

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE
NORTH JUSTICE CENTER

Lawtis Rhoden,

Petitioner,

vs.

People of the State of California,

Respondent.

Case No.: M-10123-2

**COURT FINDINGS AND ORDERS RE
CONREP PLACEMENT [WELF. & INST.
CODE § 6609.1(c)]**

PROCEDURAL HISTORY

Petitioner Rhoden has been convicted of sexual assaults on four minor victims occurring in 1984: Rape by Kidnapping/Forcible Rape/Robbery on a 14 year-old female in Los Angeles County on April 24, 1984; Force/Forcible Sexual Penetration and Sexual Battery on a 17 year-old female in Orange County California on June 2, 1984; Forcible Rape on a 14 year-old female in Los Angeles County on June 18, 1984; and Unlawful Sexual Penetration/Use of a Minor for Obscene Purposes on a 13 year-old in Davidson County, Tennessee on December 4, 1984. [Exh.1,¹ at 5-11.] Rhoden's 1984 offenses were first prosecuted in Tennessee, where he was convicted and sentenced to 20 years in state prison; Rhoden was then released to Orange County, where he was convicted of the June 2, 1984 Orange County offenses, and then tried in Los Angeles County for the April 24 and June 18, 1984 offenses. [*Id.*] While originally sentenced to longer, consecutive sentences in California, the sentences were ultimately modified to 8 years (Orange County) and 6 years (Los Angeles), concurrently. [See 4/9/90 Abstract in OCSC Case C-61804; 4/28/20 Guilty Plea in OCSC Case C-61804; 6/25/90 Abstract, amended 8/25/00 LASC Case A465250,

¹ References to "Exh. 1" through "Exh. 6" refer to Forensic Psychological Reports admitted as Respondent's Exhibits 1-6 with respect to Rhoden's 2018 Petition for Conditional Release.

1 attached as Exhibit A to San Bernardino County District Attorney's Notice of Motion and
2 Motion for Reconsideration filed 4/12/21.]

3 Prior to Rhoden's release from custody in California, the Orange County District
4 Attorney's Office petitioned to have Rhoden declared a sexually violent predator pursuant to
5 Welfare & Institutions Code §§ 6600 et seq. [1/21/2004 Minutes Case M-10123]. In March
6 2006, after a hearing, the trial court found probable cause supported the petition. On April 7,
7 2006, Rhoden was ordered to be transported to Coalinga State Hospital for housing and
8 care pending further order of the Court.

9 On July 13, 2013, a jury found that Rhoden "is a sexually violent predator within the
10 meaning of Welfare and Institutions Code section 6600, et. seq." Rhoden was then "ordered
11 committed for an indeterminate term to the custody of the Department of State Hospitals for
12 appropriate treatment and confinement in a secure facility pursuant to Welfare and
13 Institutions Code section 6604." [7/13/13 Minutes Case M-10123, line 14.] Rhoden remains
14 at Coalinga State Hospital to date.

15 In addition to the 1984 convictions, Rhoden's SVP qualifying offenses include Lewd,
16 Lascivious or Indecent Assault on a 13 year-old female in Florida in 1968. [Exh 1, at 4.]
17 Rhoden also has a history of arrests and accusations not resulting in arrests relating to
18 alleged sexual violence as a juvenile toward a 19 year-old and 16 year-old, and as an adult
19 toward two 15 year-olds. [Wornian Report 4/26/19, at 4-11, Exh. 2]. The circumstances
20 underlying the convictions and allegations demonstrate the use of not just force but also
21 manipulation, including the manipulation of adults, to commit his crimes.

22 Following his 2006 transfer to Coalinga State Hospital, Rhoden began participation in
23 the five phase Sex Offender Treatment Program (SOTP): Phase I, Orientation; Phase II,
24 Skills Acquisition; Phase III, Skills Application; Phase IV, Transition/Discharge, and Phase
25 V, Participation in community-based program (CONREP). Rhoden had progressed from
26 Phase I to Phase IV by 2012. [Exh. 1, at 25-27.]

27 In 2015, the Medical Director of Coalinga State Hospital and Chief of Forensic
28 Services opined that Petitioner Rhoden could be conditionally released as a result of his

1 treatment progress in the Sex Offender Treatment Program. [Dr. Davis 3/5/19 Report, Exh.
2 5.] In 2016, Petitioner Rhoden completed the inpatient SOTP program and was advanced to
3 Module IV community integration and was given a letter entitled Recommendation for
4 Conditional Release. Petitioner Rhoden initially pursued a desire to be released
5 unconditionally, and therefore his participation in the SOTP program waned in late 2016, but
6 he became an active participant again in 2017. [*Id.*] In Rhoden's annual report dated April
7 30, 2017, Dr. Murdock opined that Rhoden was suitable for conditional release. Dr. Wornian
8 reached the same conclusion in the June 12, 2018 Annual Report.²

9 On October 17, 2018, then 69 year-old Rhoden filed a Petition pursuant to Welf. &
10 Inst. Code § 6608 to be released on conditional release, thus commencing the process we
11 are currently addressing. Thereafter, on November 30, 2018, the Court ordered that two
12 SVP evaluations be performed on Petitioner Rhoden and that such evaluations include a
13 review of all available medical and psychological records, including treatment records,
14 consultation with current treating clinicians, and interview of Petitioner. [Order pursuant to
15 Welf. & Inst. Code § 6608(g), filed 11/30/18, Case M10123-2.] Subsequently several other
16 evaluations were performed by expert psychologists such that by the time the matter came
17 up for hearing on September 27, 2019, the Court was presented with six evaluations from
18 five separate expert psychologists. [Exhs. 1-6.]

19 On June 11, 2019, Petitioner Rhoden filed a Notice of His County of Domicile
20 Pursuant to Welf. & Inst. Code §§ 6608, 6608.5, asserting "the last county that Petitioner
21 resided in before he left the state of California in 1984, was Fresno County, California."
22

23 ² Likewise, in the cover declaration for the 2020 Annual Report, filed June 24, 2020, Dr.
24 Wornian opined: "[t]o date, Mr. Rhoden remains in treatment, having progressed to and
25 effectively completed SOTP Module IV: Community Reintegration. Mr. Rhoden is now
26 viewed as having sufficiently addressed his mental disorder and dynamic risk factors such
27 that he is presently viewed as having the capacity to be safely and effectively treated within
28 a less restrictive treatment setting, particularly under those guidelines offered by conditional
release. Such an offer has already been made to Mr. Rhoden two years ago. The results of
the current assessment serves to reinforce this view — namely, conditional release is
appropriate. Thus, the best interest of Mr. Rhoden and adequate protection for the
community can be assured in a less restrictive treatment setting at this time."

1 Petitioner cited his civil ceremony marriage in Fresno County in October 1984 as proof of
2 domicile, noting that “shortly thereafter, during the month of October 1984, Petitioner and his
3 wife moved out of California and relocated to Dallas Texas.” [Notice of Domicile, at 2.] The
4 Fresno County District Attorney filed a response to the Notice of Domicile on August 1,
5 2019, opposing the finding that Fresno County was the county of domicile based upon the
6 lack of any other evidence of actual residence in Fresno County, and pointing out that his
7 marriage ceremony was October 10 and his move to Texas later that same month.

8 On August 12, 2019, the Court ruled on Petitioner’s Notice of Domicile, finding:
9 **“There is no evidence before the court establishing that petitioner has a current,**
10 **permanent, principal residence anywhere within the State of California** to which he has
11 manifested an intent to return when absent. Even if petitioner previously resided in Fresno
12 County as claimed, petitioner’s declaration confirms he moved from California to Dallas,
13 Texas in October 1984. Petitioner’s marriage certificate references an address in Florida as
14 petitioner’s permanent residence. As a result, there is no evidence that would allow Fresno
15 County or any other county within the State of California to serve as the ‘county of domicile’
16 based on this criterion.” [8/12/21 Minutes Case M-10123-2, line 12; emphasis added.]
17 Consequently, based upon Welf. & Inst. Code § 6608.5(b)(1) and referring also to
18 §6608(b)(2), the Court found Orange County is the county of domicile for purposes of
19 possible placement into a conditional release program. [8/12/21 Minutes Case M-10123-2,
20 line 14.]³

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22 ³ In conjunction with a proposed placement following an Extraordinary Circumstances
23 finding, the San Bernardino County District Attorney’s Office filed a Motion for
24 Reconsideration (or in the Alternative, Set Aside, Vacate, or Modify) Findings of Domicile,
25 Extraordinary Circumstances, and Release Without Fixed Residence. [Filed 4/12/21.] The
26 Court denied this Motion on April 16, 2021, stating its reasons on the record. With respect to
27 the determination of the county of domicile, the Court notes that Welf. & Inst. Code §
28 6608.5(b)(1) states that **where no “true, fixed, and permanent home and principal
residence” can be determined, the county of domicile shall be “the county in which
the person was arrested for the crime for which he or she was last incarcerated in the
state prison.”** [Emphasis added.] Given (1) Rhoden’s lack of ties to or residence in any
California county and (2) his last California conviction occurred in Los Angeles County and
the sentence was served concurrently with the Orange County sentence, an argument can

1 The Hearing on the Petition for Conditional Release Pursuant to Welf. & Inst. Code
2 §§ 6607-6608 commenced September 27, 2019. The parties stipulated that the hearing
3 would be conducted based on the Forensic Psychological Reports admitted as
4 Respondent's Exhibits 1-6. [9/27/21 Minutes Case M-10123-2; Court Exhibit 1 (Stipulation
5 for Court to Review and Consider Mr. Rhoden's Current SVP Evaluations for Purposes of
6 the Welf. & Inst. Code 6608).]

7 In what is a rare occurrence in this Court's experience and understanding, these
8 numerous experts unanimously agreed that Petitioner Rhoden was suitable for conditional
9 release and that supervised release through CONREP was both (1) in Mr. Rhoden's best
10 interest "to address the issues that he has been working on" while institutionalized and (2)
11 that a CONREP placement would not endanger the community. As Dr. Wornian stated: "In
12 view of the constellation of factors that have been detailed throughout this assessment –
13 and especially given the progress made by Mr. Rhoden in SOTP – there is enough here to
14 support my opinion in that he *can* be successfully treated within the community under those
15 terms afforded by Conditional Release. Mr. Rhoden's overall comportment in and successful
16 completion of the work undertaken through SOTP can, in an important regard, be taken as
17 an indicia of his ability to comply with the rigorous demands of ... CONREP."⁴ [Exh. 2, at
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20 be made that either Los Angeles or Orange County could be considered Rhoden's county of
21 domicile (*see Cheek v. Superior Court* (2002) 103 Cal.App.4th 520, 526). Welf. & Inst. Code
22 § 6608(b)(2) provides that "if no county other than the county of commitment appears to be
23 the county of domicile, the court shall determine, **consistent with Section 6608.5**, that the
24 county of commitment is the county of domicile" and further provides in subsection (b)(6)
25 that "the court's determination of a county of domicile shall govern the current and any
26 subsequent petition for conditional release under this section." [Emphasis added.]
27 Irrespective of this, whether the Court [a judicial officer other than the undersigned] *could*
28 have found Los Angeles to be the county of domicile, caselaw firmly states that the power of
one judge to vacate an order made by another judge is limited. *In re Alberto* (2002) 102 Cal.
App. 4th 421, 427-428. This Court did not find the limited exceptions to the rule apply and
therefore denied the Motion for Reconsideration.

⁴ The Conditional Release Program ("CONREP") is administered by Department of State
Hospital's designee, Liberty Healthcare of California, Inc. ("Liberty/CONREP").

1 64-65.] Similarly, Dr. Goldberg opined: “CONREP will provide extensive monitoring so I am
2 confident that if he does incur some violations, this will be detected and addressed by
3 CONREP officials, and if needed, he can be revoked back to the hospital. The monitoring
4 CONREP has at its disposal includes GPS, objective testing such as ongoing polygraphs
5 plus 24-hour supervision. These and other tools will be adequate to protect the community.”
6 [Exh. 1, at 46.]

7 Based upon these reports, and the lack of any expert opinions stating that Rhoden
8 was NOT suitable for conditional release or that such release would endanger the
9 community, Mr. Rhoden was ordered released on supervised conditional release on October
10 19, 2019. From that date until the present, Liberty/CONREP has searched thousands of
11 available rental properties in Orange County looking for suitable housing for Mr. Rhoden. To
12 date, no suitable housing has been found in Orange County.⁵

13 On September 17, 2020, Liberty/CONREP reported that, at that time, it had searched
14 nearly 4500 properties in Orange County and the only potentially suitable property it had
15 located was within 1100 feet of an elementary school. The Court found that property was not
16 suitable.⁶

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19 ⁵ At the November 5, 2021 hearing, the Court confirmed with Liberty/CONREP that
20 hundreds of properties had been searched since May 27, 2021 in each of the four counties
21 (Orange, Los Angeles, San Bernardino and Riverside) and that in Orange County in
22 particular well over 700 properties had been searched between July 29 and October 27 with
23 no positive leads. The details of the ongoing extensive search for housing in Orange
24 County, as well as neighboring counties, is detailed in an August 16, 2021 Letter from
25 Liberty Healthcare [filed 8/16/21], as well as a November 3, 2021 Letter from Liberty
26 CONREP Re: Potential Placement Located [filed 11/3/21; filed the same day as Liberty
27 CONREP’s § 6609.1(b) response to public comments re Lancaster], as well as the search
28 log filed 11/3/21.

⁶ In a September 15, 2020 Letter (filed 9/17/20), Liberty reported: “To date, Liberty has
searched 4,489 locations within Orange County. Forty-six (46) of these properties were
found to be Jessica’s Law Compliant. However, of these properties none have developed
into strong leads. The homeowners refused to rent to a patient with SVP status.”

1 At that time, and in the subsequent hearings, the Court indicated that it was not
2 inclined to waive compliance with the limitation in Jessica's Law, Penal Code § 3003.5, that
3 housing for Penal Code section 290 registrants on parole be at least 2000 feet from public
4 or private schools or parks where children regularly gather. The Court, however, stated that
5 it would not preclude consideration of properties that substantially complied with Jessica's
6 Law, which ultimately was translated to 1850 feet from schools and parks. From that point
7 forward, the Liberty/CONREP searches focused on properties that complied with the
8 requirements of Welf. & Inst. Code § 6608.5(f) and were at least 1850 feet from schools and
9 parks.

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11 **EXTRAORDINARY CIRCUMSTANCES FINDING**

12 On February 5, 2021, after 15 months of Liberty/CONREP searching for suitable
13 housing, and specifically searching 5480 Orange County rental listings, and no viable
14 properties presented, the Court conducted a hearing regarding a motion by Rhoden that it
15 release Rhoden on "transient" status (that is, without a fixed residence), or alternatively find
16 pursuant to Welf. & Inst. Code § 6608.5(a) "extraordinary circumstances" exist to search for
17 housing outside Orange County. Based upon testimony taken at that hearing as well as the
18 ongoing reports by Liberty/CONREP regarding its search efforts, the Court found that
19 Rhoden was not suitable for release a transient because, given Rhoden's manipulative
20 abilities and high intelligence (reported to have an IQ of 120), the difficulties supervising
21 SVPs on CONREP as transients were magnified for Rhoden and the community could not
22 be adequately protected if Rhoden were to be released as a transient.⁷ [See Finding
23 Regarding Petitioner's Motion to Expand Search for Suitable Counties Other than Orange,
24 filed 2/11/21.] The Court found extraordinary circumstances existed pursuant to Welf. &

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26 ⁷ In particular, Dr. D'Orozio testified that if Rhoden were released on transient status, the
27 community would be at higher risk because Rhoden has "an elevated level of criminal
28 sophistication in his history, and in a transient status there are exponentially more
opportunities to manipulate around rules and take advantage of circumstances and context
to get away with things." [2/5/21 Transcript at 35.]

1 Inst. Code § 6608.5 and ordered Liberty/CONREP to commence searching for suitable
2 housing outside Orange County, as well as continue its search within Orange County.

3 In finding the existence of extraordinary circumstances, the Court noted: “Due to the
4 nature of his convictions, Petitioner is subject to Penal Code section 3003.5 prohibiting 290
5 registrants from residing within 2000 feet of any public or private school or park where
6 children regularly gather, as well as the restriction in Penal Code section 6608.5(f) which
7 prohibits housing SVPs released on CONREP within one-quarter mile (1320 feet) of any
8 public or private K-12 school. While it is not impossible that suitable housing can be found
9 in a largely urban and developed area such as Orange County, despite the diligent and
10 substantial efforts by Liberty/CONREP, none has been located after 15 months of searching
11 and it appears unlikely that such housing will be located and put under contract within a
12 reasonable time.”

13 The Court has since noted that the above contains a misstatement of the law;
14 Rhoden is not required by law to conform to Penal Code § 3003.5/Jessica’s Law as he is not
15 currently on parole. However, as noted above, early in the search process the Court
16 indicated that while it would not require full compliance with Jessica’s Law, appropriate
17 housing would need to “substantially comply” with Jessica’s Law, which CONREP translated
18 to housing at least 1850 feet from public or private school or park where children regularly
19 gather. This Court has found, and continues to find, that given the profiles of his victims, and
20 the manner in which his victims were lured, protection of the community warrants requiring
21 substantial compliance with Jessica’s Law.

22
23 **THE COURT’S FINDINGS REGARDING THE NEWBERRY SPRINGS AND LANCASTER**
24 **PROPERTIES**

25 Since the extraordinary circumstances finding, three potential placement properties
26 have been identified by Liberty/CONREP and have had Public Comment Hearings pursuant
27 to Welf. & Inst Code § 6609.1. The first of these properties, in Twentynine Palms, San
28 Bernardino County, CA, was found by this Court as not suitable. The other two properties,

1 one in Newberry Springs, San Bernardino County, CA and the other in Lancaster, Los
2 Angeles County, CA, are both under consideration by the Court.

3 The Court notes two important facts: throughout the time since the extraordinary
4 circumstances finding through the present, Liberty/CONREP has continued to diligently
5 search for suitable housing for Rhoden in Orange County; and, as the Court has noted on
6 various occasions, the Court applies the same considerations to all possible placements
7 irrespective of county in which the property is located. Suitable housing for Rhoden – that is,
8 housing that provides for the protection of the community as well as Rhoden – does not
9 include transient release, multi-unit buildings,⁸ or housing that fails to substantially comply
10 with Jessica’s Law.

11 The public comments hearing on the Newberry Springs property was held on
12 September 2, 2021 and the public comments hearing on the Lancaster property on
13 November 5, 2021. The overarching consideration for the Court is whether the Petitioner
14 can be safely treated and the public adequately protected at the specific identified site.
15 Having considered for both properties the written public comments, the oral public
16 comments, the oppositions filed by the San Bernardino County and Los Angeles County
17 District Attorney’s Offices, respectively, and the written responses by Liberty/CONREP
18 pursuant to Welf. & Inst Code § 6609.1(b), the Court rejects the Newberry Springs location
19 and approves with modifications the Lancaster location. In making these findings, the Court
20 also read and considered the letter dated August 11, 2021 from OCDA Deputy District
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24 ⁸ The issue regarding multi-unit housing was extensively addressed in the February 5, 2021
25 extraordinary circumstances hearing, wherein Dr. Zeidler testified that shared walls of
26 motels are contraindicated both because GPS monitoring would not prevent an SVP from
27 entering other person’s residences and because it could potentially expose the SVP to a
28 triggering event such as hearing domestic violence occurring or witnessing drug
transactions. At a subsequent hearing on April 16, 2021, Dr. Zeidler explained that opinion
likewise applies to any shared wall living situation, such as apartments and condominiums,
not just motels.

1 Attorney Peter Finnerty relaying the concerns of the victims of Rhoden’s California crimes
2 regarding the release of Rhoden to either property.⁹

3 In its determination of whether an identified property is appropriate for Rhoden’s
4 placement, the Court is governed by Welf. & Inst. Code §§ 6608, 6608.5, 6608.8, and
5 6609.1. To order placement other than the county of domicile, the court must find that (1)
6 “extraordinary circumstances require placement outside the county of domicile” and (2) the
7 “designated county of placement was given prior notice and an opportunity to comment on
8 the proposed placement” pursuant to § 6609.1. [Welf. & Inst Code § 6608.5(a).] The Court
9 finds that both of these conditions have been satisfied as to both currently considered
10 properties.

11 Further, following the public comment hearing noticed pursuant to Welf. & Inst. Code
12 § 6609.1(a)(5), the Court shall consider, “[t]he agencies’ comments and department’s
13 statements” and “shall, based on those comments and statements, approve, modify, or reject
14 the department’s recommendation or proposal regarding the community or specific address
15 to which the person is scheduled to be released or the conditions that shall apply to the release
16 if the court finds that the department’s recommendation or proposal is not appropriate.” [Welf.
17 & Inst. Code § 6609.1(c).] The Court has done so.

18 The various statutes relating to SVP conditional release placement also provided
19 guidance to the Court regarding other issues to consider in approving, rejecting, or
20 modifying this placement. Pursuant to Welf. & Inst. Code § 6608.5(g), the Court has

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22 ⁹ In its Nov. 3, 2021 response to the written comments concerning the Lancaster property,
23 Liberty CONREP stated: “In consideration of the rights of and comments written by
24 concerned constituents; in consideration of the rights of this individual; in consideration of
25 the Court’s orders; and after weighing all aspects of the needs of this particular placement,
26 the SVP CONREP professional opinion remains. For the reasons set forth in this written
27 statement, SVP CONREP is not recommending an adjustment to the release location or to
28 the general terms and conditions at this timer. [¶] We believe we can manage this patient’s
risk and needs with the necessary level of resources and collaboration with law enforcement
needed for SVP placement in the community.” At the November 5, 2021 hearing, Dr. Zeidler
of Liberty/CONREP confirmed that it also considered the concerns of the victims as set forth
in the August 11, 2021 letter from DDA Finnerty.

1 considered "if and how long the person has previously resided or been employed in the
2 county" and "if the person has next of kin in the county." Rhoden's counsel has previously
3 represented, and the People concurred, that Rhoden has no relatives in California. [3/12/21
4 Transcript at 10.] As to ties to the county, Rhoden has no documented ties to any southern
5 California county other than travelling to Los Angeles County and committing a sexual
6 offense in April 1984, travelling to Orange County and then back to Los Angeles County to
7 commit additional sexual offenses in June 1984, and ultimately ending up in Fresno County,
8 from where he vacated California in 1984. Since 1985, Rhoden has been institutionalized in
9 either a penal institution or mental health hospital. Therefore, ties to any community in
10 California simply do not exist and therefore have no bearing on a determination of
11 appropriate placement.

12 The Newberry Springs property is rejected principally because of the nearness
13 (across the street and approximately 800 feet from the residence) of a truck stop frequented
14 by prostitutes and the testimony and report of Dr. Goldberg at the September 2, 2021
15 hearing regarding the triggering nature of proximity to prostitutes given Rhoden's self-
16 reported history of picking up prostitutes "some of whom were between the ages of fourteen
17 and seventeen."

18 The Court approves the Lancaster property with the following modification and
19 tentative modifications, and invites the parties, Los Angeles County District Attorney's
20 Office, and Liberty/CONREP to comment upon the modification and tentative modifications
21 listed below, as well as to propose additional modifications, by written document filed and
22 served by email on the parties and entities listed above no later than 3pm December 2,
23 2021.

24 In its consideration of the public comments and opposition by Los Angeles County
25 District Attorney's Office, the Court is cognizant of the concerns regarding the limitations of
26 local law enforcement and the residence of an 18 year-old female in a house across 25th St.
27 and south of 8th Ave. Also, during public comments, a statement was made that an 18
28 granddaughter of one of the co-owners of the property directly behind (west) of the

1 proposed location was going to be moving to that property in the future and that this young
2 woman had developmental delays making her more like a 16 year-old in maturity. However,
3 neither of the co-owners, who both submitted lengthy written comments, had previously
4 made this claim. It would appear, then, that this is a plan of recent origin and one which
5 perhaps will be re-considered. Nonetheless, the Court considers it as well.

6 As both Liberty/CONREP and the Court have noted, there is no perfect placement
7 location. In order to avoid locations in close proximity to places where minor girls congregate
8 – an outcome this Court has found and continues to find to be critical to protecting the public
9 given the nature and manner of Rhoden’s crimes – more rural areas with sparser law
10 enforcement presence will necessarily be considered. However, as Liberty/CONREP has
11 explained: “The geography of this Lancaster - LAC housing location are **not unlike** other
12 current SVP placements throughout the state in similar areas and more rural areas
13 statewide.” [November 3, 2021 Liberty/CONREP letter, filed 11/4/21.] Liberty/CONREP has
14 also noted that “[i]n the eighteen (18)-year history of the SVP CONREP, there has not been
15 a sexual reoffense against another human being under the auspices of Liberty SVP
16 CONREP.” [May 25, 2021 letter from Liberty/CONREP, filed 5/27/21.]

17 In addition to the terms of the Community Safety Plan, Terms and Conditions of
18 Outpatient Treatment filed with this Court May 21, 2021 and signed by Rhoden on March
19 19, 2021, the Court **ORDERS** the following **MODIFICATION**: all trailers on the Lancaster
20 property to be removed prior to Rhoden being moved to that property.

21 The Court is further considering the following **TENTATIVE MODIFICATIONS**:

- 22 1. GPS monitoring by most reliable means for the location, including specifically
23 via satellite signal if appropriate;
- 24 2. Location of Liberty/CONREP retired law enforcement personnel within 20
25 minute response time;
- 26 3. Monitoring of incoming weather systems and either temporary relocation of
27 Rhoden or placement of Liberty/CONREP personnel at the residence prior to and during
28 periods when the roads surrounding the property becoming impassable. Local law

1 enforcement may assist Liberty/CONREP in determining whether a predicted or then-
2 occurring significant rain event will likely lead to impassable roads;

3 4. For the protection of both Rhoden and the community, construction of an
4 opaque fence, a minimum of 6' high, surrounding the residence on all four sides, with a
5 motion detector camera system installed to detect breach of the fence or gate from either
6 side;

7 5. Additional 24/7 security on site in the event of public protests at the location;

8 6. Rhoden to be precluded from utilizing the mailbox on the corner of 25th St. and
9 8th Av. while on Intensive Supervision;

10 7. Rhoden's financial affairs to be supervised by Liberty/CONREP (with terms
11 such as do not open bank accounts or credit card accounts or move funds in excess of
12 \$200 without the program community director's prior review and consent; bank and credit
13 card statements to be reviewed by Liberty/CONREP to ensure prohibited items are not
14 purchased).

15
16 **ORDERS:**

17 The Court ORDERS Liberty/CONREP to finalize a lease of the Lancaster property,
18 immediately inform the owner/landlord of the order to remove the trailers on the property,
19 and complete any necessary placement arrangements as soon as reasonably practicable,
20 and the Court FURTHER ORDERS Liberty/CONREP place Rhoden at the Lancaster
21 property within 30 days after receiving notice of these findings and orders.

22 The Court FURTHER ORDERS that Liberty/CONREP provide a copy of the written
23 terms and conditions of conditional release to the Sheriff of Los Angeles County prior to
24 placement of Rhoden at the Lancaster property and within five business days of any
25 amendments thereto.

26 The Court FURTHER ORDERS Liberty/CONREP to report its progress and
27 anticipated timeline in accomplishing that placement at the December 3, 2021 status
28 conference and provide the Court with a year-to-date summary of searches it has conducted

1 for housing in this matter, broken down by county searched, and explanation of the
2 parameters of such searches and results of such searches.

3 The Court FURTHER ORDERS that Liberty/CONREP may release the hold it has on
4 the Newberry Springs property and any other property it has a formal or informal hold on
5 other than the Lancaster property.

6 The Court FURTHER ORDERS that Liberty/CONREP may suspend its search for
7 housing for Rhoden.

8 The Court FURTHER ORDERS that, on the court day following Rhoden's placement
9 at the Lancaster property, jurisdiction of the person and all records related to the case be
10 transferred to the Los Angeles County Superior Court pursuant to Welf. & Inst. Code §
11 6608.(h)(1). The Court FURTHER ORDERS the Orange County District Attorney's office to
12 serve written notice on the designated attorney for the county of placement, Los Angeles
13 County, within 15 court days of the date of these findings and orders.

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15 Dated: November 22, 2021



16 Hon. Megan L. Wagner
17 Judge of the Superior Court
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