NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

2013 IL App (3d) 120243-U

Order filed January 10, 2013

IN THE

APPELLATE COURT OF ILLINOIS

THIRD DISTRICT

A.D., 2013

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Circuit Court
	)	of the 14th Judicial Circuit,
	)	Whiteside County, Illinois,
Petitioner-Appellee,	)	
	)	Appeal No. 3-12-0243
v.	)	Circuit No. 02-CF-320
	)	
JOHN L. CAMERON,	)	Honorable
	)	John L. Hauptman,
Respondent-Appellant.	)	Judge, Presiding.

JUSTICE HOLDRIDGE delivered the judgment of the court.
Justices O'Brien and Carter concurred in the judgment.

ORDER

¶ 1 *Held:* Respondent failed to show that the State's experts were biased and prejudiced against him; therefore, the trial court did not violate respondent's right to due process when it denied him an independent psychiatric examination.

¶ 2 Respondent, John L. Cameron, was adjudicated a sexually dangerous person in November 2002. In October 2009, respondent filed an application for discharge or conditional release. Thereafter, respondent filed a motion for an independent psychiatric examination. The trial court denied the motion. Following a bench trial, respondent was found to remain sexually

dangerous. Respondent appeals, arguing that the trial court violated his right to due process by denying his request for an independent psychiatric examination. We affirm.

¶ 3 FACTS

¶ 4 On August 2, 2002, respondent was charged with three counts of predatory criminal sexual assault of a child (720 ILCS 5/12-14.1(a)(1) (West 2002)). Thereafter, a petition was filed alleging that respondent was a sexually dangerous person. On November 27, 2002, respondent admitted to the facts contained in the petition and was adjudicated a sexually dangerous person. Respondent was detained in the Big Muddy River Correctional Facility (Big Muddy).

¶ 5 On October 30, 2009, respondent filed an application for discharge or conditional release pursuant to sections 9 and 10 of the Sexually Dangerous Persons Act (Act) (725 ILCS 205/9, 10 (West 2010)), alleging that he was no longer dangerous. As required by law, the Department of Corrections (DOC) prepared a socio-psychiatric report based on interviews with respondent conducted by experts at Big Muddy. The report concluded that respondent remained sexually dangerous. Respondent then filed a motion for an independent examination, alleging that he was indigent and that the experts at Big Muddy were biased against him. The trial court held a hearing on respondent's motion.

¶ 6 At the hearing, respondent was the sole witness in support of his motion. He testified that some of the information contained in the report was inaccurate. Specifically, respondent denied the following behavior before his detention: (1) seeking out violent pornographic Web sites; (2) being sexually aroused by rape and dominant sexual pornography; (3) keeping the fact that he was previously arrested for child molestation from his wife; (4) carrying a knife and rope in his

car in order to abduct a girl from his daughter's school; and (5) fantasizing about raping adult women.

¶ 7 However, respondent did testify that other information contained in the report was accurate. He admitted to the following behavior before his detention: (1) seeking out and viewing child pornography; (2) viewing violent pornography; (3) sexually abusing his daughter; (4) carrying a knife and rope in his car; (5) stalking a junior high school girl that he had sexual fantasies about; and (6) fantasizing about kidnaping and killing the young girl after he sexually assaulted her. He also admitted to trading adult pornography with others and engaging in sexual behavior while detained at Big Muddy.

¶ 8 At the conclusion of the hearing, the trial court found that respondent had failed to prove that the experts at Big Muddy were biased against him. It noted that respondent admitted a number of facts contained in the reports and that the experts relied upon those facts in making their determination. The court stated that it could not "make the leap" to conclude that the DOC experts fabricated information about respondent to buttress their conclusion. Therefore, the court denied respondent's request for an independent psychiatric examination.

¶ 9 Thereafter, the cause proceeded to a bench trial to determine whether respondent remained sexually dangerous. The State presented the testimony of the DOC experts who examined respondent, and respondent testified on his own behalf. At the conclusion of the trial, the court found that the State had proven by clear and convincing evidence that respondent remained sexually dangerous. Respondent appeals.

¶ 10 ANALYSIS

¶ 11 Respondent argues that his right to due process was violated when the trial court denied his request for an independent psychiatric examination following his application for discharge. Pursuant to section 9 of the Act, when a respondent files a petition for discharge, the DOC must file a socio-psychiatric report prepared by a social worker and a psychologist under the direction of a licenced psychiatrist assigned to the institution in which the respondent is confined. 725 ILCS 205/9(a) (West 2010). The Illinois Supreme Court has held that due process does not require the appointment of an independent psychiatric expert in a discharge hearing, unless the respondent can show that the experts employed by the State will give a biased and prejudiced opinion regarding his mental condition. *People v. Burns*, 209 Ill. 2d 551 (2004). Because we are determining whether respondent's due process rights were violated, our ultimate determination is *de novo*. *People v. Craig*, 403 Ill. App. 3d 762 (2010).

¶ 12 Here, respondent claims that the DOC experts were biased and prejudiced because some of the facts in their report were inaccurate. The only evidence respondent presented to establish such bias and prejudice was his own self-serving statements. Defendant's denial of certain facts presented a credibility question for the trial court, and we see no reason to overturn its findings. See *In re Detention of Lieberman*, 379 Ill. App. 3d 585 (2007) (questions of witness credibility are for the trier of fact). Moreover, respondent did not deny a number of facts from the report that supported the experts' conclusion that he remained sexually dangerous. Therefore, because respondent has not produced sufficient credible evidence showing bias or prejudice on the part of the DOC experts, we conclude that respondent's due process rights were not violated when the court denied his request for an independent psychiatric examination.

¶ 13 CONCLUSION

¶ 14 The judgment of the circuit court of Whiteside County is affirmed.

¶ 15 Affirmed.