



California Conditional Release Program

PO Box 82145

San Diego, CA 92138-2145

619-294-9080

Fax 619-294-3499

November 5, 2009

The Honorable Michael Wellington  
Judge of the Superior Court  
County of San Diego  
220 West Broadway  
Department 55  
San Diego, CA. 92101

**Re: Hedge, Matthew Harvey**  
**Court #: MH 99668**  
**Current Commitment: WIC 6604**  
**Current Legal Status: WIC 6608**  
**COT Date: 04/25/09**

**Written Request for Revocation of Outpatient Status pursuant to Penal Code 1608 and Confinement Pending Hearing pursuant to Penal Code 1610 (Revision).**

Dear Judge Wellington:

The following is a request for outpatient revocation pursuant to Penal Code §1608 for the above named individual.

**IDENTIFYING INFORMATION**

Mr. Hedge is a 46-year old (DOB 3/16/63) married Caucasian male admitted to Coalinga State Hospital (CSH) from Atascadero State Hospital (ASH) on 9/11/07. He was released from CSH to Community Outpatient Treatment on 4/24/09, pursuant to Welfare and Institutions Code Section 6608. He had been civilly committed as a Sexually Violent Predator (Welfare and Institutions Code Section 6604) by the San Diego Superior Court on 5/4/98. He had been admitted to Atascadero State Hospital on 12/30/97 on a pre-commitment status.

Mr. Hedge was previously conditionally released (CONREP) from ASH in November, 2005. His outpatient status was revoked and he was returned to ASH on 1/6/06. He has been treated in an inpatient facility since that date. On 1/13/07, the California Superior Court found he continued to meet criteria as a sexually violent predator and committed him to the California Department of Mental Health for an indeterminate term.

Hedge, Matthew Harvey

November 5, 2009

Page 2 of 7

Mr. Hedge's most recent offenses occurred in 8/23/89. He was convicted of "Count 1, Lewd or Lascivious Acts with Child under 14, 288(a) PC; Count 7, Lewd or Lascivious Acts with Child Under 14, With Force 288 (b) PC; Count 12, Lewd or Lascivious Acts with Child Under 14, With Force 288 (b) PC. With this plea bargain the balance of the complaint was dismissed in return for a plea of guilty to the enumerated counts and he was sentenced to 12 years. There was also a Harvey Waiver in the plea bargain.

Mr. Hedge Qualifying Offense:

On 3/29/89, Mr. Hedge was with a six-year-old male and his ten-year-old brother at the home of the boy's mother. The mother did not have custody of the boys but they were on a weekend visit. She lived with her boyfriend, brother of Mr. Hedge, who was staying with them at the time. Mr. Hedge's brother took the woman to work. While they were gone Mr. Hedge called the two boys into the woman's bedroom. He told them to pull their pants down to their ankles and promised to take them to a video arcade. He had the ten-year-old lay face down on the bed and had the six-year-old boy lay on top of him. He told the ten-year-old to spread his buns and told the six-year-old to stick his penis in the ten-year-old's butt. The six-year-old started to cry because the ten-year-old said it burned. The defendant then started pushing up and down on the six-year-old's buttock to force penetration into the ten-year-olds anus. The mattress bounced up and down. Mr. Hedge stopped and the six-year-old said "OK let's see your penis". Mr. Hedge said "Okay it's gonna be big though". He unzipped his pants and pulled out his penis. He offered the boys \$50 if they would suck his penis. Mr. Hedge made both boys alternate sucking his penis twice. After this Mr. Hedge bent down and sucked each of their penises. He told the boys not to tell anyone or he would kill them. He then zipped his pants and went to his room. Mr. Hedge's brother returned shortly after this. On 5/3/89, the boys were going to bed where they lived with their grandmother. They told their grandmother what had happened. She called the police and child protective services.

As to the Dismissed counts:

On 8/3/89 three students ages ten and eleven years of age were on school patrol at Ballantyne Elementary School. Mr. Hedge drove up and parked his car in such a manner that all children were able to see the defendant inside the vehicle. He had his pants down to his knees and was holding his penis in his right hand. He was moving his hand up and down, masturbating and smiling at the children. He then drove off. The patrol saw him again in approximately four minutes pull into the parking lot at the El Cajon Valley Junior High School. He exited and walked back and forth several times before getting into his car and driving off. The children described the car that belonged to Mr. Hedge and gave parts of the license number.

On 8/8/89, two other incidents were reported at Ballantyne Elementary School. These involved other ten to eleven year old children. On both occasions Mr. Hedge had parked near the children and masturbated. On one occasion he was described as rubbing his thing up and down and then peeing on the steering wheel.

Hedge, Matthew Harvey

November 5, 2009

Page 3 of 7

On 8/23/09 a thirteen-year-old victim and a nine-year-old victim were swimming with other children in a pool at their apartment complex. Mr. Hedge was the only adult around and he got into the pool. He joined in their shark game and started chasing the children as a shark. They all played for approximately five minutes. The other children got out of the pool, leaving the thirteen year old, the nine year old and Mr. Hedge in the pool.

Mr. Hedge swam for the nine-year-old and grabbed her around the waist with one arm and pinched her buttocks with the other hand. She tried to swim away but he grabbed her with both arms. He slid his right hand into the halter of her bathing suit and squeezed her left breast. She said it hurt. He kept his hand on her breast and rubbed it with the palm of his hand. The nine-year-old struggled to get away from him. She felt his right hand cover her groin outside of her bathing suit. He started rubbing her vaginal area. He had her pressed against the side of the pool and started rubbing his groin area against her buttocks. The child felt something hard but did not know what it was. He was pulling on the left side of her bathing suit bottom but he did not get his hand inside the bottom of her suit.

The defendant said "I'm going to eat you girls" and started nibbling on the nine-year-olds neck and shoulders with his lips.

The 13-year-old came up behind the defendant to help her friend and Mr. Hedge released the nine-year-old. He grabbed the 13-year-old with his left arm and put his right hand on her breast and started rubbing it. He had her pressed against the wall and rubbed his groin area and penis against her back and buttocks area. He moved his right hand from her breast to her groin area and started rubbing up and down on her vagina on the outside of her bathing suit.

The nine-year-old's mother heard the defendant shout about eating the girls and came out to investigate. She ordered the girls out of the pool and called the police. When Mr. Hedge was arrested and questioned he was asked about all the offenses. The resulting investigation culminated in his conviction.

Prior offenses:

Prior to these acts Mr. Hedge had the following convictions

2/19/82: convicted of petty theft. He was fined.

10/28/83: convicted of PC 459, Burglary, second degree, and PC 32, Accessory as a misdemeanor. He was sentenced to three years summary probation.

7/18/85: convicted PC 459, Burglary, second degree. He received three years formal probation, 120 days jail. On 9/23/87 probation was reinstated and he served 365 days jail.

Hedge, Matthew Harvey  
November 5, 2009  
Page 4 of 7

4/7/86: convicted of H&S 11377(a), Possession of Methamphetamine, a misdemeanor; PC 484/488, theft as a misdemeanor and placed on three years summary probation, three day's jail, and one day jail.

11/5/87: convicted of VC 10851 (a), Taking a vehicle without owner's consent; PC 148.9, False I.D. to peace officer. He was sentenced to two years prison.

Prior Release Information:

On 11/22/95 Mr. Hedge was released from custody on parole. On 9/18/97 Mr. Hedge submitted his monthly report to his parole agent. In that report he admitted he was in love with his girlfriend, Virginia Hernandez, who had moved into his residence that he shared with his mentally disabled mother. The parole agent of record went to the residence of Mr. Hedge and found a number of items that were in violation of his parole. The agent also discovered photo's of small children suggesting that his girlfriend had custody of a child. This was also a violation of his condition of parole in that he may not date or socialize with a man or woman who has custody of a child. It was determined that the girlfriend had two adult children out of the home and a 14-year-old son. On 9/25/97 based on his parole violations Mr. Hedge was returned to custody.

On 11/05/2005 Mr. Hedge was conditionally released (CONREP) in San Diego County. On 01/06/06, based on violations of the terms and conditions of his release, he was returned to custody at Atascadero State Hospital.

**RATIONALE FOR REVOCATION REQUEST**

- 1) **Mr. Hedge has violated his terms and conditions of outpatient treatment.** On November 5, 2009, Mr. Hedge was administered a maintenance polygraph as scheduled. The results of the examination were **Deception Indicated**. During the polygraph and post polygraph interview Mr. Hedge admitted to several violations of his conditional release specifically:

**B.4 CONDITIONS FOR PERSONS WITH A HISTORY OF SEXUAL OFFENSES**

*b. I will not view television shows, motion pictures or video tapes that act as stimuli to arouse me.*

Mr. Hedge admitted to masturbating to television shows in his trailer on the average of one time per week. He said it was mostly to the Universal Sports Channel Women's Volleyball.

*c. I will not view, purchase, have access to, possess or use any type of sexually stimulating, or sexually oriented material, such as, but not limited to, pictures, magazines, video tapes or movies.*

Mr. Hedge admitted to using a vibrator during masturbation. He reportedly keeps it in his trailer and uses it for sexual stimulation. Additionally, he admitted to using a picture stored on his cellphone camera during masturbation.

*C.25 I will not possess video or photo capable cellular telephones.*

Mr. Hedge admitted to possessing and taking pictures with his cellular telephone in violation of his terms and conditions,

*C.33 I will not lie to, omit significant information, or deceive my treatment providers or CONREP representatives. If I do, I will immediately report these transgressions. In addition, I will log and discuss any impulses to deceive that I may experience.*

Mr. Hedge informed CONREP staff that he had discussed the above sexually triggering feelings and behaviors with his treatment staff. Treatment staff informed us this was not true.

Further, during the post polygraph interview Mr. Hedge admitted to having taken pictures of his female driver's legs approximately two months ago. He reported that she was sitting in the lobby of his treatment provider and he noticed she had her legs crossed and looked "sexy". He took the picture without her knowledge and admitted to having attempted to use it for masturbatory purposes. He claims to have deleted the picture from his camera.

This behavior indicates that Mr. Hedge is either unwilling or unable to control his sexual impulses and has in fact perpetrated predatory behavior towards a female staff member. Further, Mr. Hedge was not forthcoming with this information in either treatment or during his polygraph interview and this information was only revealed following the deceptive result. We have no way to know if Mr. Hedge was being entirely truthful about this reported incident, or if he has engaged in other disturbing behaviors.

**2). Mr. Hedge has demonstrated an insufficient understanding of, and compliance with, relapse prevention principles including non-transparency/dishonesty with supervision and treatment providers.**

Mr. Hedge is not following his relapse prevention plan as is expected of him. In noting his deceptions and omissions in therapy he has not complied with his recovery plan. The fact that his problematic and surreptitious sexual interests may be escalating, that these behaviors have arisen so early in his release, and occurred under the strictest supervision, causes all CST members concern to the point that we

feel that his risk for reoffense has increased to the point that he needs secure confinement.

Mr. Hedge has been secretive and dishonest with treatment and supervision staff regarding his activities, behavior that is usually characteristic of untreated sex offenders. This pattern is very concerning for Liberty staff and providers. Mr. Hedge has a long and well documented history of engaging in illegal sexual activities. The fact that he has violated several of his terms and conditions, and appears to be becoming more sexually focused are risk factors for reoffense that we cannot tolerate, especially as this is Mr. Hedge's second community placement. Following the review of the polygraph information, the CONREP Community Program Director convened an emergency Community Safety Team (CST) conference call which included all CST members. The ensuing discussion led to an unanimous opinion that the client is a risk to cause harm to others and is a flight risk. The CST recommended revocation and immediate steps to detain the client in a secure facility.

Mr. Hedge's dishonestly, lack of transparency, and disturbing behavior require Liberty to recommend extended inpatient treatment to fully and honestly explore and treat his sexual disorder.

### **CURRENT CONFINEMENT**

On Thursday November 5, 2009 at 7:00 p.m. Mr. Hedge was detained without incident by the San Diego DOJ SAFE Task Force with assistance of his CONREP supervisor pursuant to Penal Code § 1610. He was then transported via Sheriff's vehicle and admitted to San Diego County Central Jail where he will remain pending a hearing on revocation.

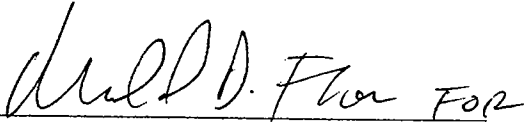
### **CONCLUSION AND RECOMMENDATION**

Given Mr. Hedge's recent non-compliance with treatment, his use of sexually explicit materials, his deception with staff about his activities, his "victimization" of a female staff member, and his history of sexual molests, it is our opinion that 1) Mr. Hedge is a danger to others while on outpatient status, and 2) he requires extended inpatient treatment to address his sexual behaviors and program non-compliance. He also needs to develop a greater appreciation of the importance of complete honesty with his outpatient treatment supervisors and compliance with treatment protocols. It is my recommendation that his conditional release be revoked and that he be hospitalized at Coalinga State Hospital for additional inpatient treatment under his continued Welfare and Institutions Code 6604 commitment.

Hedge, Matthew Harvey  
November 5, 2009  
Page 7 of 7

We are now applying to the court for authorization to confine Mr. Hedge at the San Diego County Jail pending the revocation hearing. We respectfully request that a hearing be calendared in this matter.

**I declare under penalty of law that the above is true and correct.**



Alan Stillman, LCSW  
Community Program Director  
Liberty Healthcare CA CONREP

cc: Phyllis Shess, Deputy District Attorney  
Marion Gaston, Deputy Public Defender  
Department of Mental Health  
Coalinga State Hospital  
Community Program Director  
File