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Jury deadlocks on most counts in doctor's sex-abuse case; 2nd trial likely

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A "hot and heated" jury acquitted workers' comp Dr. Scott Dodd Anderson on Tuesday on two counts of sexual abuse of his patients and failed to reach verdicts on 15 more accusations against him.

Sacramento Superior Court Judge Eugene L. Balonon declared a mistrial on the counts the jury could not resolve, and Deputy District Attorney Laura West told the court immediately her office will retry the case.

West and defense attorney Patrick K. Hanly will return to Balonon's courtroom next week to set a date for a new trial that likely will take place in January.

Hanly said he "feels very good" about the trial's outcome, that "we're ready to go again" on the retrial and that his client also is pleased with the outcome so far.

"He's excited, he's happy," Hanly said of Anderson. "He would rather have had 17 not guilty's, but he'll take (two) as a start."

One of the alleged victims in the case said she was disappointed in the outcome but that she will testify against Anderson again in next year's retrial.

"I've been living with this for three years," said the 63-year-old woman, whose name is being withheld because she is an alleged sexual assault victim. "It's been three long years. Any more delays are all part of the course."

Anderson, 63, was initially charged in a 41-count complaint, but 19 of those counts were dismissed by the prosecution for insufficient evidence at the outset of trial. Several of the dismissed charges involved the most serious filed against Anderson, including three rape counts.

Five more counts were dismissed against Anderson during the trial. With the two acquittals, he still has 15 counts pending against him – eight on felony charges of having inappropriate sexual contact with his patients and seven of misdemeanor sexual battery. The remaining charges involve three of Anderson's former patients.

Jurors voted 10-2 to convict Anderson on four of the counts still outstanding, 9-3 to convict him on six more and 8-4 to convict him on two other still-pending counts. Jurors voted 9-3 and 8-4 to acquit him on two other counts that remain in the complaint. One of the pending charges resulted in a 6-6 tie.

All of the alleged victims were Anderson's patients at the U.S. HealthWorks facility on Folsom Boulevard who said he inappropriately touched them during examinations for job-related injuries in 2009.

West, the prosecutor, declined to discuss the case.

One of the trial jurors, Carol Barr, described the deliberations in an interview Tuesday as being emotionally charged.

"It was hot and heated in the jury room," Barr said. "Most of us agreed that the doctor was a sexual offender. We had one juror who was a holdout who threw a wrench in every wheel. He was so unreasonable.

"Within 15 minutes of our meeting for the first time in the jury room, he was adamant that all the four women lied about everything. I mean everything."

The alleged victim who was in the courtroom for the verdict Tuesday said a male juror approached her afterward to apologize for the panelist who emphatically insisted the victims had lied.

"He said, 'I'm so sorry. We tried, but one individual would not yield,' " the woman said.

Barr said "one guy caved in to the unreasonable guy" on the two 10-2 votes. Once it became apparent that the votes had become locked into their final numbers, Barr said, she was worried that the DA's office would not retry Anderson. She said she was "absolutely thrilled" to learn that the case will go to another jury.

"What are the odds of four different women who have never been to that doctor at the same time at that clinic (seeing) the same M.O.?" Barr said.

Anderson's attorney insisted the doctor is innocent.

"The jury was unable to reach a verdict on the majority of the counts because the government did not have enough evidence to convict the defendant," Hanly said.

"The only verdicts they were able to reach were not guilty because he is not guilty of the crimes charged."

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