

Sexually Violent Predator to be Released in Shelton Without Conditions

Local News

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Sexually Violent Predator, Gary E. Cherry, 50, Shelton will be released into the City of Shelton without restriction if a Mason County Superior Court hearing goes his way. His petition for release will be held at 8:30 AM on September 1st before Judge Amber Finlay.



Cherry was declared a sexually violent predator by Mason County Superior Court in 1999. Cherry was placed in the Special Commitment Center (SCC) at McNeil Island. There he participated in a 6 step sex offender treatment program where he advanced to the 6th step in September, 2002. In February, 2003, Cherry was released, by court order, to a less restrictive alternative (LRA) placement at the McNeil Island Community Transition Facility. Cherry's therapist has stated, "he has been able to consistently demonstrate an ability to meet all of the goals and expectations for phases 1-5. . ." On November 4, 2003, Cherry was conditionally released by Mason County Superior Court to an LRA placement to his private residence in Shelton. Since that time he has been under intensive supervision by the Department of Corrections, and has continued with sex offender treatment. Under this LRA Cherry has complied with all court ordered conditions.

The State of Washington defines a sexually violent predator as "any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility."



Cherry has been convicted of three separate sex offenses; The first conviction was in 1979 for Rape 2nd degree in Grays Harbor County. In that incident Cherry befriended a barmaid, received a ride from her then misdirected her to a remote location where he subsequently forcibly raped her multiple times. The second conviction was indecent liberties with forcible compulsion, in Grays Harbor County. Cherry met a 19 year old female with her 7 month old child at a fishing pond and again befriended her. After about 30 minutes of conversation, he grabbed her, pulled her out of her vehicle, and while making threats, attempted to rape her. The victim was able to fight back and fend off the attack. Cherry apologized and asked her not to tell the police. At the time of this attack Cherry was on parole for the rape 2nd degree. The third conviction was rape 2nd degree, Mason County in 1990. Cherry met a 21 year old female at a café where they played darts until 1:30 am. Under the guise of providing the victim a ride to her house, Cherry instead took her to a remote location and raped her multiple times and physically assaulted her. Cherry has made admissions to raping 18 other female victims but has never been charged or convicted of any of those incidents.

Cherry's petition will be coming before the court as an agreed order between the State of Washington and Mr. Cherry through their respective attorneys making Cherry's unconditional release likely.

Cherry has the distinction of being one of only about 300 sexually violent predators in the State of Washington. Cherry will be the first to actually successfully graduate from the program. Two other offenders have been released from the program but not with the support of the SCC.

Mr. Cherry currently lives in the City of Shelton, but is very closely monitored by a Community Corrections Officer from the Department of Corrections. Mr. Cherry is restricted from being at large alone in the community. That means he has to have a chaperone wherever he goes. Cherry has to prepare a two week schedule in advance and get approval for his schedule through the transition team. Further, he has to participate in sexual offender and other psychological treatment. Mr. Cherry is to have no intentional direct contact with any minor children. Mr. Cherry cannot enter any public restroom without first having it checked for the presence of any minor children. He must attend at least one twelve step meeting per week. Mr. Cherry cannot drive a motor vehicle or possess a drivers license without permission nor can he have access to the internet and he must maintain a phone log. Additionally, Mr. Cherry is required to submit to periodic polygraph tests and most importantly must wear a GPS receiver that records his travel. Other conditions and restrictions are imposed on Cherry. All of these conditions have certainly been a factor in Mr. Cherry's apparent compliance throughout his last six years in the community. When Mr. Cherry is unconditionally released, all of these restrictions will be lifted and there will be no monitoring. The exception will be that under state law, Cherry will have to continue to register with the Sheriff's Office as a registered sex offender. Since Mr. Cherry will be a level III sex offender, he will be required to verify his address every 90 days. Level III sex offenders are offenders that are a high risk to re-offend.

The Department of Social and Health Services, who operates the Special Commitment Center at McNeil Island, is highly invested in Cherry's success in this program. As of 2008, the department had about 1.2 million dollars invested in his treatment. Additionally, the Special Commitment Center has been dogged with accusations of having no graduates and, as a result, was under the supervision of the Federal District Court for 13 years. In 2008, Brian Judd, an Olympia therapist who worked with Cherry 2004 and has a close relationship with DSHS, told the Seattle Times "sexual deviancy can be managed the same way an alcoholic abstains from booze." Though Judd declined to speak specifically about Cherry, he said SCC residents like him know "they simply cannot fail."

Sheriff Casey Salisbury responded to Judd's comment by saying "Sadly when a rapist falls off the wagon people are assaulted, scarred for life, or killed. I don't believe it's the same thing."

In 2008, officials at the Special Commitment Center admitted to the Seattle Times since no one has been unconditionally released with SCC approval they have no way of predicting Cherry's chance of re-offending. However, a study of 135 other sex offenders in Washington — men who were seriously considered for the SCC but ultimately not sent there — found that half of them committed another felony within six years and twenty-three percent of the 135 were convicted of a new sex crime.

“Those are not comforting statistics”; said Sheriff Casey Salisbury. Mr. Cherry has done well under supervision, but I believe his unconditional release will present a significant public safety problem in our community and is irresponsible.”

Examination of the Mason County Superior Court file for Mr. Cherry reveals some particularly disturbing information. The file contains a report from Dr. Harry M. Hoberman, a licensed psychologist located in Wayzata, Minnesota, dated September 11, 2008. That report was commissioned by the Department of Social and Health Services. In the 99 page report, Hoberman made some rather disturbing comments that call into question the department’s stand that Cherry no longer meets the definition of a sexually violent predator and should be unconditionally released.

For example on page 99 of the report Dr. Hoberman concludes *“Relative to Mr. Cherry’s status, in the interest of public protection, it is this evaluator’s opinion that Mr. Cherry should remain on conditional release indefinitely. Community safety is and would continue to be well served with similar types of conditions that are currently placed on Mr. Cherry.”* Regrettably, since that report was written by Dr. Hoberman, the department appears to have expended considerable resources to discredit Dr. Hoberman’s report through Dr. James Manley and Dr. Brian Judd.

Dr. Hoberman’s report is replete with disturbing comments about Cherry’s probability of re-offending and DSHS’s intent to rush him through the program. On page 97 of the report Dr. Hoberman says *“Mr. Cherry appears to have rushed through 2-3 years of primary residential SOT, with an apparent goal of being the first person to obtain community release. Several problems that were identified as part of his inpatient treatment were not resolved at the time of conditional release.”* On the same page Dr. Hoberman also says *“It should also be noted that Mr. Cherry’s characteristics of both deviant sexual interests (e.g. violent rape) and psychopathy represent the “dynamic duo” of sexual offending and indicated that he would be characterized by a particularly high risk of future sexual offending.”*

Sheriff Salisbury said *“It is a shame when a state agency redefines the success of a program and places that success ahead of public safety. Clearly Mr. Cherry’s unconditional release is not in the best interest of our community.”*