

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A22-0626**

In the Matter of the Civil Commitment of:
Colten Chase Camacho.

**Filed October 17, 2022
Affirmed
Segal, Chief Judge**

Brown County District Court
File No. 08-PR-20-982

Kenneth R. White, Law Office of Kenneth R. White, P.C., Mankato, Minnesota (for appellant Colten Camacho)

Keith Ellison, Attorney General, Matthew Frank, Noah A. Cashman, Assistant Attorneys General, St. Paul, Minnesota; and

Charles Hanson, Brown County Attorney, New Ulm, Minnesota (for respondent Brown County Human Services)

Considered and decided by Segal, Chief Judge; Larkin, Judge; and Bjorkman, Judge.

NONPRECEDENTIAL OPINION

SEGAL, Chief Judge

On appeal from his commitment as both a sexually dangerous person (SDP) and a sexual psychopathic personality (SPP), appellant Colten Chase Camacho argues that (1) the district court applied an incorrect legal standard in determining that he is committable as an SDP, (2) the district court failed to engage in sufficient fact finding, and

(3) the record does not support that he meets the criteria for commitment as either an SDP or an SPP. We affirm.

FACTS

Respondent Brown County Human Services filed a petition in December 2020 to civilly commit Camacho as an SDP and an SPP. Following a trial, the district court granted the county's petition for commitment under both the SDP and SPP statutes. The following summarizes testimony and evidence presented at Camacho's commitment trial, including information from police reports credited by the district court.

Camacho, who was born in 1995, committed a series of sexual offenses between 2014 and 2018 against victims aged 14 to 18. These included forcing victims to engage in sexual acts by intimidating them with guns. His car was a retired police squad car, he possessed a pair of handcuffs, and he represented himself to some of his victims as a police officer. For example, in one instance, Camacho met up with three minor female victims in a drug store parking lot. He claimed he smelled marijuana and "searched" the girls. After one of the girls objected to being searched, he handcuffed her to the seat in his car. He then drove the three girls to a location on a gravel road near a shooting range where he told them that the police go to practice shooting. He offered to pay them for sex and, when they refused, he forced them to perform oral sex on him and threatened to use his gun if they told anyone. The girls reported that Camacho also took nude photographs of them.

A number of Camacho's offenses involved grooming behavior. He started grooming one victim when she was in the seventh grade by buying cigarettes for her. He would contact her through social media and paid her to have sex with him when she was

16. When she was 18, Camacho contacted her through social media and offered to give her tranquilizers and alcohol. The victim told police that Camacho knew she was addicted to pills and was an alcoholic. When he got her in his car, he took her phone and forced her to touch his penis while he grabbed her breasts and vagina. One of Camacho's guns was visible in the console between the two front seats during the offense.

Another victim first met Camacho at a party when she was 14 and he was introduced to her as her "sober cab." He began sending her messages and she testified that he told her he was a Minneapolis police officer and handcuffed her at one point. She also testified that he sexually assaulted her multiple times when she was between 14 and 16 years old.

Camacho was charged with numerous counts of criminal sexual conduct and engaging in prostitution with minors, as well as false imprisonment, kidnapping, violating a harassment restraining order, and offering to hire a minor for prostitution. He was also charged with stalking one of the police officers who had investigated Camacho's case. The investigator reported that Camacho threatened him, yelled obscene comments at him from his car, and sent false allegations about him to numerous media outlets.

Camacho resolved the criminal charges through two plea agreements. In February 2018, he entered *Alford* pleas¹ to six counts of engaging in prostitution with a 16- to 17-year-old. In October 2020, he entered an additional *Alford* plea to one count of engaging

¹ An *Alford* plea involves a guilty plea in which a defendant is allowed to maintain their innocence while admitting that the prosecutor's evidence would likely result in a verdict of guilt at trial. *State v. Goulette*, 258 N.W.2d 758, 760-61 (Minn. 1977) (discussing *North Carolina v. Alford*, 400 U.S. 25, 38 (1970)).

in prostitution with a 13- to 15-year-old. Camacho received prison sentences for all seven convictions, although the sentence for his October 2020 conviction was stayed.

In January 2020, Camacho was evaluated for civil commitment while in prison. The Minnesota Department of Corrections made a preliminary determination that a petition to civilly commit Camacho may be appropriate and referred the case to the county.

Camacho was released from prison on intensive supervised release in April 2020. The conditions of Camacho's release included that he comply with sex-offender programming, not possess any sexually explicit material, not access or use social media, and not have any contact with minors. Confiscated pieces of Camacho's mail, however, revealed "sexualized photographs of obvious minor females," as well as a letter to a fellow offender stating that he "would like to go to Thailand, buy 5 wives, and die of syphilis." Camacho's supervising agent noted that Camacho wanted to "[d]ebate, debate, debate," and that he refused to participate in sex-offender treatment because he had pending appeals. Camacho did participate in some therapy, but the agent told Camacho that it was not sufficient.

After the county filed its petition to civilly commit Camacho, the district court appointed Dr. James Alsdurf as the first court-appointed examiner in the case. Camacho refused to speak with Dr. Alsdurf. The district court then appointed Dr. Thomas Alberg at Camacho's request as the second court-appointed examiner; Camacho agreed to speak with Dr. Alberg. The county retained Dr. Mary Kenning as its expert; Camacho also refused to speak with Dr. Kenning. The district court held a three-day trial in November 2021, during

which it heard testimony from Camacho, six of his sex-offense victims, the police investigator, the two court-appointed examiners, and the county's expert.

Drs. Kenning, Alsdurf, and Alberg each submitted reports in which they diagnosed Camacho with various disorders and ultimately opined on whether Camacho satisfies the criteria for commitment as an SDP and an SPP. All three experts applied actuarial risk tools, including the Static-99R recidivism-risk-assessment tool, and considered other risk factors and psychological testing. Drs. Kenning and Alsdurf opined that Camacho satisfies the criteria for commitment as both an SDP and an SPP. Dr. Alberg opined that Camacho only satisfies some of the criteria, and thus did not recommend commitment.

The six victims who testified at the commitment trial described the physical and emotional harm they suffered as a result of Camacho's offenses. One explained that she had been in therapy for nine years attempting to process what happened. Another stated that she felt like she "can't . . . get [a] part of [her]self back." Two of the victims also described the bleeding and abrasions they suffered from the sexual assaults. Several described how Camacho engaged in "grooming" behavior for months before his offenses—messaging them on social media, acting like their friend, and giving them cigarettes, drugs, and alcohol.

Camacho admitted at trial that he committed some sex offenses, but denied others. Camacho also denied many circumstances of the offenses, such as that he gave his victims alcohol, and he asserted that it was his victims who initiated some of the offenses. Camacho acknowledged that he had not participated in sex-offender treatment and claimed that he was not sure he needed it.

In its March 2022 order civilly committing Camacho as both an SDP and an SPP, the district court generally found that the testimony of Camacho’s victims was credible, that much of Camacho’s testimony was not credible, and that portions of Dr. Kenning’s and Dr. Alsdurf’s testimony were more credible than portions of Dr. Alberg’s. Camacho appeals.

DECISION

Camacho argues that the district court erred by failing to apply a multi-factor analysis in determining whether he satisfies the criteria for commitment as an SDP and by failing to make findings of fact that are sufficient to allow for meaningful appellate review. Camacho also contends that the evidence is not sufficient to support his commitment as either an SDP or an SPP. We address each argument in turn after first setting out the elements of proof required under the SDP and SPP statutes and the applicable standards of review.

The standard of proof to commit a person as an SDP or an SPP is clear and convincing evidence. Minn. Stat. § 253D.07, subd. 3 (2020). A person is committable as an SDP if that person:

- (1) has engaged in a course of harmful sexual conduct . . . ;
- (2) has manifested a sexual, personality, or other mental disorder or dysfunction; and
- (3) as a result, is likely to engage in acts of harmful sexual conduct

Minn. Stat. § 253D.02, subd. 16(a) (2020). To satisfy the third criteria, a person must be not just “likely” to engage in future harmful acts, but “highly likely” to do so. *In re Civ. Commitment of Ince*, 847 N.W.2d 13, 21 (Minn. 2014).

A person is committable as an SPP if that person (1) has “such conditions of emotional instability, or impulsiveness of behavior, or lack of customary standards of good judgment, or failure to appreciate the consequences of personal acts, or a combination of any of these conditions, which render the person irresponsible for personal conduct with respect to sexual matters”; (2) has “a habitual course of misconduct in sexual matters”; (3) has “an utter lack of power to control the person’s sexual impulses”; and (4) “as a result, is dangerous to other persons.” Minn. Stat. § 253D.02, subd. 15 (2020).

On appeal from a district court’s decision to civilly commit an individual as an SDP or an SPP, we review the district court’s factual findings for clear error. *In re Civ. Commitment of Crosby*, 824 N.W.2d 351, 356 (Minn. App. 2013), *rev. denied* (Minn. Mar. 27, 2013). In doing so, we defer to the district court’s credibility determinations and view the record in the light most favorable to the district court’s decision. *In re Knops*, 536 N.W.2d 616, 620 (Minn. 1995). We review *de novo*, however, “whether the record contains clear and convincing evidence to support the district court’s conclusion that [Camacho] meets the standard for civil commitment.” *Crosby*, 824 N.W.2d at 356.

I. The district court applied the correct legal standard in determining that Camacho meets the criteria for commitment as an SDP.

Camacho argues that the district court erred in its analysis of the third SDP criterion—whether Camacho is highly “likely to engage in acts of harmful sexual conduct.”

Minn. Stat. § 253D.02, subd. 15. Camacho contends that the district court analyzed only the six factors set forth by the supreme court in *In re Linehan*, 518 N.W.2d 609, 614 (Minn. 1994) (*Linehan I*), and failed to engage in the multi-factor analysis approved by the supreme court in its later decision in *Ince*, 847 N.W.2d at 22-25. Camacho points to the fact that Drs. Alsdurf and Kenning—the two experts that the district court found most credible—testified that some of the *Linehan* factors have limited use in predicting future risk. Camacho argues that because these experts “rejected” the usefulness of the *Linehan* factors, the district court erred in relying on those factors in its analysis.

Camacho’s argument stretches the supreme court’s reasoning in *Ince* too far. In *Ince*, the supreme court cautioned against the potential for “factor repetition that can result from considering the *Linehan* factors in addition to multiple actuarial assessments.” 847 N.W.2d at 24. But the court did not invalidate the use of the *Linehan* factors. *Id.* at 22-25. Instead, the supreme court emphasized the appropriateness of using a multi-factor analysis in assessing the likelihood that a person will engage in future harmful sexual conduct. *Id.* at 23.

The district court here followed the guidance in *Ince* and applied a multi-factor analysis. The district court relied heavily on the testimony of Drs. Alsdurf and Kenning, who “based their opinions on a combination of actuarial assessments, empirically-based structured dynamic risk factor assessments, individual risk factors, and other factors.” The district court acknowledged the potential for factor repetition, but determined that did not occur here. The district court commented that, while “[a]ll three psychologists addressed the *Linehan* factors,” they took “steps to ensure that they were not double-counting risk as

cautioned against in [*Ince*].” And the district court repeatedly discussed the interactions between the *Linehan* factors and the other tools applied by the expert witnesses. In other words, the district court undertook a “multi-factor analysis” as contemplated by *Ince* and thus applied the correct legal standard.

II. The district court made sufficient findings of fact.

Camacho next argues that the district court failed to engage in sufficient fact-finding to allow for meaningful appellate review as required by this court’s holding in *In re Civ. Commitment of Spicer*, 853 N.W.2d 803, 810-12 (Minn. App. 2014). In *Spicer*, we identified three ways in which the district court’s findings of fact were insufficient. First, we concluded that “the vast majority of the district court’s findings [were] not truly findings of fact because they [were] merely recitations of the evidence presented at trial.” 853 N.W.2d at 810. Second, we observed that “of the ‘true findings’ concerning disputed issues, nearly all of them are stated in a conclusory manner.” *Id.* And third, we noted that “the district court’s findings of fact [were] not meaningfully tied to its conclusions of law.” *Id.* at 811.

Camacho asserts that the district court here similarly failed to “make[] true findings and to explain the decision so that meaningful appellate review can occur.” We are not persuaded. The district court here summarized the evidence in its findings but, consistent with our holding in *Spicer*, the district court also made true findings of fact, assessed witness credibility, and explained its rationale for weighing some evidence more heavily than other evidence. For example, in analyzing whether Camacho possessed the requisite characteristics to be committed as an SPP, the district court found that “Camacho is

impulsive in his behavior.” The district court explained that in making this determination, it relied on the opinions of Drs. Kenning and Alsdurf. The district court found that “Dr. Alberg’s [contrary] opinion regarding this factor [was] not very credible given the number of Camacho’s victims and the nature of [Camacho’s] behavior with them.”

As another example, the district court explained that, on the question of Camacho’s likelihood of reoffending, it found the testimony of Drs. Kenning and Alsdurf “credible and persuasive because they correctly applied individual risk factors, actuarial risk tools, psychological testing, and the *Linehan* factors to determine risk.” And it explained that Dr. Alberg’s testimony was less credible and persuasive both because of “his incorrect scoring of the Static-99R,” and because he “was not completely aware of the full extent of Camacho’s offending and minimized some of [Camacho’s] behavior.” These types of findings and credibility determinations are included throughout the district court’s 100-page findings of fact and conclusions of law. The district court thus made true findings and connected its findings to its conclusions of law. The district court thereby made sufficient findings to allow for meaningful appellate review.

Camacho also argues that the district court erred because it criticized portions of Dr. Alberg’s testimony but failed to “undertake the same rigorous analysis of the opinions of Dr. Alsdurf” or “explain why the testimony of Dr. Kenning was found credible.” Camacho points to what he alleges are numerous factual errors in the testimony of Drs. Alsdurf and Kenning. He asserts that the district court erred by failing to explain “why these errors were insufficient to raise credibility issues” with their testimony.

Although Camacho frames this argument as a *Spicer*-type challenge to the sufficiency of the findings, his argument is essentially that the district court erred in weighing the evidence and found the wrong experts credible. Under the clear-error standard of review, however, “due regard shall be given to the opportunity of the trial court to judge the credibility of the witness,” and “[w]here the findings of fact rest almost entirely on expert testimony, the trial court’s evaluation of credibility is of particular significance.” *Knops*, 536 N.W.2d at 620. “[C]lear-error review does not permit an appellate court to weigh the evidence as if trying the matter de novo” or to “engage in fact-finding anew.” *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221-22 (Minn. 2021) (quotations omitted). Camacho asks this court to reweigh the expert evidence and reverse the district court’s credibility determinations—a request beyond the deferential scope of clear-error review.

III. The district court did not err in concluding that Camacho meets the criteria for commitment as an SDP.

Camacho next argues that “[t]he County failed to prove elements of the SDP statute” by clear and convincing evidence. Camacho does not dispute that the first criterion in the SDP statute has been established—that he “has engaged in a course of harmful sexual conduct.” Minn. Stat. § 253D.02, subd. 16(a)(1). He argues, however, that the evidence is insufficient to establish the second and third criteria—that he “has manifested a sexual, personality, or other mental disorder or dysfunction” and that he “is [highly] likely to engage in acts of harmful sexual conduct.” *Id.*, subd. 16(a)(2)-(3).

A. Sexual, Personality, or Other Mental Disorder or Dysfunction

To establish the second criterion for commitment as an SDP—that the person “has manifested a sexual, personality, or other mental disorder or dysfunction,” *id.*, subd. 16(a)(2)—“it is not necessary to prove that the person has an inability to control the person’s sexual impulses,” *id.*, subd. 16(b) (2020). However, the disorder or dysfunction must “not allow them to adequately control their sexual impulses, making it highly likely that they will engage in harmful sexual acts in the future.” *In re Linehan*, 594 N.W.2d 867, 876 (Minn. 1999).

The district court here found that “[a]ll three psychologists were unanimous in opining that Camacho possesses the requisite sexual, personality, or other mental disorder(s) or dysfunction(s) under the statute.” And Camacho concedes that all three experts testified that he has “various psychological diagnoses, disagreeing about some, agreeing about others.”² Camacho argues that the district court erred nevertheless because it “simply recited these diagnoses,” and “[w]hat is lacking is any analysis of what facts support each diagnosis.” He also argues that “[t]he experts offered little, in their reports or

² Dr. Kenning diagnosed Camacho with “Other Specified Paraphilic Disorder (hebephilia), non-exclusive type, attracted to females; Other Specified Paraphilic Disorder (non-consent); Adjustment Disorder with Anxiety and Depressed Mood; Other Specified Disruptive, Impulsive Control or Conduct Disorder (sexual preoccupation); and Unspecified Personality Disorder with Antisocial and Narcissistic Personality traits.” Dr. Alsdurf diagnosed Camacho with “Other Specified Paraphilic Disorder, non-exclusive type, females; Adjustment Disorder with anxiety and depressed mood; Rule Out Impulse Control Disorder and Narcissistic and Antisocial Personality Traits.” Dr. Alberg diagnosed Camacho with “Other Specified Paraphilic Disorder (hebephilia), non-exclusive type, attracted to females; Antisocial Personality Traits; and Generalized Anxiety Disorder versus Adjustment Disorder with Anxiety and Depressed Mood.”

testimony, to justify each diagnosis, especially the most critical ones related to Camacho’s sexual misconduct.” The reports of all three experts, however, detail the facts and test results relied on by the experts in making their diagnoses.

Camacho also argues that “attraction to teenage girls was not deviant,” and that “the district court made no findings about what took Camacho’s attraction from a ‘normal’ . . . attraction to one calling for a psychological diagnosis.” This argument completely ignores the fact that the district court credited the testimony of his teenage victims that he forced them to engage in sexual acts.

There is clear and convincing evidence in the record supporting the district court’s determination that Camacho has the requisite mental disorder or dysfunction, and Camacho points to no evidence to support his claim to the contrary.

B. Highly Likely to Engage in Acts of Harmful Sexual Conduct

Camacho argues that the evidence does not support a determination that he is highly likely to engage in acts of harmful sexual conduct—the third criterion for SDP commitment—because the district court erred in relying on the scores calculated by Drs. Alsdurf and Kenning for the Static 99R sex-offense risk-assessment tool. He asserts that these experts erred by using the wrong “index” sex offense—the most recent sex offense—in their scoring. He further argues that the experts failed to explain why the Static-99R was not an outlier given that some other actuarial tools calculated a lower risk of sex-offense recidivism. He maintains that the district court should have relied on Dr. Alberg’s scoring on the Static-99R tool, which calculated a lower score using a different sex offense as the index offense. Again, we are not persuaded.

As to which sex offense should have been used as the index offense, the district court credited Dr. Kenning’s opinion that Dr. Alberg used an incorrect offense, “and that this error resulted in an incorrect risk assessment” score. The district court also noted that Dr. Alberg conceded that Dr. Kenning’s scoring “may be right,” and that Dr. Alberg admitted that he was mistaken about the date of the sex offense used as the index offense by Drs. Kenning and Alsdurf in calculating the Static-99R score. Because evidence in the record supports the district court’s reliance on the higher Static-99R score, we discern no clear error in the district court’s reliance on that score.

Moreover, even if Camacho is correct that reliance on the higher Static-99R score is clear error, he fails to show how this would affect the outcome. As Camacho himself asserts, whether a person is highly likely to reoffend depends on a multi-factor analysis. The district court made findings based on numerous other pieces of evidence in addition to the Static-99R scores, and it weighed that evidence in evaluating all six of the *Linehan* factors. *See Linehan I*, 518 N.W.2d at 614. Camacho does not argue that any of those other factual findings were clearly erroneous. Thus, independent of Camacho’s Static-99R score, there is clear and convincing evidence supporting the district court’s determination that Camacho is highly likely to reoffend and is committable under the SDP statute.

IV. The district court did not err in concluding that Camacho meets the criteria for commitment as an SPP.

Camacho argues that the county did not prove, by clear and convincing evidence, the final two criteria for commitment under the SPP statute—that he has “an utter lack of

power to control [his] sexual impulses” and that “as a result, [he] is dangerous to other persons.”³ Minn. Stat. § 253D.02, subd. 15.

A. Utter Lack of Power to Control Sexual Impulses

Minnesota courts have identified several factors to consider in determining whether a person has an “utter lack of power to control” their sexual impulses, known as the *Blodgett* factors, including:

the nature and frequency of the sexual assaults, the degree of violence involved, the relationship (or lack thereof) between the offender and the victims, the offender’s attitude and mood, the offender’s medical and family history, the results of psychological and psychiatric testing and evaluation, and such other factors that bear on the predatory sex impulse and the lack of power to control it.

In re Blodgett, 510 N.W.2d 910, 915 (Minn. 1994). Other relevant factors include whether the person has refused treatment, the person’s belief that a problem does not exist, the presence of grooming behaviors, and the person’s failure to remove themselves from similar situations. See *In re Pirkl*, 531 N.W.2d 902, 907 (Minn. App. 1995), *rev. denied* (Minn. Aug. 30, 1995); *In re Irwin*, 529 N.W.2d 366, 375 (Minn. App. 1995), *rev. denied* (Minn.

³ Camacho also argues that the definitions of SDP and SPP are mutually exclusive because an SPP must have an “utter lack of power to control the person’s sexual impulses,” whereas an SDP need not have “an inability to control the person’s sexual impulses.” Compare Minn. Stat. § 253D.02, subd. 15 with Minn. Stat. § 253.02, subd. 16(b). Thus, Camacho asserts that he “can only be one or the other.” Camacho did not make this argument before the district court, however, and thus forfeited it. *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988). Moreover, this argument is unsupported by any caselaw and is contradictory to the plain language of the commitment statute. While a person need not have an utter lack of control to be an SDP, see *In re Civ. Commitment of Ramey*, 648 N.W.2d 260, 265 (Minn. App. 2002), *rev. denied* (Minn. Sept. 17, 2002), nothing in the statute suggests that an SPP with an utter lack of control cannot *also* be an SDP.

May 16, 1995); *In re Bieganowski*, 520 N.W.2d 525, 529-30 (Minn. App. 1994), *rev. denied* (Minn. Oct. 27, 1994).

Camacho argues that the district court erred in evaluating this criterion because it “undertook a mechanical application.” He cites a nonprecedential case, *In re Kubec*, in which this court noted that the “*Blodgett* factors are not a checklist,” and “the factors and all the evidence should be considered as a whole.” No. C9-97-1673, 1998 WL 27295, at *2 (Minn. App. Jan. 27, 1998). Nonprecedential opinions, however, are not binding authority. Minn. R. Civ. App. P. 136.01, subd. 1(c). Moreover, the district court’s analysis here was more than mechanical. The district court analyzed each *Blodgett* factor in detail, citing facts from the record and expert testimony. The district court also examined additional factors identified as relevant in *Pirkl*, *Irwin*, and *Bieganowski*. Based on this analysis, the district court found that “Camacho is in complete denial and is an extreme danger to the community,” that “Camacho has virtually no control over his behavior,” and that “Camacho knew that his offenses were wrong, but still offended.” Notably, Camacho does not actually argue that any of those findings were clearly erroneous.

Camacho argues, however, that the SPP statute requires an “utter lack of volitional control,” and that the record does not support such a finding. In support of his argument, Camacho points out that “[h]e attended parties with teenagers, serving as the sober driver,” and did not offend. He reasons that because he “was in situations where he would have offended if he lacked volitional control,” and did not do so every time, he cannot have an “utter lack of control.” Camacho also contends that he “is alleged to have planned many

of his efforts to secure sexual contact from his victims,” and that this suggests that he must have *some* level of control.

We reject his argument. First, with regard to serving as a “sober driver” at parties with teenagers, there is evidence in the record that this was part of his grooming behavior that preceded a sexual assault. And the presence of grooming behavior does not foreclose the existence of an utter lack of control. This court has held that the presence of grooming behavior does not necessarily negate a finding of utter lack of control. *See, e.g., In re Preston*, 629 N.W.2d 104, 111 (Minn. App. 2001) (stating that “[t]hough grooming and planning behavior can show the ability to control the sexual impulse, where the grooming behavior itself is uncontrollable, the impulse is likewise not controllable” (footnote omitted)); *Bieganowski*, 520 N.W.2d at 530 (stating that “[a]lthough the ‘grooming’ process requires time, thus eliminating any ‘suddenness’ regarding the sexual activity, . . . appellant’s failure to remove himself from situations that provide the opportunity for similar offenses, and his failure to avoid precursors that trigger his impulsive behavior, . . . demonstrate . . . lack of control”).

B. Dangerous to Other Persons

The fourth SPP criterion is whether a person is, as a result of their utter lack of control, “dangerous to other persons.” Minn. Stat. § 253D.02, subd. 15. The supreme court has explained that not all persons guilty of sexual misconduct are necessarily “dangerous” for purposes of the SPP statute. *In re Rickmyer*, 519 N.W.2d 188, 190 (Minn. 1994). In ascertaining whether a person is dangerous, “among the factors to be considered are the nature of the sexual assaults and the degree of violence involved.” *Id.* A person is

considered dangerous for purposes of the SPP statute when their behavior creates “a substantial likelihood of serious physical or mental harm being inflicted” on their victims. *Id.*; *see also Preston*, 629 N.W.2d at 113.

Camacho argues that the record fails to show that he is dangerous to others because his past offenses did not inflict sufficient harm to show a future likelihood of serious harm. He concedes that “[i]t is undeniable that [his] victims suffered harm,” that “[s]ome suffered short term physical injury resulting in some bleeding,” and that “[a]ll suffered mental harm.” But he argues that “[n]othing in the record supports a claim . . . that [his] conduct led to harm greater than that expected by any similar sexual assault.” Camacho notes, for example, that Dr. Kenning “described the kind of harm that would be expected from forcing teenagers to engage in prostitution.” He argues that these impacts should be the *baseline* of harm, and that “[n]one of the experts described any kind of harm expected that exceed[s] that from the nature of the act.”

Camacho’s argument misconstrues the legal standard. The question is not whether Camacho’s offenses caused more harm than others like them, but whether they created “a substantial likelihood of serious physical or mental harm.” *Preston*, 629 N.W.2d at 113 (quotation omitted); *see also In re Kindschy*, 634 N.W.2d 723, 732 (Minn. App. 2001). Here, the evidence easily supports the district court’s conclusion on this factor. There is evidence in the record that Camacho intimidated multiple victims with guns, led victims to believe that he was a police officer, and sexually assaulted some of them a number of times over a period of years. Several of Camacho’s assaults involved forced penetration, and two of his victims experienced bleeding as a result. All of Camacho’s victims who testified

at the commitment trial stated that they experienced lasting severe emotional harm. Thus, clear and convincing evidence supports the district court's determination that his offenses created a substantial likelihood of serious physical or mental harm. We therefore discern no error in the district court's determination that Camacho is committable under the SPP statute.

Affirmed.