

# LEGISLATIVE RESEARCH SERVICES

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## Criminal Convictions Vacated or Reversed, and Dismissed

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*You wished to know the number of criminal convictions in Alaska that have been vacated or reversed and the conviction then dismissed. You were particularly interested in knowing if the "Fairbanks Four" are the only individuals whose convictions have been vacated and dismissed. You requested this information in regard to House Bill 243, currently under consideration.*

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House Bill 243 would allow persons who were ineligible for permanent fund dividends because of certain criminal convictions to receive dividends for the years they were ineligible if their convictions are vacated or reversed and the charges are dismissed, if they have been retried and found not guilty, or if they have been pardoned.

Marvin Roberts, Kevin Pease, Eugene Vent, and George Frese—sometimes known as the Fairbanks Four—are the only defendants in Alaska to have had their convictions vacated and charges dismissed, according to Kaci Schroeder, assistant attorney general, with the Department of Law's criminal division.<sup>1</sup>

Cases in which defendants have had their convictions reversed and charges dismissed are likewise quite rare according to representatives of both the Department of Law and the Court System.<sup>2</sup> The Court system records are currently being queried for information on the frequency of such reversals and subsequent dismissals, as well as on the number of defendants who are retried and acquitted.<sup>3</sup> We will forward that information upon its arrival.

We also note that executive pardons are rare. Since statehood, Alaska's governors have granted about 110 pardons. These have occurred with diminishing frequency: while Governor Egan granted 65 pardons before leaving office in 1966, Governor Murkowski granted the most recent six just prior to leaving office in 2006.<sup>4</sup>

We hope this information is useful. If you have questions or need additional information, please let us know.

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<sup>1</sup> Kaci Schroeder, assistant attorney general, Criminal Division, Department of Law, 907.465.4037.

<sup>2</sup> Doug Wooliver, deputy administrative director, Alaska Court System, 907.463.4750.

<sup>3</sup> In one such case, the murder conviction of Mechele Linehan was overturned on appeal. Prosecutors considered a retrial, but ultimately dismissed this high-profile case.

<sup>4</sup> Historical records of executive pardons and commutations of sentence maintained by the Department of Corrections provided by Sherrie Daigle, public information officer, 907.465.4645.