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COMMITTEE REPORT

HOUSE

(7)

FURTHER: FINANCE

1/12/84

Date:

1/30/84

Mr. Speaker:

The Committee on JUDICIARY has had SSHB 444

"An Act relating to unlawful restraint of a minor."

under consideration and reports it back as follows:

- do pass [ ] do not pass
- [ ] do pass with attached amendments(s)
- replace with CS for SSHB 444 (Jud)  same title  new title
- and recommends \_\_\_\_\_
- [ ] AND attaches a "Letter of Intent"  New Fiscal Note
- [ ] reports it back without recommendation
- [ ] referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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CHAIRMAN



POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4990

Alaska State Legislature  
HOUSE OF REPRESENTATIVES

REPRESENTATIVE  
CHARLIE BUSSELL  
CHAIRMAN

# Committee on Judiciary

SSHB 444  
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MEMBERS:  
REP. JOHN LISKA, VICE CHAIRMAN; REP. RAMONA BARNES, EMERITUS;  
REP. JOE HAYES; REP. HUGH MALONE; REP. DON CLOCKSIN; REP. RON WENDTE

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 13, 1984

SUBJECT: Sectional analysis of SSHB 444  
TO: Representative Charlie Bussell  
FROM: Keith B. Levy *KBL*  
Legislative Counsel

You have requested a sectional analysis of HB 444, "An Act relating to unlawful restraint of a minor." Since your request was submitted, Representative Liska has introduced a sponsor substitute for HB 444, so this analysis follows the sponsor substitute rather than the original bill.

SSHB 444 creates the crime of unlawful restraint of a minor, a class A misdemeanor. The offense is committed if a person takes, entices, or restrains a child under the age of 12 with intent to conceal the child from the child's lawful custodian, under circumstances not amounting to kidnapping (AS 11.41.300) or custodial interference (AS 11.41.320 and 11.41.330). It is an affirmative defense to unlawful restraint of a minor that the defendant acted to protect the child from physical harm.

KBL:ojb  
J2/026

Proposed definition of "entice" for SSHB 444, if Committee members should want to use it----Staff.

\*Sec. 2. AS 11.41.370 DEFINITIONS is amended by adding a paragraph to read as follows:

(4) "entice" means to solicit, persuade, procure, allure, attract, coax or induce another person to accompany or remain with the person doing the enticing.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: SSHB 444  
 Title: "...unlawful restraint  
 a minor."  
 Sponsor: Rep. Liska  
 Requestor: Rep. Liska  
 Date of Request: 1/12/84

FISCAL DETAIL

Agency Affected: Department of Law  
 Program Category Affected: Administration of Justice  
 BRU, Program or Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES		40.6	43.0	45.6	48.3	51.2
200 TRAVEL		4.8	5.1	5.4	5.7	6.0
300 CONTRACTUAL		6.0	6.4	6.8	7.2	7.6
400 SUPPLIES		4.5	3.2	3.4	3.6	3.8
500 EQUIPMENT		1.3	--	--	--	--
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>57.4</b>	<b>57.7</b>	<b>61.2</b>	<b>64.8</b>	<b>68.6</b>
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	57.4	57.7	61.2	64.8	68.6
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME	-0-	1	1	1	1	1
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not specified by sponsor.

ANALYSIS: Attach a separate page for analysis

Prepared By: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services Date: 1/18/84  
 Approved by Commissioner: Norman C. Gorsuch Date: 1/18/84  
 Agency: Department of Law

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Fiscal Note  
Analysis  
SSHB 444

January 18, 1984

This bill will provide class A misdemeanor punishment of individuals who unlawfully take, entice or restrain a child under 12 years of age, without rising to the level of child molesting or sexual abuse. The Municipality of Anchorage has a similar ordinance and municipal prosecutors report that they prosecute 20 to 25 such cases each year, based upon the evidence they are able to develop. The incidence of enticement complaints, in the municipality, is much higher averaging about 35 complaints per month.

The department estimates that 40 to 50 of these offenders will be prosecuted each year if this bill is enacted. Because restraint and enticement is not yet unlawful, in most of the state, no hard data on the statewide incidence rate is available. Cases involving young victims are difficult to prove because these victims are usually the prosecution's principal witnesses. Therefore developing these cases can often take a substantial amount of attorney time. The department believes, however, that use of a paralegal trained in assisting the victims of sensitive crimes will be just as effective in developing evidence and far more efficient in terms of state resources. A paralegal assistant, at Anchorage, will be needed, if the bill is enacted.

Fiscal Analysis - SSHB 444

This analysis assumes the addition of a Paralegal Assistant II (SR16), at Anchorage, to develop the evidence needed to prosecute unlawful restraint and enticement of children under 12 years of age. The position will be available to most of Southcentral Alaska and a modest travel budget is provided for that purpose. Costs beyond FY 85 have been calculated with a 6% inflation factor.

Personal Services	40,569
Travel - Paralegal travel 200 pm = 2,400	
Witness travel 200 pm = 2,400	4,800
Contractual - Staff communications/copying	
250 pm = 3,000	
Witness fees 25 each X 10 per mo.	
= 3,000	6,000
Commodities - Ongoing - expendables and	
library - 250 pm = 3,000	3,000
Commodities - Single time - new position 1,500	1,500
Equipment - Single time - new position 1,500	1,500
	<hr/>
Total	57,369

1.	POSITION TITLE Paralegal Assistant II			RANGE/STEP 16A	BARG. UNIT GGU	FORM 12 PACE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEC.	
3.	CONTINUATION LEVEL	ADDITION	JUSTIFICATION						
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	30,876							
6.	Benefits	5,064							
7.	Supplemental Benefits	1,893							
8.	Fixed Benefits	2,736							
9.	TOTAL PERSONAL SERVICES	01	40,569						
	Travel	02	4,800						
11.	Contractual	03	6,000						
12.	Commodities	04	4,500						
13.	Equipment	05	1,500						
14.	Other								
15.	TOTAL COST		57,369						
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004			57,369				
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR D&M USE ONLY									
4A KEY NUMBER _____									

A paralegal assistant will be required to develop evidence to prosecute the crime of unlawful restraint or enticement of children under 12 years of age, if HB 444 is enacted. These cases are difficult to prosecute because of the young age of the victims who are normally the prosecution's principal witnesses. A paralegal, trained in the special techniques necessary to interview and prepare young victims for trial, is best suited for this task.

**13** REQUEST FOR  
NEW POSITION

AGENCY DEPARTMENT OF LAW  
PROGRAM ADMINISTRATION OF JUSTICE  
BRU PROSECUTION  
COMPONENT THIRD JUDICIAL DISTRICT

**FY 85**

Page 1 of 1  
Revised Date \_\_\_\_\_

Collateral references. — 1 Am. Jur. 2d, Abduction and Kidnapping, § 1 et seq. 1 C.J.S., Abduction, § 1 et seq.; 51 C.J.S., Kidnapping, § 1 et seq.

Forcing another to transport one as constituting offense of kidnapping or of abduction, 62 ALR 200.

Fiction of loss of services as a condition of action for abduction of child, 72 ALR 847.

Kidnapping or other criminal offense by taking or removal of child by, or under authority of, parent, or one in loco parentis, 77 ALR 317.

Offense of abduction or kidnapping as affected by defendant's belief in legality of his act, 114 ALR 870.

Fraud or false pretenses, kidnapping by, 95 ALR2d 450.

What is harm within provisions of statutes increasing penalty for kidnapping where victim suffers harm, 11 ALR3d 1053.

Seizure or detention for purposes of committing rape, robbery, or similar offense as constituting separate crime of kidnapping, 43 ALR3d 699.

Necessity and sufficiency of showing, in kidnapping prosecution, that detention was with intent to "secretly" confine victim, 98 ALR3d 733.

**Sec. 11.41.300. Kidnapping.** (a) A person commits the crime of kidnapping if

(1) the person restrains another with intent to

(A) hold the restrained person for ransom, reward, or other payment;

(B) use the restrained person as a shield or hostage;

(C) inflict physical injury upon or sexually assault the restrained person or place the restrained person or a third person in apprehension that any person will be subjected to serious physical injury or sexual assault;

(D) interfere with the performance of a governmental or political function; or

(E) facilitate the commission of a felony or flight after commission of a felony; or

(2) the person restrains another

(A) by secreting and holding the restrained person in a place where the restrained person is not likely to be found; or

(B) under circumstances which expose the restrained person to a substantial risk of serious physical injury.

(b) In a prosecution under (a)(2)(A) of this section, it is an affirmative defense that

(1) the defendant was a relative of the victim;

(2) the victim was a child under 13 years of age or an incompetent person; and

(3) the primary intent of the defendant was to assume custody of the victim.

(c) Except as provided in (d) of this section, kidnapping is an unclassified felony and is punishable as provided in AS 12.55.

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(d) In a prosecution for kidnapping, it is an affirmative defense which reduces the crime to a class A felony that the defendant voluntarily caused the release of the victim alive in a safe place before arrest, or within 24 hours after arrest, without having caused serious physical injury to the victim and without having engaged in conduct described in AS 11.41.410(a)(1) or (2) or 11.41.420. (§ 3 ch 166 SLA 1978; am § 7 ch 102 SLA 1980)

**Cross references.** — For punishment, see AS 12.55.125(b).

**Effect of amendments.** — The 1980 amendment inserted "or sexually assault him" following "injury upon him" near the beginning of subparagraph (a)(1)(C), and added "or sexual assault" at the end of sub-

paragraph (a)(1)(C).

**Legislative history reports.** — For a report on Chapter 102, SLA 1980 (HCS CSSB 511), see 1980 Senate Journal Supplement, No. 44, May 29, 1980, or 1980 House Journal Supplement, No. 79, May 28, 1980.

NOTES TO DECISIONS

**Editor's notes.** — Many of the cases cited in the notes below were decided under former AS 11.15.260.

The crime of kidnapping is designed to protect the general personal security of citizens both in their persons and property. *Ladd v. State*, Sup. Ct. Op. No. 1480 (File No. 2475), 568 P.2d 960 (1977), cert. denied, 435 U.S. 928, 98 S. Ct. 1495, 55 L. Ed. 2d 524 (1978).

**Constitutionality of former statute.** — See *Levashakoff v. State*, Sup. Ct. Op. No. 1446 (File No. 2830), 565 P.2d 504 (1977).

**Scope of former statute.** — See *Crump v. State*, Sup. Ct. Op. No. 2309 (File No. 4546), 625 P.2d 857 (1981).

For discussion of elements that were required to be proved under former AS 11.15.260, see *Davis v. State*, Ct. App. Op. No. 23 (File No. 5100), 635 P.2d 481 (1981).

**Exemption.** — The new criminal code, which states that it is an affirmative defense that defendant was a relative of the victim, provides for a broader exemption from the kidnapping statute than the absolute exemption for the abduction of a minor by his parent under former AS 11.15.260. *Crump v. State*, Sup. Ct. Op. No. 2309 (File No. 4546), 625 P.2d 857 (1981).

For case discussing the parental exemption contained in Alaska's former kidnapping statute, AS 11.15.260, *Lythgoe v. State*, Sup. Ct. Op. No. 2235 (File No. 4497), 626 P.2d 1082 (1980).

**Liability of agent for person not entitled to custody of child.** — Where a person, while acting as an agent for a parent

not entitled to custody, takes a child from one entitled to custody, the person can be convicted of both the substantive crime of kidnapping and conspiracy to kidnap. *Crump v. State*, Sup. Ct. Op. No. 2309 (File No. 4546), 625 P.2d 857 (1981).

**Conspiracy to kidnap.** — Conspiracy to kidnap is no longer defined as an offense in Alaska under the newly revised criminal code. *Lythgoe v. State*, Sup. Ct. Op. No. 2235 (File No. 4497), 626 P.2d 1082 (1980).

**Separate crimes.** — Rape, assault with a dangerous weapon, and kidnapping were separate crimes with separate elements. *Lacy v. State*, Sup. Ct. Op. No. 2039 (File No. 3741), 608 P.2d 19 (1980).

**Separate sentences were called for** where defendant's conduct in kidnapping and raping his victim and assaulting her with a deadly weapon constituted the commission of three distinct offenses, each of which violated a different societal interest. *State v. Ochupinti*, Sup. Ct. Op. No. 1405 (File No. 3084), 567 P.2d 348 (1977).

**Sentences upheld.** — See *Morrell v. State*, Sup. Ct. Op. No. 1577 (File No. 2790), 575 P.2d 1100 (1978); *Post v. State*, Sup. Ct. Op. No. 642 (File No. 2851), 580 P.2d 304 (1978); *Davis v. State*, Ct. App. Op. No. 23 (File No. 5100), 635 P.2d 481 (1981); *Williams v. State*, Ct. App. Op. No. 139 (File No. 5676), 652 P.2d 478 (1982).

**Sentence found excessive.** — See *Hintz v. State*, Sup. Ct. Op. No. 2334 (File No. 3541), 627 P.2d 207 (1981).

**Applied in Nukapigak v. State**, Ct. App. Op. No. 90 (File No. 5820), 645 P.2d 215 (1982); *Bidwell v. State*, Ct. App. Op. No. 199 (File No. 6290), 656 P.2d 592

(1983); Baker v. State, Ct. App. Op. No. 202 (File No. 6961), 655 P.2d 1324 (1983); Reynolds v. State, Ct. App. Op. No. 262 (File No. 6890), 664 P.2d 621 (1983).

Cited in Nukapigak v. State, Sup. Ct. Op. No. 2667 (File No. 5820), P.2d (1983); Johnson v. State, Ct. App. Op. No. 267 (File No. 6662), 665 P.2d 566 (1983).

**Sec. 11.41.320. Custodial interference in the first degree.** (a) A person commits the crime of custodial interference in the first degree if the person violates AS 11.41.330 and causes the victim to be removed from the state.

(b) Custodial interference in the first degree is a class C felony. (§ 3 ch 166 SLA 1978)

**Collateral references.** — Fiction of taking or removal of child by, or under loss of services as condition of action for authority of, parent or one in loco parentis, abduction of child, 72 ALR 847. 77 ALR 317.

Kidnapping or other criminal offense by

**Sec. 11.41.330. Custodial interference in the second degree.** (a) A person commits the crime of custodial interference in the second degree if, being a relative of a child under 18 years of age or a relative of an incompetent person and knowing that the person has no legal right to do so, the person takes, entices, or keeps that child or incompetent person from a lawful custodian with intent to hold the child or incompetent person for a protracted period.

(b) Custodial interference in the second degree is a class A misdemeanor. (§ 3 ch 166 SLA 1978)

**Sec. 11.41.370. Definitions.** In AS 11.41.300 — 11.41.370, unless the context requires otherwise,

(1) "lawful custodian" means a parent, guardian, or other person responsible by authority of law for the care, custody, or control of another;

(2) "relative" means a parent, stepparent, ancestor, descendant, sibling, uncle, or aunt, including a relative of the same degree through marriage or adoption;

(3) "restrain" means to restrict a person's movements unlawfully and without consent, so as to interfere substantially with the person's liberty by moving the person from one place to another or by confining the person either in the place where the restriction commences or in a place to which the person has been moved; a restraint is "without consent" if it is accomplished

(A) by acquiescence of the restrained person, if the restrained person is under 16 years of age or is incompetent and the restrained person's lawful custodian has not acquiesced in the movement or confinement; or

(B) by force, threat, or deception. (§ 3 ch 166 SLA 1978)

WHEN I was a child 30 years ago, I lived in a quiet suburb with a small road at the front and a large YMCA sports field at the back. We children played both on the road and in the field in confident safety. Cars drove slowly when children were about and everyone connected with the YMCA was considered to be trustworthy. From the age of six, I walked to school alone. I often struck up conversations with strangers. No harm ever came to me.

"You cannot bring up children wrapped in cotton wool," is an old saying, and a reasonable one. Dr Spock and the other child experts warn mothers against the dangers of over-protecting their children. Over-protection turns children into anxious and neurotic adults. Children must learn independence and self-confidence by dealing with life at large.

The recent spate of appalling child murders in the north of England—as well as the rape and assault of little girls in London parks—has served to remind parents of a chilling truth that is gradually becoming obvious in our times: The days of safe childhood seem to be over. We cannot, it seems, raise our children with the freedom of movement and social trust that prevailed in our own childhood. We are gradually realising that children today have to be accompanied to and from school until they are 11 or 12; perhaps with girls until they are 15.

Parents are coming to understand, in identifying with the suffering of the little victims, that young children are no longer safe anywhere without adult supervision—not in parks, not on roads, not in the most frequented sorts of places. Even the best playgrounds especially designed for children need a protective adult eye. Children cannot be sent on shopping errands with an easy mind any more.

Sanguine advice from the child experts about not being neurotically over-protective towards children is all very reasonable and balanced; but the world we are coming to inhabit seems no longer either balanced or reasonable. We may have no choice but to see our children grow up anxious and insecure from over-careful protection; the alternative is to risk their not growing up at all.

This spreading attitude of cautiousness is exemplified by a Home Office film soon to be shown in schools, called "Say No to Strangers." It replaces the more mildly named earlier film, entitled "Never Go With Strangers." The film warns children never to accept anything from a stranger; never to get a lift from a stranger; never to play out with a stranger; never to loiter on a street; never to loiter on a school.

# Why innocents children are in danger



Even so, some teachers and parents consider the film too bland, since it doesn't spell out in stark detail what can happen to a child in sexual assault or murder. And psychologists point out that not all children are assaulted or killed by strangers, sometimes the attacker is a person they know. Can you teach children to be wary about speaking even to an apparent friend of the family without imbuing in them a wholehearted misanthropy, a complete distrust of everyone, and a destruction of the innocence that is the sweetest aspect of the child?

Obviously, children have always had to learn prudence. Many traditional fairy-tales are elliptical warnings to children about the dangers of the big wide world. The child psychologist Bruno Bettelheim thinks it is essential that girls be told "Little Red Riding Hood," because it is such an effective way of explaining, through metaphor and symbol, that there are wicked wolves around who will prey on small girls unless they take precautions. "Hansel and Gretel," "Goldilocks," and "Beauty and the Beast" all express childish fears which are very real; the fear of losing the protection of adults, the fear of being alone in an alien world, the fear of the animal aspect of the male which must be neutralised through some magic power. The child has always had to learn to come to terms with the dangers of life, but there must also be trust: there must also be safe havens, good

fairies, helping hunters and woodcutters who are kindly godmothers, and princes.

It is when all of life is threatening and, fragile that it becomes such a bleak outlook for children.

Part of the reason why the world has become a less safe place for children is the sex revolution. The ethic of the sex revolution is that everyone should be free to do as they please. The ethic of the sex revolution is that everyone should be free to do as they please. The ethic of the sex revolution is that everyone should be free to do as they please. The ethic of the sex revolution is that everyone should be free to do as they please. This states a recent bearing the endorsement of several doctors, plus Alma Birk, counsellor at Greengross and agony Claire Rayner. When given out with such authority that sexuality has no moral basis, it must have a spillover effect on sick minds.

Similarly, the National Council for Civil Liberties is campaigning for a lowering of the age of consent, and for the removal of some incest taboos—such as that between brother and sister. However well-meaning their aim, there is bound to be a response among a sizeable minority that we really have come to the point where "anything goes." There are adults whose sexual fantasies revolve around children—the pornography of there to prove it, as is the Paedophile Information Exchange—and there are people whose urges lead them to kill. Such people must be affected by a climate of opinion that denounces repressions. When fundamental taboos are stripped away uncontrolled individuals must tend to ask themselves "Why should not I do my own thing?"

The libertarian argument that the problems arising from a free society are worth the freedoms. But freedom is always a matter of balance between conflicting rights and interests. And what many people feel is that we are exporting today, a massive decrease in the freedom of the majority to raise families with trust and optimism that the whole human being is good. Every day, new evidence accumulates against this

18.05.160 Enticement.

## Anch. Municipal code

It is unlawful for any person to accost another person or persons and entice or attempt to entice such other person or persons into any automobile, building, bushes, wooded or secluded area, or any remote public place for any unlawful purpose. (Adapted from GAAB 18.05.010M).

## Crime heats up in warm weather

by Mary Kaye Ritz  
Times Writer

Indecent exposure and child enticement are a couple of the seasonal crimes that soar as the weather warms.

Certain crimes flourish under the cloak of darkness. Investigators call crimes such as burglaries and armed robberies "winter" crimes.

On the other side of the equinox, "spring" crimes include indecent exposure, child enticement and assaults on joggers and bicyclists.

In a sample two-week period in March, police were called to investigate 15 cases of sexual assault or attempted sexual assault on adults, and an additional seven involving children.

Last week, police investigated two separate cases of child enticement, the luring of children for illicit purposes.

In one case, a man near a construction site uttered obscenities and performed indecent acts in front of children, police said.

This spring, cases of child enticement already are on the rise, Officer Jim Rehmann said.

Enticement cases are most frequent during the months of March through May, said former juvenile unit officer, Maggie Borrecco.

Now that spring is here, parents are more likely to warn children about "bad men," and means of luring children into possible danger have become more creative, Lt. David L. Sherbahn said.

Sherbahn, who heads the police department's sexual assault unit, said the familiar "candy, little

See Crimes, page A-4

## Crimes

Continued from page A-1

girl?" approach has given way to "help me catch my bunny rabbit in the woods." There have been cases of persons posing as religious representatives luring children as well, he said.

Children are not the only victims of spring criminals.

Anchorage police investigators Sherbahn and William Dennis work on cases of sexual assault, a crime they say is not isolated in spring, but more likely to occur in spring-like weather.

Both investigators and Alaska State Trooper investigator Sgt. Wayne Starr said the reason is simple: more women and children are outside as the weather warms up.

Joggers are also likely to be targets of attack.

Female joggers and bicyclists who wander from well-lit, open areas in the early morning and late evening are prime targets, Dennis said.

The best way to avert the danger of assaults, Dennis said, is to jog with someone else.

### Boy offered ride

Anchorage police reported a case of child enticement in South Anchorage Friday involving a 10-year-old boy.

The boy said a man offered him a ride home, but he became frightened and jumped from the car. The boy hid in the woods until the suspect left.

Feb 18 1988

### Abduction attempted

An unidentified man tried to abduct an 8-year-old girl at a bus stop Thursday afternoon.

The girl told Anchorage police that she had just gotten off a People Mover bus at 3:39 p.m. near Lake Ridge Road when the man stopped his car and motioned her over to his car. As the man began to leave the

car, the girl ran to her house and told her parents. The father then called police.

The girl said man was about 40-years-old and drove a blue Dodge pickup that was dirty and had several small dents.

## 2 sentenced for crimes committed while drunk

By JANE PRICHARD  
Daily News reporter

Two men were sentenced in unrelated cases Friday for crimes they committed during what they claimed were alcohol-induced blackouts.

In one case, Isom Chaney, 49, was sentenced to two years in jail and four years probation for arson. Chaney doused his ex-wife's trailer with 10 gallons of gasoline last July, causing an explosion and a fire.

"After this ordeal I know I want to stop drinking," Chaney told sentencing Judge J. Justin Ripley.

"Society won't tolerate simpleminded alcoholic-induced vengeance," Ripley said before imposing Chaney's sentence, which includes a \$36,000 restitution payment.

In the other case, Rex Weston, 23, was sentenced to one year in jail and 18 months probation for grabbing a jogger and a child in a park last September.

According to court papers, Weston accosted a woman jogger but let her go when another runner appeared. He later snatched a 7-year-old girl and carried her upside down toward the woods.

Witnesses chased Weston and he dropped the girl.

## Youngsters outside must remain alert

Knight-Ridder Newspapers

With missing-children cases receiving more publicity these days, concerned officials involved in child care are making a greater effort to alert children and parents to possible problems and how to avoid them.

Here are 12 safety tips that parents might want to share with their children.

- Walk tall; look strong and be alert to your surroundings.

- Avoid walking alone. Walk with friends when possible.

- Occasionally vary your route home, but be sure to discuss any changes with parents in advance.

- Do not wear earphones on the street. They block out street noise and make you a good target.

- Do not go into empty buildings. Do not go into any building if you think you are being followed.

- Check to see if you are being followed by looking at reflections in store windows or by crossing the street.

- Never talk about how much money you are carrying.

- Do not hesitate to give up your possessions if someone threatens you.

- Trust your instinct. If you get a funny feeling, something might be wrong.

- Know where local stores are in your neighborhood. They are a good place to run to when you need help.

- Know that it's all right to say "no." Don't answer questions from strangers over the telephone.

- It's OK to run away and to scream, bleat, hit or kick someone who is trying to hurt you.

well, Aug 31-83

22-14 50 SHEETS  
22-143 100 SHEETS  
22-144 250 SHEETS

## 'Candyman' gets 8-year term

Robert Sauer, who earned the nickname "Candyman" for enticing young girls with candy and money, was sentenced to eight years in prison Thursday on four counts of sexual abuse of a minor.

Superior Court Judge Ralph Moody told Sauer, 63, "This is one of the most severe child molestation cases I've ever seen."

Moody said the prospects of rehabilitation were questionable for a man of Sauer's age, adding there was a clear need to remove him from the public.

"We can't tolerate crimes against children," he said.

Sauer, who was convicted by a jury Oct. 29, was sentenced to 14 years in prison, then ordered to serve eight years and placed on probation for the other six.

He was charged with engaging in sexual acts with four girls ranging in age from 7 to 11 from late 1981 until mid-1982.

These children appeared on the role call at  
the conclusion of the television movie

# ADAM



Broadcast on NBC, October 10, 1983 9-11 p.m. N.Y.T.

If you think you have any information on the whereabouts of any of these children, or any other missing children, please call CHILD FIND, toll free (800) 431-5005 - in New York (914) 255-1848. All calls will be kept confidential.

Special thanks to NBC and Alan Landsburg Productions for making publication of this poster possible.



Debra Jean Cole  
D.O.B. 3/29/69



Ann Gallib  
D.O.B. 5/5/71



Cary Sayegh  
D.O.B. 11/12/71



Reagan Uden  
D.O.B. 5/25/70



Richard Uden  
D.O.B. 11/22/68



Rickey Barnett  
D.O.B. 11/26/79



Ryan Burton  
D.O.B. 8/2/78



Eian Palz  
D.O.B. 10/9/72



Holly Ann Hughes  
D.O.B. 1/23/74



John David Gosch  
D.O.B. 11/12/69



Rebecca Scott  
D.O.B. 1/1/1974



Yaj Narbonne  
D.O.B. 8/18/71



Charlotte Kinsey  
D.O.B. 9/10/68



Cinda Leann Prillett  
D.O.B. 5/13/68



Russell John Mori  
D.O.B. 9/4/79



Jennifer Marteliz  
D.O.B. 6/8/75



John Davies  
D.O.B. 8/5/66



Tiffany Papesh  
D.O.B. 7/2/71



Valerie Stackie  
D.O.B. 5/31/68



Sarah Avon  
D.O.B. 1/6/75





Christie Lynn Farni  
DOB 1/18/73



Lisa Stock  
DOB 4/19/78



Wallace Guidroz  
DOB 3/24/80



Dee Scofield  
DOB 1/8/64



James Trotter  
DOB 6/12/65



Joanna Pierce  
DOB 12/29/68



Martyn Shiran  
DOB 10/14/71



Jennifer Rose Lenker  
DOB 8/12/79



Jennifer Swisher  
DOB 2/10/77



Raymond Fowler  
DOB 9/29/76



Ottum Day Staeltling  
DOB 7/8/77



Kelly Junior Hallon  
DOB 11/12/75



Richard Wolansky  
DOB 2/19/77



Benjamin Martinez  
DOB 8/5/80



Justin Clark  
DOB 5/8/80



Shorone Shallub  
DOB 6/22/72



Cynthia Clark  
DOB 12/22/74



Melissa Lamendala  
DOB 0/4/77



Edward Fitzpatrick  
DOB 12/21/75



Sean Fitzpatrick  
DOB 2/27/77



Melissa Hudman  
DOB 8/6/74



Miakka Gypsy Barton  
DOB 1/24/74



Jamie Humphrey  
DOB 2/25/76



Jorge Alfaro  
DOB 2/4/80



David Fawcett, Jr.  
DOB 3/28/78



Victoria Harrison  
DOB 7/25/80



Dale John Gervold  
DOB 4/11/79



Brian Harrison  
DOB 5/2/80



Kevin Lovelace  
DOB 4/19/79



James Diehl  
DOB 11/17/69



Shannon Ketrin



Michael Krain



Nyleen Kay Marshall



Robert Joseph Fritz



Bryan Anthony McCann

ANC TIMES 18 MAY 83

# Rodriguez lured students, witness says

by Jeff Berliner  
Times Writer

Carlos "Chico" Rodriguez enticed West High School students into his web of pornography, burglary, drugs and sex, the jury in the Rodriguez trial was told Tuesday.

A former West High School student took the witness stand and declared that Rodriguez had told him, "I get a whole bunch of people from West."

The youth, now 21, said he had just had sex — at the invitation of Rodriguez — with a girl described as a West High student but a stranger to the boy, when Rodriguez made the remark.

The 1302 W. 26th Ave. home where Rodriguez lived and allegedly directed his ring of juvenile burglars, prostitutes and pornography stars is just a short distance from West High.

Now an Anchorage college student, the witness described how he willingly engaged in sex with Rodriguez after the man picked him up in a chance encounter. The young man said he had just left work at midnight one summer night in 1978 and

was walking to an all-night store when Rodriguez offered him a ride.

The youth acknowledged smoking marijuana with Rodriguez and consenting to have sex first with the girl Rodriguez had in his bedroom and then with Rodriguez himself. He said he returned later for more drugs and sex.

But it turned out that the Rodriguez house was apparently under surveillance. The young man, then 16 and enrolled in an Alaska State Trooper youth training program, was confronted by troopers about drug use and later picked out of a surveillance photo showing him entering Rodriguez' house.

However, this youth was characteristically different than the other prosecution witnesses who have testified against Rodriguez. Dressed in a three-piece suit and speaking articulately and forthrightly, the then-trooper trainee offered details about the several sexual encounters in no uncertain terms. He also described the movie studio set-up Rodriguez had to show and make

pornographic films.

The student's testimony was in contrast to that of other prosecution witnesses who, down and out, said they found refuge with Rodriguez and reluctantly traded sexual services for money and drugs. Or, in some cases, they said they were raped or tried to fight off the man's sexual advances. Most were homeless and in trouble with the law.

Tuesday Superior Court Judge Ralph Moody charged Defense Lawyer Mitchel Schapira with delving too deeply into the backgrounds of the troubled youths. Schapira, in an attempt to discredit the prosecution witnesses, has gone over and over their drug-using habits and their run-ins with authorities.

Moody ordered the jury out of the courtroom Tuesday morning while he threatened Schapira with legal sanctions if he continued a line of questioning, which made it appear as if the witnesses were on trial and not his client.

Rodriguez faces 28 felonies in the case and all 12 victims named in the indictment have testified.

Prosecutor Paul Olson is calling to the stand other witnesses to corroborate the stories told by the victims.

The only girl to testify became confused about which neighborhood the man she knew as "Romeo" really lived in and, although she could remember few details about the month she reportedly lived with Rodriguez, she told jurors she remembered his tattoo.

Another witness Tuesday told jurors that Rodriguez came to his aide at Chilkoot Charlie's when his car wouldn't start. He returned with Rodriguez to the older man's house to get some cables to jump-start the boy's car. But instead, the boy testified, Rodriguez jumped him. Rodriguez allegedly ripped down the boy's pants before the youth was able to knock the man down, run back to the bar and summon police. Officers found the boy hysterical and the Rodriguez home dark and deserted.

The teen told jurors that Rodriguez' house was full of drug paraphenalia and "looked like a whorehouse inside."