

THE SUPREME COURT  
STATE OF NORTH DAKOTA  
Supreme Court No. 20190179  
District Court No. 30-04-R-44

INTEREST OF G.L.D.

State's Attorney,	)
	)
Petitioner/Appellee,	)
	)
v.	)
	)
G.L.D.,	)
	)
Respondent/Appellant.	)

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**BRIEF OF THE PETITIONER/APPELLEE**

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APPEAL FROM THE MEMORANDUM DECISION AND  
ORDER OF COMMITMENT ENTERED JUNE 6, 2019 IN  
MORTON COUNTY DISTRICT COURT  
SOUTH CENTRAL JUDICIAL DISTRICT, NORTH DAKOTA  
THE HONORABLE DANIEL J. BORGES, PRESIDING

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## **STATEMENT OF THE ISSUES**

**[¶ 1]** Whether the District Court erred in denying the Motion for Discharge at the Discharge Hearing.

**[¶ 2]** Whether the Lower Court's Findings and Order, dated June 6, 2019, were supported by clear and convincing evidence.

### **STATEMENT OF THE CASE**

¶ 3] The Respondent petitioned for a discharge hearing. The hearing was held on June 3, 2019. After a discharge hearing on the merits of the Respondent's motion, the District Court denied the motion for discharge. The Motion for Discharge was denied by the District Court's Order, dated June 6, 2019.

## STATEMENT OF FACTS

[¶ 4] The Respondent is committed as a sexually dangerous individual. He petitioned for discharge. The hearing on the Petition for Discharge was held on June 3, 2019, before the Honorable Daniel J. Borgen, District Judge. The State's expert was Dr. Richard Travers, Psy.D. Dr. Travers testified at the discharge hearing and his written report was filed and admitted. See Register of Actions, Doc. 19. The Respondent did not have an expert to support his motion for discharge. The Orders Denying the Motion for Discharge is included in the Respondent's Appendix and in the Respondent's Brief. App. p. 18.

[¶ 5] Citing from the Court's prior opinion in the case of *In the Interest of G.L.D. 2011 N.D. 52*, some of the pertinent factual background regarding G.L.D.'s commitment as a sexually dangerous individual can be recounted as follows: "G.L.D. was incarcerated in 1996 after a conviction for gross sexual imposition. Id. As his release date approached, the State petitioned to commit him for treatment as a sexually dangerous individual under N.D.C.C. Ch. 25-03.3, and in June, 2007, he was committed to the custody of the executive director of the Department of Human Services for treatment. Id. In October, 2008, G.L.D. [first] petitioned for discharge from treatment. Id. Dr. Lynne Sullivan, a psychologist at the State Hospital, evaluated G.L.D. in October, 2008, and she concluded he remain in the custody of the Department. Id. The court appointed Dr. Joseph Plaud, an independent psychologist, to perform an independent evaluation of G.L.D. at G.L.D.'s request and because Dr. Plaud had not completed his independent evaluation, the court twice continued the hearing on G.L.D.'s petition for discharge from treatment. Id. After the court denied a third request for a continuance, the Court granted G.L. D.'s motion to

withdraw that petition for discharge. Dr. Plaud thereafter submitted a January 5, 2010, evaluation, in which he concluded G.L.D. was not a sexually dangerous individual. Id. G.L.D. then filed this petition for discharge from treatment. Id. Dr. Robert Lisota, a psychologist at the State Hospital, evaluated G.L.D in February 2010, and concluded G.L.D. remains a sexually dangerous individual. Id. [¶3] At evidentiary hearings on G.L.D.’s petition for discharge, the district court heard testimony from Dr. Lisota, Dr. Plaud, and Dr. Sullivan and admitted into evidence the reports by Dr. Lisota and Dr. Plaud. Id. The court thereafter denied G.L.D.’s petition for discharge from treatment, finding by clear and convincing evidence he continues to be a sexually dangerous individual. Id. The court found G.L.D. “continues to have a congenital or acquired condition manifested by a sexual disorder, a personality disorder or other mental disorder making it likely he will engage in further acts of sexually predatory conduct” and specifically identified his disorders as “paraphilia and anti-social personality disorder.” Id. The court also relied on “the high scores on the actuarial risk assessment instruments and the finding of a high degree of [p]sychopathy” to find G.L.D.’s “condition makes [him] likely to engage in further acts of sexually predatory conduct meaning [his] propensity toward sexual violence is of such a degree as to pose a threat to others.” Id. The court further found G.L.D. has serious difficulty in controlling his behavior as evidenced by his “two convictions for sexual offenses and two dismissals or acquittals of sexual offenses between these two convictions and his prison time; he

continues to have difficulty following rules and has not completed any sex offender treatment that could reduce his risk to re-offend.” Id. 2011 ND 52.

[¶ 6] On April 29, 2016, the Respondent made the most recent Application Requesting a Discharge Hearing. App. p. 14, Docket Index #344. After several continuances of the discharge hearing and other action, the hearing on the Respondent’s Application for a Discharge Hearing was heard on its merits on June 3, 2019.

[¶ 7] At the close of the hearing the district court made its findings on the record, and in so doing, by denying the Respondent’s petition for discharge, the District Court “ordered, pursuant to Section 25-03.3-17 N.D.C.C. that the Respondent remain in the care, custody, and control of the Director of the North Dakota Department of Human Services until such time that in the opinion of the executive director, the Respondent is safe to be at large, and/or until further order of this Court.” App. p. 18. The Order is dated June 6, 2019, Id.

[¶ 8] Upon the denial of the Respondent’s Application for a Discharge and Hearing, the Respondent timely filed his Notice of Appeal with the North Dakota Supreme Court, on June 10, 2019. App. p. 19. This appeal follows from the District Court’s denial of Respondent’s motion for discharge and Order for continued commitment as a sexually dangerous individual.



## ARGUMENT

### **I. Standard of Review**

[¶ 9] The Standard of review on appeal is a modified clearly erroneous standard, as stated in numerous previous precedents, including, *Interest of Voisine.*, 2018 ND 181, and going back to *Interest of G.L.D.*, 2011 ND 52, ¶ 5, 795 N.W.2d 346. A modified clearly erroneous standard of review means there will only be a reversal if there is an erroneous view of the law, or there is a lack of clear and convincing evidence.

### **II. The Trial Court Did Not Err in Finding the Respondent Continues to be a Sexually Dangerous Individual Supported by Clear and Convincing Evidence.**

[¶10] The general rule regarding the State's burden of proof at a discharge hearing under the auspices of Section 25-03.3-01(8) of the North Dakota Century Code, presents a four-prong test as noted below. "[¶6] At a discharge hearing, the State must prove by clear and convincing evidence that the committed individual remains a "sexually dangerous individual" under Section 25-03.3-18(4) N.D.C.C. Matter of Hehn, 2015 ND 218, ¶ 5, 868 N.W.2d 551. Under Section 25-03.3-01(8) N.D.C.C., the State must prove three elements: (1) the individual has engaged in sexually predatory conduct; (2) the individual has a congenital or acquired condition that is manifested by a sexual disorder, a personality disorder, or other mental disorder or dysfunction; and (3) the disorder makes the individual likely to engage in further acts of sexually predatory conduct. Interest of Tanner, 2017 ND 153, ¶ 4, 897 N.W.2d 901. Furthermore, "the United States Supreme Court [has] held that in order to satisfy substantive due process requirements, the individual must be shown to have serious difficulty controlling his behavior." Matter

of Hehn, 2008 ND 36, ¶19, 745 N.W.2d 631 (citing *Kansas v. Crane*, [534 U.S. 407](#), 413 (2002)).

[¶11] In the instant case, the District Court appropriately applied the burden of proof upon the State as the Petitioner by statute and precedent. Specifically it is provided that:

At a discharge hearing, the State has the burden of proving by clear and convincing evidence that the committed individual remains a sexually dangerous individual.” *Matter of Midgett*, 2010 ND 98, ¶ 7, 783 N.W.2d 27. Section 25–03.3–01(8), N.D.C.C., defines a “sexually dangerous individual” as:

[A]n individual who is shown to have [1] engaged in sexually predatory conduct and who [2] has a congenital or acquired condition that is manifested by a sexual disorder, a personality disorder, or other mental disorder or dysfunction that [3] makes that individual likely to engage in further acts of sexually predatory conduct which constitute a danger to the physical or mental health or safety of others.

We have construed that statutory definition of a sexually dangerous individual in conjunction with *Kansas v. Crane*, 534 U.S. 407, 412–14, 122 S.Ct. 867, 151 L.Ed.2d 856 (2002), and substantive due process to require the State to prove the committed individual has serious difficulty controlling his or her behavior. *Matter of G.R.H.*, 2006 ND 56, ¶18, 711 N.W.2d 587. Under *Crane* and requirements for substantive due process, the definition of a sexually dangerous individual requires a connection between the disorder and dangerousness, including evidence showing the person has serious difficulty controlling his or her behavior, which distinguishes a sexually dangerous individual from the dangerous but typical recidivist in an ordinary criminal case. *G.R.H.*, at ¶18.

Citing *Interest of G.L.D.*, at ¶ 4.

[¶12] Regarding the State’s burden of proof by clear and convincing evidence, the State proffers the Sexually Dangerous Individual case of *In the Interest of K.B.*, 2011 ND 152, 801 N.W.2d 416. By this definition, the State must show evidence which leads to a firm belief or conviction that the allegations are true. In the instant case there is evidence that leads to more than a mere firm belief or conviction that the allegations are true, and the elements of proof have been proved. *Id.*

**A. 1st Prong: Having Engaged in Sexually Predatory Conduct**

[¶13] In regard to the first prong of the State’s three elements of proof at a discharge hearing, that G.L.D. is alleged to have previously engaged in sexually predatory conduct, the Trial Court relied on G.L.D.’s prior convictions for sexual offenses. The Gross Sexual Imposition conviction from Morton County occurred prior to the original commitment. Then there was an additional prior conviction arising from the State of Washington, dating back to 1983, when G.L.D. was about 21 years old. Additionally, at the discharge hearing, the Respondent stipulated to clear and convincing evidence on Prong 1 of the elements, above, with the following colloquy with the Court:

MR. MORROW: Your Honor, and then this would—has more to do when Dr. Travis does show up but I already agreed to the CV, I agreed to the report, agreed to him being an expert pursuant to 25-03.3. And I would stipulate of Prong 1 to the extent we may have to. *Interest of Graham 2013*, bars relitigation anyways, so we’d stipulate to Prong 1 being met already.

Tr. p. 5, ll. 21-25.

**B. 2nd Prong: Congenital or Acquired Condition Manifesting a Sexual Disorder**

[¶14] Dr. Richard Travers, Psy.D., was the court-appointed expert evaluator in the matter of the Respondent’s petition for a hearing on the Application for a Discharge. At

the Discharge Hearing on June 3, 2019, Dr. Travers began by presenting some background to the court on the course of Dr. Travers's evaluations of the Respondent by informing the Court as follows: "Well, since it was the -- since it was the fourth time I was doing an evaluation of [G.L.D.], I -- I was going to rely upon records reviewed since my previous evaluation in 2018 and also I was going to offer him the opportunity to do an interview with me so I could have his input in the evaluation. . . and he declined at that point."

Tr. pp. 8-9. ll. 20-25, and 1-2, respectively.

[¶15] After a thorough and extensive presentation by Dr. Travers on the Respondent's previous evaluations and diagnoses of: 1) Paraphilic Disorder; 2) Antisocial Disorder; and 3) Substance Abuse Disorder [in forced remission], as well as the course of the Respondent's treatment history as a sexually dangerous individual at the North Dakota State Hospital, Dr. Travers was asked by counsel for the State whether G.L.D. remains a sexually dangerous individual. Dr. Travers explained to the District Court as follows:

Q: Okay. And so then my concluding question is, would you just tell us your conclusion and your opinion, please.

A: He still has the diagnoses that -- that I include in my report, the paraphilic disorder, the personality disorder, and the alcohol use disorder. They are definitely connected to his offending and his paraphilic disorder drives sexual assaults of women. He has not changed in a way that he has control over his behavior so that he wouldn't engage in those if he were out in the community. So he's still at a high risk of engaging in that behavior if he's - - if he goes out into the community. And that risk for him, because he scores so highly on the risk assessments, is substantially probable. So there's a very high risk if he were to go out into the community at some point he would sexually reoffend again.

Tr. p. 28. ll. 1-5.

[¶16] In making its finding that the State had presented clear and convincing evidence that the second element of its four-prong burden of proof had been met, the District Court at the conclusion of the Discharge hearing went on to say:

Prong 2, there is a diagnosis. We had – the diagnosis was testified to. The State had called one expert. No other experts were called. There was some possible impeachment by the respondent attempts, but I find the weight and the credibility of the expert that was called very credible and I'm giving it great weight particularly when we go on to Prongs 3 and 4. And when -- I intermingle these a little bit because he testified that it is very likely that Mr. [G.L.D.] would reoffend if released into the community. I wrote that down specifically. He said that right before he [Dr. Travers] said, "Mr. [G.L.D.] would have serious difficulties controlling his behavior if he was released into the community." [referring back to Tr. p. 28, ll. 14-15.]

Tr. p. 88, ll. 13-25. [emphasis provided]

**C. 3rd Prong: Respondent's Disorders Make Him Likely To Engage In Further Acts Of Sexually Predatory Conduct**

[¶17] Regarding the third prong of proof bearing on the likelihood of reoffending if released from his SDI commitment at the North Dakota State Hospital, Dr. Travers first mentioned that G.L.D. is free of any debilitating medical condition that would prevent recidivism upon discharge. But Dr. Travers mentioned serious treatment concerns that keep the Respondent in the "likely to engage in further acts of sexually predatory conduct" column if released. Dr. Travers explained these concerns to the Court in the following way:

A. He doesn't have any medical condition that would be debilitating to him so that he could not sexually reoffend.

Q. Okay. So now let's go to the treatment concerns or the treatment issues. Are you able to track or are you able to follow how he has performed in the course of putting this report together?

A. Yes. He did not engage in treatment when he was incarcerated. Until the 2018 reevaluation that I did he had not really engaged in treatment at the state hospital. In the 2018 report -- no, excuse me, the 2019 report, he -- he was documented to have actually started to do some groups, the cognitive restructuring groups. He had about three months, I think, of consistent participation -- or consistent attendance and then through November he had kind of sporadic attendance, November of 2018. He's not engaged in any treatment since November 2018. He's never engaged in treatment to specifically address his paraphilic disorder. So he doesn't have any treatment that would reduce his risk of reoffending at this point.

Tr. p 22, ll. 2-24.

[¶18] Pulling together all of the cumulative testimony by Dr. Travers, both on direct examination by the State, and cross-examination by the Respondent, the Court summarized the totality of the evidence received on each of the three prongs of proof as follows:

THE COURT: Thank you. And for the record, the Court does weigh this that the State is the one moving forward, has the burden and that burden beyond a clear and convincing evidence and we go into this Prong 1 as stipulated to. Prong 2, there is a diagnosis. We had -- the diagnosis was testified to. The State had called one expert. No other experts were called. There was some possible impeachment by the respondent attempts, but I find the weight and the credibility of the expert that was called very credible and I'm giving it great weight particularly when we go on to Prongs 3 and 4. And when -- I intermingle these a little bit because he testified that it is very likely that Mr. [G.L.D.] would reoffend if released into the community. I wrote that down specifically. He said that right before he said, "Mr. [G.L.D.] would have serious difficulties controlling his behavior if he was released into the community."

Tr. p. 88, ll. 9-25.

**D. 4th Prong: Clear And Convincing Evidence Was Presented Showing  
The Respondent To Have Serious Difficulty Controlling His Behavior**

[¶19] In addition to meeting or exceeding the three prongs of proof, above, to meet its burden at a discharge hearing, the State must also satisfy the substantive due process element set forth in the cases cited above and below. Furthermore, "the United States Supreme Court [has] held that in order to satisfy substantive due process requirements, the individual must be shown to have serious difficulty controlling his behavior." Matter of Hehn, 2008 ND 36, ¶ 19, 745 N.W.2d 631 (citing *Kansas v. Crane*, [534 U.S. 407](#), 413 (2002)).

[¶20] Dr. Travers, pursuant to Chapter 25-03.3 N.D.C.C., after receiving the referral, he then performed an Annual Re-Evaluation. The Re-Evaluation began with the following:

**Referral** Mr. [G.L.D.] has petitioned for discharge. This automatically precipitates an evaluation as to whether he remains a sexually dangerous individual [SDI]. On June 13, 2007, the South Central Judicial District Court of Morton County, North Dakota, found Mr. [G.L.D.] to be a Sexually Dangerous Individual and committed Mr. [G.L.D.] according to the North Dakota Century Code, Chapter 25-03.3. The purpose of this Re-Evaluation is to answer the following questions related to whether Mr. [G.L.D.] continues to be a Sexually Dangerous Individual:

- 1) Does Mr. [G.L.D.] continue to suffer from a mental disorder?
- 2) If the first question is answered in the affirmative, does Mr. [G.L.D.]'s mental disorder make him likely to engage in future acts of sexually predatory conduct?
- 3) Has Mr. [G.L.D.] made sufficient progress in treatment or changed in other ways so that he will not have serious difficulty controlling his sexual behavior if he is released from the North Dakota State Hospital (NDSH)?

**Report**, filed 3/21/2019, **Index #394**, p. 1, *NDSH Annual Evaluation*, Register of Actions

[¶21] Pursuant to fulfilling his mission in being tasked to perform the Re-Evaluation and report his findings to the Court, Dr. Travers summarized the conclusion of his Re-Evaluation and Report to the Court in the following words:

Considering all data reviewed and following procedures typically used by experts in the field of forensic psychology and sex offender evaluation and risk assessment, it is my professional opinion that Mr. [G.L.D.] is “likely to engage in further acts of sexually predatory conduct” as defined by NDCC 25-03.3.” Respectfully submitted, [/s/] Richard Travis, Psy.D. North Dakota Licensed Psychologist

**Report**, supra, p. 33 of 35.

[¶22] In keeping with the professional protocols of performing the statutorily required annual Re-Evaluation, above, Dr. Travers methodically applied and employed all of the professionally necessary diagnostic tools and measurements to arrive at his well-reasoned conclusion. Those tools and procedures, as set forth in the annual Re-Evaluation, include:

Relevant background information such as family history; education and work history; relationship history; mental health history; alcohol and drug history; criminal history [Local, State and Federal, Violent and Non-violent, Sexual and Non-sexual]; Adjustment and Treatment History-North Dakota Department of Corrections and at the North Dakota State Hospital; and Mr. [G.L.D.’s] non-sexual criminal history since his committal to the North Dakota State Hospital, going back to 2007, onward; the course of treatment at the North Dakota State Hospital; a thorough **Document Review-Current Review Period – June 2018 to March 2019**; and a review of previous mental disorders.

**Citing Dr. Travers Report, Annual Re-Evaluation**, supra, pp.1-23.

[¶23] The next stage of the annual Re-Evaluation performed by Dr. Travers addressed the Respondent’s prior diagnoses of several mental disorders found from the *Diagnostic and Statistical Manual of Mental Disorders-5th Edition (DSM-5)*, the standard reference for clinical practice in the mental health field. **Report**, supra, Page 23. Dr. Travers



recounted and wrote at length of the several previous diagnoses meeting criteria for: 1) Paraphilic Disorder, involving Sexual Coercion of Nonconsenting Females, Nonexclusive Type; 2) Antisocial Personality Disorder with Narcissistic Personality Traits; and 3) Alcohol Use Disorder, in sustained remission in a controlled environment, i.e. NDSH. **Id.** pp. 23-26.

[¶24] Next, Dr. Travers addressed the important, forward-looking **Issue of Risk**, beginning his discussion with the caveat “The accuracy of unguided clinical assessments is statistically only slightly above chance levels [citation omitted]. In contrast, actuarial measures have a moderate degree of predictive accuracy and have been recommended as a component of best practices [citation omitted].” **Id.** p. 26. Some of the “best practices” modes of measurement used by Dr. Travers in his Annual Re-Evaluation included the: **1) the Stable 2007; 2) the Static 99R; and 3) the Static 2002R** risk assessment tools. **Id.** at pp. 26-31.

[¶25] In compiling and concluding his analysis on the **Issue of Risk** that the Respondent continues to face in his court-ordered committal as a Sexually Dangerous Individual, Dr. Travers combined and integrated the Respondent’s scores and criteria on the three above “best practices” instruments, and reported to the Court in the **Risk Summary**, that “These risk assessment instruments and additional risk factors support that Mr. [G.L.D.] is likely to engage in further acts of sexually predatory conduct.” **Id.** at p. 32.

[¶26] Bringing his extensive annual Re-Evaluation of the Respondent to a close, Dr. Travers addressed the **Response to Referral Questions** in following manner:

- 1) Does Mr. [G.L.D.] continue to suffer from a mental disorder? A. Yes. Mr. [G.L.D.] meets *DSM-5* criteria for [the disorders covered in ¶22, above].

- 2) If yes, to first question, do the disorders make him likely to engage in future acts of sexually predatory conduct? A. Yes. [Paraphrasing Dr. Travers report] Because of his mental disorders and assessed risk, he remains likely to engage in acts of predatory sexual conduct. His condition *has not* changed since the most recent periodic reexamination such that he is no longer a sexually dangerous individual.
- 3) Has Mr. [G.L.D.] made sufficient progress in treatment or changed in other ways so that he will not have serious difficulty controlling his sexual behavior if he is released from the North Dakota State Hospital [NDSH]? A. No. Mr. [G.L.D.] participated minimally during this review period without addressing sex-offense specific issues, continues to deny predatory sexual behavior, nor that he needs or will participate in sex-offense specific treatment. He has never addressed his deviant sexuality. He continues to exhibit many dynamic risk factors (see Stable 2007 above), behavioral disinhibition, lack of problem-solving skills, impulsivity, negative emotionality, and a lack of cooperation with supervision. He continues to engage in power struggles with staff at the NDSH. These dynamic risk factors and treatment need exacerbate, rather than mitigate, his current risk for sexually predatory conduct.

**Report, Id.** at p. 33.

In rendering his **Final Opinion** to the District Court, Dr. Travers wrote:

Considering all data reviewed and following procedures typically used by experts in the field of forensic psychology and sex offender evaluation and risk assessment, it is my professional opinion that Mr. [G.L.D.] is “likely to engage in further acts of sexually predatory conduct” as defined by NDCC 25-03.3.”

**Report, Id.** at p. 33.

[¶27] In order to meet the “substantive due process” requirements of the four-prong burden of proof the State must satisfy at the discharge hearing, that is, the Respondent must also be shown to have serious difficulty controlling his behavior." Matter of Hehn, 2008 ND 36, ¶ 19, 745 N.W.2d 631 (citing Kansas v. Crane, [534 U.S. 407](#), 413 (2002)).

[¶28] In addition to the historically extensive and professionally comprehensive methods, protocols and techniques that Dr. Richard Travers employed and recounted in the **Sexually Dangerous Individual Annual Re-Evaluation**, above, Dr. Travers also testified at length at the discharge hearing on each of the points covered in the 35-page report to the District Court. The State on appeal argues that the totality of the picture painted by Dr. Travers, both in his report to the District Court, and in his testimony at the hearing, on both direct and cross examination, all served to provide the District Court with clear and convincing evidence to find that the Respondent continues to be an individual who has difficulty controlling his sexually predatory behavior, and continues to require his commitment to the North Dakota State Hospital as a sexually dangerous individual.

[¶29] Therefore, the State argues the findings and order of the District Court should be in all respects affirmed.

**CONCLUSION**

¶30] For the reasons stated above, the State asserts the Respondent's claim of error that the State did not prove the Respondent continued to be a sexually dangerous individual is without merit. The State respectfully requests that the Judgment and Order of the District Court be, in all respects, affirmed on appeal.

Dated this 16th day of October, 2019.

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**IN THE SUPREME COURT OF NORTH DAKOTA**

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	)	District Court No. 30-04-R-44
In the Matter of G.L.D.	)	
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State's Attorney,	)	
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Petitioner/Appellee,	)	
	)	
v.	)	<b>CERTIFICATE OF COMPLIANCE</b>
	)	
G.L.D.,	)	
	)	
Respondent/Appellant.	)	

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¶ 1 This Appellee's Brief complies with the page limit of 38 set forth in Rule 32(a)(8)(A) of the North Dakota Rules of Appellate Procedure as it only has 20 pages.

Dated this 16th day of October, 2019.

/s/ Allen Kopyy  
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**IN THE SUPREME COURT OF NORTH DAKOTA**

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Petitioner/Appellee,	)	
	)	
v.	)	<b>CERTIFICATE OF SERVICE</b>
	)	
G.L.D.,	)	
	)	
Respondent/Appellant.	)	

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¶ 1 The undersigned, being of legal age, being first duly sworn, deposes and says that he served a true and correct copy of the following document(s):

Brief of Petitioner/Appellee  
Certificate of Compliance  
Certificate of Service

On the Respondent/Appellant's counsel, by electronic mail through the electronic file and serve system to Tyler J. Morrow: [service@kpmwlaw.com](mailto:service@kpmwlaw.com)

Dated this 16th day of October, 2019.

/s/ Allen Kopyy  
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