

Alaska wants to close sex crime loophole



By Jill Burke | Posted: Wed 8:18 PM, Sep 26, 2018

ANCHORAGE, Alaska (KTUU) — The sentence of time-served, handed down to Justin Schneider, accused of strangling a woman until she was unconscious before masturbating over her, has angered many Alaskans.

A push is underway to recall the judge.

And the state is working swiftly to close what it calls a "loophole" in Alaska's sex crimes laws.

During the hearing, Judge Michael Corey said "the actions that occurred simply cannot be tolerated" and, referring to Schneider's conduct, warned Schneider "this can never happen again."

Schneider pleaded guilty to second degree assault, a crime that by definition includes strangling, according to John Skidmore, Criminal Division Chief for the Alaska Department of Law.

The sentencing range for that crime is zero to two years. Schneider received a two year sentence with one year suspended due to his lack of prior convictions, which allowed him to start life after sentencing on probation.

Although he agreed to undergo sex offender treatment — something the state could not have required as second degree assault is not a sex crime — he does not have to register as a sex offender.

"Masturbating on somebody is not a sex crime," Alaska Attorney General Jahna Lindemuth said in an interview Tuesday. "It needs to be treated as a sex crime with the higher sentencing penalties, two to 12 years, and the required sex offender treatment. We're going to change the definition of sexual contact to include unwanted contact with semen."

The proposed change in law, along with others updating sex crime statutes in Alaska, will be announced next week, Lindemuth said.

It's unusual, Corey said, to come across a defendant as willing as Schneider to take responsibility for their crime, and to earnestly work at rehabilitation.

"I would like to emphasize how grateful I am for this process. It has given me a year to work on myself and given me the opportunity to become a better husband and a better father and I am very eager to continue that journey," Schneider told the judge.

Michael Moberly, Schneider's attorney, noted that his client empathized with the victim and was working hard to become a better person.

Prosecutor Andrew Grannick agreed that Schneider had shown unusual promise for rehabilitation. Like Judge Corey, he warned Schneider that "if he ever comes back, there will be no discounts of any kind for as long as I work in this office."

"In this case he was convicted of the highest offense possible, which is assault in the second degree and a sentence of zero to two years," Skidmore said. "Both the judge and the prosecutor were constrained by what the law allowed. Clearly the law is broken and it needs to be fixed."

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