

JUST SHARING ONE

## MN ACLU Should Help Krych, *in the Interest of Justice*

**“A civil commitment to MSOP is, essentially, a life sentence.”<sup>1</sup>**

*Credick Scott Ince*, was twice convicted of sexual assault and was 22-years-old when his County filed a petition to commit him as a Sexually Dangerous Person. *Ince* got the Minnesota Supreme Court to review his case (847 N.W.2d 13; 2014 Minn. LEXIS 197, A12-1691, Filed April 23, 2014), and with the assistance of ACLU Attorney, Teresa J. Nelson<sup>2</sup>, he got a Reversal & Remand, back to the First Judicial District, because his “8 months”<sup>3</sup> in open society was “**relevant evidence**” warranting “**reconsideration of the unique and specific facts**” of *Ince’s* case.

First Judicial District Judge, Thomas G. McCarthy, Dismissed *Cedrick Ince’s* commitment case (File #72-PR-11-52), on 09/11/2014, and Rejected *Ince’s* MSOP behaviors (included drinking):

**“The Court finds that Ince’s behaviors in MSOP in part reflect the hopeless environment that the MSOP program creates. MSOP has a demoralizing environment for inmates where effort in treatment and rule following is not likely to result in release. The Court finds that Ince’s behavior in MSOP is not an indicator of what Ince’s behavior will be in the community.”**

**Chris Krych’s unique and specific facts** (limited)

I, Chris Krych, went to prison in 1998 for a non-sexual conviction and my **ONLY** rehabilitative mandated was to do a “**chemical dependency assessment and follow recommendations.**”

I completed a **6 month CD program**; did an **additional 6 months in another CD program**; completed **Relapse Prevention**; did **6 months of Aftercare**; completed **Anger Management** twice; completed **Critical Thinking Skills**; completed the **Taking Responsibility for Attitude & Change** (TRAC) program; completed a **Parenting** course; did computer courses (10 certificates), and saved up my prison wages and sent the MN. DMV their **\$290.00** reinstatement fee requirement. **Excelled**

I left prison and successfully completed the RS Eden halfway houses 8 week transitional program 3 weeks early and moved into my own apartment, in South Saint Paul, on March 1, 2006.

On March 6, 2006, the Dakota County Attorney’s Office filed a Petition (File #P8-05-10260) to commit me as a Sexually Dangerous Person and had me arrested and held at the St. Peter Hospital.

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<sup>1</sup> Judge Stauber’s Dissent *In re Ince’s* Court of Appeal (#A12-1691, Filed March 18, 2013): “**Given that 678 of the 679 people who have been civilly committed to MSOP remain in MSOP, we must approach these cases with an appreciation for their gravity and an understanding that every case must be scrutinized to ensure absolute compliance with the law. A civil commitment to MSOP is, essentially, a life sentence.**”

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<sup>3</sup> “During the 8 months that Ince was on supervised release, he obtained employment on a dairy farm, began renting a nearby house from his employer, and purchased a truck. Ince’s employer reported that Ince has “done an excellent job” and has an “ongoing, continuous” offer of employment. ... Finally, the evidence was undisputed that Ince was considered in “sustained full remission” based on his alcohol and drug abstinence since 2009; had participated consistently in Alcoholics Anonymous (AA); and had supportive family relationships.”



First Judicial District Judge, Michael J. Mayer, stated at the Preliminary Hearing (03/09/06):

**“So a sex offender coming out of prison will complete—ECRC is End of Confinement Review Committee. They will review that process and assess an evaluation of Level 1, 2, or 3. This information is referring to that tool. Mr. Krych was not subject to ECRC review, so he did not complete this. Where are they coming up with the scores then for him? They scored him, but they should not have scored him. He was not subject to this process. Tell me how that happens when someone who is not supposed to be scored gets scored or why that happens. ... I’m .. troubled by the concept that I think I’m being asked to try another avenue of punishment when he’s done his time, ... But now you did your time [hearings last words].”** and ordered me released.

I have never in my life been subject to sex offender registration;

I have never in my life been subject to community notification;

I haven’t been mandated by the state to do sex treatment since 1987;

I have never in my life had any sexual deviancy or mental illness disorders;

I have 2 sexual misconduct convictions: 1st occurred in 1986 when I was 19/young & dumb (Ramsey County, Minnesota) and 2nd occurred in 1989 when I was 22/young & dumb (Wisconsin);

I have never been charged with any other sexual misconduct allegations anywhere and I’ve never ever been disciplined in any jail, prison, or MSOP, of any sexual rule infractions/behaviors;

I have been chemically dependent for decades and had found an AA Sponsor, went to AA almost daily, and got my 9 year sobriety medallion while I was in open society, and

Both of my young & dumb sexual convictions happened while I was drunk and I’ve continued my sobriety while in MSOP (I’ve been clean & sober since September 28, 1997—over 22 years now).

My court of appeals decision (April 22, 2008) isn’t worth printer paper. The court essentially conducted a new trial by adding facts & findings that were never a part of the commitment order.

Judge Mayer’s Commitment Order’s, Conclusion of Law (06/07/2007), Ruled: **“Respondent’s diagnosed antisocial personality disorder, ... satisfies the statutory requirement that Respondent had/has manifested a sexual personality or other mental disorder or dysfunction. ...”**

Judge Mayer used **“had”** in Commitment Order because I excelled with DOC Rehabilitation and was successful in open society for 9 months (ASPD in Full Remission -**“had”**) and Judge Mayer never gave **consideration** to all **relevant evidence** or the *Linehan* factors. Never any **clear and convincing evidence** Finding of a correlation between ASPD and **highly likely** to sexually reoffend.

I did volunteer work at the So. St. Paul VFW for our troops and other volunteer work, and was scheduled to run the 301 AA Club’s Wednesday night meetings. I helped churches and worked for the Cultural Center in SSP. I got my driver’s license back, vehicles and insurance, and paid my rent/bills. I was 90 days away from completing Intensive Supervised Release (ISR) which hardly anyone completes. My last sentence expired November 30th, 2007, and I’ve been in MSOP for over 13 years when I was never **highly likely** to sexually reoffend. **Heart-Shattering Experience!**

My case outshines *Ince’s* and **I have no legal representation** – State’s paying over \$15,000 a month to keep me wrongly detained in MSOP. I have housing, work, etc., if/when I get released.

By Chris Krych, 1111 Highway 73, Moose Lake, Minnesota 55767 (February 22, 2020)

*Chris Krych*