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*on probation*

## **Bail set at \$50,000 for man accused of beating girl**

### **ARRAIGNED: Syvinski still in jail; third-party observation required.**

By CASEY GROVE  
casey.grove@adn.com  
(06/11/11 21:15:27)

A man accused of punching a 7-year-old girl multiple times in the head Sunday in Midtown remained in jail after his arraignment Friday in Anchorage Jail Court.

A judge set bail for Byron Syvinski at \$50,000 and required that he be under 24-hour observation by a court-approved third party.

Syvinski, 32, faces one count each of third- and fourth-degree assault and one count of first-degree robbery. He did not enter a plea Friday, and Judge Catherine Easter assigned his case to a public defender.

Easter also ordered Syvinski not to return to the Eide Street neighborhood where police and witnesses say he attacked two of his neighbors, including young Am-Marie Martin.

Police wrote in court papers that Syvinski -- who stands 6 feet tall and weighs 240 pounds -- first tried to take a bag from a neighborhood boy, then punched the boy's father when he intervened. Police said the boy hit Syvinski with a metal pole, but that didn't stop him.

Syvinski then walked down the street and ordered Martin to get off her bike, police said. When she didn't, he punched her once, then twice more after she fell to the ground, police said.

Neighbors surrounded Syvinski, who police say was acting delirious when two officers arrived and arrested him. Syvinski had a cast on his broken left arm and the arm was infected, police said. He was taken to a hospital after the incident.

Officers arrested Syvinski on Thursday after he was released from the hospital.

Martin was still at Providence Alaska Medical Center on Friday for continued treatment, said her mother, Andrea Dunwoody, just after the arraignment. The girl suffered a concussion and brain hemorrhage from Syvinski's pounding, police said.

Martin wasn't eating solid food and depended on an intravenous line for nutrients, Dunwoody said.

"She's traumatized. She's depressed. She's angry. She's upset. All of the above," Dunwoody told reporters outside the jail. "He took away my daughter. She's not the same."

The girl has refused to allow male nurses into her hospital room and she also didn't trust the male doctor treating her, Dunwoody said.

"She wants to know why she's there. I can't tell her," Dunwoody said.

Still, small gifts and letters -- some from complete strangers -- had raised Am-Marie's spirits, her

mother said.

In the meantime, Dunwoody is wondering why Syvinski was loose on Anchorage's streets the day of the attack.

Syvinski had called police four times seeking help the day before the attacks, police said. He was taken into protective custody -- either to jail or a hospital but police won't say -- and was back out by Sunday afternoon, when the violence began.

His criminal record, which includes previous assaults and a felony gun theft conviction, indicates repeated drug use, according to court records.

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Dunwoody said the Alaska justice system failed to address Syvinski's many problems.

"He should've gotten the help he asked for," she said.

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Reach Casey Grove at [casey.grove@adn.com](mailto:casey.grove@adn.com) or 257-4589.

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**Syvinski can't move to halfway house****RULING: Man accused of hitting girl says he was beaten in jail.**By CASEY GROVE  
casey.grove@adn.com

(08/13/11 21:53:47)

Alaska State Troopers are investigating the reported jailhouse beating of an Anchorage man accused of punching a young girl in June. But a judge on Friday denied Byron Syvinski's subsequent request to be moved from the jail to a halfway house, saying the 32-year-old remains a danger to the community.

Syvinski is accused of attacking several neighbors, including a 7-year-old girl he allegedly punched in the head multiple times while trying to steal her bike.

Through his court-appointed attorney, Jeff Robinson, Syvinski had sought lowered bail and release to a halfway house because of a beating that left his face bruised and re-injured his previously broken arm, Robinson told Anchorage District Court Judge Patrick Hanley.

Troopers are investigating the alleged July 31 attack on Syvinski by another inmate or inmates at the Anchorage jail, a troopers spokeswoman said.

Syvinski appeared in court for the Friday bail hearing with bruises under his eyes and his left arm in a cast and sling. He's charged with robbery and multiple assault counts for the alleged June 5 attack on his Eide Street neighbors.

Police wrote in court papers that Syvinski was acting delirious when he approached a neighborhood teenager and tried to snatch the boy's bag. Syvinski punched the boy's father in the face before the boy struck Syvinski with a pole, police said.

Syvinski walked down the street to where Am-Marie Martin -- who turned 8 Friday, her mother said -- was on her bike in her driveway, police said. Syvinski ordered the girl off the bike and when she didn't move, he punched her, knocking her to the pavement, police said.

Witnesses told police that Syvinski punched the girl twice more while she was on the ground.

Martin was taken to a hospital with severe head injuries. Syvinski also was taken to a hospital for an infected arm. Police arrested him five days later.

In court Friday, Robinson told Hanley that Syvinski spent some time separated from other inmates for additional medical treatment. It was shortly after Syvinski's release from medical segregation that he was attacked, Robinson said.

"The decision to release him to general population is frightening," Robinson told the judge. "We live in a civilized society; we don't believe in vigilante justice."

Robinson showed Hanley and Assistant District Attorney Brittany Dunlop pictures of Syvinski's injuries taken days after the beating. The photos showed Syvinski's swollen lips and dark bruises

on his body.

"We have no reason to think the (Department of Corrections) can't protect Mr. Syvinski," Dunlop said.

Halfway houses have less security than jails, which could make it easier for Syvinski to escape, the prosecutor argued. That would allow Syvinski -- whose criminal record indicates repeated drug abuse dating back to 1999 -- to possibly get high and attack someone again, she said.

Martin's mother, Andrea Dunwoody, told the judge that Syvinski belonged in jail, not a halfway house. Dunwoody also addressed Syvinski directly.

"Just imagine what my daughter felt when you pounded her head into the ground," she told him. Dunwoody glared at Syvinski, who looked to the floor.

In the end, Hanley agreed with the prosecutor, saying that Syvinski posed a threat to the community and a halfway house did not provide the necessary level of security.

Dunwoody told reporters outside the courtroom that her daughter still suffers from headaches and dizziness but that she is ready for the school year to start.

Dunwoody said she doesn't have much sympathy for Syvinski.

"Like it or not, he's going to get justice in jail," she said. "I don't feel bad that he's got black eyes."

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## Ex-officer arrested again on child porn charge

Anchorage Daily News

(01/10/08 12:25:40)

A former Anchorage police officer, already convicted once of possessing child pornography, has been arrested and charged again.

Bryan Herrera, 44, was charged last month with violating the terms of his probation for having downloaded and stored thousands of child porn images in his computer, according to police spokeswoman Marlene Lammers.

On Wednesday, the Anchorage Police Department's Cyber Crimes Unit detectives re-arrested Herrera on a new charge of child porn possession. He is being held on that charge in lieu of \$30,000 bail, Lammers said.

A 12-year veteran at the time, Herrera was charged in October 2005 with collecting images of young children having sex with each other and with adults. He was also accused of setting up a remote-controlled camera in his home so he could tape a teenage girl undressing.

In a plea agreement with the district attorney's office, Herrera pleaded no contest to two counts and was sentenced to serve up to two years in prison. He was released on probation after serving his time. A condition of his release was that he not have a computer with an Internet connection.

In June, probation officers told police they had seized Herrera's laptop and believed he had downloaded and stored child porn on it. Police forensics computer examiners verified the accusation and on Dec. 10 probation officers arrested him, according to Lammers.

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While on Parole / Probation Two new

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**Murder parolee questioned in woman's slaying**  
**Man had done yard work for woman found dead in her home.**

By JAMES HALPIN and MEGAN HOLLAND  
 Anchorage Daily News

(06/25/09 22:06:21)

The man being sought for questioning in the slaying of a woman found dead in her home just off West International Airport Road was taken into custody Thursday night while using the restroom at the Flight Deck Bar and Lounge, just a block from the crime scene, according to police.

Kenneth Arnold Wahl, who is on parole for the brutal 1983 killing of a school counselor, was taken to police headquarters for questioning and was held on a felony parole violation, police said. Wahl had not been charged in connection with the death of Elisa Orcutt, 47, though police have named him a "person of interest." Orcutt was found dead in her home in the 5100 block of Cambridge Way on Tuesday.

Police from the vice unit and Community Action Policing team descended on the bar at 832 W. International Airport Road just before 8:30 p.m. and found Wahl in the men's room, police spokeswoman Anita Shell said.

"Patrons at the bar recognized him," Shell said. "He was taken into custody without incident."

Police say Wahl, 45, was doing yard work for Orcutt on Friday, the last day she was seen alive.

Wahl had been arrested six times, and released six times, since 2005 for parole violations stemming from the 1983 murder and was currently wanted on a seventh charge.

Investigators say they have learned of no connection between Wahl and Elisa Orcutt, 47, beyond his doing work at her home.

Orcutt's body was found in her home in the 5100 block of Cambridge Way just before 10 a.m. Tuesday, less than two hours after she missed a court appearance for a divorce that was finalized in her absence.

Since naming Wahl as a man who might have some information, detectives had received reports of possible sightings, homicide Detective Sgt. Slawomir Markiewicz said Thursday afternoon.

"We accounted for all the other neighbors as far as talking to them," Markiewicz said. "He had a place pretty close to the victim's place. Actually, from where he was staying he could see the victim's house." Neighbors say Wahl moved into a small, white pickup camper sitting on pallets in a yard catty-cornered to the Orcutt residence earlier this spring. He'd been doing odd jobs and yard work for the people whose property he was on and other neighbors and landed some work at the Orcutt home last Friday, according to police.

Elisa Orcutt was supposed to meet with her lawyer, Jody Brion, on Saturday in preparation for the divorce trial this week, but didn't show, according to a memorandum Brion filed in court. Brion called her repeatedly over the weekend but didn't reach her.

"Counsel believes that she is very stressed out with the prospect of the trial," Brion wrote in court papers.

About 8:30 a.m. Tuesday, everyone but Orcutt showed up at the courthouse for a hearing. The divorce was granted despite her absence. According to court documents, both Orcutt and her husband suffered from physical and mental impairments. They had no children.

Douglas Orcutt, 56, spent a career working for Alaska Airlines but left his work after being diagnosed with the early onset of Alzheimer's disease, court records say. He moved to Washington in September and filed for divorce in November, citing "irremediable differences" caused by "an incompatibility of temperament existing between the parties." Records say he was in town for the hearing this week.

Court records indicate Elisa Orcutt used to work at a Lowe's Home Improvement Warehouse but was injured on the job and had received Social Security income. She had been diagnosed with bipolar disorder and also suffered from depression and physical problems, according to court records.

"Elisa has been through a lot of stuff," said Pete Johnson, husband of her sister. "She didn't deserve this." If they know a motive for the slaying, police won't say what it is. They have been equally mum on what exactly happened inside the home, saying only they and the killer have that information.

"There was some trauma that caused her death," Markiewicz said. "The nature of the injuries is such that we concluded it must be the result of a homicide."

Wahl was convicted of first-degree murder for the stabbing death of Edward "Larry" Delany, a 40-year-old junior high school counselor. Authorities said Wahl stabbed him with a knife about 40 times in his apartment the day after they hooked up for a sexual encounter in 1983. He was sentenced in 1985 to serve 45 years.

According to Parole Board records, Wahl first appeared before the board in 2003, but was denied parole. He went back before the board in April 2005, when board members changed their minds. He was released two months later.

Conditions of Wahl's parole were standard, including requirements that he: maintain employment, training or treatment; notify his parole officer of a change in residence; possess no firearms; stay away from drugs and alcohol; not leave Anchorage beyond a 50-mile radius without informing his parole officer; not contact the victim's family.

But between his release and April of this year, Wahl was out of jail only for brief periods -- three months, then two days, then three weeks, and then two months -- before being jailed again for parole or probation violations.

He went back before the Parole Board after each one, and each time the board decided to let him go -- in April 2005, December 2005, September 2006 and January 2009. Ronald Taylor, executive director of the Alaska Board of Parole, said he couldn't discuss why the board decided to let Wahl out.

But in April, Wahl vanished from his halfway house. His probation officer searched for him for a day before handing over the search to Alaska State Troopers. A felony warrant for his arrest was issued.

Some fugitives are actively sought, but in many cases they are arrested after incidental contacts,

like traffic stops, troopers spokeswoman Megan Peters said. Various factors affect who is actively sought, including the severity of the crime and whether there is information on the person's location, she said.

Troopers have about 9,300 active arrest warrants, she said. Asked how Wahl's warrant would be prioritized, Peters said, "It goes back to what resources you have available, if you know where somebody is."

### **Kennith Wahl's time behind bars**

**Jan. 19, 1983:** Arrested for murder.

**Nov. 20, 1985:** Sentenced to 45-years.

**June 9, 2005:** Released from prison to a halfway house, the Glennwood Center in downtown Anchorage

**Sept. 6, 2005:** Back in jail for a parole/probation violation.

**March 15, 2006:** Released.

**May 17, 2006:** Back in jail for a parole/probation violation.

**June 16, 2008:** Released.

**July 6, 2008:** Back in jail for a parole/probation violation.

**July 22, 2008:** Released.

**Sept. 23, 2008:** Back in jail for a parole/probation violation.

**Dec. 3, 2008:** Released.

**Jan. 12, 2009:** Begins mandatory six months at a halfway house.

**April 9, 2009:** Doesn't show up to halfway house. Felony arrest warrant later issued. Kenneth Wahl's time behind bars

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## Four charged in armed robbery spree

Posted by crimeblog

Posted: July 29, 2011 - 3:52 pm

From Kyle Hopkins in Anchorage --

A four-man stickup crew has been indicted following a string of gunpoint robberies earlier this year in northeast Anchorage, prosecutors say.

Wearing black masks and gloves, the group held shotguns inches from the face of a Mountain View cigarette shop owner during a holdup in January, police say. The men are accused of blasting a shotgun round through the window of a Bragaw Street convenience store during a March robbery and robbing a cabbie and his passenger in April.

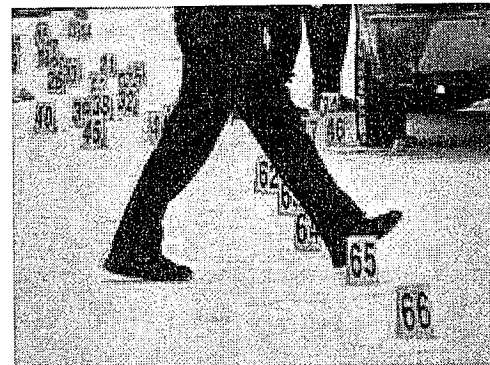
Assistant District Attorney James Fayette outlined the accusations today in **this prosecution bail memo**.

An Anchorage grand jury on Wednesday indicted:

- Aaron Aasa, 26.
- Ronald E. Thompson Jr., 18. *BOTH on Probation*
- Brothers Eric Vaifanua, 18, and Faamanu "Junior" Vaifanua, 21.

They are charged with robbing a cigarette shop called Smoke King in north Mountain View on Jan. 20, holding the shopkeeper and his son at gunpoint, prosecutors say. A security camera taped the invasion:

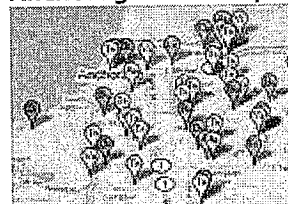
## Crime Scene



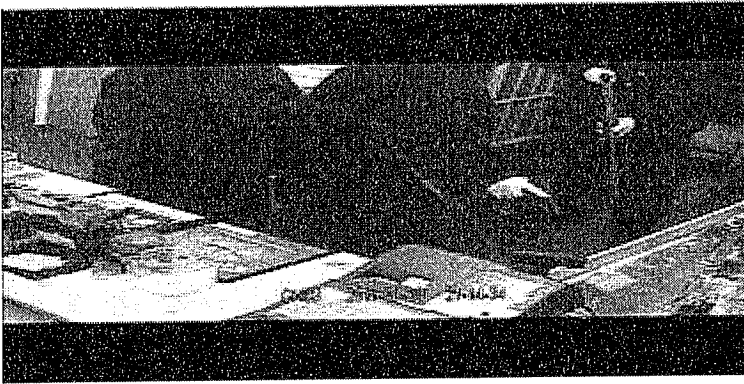
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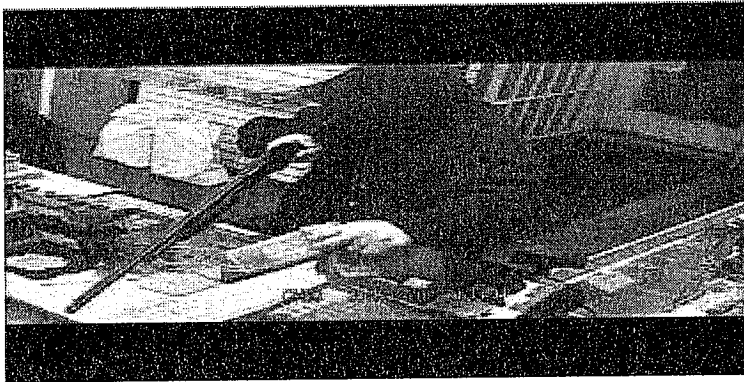


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Photos courtesy of the Anchorage police department.

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Two months later, three of the men robbed the Mini Stop convenience store on Bragaw Street, prosecutors say.

A break in the robbery investigations came April 10, following the cab-driver robbery.

The early morning holdup came on North Bunn Street where the taxi driver's passenger was trying to pay his fare, prosecutors say. A man with a shotgun had approached the passenger. Another man, carrying a handgun, walked up to the cab driver and demanded cash, prosecutors say.

As the men fled, one fired several shots in the air, prosecutors say. Someone nearby called police to report the sound of shots fired. The witness saw a black SUV speeding away, prosecutors say.

Police soon found the black Ford sitting in a car wash in west Mountain View. In a nearby trash can, police found a Mossberg 12-gauge shotgun, a handgun and white surgical gloves.

Security cameras showed the men pulling the pistol-grip shotgun from the SUV and stashing it in the trash can, prosecutors say.

In the SUV, police found old cartons of "Kool" cigarettes, the same brand that robbers stole from the Mountain View smoke shop and the Bragaw convenience store, prosecutors say.

Among other evidence linking the men to the robberies, police say that Faamanu Vaifanua was wearing white tennis shoes that matched footprints left in the snow outside the Smoke King store.

The four are accused of robbery, conspiracy to commit robbery and evidence tampering. Faamanu

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Vaifanua and Thompson were scheduled to appear in court today. Eric Vaifanua and Aaron Aasa were arraigned yesterday.

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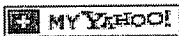
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