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**APPEALS COURT AFFIRMS SEXUALLY DANGEROUS PERSON
COMMITMENT OF DEFENDANT**

BROCKTON – The Massachusetts Appeals Court has upheld a judge’s decision to commit a defendant to the Massachusetts Treatment Center as a Sexually Dangerous Person, Plymouth County District Attorney Timothy J. Cruz announced today.

In 1992, Lucas Ortiz was 17 years old when, while a member of a Boy Scout Troop, he committed sexual assaults against four Boy Scouts who were between the ages of 11 and 13 years old in Plymouth County. Ortiz threatened one of the boys during one offense with a knife. In 1993, Ortiz committed an additional sexual offense against a 12-year-old boy.

As a result of these offenses, Ortiz was convicted of multiple counts of Rape of a Child and Indecent Assault and Battery on a Child, and one count of Assault with a Dangerous Weapon. Ortiz spent two years in jail and, in 1995, was released on Probation with the condition that he have no unsupervised contact with individuals under the age of 18.

Within six months of his release, Ortiz forced a 15-year-old whom he befriended to perform a sex act at knifepoint. Ortiz was convicted again and incarcerated through 2012, at which time our office filed a petition to have Ortiz civilly committed as a Sexually Dangerous Person.

On appeal, Ortiz claimed that the trial judge improperly excluded the results of a penile plethysmograph (PPG) exam conducted by his retained expert. A PPG exam is designed PPG exam is a device designed to measure an individual’s pattern of arousal in response to different sexual stimuli. The Appeals Court found that the trial judge acted within his discretion when he found that Ortiz failed to show that the absence of deviant arousal on the PPG exam conducted by his retained expert was a reliable basis for diagnosis or a prediction of future sexual dangerousness.

The case was prosecuted by Assistant District Attorney Canan Yesilcimen. Assistant District Attorney Christina Crowley handled the case on Appeal for the Commonwealth.

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