

State of Alaska
DEPARTMENT OF LAW

PRESS RELEASE

Justin Schneider Sentenced in Accordance with Current Law

September 21, 2018

(Anchorage, AK) – On Wednesday, September 19, 2018, Superior Court Judge Michael Corey sentenced Justin Schneider (3AN-17-06258 CR) to a term of imprisonment of two years with one year suspended and one year of jail time following his guilty plea to second-degree assault. Although Mr. Schneider received one year of jail time, Alaska law allows an offender to receive credit for any time spent on an ankle monitor or under house arrest against any jail sentence imposed.

The Department of Law heard from a number of concerned citizens that the sentence imposed was too lenient. Criminal Division Director John Skidmore independently reviewed the case and concluded the sentence was consistent with, and reasonable, under current sentencing laws in Alaska.

Mr. Schneider plead guilty to one count of assault in the second degree, a class B felony in Alaska, in exchange for the State's dismissal of the remaining charges – notably, first-degree kidnapping and first-degree harassment. The State dismissed the most serious charge based on the conclusion that the State would be unable to prove the kidnapping at trial. Kidnapping requires that the victim be "restrained" or moved against his or her will. Additional investigation determined that the victim willingly got into Mr. Schneider's vehicle and willingly drove with him to the location of the assault. Under these circumstances, the criminal charge of kidnapping (as defined under Alaska law) could not be proven beyond a reasonable doubt.

Mr. Schneider was convicted of the remaining most serious crime: second-degree assault. Based on Mr. Schneider's lack of criminal history, the sentencing range for the offense was zero to two years in jail.

"Though it is understandable that some feel his sentence was not sufficiently harsh," Director Skidmore explained, "All prosecutors are ethically required to follow the law, no matter how disturbing the facts may be."

While the facts of this case were particularly disturbing, Mr. Schneider's offensive physical contact with bodily fluid such as semen is not categorized as a sex crime under Alaska law. Despite this limitation, the prosecutor felt Mr. Schneider needed sex offender treatment. 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.

During sentencing, the prosecutor explained why the Anchorage District Attorney's Office supported the resolution. The word choice used – that is, that some would view the sentence as a "pass" – was

unfortunate and misunderstood. 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.

“The aggressive prosecution of violent crime – especially violence against women – has always been, and remains, a priority for us,” said Director Skidmore. “In this case, attending sex offender treatment is important. His actions may have not technically qualified as a sex offense, but it is clearly appropriate under the circumstances and will hopefully help prevent him from doing more harm in the future.”

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The Attorney General and Department of Law staff may not provide legal advice to private citizens or organizations. Please contact an attorney if you need legal advice. The [Alaska Lawyer Referral Service](#) or your local bar association may be able to assist you in locating a lawyer.

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