

FILED
KING COUNTY WASHINGTON

JUL 08 2026

SUPERIOR COURT CLERK
BY **Shannon Rich**
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

In re the Detention of

ROBERT EUGENE LOUGH,

Respondent.

No. 09-2-29232-9 SEA

RELEASE ORDER DISMISSING SVP
ACTION and STRIKING THE TRIAL
DATE

CLERK'S Action Required

The State of Washington, represented by King County Senior Deputy Prosecuting Attorneys Charles Sergis and Anela Ramic, requests that this Court enter an order releasing the Respondent and dismissing the SVP action.

On August 8, 2009, the State filed a petition pursuant to RCW 71.09 alleging that Mr. Lough is a sexually violent predator. This petition was filed based on the forensic findings of Dr. Richard Packard, PhD, in a forensic psychological report dated August 4, 2009. Subsequently, Mr. Lough was placed in the custody of the Department of Social and Health Services (DSHS) at the Special Commitment Center (SCC) pending initial commitment trial. On February 19, 2015,

RELEASE ORDER
DISMISSING SVP ACTION AND STRIKING
TRIAL DATE- 1

Leesa Manion, Prosecuting Attorney
SVP Unit
King County Courthouse
516 Third Avenue, Room W400
Seattle, Washington 98104

1 Mr. Lough was found to be a Sexually Violent Predator (SVP) by jury verdict. Mr. Lough was
2 then committed to the Special Commitment Center indefinitely.

3 Mr. Lough is entitled to an annual review every year. During the 2025 annual review, Dr.
4 Elizabeth Bain opined that Mr. Lough no longer met criteria as an SVP pursuant to the legal
5 criteria outlined in RCW 71.09. Subsequently, the CEO of the SCC at the time, Keith DeVos,
6 authorized Mr. Lough to petition for an unconditional release trial under RCW 71.09.090(1). Mr.
7 Lough exercised that right, and an unconditional release trial is scheduled for October 19, 2026.

8 The State hired Dr. Marianne Davis to review the materials in this case, to interview Mr.
9 Lough, and to render an opinion as to whether Mr. Lough continues to meet the legal criteria as
10 an SVP.

11 Dr. Davis reviewed all records involving Mr. Lough and interviewed Mr. Lough for
12 several hours on May 27, 2026. On June 1, 2026, Dr. Davis submitted a report as to Mr.
13 Lough's mental condition, treatment progress, and ultimately whether he meets legal criteria
14 under RCW 71.09 (Attachment A).

15 Dr. Davis diagnosed Mr. Lough with a personality disorder, although found that this
16 disorder did not rise to the level of a mental abnormality as required under RCW 71.09.
17 Ultimately, Dr. Davis opined as follows:

18 I wish to emphasize this evaluation considered two very specific and limited
19 questions. First, is Mr. Lough predisposed to committing criminal sexual acts as a
20 result of a mental abnormality or personality disorder, and, second, does he pose
21 a more likely than not risk to commit future predatory sexually violent offenses. It
22 does not address his likelihood of committing offenses not defined by the law as
23 "sexually violent" (e.g., misdemeanor sex offenses, non-contact sexual offenses)
24 and it does not address the question of whether he is at risk for committing future
non-sexual violence. Mr. Lough has a long history of violence, including an
assault as recently as 2024 and the threat of an assault against an SCC staff

1 member as recently as 2025. It would not be surprising if, upon release, he
2 engaged in future acts of non-sexual violence. That is not the focus of RCW
3 71.09, however, which asks an evaluator to look only at risk for sexual violence.
4 In that regard, for the reasons described throughout this report, I do not find Mr.
5 Lough to currently meet criteria as a sexually violent predator.
6 In sum, based on the above information, it is my opinion Mr. Lough **does not**
7 **continue to meet** the criteria as a sexually violent predator as described in RCW
8 71.09.

9 The term "sexually violent predator" is defined in RCW 71.09.020(19) as a person "who
10 has been convicted of or charged with a crime of sexual violence and who suffers from a mental
11 abnormality or personality disorder which makes the person likely to engage in predatory acts of
12 sexual violence if not confined in a secure facility." Additionally, the mental abnormality or
13 personality disorder must cause the person "serious difficulty" controlling his sexually violent
14 behavior. *In re Det. of Thorell*, 149 Wn.2d 724, 735-36, 72 P.3d 708 (2003).

15 At an SVP commitment trial, the State must prove beyond a reasonable doubt that
16 Mr. Lough's mental condition is such that he meets the definition of a Sexually Violent Predator.
17 See RCW 71.09.090(3)(c). Based upon the evaluation done for trial by Dr. Davis, the State
18 cannot sustain its burden and prove that Mr. Lough meets the required legal criteria under RCW
19 71.09.

20 The State does not have sufficient evidence, at this time, to prove beyond a reasonable
21 doubt at trial that Mr. Lough continues to meet the legal criteria as a Sexually Violent Predator
22 and therefore the State cannot proceed at the upcoming trial.

23 Upon release, Mr. Lough will not be subject to community custody obligations. He will,
24 however, be required to register as a sex offender by virtue of his 1986 conviction for Rape in
the First Degree. Appendix J (Attachment B to this order) provides notice and a summary of

1 reporting requirements that Mr. Lough must follow). Should Mr. Lough commit one or more acts
2 that qualify as a recent overt act (even if they do not result in a conviction), the State will not
3 hesitate to review Mr. Lough for possible refiling of the SVP petition.

4 ORDER

5 Based on the foregoing facts, the files and records herein, and the representations of
6 counsel, and having reviewed the court file and reports on Mr. Lough, this Court finds that the
7 State is unable to meet its burden and proceed at trial. As a result, Mr. Lough is entitled to an
8 order of release.

9 IT IS HEREBY ORDERED THAT upon entry of this order, respondent, ROBERT
10 EUGENE LOUGH, shall be deemed released from the civil commitment petition filed by the
11 State on August 8, 2009.

12 IT IS FURTHER ORDERED THAT the State's petition for civil commitment pursuant
13 RCW 71.09 is DISMISSED and the trial date of October 19, 2026, is stricken.

14 Finally, it is ORDERED that upon the request of the defense, four (4) certified copies of
15 this order shall be provided to Respondent's counsel at public expense. Respondent's counsel
16 may mail a certified copy to the SCC legal liaison or serve the SCC by emailing them a copy of
17 this order to sccteam@atg.wa.gov and anjenee.franklin@dshs.wa.gov.

1 DATED this _____ day of July, 2026.

2
3 HONORABLE E. RANIA RAMPERSAD
4

5 Presented by and agreed to by:

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7 Charles Sergis, WSBA #29364
8 Sr. Deputy Prosecuting Attorney
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24 RELEASE ORDER
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