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Sex predator is released after trying to lie his way to freedom
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A man convicted of molesting two boys figured there was only one way out of California's hospital for the criminally insane, where he was stuck indefinitely after being labeled a sexually violent predator.

After maintaining his innocence for nearly two decades, James Rodriguez realized he would have to say he committed the crimes that put him in prison and then in Atascadero State Hospital.

There was only one problem -- Rodriguez says he never molested the boys in the first place. So he had to learn how to play the part of a sex offender -- just what he would have to say about an attraction to young boys, how he knew it was wrong but couldn't stop. It was the only way to convince the hospital staff he had learned the error of his ways and should be set free.

"I went and hung out with the pedophiles," said Rodriguez, now 43. "I got into their heads and figured out what to say and what not to say. (One pedophile) grilled me for hours and asked me all these questions. Then he'd say, 'No, don't say that, say this.'"

The doctors believed him.

Like most of the approximately 500 men languishing at Atascadero after being labeled sexually violent predators, Rodriguez had refused to discuss any sex offenses, a key step in the treatment they're supposed to receive. The men know that anything they say can be used against them, possibly to keep them behind bars forever.

Psychologist Beth Thompson, who treated Rodriguez until she quit last month, was relieved that he finally began the treatment. Otherwise, "he'd just sit around like the rest of the guys watching TV and popping popcorn."

But as Rodriguez was learning how to talk like a sex offender, the case against him was falling apart.

To keep sexually violent predators behind bars after they've served their prison sentences, the state must recommit them to Atascadero every two years, arguing that they continue to pose a danger to society.

But Rodriguez's latest recommitment hearing kept getting postponed.

Carlos Monagas, an assistant district attorney in Riverside County, was preparing the victims for the hearing when they suddenly recanted, telling him that the whole sex abuse story was fiction.

Now in their 30s, the older brother is severely mentally disabled and lives in a group home. The younger, who lives with his father after being in prison himself, told Monagas their aunt had pressured the boys to falsely accuse five men of molesting them.

Monagas still believes the original convictions were valid, but now acknowledges that the state can't keep Rodriguez locked up any longer. He sent the tape-recorded recantations to his public defender.

"We simply do not have the evidence to proceed," Monagas said.

Rodriguez had pleaded guilty in the mid-1980s to molesting the brothers, ages 12 and 10. Authorities said Rodriguez, along with the boys' father, their uncle and two other men, had sodomized the boys and forced them to use drugs and engage in sex with their mother.

Rodriguez said he was under the influence of methamphetamine at the time

and didn't remember any abuse. He had a misdemeanor arrest record for drug possession and petty theft, but no history of sex-related crimes.

Rodriguez said no one believed him, and that he was pressured into pleading guilty because prosecutors were talking "hundreds of years." He said he felt bad for the boys, and didn't want them to have to testify.

"I didn't feel it was my place to put them through being questioned on the stand. It was ugly," Rodriguez said.

So, he spent 13 years in prison, joining the many inmates who regularly proclaim their innocence. Then, in 1998, he was classified as a sexually violent predator, enabling the state to keep him locked up until he could be deemed safe for society.

"He met the criteria," Thompson said. "He had two or more stranger victims. You're in and there's no getting out until you go through the treatment."

But Thompson said Rodriguez never fit the mold of child molester.

"He really didn't acknowledge his paraphilia, the attraction he had for kids," Thompson said. "It makes sense now. He couldn't do it. But I guess that's something he would've learned to fake, as well. We were hearing what we wanted to hear, which was 'I did it. I'm remorseful.'"

On the morning of her last day at the hospital, Thompson learned why Rodriguez' therapy sessions didn't quite ring true. His public defender e-mailed her, saying because the victims had recanted, the prosecutor was dropping the recommitment petition.

Rodriguez would soon be freed.

"I couldn't believe it," Thompson said. "I went and confronted Rodriguez about it. He said, 'Doc, I've been telling you guys this for the last five-and-a-half years and no one would believe me.'"

Nora Romero, spokeswoman for the state Department of Mental Health, which runs the program, refused to comment on Rodriguez's case.

Rodriguez, release order in hand, changed out of his khaki uniform Monday, and was dropped off at the nearest bus station with \$59 to his name. He visited his 22-year-old son, then moved on to his old Indian reservation near San Diego, where members of his tribe have offered him a job.

In a telephone interview Wednesday, he said that all the sights and sounds of the free world were overwhelming him -- even walking into a grocery store seemed scary. But he also sounded optimistic.

"I'm grateful to (the brothers) for coming forward after all these years," said Rodriguez, who plans to consult a lawyer about his options. "Even though my name isn't cleared yet, it will be."

For now, he remains a twice-convicted sex offender who must register with authorities each year on his birthday.

As for Thompson, she says she's "very burnt out" and has lost some faith in the system. If Rodriguez lied his way through treatment, she believes others could -- and would.

"He said he had no choice," she said. "And he didn't."