

Post Nation

Man accused of kidnapping woman and masturbating on her is given 'one pass,' won't go to prison

By Amy B Wang

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A man in Alaska who was accused of [kidnapping a woman](#) from a gas station, choking her until she passed out, then masturbating over her has accepted a plea deal that will mean he does not spend any time in prison.

Justin Schneider, 34, was arrested in August after offering a woman a ride from a gas station, stopping on the side of a road, asking her to step out under the pretense of loading items into the car, strangling her until she lost consciousness, then masturbating on her, [police said then](#).

The victim "said she could not fight him off, he was too heavy and had her down being choked to death," Anchorage police detective Brett Sarber wrote in a criminal complaint [obtained by KTVA News](#). "[She] said she lost consciousness, thinking she was going to die."

When she regained consciousness, the man zipped up his pants, gave her a tissue and "told her that he wasn't really going to kill her, that he needed her to believe she was going to die so that he could be sexually fulfilled," Sarber wrote in the complaint.

The victim reported the assault — as well as a license plate number — to police and identified Schneider from a photo lineup. Schneider was arrested at his job as an air traffic controller at Ted Stevens Anchorage International Airport, [KTVA reported](#).

Schneider was charged with one count of felony kidnapping and three counts of assault, as well as one misdemeanor count of harassment involving "offensive contact with fluids," [according to court records](#). He originally faced a sentence of between five and 99 years in prison, [officials said](#).

On Wednesday, Schneider accepted a deal in which he pleaded guilty to one count of second-degree felony assault in exchange for the dismissal of his other assault, kidnapping and harassment charges. He was sentenced to two years in prison with one year suspended.

However, because Schneider was given credit for a year under house arrest, he will not serve additional time in prison. He will be required to continue wearing an ankle monitor and participate in a treatment program.

"This can never happen again," Judge Michael Corey told Schneider in court on Wednesday, emphasizing each of the last three words.

In [video from his Wednesday court appearance](#), Schneider told the judge he appreciated the personal growth he experienced in the past year. There did not appear to be any mention of the victim.

"I would just like to, um, emphasize how grateful I am for this process," Schneider said in court. "It has given me a year to really work on myself and become a better person and a better husband and a better father. And I'm very eager to continue that journey."

"All right. Thank you, sir, I appreciate those comments," the judge replied.

The prosecutor, Anchorage Assistant District Attorney Andrew Grannik, emphasized that he made the plea deal because Schneider had no prior criminal record and seemed amenable to rehabilitation, [according to the Alaska Star](#).

"That's the reason why I made the deal that I made, because I have reasonable expectations that it will not happen [again]," Grannik said. "But I would like the gentleman to be on notice that that is his one pass. It's not really a pass, but given the conduct, one might consider that it is."

The [Alaska Star reported](#) that Schneider's victim, described only as a 25-year-old Native American woman, was not at the hearing and had, according to police, been traumatized "to the point where she couldn't hardly speak" after the assault.

On Friday, [Alaska Criminal Division Director John Skidmore released a statement](#) defending the plea deal after "a number of concerned citizens" criticized the sentence as too lenient. The state argued that Schneider's victim had willingly entered his vehicle and so could not have proved beyond a reasonable doubt the most serious charge — kidnapping — at trial.

"Kidnapping requires that the victim be 'restrained' or moved against his or her will," Skidmore stated. "Under these circumstances, the criminal charge of kidnapping (as defined under Alaska law) could not be proven beyond a reasonable doubt."

Moreover, under Alaska law, even Schneider's masturbating on his victim could not be categorized as a sex crime, he said.

"Despite this limitation, the prosecutor felt Mr. Schneider needed sex-offender treatment," Skidmore stated. "The only way to achieve that result was to have Mr. Schneider agree to the probation conditions. Thus, the prosecutor required Mr. Schneider to undergo sex-offender treatment and comply with other monitoring conditions as a condition of the plea agreement."

Skidmore did call Grannik's choice of words "unfortunate and misunderstood" in suggesting the sentence was a "pass."

"The prosecutor was attempting to explain that while the agreed-upon sentence seemed lenient, it was consistent with current Alaska law and based on a thorough review of the facts of case," Skidmore stated. "The

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aggressive prosecution of violent crime — especially violence against women — has always been, and remains, a priority for us.”

A Federal Aviation Administration representative confirmed that Schneider had been hired as an air traffic controller in August 2009 and that he was no longer employed by the agency.

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