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PRESS RELEASE

For Immediate Release

Date: March 26, 2018

Re: Donald McFall
Sexually Violent Predator decision

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Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that Donald Richard McFall, age 75, formerly of Oakdale, has been declared a Sexually Violent Predator after a three-day court trial and committed to the Department of State Hospitals for treatment. Deputy District Attorney John R. Mayne presented the case for the People.

McFall is a mentally ill, repeat sex offender who was first hospitalized in 1963. He was subsequently convicted of indecent exposure in Santa Clara County in 1964 and 1966. In 1974, 1978 and 1991, McFall was convicted of child molestation related crimes.

In 2013, McFall, then age 70, was convicted in Stanislaus County Superior Court of felony indecent exposure. He was placed on formal probation and ordered to serve one year in the county jail. While on probation, he made an obviously delusional claim to a probation officer that he had raped thousands of girls and enjoyed it. After being released from custody, McFall violated his probation conditions and was sentenced to serve two years in state prison.

Because of his serious mental health issues and lengthy and severe criminal record, a civil action was initiated under the Sexually Violent Predator (SVP) Act to commit McFall to a state hospital after he completed his two-year prison sentence. Even though an SVP proceeding is civil in nature, the People still had the burden to prove beyond a reasonable doubt that 1) McFall had a qualifying sexual offense, 2) suffered from a serious mental illness, and 3) that if he were released from custody there would be a serious and well-founded risk that he would continue to engage in acts of sexual violence.

A three-day court trial was held before Stanislaus County Superior Court Judge Thomas Zeff. Two mental health experts examined McFall and testified that he posed a substantial risk to re-offend based on their evaluations. They each concluded that McFall suffers from schizophrenia and pedophilia.

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Additional testimony showed that a third expert – a woman - had also attempted to examine McFall while he was in custody. McFall began masturbating in front of the female examiner and correctional officers were called to stop the interview.

On March 22, 2018, Judge Thomas Zeff rendered his decision that McFall met the criteria to be a Sexually Violent Predator and ordered he be held in the Coalinga State Hospital for treatment until it is determined he is safe to be released into the community.

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