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2013 IL App (3d) 120387-U

Order filed January 18, 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. 3-12-0387
v.	)	Circuit No. 91-CF-105
	)	
ROBERT D. HAUCK,	)	Honorable
	)	Stanley B. Steines,
Respondent-Appellant.	)	Judge, Presiding.

JUSTICE CARTER delivered the judgment of the court.
Justices Holdridge and Schmidt concurred in the judgment.

ORDER

¶ 1 *Held:* The State met its burden of proving by clear and convincing evidence that respondent remained a sexually dangerous person.

¶ 2 On July 31, 1991, respondent, Robert D. Hauck, was adjudged to be a sexually dangerous person under the Sexually Dangerous Persons Act (Act) (Ill. Rev. Stat. 1991, ch. 38, ¶ 105-1.01 *et seq.*). On March 10, 2011, respondent filed an application for discharge or conditional release. The trial court denied the application, finding that

respondent remained sexually dangerous. Respondent appeals, arguing that the State's evidence was insufficient to prove that he remained a sexually dangerous person. We affirm.

¶ 3 FACTS

¶ 4 In 1991, respondent was charged with three counts of aggravated criminal sexual assault (Ill. Rev. Stat. 1991, ch. 38, ¶ 12-14(b)(1)). The State filed a petition alleging respondent to be a sexually dangerous person pursuant to the Act. The factual basis presented by the State was that from 1989 to 1991, the 23-year-old respondent and his cousin, Richard Anderson, sexually molested at least a dozen girls and boys who ranged in age from 9 to 12. The molestation ranged from fondling to intercourse. Respondent admitted to the facts contained in the State's petition and was adjudicated a sexually dangerous person. He was detained in the Big Muddy River Correctional Facility.

¶ 5 On March 10, 2011, respondent filed an application for discharge or, in the alternative, conditional release pursuant to sections 9 and 10 of the Act (725 ILCS 205/9, 10 (West 2010)), requesting that the court find that he was no longer a sexually dangerous person. Respondent waived his right to a jury trial. On May 2, 2012, a hearing took place on respondent's application, during which Dr. Angeline Stanislaus and Dr. Mark Carich testified as experts in treating and evaluating sexually dangerous persons.

¶ 6 Evidence indicated that between 1989 and 1991, respondent molested numerous prepubescent children by engaging them in a "truth or dare" game that included the performance of sexual acts. A socio-psychiatric report prepared on August 29, 2011, indicated that respondent stated that he had sexual contact with 13 boys and 15 girls

between the ages of 9 and 18 at the Anderson residence during the summer of 1989. Respondent frequented arcades and skating rinks, paying for arcade games or buying alcohol for underage children in order to engage them in sexual activities. Respondent engaged in sexual acts with children, adults, and prostitutes to relieve stress.

¶ 7 Actuarial testing of respondent placed him in the moderate-high risk category to reoffend, with a risk of reoffending at 19% within 5 years and 27% within 10 years. Another actuarial test, which accounted for respondent being over 40 years old at the time of testing, placed him in the low-moderate risk category, with a risk of reoffending at 16% within 5 years and 24% within 10 years.

¶ 8 Stanislaus had treated respondent since 2004. He was treated for depression and given medication to curb his sexual preoccupation. Stanislaus opined to a reasonable degree of psychiatric certainty respondent had the mental disorder of pedophilia, based on his history of sexually acting out and sexually molesting prepubescent children. She explained that pedophilia is a mental disorder that affects the emotional or volitional capacity of a person, predisposing that person to engage in sex offenses and have serious difficulty controlling sexual behavior. Based upon respondent's criminal history, prior evaluations, treatment progress notes, actuarial testing, and interview, Stanislaus opined that respondent remained a sexually dangerous person.

¶ 9 Carich testified that respondent was more interested in gaining a release than in recovery and needed to work on arousal control prior to being released. Respondent needed to develop intervention strategies instead of simply avoiding situations. Respondent was too isolated and needed to develop deeper relationships. Respondent

had a history of struggling with victim- stancing and self-pity and needed to restructure his tendency of considering himself a victim. Although respondent had made significant progress in treatment, it was insufficient for release. Respondent needed to reduce the intensity of his issues of abandonment, acceptance, and rejection. Respondent needed to articulate his methods of controlling arousal and deviant behavior. Carich opined to a reasonable degree of psychological certainty that respondent suffered from the mental disorder of pedophilia and that he remained a sexually dangerous person with the propensity to commit sex offenses. Carich further opined that it was substantially probable that respondent would engage in the commission of sex offenses in the future if not confined.

¶ 10 The trial court found that the State proved by clear and convincing evidence that respondent remained a sexually dangerous person and denied respondent's application. Respondent appealed.

¶ 11 ANALYSIS

¶ 12 On appeal, respondent argues that the State failed to prove by clear and convincing evidence that he remained a sexually dangerous person.

¶ 13 In a hearing on a respondent's application to show recovery, the State has the burden of proving by clear and convincing evidence that the applicant is still a sexually dangerous person. 725 ILCS 205/9(b) (West 2010). A person is sexually dangerous if: (1) the person suffered from a mental disorder for at least one year prior to the filing of the petition; (2) the mental disorder is associated with criminal propensities to the commission of sex offenses; (3) the person has actually demonstrated that propensity

towards acts of sexual assaults or acts of sexual molestation of children; and (4) there is an explicit finding that it is "substantially probable" that the person would engage in the commission of sex offenses in the future if not confined. *People v. Masterson*, 207 Ill. 2d 305, 330 (2003); 725 ILCS 205/1.01 (West 2010). On appeal, the reviewing court must consider all of the evidence introduced at trial in the light most favorable to the State and then determine whether any rational trier of fact could have found that the respondent was still a sexually dangerous person. *People v. Trainor*, 337 Ill. App. 3d 788 (2003).

¶ 14 In this case, the State presented the testimony of two experts in the field of treating and evaluating sexually dangerous persons, who opined that respondent remains a sexually dangerous person. Both experts testified that respondent suffered from the mental disorder of pedophilia. Although respondent had made improvements over the past 20 years, the evidence indicated that it was still probable that he would engage in the commission of sex offenses in the future if not confined. In considering all the evidence in the light most favorable to the State, we hold that a rational trier of fact could have found that respondent was still a sexually dangerous person. See *Trainor*, 337 Ill. App. 3d 788.

¶ 15 CONCLUSION

¶ 16 For the foregoing reasons, the judgment of the circuit court of Whiteside County is affirmed.

¶ 17 Affirmed.