

From: [Sen. Anna MacKinnon](#)
To: [Senate Finance Committee](#)
Subject: FW: Proposed amendment for SB91 - Please make part of the record
Date: Friday, April 01, 2016 12:31:52 PM
Attachments: [ALASKA STATUTES SENTENCING.DOCX](#)
[SoA rules of Criminal Procedure hilighted.pdf](#)

From: Butch Moore [mailto:sushores@gmail.com]
Sent: Friday, April 01, 2016 12:25 PM
To: Sen. Anna MacKinnon <Sen.Anna.MacKinnon@akleg.gov>
Cc: Sen. Pete Kelly <Sen.Pete.Kelly@akleg.gov>; Sen. Peter Micciche <Sen.Peter.Micciche@akleg.gov>; Sen. Click Bishop <Sen.Click.Bishop@akleg.gov>; Sen. Mike Dunleavy <Sen.Mike.Dunleavy@akleg.gov>; Sen. Lyman Hoffman <Sen.Lyman.Hoffman@akleg.gov>; Sen. Donny Olson <Sen.Donny.Olson@akleg.gov>; Jordan Shilling <Jordan.Shilling@akleg.gov>; Sen. John Coghill <Sen.John.Coghill@akleg.gov>
Subject: Proposed amendment for SB91 - Please make part of the record

Senator MacKinnon,

I am writing to ask if you will you please consider adding these three crucial items to HB-91.

1. Murder-Increase the minimum mandatory sentences for murder, by adding; 15 years to each minimum sentence and no parole, (So that it is equal to/exceeds Rape sentencing)
2. ID-Surrender of Drivers License/ID and replacement with "ALCOHOL RESTRICTED" Drivers License/ID when parole/probation/sentencing carries an alcohol restriction.
3. The Pre-Trial time exceeding 120 days will **not** be credited towards the defendants sentenced time, if trial is continued at no fault of the State of Alaska.

Here is why: On 6/26/14, my daughter, Breanna Moore, age 20, was Murdered by Joshua Almeda who pled guilty to Second Degree Murder for killing Bree, at his home, with a handgun, while drunk. Almeda, almost two years later has still not been sentenced. At the time, Almeda was on parole (with a restriction on alcohol and firearms). Almeda was not required by law to surrender his license, so he went into a liquor store and bought alcohol, got drunk, used his gun, (that his mother knew he had in her home) and shot my daughter Bree in the head. Now that Josh has admitted to and has been convicted of murder, he can receive a minimum sentence of only **10 years**. Also, he can be released on parole after only 1/3 of the sentenced time. If he had only raped Breanna, while possessing the same handgun, and she was alive today, the minimum sentence would be **25 to 35 years, (This time must be served in Jail)**. (See the Alaska Statutes highlighted below, as well as full version attached).

#1-Mandatory Murder Minimum (Amendment 3/23/16 1.7)

Current Law AS 12.55.125. Sentences of Imprisonment For Felonies.

- (a) A defendant convicted of murder in the first degree or murder of an unborn child under AS [11.41.150](#) (a)(1) shall be sentenced to a definite term of imprisonment of at least **20 years** but not more than 99 years.
- (b) A defendant convicted of attempted murder in the first degree, solicitation to commit

murder in the first degree, conspiracy to commit murder in the first degree, kidnapping, or misconduct involving a controlled substance in the first degree shall be sentenced to a definite term of imprisonment of at least five years but not more than 99 years. A defendant convicted of murder in the second degree shall be sentenced to a definite term of imprisonment of at least **10 years** (i) A defendant convicted of (1) **sexual assault** in the first degree, sexual abuse of a minor in the first degree, or promoting prostitution in the first degree under AS [11.66.110](#) (a)(2) may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS [12.55.155](#) - 12.55.175:

(A) if the offense is a first felony conviction, the offense does not involve circumstances described in (B) of this paragraph, and the victim was (i) less than 13 years of age, **25 to 35 years**; (ii) 13 years of age or older, **20 to 30 years**; (B) if the offense is a first felony conviction and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, **25 to 35 years**; (Under AS 33.16.090 and AS 33.20.010 there is No Eligibility For Discretionary Parole or No Computation of Good Time for early release.)

(Please change the minimum mandatory sentences for murder, by adding; 20 years to each minimum sentence, (30 and 40 years), and require the minimum time served in prison to have the same restrictions as for a sexual felony, on Discretionary Parole, and of Good Time. This would be adding murder to; (AS 33.16.090) No Eligibility For Discretionary Parole, and (AS 33.20.010) No Computation of Good Time.)

#2-ID (This may be a new amendment?)

Please add: If an alcohol restriction is part of parole/probation/DUI/sentence, etc., the Surrender of Drivers License/ID and replacement with "ALCOHOL RESTRICTED" Drivers License/ID for the offender should be required. There is no law requiring surrender/replacement of ID's that carry an alcohol restriction. **(Bree would be alive if Josh had not been drinking.)**

#3- Time exceeding 120 days will not be credited towards the defendants sentence time. (Amendment 3/22/16 1.7)

Proposed amendment for SB91. As the prison population in Alaska has increased 27% in the last 10 years and 93% of that is Pre-Trial, I propose we SAVE THE MOST MONEY BY addressing the Pre-Trial population expansion with the following;

These rules, in part, already exist. See the attached ALASKA COURT RULES, page 72, Rule 45: Speedy Trial, which I have highlighted.

Rule 45. Speedy Trial. (a) **Priorities in Scheduling Criminal Cases.** The court shall provide for placing criminal proceedings upon appropriate calendars. Preference shall be given to criminal proceedings and the trial of defendants in custody shall be given preference over other criminal cases. The court shall consider the circumstances of the victim, particularly a victim of advanced age or extreme youth, in setting the trial date. Trial dates in criminal cases in the superior court shall be set at the time of arraignment, and if a trial date is thereafter vacated, the trial shall be immediately set for a date certain. (b) **Speedy Trial Time Limits.** A defendant charged with a felony, a misdemeanor, or a violation shall be tried within 120 days from the time set forth in paragraph (c) of this rule.

Please add: If by actions of the defendant / defendants attorney, the trial date is continued beyond the 120 days, the time exceeding 120 days served in pre-trial will not be credited towards the defendants sentence time. Further, any cost to; house, feed, monitor, maintain, etc. for the time in excess of the 120 days, will be paid for by the defendant, at current costs. (To avoid a massive amount of cases that are currently in pre-trial now, there may be a "Phase In" for those currently in the system. The effective date for new offenders could be 1/1/2017. Current cases that do not have trial dates set, less than 2 years from arraignment date could have 240 days (Double) from the effective date of the change and any current cases that do not have trial dates set, that are past two years from arraignment date could have 120 days.

Benefits are higher cost savings than all other proposed legislation in SB91, with defendants wanting a speedy trial, resulting in;

- Less costs to house/monitor pre-trial prisoners
- Less costs to trial courts, as defendants will agree to "plea deals" if they no longer have the ability to drag it out for years
- Less manipulation of the criminal justice system by the defense attorneys.
- Quicker justice for victims

The only loss is to the defense attorneys who will no longer be able to drag out/continue trials and charge defendants and their families attorney fees over many years.

The Criminal Justice Working Group thru the Court System ran a report on the average # of days that a case stays open, prior to trial/sentence. It's HUGE! And the State of Alaska is paying for it, while Defense Attorney's are getting "RICH" by postponing trial dates, while Alaska pays the bill to house/monitor defendants who's only chance of getting off is to "Postpone/Continue" their trial. This in the hopes that witness's, law enforcement and other persons vital to their conviction will : quit, die, retire, get fired, transfer, move or just plain forget the facts to convict them. This is their only defense... TO STALL at the cost of the state and victims.

Alaska needs to quit paying the "BILL's" for Criminal's Defense!! Thank you,

Butch Moore Cell 907-242-7883 sushores@gmail.com