousal to male and or female prepubescent children. Spokane Police Department Report No. 81-16255, 04-02-81, indicated that Coe was charged with Indecent Liberties that was not adjudicated due to the offense being beyond the statute of limitations. Coe's ex-wife's nephew, 13-year-old C.M., lived with the Coes in 1975 and 1976. C.M. reported both physical and sexual abuse at the hands of Coe. As to the sexual abuse, C.M. reported Mr. Coe would wash his penis in the shower and while doing so would put the wash cloth around his penis and stretch it, causing C.M. pain. He also made C.M. put soap up his rectum, also causing C.M. pain. He had the family dog lick C.M.'s anus while Coe watched. Mr. Coe persisted in this activity even when C.M. would protest. C.M. said Coe instructed him not to

disclose the incidents. Perhaps in an effort to avoid disclosure, C.M. said that Coe had given him dollar bills and toys.

Furthermore, to Dr. Wetzler, Mr. Coe disclosed that he had taken a little girl's pants off at Comstock Park. The age of Mr. Coe or the victim, or circumstances of the offense, are not discussed. Also the Spokane Police Report No. 81-07757, dated 05-28-81, indicated that a confidential informant at the Roman Spa massage parlor said that Mr. Coe role-played sexual activity with a female partner who acted like a young child. This could indicate sexual arousal to prepubescent females.

There is evidence that Mr. Coe may have deviant sexual arousal to prepubescent children; however, the circumstances and details of this behavior are insufficient to make a diagnostic conclusion.

Personality Disorder Not Otherwise Specified with Narcissistic and Antisocial Traits

Narcissistic personality disorder is defined in the DSM-IV-TR as "A pervasive pattern of grandiosity (in fantasy or behavior), need for admiration, and lack of empathy, beginning by early adulthood and present in a variety of contexts, as indicated by five (or more) of the following: (1) has a grandiose sense of self-importance (e.g., exaggerates achievements and talents, expects to be recognized as superior without commensurate achievements); (2) is preoccupied with fantasies of unlimited success, power, brilliance, beauty, or ideal love; (3) believes that he or she is "special" and unique and can only be understood by, or should associate with, other special or high-status people (or institutions); (4) requires excessive admiration; (5) has a sense of entitlement, i.e., unreasonable expectations of especially favorable treatment or automatic compliance with his or her expectations; (6) is interpersonally exploitative, i.e., takes advantage of others to achieve his or her own ends; (7) lacks empathy, is unwilling to recognize or identify with the feelings and needs of others; (8) is often envious of others or believes that others are envious of him or her; (9) shows arrogant, haughty behaviors or attitudes.

Mr. Coe has exhibited grandiose sense of self-importance. According to the records, Mr. Coe made numerous attempts to achieve success in his career by becoming a disc jockey, attempting to be involved in starting discos, involvement in real estate and other start-up types of companies. There is no evidence that Mr. Coe had been remotely successful in any of these endeavors and, in fact, records indicated he was primarily financially supported by his parents due to his financial failings. In fact, his ongoing financial support by his parents was responsible for heated arguments with his mother about his inability to support himself. However, Mr. Coe represented himself as successful and hardworking to others. His writings to a friend, John Nyberg, had themes of fantasies of unlimited success and power.

Even as a younger person, he had an inflated view of himself. In a letter to his friend, John Nyberg, dated 09-26-70 when he was 23, he wrote "In complete seriousness, I do think we owe it to the public to be rich, famous stars, but I can't do it alone you fool, I'm in Hollywood, where the hell are you? Get down here immediately, you mad dog. Ever since the eighth grade, we've been the greatest comedians in the world (or at least Southside Spokane)." He had hoped that his friend, John Nyberg, would join him working at a radio station in Hollywood and develop a comedy show. In the letter he said, "As you and I used to say in the good old days...WE COULD BE BIG! Do you hear me, Humpy? I (sic) talking about big money, dirty ladies, fab-u-lous clothes, expensive cars, diamonds, and rubies."

In a letter to John Nyberg (Bates 039344) from Las Vegas, Mr. Coe was bragging about his writing talent, although he was never able to get a book he authored published. He said that he received his natural writing talent from his dad and that he read an article in Life Magazine that publishers were looking for young talent. He said, "Since I am of course young and extremely talented, I figured they were talking about me, so I wrote a book." He talked about having an agent in Chicago who was convinced that he was "the next Hemmingway...the next Shakespeare." He signed his letters to John Nyberg, "Fred, the Great." About his job as a disc jockey, he told John Nyberg, "I myself am now a world famous rock and roll disc jocular star in super city...someone might just hear us and think we were tremendous (which we are). We'd be stars." In a letter to John Nyberg dated 09-16-71 Mr. Coe stated "Fred Coe will be a millionaire, it's just a matter of time."

To Dr. Wetzler, on 05-12-81, in an interview, he stated that before his arrest, "I had tremendous potential and intelligence, I was going to be hardworking, dedicated real estate salesman and then developer." In fact he had been terminated from two real estate agencies and was performing poorly at his current job.

After his theft conviction he wrote a treatise about his innocence and said, "I am the owner or co-owner of four companies...I am an extremely busy man. I work between 70 to 100 hours a week." His girlfriend, Gini Perham, talked about Mr. Coe being self-involved and "Mostly he talked about himself and you talked about him."

There were other incidents that indicated Mr. Coe exhibited a grandiose sense of self-importance. The Spokane Police Department Report, Case No. 71-38159, dated 05-28-71, regarding the sexual assault of D.J., indicated that when two individuals attempted to stop him for assaulting Ms. D.J., he threatened them by saying, "I'm a Golden Gloves champion." There is no information to indicate that Mr. Coe was an accomplished boxer. Even to one of his victims, C.R., on 03-12-81, Mr. Coe stated to her, "Feel my muscles. I work out. Do you think I'm good

looking?" Once in prison, the Medical Progress Notes in DOC indicated (04-16-82) that he saw a physician for allergies. The doctor wrote, "Patient went into an extensive dissertation re: his multitude of allergies which can only be controlled by proper food. He also attempted to impress one with his medical knowledge and background such as comments as 'You surely have heard of Dr. _____ who is the world known allergy and hyperglycemic specialist.' I soon assured him I had no idea who he was referring to....Healthy appearing young man very ego oriented and impressed with himself."

Mr. Coe has also exhibited a strong sense of entitlement and expectation of favorable treatment. After being caught red-handed stealing from Rosauer's grocery store, he was incensed that he was charged with Theft. He wrote in a document entitled "My Version of What Happened – The Truth about the Rosauer's theft incident." "I was shocked when the officer actually wrote a citation for this trumped up charge." He wrote that he was "a former boxer of some accomplishment" and was not physically intimidated by the two store clerks who stopped him. He called Rosauer's staff "underlings" and despite his own misbehavior in the incident, he stated, "After this rude incident at Rosauer's, I really began to look forward to the district court hearing." He has considered himself more special than others because of his father's job as a newspaper editor. In fact, he proposed that Rosauer's prosecuted him for theft as a payback to his father who had a conflict with a close friend of the Rosauers, despite no evidence of this conspiracy.

He exhibited the same sense of entitlement when he was accused of multiple rapes, despite ample evidence that he committed sexual assaults. About the prosecutor he stated, "Don Brockett conducted a vindictive prosecution, purposely prosecuting a man he knew was an innocent man. That Brockett in doing so may have even committed criminal conspiracy." He went on to list multiple reasons why he believed the prosecutor was unfair to him as he professed his innocence (Letter to multimedia news release, 05-20-82). Coe held several media interviews to profess his innocence and project blame onto the judicial system for his circumstances.

His sense of entitlement has been a consistent personality trait for Mr. Coe. When he received an infraction in DOC for not having enough funds in his account when he placed an order for goods, he lashed back at the prison by saying, "Is Kevin Coe the only inmate in the history of this hillbilly prison to be given this infraction...The proof above has been turned over to our lawyers and this matter will evidently have to be resolved in a court of law – along with our numerous other grievances against this state once my final conviction is overturned in Federal Court. The unfairness of this preposterous infraction is outrageous." Mr. Coe has had a strong sense that he should be treated differently and better than others who are involved in the criminal justice system and incarcerated in DOC.

Mr. Coe has shown arrogant and haughty behaviors or attitudes. After he was evaluated by Dr. Robert Wetzler for the purpose of determining if he met the criteria of sexual psychopath and was ultimately committed to prison anyway, he wrote a letter to Robert Wetzler on 11-04-82. Regarding Dr. Wetzler's opinion that Coe was a sexual psychopath, he stated, "I do not blame you or even Maxie (his attorney) for this stupid approach... a severe miscarriage of justice has taken place. An innocent man is in prison." To Dr. Wetzler he said "You misdiagnosed me completely....Frankly I disagreed with your psychological evaluation of me - and was totally stunned by it as I sat there in your office toward the end of our session. I could not imagine what I had done or said that had you so very far off the mark."

Mr. Coe did not work or attend education programs in prison. About the reason for his not attending school in prison, he stated "The courses offered for study here at WAP are considerably below my educational level and would not benefit me." In the community Mr. Coe dropped out of college in his first year. He also demeaned people readily who he perceived slighted him. He called the two men who arrested him at Rosauer's "underlings." He called Donald Brockett, the prosecuting attorney, "the true criminal in this case."

Mr. Coe also lacks empathy and is unwilling to recognize or identify the feelings and needs of others. When his girlfriend of two years, Gini Perham, informed police of information that was incriminating to Mr. Coe, he tried to present her as "a scorned woman" because a few weeks before he said he had turned down her suggestion to marry. He called the testimony of Gini Perham "inconsistent and perjured." He referred to Ms. Perham as unstable. About his victim, J.H.#1, he wrote a document, "Police mistakes - innocent men become victims." He said, "Thus, everything J.H.#1 says is highly suspect due to her obvious confusion." Mr. Coe has eventually criticized and demeaned his victims, his attorneys, the legal system, his girlfriend, and his lifelong friends. He has written multiple and lengthy documents devaluing all who have not supported his innocence.

Regarding the diagnosis of antisocial personality disorder, the DSM-IV-TR indicates that a person receiving this diagnosis must show a pervasive pattern of disregard for, and violation of, the rights of others since the age of 15. This pattern is established when there is evidence that the individual possesses at least three of the following seven indicators: 1) Failure to conform to social norms with respect to lawful behaviors as indicated by repeatedly performing acts that are grounds for arrest; 2) Deceitfulness, as indicated by repeated lying, use of aliases or conning others for personal profit or pleasure; 3) Impulsivity and failure to plan ahead; 4) Irritability and aggressiveness as indicated by repeated physical fights or assaults; 5) Reckless disregard for the safety of oneself or others; 6) Consistent irresponsibility as indicated by repeated failure to sustain consistent work behavior or honor financial obligations; 7) Lack of remorse as indicated by being indifferent to, or rationalizing, having hurt, mistreated or stolen from another.

In addition to the above, the individual under consideration for the diagnosis of antisocial personality disorder must be at least 18 years old, and there must be evidence that the criteria of conduct disorder were met before age 15. A conduct disorder is defined as a repetitive and persistent pattern of behavior in which the basic rights of others or major age appropriate societal norms or rules are violated.

Mr. Coe has also exhibited antisocial personality traits. He has obviously shown a pervasive disregard for and violation of the rights of others since 1971 when he began serial sexual assaults. He has also been convicted of theft. He has been deceitful by repeated lying about any sexual or criminal misbehavior. After his mother was convicted of attempting to hire a hit man to kill the prosecutor and judge after Mr. Coe's trial, Coe lied about his mother's criminal behavior, insisting she was set up in some type of conspiracy by the prosecution. This was even after police had a audiotape of her incriminating statements. He was deceitful in his relationships by engaging in infidelity in his marriage and committing multiple sexual assaults when he was engaged in a live-in relationship with Gini Perham. He was conning and manipulative when he attempted to get his friend, Jay Williams, to destroy evidence in his case (a shirt and dildo) and to lie and say that Mr. Williams and he were out in the community looking for the South Hill rapist. He was conning and manipulative when he asked his brother-in-law to lie and say that he ate breakfast with him every morning, and to plan an alibi for his presence at the Washington Power Plant where he was identified as committing Indecent Exposure. He was lying and manipulative in a letter he wrote to Guy Perham attempting to influence Gini's father into thinking that he was innocent of the rape charges.

Mr. Coe exhibited highly impulsive behavior in the community prior to his arrest. Under surveillance, he was identified driving erratically in the community, observing bus routes, parks, schools and cruising the neighborhood in search of victims for sexual assault. He has demonstrated aggressiveness in his repeated sexual assaults and an obvious disregard for the safety of himself and others by the danger he imposed on women who he sexually assaulted. He exhibited a pattern of irresponsibility in employment and ongoing need for financial support from his parents. He has never exhibited remorse for any of his illegal behaviors or the hurt or harm he has perpetrated on others.

Furthermore, a report by his nephew, C.M., indicated that he engaged in physical and sexual abuse perpetrated toward the child. Mr. Coe also has a history of assault on his ex-wife, Jennifer.

Summary

Mr. Coe has four mental abnormalities including paraphilia not otherwise specified, non-consenting partners with sexually sadistic traits; paraphilia not

otherwise specified, urophilia and coprophilia; exhibitionism; and personality disorder not otherwise specified with narcissistic and antisocial traits. Each of these mental abnormalities causes Mr. Coe to have serious difficulty controlling his volitional capacity. Mr. Coe sexually offended over ten years and continued even after he was detected twice, in 1971 and 1977. In fact, his offending escalated from voyeuring his victim and making lewd comments and fondling one victim in her bed to completed acts of oral copulation, digital penetration and rape. His volition was so impaired that his sexual assaults were frequent and risky in public neighborhoods where he could easily be detected. He would watch some of his victims and plan his sexual assaults despite the risk and illegality of his behaviors. To victim M.S.#1 he said "You don't know how much I needed this" indicating his arousal overcame his ability to fend off his rape urges. To victim D.L. he said he "needed sex." To victim T.K. in a sexual assault that Dr. Keppel identified as having Coe's "signature," Coe said "Do you know how much a guy needs this?" Mr. Coe's drive to engage in coercive sexual behavior overcame obvious barriers such as his victim's fear, protests, injuries and a history of being detected and incarcerated for such behavior in the past. Furthermore, Mr. Coe's condition affects his emotional capacity in that he is less likely to appropriately respond to the fear, protests, and resistance of his victims. He demonstrated a complete inability to appreciate the hurt and harm he perpetrated on his victims indicating serious difficulty with his emotional capacity.

In addition to the DSM-IV-TR diagnoses described above, it is also important to note that RCW 71.09 defines a mental abnormality as "a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such a person a menace to the health and safety of others. In summary, I opine that Mr. Coe suffers from four mental abnormalities according to RCW 71.09.

In addition to the DSM-IV-TR diagnoses described above, it is also important to note that RCW 71.09 defines a mental abnormality as "a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such a person a menace to the health and safety of others." I opine that Mr. Coe suffers from such a condition.

V. RISK ASSESSMENT

CRITERIA B: By reason of his mental abnormality, is Mr. Coe more likely than not to engage in predatory acts (acts of sexual violence directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization)? YES

First, in order to establish a base line level of risk that Mr. Coe will commit another sexually violent offense, he was scored on the Static-99¹ which is an actuarial measure of risk for sexual offense recidivism. This instrument has been shown to be a moderate predictor of sexual reoffense, which was defined on this instrument as being convicted of a new sexual offense. Mr. Coe scored a 5 on the Static-99 so that he most closely resembles the group of sexual offenders who are described at Medium-High risk range. Within the group scoring at this level or greater, 33% were convicted for a new sexual offense within five years of their release from custody, 38% within ten years and 40% were convicted for a new sexual offense within fifteen years of release. The scores for the specific risk factors are listed in the following table.

Table 1. Static-99 Score Summary

Risk Factor	Scores
	Yes = 1, No = 0
1 Under age 25 at release?	0
2 Single (no two year relationship)?	0
3 Index non-sexual violence, any conviction?	0
4 Prior non-sexual violence, any convictions?	0
5 Prior sex offenses?	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?	1
10 Any male victims?	1
TOTAL SCORE =	5

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 extrafamilial sex offense. On the MnSOST-R, Mr. Coe received a score of +9. This score falls in the high range of sexual reoffense and for the MnSOST-R cross-validation, on average, 57% of offenders in the high range sexually reoffended.

While the Static-99 and MnSOST-R provide a reasonable base line for sexual reoffense potential, they do not include a complete evaluation of risk factors known to be associated with sexual offense recidivism. Therefore, the following

¹Hanson, R.K. & Thornton, D. (2000). Static 99: Improving risk assessments for sex offenders: A comparison of three actuarial scales. Law and Human Behavior, 24, 119-136.

empirical derived static and dynamic risk factors, not accounted for by the use of the Static-99 alone, were also considered:

A static risk factor for sexual reoffense refers to a variable associated with sexual reoffense recidivism that usually does not change over time. The following are some static risk factors that are not scored in entirety on the actuarial instruments, but have been shown to be significantly related, through research, to sexual recidivism.

- Sexual Deviance Variables
 - Prior sex offenses against two or more children under the age of 12 with at least one unrelated child victim
 - Sex offenses as a juvenile (under age 18) and as an adult

These risk factors are not present for Mr. Coe.

- Treatment
 - Dropping out of the most recent attempt at sex offender specific treatment
 - Not completing treatment

Mr. Coe has not participated in sex offender treatment. At his initial trial in 1981 he attempted to qualify as a sexual psychopath, an option that existed at the time of sentencing that allowed for treatment in a psychiatric hospital in lieu of prison if amenable to treatment. In a psychiatric evaluation to determine if he qualified as a sexual psychopath, Mr. Coe admitted to the rape of D.F. and an additional attempted rape. He admitted being sexually excited by the act of rape. He was not committed as a sexual psychopath because a petition for sexual psychopathy proceedings was not filed by the State prior to the trial.

In his first trial after Mr. Coe was convicted of four counts of First Degree Rape, he alleged that he only admitted to the rape of D.F. and an attempted rape to receive commitment as a sexual psychopath and again maintained his innocence in any of the charged and alleged sexual assaults. In a Ruling on Motion For New Trial (Case No. 81-1-002308-8), dated 08-06-81, the court remarked in discussing sentencing, "The defendant's testimony at the trial, flat-out denial of the situation, would indicate that there would be no question that he would not be amenable to treatment, at least in that context." He has remained in steadfast denial of any sexual misbehavior since that time. He has refused sexual offender treatment in the Department of Corrections. He remains an untreated sexual offender and by reason of that, his risk is increased over sexual offenders who have completed sex offender treatment. Furthermore Mr. Coe has a severe paraphilic condition and multiple paraphilias that will require a significant amount of treatment to insure he has adequate volitional controls over his sexual deviancy.

- Hare Psychopathy Checklist-Revised

The Hare Psychopathy Checklist, revised, 2nd edition (PCL-R) was scored to ascertain the presence and degree of psychopathy. The PCL-R manual describes a psychopath as having a distinct personality pattern involving interpersonal, affective, and behavioral symptoms.

Interpersonally, psychopaths are grandiose, egocentric, manipulative, dominant, forceful and cold-hearted. Affectively, they display shallow and labile emotions, are unable to form long-lasting bonds to people, principles, or goals, and are lacking in empathy, anxiety, and genuine guilt and remorse. Behaviorally, psychopaths are impulsive and sensation seeking, and they readily violate social norms. The most obvious expressions of these predispositions involve criminality, substance abuse, and failure to fulfill social obligations and responsibilities.

Psychopathy is a concept that is similar to antisocial personality disorder; however, it represents a more extreme form of dangerousness. Higher scores on the PCL-R are associated with increased risk of future non-sexual violence and sexual violence. While it is desirable to score the PCL-R by a thorough file review and clinical interview, the PCL-R Technical Manual allows that "A considerable amount of research indicates that reliable and valid PCL-R ratings can be made solely on the basis of collateral information if it is of sufficiently high quality." In this case Mr. Coe declined to be examined for the purpose of this evaluation, however sufficient records are available to score the PCL-R on records alone.

Mr. Coe received a total score on the PCL-R of 25.3. This places him in the moderate range for psychopathy. Compared to other North American inmates, his score falls into the approximate 62.1 percentile. This score is below where a subject would be considered a psychopath.

The PCL-R is subdivided into 2 factors. Factor I measures psychopathic personality tendencies or interpersonal and affective styles such as glibness, grandiosity, need for stimulation, pathological lying, etc. Factor II measures a history of actual psychopathic behaviors or social deviance. Mr. Coe's Factor I score was 15 out of a possible 16 points placing him at the 98.6 percentile compared to other prison inmates. His Factor II score was 7.9 points out of a possible 20 points placing him at the 25.2% percentile compared to prison inmates. It is notable that Mr. Coe has almost all of the personality characteristics that are typical of someone with psychopathy.

- Dynamic Risk Factors

In addition to the static risk factors described above, there are a number of dynamic risk factors that when present contribute to a sex offender's overall risk. A dynamic risk factor refers to something that has the capacity to change over time, for example with treatment. These factors are contained in the STABLE-2000, a dynamic risk assessment instrument developed by Hanson and Harris². When offenders have been in custody for lengthy periods of time, such as Mr. Coe for 25 years since 1981, it is more difficult to assess these changeable risk factors. This is especially true when offenders have declined treatment that is meant to target the dynamic risk factors to lower sex offender risk. Furthermore since his psychological evaluation by Dr. Ronald Page on 04-02-91, Mr. Coe has not agreed to participate in a clinical interview for his required psychological evaluations in DOC. Therefore it possible that Mr. Coe's risk has changed on factors such as intimacy deficits, sexual self-regulation, attitudes tolerant of sexual assault and factors having to do with general self-regulation such as impulsivity, problem solving and negative emotionality. However, there is no information in the records that indicate a significant change has occurred for Mr. Coe.

At the time Mr. Coe was offending, all of these factors were present. He suffered significant intimacy deficits. He was married for four years but the relationship with his wife was volatile and marked by domestic violence and her alcoholism. He reported to Dr. Wetzler that he dated other women two years into the relationship even though the couple lived together. Although he had a two-year relationship with Gini Perham when his marriage ended, he was committing multiple sexual assaults while residing in the live-in relationship. It is evident that Mr. Coe had significant intimacy deficits that prevented him from engaging in meaningful, conflict free, longer-term relationships. Mr. Coe was married in prison for less than two years; however, these relationships rarely approximate the quality of relationships of those in the community because of the availability of only brief and infrequent family visits.

Another aspect of intimacy deficits that is associated with increased risk is "hostility toward women." Records indicate a volatile relationship between Mr. Coe and his mother at times who was critical of his lifestyle and inability to achieve gainful employment and financial independence. His girlfriend, Gini Perham, witnessed some of these "horrible arguments" and described how he would "blame his mother for all of his bad breaks in life." He told Gini how he had become so angry at his mother that he had almost "hit her" on one occasion. His relationship with his wife was equally turbulent and the couple was described as having angry fights, with Mr. Coe striking his wife on occasion and causing bruises in restraining her.

²Hanson, R.K., & Harris A.J.R. (2001). A structured approach to evaluating change among sexual offenders. Sexual Abuse, A Journal of Research and Treatment, 13,(2) 105-122.

Some sexual offenders tend to objectify women, see them as sexual objects which is a more subtle type of hostility toward women. Letters to his friends show how Mr. Coe objectified women and held attitudes that women are only sexual objects for his pleasure. In a letter to one friend about his escapades in Las Vegas where he was trying to find a publisher for his book "Sex in the Whitehouse" he wrote, "So then I latched on to a 45-year-old chick whose husband lived in Phoenix (She's here in LV and is a millionaire in the book biz.) He runs the wholesale book thing in Phoenix and owns a number of porno and straight book stores in the Southwest. Very very rich. It looked like a certain score since the bitch was a horny wench who digs young men..." To his friend, John Nyberg, on 01-31-72 from Las Vegas he said there were "oodles of broads" and a lot of "fox beaver in this town" and "I don't know how I'll ever get to them all!" Another letter to John Nyberg contained a "List of girls I haven't yet fucked (but would like to)." He added "Lately I've been staying away from the 15-year-old dirty broads I was telling you about (remember the Puerto Rican) cuz I'd hate to go to jail over the whole fucking thing." To John Nyberg on 02-20-72 he said "Glad to hear you legged your first black chick." In a letter to C.G. from prison he described his sexual behaviors while on bail after his first trial. "I fucked two chicks in Seattle. One is named Mary. She is 43 and has been writing me and visiting me for three years. She is Chicano, a hooker, big tits, lives in Tri Cities and used to live in Spokane. Very horny lady. No great babe but loves to fuck. She came to Seattle. Because of my strict curfew I had to sneak her into my parent's house. We fucked in the lower level bathroom all night two nights in a row. Similarly, I boned this 36-year-old from the Ballard District of Seattle..." This objectification of women allows Mr. Coe to violate women more easily and minimize the hurt and harm he perpetrated in his offending. Mr. Coe has not participated in treatment that would target his objectification of women and it is unlikely that these attitudes would change for the positive in a prison setting.

There is other evidence that Mr. Coe harbors hostility toward women. Spokane Police Report No. 84-55414 indicated that a female custody officer at Walla Walla Penitentiary reported he had "low regard for women." Most obvious is Mr. Coe's multiple violent rapes and sexual assaults on his victims that in part had to be fueled by hostility toward females. He has demeaned and blamed his victims for his being caught and punished. Before Mr. Coe can be safely released to the community, it will be important for treatment providers to address this risk factor.

Individuals who have poorly controlled sexual impulses are at greater risk for sexual reoffense. The STABLE-2000 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. In the past there is evidence that Mr. Coe experienced sexual preoccupation and deviant sexual interests.

In his mid 20's, Mr. Coe, in attempting to become a writer, wrote and attempted to sell a book called "Outrage" and another called "Sex in the Whitehouse." Outrage featured the theme of a sex orgy called "Ballathon." Some of the characters included a "45-year-old screwball nymphomaniac who perceives the Ballathon as her mythical sexland," a "porno king" a "sex symbol, fabulous beauty", and a 14-year-old "hooker" who "is without peer in the art of lovemaking." Similar sexual themes were contained in the book "Sex in the Whitehouse." Mr. Coe's letter to his friends as previously mentioned showed some preoccupation with sex and bragging about his sexual exploits. He has a history in the community of attending massage parlors weekly according to police reports, and a letter to a friend when he was living in Los Angeles indicated he attended strip clubs (Bates No. 39394).

His sexual preoccupation increased to where his consenting partners were no longer satisfying and he turned to deviant sexual outlets of exhibitionism and forced sex. He showed an extreme level of sexual preoccupation given the frequency of his offending and the time he spent cruising in the community for victims. Gini Perham reported that Mr. Coe used to "masturbate a lot" and had told her he was a gigolo in Las Vegas.

There is also sufficient evidence of his ongoing sexual preoccupation in prison at least to 1985. On 06-14-85 Spokane Police received a telephone call from C.G. who reported that she had communicated with Coe since he was incarcerated in 1981. She was recently married and asked Mr. Coe to break off the relationship but she continued to receive "vulgar" tapes and letters. She had the letters and tapes mailed to Spokane Police and indeed they indicate significant sexual preoccupation on the part of Mr. Coe (Spokane Police Department Report No. 84-55814)

In his letters and tapes, he described himself as "kinky" and discussed sexual activity he had with other women and "threesomes" he wanted to have with her. He asked her to send pictures of her in the nude to use for masturbation and he requested homemade sexually explicit tapes for sexual arousal. On the day he recorded the sexually explicit tape, he reported masturbating three times that day. He wanted to know if she wanted him to "send a sample of Kevin Coe spread on a piece of paper so you can lick it, sniff it or put it up your cunt when you masturbate." He wanted her to send him a sheet of paper with her "cunt juice all over it." Like his victims in his sexual assaults he wanted her to write him back and tell him all about her sex life. "Share more with me than you have in your letters, honey. Oh baby, tell me about it. How much sex are you getting, baby? How many partners do you have now? Tell me about your bisexual activities. Tell me about your three-ways. Tell me why you like to eat pussy, honey. Tell me everything you're into. Oh baby, tell me how you work those vibrators. Oh, sweetheart, tell me what kind of kink you're into." Also on the tape he sent to Ms. C.G. he was preoccupied with feces and urine during sexual activity, including drinking her urine. He admitted "I'm deep off into sex, I love it."

Mr. Coe's level of sexual preoccupation at the current time is unknown since he has not interviewed with the undersigned, and even when offenders interview they are usually not forthcoming with this information. However, deviant sexual arousal is enduring and pervasive and does not generally change over time. The purpose of sex offender treatment is to give offenders strategies and tools to manage their deviancy, not to cure it. Therefore, given Mr. Coe's multiple paraphilias and strong sexual preoccupation in the past it is unlikely that there has been a significant change in Mr. Coe's deviant sexual arousal.

There are a number of attitudes that are associated with sexual reoffense including sexual entitlement and attitudes supportive of sexual assault against adults and children. Increased risk is associated with attitudes or values that excuse, permit or condone such behavior. Obviously when Mr. Coe was offending he held attitudes that were supportive of sexual assault. These attitudes allowed him to offend over a 10-year period even when he was detected in 1971 after sexually assaulting D.J. and in 1977 voyeurizing C.D. in a public restroom and making lewd comments. At no time during his incarceration has Mr. Coe even acknowledged his sexual assaults and he has continued to perceive himself as an innocent victim of the system. It is unlikely that Mr. Coe has examined and changed his attitudes that allowed him to commit repeated and frequent sexual assaults.

An offender's lack of cooperation with supervision is related to an increased risk for sexual reoffense. While on the STABLE-2000 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. After Mr. Coe committed Theft in September of 1980 he was placed on a deferred sentence, a type of court probation for one year. In that year Mr. Coe committed two of his charged rapes and his convicted rape against Ms. J.H.#1. Mr. Coe has been incarcerated since 1981 except for a brief seven months in the community on bail between his trials. In this time he has received periodic infractions but has largely exhibited compliant behavior institutionally. While he has not worked in prison he has said he needs all of his time to work on legal issues. It is positive that Mr. Coe has been largely compliant with prison rules.

The final component of the STABLE-2000 is composed of general self-regulation that is assessed by examining the inmate's impulsivity, problem solving skills and negative emotionality and hostility. There is no indication that Mr. Coe has been impulsive institutionally. Without additional information the other factors cannot be assessed.

Individuals who feel hostile, victimized and resentful are at higher risk of sexual reoffense. Mr. Coe has written several treatises after his convictions indicating that he has been unfairly accused, arrested and convicted by the community, the prosecutor, victims, witnesses and by the media. He has alleged there was a

conspiracy by the judicial system to "lock him up" and falsely convict him and destroy his family. There is no indication that Mr. Coe's persecutory feelings and beliefs have changed over the years.

Individuals with a diagnosed personality disorder are statistically at higher risk for future sexual reoffense. Mr. Coe has a diagnosis of personality disorder, not otherwise specified, with narcissistic and antisocial traits.

When Mr. Coe is released from prison he will not have any type of community supervision. Individuals with lengthy histories of sexual offending and multiple paraphilias indicating strong paraphilic interests must have community supervision to provide for community safety. Community supervision today provides the necessary combination of mandated sex offender treatment and supervision that can help detect when an offender is in high-risk situations or in their offense cycle. For example high risk offenders like Mr. Coe should be subject to polygraph, GPS to confirm their whereabouts, curfews to eliminate the possibility of cruising for victims, and mandated sex offender treatment. When Mr. Coe is released he will not be subject to community supervision and sex offender treatment will not be mandated. Since he has not availed himself of sex offender treatment in prison, it is highly unlikely he will do so in the community, especially since he denies he has ever committed a sexual offense. His lack of community supervision increases his risk of sexual reoffense.

Mr. Coe is now 59 years old. He committed his sexual offenses between the ages of 24 in 1971 and 34 years of age in 1981. It is important to determine if and how his risk has changed over the years. First there is no evidence that his risk on the dynamic risk factors has been reduced. He has not participated in treatment activities that are designed to reduce dynamic risk. However he has aged since offending and research sometimes indicates substantial reductions in risk with age for all types of sexual offenders.

Research on older offenders, however, is fraught with methodological problems that do not allow for strong conclusions about the affect of age on sexual recidivism for some offenders. There are no studies that have been conducted that have adequate sample sizes in the older age categories, and the type of sexual offender in the sample is unknown. For example, studies by Hanson (2002)³ and Barbaree, Blanchard and Langton (2003)⁴ that examined the sexual recidivism rates of different age offenders showed a very low risk of sexual reoffense for rapists over age 60. However offenders like Mr. Coe with prolific offense histories and multiple paraphilias are rare and it is unlikely that more than

³ Hanson, R.K. (2002) Recidivism and Age: Follow-up data from 4,673 sexual offenders. Journal of Interpersonal Violence, 17, (10), 1046-1062.

⁴ Barbaree, H.E., Blanchard, R., & Langton, C. (2003). The development of sexual aggression through the lifespan: The effect of age on sexual arousal and recidivism among sex offenders. Annals of the New York Academy of Sciences, 989, 59-71.

a few, if any, offenders like him were represented in this sample. An age study by Thornton⁵ could make no conclusions about offenders over 60 because the sample was too small.

Furthermore there is no information as to the health of the ageing offenders in these studies or if they have died. The reduction in offending seen in the Hanson (2002) and Barbaree (2003) studies may be due to illness and death in older offenders rather than significantly reduced rates of sexual offending with age. Mr. Coe remains active, mobile and healthy. Mr. Coe's age may modestly reduce his risk; however, the strength of his sexual deviance, high actuarial risk, the presence of many dynamic risk factors and lack of treatment outweighs any significant reduction for risk because of his age.

In summary, Mr. Coe scored in the medium-high range of risk of sexual reoffense on the Static-99 and in the high range of risk on the MnSOST-R. For the Static-99, the estimate reveals the probability that a sex offender will be convicted of a new sexual offense, and for the MnSOST-R that he will be charged or convicted of a new hands on sexual offense. Both instruments underestimate the probability that he will commit a new sexual offense. In other words, it is well established that many sexual offenses go unreported and undetected. Therefore, the probability that an offender will commit a new sexual offense is necessarily higher than the probability that he will be detected, arrested, prosecuted and convicted of committing a new sexual offense. Nor does the Static-99 estimate and MnSOST-R take into consideration the additional static and dynamic risks factors explained above. In this case, an overall review of the Static-99 and the MnSOST-R and the static and dynamic variables examined outside the actuarial scheme places Mr. Coe at high risk for sexual reoffense. I opine that Mr. Coe poses a serious and well founded risk for future sexual reoffense.

CONCLUSIONS

Based on the above information, it is my opinion that Mr. Coe does meet the criteria as a sexually violent predator as described in RCW 71.09. Under penalty of perjury under the laws of the States of Washington and California, I certify that the foregoing statements are true and correct.

Signed and dated by me in Cambria, California.

⁵ Thornton, D. (2006). Age and sexual recidivism: A variable connection. Sexual Abuse: A Journal of Research and Treatment. (Published online 26 April, 2006)

Curriculum Vitae

Amy Phenix, Ph.D.
P.O. Box 325
Cambria, CA 93428
amy@amyphenix.com

PROFESSIONAL BACKGROUND

- 1992 to Present **Clinical Psychologist, Private Practice.**
Specialization in Forensic Psychology and violent and sexual offender evaluation. Contracted by California Department of Mental Health and agents out of state to conduct Sexually Violent Predator (SVP) Evaluations and court testimony. Contracted by the California Department of Mental Health to conduct quality assurance, evaluation consultation and training for the California Sex Offender Commitment Program. Conduct Mentally Disordered Offender evaluations and evaluations for the Conditional Release Program in Los Angeles County, California. Conduct evaluations for the Los Angeles Conditional Release (CONREP) Program to determine appropriateness for release of Mentally Disordered Offenders to CONREP.
- 1995 to 1999 **Consulting Psychologist, Sex Offender Commitment Program, Department of Mental Health, Sacramento, California.**
Responsible for state-wide training of all clinical staff who perform Welfare and Institutions Code (WIC) 6600 (Sexually Violent Predator) clinical evaluations on inmates with sex offenses in California State Prison. Performed trainings for California District Attorneys, parole agents and investigators on clinical and legal issues in expert testimony in Sexually Violent Predator trials. Have also provided training to staff at Atascadero State Hospital on performing the clinical evaluation for recommitment of sexually violent predators. Provided training on administration of the Hare Psychopathy Checklist-Revised to the California SVP clinical evaluators. Personally completed over 185 sexually violent predator initial evaluations. Have provided testimony in Superior Courts in numerous counties in California.
- 1994 to 1995 **Clinical Psychologist, Atascadero State Hospital, Atascadero, California.**
Clinical psychologist for Mentally Disordered Offenders committed to Atascadero State Hospital Pursuant to Penal Code 2962. Job responsibilities included psychological assessment and group psychotherapy. Conducted evaluations for determining suitability of the patient to be released to a conditional release

program, parole or the community. Provided testimony to the California Board of Prison Terms and the San Luis Obispo Superior Court regarding dangerousness.

1992 to 1995 and
1990 to 1991

Staff Psychologist, California Men's Colony, San Luis Obispo, California.

Member of outpatient treatment team with responsibilities for clinical interview, diagnosis and treatment of new arrivals to California Department of Corrections, Psychiatric Unit. Member of inpatient treatment team performing evaluations with acute psychiatric patients. Performed individual and group psychotherapy for inmates with psychological disorders. Clinical supervisor for psychology trainees in a clinical psychology doctoral program.

Responsibilities beginning in 1993 included Coordinator of Penal Code 2684 Program and Coordinator of Utilization Review. Job duties included performing clinical evaluations and recommending inmates appropriate for transfer to Atascadero State Hospital. Utilization review duties included reviewing inmates in treatment at Atascadero State Hospital to assess need for continued inpatient treatment.

Hospital.
inmates in treatment
for continued inpatient

1991 to 1992

Staff Psychologist, Parole Outpatient Clinic, Fresno, California.

Responsible for evaluation and treatment of California State male and female parolees with sex offenses, violent offenses and mental disorders. Conducted specialized group psychotherapy utilizing relapse prevention for sex offenders. Performed clinical evaluations, psychometric testing and emergency jail evaluations. Provided testimony to the Board of Prison Terms pursuant to revocation for psychiatric attention.

1989 to 1990

Psychology Intern, California Men's Colony, San Luis Obispo, California.

1988 to 1989

Psychological Trainee, San Luis Obispo County Mental Health, San Luis Obispo, California.

1987 to 1988

Psychological Trainee, Modesto Counseling Center, Modesto, California.

1981 to 1984

Director, Cardiac Rehabilitation and Fitness, Pritikin Center, Downingtown, Pennsylvania.

Designed and developed a cardiac rehabilitation program that included therapeutic diet prescription, exercise testing and

comprehensive education in life-style modification.
Administrative responsibilities included hiring and training of staff, development of policy and procedure, and supervision of daily operations.

1979 to 1980

Director, Cardiac Rehabilitation and Fitness, Jewish Hospital, Cincinnati, Ohio.

Designed, developed and implemented a new cardiovascular rehabilitation program, which included facility design, hiring and training of staff, and program marketing.

EDUCATION

Doctorate of Philosophy in Clinical Psychology, California School of Professional Psychology-Fresno, 1987 to 1990.

Dissertation: A one-year follow-up of a weight control study comparing behavioral techniques, nutrition information and exercise

Master of Science in Psychology, University of South Alabama, 1986 to 1987.

Thesis: A comparison of behavioral techniques, nutritional information and exercise on weight loss, body composition and lipids

Master of Science in Adult Fitness and Cardiac Rehabilitation, University of Wisconsin-LaCrosse, 1978 to 1979

Thesis: The effect of propranolol on ST depression

Bachelor of Science in Education, University of Cincinnati, 1977

TRAINING

Human Sexuality Program, University of California, Los Angeles, 1992 to 1993. This program consisted of education, clinical supervision and treatment of clients with sexual dysfunctions and sexual deviancy at the Neuropsychiatric Institute, UCLA Center for the Health Sciences.

PUBLICATIONS

Sreenivasan, S., Kirkish, P., Garrick, T., Weinberger, L., & Phenix, A. (2001). Actuarial risk assessment models: A review of critical issues related to violence and sex-offender recidivism assessments. Journal of the American Academy of Psychiatry and Law, Vol. 28, 438-448.

Phenix, A., Hanson, R. K., & Thornton, D. (2000). Coding rules for the Static-99. Corrections Research: Manual and Forms. Ottawa: Department of the Solicitor General of Canada

Phenix, A. (2001). Sex offender risk assessment. Innovations in Clinical Practice: A Source Book: Vol. 20. Sarasota, FL: Professional Resource Press.

Vognsen, J. & Phenix, A. (2004). Antisocial personality disorder is not enough: A reply to Sreenivasan, Weinberger, and Garrick. *Journal of the American Academy of Psychiatry and the Law*, Vol. 32, 440-442.

EDITORIAL BOARD

The Journal of Sex Offender Civil Commitment: Science and the Law (Since 2005).

CONFERENCE PRESENTATIONS

Phenix, A. (March 1997,). "The evaluation of sexually violent predators." Forensic Mental Health Association of California. Asilomar, California.

Phenix, A. (April, 1997). "The evaluation and treatment of sexually violent predators." California Psychological Association. San Jose, California.

Phenix, A. (October, 1998) "Evaluating sexual offender's recidivism risk: Research reports and court testimony." Association for the Treatment of Sexual Abusers meeting. Vancouver, Canada.

Phenix, A. (March, 2000) "Conducting risk assessment for sexual offenders." California Psychological Association meeting. San Jose, California.

Phenix, A. (February, 2004) "Sex Offender Risk Assessment", American Academy of Forensic Sciences meeting, Dallas, Texas

Phenix, A. (February, 2006) "Science, Law and the SVP Controversy." American Academy of Forensic Sciences meeting, Seattle, Washington

INVITED ADDRESSES

Phenix, A. (1997, June). "Sexually violent predators: Clinical evaluation and court testimony." First Annual California Sex Offender Treatment Conference. Berkeley, California.

Phenix, A. (1997, October). "Sexually violent predators: Commitment issues." California District Attorney's Association Meeting. San Diego, California.

Phenix, A. (1997, September and October) "Sexually violent predator training: Strengthening court testimony." Meeting of Los Angeles County District Attorneys. Los Angeles, California.

Phenix, A. (1997, October) "Violent sexual predators." California Sexual Assault Investigators Association 19th Annual Training. Irvine, California.

Phenix, A. (1998, March) "Sexually violent predators: Issues in trial testimony." California District Attorneys Association meeting at Atascadero State Hospital. Atascadero, California.

Phenix, A. (1998, April) "Writing the Sexually Violent Persons Clinical Evaluation." Arizona Sexually Violent Persons Clinical Evaluators at Arizona State Hospital. Phoenix, Arizona.

Phenix, A. (June, 1998) "Sexually violent predators. Issues in trial testimony." California District Attorneys Association meeting. Tahoe, Nevada.

Phenix, A. (February, 2000) "Evaluating sexual offender recidivism." Florida Sexually Violent Predator Program training. Orlando, Florida

Phenix, A. (July, 2000) "Issues in court testimony for sexually violent predator civil commitment trials." Florida Prosecuting Attorneys Association meeting. Orlando, Florida

Phenix, A. (October, 2000) "The Static-99." Alaska Department of Corrections. Anchorage, Alaska

Phenix, A. (February, 2001) "Determining Sex Offender Risk." Specialized Training Services. Las Vegas, Nevada

Phenix, A. (April, 2001) "Determining Sex Offender Risk." Specialized Training Services. Austin, Texas

Phenix, A. (April, 2001) "Determining Sex Offender Risk." Specialized Training Services. Portland, Oregon

Phenix, A. (May, 2001) "Determining Sex Offender Risk" Specialized Training Services. Arlington, Texas

Phenix, A. (May, 2001) "Determining Sex Offender Risk." Specialized Training Services. Arlington, Texas

Phenix, A. (May, 2001) "Sex Offender Risk Assessment." California School of Professional Psychology. Fresno, California

Phenix, A. (August, 2001) "Determining Sex Offender Risk." The Colorado Association of Sex Crimes Investigators. Snowmass, Colorado

Phenix, A. (October, 2001) "Psychological & Legal Issues in Civil Commitment," American Prosecutors Research Institute, Biloxi, Mississippi

Phenix, A. (April, 2002) Sexually Violent Predator Workshop, California District Attorneys Association, Santa Barbara, California

Phenix, A. (May 2002) "Sex Offender Risk Assessment", San Luis Obispo Probation Department, San Luis Obispo, California

Phenix, A. (April, 2003) Sexually Violent Predator Workshop, California District Attorneys Association, Santa Barbara, California

Phenix, A. (May, 2003) Mentally Disordered Offender Training, Board of Prison Terms Deputy Commissioners, Sacramento, California

Phenix, A. (May, 2003) "The Dynamic Risk Factors for Sexual Reoffense," California Coalition on Sex Offending, San Diego, California

Phenix, A. (June, 2003) Mentally Disordered Offender Evaluator Training, Board of Prison Terms Clinical Evaluators, Diamond Bar, California

Phenix, A. (October, 2003) the Sexually Violent Predator Clinical Evaluation, Illinois Department of Corrections, Sexually Violent Predator Unit, Chicago, Illinois

Phenix, A. (October, 2003) Train the Trainers: Static-99 and the Stable-2000 and Acute-2000, Oregon Association for Community Corrections Directors: Statewide Oregon Sex Offender Supervision Network; Oregon State Department of Corrections; and the Center for Sex Offender Management (CSOM), Salem, Oregon

Phenix, A. (April, 2004) Sex Offender Risk Assessment: The Use of the Static-99, Stable-2000 and the Acute-2000, Forensic Health Care, Oakland, California

Phenix, A. (May, 2004) Training in the Static-99, Albuquerque Police Department, Albuquerque, New Mexico (scheduled training)

Phenix, A. (August, 2004) "Sex Offender Risk Assessment." Alliant University, Fresno, California

Phenix, A. (November, 2004) "Sex Offender Risk Assessment." California Department of Corrections Mentally Disordered Offender Unit, San Luis Obispo, California

Phenix, A. (August, 2005) "Scoring the Static-99." Pennsylvania Probation Department, Harrisburg, Pennsylvania

Phenix, A. (October, 2005) "Scoring the Static-99; Train the Trainer." Pennsylvania Department of Corrections, Harrisburg, Pennsylvania

Phenix, A. (October, 2005) "The Effect of Aging on Sexual Recidivism." California District Attorneys Association, San Luis Obispo, California

Phenix, A. (November, 2005) "Scoring the Static-99" Association for Treatment of Sexual Abusers, Salt Lake City, Utah

Phenix, A. (February, 2006) "Determining Sex Offender Risk." Santa Barbara County Public Defender Office, Solvang, California

Phenix, A. (February, 2006) "Sex Offender Risk Assessment." Alliant University, Fresno, California

Phenix, A. (June, 2006) "Scoring the Static-99." California Department of Corrections and Rehabilitation, Parole Department, Diamond Bar, Bakersfield and Gault, California

Phenix, A. (June, 2006) "SVP Evaluations and the Actuarials: What Every Defense Lawyer Should Know." Florida Public Defender Association, Orlando, Florida

MEMBERSHIP IN PROFESSIONAL ASSOCIATIONS

American Psychological Association

California Psychological Association

Forensic Mental Health Association of California

California Coalition on Sexual Offending

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AUG 30 2006

THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK

STATE OF WASHINGTON
SPOKANE COUNTY SUPERIOR COURT

NO. **06203843-1**

In re the Detention of:

KEVIN COE,

A/K/A FREDERICK HARLAN COE,

Respondent.

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 and through ROB McKENNA, Attorney General, and Assistant Attorneys General TODD BOWERS and MALCOLM ROSS and requests this court find probable cause to believe Respondent is a sexually violent predator. The Petitioner further requests that this Court direct the issuance of a warrant for the Respondent's custodial detention pending the adversarial probable cause hearing. The Petitioner also requests that this Court set a probable cause hearing in this matter within 72 hours of the Respondent's

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1 arrest on the warrant issued in this matter, as required by RCW 71.09.040(2). This motion is
2 based upon the petition and certification for determination of probable cause filed in this matter
3 and RCW 71.09.040(1) and (2).

4 DATED this 30th day of August, 2006.

5 ROB MCKENNA
6 Attorney General

7 

8

TODD BOWERS, WSBA #25274
Assistant Attorney General

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MALCOLM ROSS, WSBA #22883
11 Assistant Attorneys General
12 Attorneys for Petitioner

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AUG 30 2006

THOMAS F. BULLOCH
SPOKANE COUNTY CLERK

STATE OF WASHINGTON
SPOKANE COUNTY SUPERIOR COURT

In re the Detention of:

KEVIN COE,

A/K/A FREDERICK HARLAN COE,

Respondent.

NO. **06203843-1**
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 Spokane County Jail, not subject to bail.


1 4. The Respondent shall be transported to the Spokane County Superior Court for an
2 adversarial probable cause hearing to be held on the 6th day of September, 2006, at 9:00 a.m.

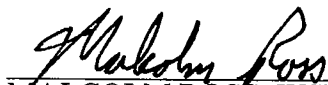
3 DATED this 30th day of August, 2006.

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6 NEAL Q. RIELLY
7 THE HONORABLE NEAL Q. RIELLY
8 Judge of the Superior Court

9 Presented by:

10 ROB McKENNA
11 Attorney General

12 
13 TODD BOWERS, WSBA #25274
14 Assistant Attorney General

15 
16 MALCOLM ROSS, WSBA #22883
17 Assistant Attorney General
18 Attorneys for Petitioner

FILED

AUG 30 2006

THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK

STATE OF WASHINGTON
SPOKANE COUNTY SUPERIOR COURT

In re the Detention of:

KEVIN COE,

A/K/A FREDERICK HARLAN COE,

Respondent.

NO. **06203843-1**

WARRANT OF ARREST FOR
CUSTODIAL DETENTION

STATE OF WASHINGTON)
) ss.
COUNTY OF SPOKANE)

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

A Petition was filed on the 30th day of August, 2006, in the Superior Court of the State of Washington, for the County of Spokane, alleging that the Respondent is a sexually violent predator. The Court subsequently 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 Spokane 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 before the Honorable Kathleen M. O'Conner for a probable cause hearing currently scheduled for the 6th day of September, 2006, at 9:00 a.m.

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Respondent's date of birth is 2/02/47. His Department of Corrections number is 279538.
He is a white male, approximately 6 ft. 1 in. tall, 182 lbs., and has brown hair and blue eyes.

BY ORDER OF THE COURT: WITNESS THE HONORABLE NEAL Q. RIELLY
JUDGE OF THE SUPERIOR COURT, AND THE SEAL OF
SAID COURT THIS 30TH DAY OF AUGUST, 2006.

THOMAS R. FALLQUIST, County Clerk

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

Cecily A. Coulter
DEPUTY CLERK

DATE OF ISSUE:

August 30, 2006.

NOTICE

ATTENTION KEVIN COE:

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 9:00 a.m., on the 6th day of September, 2006.

FILED

AUG 30 2006

THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK

STATE OF WASHINGTON
SPOKANECOUNTY SUPERIOR COURT

In re the Detention of:

KEVIN COE,

A/K/A FREDERICK HARLAN COE,

Respondent.

NO.

06203843-1

ORDER OF TRANSPORT

THIS MATTER having come before the Court on the 30th day of August, 2006, 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 Spokane County Sheriff or his representative shall transfer the Respondent from the Washington State Penitentiary, located in Walla Walla, Washington, to the Spokane County Jail.

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1 2. The Respondent shall be held in the Spokane County Jail, not subject to bail, and
2 transported to the appropriate courtroom on the 6th day of September, 2006, at 9:00 a.m. for the
3 adversarial probable cause hearing.

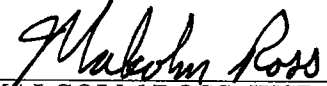
4 DATED this 30th day of August, 2006

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7 _____
8 THE HONORABLE NEAL Q. RIELLY
9 Judge of the Superior Court

10 Presented by:

11 ROB MCKENNA
12 Attorney General

13 
14 _____
15 TODD BOWERS, WSBA #25274
16 Assistant Attorney General

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18 _____
19 MALCOLM ROSS, WSBA #22883
20 Assistant Attorney General
21 Attorneys for Petitioner
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AUG 30 2006

THOMAS R. FALLOUT
SPOKANE COUNTY CLERK

STATE OF WASHINGTON
SPOKANE COUNTY SUPERIOR COURT

In re the Detention of:

KEVIN COE,

A/K/A FREDERICK HARLAN COE,

Respondent.

NO.

06203843-1

DEMAND FOR JURY TRIAL

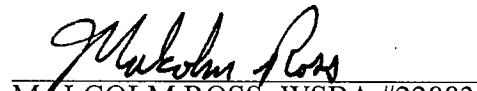
Petitioner, State of Washington, by and through ROB MCKENNA, Attorney General, and TODD BOWERS and MALCOLM ROSS, Assistant Attorneys General, hereby demands a trial by jury of twelve persons on all issues so triable. This demand is made pursuant to CR 38, Spokane County LCR 38 and RCW 71.09.050(3).

DATED this 30th day of August, 2006.

ROB MCKENNA
Attorney General



TODD BOWERS, WSBA #25274
Assistant Attorney General



MALCOLM ROSS, WSBA #22883
Assistant Attorney General
Attorneys for Petitioner

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AUG 30 2006

THOMAS R. JENLON
SPOKANE COUNTY CLERK

STATE OF WASHINGTON
SPOKANE COUNTY SUPERIOR COURT

In re the Detention of:

KEVIN COE,

A/K/A FREDERICK HARLAN COE,

Respondent.

NO. 06203843-1

MEMORANDUM RE: PROBABLE
CAUSE HEARING

I. PROCEDURAL FACTS

On August 30, 2006, the State of Washington filed a petition alleging that the Respondent, KEVIN COE, is a sexually violent predator (SVP) as that term is defined in RCW 71.09.020 *et seq.* The Court reviewed the petition and certification for determination of probable cause, including the attached SVP evaluation of the Respondent by Dr. Amy Phenix, and found that probable cause existed to believe that the Respondent is an SVP. Pursuant to RCW 71.09.040(2), a 72-hour probable cause hearing was scheduled for September 6, 2006 at 9:00 a.m. to provide the Respondent with an opportunity to appear in person to contest the *ex parte* probable cause finding.

II. CONDUCT OF PROBABLE CAUSE HEARING

A. **The Probable Cause Hearing is Not a Lengthy Proceeding, and the Court Does Not Weigh the Evidence or Apply a Preponderance of Evidence Standard.**

It is clear from cases interpreting RCW 71.09 that the probable cause hearing is not intended to be a trial, nor is the court to weigh the evidence.

1 **1. The State establishes probable cause by presenting a prima facie case.**

2 The issue before this Court is whether probable cause exists to believe that the
3 Respondent is an SVP. RCW 71.09.040(2). At this hearing, “the court shall (a) verify the
4 person’s identity, and (b) determine whether probable cause exists to believe that the person is
5 a sexually violent predator.” *Id.*

6 The term probable cause, although not defined in RCW 71.09, should be accorded its
7 common meaning:

8 An apparent state of facts found to exist upon reasonable inquiry (that is, such
9 inquiry as the given case renders convenient and proper), which would induce a
10 reasonably intelligent and prudent [person] to believe, in a criminal case, that the
accused person had committed the crime charge, or in a civil case, that a cause of
action existed.

11 *Black’s Law Dictionary*, 5th Edition, West’s Publishing, 1979.

12 The Washington Supreme Court adopted a similar definition of probable cause in
13 defining that term as it is used in the post-commitment provisions of the statute.
14 *In re Petersen*, 145 Wn.2d 789, 42 P.3d 952 (2002). There, the court held that, “probable
15 cause exists if the proposition to be proven has been prima facie shown.” *Id.* at 797.
16 Importantly, “[c]ourts do not ‘weigh evidence’ to determine probable cause.” *Id.* at 798.

17 **2. The probable cause hearing is not intended to be lengthy.**

18 In *In re Young*, 122 Wn.2d 1, 857 P.2d 989 (1993), our supreme court held that
19 persons detained pursuant to 71.09 are constitutionally entitled to a hearing to contest
20 probable cause following the State’s *ex parte* petition for commitment:

21 Application of the due process and equal protection principles discussed above
22 requires that detainees under the Statute be afforded an opportunity to appear in
23 person to contest probable cause. . . . Absent an opportunity to appear and
respond to the petition for commitment, we believe that the risk of wrongful
detention is too great.

24 *Id.* at 46.

25 In providing for probable cause hearings in civil commitment cases under RCW 71.09,
26 the *Young* court did not envision a lengthy, cumbersome proceeding:

1 . . . [T]he burden of providing notice and an opportunity for a detainee to
2 appear is not too onerous. The breadth of such a hearing would remain within
3 the discretion of the trial court. Insofar as this hearing is limited to verification
4 of the detainee's identity and the determination of probable cause to believe
that he or she is a sexually violent predator, *we do not anticipate a lengthy
proceeding.*

5 *Id.*

6 Based on the above language from *Young*, the legislature in 1995 amended
7 RCW 71.09 to require a hearing on probable cause within 72 hours of confinement under the
8 statute:

9 (1) Upon the filing of a petition under RCW 71.09.030, the judge shall
10 determine whether probable cause exists to believe that the person named in
the petition is a sexually violent predator. If such determination is made the
11 judge shall direct that the person be taken into custody.

12 (2) Within seventy-two hours after a person is taken into custody pursuant to
13 subsection (1) of this section, the court shall provide the person with notice of,
and an opportunity to appear in person at, a hearing to contest probable cause
14 as to whether the person is a sexually violent predator. At this hearing, the
court shall (a) verify the person's identity, and (b) determine whether probable
15 cause exists to believe that the person is a sexually violent predator. At the
probable cause hearing, the state may rely upon the petition and certification
16 for determination of probable cause filed pursuant to RCW 71.09.030. The
state may supplement this with additional documentary evidence or live
testimony.

17 RCW 71.09.040.¹

18 As *Young* and the legislature's amendment to the statute make clear, a probable cause
19 hearing under 71.09.040 is the Respondent's opportunity to appear and to challenge the
20 finding of probable cause that was made at the time the petition was filed. If the Respondent
21 does challenge the court's initial determination of probable cause, the court must reassess the
22 existence of probable cause in light of the Respondent's specific challenge.

23 **3. The Rules of Evidence are not in effect at the probable cause hearing.**

24 RCW 71.09.040(2) provides:

25 ¹ *In re Capello*, 114 Wn. App. 739, 60 P.3d 620 (2002), provides that the 72-hour period begins to run
26 when the arrest warrant is served on the respondent. The 72-hour period is then calculated using CR 6(a).

1 At the probable cause hearing, the state may rely upon the petition and
2 certification for determination of probable cause filed pursuant to
3 RCW 71.09.030. The state may supplement this with additional documentary
evidence or live testimony.

4 Recognizing the limited purpose of a probable cause hearing, the Supreme Court
5 affirmed that the evidence rules have limited application in these proceedings:

6 This probable cause hearing stage of the proceedings is not a commitment trial;
7 it is merely a preliminary determination stage **prior** to the commitment trial.
8 Its purpose is to prevent wrongful detention during the 45-day evaluation
9 period **prior** to the commitment trial. Such a proceeding is most similar to the
probable cause or pretrial release hearing held in criminal cases, neither of
which require application of the rules of evidence. ER 1101(c)(3).

10 *In re the Detention of Campbell*, 139 Wn.2d 341, 354, 986 P.2d 790 (1999) (emphasis in
11 original). The court approved this limited application of the evidence rules against
12 constitutional challenge. *Id.*

13 **B. The Respondent Does Not Have the Right to an Evaluation Prior to the Contested
Probable Cause Hearing.**

14 Under RCW 71.09, a respondent does not have the right to examination by his or her
15 own expert until after the court makes a formal probable cause finding. The issues at the
16 probable cause hearing are verification of the respondent's identity and whether probable cause
17 exists to believe the respondent is an SVP. RCW 71.09.040(2).

18 RCW 71.09 identifies the respondent's rights at the probable cause hearing:

19 At the probable cause hearing, the person shall have the following rights in
20 addition to the rights previously specified: (a) To be represented by counsel; (b) to
21 present evidence on his or her behalf; (c) to cross-examine witnesses who testify
against him or her; (d) to view and copy all petitions and reports in the court file.

22 RCW 71.09.040(4). If the court affirms its earlier ex parte finding of probable cause, the court
23 then orders that the person "be transferred to an appropriate facility for an evaluation as to
24 whether the person is a sexually violent predator." RCW 71.09.040(4). The court sets a trial
25 to begin within 45 days after the in-court finding of probable cause. RCW 71.09.050(1).
26

1 RCW 71.09.050(2) provides that a respondent has the right to retain an expert for his or
2 her own examination when the court orders an evaluation:

3 Whenever any person is subjected to an examination under this chapter, he or she
4 may retain experts or professional persons to perform an examination on their
5 behalf. . . .

6 The presentation of a contrary expert opinion is not relevant to the Respondent's
7 defense at the probable cause stage. As previously noted, while the statute allows the
8 Respondent to present evidence, the probable cause hearing is not a trial wherein the court
9 would hear and weigh conflicting expert testimony. *Petersen*, 145 Wn.2d at 798. Instead, the
10 court finds probable cause exists "if the proposition to be proven has been prima facie
11 shown[.]" i.e., facts are presented which "if believed" are sufficient to establish the proposition.
12 *Id.* at 797.

13 The Petitioner establishes a prima facie case when it presents facts which, if believed,
14 establish that the respondent: has been convicted of or charged with a crime of sexual violence;
15 suffers from a mental abnormality or personality disorder; and the person's mental condition
16 makes him likely to engage in predatory acts of sexual violence unless confined in a secure
17 facility. RCW 71.09.020(16).

18 Once the State has presented a prima facie case, the respondent can defeat probable
19 cause only by disproving one of the necessary elements. For example, if he were able to prove
20 that he is not the person identified in the petition, or that he has not been convicted of a
21 sexually violent offense, the State's prima facie case would be defeated. Merely presenting
22 contrary opinion evidence as to the presence of the requisite mental condition, however, does
23 not help the court determine "whether the [petitioner's] facts (or absence thereof) – *if believed*
24 – warrant more proceedings." *Petersen*, 145 Wn.2d at 797 (emphasis in original). Rather, it
25 merely demonstrates a difference of opinion to be resolved at trial.
26

1 **C. Elements that must be established to support probable cause.**

2 By statute, the term “sexually violent predator” is defined as:

3 [A]ny person who has been convicted or charged with a crime of sexual
4 violence and who suffers from a mental abnormality or personality disorder
5 which makes the person likely to engage in predatory acts of sexual violence if
6 not confined in a secure facility.

7 RCW 71.09.020(16).

8 As established in the Certification for Determination of Probable Cause, the facts in
9 the Respondent’s case demonstrate each element of the definition of an SVP. First, the
10 Respondent has previously been convicted of a crime of sexual violence, namely, Rape in the
11 First Degree. RCW 71.09.020(15); Certification for Determination of Probable Cause at 1-4.
12 Second, Dr. Amy Phenix, a licensed clinical psychologist, conducted an SVP evaluation of the
13 Respondent, and, based upon her review of Respondent’s history, found that he currently
14 suffers from four mental abnormalities that causes him serious difficulty controlling his
15 sexually violent behavior and make him more likely than not to engage in predatory acts of
16 sexual violence unless he is confined in a secure facility.

17 Dr. Phenix diagnoses the Respondent as suffering from: (1) Paraphilia, Not Otherwise
18 Specified (NOS), nonconsenting females, with sadistic traits; (2) Paraphilia NOS, Urophilia &
19 Coprophilia; (3) Exhibitionism; and (4) Personality Disorder NOS, with Narcissistic and
20 Antisocial Traits. Each of these disorders is, in Dr. Phenix’s opinion, a mental abnormality,
21 as that term is defined in RCW 71.09.020(8). Dr. Phenix opines that these disorders make the
22 Respondent more likely than not to engage in predatory acts of sexual violence unless he is
23 confined in a secure facility.

24 **D. The State May Call Respondent**

25 The State reserves the right to call the Respondent either in its opening case or on
26 rebuttal during the probable cause hearing. Under RCW 71.09.040(2), in addition to
information contained in the certification, the State “may supplement this with additional

1 documentary evidence or testimony.” The courts have repeatedly recognized that these are
2 civil proceedings. Therefore, the Respondent does not have a testimonial privilege that
3 precludes him from taking the stand if called by the State. *Young*, 122 Wn.2d at 52.

4 **E. Following a Probable Cause Finding, the Respondent must be detained and**
5 **transferred to the Special Commitment Center for a mental health evaluation.**

6 Under RCW 71.09.040(4), after the probable cause determination is made, “the judge
7 shall direct that the person be transferred to an appropriate facility for an evaluation as to
8 whether the person is a sexually violent predator.” As noted above, respondents have no
9 blanket right to remain silent. To the contrary, “their cooperation with the diagnosis and
10 treatment procedures is essential.” *Young*, 122 Wn.2d at 52 (citations omitted).


11 **III. CONCLUSION**

12 There is ample evidence in the Certification for Determination of Probable Cause to
13 support this Court’s finding that probable cause exists to believe that Respondent is a sexually
14 violent predator. Pursuant to RCW 71.09, this Court should direct that he be transferred to the
15 Special Commitment Center for an evaluation and detention, pending trial.

16 DATED this 30th day of August, 2006.

17
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19 Attorney General

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24 MALCOLM ROSS, WSBA #22883
25 Assistant Attorney General
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THOMAS R. FALLOQUIST
SPOKANE COUNTY CLERK

STATE OF WASHINGTON
SPOKANE COUNTY SUPERIOR COURT

In re the Detention of:

KEVIN COE,

A/K/A FREDERICK HARLAN COE,

Respondent.

NO.

06203843-1

MOTION FOR ORDER
AFFIRMING THE EXISTENCE OF
PROBABLE CAUSE AND
DIRECTING THE CUSTODIAL
DETENTION AND EVALUATION
OF RESPONDENT

COMES NOW the Petitioner, State of Washington, and moves this Court for an order affirming its earlier ex parte determination of probable cause to believe the Respondent is a sexually violent predator. In addition, the Petitioner moves for an order directing the Respondent to be transported to the Department of Social and Health Services' Special Commitment Center for an evaluation as to whether he is a sexually violent predator. RCW 71.09.040(4). This motion is based upon the petition and certification for determination of probable cause submitted in this matter, any evidence presented at the adversarial probable cause hearing, and RCW 71.09.040(2).

RESPECTFULLY SUBMITTED this 30th day of September, 2006.

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