

*This opinion is nonprecedential except as provided by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
A25-1332**

In the Matter of the Civil Commitment of: Ryan Paul Petro.

**Filed December 22, 2025
Affirmed
Frisch, Chief Judge**

Wadena County District Court
File No. 80-PR-24-813

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Considered and decided by Frisch, Chief Judge; Worke, Judge; and Cochran, Judge.

NONPRECEDENTIAL OPINION

FRISCH, Chief Judge

Appellant challenges his indeterminate civil commitment, arguing that the district court erred by determining that (1) he meets the criteria for commitment as a person with a sexual psychopathic personality, and (2) a less-restrictive treatment program is not available and appropriate. Because the record supports the district court's determinations, we affirm.

FACTS

In November 2024, respondent Wadena County Attorney (the county) petitioned to have appellant Ryan Paul Petro civilly committed as a sexually dangerous person (SDP) and a person with a sexual psychopathic personality (SPP). At a four-day commitment hearing the following March, the district court heard testimony from seven witnesses, including Petro and two court-appointed expert examiners, and received 28 exhibits, which established the following facts.

Petro has a long history of chemical abuse dating back to childhood and has spent most of his adult life in jail or prison for various criminal offenses. He also has engaged in a range of sexual misconduct in and out of custody, consistently failed sex-offender treatment, and repeatedly violated his release conditions, often by accessing pornographic material.

2006 Criminal Sexual Conduct

In 2006, when Petro was 20 years old, he repeatedly had sexual intercourse with a 15-year-old girl. Petro had known the girl's brother, who died, and later bonded with the girl through marijuana use and initiated a sexual relationship that lasted for several months. When their relationship came to light, he denied it and encouraged her to lie and say she was 16 when they had sex, even continuing to do so despite a harassment restraining order (HRO) against him. Petro was charged with several offenses related to his conduct with the girl, ultimately pleaded guilty to fourth-degree criminal sexual conduct and violating the HRO, and was sentenced to prison.

2010-2013 Sexual Behavior in Prison

In October 2010, while Petro was in prison, he was attending a sex-offender treatment group when he took his genitals out of his pants and exposed himself to his peers. He received segregation time for the conduct. Petro has described the incident as a “joke” but also acknowledged that it was harmful to others in the program.

The following June, prison staff found among Petro’s possessions fabric that appeared to be in the process of being made into a bra and women’s underwear. Staff also found a paper with handwritten comments about a school district’s “6th through 8th grade band and jazz,” describing the physical characteristics of students and noting the date that the eighth-grade choir concert aired. Petro admitted the conduct and received segregation time.

In March 2013, a female corrections officer who was conducting a security round saw Petro fully nude, lying on his left side propped up on his elbow, and facing the cell door exposing his penis. He received segregation time for the conduct.

Three months later, prison staff found paper in Petro’s cell with graphic fantasies mentioning several past and present staff members. Petro received segregation time for the conduct.

2018 Sex-Related Burglary

In May 2018, three months after Petro was released from prison, a woman who lived two doors down from him reported seeing him standing outside her front door and then, later the same evening, peeping in her window. That August, the same woman reported that her son saw Petro in their basement emerging from a bathroom wearing women’s

leggings and a tank top and carrying a bag. She later realized that she and her daughter were missing several items of clothing, including bras and underwear. Petro was found with more than 120 items of women's clothing and accessories, mostly from the woman's home, in containers along with sex toys and lubricant. He later admitted that he used the undergarments for masturbation a couple of times a week, though he also repeatedly denied that there was a sexual component to the burglary. Petro was charged with and pleaded guilty to first-degree burglary and was sentenced to prison.

2023 Behavior in Prison

In April 2023, the day before he was due to be released from prison, staff discovered a notebook in the laundry room that they believed belonged to Petro. Petro thereafter acknowledged that the notebook was his. Over several pages, Petro listed various female college athletes and described their bodies in sexually explicit language. He also listed the names of minor females sorted by their grade in school, including girls in grades six through eight. On another page, under the label "porn stuff," Petro listed various types of pornography, repeatedly referencing teens and girls, followed by pages listing internet search terms, descriptions of videos, and books containing sexual content, also featuring teens and girls. Petro claimed that the notebook was for treatment purposes, but he was not in treatment at the time and the "highly sexualized" nature of the writing is not consistent with treatment exercises.

Sex-Offender Treatment and Supervised Release

Starting in 2008, Petro has repeatedly been directed to complete sex-offender treatment. He has had a total of seven opportunities to engage with and complete treatment

and has been terminated from such treatment programs each time for violating rules and expectations, violating his release conditions, not engaging or making genuine effort, or some combination of these issues. His repeated treatment failures in custody extended his incarceration time to enable him to complete treatment. And when he was out of custody, he frequently violated the conditions of his supervised release, often by accessing pornography, resulting in his release being revoked six times since 2008. Most recently, in May 2024, Petro was on supervised release when he was found to have accessed sexually explicit images, including images of a nude, apparently prepubescent, female. This conduct contributed to him being returned to prison for a release violation and resulted in him being terminated from his longest stint in treatment—February to May 2024.

SPP Commitment

Based on this factual background, the district court determined that the county did not present clear and convincing evidence to commit Petro as an SDP because it had not shown that he engaged in a “course of harmful sexual conduct.” *See* Minn. Stat. § 253D.02, subd. 16(a)(1) (2024). But it determined that the county did prove that he has an SPP, including that he engaged in a “habitual course of misconduct in sexual matters.” *See id.*, subd. 15 (2024). It found that his “undulating and complicated course of habitual misconduct in sexual matters” includes third-degree criminal sexual conduct against C.L. in 2006; sex-related first-degree burglary in 2018; and his repeated “use of pornography and behavior in prison during which he stalked or targeted adolescent females.” The district court also determined that a less-restrictive treatment alternative to the Minnesota

Sex Offender Program (MSOP) is not feasible. Accordingly, it ordered Petro's indeterminate civil commitment to MSOP as a person with an SPP. Petro appeals.

DECISION

Petro seeks reversal of the district court's order civilly committing him to MSOP as a person with an SPP. On appeal from a civil-commitment order, "we review legal issues de novo, including whether the record contains clear and convincing evidence to support the district court's conclusion that [the person] meets the standard for civil commitment." *In re Civ. Commitment of Crosby*, 824 N.W.2d 351, 356 (Minn. App. 2013), *rev. denied* (Minn. Mar. 27, 2013). But we will not set aside findings of fact unless they are clearly erroneous. *In re Civ. Commitment of Navratil*, 799 N.W.2d 643, 647 (Minn. App. 2011), *rev. denied* (Minn. Aug. 24, 2011). A finding is clearly erroneous if it is "manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole." *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021) (quotation omitted). We view the record "in a light favorable to the findings" and will not reweigh the evidence or reconcile conflicting evidence. *Id.* at 221-22. Rather, we defer to the district court's assessment of witness credibility. *Crosby*, 824 N.W.2d at 356. And when the district court's findings "rest almost entirely on expert testimony, [its] evaluation of credibility is particularly significant." *Id.* (quotation omitted).

I. The district court did not err in concluding that Petro meets the criteria for commitment as a person with an SPP.

A person has an SPP if (1) they have a condition 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 some combination of these conditions, that make them “irresponsible for personal conduct with respect to sexual matters”; (2) they have engaged in “a habitual course of misconduct in sexual matters”; (3) that misconduct shows “an utter lack of power to control [their] sexual impulses”; and (4) “as a result,” they are “dangerous” to others. Minn. Stat. § 253D.02, subd. 15. Petro disputes the district court’s findings as to each of the four criteria. We address each in turn.

Condition that Renders Petro Sexually Irresponsible

Petro argues that the record does not establish that he has a condition that causes him to be irresponsible in sexual matters. He acknowledges that he has been diagnosed with various psychological disorders, including antisocial personality disorder and a sexual disorder.¹ And he does not appear to dispute that, both because of and in addition to those disorders, he exhibits all four of the statutory conditions—instability, impulsiveness, poor judgment, and failure to appreciate the consequences of his actions. But he contends there is insufficient evidence that the conditions render him irresponsible with respect to sexual matters because (1) his only sexual offense (the 2006 criminal sexual conduct) is “in the distant past,” (2) the county failed to prove more recent sexual misconduct, and (3) the court-appointed examiners believe he is maturing and taking sex-offender treatment more seriously. We are not persuaded.

¹ The court-appointed examiners testified that Petro’s sexual disorder is difficult to place in a specific diagnostic category, but that his disorder involves obsession “in a very sexually compulsive way with a wide range of sexually deviant behavior and thoughts” and sexual attraction to minors “in that sort of adolescent or teenage range.”

As discussed below, there is ample evidence that Petro has engaged in ongoing sexual misconduct and has consistently failed to engage in treatment. And both court-appointed examiners expressly opined that, despite small indications of progress, Petro continues to be irresponsible in sexual matters. The district court found them credible, and we defer to that determination. *See Crosby*, 824 N.W.2d at 356. Given this record, Petro's limited challenge to the sexual-irresponsibility factor fails.

Habitual Course of Sexual Misconduct

Petro contends there is insufficient evidence that he engaged in a habitual course of sexual misconduct. He first asserts that the evidence could not establish this SPP criterion because the district court found he had not engaged in a "course of harmful sexual conduct," as required for an SDP designation. But that standard in the SDP statute "does not equate" to the SPP standard at issue here and, therefore, has no bearing on our analysis. *See In re Civ. Commitment of Stone*, 711 N.W.2d 831, 837 (Minn. App. 2006), *rev. denied* (Minn. June 20, 2006). He also contends the evidence is insufficient because (1) his only sex-offense conviction was for conduct occurring in 2006, and (2) other incidents of his sexual misconduct "have no connection" to that offense and are "remote in time from one another." This argument is unavailing in both respects.

First, although Petro minimizes his more recent conduct because it did not result in a sex-offense conviction, the SPP analysis "does not address convictions; it addresses behavior." *In re Monson*, 478 N.W.2d 785, 789 (Minn. App. 1991). The district court identified three behaviors in addition to Petro's sex offense as sexual misconduct: (1) sex-related burglary; (2) repeated use of pornography that violated his release

conditions; and (3) repeated sexual behavior in prison. Petro disputes that he recently possessed pornography and that any of this conduct was for sexual gratification. But the record—including prison records, treatment records, the testimony of the court-appointed examiners, and portions of Petro’s own testimony—amply establishes both Petro’s actions and their sexual nature. In short, Petro has not demonstrated any error in the district court’s finding that these behaviors constitute sexual misconduct.

Second, the record establishes a sufficient connection between Petro’s instances of sexual misconduct. To establish a “habitual course” under the SPP statute, there must be “evidence of a pattern of similar conduct.” *Stone*, 711 N.W.2d at 837 (citing *In re Blodgett*, 510 N.W.2d 910, 915 (Minn. 1994)). Both a consistent, habitual pattern and similarity of conduct are present here. Since his conviction for criminal sexual conduct occurring in 2006, Petro has regularly engaged in sexual misconduct in prison and in the community, including while on supervised release. And as the district court found, while Petro’s course of sexual misconduct is “undulating and complicated,” it has a recurring theme of “target[ing] adolescent females.” That recurring theme exists in the 2006 criminal sexual conduct, Petro’s sexual writings in prison in 2011, the pornography he accessed in violation of his supervised release in 2017, his sexual writings in prison in 2023, and the pornography he accessed in violation of his supervised release in 2024. Given this record, Petro has not shown that the district court erred in determining that he engaged in a habitual course of sexual misconduct.

Lack of Power to Control Sexual Impulses

In assessing whether a person has the type of sexual impulse-control problem contemplated in the SPP statute, courts consider several factors, including the nature and frequency of the sexual assaults, the degree of violence involved, the offender's medical and family history, and the results of psychological and psychiatric testing and evaluation. *Blodgett*, 510 N.W.2d at 915.

Both court-appointed examiners expressly addressed the *Blodgett* factors and opined that Petro lacks the ability to control his sexual impulses. In support of those opinions, they particularly highlighted Petro's manipulative and grooming behaviors, denial or minimization of his behavior, family history of "criminalistic thinking," psychological testing indicative of antisocial attitudes and treatment resistance, and persistent and deliberate engagement in sexual behaviors despite awareness of consequences. The district court found both examiners credible. The district court also pointed to many of those same factors in its finding that Petro is unable to control his sexual impulses.

Petro does not directly address the examiners' opinions but contends there is insufficient evidence regarding lack of control because *Blodgett* and other cases show that other civilly committed people began offending at an earlier age, offended against more direct victims, or did so with more overt violence. But the fact that other offenders may exhibit more extreme behaviors does not negate the extensive evidence showing that Petro cannot control his sexual impulses. Accordingly, he has not shown any error in the determination that he lacks power to control sexual impulses.

Dangerousness

After a finding of lack of control, a district court must assess whether the person subject to the commitment petition poses a “serious danger to the public” in the future in the sense that they are likely to “inflict injury, loss, pain or other evil” on others. *In re Linehan*, 518 N.W.2d 609, 613-14 (Minn. 1994) (quotation omitted); *see also In re Rickmyer*, 519 N.W.2d 188, 190 (Minn. 1994) (describing dangerousness factor as “substantial likelihood” of inflicting “serious physical or mental harm”). The supreme court has set forth various factors for consideration in assessing dangerousness, including several similar to the *Blodgett* factors, as well as “base rate statistics for violent behavior among individuals of [the] person’s background” and “the person’s record with respect to sex therapy programs.” *Linehan*, 518 N.W.2d at 614.

As with the lack-of-control issue, both court-appointed examiners expressly addressed the relevant factors and opined that Petro is dangerous to others because he is highly likely to reoffend sexually. They particularized concerns about Petro’s numerous failures in sex-offender treatment and the consistent indication from statistical risk assessments that, despite the mitigating factor of Petro’s age (40), he presents a high risk of recidivism. The district court recounted and credited the examiners’ discussion of the *Linehan* factors, particularly emphasizing statistical analyses, and found that Petro is “highly likely” to “engage in further harmful sexual conduct.”

Petro challenges the district court’s finding of dangerousness but again does not directly address the examiners’ opinions. Instead, he asserts that only his conviction related to the 2006 criminal sexual conduct “can even arguably be said to involve a substantial

likelihood of harm.” He does not justify this assertion other than to say that his treatment failures “have not involved harm to others.” But a person’s record in sex-offender treatment is one of the *Linehan* dangerousness factors. Given this limited challenge and the extensive evidence that Petro is highly likely to reoffend sexually, Petro has not shown error in the district court’s determination that he is dangerous.

In sum, the examiners’ reports and testimony, which the district court credited in all respects, along with ample additional evidence establishes clear and convincing evidence that Petro meets the criteria for commitment as a person with an SPP.

II. The district court did not err in determining that a less-restrictive treatment program is not available and appropriate.

If the district court finds that a person has an SPP, it “shall commit the person to a secure treatment facility unless the person establishes by clear and convincing evidence that a less restrictive treatment program is available, is willing to accept the [person] under commitment, and is consistent with the person’s treatment needs and the requirements of public safety.” Minn. Stat. § 253D.07, subd. 3 (2024).

Petro sought to demonstrate the availability and appropriateness of a treatment program less restrictive than MSOP by testifying that, if not committed, he would “immediately return” to the treatment program he was in for several months in early 2024. While the district court did not expressly find this testimony to be not credible, it discounted Petro’s promise as “too little, too late” and insufficient to counterbalance the extensive evidence of his “history of sexual behavior and treatment and supervision failures in community-based settings.” The district court also noted that, in the absence of

commitment to MSOP, Petro “will be under no form of supervision if released into the community.” The district court found that Petro needs “intensive” treatment in a “secure” setting, which is only available at MSOP. Accordingly, it determined that a less-restrictive alternative to MSOP is not available and appropriate.

In challenging that determination, Petro acknowledges that MSOP is the only secure facility available. He contends that the district court should have accepted his assurance that he would follow through on treatment in the community because his most recent treatment process was his most successful, he would have his brother’s support, and he would still be subject to consequences if the district court ordered him to treatment and he failed to comply. But the existence of evidence that could have supported a different finding does not invalidate the district court’s finding that only a secure treatment facility is appropriate. *See Kenney*, 963 N.W.2d at 223. Accordingly, Petro has not demonstrated any error in the district court’s determination that there is not an available and appropriate alternative to MSOP.

Affirmed.