

PROTECT

THE

INNOCENT

INC.

Killer, rapist of teen gets 75-year sentence

By SHEILA TOOMEY

Daily News reporter

A Superior Court judge sentenced convicted killer Alan Chase Friday to 75 years in prison but held out a "light at the end of the tunnel" for the 19-year-old youth. Judge Justin Ripley allowed Chase to become eligible for parole after serving 25 years by sentencing him to serve additional terms totaling 37 years at the same time as the 75-year murder sen-

tence. The sentence will keep Chase behind bars until he is at least 45 years old and under the supervision of the state for the full 75 years. "I am compelled to the conclusion that unless and until you change, a massive sentence to keep you away from society is necessary," Ripley said. "Even now I don't think you realize the dreadful seriousness of what you've

done." Ripley said Chase's youth left open the possibility he might "remake himself as a man" and be able to convince a parole board. In the year 2007 that he should be freed. But "until you change," he told Chase, "society should not have to take a chance on having you outside. "In a way there is some light at the end of the tunnel, but only if you make yourself walk toward it," Ripley said.

Chase was convicted Feb. 11 of beating, raping and murdering 16-year-old Dawn Klinkhart in April 1981 after attending a party at Klinkhart's Snowline Drive home. Assistant District Attorney Steve Branchflower originally asked that the defendant be sentenced to 258 years in jail, but trimmed his request to 139 years at Friday's hearing. Branchflower cited Chase's record as a juvenile, including

charges of burglary, joyriding, receiving stolen goods, grand larceny and violation of probation. He said Chase began using drugs in the sixth grade and came to the attention of juvenile authorities by age 15. "He has had ample opportunity to reform his criminal lifestyle," Branchflower said, calling Chase's chances for rehabilitation poor. Defense attorney Joe Kalamarides asked that his client

be given a single 30-year term, calling it long enough to cure Chase's chronic antisocial behavior. Chase spoke briefly on his own behalf, saying drugs and alcohol played a major role in his crime. He denied previous assertions that he committed the murder coldly then went home to bed. "I sat home and tried to figure out what did happen," Chase said. "Did I really do or was it just a nightmare?"

Possible Sentences:

under Crim. Code: Sentences:

- 10-99
 - 0-20
 - 0-10
 - 5-49 each
 - 0-20
 - 0-10
- 1st^o Murder - 75
 - 1st^o Arson
 - 2nd^o Arson
 - Two Kidnappings
 - 1st^o Sexual Assault
 - Burglary

15 years each, all concurrent

all concurrent

7 years

75 years, all concurrent
Parole eligibility after 1/3rd, plus 1/4 of period left for "good time" - eligible after approximately 20 years for parole



PROTECT THE INNOCENT, INC.

451 S. INDIANA ST.
MOORESVILLE, IN. 46158
831-1111/632-3321

March 12, 1982

Mr. William Cook
Alaskan House Judiciary Committee
Room 124
Capitol Bldg. Pouch V
Juneau, Alaska 99811

Dear Mr. Cook:

Enclosed are materials concerning the insanity plea. I am sorry that it has taken so long to get them to you, but, it took me awhile to come up with all the information. PTI is entirely staffed by volunteers, and most of us have regular jobs, so, sometimes we are not as speedy as we should be.

I have also enclosed a few general items about PTI.

Please keep me posted on the status of the insanity plea in Alaska. We are always interested in following issues we have been involved in.

If I can be of any help, please let me know. PTI has advised other states on the insanity plea, and we are currently working on insanity plea reform in two other states, and on the federal level. To date, we have been successful in our efforts.

Sincerely,

Dianne Holmes

Dianne Holmes
Director

PS: I have enclosed a card with my work address and phone number. Please feel free to contact me there anytime. You may also address correspondences to my work address.

DH:ln

AMERICAN PARENTS' ASSOCIATION, INC.

DIANNE L. HOLMES
(317) 244-7555

2346 S. LYNHURST DR.
SUITE E-101
INDIANAPOLIS, INDIANA 46241

Alaska State Legislature

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December 15, 1981

Mr. Ross Stovall, Esq.
President,
Protect The Innocent, Inc.
451 South Indiana Street
Mooresville, Indiana 46108

(317) 831-1111

*Dianne Holmes
(317)
244-7555
called 3-1-82 -
will send material*

Dear Mr. Stovall:

Last month I viewed the NBC news segment regarding the tragedy of Mrs. Betty Spencer of Hollandburg, Indiana and the movement to make certain changes in criminal law, visavi insanity pleas in homicide cases. I wrote to Mrs. Spencer, but the letter was returned, as apparently no post office exists for Hollandsburg--we had thought that the correct name was Holland. Then I wrote to NBC news in New York for the correct details.

Today, Mr. Jim Polk of NBC news called and provided me with your name and address and explained that Mrs. Spencer's actual post office address is Waveland, In'iana--although he did not have her exact mailing address. He further explained the basic aim of your group, that you practiced law in Mooresville, and that you were previously Counsel for the Judiciary Committee of the U.S. House.

I would very much appreciate your providing me with any information or facts your group provides regarding this issue. I am personally acquainted with this problem; while an Assistant District Attorney in Anchorage I prosecuted a murder case where the defendent plead Not Guilty By Reason of Insanity, with the jury returning an N.G.I. verdict. The Alaska Supreme Court has interpreted the Alaska statutes to require the State to prove Beyond a Reasonable Doubt that the defendent was both able to appreciate the consequences of his act and conform his actions to the law at the time of the crime, if Insanity is plead and some evidence of mental disease or defect is put on in the Defense Case in Chief. Eight months later, the defendent was found "Sane" by a six person civil jury (6 to 1) and released from Alaska Psychiatric Institute, a free man with all attorney expenses paid for by the State of Alaska.

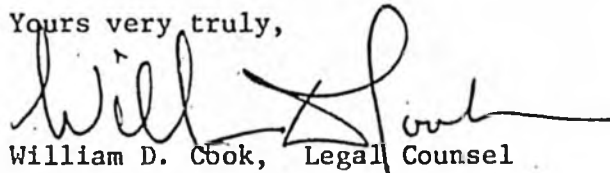
Page 2

December 15, 1981

Mr. Ross Stovall, Esq.

I shall look forward to hearing from you on this subject, and believe that an inquiry will be made into applying these reforms to Alaska criminal law and procedure. Chairman Barnes will be most interested in examining your information and proposals for legislative reforms in this area,

Yours very truly,

A handwritten signature in cursive script, appearing to read "William D. Cook". The signature is written in dark ink and is positioned above the typed name and title.

William D. Cook, Legal Counsel
House Judiciary Committee

WDC:jl

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December 11, 1981

Director, NBC Nightly News
National Broadcasting Corporation
30 Rockefeller Plaza
New York, New York 10020

(212) 664-3997

See below

Dear Sir:

On approximately November 11, 1981, your "Special Segment" of NBC Nightly News was covering the matter of Insanity pleas to murder cases in United States Courts. Specifically, the story of the murder of the four sons of Mrs. Betty Spencer, and the later insanity plea by one of the murderers, was carried, including an interview with her and one with a Michigan prison psychologist. I understood the name of Mrs. Spencer's hometown to be Hollandburg, Indiana, but was later unable to find such a city listed in the Zip Code Directory.

Our letter to her at Holland, Indiana has been returned, apparently because that is not the correct town. As I very much wish to contact Mrs. Spencer on behalf of this committee, I would appreciate your forwarding to me (from the NBC correspondent) her exact address. Thank you very much for your assistance in this matter.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Will Cook".

William D. Cook, Counsel
House Judiciary

WDC:jl

P.S. Please respond to P O Box 3382, Anchorage, Alaska 99510
Thank you.

TO: REPRESENTATIVE RAMONA L. BARNES

FROM: WILLIAM D. COOK, LEGAL COUNSEL *Bill*
HOUSE JUDICIARY COMMITTEE

RE: POSSIBLE LEGISLATION ON INSANITY PLEAS TO MURDER CASES.

Mr. Jim Polk, NBC News correspondent called today to discuss this issue and your possible position in this reform of criminal law. I will report on the conversation at your convenience.

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November 20, 1981

Ms. Betty Spencer
Holland, Indiana 47541

Dear Mr Spencer:

A few days ago, I saw on NBC News the story of your tragedy and the movement you are now involved with to provide juries in such cases another choice besides "Guilty", "Not Guilty", or "Not Guilty By Reason Of Insanity." As I understand it, three states have adopted the "Guilty But Mentally Ill" verdict alternative. I will shortly be doing my legal research to garner those new statutes and, hopefully, other material pertinent.

I would very much appreciate your providing any material relating to this issue that your organization may have available, and your referring me to any other sources you feel would be helpful.

Thank you very much, Mrs. Spencer, for your assistance in this matter.

Yours very truly,

William D. Cook
Counsel for Alaska House Judiciary Committee

WDC:jl

NBC regularly
Heinz
(212) 664-
3997

~~United States Representative~~

~~POUCHEV JUNEAU AKAGCA-0001~~

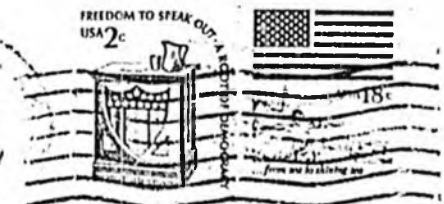
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RETURN TO:

P O BOX 3382
ANCHORAGE, AK 99510

This is The
Senders

address
"GIVE IN GUYS"



Ms. Betty Spencer
Holland, Indiana 47541

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William D. Cook
Counsel for Alaska House Judiciary Committee

WDC:jl

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November 20, 1981

Dr. John Prelesnik
Prison Psychiatrist
Michigan Department of Corrections
Jackson, Michigan 49201

Dear Dr. Prelesnik:

A few days ago I watched the NBC News program relating to new statutes in Michigan and other states, allowing juries the option of returning a verdict of "Guilty But Mentally Ill", with your comments on same. Being a former prosecutor in a case where a murderer was, 1.) Found "N.G.I." by a criminal jury, and then six months later, 2.) Found "Presently Sane" by a civil jury and released, I appreciate the problem.

I would very much appreciate your forwarding to me any pertinent references or available information on this matter, in law or psychiatry. Also, please refer me to any authorities in Michigan or elsewhere who may have briefed the legality or medical efficacy of such law.

Thank you, Dr. Prelesnik, for any assistance you can provide for me in this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "William D. Cook".

William D. Cook
Counsel for Alaska House Judiciary Committee

WDC:jl