



CALIFORNIA DEPARTMENT OF

# Mental Health

## MEMORANDUM

TO: Jim McEntee  
Public Defender

DATE: October 10, 2006

FROM: Jesus Padilla, Ph.D.

TELEPHONE: 468-2068

Re: Rex McCurdy

**SUBJECT: Response to court order by the Honorable Robert A. Barclay.**

The current report is written in response to the Court Order by the Honorable Robert A. Barclay to provide information to Defense Attorney, Jim McEntee.

The court had ordered that recidivism information be provided for all individuals released from the Atascadero State Hospital without having completed sex offender specific treatment. The total was calculated at 118, a number that does not include three who have died since release. Unfortunately, the dates of death were not available; one was arrested approximately one month after release from ASH in 2001 and died soon afterward. The other two were noted to have died but no dates were provided.

Review of all data showed that information for 25 of the 119 was not reliable [for example, the Violent Crime Information Network (Megan's Law web site) showed that some individuals were incarcerated but the CII showed no such information]. Given the time constraints of the request, I am able to reliably report on 93 individuals from our sample. The follow-up period is just over 6 years and time at risk is calculated at 4.71 years.

The section below includes all sex offenses (six or about 6%). As noted, four (4%) of these offenses were convictions for rape and child molest (no specific date of arrest or conviction given for number 1 below). One was charged but the outcome is not known (number 3 below) and one was convicted of indecent exposure on numerous occasions (number 6 below).

1. Date on CII not specified. Convicted PC288, VCIN indicates incarcerated
2. 4/20/99 guilty of numerous sex offenses including 261a2 (rape by force), 681-211 (robbery), 459-460b (burglary); 288ac (oral cop of child under 14); 422 (threats); 269a (forced sexual penetration); 4532b (escape); and VC 2800.2 (reckless driving while fleeing from a police officer).
3. 7/7/00 Convicted of 2 counts PC647.6 and sentenced to 730 ds jl. 7/27/02 charged with PC220, assault to commit rape. PC243.4 Sexual Battery and PC459 Burglary.

4. 12/9/02 Arrested PC288(a) Redwood City, Dismissed. 1/16/04 convicted PC288(a) San Mateo 12 years prison
5. 7/26/05 PC288A 6 year conviction
6. 8/10/02 PC314.1 Indecent exposure Martinez, cited and detained outcome unknown; 6/6/03 PC314.1 Martinez Acquitted not guilty; 5/25/05 PC314.1 San Pablo - Contra Costa outcome unknown.

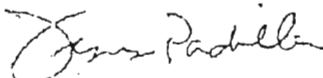
The next section shows all of the non-sex offenses committed by the cohort. As noted, the majority of the offenses were for failure to register as a sex offender or drug charges. Some offenses were only specified as "Parole Violations" and no specific information was given. Many of the offenses were misdemeanors.

1. 1/29/97 PC290 (g) (2) with prior strikes and sentenced to 25 years in prison. 2/19/99 placed at ASH pursuant to PC1026.
2. 10/29/98 PC496, VC 10851. Assault committed at ASH
3. 5/16/00 PC245 and PC290 (Commercial burglary) sentenced to 10 years
4. 12/6/99 HS11359 = DA declined; 2/11/00 PC11359 = DA declined; 1/12/01 PC290 = 56months state prison on 3/18/01; 4/29/05 HS11350 = 4yrs state prison on 6/29/05
5. 4/25/02 PC290 = 6 years state prison on 8/19/02
6. 7/3/03 Parole revocation; 4/20/06 Parole revocation details unknown
7. Date not specified. Convicted in 2002-2003 in Kern county and sent to CDC for 6 years. DUI, methamphetamine, and failure to appear.
8. 7/11/05 PC290 Violation and conviction, 32 months state prison
9. 7/23/05 arrested for Parole Violation (became suicidal) and was returned to ASH
10. 3/29/06 Incarcerated in Texas charges unknown
11. 6/2/06 Domestic Violence assault
12. 4/18/03 PC273.5, PC245 = DA declined to file; 11/17/02 PC273.5 = 4 year summary probation
13. 5/16/04 PC290 arrest (potentially dismissed 6/15/05)
14. 11/17/04 HS 11377 (controlled substance) 6 years prison
15. 8/27/03 PC290 = DA declined to file; 5/12/05 PC290= Awaiting trial
16. Date not specified. PC290 violation

17. 2/28/05 PC290 = 4y state prison 3/15/05
18. 1/20/05 arrest and conviction for HS11550a and HS 11364; 5/8/05 arrest for HS 11364, 8/16/05 arrest for PC 12316 b 1
19. 1/26/2000 pc240 (assault), and 2 counts 487a (grand theft) outcome unknown.
20. 12/3/03 PC415 Disturbing the peace, PC273.5(a) Failure to obey restraining order. Convicted of PC415 misd.; Three parole violations 3/23/04, 4/5/04, and 7/12/04 reasons and outcome unknown.
21. 12/10/96 VC14601.1 = 3yr summary probation; 3/26/02 HS11350 = dismissed; 2/17/03 and 7/22/03 and 11/6/03 VC14601.1 = 3yrs summary probation for each; 11/3/04 PC290 = 3yrs formal probation.
22. 12/24/98 PC476 Forgery Convicted; 10/1/01 WIC 10980(a) False statement Convicted; 1/16/03 HS 11357 (b) Dismissed
23. 8/3/99 PC11357(a) Marijuana Walnut Creek, Dismissed
24. 7/7/00 PC602 = 3 years summary probation; 10/24/00 PC459 = 6yr state prison
25. 10/25/00 PC290 - 7 years prison
26. 4/20/01 HS11364 and PC853.7 Dismissed; 8/9/02 PC847f (misc etoh), PC853.7 Plea bargained to misdemeanor; 6/15/03 PC290(g)(2), PC243b, PC148a1 Plea to misdemeanor on PC290 others dismissed; 6/17/03 PC273.5a, PC591; 6/17/03 PC666; 6/17/03 PC594b1, PC148, HS11550a; 6/17/03 HS11550a, PC148 Each 6/17/03 above is for separate cases, all plead to misdemeanors.
27. 8/7/01 HS11352 = 3yr formal probation; 7/28/02 PC290 = DA declined to file
28. 6/18/03 VC12500a unlicensed driver pled no contest

Of the five individuals released from ASH who have completed sex offender specific treatment, none have recidivated and all are appropriately registered. None have died. One individual was returned to ASH for violating the conditions of his release by allowing himself to be in the presence of children.

Attentively,



Jesus Padilla, Ph.D.  
Chair of the Psychology Department

CC: Melvin Hunter, ASH Executive Director  
Lance Haffenstain, DDA  
Susan King, DAG