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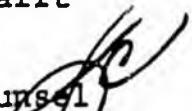
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

October 6, 1987

SUBJECT: Work order 5-1386, relating to habitual  
criminal acts

TO: Representative Sam Cotten  
ATTN: Julie Krafft

FROM: Jack Chenoweth  
Legislative Counsel 

The characteristic of a "habitual criminal" law (sometimes referred to as a "recidivist law" or "recidivist act") is the increasingly severe penalties that are imposed on a criminal offender as a consequence of conviction for a second or subsequent criminal act.

Acts denoted or treated as "habitual criminal" laws appeared in state statutes until the 1978 revision of Alaska's criminal law took effect on January 1, 1980. The two former provisions were AS 12.55.040 and 12.55.050. Rather than set out the text of these two sections verbatim, I have enclosed copies (denoted Enclosure "A") of the last versions of each as they read just prior to their repeal by the 1978 criminal code revision.

Generally, when habitual criminal acts are found to have been applied fairly and without discrimination, the United States Supreme Court has sustained the acts against challenges that they abridge individual constitutional rights. Spencer v. Texas, 385 U.S. 554, 17 L.Ed.2d 606, 87 S.Ct. 648 (1967); reh. den. 386 U.S. 969, 18 L.Ed.2d 125, 87 S.Ct. 1015 (1967); Oyler v. Boles, 368 U.S. 448, 7 L.Ed.2d 446, 82 S.Ct. 501 (1962).

In Alaska, the second of the two habitual criminal statutes cited, AS 12.55.050, was questioned, but not ruled unconstitutional, by the Alaska Supreme Court in State v. Carlson, 560 P.2d 26 (1977). A copy of that decision is provided as Enclosure "B."

The discussion in Carlson compared the habitual criminal act to the prohibition against double jeopardy of art. I, sec. 9 of the state constitution. The court determined that a double jeopardy claim would attach to recidivist criminals who, having been sentenced for the crime committed, faced a sentence modification under the state's habitual criminal act. However, when sentencing of a recidivist criminal for the crime is delayed in order to accommodate the filing of the habitual criminal act indictment or information, and an extended sentence for the crime is imposed due to operation of the habitual criminal provision, the court concluded that a double jeopardy claim would not attach.

In addition, asked to consider the specific elements that were required to trigger operation of the habitual criminal statute, the court examined AS 12.55.050. Against the prosecution's claim that the sequence of criminal acts and convictions was immaterial to trigger application of the state's habitual criminal act, the court determined that the sequence of prior felonies (that is, commission of an offense; conviction; sentencing) is material to the application of a habitual criminal act, and that the statute fairly required "commission of a subsequent offense after a previous conviction, before a harsher penalty may be imposed." 560 P.2d 26, at 30.

To avoid constitutional problems and to validly apply the habitual criminal statute, the court suggested steps or procedures to be adhered to by the state as prosecutors sought to enhance a defendant's sentence through reliance on the habitual criminal statutes.

The court's Carlson decision obviously colored the legislature's revision of the Criminal Code in 1977-1978. All draft versions of the proposed code revision that I examined specifically repealed AS 12.55.040 and 12.55.050. At the same time the habitual criminal statutes were to be revoked, the authors of the code revision carried the concept of enhanced sentences for repeat offenders into the changes being considered for sentencing of convicted criminals. The drafts of the code revision first proposed to add a section entitled "Prior Convictions," which was initially designated AS 11.36.300. The rationale for the addition of this provision is set out in the draft report on this proposed new section, a copy of which is enclosed (as Enclosure "C"). The "Prior Convictions" section was ultimately enacted as AS 12.55.145. The language of the current provision, amended in 1982, is set out in Enclosure "D."

Representative Cotten  
Page 3  
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In summary: while not denoted a "habitual criminal" statute, AS 12.55.145, when read in conjunction with the specific sentencing provisions of AS 12.55.125 cited in it, retains the notion of enhanced penalties for repeat criminal conduct. The specific limitations and requirements set out in AS 12.55.145 are responsive to the double jeopardy concern examined in the Carlson decision and to other prospective constitutional challenges, particularly a concern for due process.

Though the habitual criminal act of another state might be consulted as a model for changes to Alaska's sentencing act or for the restoration of a separate habitual criminal provision, any changes must take into account the court's decision in Carlson, as AS 12.55.145 now does.

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When this work order request was transmitted, it asked for examples of habitual criminal statutes in other states. In light of my comments, please advise as to whether or not you would like that work done.

JC:mkr  
m13/016

Enclosures

for the nonpayment of the fine, the defendant may make application in writing to a judge or magistrate in the district where he is imprisoned, setting out his inability to pay the fine, and, after notice to the district attorney, the judge or magistrate shall proceed to hear and determine the matter. If on examination it appears to him that the defendant is unable to pay the fine and that he has no property exceeding \$50 in value, except property which is by law exempt from being taken on execution for debt, the judge or magistrate shall administer to him the following oath: "I do solemnly swear that I do not have any property, real or personal, to the amount of \$50, except property which is by law exempt from being taken on civil process for debt, and that I have no property in any way conveyed or concealed or any way disposed of for my future use or benefit. So help me God." The judge or magistrate shall discharge the defendant after he takes the oath. (§ 8.03 ch 34 SLA 1962; am § 17 ch 8 SLA 1971)

**Effect of amendment.** — The 1971 amendment inserted "judge or" twice in the first sentence, once in the second sentence, and once in the last sentence.

**Legislative committee report.**—For report on ch. 8, SLA 1971 (HB 15), see 1971 House Journal, p. 52.

**Constitutionality.**—This section, which, upon proof of indigency, limits the sentence in lieu of payment of a fine to 30 days, is unconstitutional. *Hood v. Smedley*, Sup. Ct. Op. No. 800 (File No. 1406), 498 P.2d 120 (1972).

The injustice under this section that is to be remedied is not the imposition of the fine itself, but the requirement that it be satisfied immediately or be

automatically converted into a jail term. *Hood v. Smedley*, Sup. Ct. Op. No. 800 (File No. 1406), 498 P.2d 120 (1972).

This section applies to all poor convicts imprisoned solely for nonpayment of fines. *United States v. Stromberger*, 9 Alaska 189 (1940).

**Valid methods for enforcing payment of fines.**—For methods which the State of Alaska may employ to serve its valid interest in enforcing the payment of fines, see *Hood v. Smedley*, Sup. Ct. Op. No. 800 (File No. 1406), 498 P.2d 120 (1972).

Quoted in *Williams v. Illinois*, 399 U.S. 235, 90 S. Ct. 2018, 29 L. Ed. 2d 586 (1970).

**Sec. 12.55.040. Increased punishment for habitual criminal after conviction of petty larceny or misdemeanor involving fraud.** A person convicted of petty larceny or a misdemeanor in which fraud or intent to defraud is an element who, subsequent to March 9, 1939, has been three times convicted in this state or elsewhere of a crime which would constitute burglary, larceny except changing brands, embezzlement, or obtaining money or property by false pretenses under Alaska law shall be adjudged an habitual criminal, and is punishable by imprisonment for not less than one year nor more than 10 years. (§ 8.04 ch 34 SLA 1962; am § 38 ch 43 SLA 1964)

**Effect of amendment.** — The 1964 amendment substituted "less than one year nor more than 10 years" for "more than 10 years" at the end of the section.

Section inapplicable to offense committed before October 1, 1964.— See 1964 Op. Att'y Gen., No. 8.

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Sec. 12.55.050. Increased punishment for persons convicted of more than one felony. A person convicted of a felony in this state who has been previously convicted of a felony in this state or elsewhere, if the same crime elsewhere would constitute a felony under Alaska law, is punishable as follows:

(1) If the person is convicted of a felony which would be punishable by imprisonment for a term less than his natural life, and has previously been convicted of one felony, then he is punishable by imprisonment for not less than the minimum nor more than twice the longest term prescribed for the felony of which that person is convicted.

(2) If the person has previously been convicted of two felonies, then he is punishable by imprisonment for not less than the minimum nor more than twice the longest term prescribed herein for a second conviction of felony.

(3) If the person has previously been convicted of three or more felonies, then on the fourth conviction he shall be adjudged an habitual criminal, and is punishable by imprisonment for not less than 20 years nor more than the remainder of his natural life. (§ 8.05 ch 34 SLA 1962; am § 23 ch 43 SLA 1964; am § 7 ch 68 SLA 1965)

Effect of amendments.—The 1964 amendment inserted "less than the minimum nor" near the end of paragraphs (1) and (2), and added the former last sentence in paragraph (3).

The 1965 amendment deleted the former last sentence in paragraph (3), which prohibited the suspension of sentences.

Section inapplicable to offense committed before October 1, 1964.—See 1964 Op. Att'y Gen., No. 8.

Section inapplicable to conviction under different counts of same indictment.—Where defendant contended that under the provisions of AS 11-40.130 a person may be found an

habitual criminal upon conviction of four or more separate counts of one indictment for contributing to the delinquency of a child, the court held that habitual offender statutes apply only to persons who have been convicted of offenses committed after previous felony convictions. United States v. Meyers, 16 Alaska 368, 143 F. Supp. 1 (D. Alas. 1956).

The crime of attempted robbery carries a maximum possible sentence of seven and one-half years. Because accused had previous felony convictions, he could have been sentenced to a maximum of thirty years. Bowie v. State, Sup. Ct. Op. No. 769 (File No. 1422), 494 P.2d 800 (1972).

Sec. 12.55.060. Procedure upon discovery of prior convictions.

(a) Before conviction or while sentence is effective, if it appears that a person convicted of a crime in this state has previously been convicted and has not been charged under §§ 40 and 50 of this chapter, the district attorney may file an information in the superior court accusing that person of the previous conviction or convictions. The court shall cause that person, whether confined in prison or otherwise, to be brought before it and shall inform him of the allegations contained in the information and of his right to be tried as to the truth of the allegations, and shall require the accused person to say whether or not he is the same

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62(e)<sup>1</sup> in order to stay enforcement of a judgment on appeal. We answered this question affirmatively in *Alaska State Housing Authority v. Dixon*, 496 P.2d 649, 650 (Alaska 1972), where we stated:

We conclude that ASHA [Alaska State Housing Authority] is an instrumentality of the state within the Department of Commerce.<sup>2</sup>

Accordingly, the decision of the trial court is REVERSED, and this case is REMANDED with instructions to quash the writ of execution issued herein by the Clerk of the Superior Court.

BURKE, J., not participating.



STATE of Alaska, Petitioner,

v.

The Honorable Victor D. CARLSON, Judge of the Superior Court, and the Superior Court for the State of Alaska, Third Judicial District, Respondents,

Tyrone Davenport, Real Party in Interest.

Tyrone DAVENPORT, Appellant,

v.

STATE of Alaska, Appellee.

No. 2908, 2913.

Supreme Court of Alaska.

Feb. 16, 1977.

Proceeding was instituted on petition of State for writ of mandamus to compel the Superior Court, Third Judicial District, Victor D. Carlson, J., to impose a 20-year sentence on defendant under habitual criminal statute.

1. Civil Rule 62(e) provides:

When an appeal is taken or review sought by the state or an officer or agency thereof, and the operation or enforcement of the judgment, order or decision is stayed, no bond, obligation or other security shall be required

under the applicable criminal statute. The Supreme Court, Connor, J., held that it is the accumulation of prior offenses, indicating that defendant has not reformed his behavior, rather than merely the gross number of offenses, which should be determinative of habitual criminal status, that each prior offense and conviction must follow in sequence to accumulate under habitual criminal statute, that once a sentence has been meaningfully imposed it may not be later increased without offending double jeopardy, and that sentencing should, therefore, be delayed until information or indictment under habitual criminal statute has been filed in order to avoid double jeopardy problems.

Petition for mandamus denied, and judgment vacated with direction to reinstate original sentence.

1. Criminal Law ⇐ 1201

Habitual criminal statute is founded on the general principle that persistent offenders should be subject to greater sanctions than those who have been convicted only once and is meant to serve as a warning to first time offenders and to provide them with an opportunity to reform. AS 12.55.050.

2. Criminal Law ⇐ 1202(1)

It is the accumulation of prior offenses, indicating that the defendant has not reformed his behavior, rather than merely the gross number of offenses, which should be determinative of habitual criminal status. AS 12.55.050.

3. Criminal Law ⇐ 1202(1)

Each prior offense and conviction must follow in sequence in order to accumulate under habitual criminal statute. AS 12.55.050.

4. Criminal Law ⇐ 1202(1)

When a convicted criminal has not taken advantage of an opportunity to reform

from the appellant or the petitioner, as the case may be.

2. See *University of Alaska v. Simpson Building Supply Company*, 530 P.2d 1317 (Alaska 1975); *University of Alaska v. National Aircraft Leasing, Ltd.*, 536 P.2d 121 (Alaska 1975).

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and subsequently commits another crime, he may be considered a worse offender than one with no previous convictions, and it is reasonable to subject him to harsher sanctions, but when two convictions occur on same day, an opportunity for reformation is afforded to defendant only once, not twice. AS 12.55.050.

#### 5. Criminal Law — 1202(1)

An individual who commits four crimes within a short time and is given at most one opportunity to reform should not be treated the same as a defendant who has had three opportunities to reform over a substantial period of time but has persisted in his criminal conduct. AS 12.55.050.

#### 6. Criminal Law — 189

Once a sentence has been meaningfully imposed it may not be later increased without offending double jeopardy provision of Constitution. Const. art. 1, § 9.

#### 7. Criminal Law — 1202(6)

Trial court may impose an enhanced penalty under habitual criminal statute only where sentence for latest offense has not already been imposed. AS 12.55.050.

#### 8. Criminal Law — 1202(6)

Imposition of an enhanced penalty under habitual criminal statute should be delayed until information or indictment under statute has been filed in order to avoid double jeopardy problems. AS 12.55.050; Const. art. 1, § 9.

1. Jurisdiction is asserted under Alaska R.App.P. 25 and AS 22.05.010(a).

2. AS 12.55.050 provides:

*"Increased punishment for persons convicted of more than one felony. A person convicted of a felony in this state who has been previously convicted of a felony in this state or elsewhere, if the same crime elsewhere would constitute a felony under Alaska law, is punishable as follows:*

(1) If the person is convicted of a felony which would be punishable by imprisonment for a term less than his natural life, and has previously been convicted of one felony, then he is punishable by imprisonment for not less than the minimum nor more than twice the longest term prescribed for the felony of which that person is convicted.

Glen C. Anderson, Asst. Dist. Atty., Joseph D. Balfe, Dist. Atty., Anchorage, and Avrum M. Gross, Atty. Gen., Juneau, for State of Alaska.

James L. Johnston of Opland & Johnston, Anchorage, for Davenport.

Before BOOCHEVER, C. J., and RABINOWITZ, CONNOR and ERWIN, JJ.

CONNOR, Justice.

This petition for a writ of mandamus<sup>1</sup> requires us to construe AS 12.55.050, Alaska's habitual criminal statute.<sup>2</sup>

On July 5, 1969, Tyrone Davenport committed burglary.<sup>3</sup> He was convicted of this offense on December 24, 1969. On July 1, 1971, Davenport committed the offense of receiving and concealing stolen goods. On September 22, 1971 he committed an assault with a dangerous weapon. On February 15, 1972, he was convicted of both assault with a dangerous weapon<sup>4</sup> and receiving and concealing stolen goods.<sup>5</sup> On July 14, 1975 Davenport again committed the offense of receiving and concealing stolen goods. On February 27, 1976 he was convicted of that offense. He was sentenced to eighteen months, to be served concurrently with the sentences imposed for the 1972 convictions. Previously, in July of 1975, Davenport had been indicted as an habitual criminal under AS 12.55.050(3).

(2) If the person has previously been convicted of two felonies, then he is punishable by imprisonment for not less than the minimum nor more than twice the longest term prescribed herein for a second conviction of felony.

(3) If the person has previously been convicted of three or more felonies, then on the fourth conviction he shall be adjudged an habitual criminal, and is punishable by imprisonment for not less than 20 years nor more than the remainder of his natural life."

3. See AS 11.20.080.

4. See AS 11.15.220.

5. See AS 11.20.350.

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On April 6, 1976 Davenport was sentenced as an habitual criminal by Judge Carlson who vacated the 18 month sentence previously imposed and resented Davenport to five years for receiving and concealing stolen goods.

On April 8, 1976, the state moved to correct the sentence imposed by Judge Carlson on the ground that it was illegal. The state argued that his resentencing as an habitual criminal was governed by AS 12-55.050(3), which required that a minimum sentence of twenty years be imposed.

Judge Carlson entered a written amended judgment on April 20, 1976, reflecting the five year sentence imposed on April 6, 1976. On April 22, 1976, he denied the state's motion to correct the sentence. The state seeks mandamus to compel the imposition of a 20 year sentence on Davenport.<sup>6</sup>

The issues presented are (1) whether Davenport was properly adjudged an habitual criminal, and if so whether a sentence of less than 20 years may be imposed<sup>7</sup> and (2) whether Davenport was placed twice in jeopardy for the same offense.

## I

AS 12.55.050(3) provides that if a person has been convicted of three or more felo-

6. At the sentencing proceeding Judge Carlson remarked that he found the 20 year minimum sentence to be an inappropriate punishment for Davenport. However, as we discuss in the text at page 10, a sentence once imposed may not be later augmented without offending the double jeopardy provision of the Alaska Constitution, art. I, § 9.

In its attempt to convince Judge Carlson that he had imposed an illegal sentence the state conceded that the court could have either imposed the minimum sentence and suspended a portion of that sentence under the provisions of AS 12.55.080 or, suspended the imposition of sentence under AS 12.55.085(a). See *Spess v. State*, 511 P.2d 130 (Alaska 1973). The state argued *Spess* was inapplicable because Judge Carlson did not indicate he was suspending a portion of the sentence but merely imposed a flat sentence of five years.

7. If Davenport had been properly adjudged an habitual criminal, then the imposition of a five year sentence would have been illegal. See AS 12.55.050(3).

nies, then on the fourth felony conviction he shall be adjudged an habitual criminal and sentenced to a minimum of 20 years. The state argues that this section is applicable whenever a person who has been convicted of three felonies then commits and is convicted of a fourth felony, regardless of the sequence of those prior offenses and convictions. The state asserts that the purposes of recidivist legislation, which are to protect society, deter criminal conduct and provide felons with an incentive for reformation, would best be effectuated by such an interpretation of the habitual criminal statute. We disagree.

[1] Habitual criminal statutes are founded on the general principle that persistent offenders should be subject to greater sanctions than those who have been convicted only once.<sup>8</sup> These statutes serve as a warning to first time offenders and provide them with an opportunity to reform. See *Moore v. Coiner*, 303 F.Supp. 185 (N.D.W. Va.1969); *State v. Lohrbach*, 217 Kan. 588, 538 P.2d 678, 681-82 (1975). It is only upon subsequent convictions for repeated criminal conduct that increasingly stiffer sentences are imposed. The reason the sanctions become increasingly severe is "not so much that [the] defendant has sinned more than once as that he is deemed incorrigible

8. See generally Annot., 24 A.L.R.2d 1247 (1952). All but two states have statutes imposing increasingly severe penalties on habitual offenders. Note, *Statutory Structures for Sentencing Felons to Prison*, 60 Colum.L.Rev. 1134, 1157 (1960). In at least 21 states punishment for habitual criminality is mandatory. *Id.* at 1158. Sentences range in severity from a mandatory life term with no parole after the third conviction in Tennessee, Tenn.Code Ann. § 40-2801 et seq. (1975), to a term of not less than five years after the third conviction in Idaho. Idaho Code Ann. § 19-2514 (1975 Supp.). ABA Standards Relating to Sentencing Alternatives and Procedures § 3.3, Commentary at 166 (1968).

For a general description of habitual criminal statutes see Note, *Statutory Structures for Sentencing Felons to Prison*, 60 Colum.L.Rev. 1134, 1157-58 (1960); Model Penal Code § 7.63, Commentary at 39-40 (Tent.Draft No. 2, 1954).

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when he persists in violations of the law after conviction of previous infractions." Annot., 24 A.L.R.2d 1247, 1249 (1952).

A majority of jurisdictions, recognizing both the purposes underlying habitual criminal statutes and the severity of their penalties, require for their application that prior convictions must precede the commission of the principal offense. *Id.* and cases cited therein. As the state points out, in most of the cases construing these statutes, the sequence of prior convictions is not in issue. However, where the sequence of prior convictions is in issue, the rule followed in the majority of jurisdictions is that each successive felony must be committed after the previous felony conviction in order to count towards habitual criminal status.<sup>9</sup> *E. g.*, *Johnson v. Cochran*, 189 So.2d 673 (Fla. 1962); *Gossett v. Commonwealth*, 302 S.W.2d 380 (Ky.1957); see *State v. Johnson*, 109 N.J.Super. 69, 262 A.2d 238 (1969) (second violation and indictment thereon must occur after first conviction); 4 *Wharton's Criminal Procedure* § 631 (12th ed. 1976); Annot., 24 A.L.R.2d 1247, 1249 (1952).

Accordingly, it has been held that two or more convictions on the same day on two or more indictments, or on two or more counts of the same indictment, constitute only one conviction for the purposes of the habitual offender statute. Annot., 24 A.L.R.2d 1247, 1249 (1952).

However some courts hold that the sequence of convictions is immaterial. In the case at bar, the state has relied upon the decisions in two of those jurisdictions, Oregon and New York, which have statutes

9. Some statutes specifically state what offenses count towards habitual criminal status. See Ky.Rev.Stat. § 532.080(4) (1976 Supp.) (two or more convictions of crime where uninterrupted or concurrent terms constitute only one conviction); Cal.Penal Code § 644 (West 1970) (charges must be separately brought and terms must be separately served).

10. The Oregon habitual criminal statute was modeled after § 1942 of the New York Penal Law. *Castle v. Gladden*, 201 Or. 353, 270 P.2d 675, 680 (1954). The Oregon statute then in effect read in part as follows:

similar to AS 12.55.050.<sup>10</sup> In particular it relies on *Castle v. Gladden*, 201 Or. 353, 270 P.2d 675 (1954), and *Terwilliger v. Turk*, 156 Miss. 246, 281 N.Y.S. 527 (S.Ct.1935). *Accord*, *People ex rel. Reynolds v. Morhous*, 268 App.Div. 843, 50 N.Y.S.2d 272 (1944).

In *Castle v. Gladden*, *supra*, the Oregon court, while acknowledging that other courts require a particular sequence of offenses and convictions, concluded that the language of its habitual criminal statute should be interpreted literally. However, its conclusion was motivated at least in part by a significant change in the law. The first Oregon habitual criminal statute required that the "dates of the convictions relied upon to increase the penalty be prior to the commission of the subsequent offense." *Castle v. Gladden*, *supra* at 681, quoting from General Laws of Oregon 1921, ch. 70. However, this statute was subsequently repealed, and in its place was substituted a statute patterned after § 1942 of the New York Penal Law, which omitted any reference to a particular sequence of commission and conviction. The Oregon court chose to follow the New York rule enunciated in *Terwilliger v. Turk*, *supra* which holds that in applying the habitual offender statute the sequence of commission and conviction is immaterial.

We decline to follow the New York and Oregon approach for several reasons. First, the Alaska statute has not been rewritten as was the Oregon statute. Therefore, there is nothing which would necessarily lead us to the result reached by the Oregon court. Second, there has been no recent reaffirmation of the rule articulated in *Terwilliger*, *supra*, and followed in *Gladden*,

"§ 26-2803. A person who, after having been three times convicted within this state of felonies or attempts to commit felonies, or, under the law of any other state, government or country, of crimes which, if committed within this state would be felonious, commits a felony within this state, shall be sentenced, upon conviction of such fourth, or subsequent offense, to imprisonment in a state prison for the term of his natural life." (The present Oregon statute, ORS § 161.725 (1975), is significantly different.)

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*supra*; in light of current changes in the theory of criminal justice, the wisdom of these precedents may be doubtful. See generally ABA Standards Relating to Sentencing Alternatives and Procedures § 3.3 (1968). In support of its position that Alaska should follow the minority view espoused in *Castle v. Gladden, supra*, the state argues that if the sequence of prior felonies were material to the determination of whether an individual should be adjudged an habitual criminal, the legislature would have written the statute accordingly.

[2] Admittedly, AS 12.55.050 does not specifically state that in order for a felony conviction to count toward habitual criminal status an offender must commit a felony, be convicted therefor, and begin to serve his sentence before the commission of a subsequent felony. However, as Davenport points out, the statute has three components, each of which requires the commission of a subsequent offense after a previous conviction, before a harsher penalty may be imposed. Thus a criminal convicted of one felony may be imprisoned for, at most, the longest term prescribed for the felony of which he was convicted. A criminal convicted of a second felony may be imprisoned for a maximum of twice the longest term prescribed for the second felony conviction. On the third conviction the possible sentence again doubles. Thus, the maximum sentence on the third conviction is four times the longest term prescribed statutorily for the felony involved in that conviction. On the conviction of the fourth felony, a defendant who has been previously convicted of three felonies must be adjudged an habitual criminal, and is to be imprisoned for not less than twenty years and not more than his natural life. Thus, a reading of the statute as a whole leads us to the conclusion that it is the accumulation of prior offenses, indicating the defendant has not reformed his behavior, rather than merely the gross number of offenses, which

should be determinative of habitual criminal status.

[3, 4] Moreover, there are sound policy reasons for requiring each prior offense and conviction to follow in sequence in order to accumulate under AS 12.55.050. Davenport points out, and the state acknowledges, that when a convicted criminal has not taken advantage of the opportunity to reform and subsequently commits another crime, he may be considered a worse offender than one with no previous convictions. It is then reasonable to subject him to harsher sanctions. However, where, as in the case of Davenport, two convictions occur on the same day, the opportunity for reformation is afforded to him only once, not twice.

[5] Thus, if the state's position were adopted, an individual who committed four crimes within a short time, and was given at most one opportunity to reform, would be treated the same as a defendant who has had three opportunities to reform over a substantial period of time, but has persisted in his criminal conduct.

We believe that such a literal reading of AS 12.55.050 would distort the underlying purpose of this statute and would be inconsistent with the principle that habitual criminal statutes are to be strictly construed in favor of the defendant. *Moore v. Coiner*, 308 F.Supp. 185, 188 (N.D.W.Va. 1969).

Thus, Davenport should have been sentenced under AS 12.55.050(2) which provides for an enhanced sentence upon the conviction of a third felony.<sup>11</sup>

## II

Defendant argues that he was placed twice in jeopardy for the same offense, in violation of article I, § 9 of the Alaska Constitution.

*Durbin*, 542 F.2d 486 (8th Cir. 1976). Cf. *North Carolina v. Pearce*, 395 U.S. 711, 89 S.Ct. 2072, 23 L.Ed.2d 656 (1969) (same result under due process).

11. Davenport cannot be resented under AS 12.55.050(2) to more than the 18 month sentence originally imposed without placing him twice in jeopardy. *Sozner v. State*, 483 P.2d 1003 (Alaska 1971). Accord, *United States v.*

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12. The : and five these ar

Habitual criminal statutes have been found not violative of the fifth amendment prohibition against double jeopardy, because these statutes do not create separate offenses but merely enhance the punishment for the latest offense. *Oyler v. Boles*, 368 U.S. 443, 452, 82 S.Ct. 501, 7 L.Ed.2d 446 (1962); *Graham v. West Virginia*, 224 U.S. 616, 32 S.Ct. 583, 56 L.Ed. 917 (1912); *Wilson v. Slayton*, 470 F.2d 986 (4th Cir. 1972); *Davis v. Bennett*, 400 F.2d 279, 286 (8th Cir. 1968).

[6] AS 12.55.050, however, raises double jeopardy problems under the Alaska Constitution. AS 12.55.060 provides that when the trial court sentences a defendant under AS 12.55.050, it must vacate the sentence originally imposed. This violates the rule articulated in *Sonnier v. State*, 483 P.2d 1003 (Alaska 1971), where we held that once a sentence has been meaningfully imposed it may not be later increased without offending the double jeopardy provision of the Alaska Constitution.

[7, 8] This does not mean that the trial court may never impose an enhanced penalty under AS 12.55.050, but that it may do so only where the sentence for the latest offense has not already been imposed. Therefore, sentencing should be delayed until the information or indictment under the habitual criminal statute has been filed. This avoids double jeopardy problems under *Sonnier*; *supra*.

We deny the petition for mandamus, but vacate the judgment and reinstate the original 18 month sentence.<sup>12</sup>

BURKE, J., not participating.



12. The State's appeal of the eighteen month and five year sentences on the ground that these are too lenient is currently pending before this court.

Margaret OLLESTEAD et al., Appellants,

v.

NATIVE VILLAGE OF TYONEK, a  
Federal Corporation, Appellee.

No. 2503.

Supreme Court of Alaska

Feb. 16, 1977.

Plaintiffs sought declaratory judgment that they were entitled to rights in area encompassing native village and to shares in proceeds from certain oil and gas leases. The Superior Court, Third Judicial District, Anchorage, Edmond W. Burke, J., dismissed the action, and plaintiffs appealed. The Supreme Court, Boochever, C. J., held that lands obtained, within limits of reservation, by such native village, which was federally incorporated under certain statute, were subject to a "restriction against alienation" within statute precluding state courts from adjudicating the ownership or right to possession of property or an interest therein belonging to an Indian tribe or community which is held in trust by United States or is subject to a restriction against alienation imposed by United States; that proceeds from oil leases executed when land was in reservation status were "held in trust" and subject to a "restriction on alienation" within meaning of such statute; and that an adjudication of questions of tribal membership would encompass issues of ownership or right to possession of property "held in trust" and subject to "restrictions on alienation" within meaning of statute.

Affirmed.

#### 1. Indians ⇐ 2

Principle that Indian tribes are sovereign, self-governing entities subject only to plenary power of Congress applies in all cases where essential tribal relations or rights of Indians are involved.

See AS 12.55.120(b); *State v. Wortham*, 537 P.2d 1117 (Alaska 1975).

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the procedures by which the panel would function.

As is provided in subsection (d), the three judge panel may sentence the defendant to any sentence applicable to the offense, regardless of whether it was a first, second or third class felony. A defendant convicted, for example, of a first, class A felony could be sentenced by the three-judge panel to a maximum sentence of less than 30 years, the maximum sentence authorized for an aggravated third or subsequent class A felony. The Subcommittee determined that this authority was in line with the extraordinary nature of the kinds of cases that would come before the panel.

#### VI. TD AS 11.36.300. PRIOR CONVICTIONS

This section is included in chapter 36 so that the effect of prior convictions could be properly considered by sentencing courts.

Without dissent, the Subcommittee determined, that prior convictions should not follow a person around for the remainder of a lifetime even for purposes of sentencing on a subsequent offense. Those who recidivate usually do so within a short period of time after release. Even the use of the term "recidivate" connotes a connection between the prior offense and a later. The connection lies in the presumption that both offenses arise from the same milieu of susceptibility, whether arising from surroundings, personal attitude or some life style combination of both. The Subcommittee concluded that a seven year period would be an appropriate length of time within which a conclusive presumption would be reasonable.

After seven years, the probability is that fresh

criminal misconduct does not relate to the milieu of the prior offense and that society is dealing with the individual in a different setting. That the offender has a prior conviction, under these circumstances, is as likely to be coincidental as causal. At least for purposes of determining a fair sentence, it should not automatically count against the offender. As provided in subsection (a)(1), the seven year period excludes years spent in prison, thus insuring that there is ample distance between the past offense and a present life.

In paragraphs (2)-(4) of the subsection, the Subcommittee has provided the means for determining how crimes committed in other jurisdictions, or in Alaska prior to the Revised Code, will relate to new offenses and how crimes which are committed as a result of a single substantially contemporaneous course of conduct must be considered by the sentencing court. In that regard, paragraph (3) is designed to overcome potential double jeopardy problems.

Subsection (b) is intended to provide a vehicle by which a defendant can raise objections to prior convictions which the state alleges are his. The Subcommittee was particularly concerned that defendants be provided with ample notice of the state's intention to allege prior convictions and recommends that it be done prior to trial whenever possible so that this factor can be considered by defendants and their counsel, along with others, in determining trial strategies.

On the other hand, the Subcommittee was equally aware that it is not always possible to obtain accurate criminal history information prior to the start of a trial. For that

reason, the 20 day requirement in subsection (b) (1) was approved. Since rebuttal information as to allegations of a prior history is usually immediately available to the defendant, the Subcommittee decided that five days was sufficient to reply to the allegations. On the other hand the state might require some time to answer a defendant's denial and thus the Subcommittee gave the state the 15 day period.

Since the consequences of proof of a prior conviction can be serious, the Subcommittee determined that the state should be required to prove the prior conviction "beyond a reasonable doubt" in those cases in which the defendant denied the existence of the prior conviction or alleged the existence of one of the other defects set forth in paragraph (2) of subsection (b).

As a final matter, the Subcommittee concluded that the commentary should reflect the fact that a conviction obtained in the case of an unrepresented defendant might well be unconstitutional. Determining whether or not a defendant was represented by counsel could be both time consuming and difficult, but it was assumed that if the 15 day time period was not sufficient to resolve the issue a continuance could be obtained.

minimum term of imprisonment provided in (c) or (d) of this section, and the minimum sentence provided for in (c) or (d) of this section may not be otherwise reduced. (§ 12 ch 166 SLA 1978; am § 2 ch 139 SLA 1980; am § 22 ch 59 SLA 1982; am § 13 ch 61 SLA 1982; am § 31 ch 143 SLA 1982; am §§ 4, 5 ch 92 SLA 1983)

**Effect of amendments.** — The 1980 amendment added subsection (c).

The first 1982 amendment substituted "fourth degree" for "third degree" in the first sentence of subsection (c).

The second 1982 amendment made the same change as the first 1982 amendment.

The third 1982 amendment, in subsection (c), substituted "fourth degree" for

"third degree" and "20 days" for "10 days" in the first sentence and substituted "be imprisoned" for "by imprisoned" in the last sentence.

The 1983 amendment deleted the second and third sentences of subsection (c), concerning suspension of the execution or imposition of a sentence, and added subsections (d) and (e).

NOTES TO DECISIONS

**Constitutionality of presumptive sentencing provisions.** — See notes under same heading, AS 12.55.125, *Nell v. State*, Ct. App. Op. No. 77 (File No. 5565), 642 P.2d 1361 (1982).

**Consecutive sentencing by district court permissible under former law.** —

See *State v. Pete*, Sup. Ct. Op. No. 372 (File No. 673), 420 P.2d 338 (1966), decided under former AS 11.05.010.

Cited in *Law v. State*, Sup. Ct. Op. No. 2301 (File No. 4552), 624 P.2d 284 (1981); *Kelly v. State*, Ct. App. Op. No. 251 (File No. 6311), 663 P.2d 967 (1983).

*Sec. 12.55.140. Sentences for violations. [Repealed, § 23 ch 59 SLA 1982.]*

**Sec. 12.55.145. Prior convictions.** (a) For purposes of considering prior convictions in imposing sentence under AS 12.55.125(c), (d)(1), (d)(2), (e)(1), (e)(2), or (i)

(1) a prior conviction may not be considered if a period of 10 or more years has elapsed between the date of the defendant's unconditional discharge on the immediately preceding offense and commission of the present offense unless the prior conviction was for an unclassified or class A felony;

(2) a conviction in this or another jurisdiction of an offense having elements similar to those of a felony defined as such under Alaska law at the time the offense was committed is considered a prior felony conviction;

(3) two or more convictions arising out of a single, continuous criminal episode during which there was no substantial change in the nature of the criminal objective are considered a single conviction unless the defendant was sentenced to consecutive sentences for the crimes; offenses committed while attempting to escape or avoid detection or apprehension after the commission of another offense are not part of the same criminal episode or objective.

(b) When sentence is imposed under this chapter, prior convictions not expressly admitted by the defendant must be proved by authenti-

cated copies of the Alaska law

(c) If the conviction that the defendant is charged with is a substantial Alaska law defined in (a)(1) or (a)(2) of this section, the conviction court and more than 10 days of denial of parole and may be

(d) Matt sitting with that the conviction, not occur with conviction (a)(2) of this section by more convictions of this section.

(e) The States, the subdivision (§ 12 ch 16

Revisor's note SLA 1982 was renumbered

Cross references prior to date of ch. 166, SLA 1979 Special Acts.

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(c) If the defendant denies the authenticity of a prior judgment of conviction, that the defendant is the person named in the judgment, that the elements of a prior offense committed in another jurisdiction are substantially identical to those of a felony defined as such under Alaska law, or that a prior conviction occurred within the period specified in (a)(1) of this section or if the defendant alleges that two or more purportedly separate prior convictions should be considered a single conviction under (a)(3) of this section, the defendant shall file with the court and serve on the prosecuting attorney notice of denial no later than 10 days before the date set for imposition of sentence. The notice of denial shall include a concise statement of the grounds relied upon and may be supported by affidavit or other documentary evidence.

(d) Matters alleged in a notice of denial shall be heard by the court sitting without a jury. If the defendant introduces substantial evidence that the defendant is not the person named in a prior judgment of conviction, that the judgment is not authentic, that the conviction did not occur within the period specified in (a)(1) of this section, or that a conviction should not be considered a prior felony conviction under (a)(2) of this section, then the burden is on the state to prove the contrary beyond a reasonable doubt. The burden of proof that two or more convictions should be considered a single conviction under (a)(3) of this section is on the defendant by clear and convincing evidence.

(e) The authenticated judgments of courts of record of the United States, the District of Columbia, or of any state, territory, or political subdivision of the United States are prima facie evidence of conviction. (§ 12 ch 166 SLA 1978; am §§ 32-34 ch 143 SLA 1982)

Revisor's notes. — Section 35, ch. 143, SLA 1982 enacted a subsection (f) which was renumbered in 1982 as AS 12.55.147.

Cross references. — For effect of convictions prior to January 1, 1980 (effective date of ch. 166, SLA 1978), see § 23, ch. 166, SLA 1978, in the Temporary and Special Acts.

Effect of amendments. — The 1982 amendment, in subsection (a), substituted "AS 12.55.125(c), (d)(1), (d)(2), (e)(1), (e)(2), or (i)" for "this chapter" at the end of the introductory language; substituted "10 or more years" for "seven or more years" and

added "unless the prior conviction was for an unclassified or class A felony" to the end, both in paragraph (1); substituted "similar" for "substantially identical" and inserted "at the time the offense was committed" in paragraph (2); and substituted "unless the defendant was sentenced to consecutive sentences for the crimes;" for "except that" in paragraph (3). The amendment also substituted "20 days" for "10 days" in subsection (b), and substituted "10 days" for "five days" near the end of the first sentence of subsection (c).

HABITUAL THEFT OFFENDER STATUTE

by

Officer L. T. Johnson

December 8, 1987  
Habitual theft offender statute

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DATE: December 8, 1987

TO: Sgt. John Grohol, Anchorage Police Department

FROM: Officer L. T. Johnson, Anchorage Police Department

SUBJECT: Request for a criminal statute establishing a class "C" felony penalty on any subsequent misdemeanor theft within five (5) years of an initial theft conviction.

#### AMATEUR versus PROFESSIONAL

Thieves or shoplifters can be divided into two basic groups; amateurs and professionals. This paper is specifically directed toward the professional adult thief.

The amateur thief is considered to be the rational, responsible individual who in a moment of weakness will give in to temptation. Once caught, the shame and remorse felt by the amateur thief is usually a sufficient deterrent against further similar activity. Very few, if any, can claim in total honesty that they have never taken anything that did not belong to them, but the majority can claim the common sense to have learned from our mistakes.

The professional adult thief is considered to be the rational, irresponsible individual who will continue to steal following a conviction for theft and fail to make any attempt at reformation.

It is the professional or habitual adult thief that must be considered a worse offender than the amateur with no previous theft convictions.

#### THE PROBLEM

Over the past year I have been specifically assigned to investigate reports of shoplifts and other misdemeanor thefts committed in the Anchorage area. During this time I have become increasingly aware of approximately 400 people that have been caught stealing subsequent to misdemeanor theft convictions.

Interviews conducted with some of these individuals provided me with insight as to their motive. The primary motive for continuing to commit thefts was to support drug habits. Several of the interviewed individuals added that, "It was an easy way to make a living".

Wallets or purses, stolen from vehicles or buildings, provide the thief with easy access to the victim's credit cards or bank account through the use of a stolen automated teller machine (ATM) card. Items such as; cartons of cigarettes, compact disks, liquor, etc., are routinely sold for approximately 50% of the initial retail price, and with cartons of cigarettes providing the adult thief with a \$5 return per carton, a case of cigarettes provides a substantial return of over \$100 for a minimal amount of effort.

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### APATHY BREEDS CONTEMPT

During an interview with one habitual theft offender, he readily admitted that he and his friends stole items to sell to support their cocaine habits. He also stated that he was glad that he was in jail so that he could be forced into attending drug rehabilitation because he did not possess the will power necessary to stop on his own. The charges against this individual were subsequently dropped and he is back with his friends, stealing to support their drug habits.

Petty theft, for the most part, is as common place as motorists exceeding the posted speed limits. It has no age, economic, social, racial or religious barriers. The impact of shoplifting alone is demonstrated by the annual \$2,000,000,000 loss attributed to shoplifting reported by our nation's retailers. The loss is naturally passed on to the law abiding consumer in higher product costs.

Most retail stores usually have a minimal amount of sales people on their floors and their merchandise is mass-displayed for customer ease in shopping. Given this opportunity, it is far less dangerous to; shoplift, steal a radio from a vehicle, or take a purse from an unattended desk, than to steal a car or hold up a liquor store, and the penalties are much less severe. The minimal penalties imposed on misdemeanor thefts is not a deterrent to the professional adult thief and does not encourage him or her to reform.

### TYPICAL SENTENCES

Standard judicial practice on first time theft offenders is to apply a suspended imposition of sentence. This provides the first time offender an opportunity to have the guilty sentence for his theft removed from his criminal record after he or she has satisfactorily completed the judicially imposed probationary period. The standard probationary period, on suspended imposition of sentences, is six months to one year. Most defendants (amateur thieves) take full advantage of suspended imposition of sentences and are never involved in another theft. However, as previously mentioned this document is specifically directed toward the career or habitual criminal.

Members of the Judicial branch of government are not ignorant concerning the professional adult thief. With the majority of the thefts committed by these individuals being misdemeanor crimes, Judge's sentences are limited by the maximum penalty allowable for misdemeanor crimes.

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### STATE AND LOCAL LAWS

Current state statutes provide the following maximum penalties for theft and theft related crimes.

<u>Classification</u>	<u>Fine (and/or)</u>	<u>Jail Term</u>
B Misdemeanor.....	\$1,000.....	0-90 days
A Misdemeanor.....	\$5,000.....	0- 1 year
C Felony.....	\$50,000.....	0- 5 years
B Felony.....	\$50,000.....	0-10 years
A Felony.....	\$50,000.....	0-20 years

Briefly, a theft involving property or services under \$50 is classified as a B Misdemeanor. Between \$50 and \$499, the theft is classified as an A Misdemeanor. Between \$500 and \$24,999, the theft is classified as a C Felony. A theft involving \$25,000 or more is considered a B Felony. Robbery, a violent theft, appropriately carries the classification of a class A Felony.

Theft ordinances for the Municipality of Anchorage impose a maximum penalty of no more than six months imprisonment and/or a fine of not more than \$1,000.

Painfully evident is the fact that there is no serious potential deterrent against the professional adult thief if he limits his thefts to items under \$500. The habitual adult thief usually concentrates on stealing items that he can quickly sell for between \$5 and \$100 so that he can use the money to support his personal habit which can cost approximately \$150 per day to support. With most people not having immediate access to amounts over \$500, the thief usually takes items that he knows that he can sell for approximately 50% of the retail price. Because of this, the professional thief generally steals items costing under \$500, thereby avoiding the penalties imposed by the felony statutes.

### APPREHENSION TO CONVICTION

The cost in apprehending and prosecuting a thief is not a factor in determining the classification of the criminal charge, but is naturally passed on to the consumer/taxpayer in higher costs.

How much does it cost? Anchorage Municipal Prosecutor Jim Wolf estimates that the total cost is approximately \$2,500 per defendant. Why does it cost so much money to prosecute a single person for a "minor" misdemeanor theft? Let me explain.

From the moment of initial observation of a thief, a clock begins ticking. This clock represents the hourly wage paid to all of the people who become involved in the disposition of the thief.

A typical apprehension takes the following form and involves the following people.

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### TYPICAL THEFT SCENARIO

A store security officer initiates his observations of a suspected thief. The clock begins ticking. He establishes sufficient probable cause that a theft has been committed and arrests the suspect. Following the arrest, he conducts his interview with the suspect to complete his required documentation of the incident. He then phones a police dispatcher who radios a police officer to respond to the store.

The police officer drives to the store and contacts the store security officer who relates the circumstances of the arrest. That officer then interviews the suspect and witnesses so that he can document the incident in his report to the prosecutor's office.

The police officer leaves the store with the arrested suspect and any evidence, driving the suspect to the Magistrate's office for a bail hearing. The Magistrate establishes the Defendant's bail and the officer drives the Defendant to the jail for booking.

At the jail the Defendant is turned over to a Corrections officer who completes the required documentation concerning the detention.

The police officer returns to the Police Department and completes his report. He then gives his report to a records clerk who distributes the copies of the report for filing and forwards a copy to the Prosecutor's office. Any evidence seized by the officer is given to the Property and Evidence personnel for safeguarding.

At arraignment, the Defendant pleads not guilty before a Judge or Magistrate. A public defender is provided by the Municipality and a trial date is established.

A Municipal Prosecutor reviews the case and determines who will be required to testify in court. Subpoenas are completed and given to an officer to serve on the Complainant and witnesses.

The trial begins and lasts for approximately two days during which the following people are present; the Judge, court recorder, Municipal Prosecutor, Public Defender, six jury members, the reporting police officer, the Complainant and any witnesses.

Completion of the trial essentially stops the clock representing the wages paid to the people involved in the incident.

The estimated \$2,500 cost in processing an apprehended thief is readily apparent and may in fact be higher, given the time and number of people involved to bring an adult thief to justice.

How prevalent is the crime of petty theft? The following statistical data clearly demonstrates the impact of this crime, but keep in mind that the statistics do not reflect the hidden costs of theft offenders.

NATIONAL THEFT STATISTICS

The following information was obtained from the U.S. Department of Commerce, Bureau of the Census and represents the most current reported 1985 national statistical information available.

Type of Theft (*)	NUMBER OF OFFENSES IN 1985	PERCENTAGE OF TOTAL	AVERAGE DOLLAR LOSS PER INCIDENT
Total			
Larceny/theft.....	6,453,000.....	100%.....	\$393.00
Pocket picking.....	73,000.....	1.1%.....	\$257.00
Purse snatching.....	78,000.....	1.2%.....	\$206.00
Shoplifting.....	901,000.....	14.0%.....	\$ 85.00
From vehicles.....	1,275,000.....	19.8%.....	\$428.00
Vehicle accessories...	1,079,000.....	16.7%.....	\$283.00
Bicycles.....	528,000.....	8.2%.....	\$159.00
From buildings.....	1,005,000.....	15.6%.....	\$615.00
From coin machines.....	55,000.....	9%.....	\$130.00
All other.....	1,459,000.....	22.6%.....	\$ unkn

(\*)Does not include statistical data for robbery or burglary

MUNICIPALITY OF ANCHORAGE STATISTICS

The following statistical information was compiled from the records of the Anchorage Police Department and represents the reported thefts from January 1986, through August 1987.

Type of Theft (*)	NUMBER OF OFFENSES Jan '86-Aug '87	PERCENTAGE OF TOTAL	AVERAGE DOLLAR LOSS PER INCIDENT
Total			
Larceny/theft.....	17,752.....	100.0%.....	\$346.00
Pocket picking.....	66.....	0.4%.....	\$577.00
Purse snatching.....	54.....	0.3%.....	\$122.00
Shoplifting.....	5,488.....	30.9%.....	\$ 54.00
From vehicles.....	3,011.....	16.9%.....	\$441.00
Vehicle accessories...	1,701.....	9.6%.....	\$381.00
Bicycles.....	1,418.....	8.0%.....	\$222.00
From buildings.....	1,667.....	9.4%.....	\$343.00
From coin machines.....	126.....	0.7%.....	\$ 32.00
All other.....	4,251.....	23.9%.....	\$690.00

(\*)Does not include statistical data for robbery or burglary

In Anchorage the total reported dollar loss attributed to thefts other than robbery or burglary, between January 1986 and August 1987, was \$6,139,425.

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EXAMPLES OF CRIMINAL ACTIVITY AND RELATED SENTENCING

Attached to this document are copies of computer printouts pertaining to several professional thieves. For reasons of privacy their names and AKA's (also known as) have been obliterated. Data from states in the lower 48 is not included.

SUBJECT #1:

<u>Arrest date</u>	<u>Crime</u>	<u>Sentencing Date</u>	<u>Jail Term</u>
8-09-84	Shoplifting	12-11-85	3 days
8-27-84	Fail to Appear	12-11-85	3 days
9-03-85	Shoplifting	12-11-85	5 days
6-11-86	Shoplifting	10-08-86	2 days
8-30-86	Trespass	08-31-86	2 days
8-30-86	Resisting	08-31-86	2 days
9-18-86	Larceny	10-08-86	5 days
12-10-86	DWI	01-08-87	3 days
1-07-87	Driving w/lic Susp.	01-08-87	10 days
1-08-87	Shoplifting	05-06-87	10 days
1-25-87	Larceny	05-06-87	30 days
2-11-87	Obstruct Police	05-06-87	10 days
4-02-87	Shoplifting	05-06-87	40 days
4-20-87	Larceny	05-01-87	15 days
8-20-87	Robbery	(awaiting sentencing)	
8-20-87	Driving w/lic Susp.	(awaiting sentencing)	
8-20-87	Larceny	(awaiting sentencing)	
8-20-87	Obstruct Police	(awaiting sentencing)	

Subject #1 is well documented within the Anchorage Police Department as a person who participates in thefts by distracting store clerks in conversation about products or employment, while his accomplice removes cases of cigarettes or liquor.

With most small convenience stores manned by a single employee, it is a simple matter to escape detection and more often than not, the employee is not aware of the theft until Subject #1 has driven away along with his accomplice.

On 8-20-87, Subject #1 was arrested for robbery in which he drove a reported stolen vehicle while his associate, another repetitive theft offender, utilized a gun to take money from someone who had stopped to help them with their disabled vehicle.

During an interview with Subject #1, he laughed about his cocaine addiction causing him to continually steal and showed no intention to reform. He also bragged about how easy it was to sell what he had stolen to other businesses and "after-hours" houses.

December 8, 1987  
Habitual theft offender statute

SUBJECT #2:

<u>Arrest date</u>	<u>Crime</u>	<u>Sentencing Date</u>	<u>Jail Term</u>
5-20-81	Shoplifting	06-02-81	1 day
11-06-82	Cocaine Possession	04-07-83	(no jail term)
2-07-83	Shoplifting	03-22-83	15 days
10-07-83	Conceal Merchandise	08-03-84	30 days
6-18-84	Conceal Merchandise	09-20-84	30 days
8-03-84	Probation Violation	08-03-84	(Prob. extended)
7-14-84	Shoplifting	08-03-84	30 days
12-26-84	Shoplifting	04-04-85	90 days
6-05-86	Drive w/o License	11-08-86	(no jail term)
7-07-86	Fail to Appear	11-08-86	5 days
7-12-86	Conceal Merchandise	11-08-86	12 days
9-08-86	Shoplifting	11-08-86	25 days
11-07-86	Shoplifting	03-04-87	60 days
1-26-87	Larceny	03-25-87	60 days
6-23-87	Reckless Driving	08-31-87	10 days
6-23-87	Drive w/o License	08-31-87	5 days
7-01-87	Conce. Merchandise	08-31-87	70 days
7-10-87	Shoplifting	08-31-87	110 days
7-13-87	Shoplifting	08-31-87	90 days

Subject #2 is well documented within the Anchorage Police Department as a person who has entered stores with plastic bags and boldly proceeded to fill the bag with items such as; lamps, \$150 jogging suits, and other articles of clothing.

Subject #2 has also been known to participate in thefts as a driver while his associates steal; liquor, cigarettes, or clothing. The vehicles driven by Subject #2 are routinely shared by other repetitive theft offenders and quite often the license plates are from other vehicles which inhibits attempts at suspect identification.

My attempts to interview Subject #2 and determine the reason behind his continued thefts have met with negative results with his refusal to talk with me.

Based upon his past cocaine conviction and his known association with persons addicted to cocaine, it is assumed that he is still addicted. Because of this assumption, I believe that his need to support his habit causes him to continually steal.

December 8, 1987  
Habitual theft offender statute

SUBJECT #3:

<u>Arrest date</u>	<u>Crime</u>	<u>Sentencing Date</u>	<u>Jail Term</u>
8-04-62	Drunk in Public	08-04-62	(no jail term)
8-10-62	Disorderly Conduct	08-10-62	120 days
4-04-64	Disorderly Conduct	04-04-64	90 days
9-03-74	Disorderly Conduct	09-03-74	(no jail term)
9-03-74	Drinking in Public	09-03-74	(no jail term)
9-17-75	Larceny	09-22-75	5 days
7-16-76	Larceny	07-17-76	15 days
11-13-76	Disorderly Conduct	11-14-76	1 day
5-08-79	Open Container	05-09-79	(no jail term)
8-26-79	Disorderly Conduct	08-29-79	(no jail term)
9-27-81	Larceny	09-28-81	2 days
12-23-82	Shoplifting	02-07-83	5 days
3-17-84	Conceal Merchandise	03-18-84	5 days
4-23-84	Shoplifting	04-24-84	2 days
4-23-84	Probation Violation	04-09-85	8 days
2-03-85	Shoplifting	04-15-85	5 days
2-22-85	Disorderly Conduct	02-23-85	2 days
9-21-86	Trespass	09-22-86	5 days
9-21-86	Shoplifting	09-22-86	10 days
1-25-87	Disorderly Conduct	01-25-87	2 days
5-07-87	Shoplifting	05-08-87	5 days
5-07-87	Trespass	05-07-87	5 days
7-07-87	Shoplifting	08-26-87	15 days
7-07-87	Trespass	08-26-87	15 days

Subject #3 is documented within the Anchorage Police Department as an indigent or "Street Person" who has his food and shelter provided by the Municipality of Anchorage and other welfare agencies.

Apparently not satisfied with the free welfare provided to him, he is known to steal clothing, food, cigarettes, and liquor for his personal consumption.

His method of operation has been well established for over ten years and shows no attempt at reformation.

ADDITIONAL EXAMPLES

In addition to the previously mentioned subjects, I have personal knowledge of the following examples of known repetitive theft offenders.

One suspect repeatedly stole unattended purses from desks in office buildings for the money that they contained. This suspect was very careful to not be seen taking the purses and he was not charged with numerous thefts because there was insufficient evidence. On the first three convictions for theft, the judge ordered that he make restitution to the victims. Within days, following the judicial order, he was luckily caught stealing another purse for money to pay the court ordered restitution.

Another suspect is known to me to have posed as a hospital employee in order to gain access to offices in the hospital so that she can steal from the unattended purses of the hospital staff and patients. She is extremely competent in her craft and rarely gets caught.

December 8, 1987  
Habitual theft offender statute

### FORGOTTEN THEFTS

Not reflected in the above criminal histories are the theft charges subsequently dropped by the Prosecutor's or DA's office. Often a charge of theft will be dismissed because the Complainant cannot be located to serve with a subpoena to provide testimony against the Defendant.

Another discouraging aspect is the number of cases that I have investigated in which the Complainant has requested to have the matter dropped. All too frequently, I have heard the statement from Complainant's, "It's only a misdemeanor and they (the Judges) won't do anything with them anyway". From personal experience, I know of numerous cases, against habitual adult offenders, that were never presented to the Prosecutor's office because of the preceding statement made by Complainants.

It is obvious that something must be done to overcome the apathy surrounding misdemeanor thefts committed by the professional adult thief. A glimmer of hope must be given to the citizens of Alaska that corrective action will be taken against repetitive theft offenders that will encourage them to reform.

### UNDETECTED THEFTS

As previously mentioned there was a reported loss of \$6,139,425 between January 1986 and August 1987, attributed to petty thefts within the Municipality of Anchorage. But, what about the thefts that go undetected? None of us can be naive enough to believe that a thief would be so gullible as to wear a sign saying, "Watch me, I'm going to steal from you".

The professional adult thief is clever and careful while performing his or her's self appointed employment. From interviews with professional thieves, I have been told on several occasions that, "It is an easy way to make a living". Most often these same thieves laugh at the consequences of a misdemeanor conviction.

Proof that a large number of thefts go undetected is obtained from the boasting statements of apprehended professional thieves and supported by inventory accounting conducted by retailers. Stores know how much they spend on their merchandise and following an inventory, the retailer can account for his merchandise on hand or sold. The unaccountable loss (shrinkage) of merchandise is attributed in large part to undetected thefts.

December 8, 1987  
Habitual theft offender statute

#### A PLEA FOR HELP

Attached to this report are letters from the Loss Prevention Managers of; Sears, Pay'n Save, Lamonts, and Carrs. Each letter documents their suspected loss to undetected thefts. All of the letters document concern about the professional adult thief.

Fred Becker Sr., Loss Prevention Manager for Sears in Anchorage, documents that in 1986, Sears lost approximately \$104,040 to undetected thefts (based upon the suspicion that five thefts are committed for every thief apprehended). He also documents the following statements that he has heard thieves make; "What do I have to lose, nothing happens anyway?", "The case will be dismissed.", "I have to play the odds, how often do you think I get away for each time I get caught?", "The money is good." (some talk of \$50,000 to \$100,000 per year).

Betty Wills, Director of Loss Prevention for Lamonts, documents that 50% of their shrinkage is due to undetected thefts (based upon the opinion of Loss Prevention experts). Utilizing the preceding percentage, Fred Becker Jr., Loss Prevention Manager for Lamonts in Anchorage, documents that Lamonts lost \$912,000 to undetected thieves in 1986.

Bill Hughes, Loss Prevention Manager for Pay'n Save, documented that he suspects that the Pay'n Save stores in Alaska lose \$200,000 annually to undetected thieves.

Peter Johnson, Director of Loss Prevention for Carrs, documented that the Carrs stores attribute an annual loss of \$1,000,000 per year from thefts.

#### PRIOR HABITUAL CRIMINAL STATUTES

Habitual criminal statutes are not new to Alaska. Prior to the 1980 revision of our State's criminal code, two statutes were in existence. One of the statutes, AS12.55.040, titled; "Increased punishment for habitual criminal after conviction of petty larceny or misdemeanor involving fraud", mandated a punishment of imprisonment for not less than one year nor more than ten years which would be considered a felony by the State's current criminal code. A copy of that code is attached to this report.

Following the 1980 revision, the criminal code adopted presumptive sentencing for repetitive felony offenders. No where was there mentioned action against the habitual adult theft offender of misdemeanor level thefts.

December 8, 1987  
Habitual theft offender statute

CONCLUSION

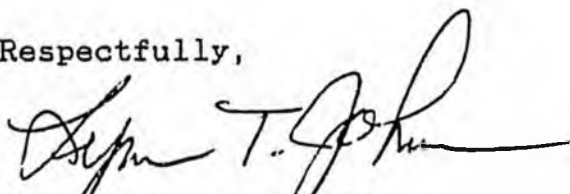
Currently under the criminal code, a person who "borrows" another persons car without permission is sentenced at a misdemeanor level on the first conviction. If that same person is foolish enough to commit the same act after the first conviction, the penalty for the second offense increases to the level of a C felony.

Why then can't the same reasoning behind repetitive vehicle theft be applied to the habitual adult theft offender? I believe that it can and must.

The problem of the professional adult thief is well documented and the conclusion must necessarily address the question, "What can be done?". I am of the opinion that a statute must be enacted that would specifically address harsher action against the habitual adult theft offender.

Without inhibiting the District Attorney's office from exercising established case review procedures, I suggest that following a conviction for theft of any degree, any adult committing a second theft offense (defined by current Title 11 code) within five years of the first conviction should be subject to the penalties of a class C felony.

Respectfully,



Officer L. T. Johnson  
Misdemeanor Crimes Investigation Unit  
Anchorage Police Department

Attachments

- #1. Copy of prior habitual petty theft statute
- #2. Copies of letters from Loss Prevention Managers
- #3. Copies of criminal histories

for the nonpayment of the fine, the defendant may make application in writing to a judge or magistrate in the district where he is imprisoned, setting out his inability to pay the fine, and, after notice to the district attorney, the judge or magistrate shall proceed to hear and determine the matter. If on examination it appears to him that the defendant is unable to pay the fine and that he has no property exceeding \$50 in value, except property which is by law exempt from being taken on execution for debt, the judge or magistrate shall administer to him the following oath: "I do solemnly swear that I do not have any property, real or personal, to the amount of \$50, except property which is by law exempt from being taken on civil process for debt, and that I have no property in any way conveyed or concealed or any way disposed of for my future use or benefit. So help me God." The judge or magistrate shall discharge the defendant after he takes the oath. (§ 8.03 ch 34 SLA 1962; am § 17 ch 8 SLA 1971)

**Effect of amendment.** — The 1971 amendment inserted "judge or" twice in the first sentence, once in the second sentence, and once in the last sentence.

**Legislative committee report.**—For report on ch. 8, SLA 1971 (HB 15), see 1971 House Journal, p. 52.

**Constitutionality.**—This section, which, upon proof of indigency, limits the sentence in lieu of payment of a fine to 30 days, is unconstitutional. *Hood v. Smedley*, Sup. Ct. Op. No. 800 (File No. 1406), 498 P.2d 120 (1972).

The injustice under this section that is to be remedied is not the imposition of the fine itself, but the requirement that it be satisfied immediately or be

automatically converted into a jail term. *Hood v. Smedley*, Sup. Ct. Op. No. 800 (File No. 1406), 498 P.2d 120 (1972).

This section applies to all poor convicts imprisoned solely for nonpayment of fines. *United States v. Stromberger*, 9 Alaska 689 (1940).

Valid methods for enforcing payment of fines.—For methods which the State of Alaska may employ to servo its valid interest in enforcing the payment of fines, see *Hood v. Smedley*, Sup. Ct. Op. No. 800 (File No. 1406), 498 P.2d 120 (1972).

Quoted in *Williams v. Illinois*, 399 U.S. 235, 90 S. Ct. 2018, 26 L. Ed. 2d 686 (1970).

**Sec. 12.55.040. Increased punishment for habitual criminal after conviction of petty larceny or misdemeanor involving fraud.** A person convicted of petty larceny or a misdemeanor in which fraud or intent to defraud is an element who, subsequent to March 9, 1939, has been three times convicted in this state or elsewhere of a crime which would constitute burglary, larceny except changing brands, embezzlement, or obtaining money or property by false pretenses under Alaska law shall be adjudged an habitual criminal, and is punishable by imprisonment for not less than one year nor more than 10 years. (§ 8.04 ch 34 SLA 1962; am § 38 ch 43 SLA 1964)

**Effect of amendment.** — The 1964 amendment substituted "less than one year nor more than 10 years" for "more than 10 years" at the end of the section.

Section inapplicable to offense committed before October 1, 1964.— See 1964 Op. Att'y Gen., No. 8.

SEAIRS

October 17, 1987

Officer L.T. Johnson  
Anchorage Police Department  
4501 South Bragaw  
Anchorage, AK 99507

Dear L.T.:

While we both realize that losses suffered by retail merchants can be very hard to evaluate, there are a number of accepted formulas that can be utilized to reach a reasonable conclusion.

Statistics tell us that security departments apprehend anywhere from 1 in 30 to 1 in 10 thieves. I feel that my department ranks a little better and estimate that we may even be as good as 1 in 5. My chart will compare those three figures against my actual apprehensions and dollar recovery for 1985, 1986, and 1987 through August.

	<u>1985</u>	<u>1986</u>	<u>1987</u>
Shoplift Apprehensions	491	609	259
Escaped Detection 1 in 5	1,964	2,436	1,036
Escaped Detection 1 in 10	4,419	5,481	2,331
Escaped Detection 1 in 30	14,239	17,661	7,511
Dollar Recovery	\$29,154	\$26,010	\$23,595
Dollars Lost to Shoplifters 1 in 5	\$116,616	\$104,040	\$94,380
Dollars Lost to Shoplifters 1 in 10	\$262,386	\$234,090	\$212,355
Dollars Lost to Shoplifters 1 in 30	\$845,466	\$754,290	\$684,255

As you can see, the losses that I suffer from shoplifters are considerable. My company has spent well over \$100,000.00 in the same years in shoplifting deterrents. That figure does not include the security department's payroll.

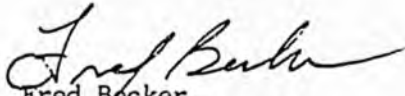
A problem that I consider significant is the "professional" shoplifter or "refund artist". I have personally been involved in, or arrested a number of repeat offenders, some as many as five times; yet each APD officer issues a citation and the suspect is released. The suspects have been quite talkative at times and have said:

- a. "What do I have to loose, nothing happens anyway."
- b. "The case will be dismissed."
- c. " I have to play the odds - how often do you think I get away for each time I get caught."
- d. "The money is good." (Some talk of \$50,000. to \$100,000. a year.)

Officer L.T. Johnson  
Page 2  
October 17, 1987

I feel that when a person is arrested the third time for shoplifting he should be charged with a Class C Felony. Certainly this will have a significant effect on the professional thieves. Perhaps if they see jail time in front of them, shoplifting will loose some of its' allure. Maybe Alaska will become less comfortable as well, and they will leave the state.

Sincerely,

  
Fred Becker  
Loss Prevention Manager

ml

# Lamonts

THE FAMILY CLOTHING STORE

3150 Richards Rd. Bellevue, WA 98005  
(206) 644-5700

November 4, 1987

To Whom It May Concern:

Our overall shrinkage company-wide was .3 lower than our Alaskan stores.

In the opinion of Loss Prevention experts, 50% of store shrinkage can be attributed to external theft. The further breakdown being 25% paper error and 25% due to employee theft.

We find we have several repeat offenders in the Anchorage area. Sometimes the same individuals are arrested at all three stores.

Any legislation to help combat repeat offenders would be of benefit to the entire community.

Sincerely,



Betty Wills  
Director of Loss Prevention  
Lamonts Apparel

EW:sk

OFFICER L. T. JOHNSON  
ANCHORAGE POLICE DEPT.  
4501 SOUTH BRAGAW  
ANCH. AK. 99507

SIR:

LAMONTS AS A CORPORATION HAS SUSTAINED SUCH GREAT LOSSES TO EXTERNAL THEFT THAT ONLY THIS YEAR HAVE WE HAD TO GO FROM A CUSTOMER ORIENTED DETECT SYSTEM (TAGGED CLOTHING) TO A IN HOUSE LOSS PREVENTION DEPARTMENT. AS NOTED IN THE LETTER FROM THE DIRECTOR OF LOSS PREVENTION FOR LAMONTS LAST YEAR LAMONTS ATTRIBUTED 50% OF ALL SHRINDAGE TO EXTERNAL THEFT, SHOPLIFTERS. FOR THE ANCHORAGE AREA ONLYSHRINKAGE FIGURES ARE AS SHOWN:

1986 ALONE

UNIVERSITY CENTER	SHRINKAGE LOSSES AMOUNTED TO	\$ 583,952
NORTHWAY MALL	SHRINKAGE LOSSES AMOUNTED TO	\$ 697,204
DIAMOND MALL	SHRINKAGE LOSSES AMOUNTED TO	\$ 542, 930
	ANCHORAGE BOWL LOSSES TOTALED	\$ 1,824,086

TO ATTRIBUTE ONLY 50% OF THOSE LOSSES TO EXTERNAL LOSS WOULD GIVE YOU A FIGURE OF OVER \$912,000 LAMONTS LOSS TO SHOPLIFTERS IN 1986 ALONE, IN THE ANCHORAGE BOWL AREA.

AS LOSS PREVENTION MANAGER FOR THE UNIVERSITY CENTERFOR THE LAST NINE MONTHS AND HAVING WORKED LOCALLY FOR THE PAST FOUR YEARS, I DO NOT SEE THE PROBLEM STEMMING FROM THE FIRST TIME OFFENDERS, OR THE ONES WHO JUST MADE A BAD JUDGEMENT DECISION, THE LOSSES FROM WHAT I HAVE SEEN AND FROM THOSE I HAVE ARRESTED ARE TAKING PLACE BY THE REPEAT OFFENDERS. THOSE ARE THE ONES WHO HAVE BEEN PLAYING THE ODDS OR HAVE BEEN THROUGH THE SYSTEM AND SEEN THAT THEY CAN HAVE THE SYSTEM WORK IN THIER FAVOR. SO OFTEN I HAVE HEARD SOMEONE I HAVE ARRESTED STATE "THIS WILL JUST GET DISSESSED, JUST LIKE LAST TIME" OR "I AM JUST DOING IT FOR THE MONEY, BECAUSE IT IS SO GOOD." I FEEL THAT ACTION NEEDS TO BE DIRECTED TO THESE REPEAT OFFENDERS, I ALSO BELIEVE THAT BY MAKING THE THIRD TIME OFFENSE A CLASS C FELONY THIS WOULD AFFECT AND IN FACT DETTER THIER ACTIVITY. SOMEONE WHO IS ARRESTED FOR THIER THIRD OFFENSE WOULD BE IN FACT ON THIER SIXTYWITH SHOPLIFT ATTEMPT (FIGURES

# Lamonts

THE FAMILY CLOTHING STORE

---

SHOW THAT YOU WILL ARREST SOMEONE ONLY ONE IN TWENTY SHOPLIFT ATTEMPTS).  
THAT I THINK WOULD CONSITUTE A PROBLEM SHOPLIFTER, AND MAYBE BY SEEING  
SOME TYPE OF REAL DETTERNT IN FRONT OF THEM SUCH AS YOUR INTENT ON MAKING  
THE THIRD TIME OFFENSE A CLASS C FELONY, WE AS MERCHANTS MIGHT SEE OUR  
SHRINKAGE FIGURES SHRINK.

SINCERELY

A handwritten signature in cursive script that reads "Frederick C. Becker". The signature is written in dark ink and is positioned to the right of the word "SINCERELY".

FREDERICK C. BECKER V  
LOSS PREVENTION MANAGFR  
LAMONTS CLOTHING APPAREL



**PAY 'n SAVE STORES INC.**

A Subsidiary of PAY 'n SAVE INC.

Alaska Regional Offices: Woodland Business Park

3710 Woodland Drive • Suite 2100

ANCHORAGE, ALASKA 99517-2564

Phone (907) 243-4498

October 23, 1987

Anchorage Police Department  
Officer LT. Johnson  
4501 S. Bragaw  
Anchorage, Alaska 99507

Dear Officer Johnson,

Pay'n Save Stores Incorporated, like any other retailer has felt the adverse impact on profitability that shoplifting has. By nature of our volume and numerous locations throughout the state, we probably have felt it worse than most.

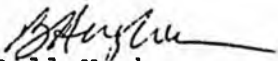
Especially damaging are those adults who are repeat shoplifters. The adult men and women who have been repeatedly caught are the same adults who are repeatedly successful at causing losses. Although the actual percentage of adult repeat offenders is low, this single group is, in my opinion, the most damaging. This group does not seem to be attracted toward small dollar items, rather these folks seem to be attracted toward TV's, VCR's and shopping bags full of compact disc recordings. Additionally, there appears to be a tendency for repeat offenders to be more violent. Although I can not site an exact figure which Pay'n Save loses due to undetected shoplifters, however, based upon my experiences I would estimate a figure in excess of \$200,000.00 annually.

Pay'n Save gives full support to your efforts to amend the criminal code to make it a felony offence for shoplifting based upon repeat convictions.

Should you need additional information, have questions or require additional support, please feel free to contact me.

Best wishes for your success.

Sincerely,

  
Bill Hughes  
Loss Prevention Manager  
Pay'n Save/Alaska

# CARRS

## QUALITY CENTERS

1341 Fairbanks Street

Anchorage, Alaska 99501

(907) 277-6639

November 25, 1987

Officer L. T. Johnson  
Misdemeanor Follow-Up  
Anchorage Police Department  
4501 South Bragaw  
Anchorage, Alaska 99507

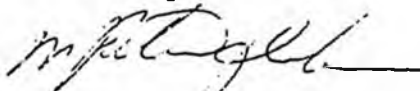
Dear Sir:

It is my understanding that a proposal has been made to draft legislation making third-time shoplift offenses a felony. We at Carrs wholeheartedly support such a proposal.

We have arrested over 1,000 shoplifters so far this year. Literally dozens of these people are repeat offenders back on the street after receiving relatively minor sentences. It is our belief that third time and greater offenders should receive stiffer sentences.

Our estimated shoplifting losses are in the neighborhood of a million dollars a year. Repeat offenders comprise a disproportionate share of that dollar loss. Consumers should not be made to bear the burden. Let's send the message that shoplifting is a serious property crime offense and repeaters will face serious sanctions.

Sincerely,



M. Peter Johnson, Jr.  
Director of Loss Prevention

MPJ/tb

CRIMINAL HISTORY OF:  
SUBJECT #1

F 0300P TERMID: YAV3 BASIC PERSON RECORD 12/03/87 17:26:13.8

PERSON NAME: [REDACTED]  
DOB: 06/12/1950  
HEIGHT: 6.02 WEIGHT: 160  
BIRTH PLACE CITY: NEW YORK CITY  
MAILING ADDR: 339 S FLOWER  
RES ADDR: 4110 DEBARR #21  
ID/LIC NUM: 6263474  
SSN: 574-30-4242 \*  
HAIR: BRO  
STATE: NY COUNTRY:  
CITY/COUNTRY: ANCHORAGE  
ANCHORAGE  
ANCHORAGE  
SEX: M  
EYE COLOR: BLU  
ST LAST CHG  
AK 05/11/1987  
AK 05/19/1987  
STATUS: SUSPEND SR22  
CLASS EXPIRES CLASS EXPIRES  
A 06/12/1989 ID 06/12/1992

RESTRICTIONS:

PF2 MULT PER  
PF7 DRIV HST PF8 CRIM HST PF9 CITN UPD PF10 NCIC W/W PF12 DIS W/W

PSUB700P TERMID: YAV3 PERSON ALIAS NAMES 12/03/87 17:26:24.0

PERSON NAME: [REDACTED]  
DOB: 06/12/1950  
SSN: 574-30-4242

- AKA: 1. [REDACTED]  
2. [REDACTED]  
3. [REDACTED]  
4. [REDACTED]  
5. [REDACTED]  
6. [REDACTED]  
7. [REDACTED]  
8. [REDACTED]  
9. [REDACTED]  
10. [REDACTED]  
11. [REDACTED]

\* AT END \*

F ID400P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:26:41.5

PERSON NAME: [REDACTED]

DOB: 06/12/1950

SSN: 574-30-4242

SEX: M

WEIGHT: 180

HEIGHT: 6 02

HAIR: BRO

EYE COLOR: BLU

RACE: W

SKIN: MED

MEDICAL:

TEMPERAMENT:

MARKS:

BIRTH CITY: NEW YORK CITY

STATE: NY

COUNTRY:

AST NUMBER: 122290

FBI NUMBER: 191436H

CITIZEN:

MAILING ADDR:	STREET/EXTRA LINE	CITY/COUNTRY	STATE	LAST CHGD
339 S FLOWER		ANCHORAGE	AK	05/11/1987

RES ADDR:	STREET/EXTRA LINE	CITY/COUNTRY	STATE	LAST CHGD
4110 DEBARR #21		ANCHORAGE	AK	05/19/1987

OCCUPATION: DRYWALLER

EMPLOYMT: DAVE NOAH

ID/LIC NUM: 6263474

UPDATED:

CRIMINAL HISTORIES MAY EXIST IN: NV AZ CA OR FL

PF2 MULT PERSON

PF8 CONVICTIONS

MORE...

FETD4J0P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:26:49.6

PERSON NAME: [REDACTED]

AST NUMBER: 122290

ID/LIC NUMBER: 6263474

FBI NUMBER: 191436H

ARRESTING AGENCY: DCCA DATE: 08/09/1984 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 12/11/1985 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 84-9011 POS ID: Y DISPOSITION: GUILTY

CONDITION: 8 HR3 CWS

6-29-86 1 DY JAIL IN LIEU OF CWS

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		60		
JAIL SUSP		57		
PROBATION	2			

PF8 CONVICTIONS

MORE...

FST2410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:27:02.7

PERSON NAME: [REDACTED]

AST NUMBER: 122290

ID/LIC NUMBER: 6263474

FBI NUMBER: 191436H

ARRESTING AGENCY: ANC DATE: 09/03/1985 CHARGE: 2303 SHOPLIFTING  
 CONVICTING COURT: DAN DATE: 12/11/1985 CHARGE: 2303 SHOPLIFTING  
 COURT DOCKET: 85-6109 FOS ID: Y DISPOSITION: GUILTY  
 CONDITION: 16 HRS CWS

4-29-86 2 DYS JAIL IN LEIU OF CWS

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		60		
JAIL SUSP		35		
PROBATION	2			

PFS CONVICTIONS

MORE...

F D410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:27:22.6

PERSON NAME: [REDACTED]

AST NUMBER: 122290

ID/LIC NUMBER: 6263474

FBI NUMBER: 191436H

ARRESTING AGENCY: DAN DATE: 08/27/1984 CHARGE: 5015 FAILURE TO APPEAR  
 CONVICTING COURT: DAN DATE: 12/11/1985 CHARGE: 5015 FAILURE TO APPEAR  
 COURT DOCKET: 84-6376 FOS ID: N DISPOSITION: GUILTY  
 CONDITION: 12 HRS CWS

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		60		
JAIL SUSP		57		
PROBATION	2			

PFS CONVICTIONS

MORE...

STD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:27:35.0

PERSON NAME: [REDACTED]

AST NUMBER: 122290 ID/LIC NUMBER: 6263474 FBI NUMBER: 191436H

ARRESTING AGENCY: ANC DATE: 06/11/1986 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 10/08/1986 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 86-4506 POS ID: Y DISPOSITION: GUILTY

CONDITION: FTA

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		28		
PROBATION	3			

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:27:53.6

PERSON NAME: [REDACTED]

AST NUMBER: 122290 ID/LIC NUMBER: 6263474 FBI NUMBER: 191436H

ARRESTING AGENCY: ANC DATE: 08/30/1986 CHARGE: 4801 RESISTING ARREST

CONVICTING COURT: DAN DATE: 08/31/1986 CHARGE: 4801 RESISTING ARREST

COURT DOCKET: 86-5930 POS ID: Y DISPOSITION: GUILTY

CONDITION: NSCV

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
FINE			\$ 100.00	
FINE SUSP			\$ 100.00	
JAIL		30		
JAIL SUSP		28		
PROBATION	1			

PFS CONVICTIONS

MORE...

PST0410P TERMID: YAV3 CRIMINAL HISTORY 12/03/87 17:28:13.1

PERSON NAME: [REDACTED]

AST NUMBER: 122290 ID/LIC NUMBER: 6263474 FBI NUMBER: 191436H

ARRESTING AGENCY: ANC DATE: 08/30/1986 CHARGE: 5707 CRIMINAL TRESPASS  
CONVICTING COURT: DAN DATE: 09/31/1986 CHARGE: 5707 CRIMINAL TRESPASS  
COURT DOCKET: 84-5931 POS ID: Y DISPOSITION: GUILTY  
CONDITION: NSCV

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
FINE			\$ 100.00	
FINE SUSP			\$ 100.00	
JAIL		30		
JAIL SUSP		28		
PROBATION	1			

PF8 CONVICTIONS MORE...

PST0410P TERMID: YAV3 CRIMINAL HISTORY 12/03/87 17:28:30.7

PERSON NAME: [REDACTED]

AST NUMBER: 122290 ID/LIC NUMBER: 6263474 FBI NUMBER: 191436H

ARRESTING AGENCY: ANC DATE: 09/18/1986 CHARGE: 2399 LARCENY  
CONVICTING COURT: DAN DATE: 10/08/1986 CHARGE: 2399 LARCENY  
COURT DOCKET: 86-4507 POS ID: Y DISPOSITION: GUILTY  
CONDITION: 12-16-86 REMANDED TO SERVE SENTENCE  
NSCV

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		25		
PROBATION	3			

PF8 CONVICTIONS MORE...

F3TD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:28:44.9

PERSON NAME: [REDACTED]

AST NUMBER: 122290

ID/LIC NUMBER: 6263474

FBI NUMBER: 191436H

ARRESTING AGENCY: DAN DATE: 01/07/1987 CHARGE: 9892 DRIV WHILE LIC SUSP

CONVICTING COURT: DAN DATE: 01/08/1987 CHARGE: 9892 DRIV WHILE LIC SUSP

COURT DOCKET: 87-193 POS ID: N DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		20		
PROBATION	2			
LIC RET/SU	1			

FFS CONVICTIONS

MORE...

F3TD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:29:04.9

PERSON NAME: [REDACTED]

AST NUMBER: 122290

ID/LIC NUMBER: 6263474

FBI NUMBER: 191436H

ARRESTING AGENCY: AND DATE: 12/10/1986 CHARGE: 5404 DWI - ALCOHOL

CONVICTING COURT: DAN DATE: 01/08/1987 CHARGE: 5404 DWI - ALCOHOL

COURT DOCKET: 86-8909 POS ID: Y DISPOSITION: GUILTY

CONDITION: FTA 1.7.87

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		27		
FINE			\$ 250.00	

FFS CONVICTIONS

MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:29:21.1

PERSON NAME: [REDACTED]

AST NUMBER: 122290

ID/LIC NUMBER: 6263474

FBI NUMBER: 191436H

ARRESTING AGENCY: ANC DATE: 01/08/1987 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 05/06/1987 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 87-342 POS ID: Y DISPOSITION: GUILTY

CONDITION: 8-21-87 RE MANDED TO SERVE TIME

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		90		
JAIL SUSP		80		
FINE			\$ 100.00	
PROBATION	5			

FFB CONVICTIONS

MORE...

D410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:29:42.2

PERSON NAME: [REDACTED]

AST NUMBER: 122290

ID/LIC NUMBER: 6263474

FBI NUMBER: 191436H

ARRESTING AGENCY: ANC DATE: 04/20/1987 CHARGE: 2399X LARCENY

CONVICTING COURT: DAN DATE: 05/01/1987 CHARGE: 2399X LARCENY

COURT DOCKET: 87-3138 POS ID: Y DISPOSITION: GUILTY

CONDITION: 4TH DEGREE

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		90		
JAIL SUSP		75		
PROBATION	5			

FFB CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:29:55.4

PERSON NAME: [REDACTED]

AST NUMBER: 122290

ID/LIC NUMBER: 6263474

FBI NUMBER: 191436H

ARRESTING AGENCY: DAN DATE: 02/11/1987 CHARGE: 4899 OBSTRUCT POLICE

CONVICTING COURT: DAN DATE: 05/06/1987 CHARGE: 4899 OBSTRUCT POLICE

COURT DOCKET: 87-1224 FOS ID: N DISPOSITION: GUILTY

CONDITION: 082187 REMANDED TO SERVE JAIL

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		90		
JAIL SUSP		80		
PROBATION	5			

PF8 CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:30:11.8

PERSON NAME: [REDACTED]

AST NUMBER: 122250

ID/LIC NUMBER: 6263474

FBI NUMBER: 191436H

ARRESTING AGENCY: ANC DATE: 04/02/1987 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 05/06/1987 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 87-2697 FOS ID: Y DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		180		
JAIL SUSP		140		
FINE			\$ 200.00	
ALCOHOL 90				
PROBATION	5			

FFS CONVICTIONS

MORE...

FSTD410P TERMID: YAV3 CRIMINAL HISTORY 12/03/87 17:30:29.3

PERSON NAME: [REDACTED]

AST NUMBER: 122290 ID/LIC NUMBER: 6263474 FBI NUMBER: 191436H

ARRESTING AGENCY: DAN DATE: 01/25/1987 CHARGE: 2399 LARCENY  
 CONVICTING COURT: DAN DATE: 05/06/1987 CHARGE: 2399 LARCENY  
 COURT DOCKET: 87-996 POS ID: N DISPOSITION: GUILTY  
 CONDITION: 2 CTS

08-21-87 REMANDED TO SERVE SENTENCE

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		90		
JAIL SUSP		60		
FINE			\$ 200.00	
PROBATION	5			

FFS CONVICTIONS

MORE...

FSTD410P TERMID: YAV3 CRIMINAL HISTORY 12/03/87 17:30:46.6

PERSON NAME: [REDACTED]

AST NUMBER: 122290 ID/LIC NUMBER: 6263474 FBI NUMBER: 191436H

ARRESTING AGENCY: DCCA DATE: 08/20/1987 CHARGE: 1299 ROBBERY  
 CONVICTING COURT: DATE: CHARGE:  
 COURT DOCKET: POS ID: Y DISPOSITION:  
 CONDITION: ARMED ROBBERY

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE

FFS CONVICTIONS

MORE...

F I410P TERMID: YAV3 CRIMINAL HISTORY 12/03/87 17:31:00.5

PERSON NAME: [REDACTED]

AST NUMBER: 122290 ID/LIC NUMBER: 6263474 FBI NUMBER: 191436H

ARRESTING AGENCY: DOCA DATE: 08/20/1987 CHARGE: 9892 DRIV WHILE LIC SUSP  
CONVICTING COURT: DATE: CHARGE:  
COURT DOCKET: POS ID: Y DISPOSITION:  
CONDITION:

SENTENCE YEARS DAYS AMOUNT DATE TO COMPLETE

PF8 CONVICTIONS MORE...

FSTD410P TERMID: YAV3 CRIMINAL HISTORY 12/03/87 17:31:15.2

PERSON NAME: [REDACTED]

AST NUMBER: 122290 ID/LIC NUMBER: 6263474 FBI NUMBER: 191436H

ARRESTING AGENCY: DOCA DATE: 08/20/1987 CHARGE: 2399 LARCENY  
CONVICTING COURT: DATE: CHARGE:  
COURT DOCKET: POS ID: Y DISPOSITION:  
CONDITION:

SENTENCE YEARS DAYS AMOUNT DATE TO COMPLETE

PF8 CONVICTIONS MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:31:26.9

PERSON NAME: [REDACTED]

AST NUMBER: 122290

ID/LIC NUMBER: 6263474

FBI NUMBER: 191436H

ARRESTING AGENCY: DOCA DATE: 08/20/1987 CHARGE: 4899 OBSTRUCT POLICE

CONVICTING COURT: DATE: CHARGE:

COURT DOCKET: POS ID: Y DISPOSITION:

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
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\* CONTACT R&I. SOME CRIMINAL RECORDS DO NOT MEET OCH CRITERIA \*

FF8 CONVICTIO:IS

\* AT END \*

CRIMINAL HISTORY OF  
SUBJECT #2

PSTD300P TERMID: YAV3 BASIC PERSON RECORD 12/03/87 12:41:03.3

PERSON NAME: [REDACTED]  
AKA: [REDACTED]  
DOB: 11/16/1954 SSN: 401-65-0264 \* SEX: M  
HEIGHT: 6 01 WEIGHT: 175 HAIR: BLK EYE COLOR: BRO  
BIRTH PLACE CITY: COLUMBUS STATE: GA COUNTRY:  
STREET/EXTRA LINE CITY/COUNTRY ST LAST CHG  
MAILING ADDR: 1200 COLUMBINE -C-17 ANCHORAGE AK 11/02/1981  
RES ADDR: 1200 COLUMBINE -C-17 ANCHORAGE AK 09/24/1987  
ID/LIC NUM: 1001613 STATUS: SUSPEND/SR/TEST  
CLASS EXPIRES CLASS EXPIRES  
RESTRICTIONS:

PF2 MULT PER PF7 DRIV HST PF8 CRIM HST PF9 CITN UPD PF10 NCIC W/W PF12 DIS W/W

PSTD200P TERMID: YAV3 WANT/WARRANT INFORMATION 12/03/87 12:41:11.0

PERSON NAME: [REDACTED]  
(MORE) AKA: [REDACTED]  
DOB: 11/16/1954 SSN: 401-65-0264 \* SEX: M  
WEIGHT: 175 HEIGHT: 6 01 HAIR: BLK  
EYE COLOR: BRO RACE: B SKIN: MED  
ID/LIC NUM: 1001613 MARKS:  
FBI NO: 313167NS AST NO: 99912 TEMPERAMENT:  
DR LIC NO: STATE: COUNTRY:

\*\*\*\*\* WANTS/WARRANTS \*\*\*\*\*  
C.O. NUM./ WARRANT SUB TYPE/ OFFENSE DESCRIPTION  
C.O. DATE BAIL AMT AGENCY ID ..... (& OPTIONAL COMMENTS)  
3AN87-727 LOCATE LOC-NOTIFY AGENCY  
03/25/87 ANCH CORR 411 W 4TH SUITE 1 D  
ON DEP OF CORR SUPERVISION UNTIL 032489  
FLS NOTIFY LAZO OF CONTACT RESULTS ASAP

PF2 MULT PERSON PF10 NCIC INQUIRY PF12 DISPLAY ALIAS MORE...

FSTD200P TERMID: YAV3 WANT/WARRANT INFORMATION 12/03/87 12:41:23.2

PERSON NAME: [REDACTED]  
(MORE) AKA: [REDACTED]

DOB: 11/16/1954 SSN: 401-65-0264 \* SEX: M

\*\*\*\*\* WANTS/WARRANTS \*\*\*\*\*

C.O. NUM./	WARRANT SUB TYPE/	OFFENSE DESCRIPTION
C.O. DATE	BAIL AMT AGENCY ID	(& OPTIONAL COMMENTS)
INFO	LOCATE ONLY - NO CONTACT	MISSING PERSON-ADULT

08/20/87 ANCH POLICE DEPT  
AKA CLAUDE CLAYTON SEN 800 65 0264 ID 1001613 HAS FELONY  
WARRANT AND 2 MISD WARRANTS

PF2 MULT PERSON

PF10 NCIC INQUIRY

\* AT END \*  
PF12 DISPLAY ALIAS

PSUD700P TERMID: YAV3 PERSON ALIAS NAMES 12/03/87 12:41:47.8

PERSON NAME: [REDACTED]

DOB: 11/16/1954  
SSN: 401-65-0264

- AKA:
1. [REDACTED]
  2. [REDACTED]
  3. [REDACTED]
  4. [REDACTED]
  5. [REDACTED]
  6. [REDACTED]
  7. [REDACTED]
  8. [REDACTED]

PF2 MULT PERSON

\* AT END \*

PSTD400P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:42:12.8

PERSON NAME: [REDACTED]

AKA: [REDACTED]

DOB: 11/16/1954

SSN: 401-65-0264

SEX: M

WEIGHT: 175

HEIGHT: 6 01

HAIR: BLK

EYE COLOR: BRO

RACE: B

SKIN: MED

MEDICAL:

TEMPERAMENT:

MARKS:

BIRTH CITY: COLUMBUS

STATE: GA

COUNTRY:

AST NUMBER: 99912

FBI NUMBER: 313167NS

CITIZEN:

MAILING ADDR:	STREET/EXTRA LINE 1200 COLUMBINE -C-17	CITY/COUNTRY ANCHORAGE	STATE AK	LAST CHGD 11/02/1981
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RES ADDR:	1200 COLUMBINE -C-17	ANCHORAGE	AK	09/24/1987
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OCCUPATION: JANITOR

EMPLOYMT: TIMSONS JANITORIAL

ID/LIC NUM: 1001613

UPDATED:

CRIMINAL HISTORIES MAY EXIST IN: KY

PF2 MULT PERSON

PF8 CONVICTIONS

MORE...

P 2410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:42:23.8

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167NS

ARRESTING AGENCY: ANC DATE: 05/20/1981 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 06/02/1981 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 81-2934 POS ID: Y DISPOSITION: SIS/DIS

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		1		
FINE			\$ 050.00	
SIS				06/02/1982
RESTITUTIO				
PROBATION	1			

PF8 CONVICTIONS

MORE...

F D410P TERMID: YAV3 CRIMINAL HISTORY 12/03/87 12:42:37.3

PERSON NAME: [REDACTED]  
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DOCA DATE: 02/07/1983 CHARGE: 2303 SHOPLIFTING  
CONVICTING COURT: DAN DATE: 03/22/1983 CHARGE: 2303 SHOPLIFTING  
COURT DOCKET: 83-820 POS ID: Y DISPOSITION: GUILTY  
CONDITION:

8-3-84: PROB REV - PROB EXT 8-3-88;  
SENTENCE YEARS DAYS AMOUNT DATE TO COMPLETE  
JAIL 60  
JAIL SUSP 45  
PROBATION 2

PFS CONVICTIONS MORE...

PSTD410P TERMID: YAV3 CRIMINAL HISTORY 12/03/87 12:42:58.5

PERSON NAME: [REDACTED]  
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 08/03/1984 CHARGE: 5012 PROBATION VIOLATION  
CONVICTING COURT: DAN DATE: 08/03/1984 CHARGE: 5012 PROBATION VIOLATION  
COURT DOCKET: 83-820 POS ID: DISPOSITION: GUILTY  
CONDITION: PROBATION EXTENDED TO CONCIDE W/84-6451 AND 84-5148

SENTENCE YEARS DAYS AMOUNT DATE TO COMPLETE

PFS CONVICTIONS MORE...

P .0410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:43:11.3

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 06/18/1984 CHARGE: 9741 CONCEALMNT OF MERCH  
 CONVICTING COURT: DAN DATE: 09/20/1984 CHARGE: 9741 CONCEALMNT OF MERCH  
 COURT DOCKET: 84-4652 POS ID: N DISPOSITION: GUILTY  
 CONDITION: 96 HRS CWS; CONC W/83-6451 & 84-5148

6-16-85: REASS TO ALC SCR; 10-22-86 TO SERVE 12 DYS

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		120		
JAIL SUSP		90		
PROBATION	4			08/03/1988

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:43:29.2

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167N8

ARRESTING AGENCY: ANS DATE: 12/26/1984 CHARGE: 2303 SHOPLIFTING  
 CONVICTING COURT: DAN DATE: 04/04/1985 CHARGE: 2303 SHOPLIFTING  
 COURT DOCKET: 85-42 POS ID: Y DISPOSITION: GUILTY  
 CONDITION: 96 HRS CWS

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		180		
JAIL SUSP		90		
FINE			\$ 100.00	
PROBATION	5			

PFS CONVICTIONS

MORE...

FETD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:43:42.6

PERSON NAME: [REDACTED]  
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: ANC DATE: 07/14/1984 CHARGE: 2303 SHOPLIFTING  
CONVICTING COURT: DAN DATE: 08/03/1984 CHARGE: 2303 SHOPLIFTING  
COURT DOCKET: 84-5148 POS ID: Y DISPOSITION: GUILTY  
CONDITION: 96 HRS CWS;

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
10-22-86 TO SERVE 12 DYS				
JAIL		120		
JAIL SUSP		90		
PROBATION	4			

PFS CONVICTIONS

MORE...

D410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:44:01.4

PERSON NAME: [REDACTED]  
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 10/07/1983 CHARGE: 9741 CONCEALMNT OF MERCH  
CONVICTING COURT: DAN DATE: 08/03/1984 CHARGE: 9741 CONCEALMNT OF MERCH  
COURT DOCKET: 83-6451 POS ID: N DISPOSITION: GUILTY  
CONDITION: 96 HRS CWS;

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
10-22-86 PETITION TO REVOKE TO SERVE 12 DY				
JAIL		120		
JAIL SUSP		90		
PROBATION	4			08/03/1988

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:44:15.1

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167N8

ARRESTING AGENCY: ANC DATE: 11/06/1982 CHARGE: 3532 COCAINE-POSSESS  
 CONVICTING COURT: DAN DATE: 04/07/1983 CHARGE: 3532 COCAINE-POSSESS  
 COURT DOCKET: 82-XXX POS ID: Y DISPOSITION: GUILTY  
 CONDITION: 90 HRS CWS;

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL	1			
JAIL SUSP	1			

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:44:33.6

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 09/08/1986 CHARGE: 2303 SHOPLIFTING  
 CONVICTING COURT: DAN DATE: 11/08/1986 CHARGE: 2303 SHOPLIFTING  
 COURT DOCKET: 86-6169 POS ID: N DISPOSITION: NOLO CONTENDRE  
 CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		120		
JAIL SUSP		95		
PROBATION	1			

PFS CONVICTIONS

MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:44:47.0

PERSON NAME: [REDACTED]  
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 07/12/1986 CHARGE: 9741 CONCEALMNT OF MERCH

CONVICTING COURT: DAN DATE: 08/1986 CHARGE: 9741 CONCEALMNT OF MERCH

COURT DOCKET: 26-4839 POS ID: N DISPOSITION: NOLO CONTENDRE

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		18		
PROBATION	1			

PF8 CONVICTIONS

MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:45:05.2

PERSON NAME: [REDACTED]  
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 07/07/1986 CHARGE: 5015 FAILURE TO APPEAR

CONVICTING COURT: DAN DATE: 11/08/1986 CHARGE: 5015 FAILURE TO APPEAR

COURT DOCKET: 86-4096 POS ID: N DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		25		
PROBATION	1			

PF8 CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:45:18.2

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 06/05/1986 CHARGE: 9896 DRIV W/O LICENSE

CONVICTING COURT: DAN DATE: 11/08/1986 CHARGE: 9896 DRIV W/O LICENSE

COURT DOCKET: 86-4096 POS ID: N DISPOSITION: NOLO CONTENDRE

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
FINE			\$ 200.00	
FINE SUSP			\$ 150.00	
JAIL		10		
JAIL SUSP		10		
PROBATION	1			

PF8 CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:45:34.6

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167N8

ARRESTING AGENCY: ANC DATE: 01/26/1987 CHARGE: 2399B LARCENY

CONVICTING COURT: SAN DATE: 03/25/1987 CHARGE: 2399B LARCENY

COURT DOCKET: 87-727 POS ID: Y DISPOSITION: GUILTY

CONDITION: PROB REV 11-13-1987 SUSP PORTION OF SENT TO BE SRVD

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL	2			
JAIL SUSP	1	305		
PROBATION	2			

PF8 CONVICTIONS

MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:45:49.8

PERSON NAME: [REDACTED]  
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 11/07/1986 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 03/04/1987 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 86-8218 POS ID: N DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		180		
JAIL SUSP		120		
PROBATION	2			

PF8 CONVICTIONS

MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:46:06.7

PERSON NAME: [REDACTED]  
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DOCA DATE: 07/13/1987 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 08/31/1987 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 87-5394 POS ID: Y DISPOSITION: NOLO CONTENDRE

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		90		

PF8 CONVICTIONS

MORE...

PSTD410P TERMID: YAV3 CRIMINAL HISTORY 12/03/87 12:46:20.2

PERSON NAME: [REDACTED]  
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DOCA DATE: 06/23/1987 CHARGE: 9890 RECKLESS DRIVING  
CONVICTING COURT: DAN DATE: 08/31/1987 CHARGE: 9890 RECKLESS DRIVING  
COURT DOCKET: 87-4858 POS ID: Y DISPOSITION: NOLO CONTENDRE

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		90		
JAIL SUSP		80		
PROBATION	2			
LIC RST/EU		30		

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3 CRIMINAL HISTORY 12/03/87 12:46:37.2

PERSON NAME: [REDACTED]  
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DOCA DATE: 06/23/1987 CHARGE: 9896 DRIV W/O LICENSE  
CONVICTING COURT: DAN DATE: 08/31/1987 CHARGE: 9896 DRIV W/O LICENSE  
COURT DOCKET: 87-4858 POS ID: Y DISPOSITION: NOLO CONTENDRE

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		25		

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:46:49.6

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 07/01/1987 CHARGE: 9741 CONCEALMNT OF MERCH

CONVICTING COURT: DAN DATE: 08/31/1987 CHARGE: 9741 CONCEALMNT OF MERCH

COURT DOCKET: 87-5312 POS ID: N DISPOSITION: NOLO CONTENDRE

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		70		

PF8 CONVICTIONS

MORE...

TD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:47:12.5

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 07/10/1987 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 08/31/1987 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 87-5517 POS ID: N DISPOSITION: NOLO CONTENDRE

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		110		

\* CONTACT R&I. SOME CRIMINAL RECORDS DO NOT MEET CCH CRITERIA \*

PF8 CONVICTIONS

\* AT END \*

CRIMINAL HISTORY OF  
SUBJECT #3

FD300P TERMID: YAV3 BASIC PERSON RECORD 12/03/87 13:38:05.5

PERSON NAME: [REDACTED]  
(MORE) DOB: 07/07/1940 (MORE) SSN: 574-14-1858 SEX: M  
HEIGHT: 5 05 WEIGHT: 140 HAIR: BLK EYE COLOR: BRO  
BIRTH PLACE CITY: EEK STATE: AK COUNTRY:  
STREET/EXTRA LINE CITY/COUNTRY ST LAST CHG  
MAILING ADDR: 1021 E 3RD ANCHORAGE AK 09/15/1986  
RES ADDR: 1021 E 3RD ANCHORAGE AK 09/15/1986  
ID/LIC NUM: 6005542 STATUS:  
CLASS EXPIRES CLASS EXPIRES  
ID 07/07/1991

RESTRICTIONS:

PF2 MULT PER  
PF7 DRIV HST PF8 CRIM HST PF9 CITN UPD PF10 NCIC W/W

FD300P TERMID: YAV3 PERSON ALIAS NAMES 12/03/87 13:38:32.2

PERSON NAME: [REDACTED]  
DOB: 07/07/1940 07/07/1940  
SSN: 574-14-1858 574-14-1858 574-44-1858  
AKA: 1. [REDACTED]  
2. [REDACTED]  
3. [REDACTED]

PF2 MULT PERSON

\* AT END \*

PETD400P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:39:14.7

PERSON NAME: [REDACTED]

DOB: 07/07/1940 07/07/1940

SSN: 574-14-1858 574-14-1858 574-44-1858

SEX: M

WEIGHT: 140

HEIGHT: 5 05

HAIR: BLK

EYE COLOR: BRO

RACE: I

SKIN: MED

MEDICAL:

TEMPERAMENT:

MARKS:

BIRTH CITY: SEK

STATE: AK

COUNTRY:

AST NUMBER: 22520

FBI NUMBER: 264920E

CITIZEN:

MAILING ADDR:	STREET/EXTRA LINE	CITY/COUNTRY	STATE	LAST CHGD
1021 E 3RD		ANCHORAGE	AK	09/15/1986
RES ADDR:	STREET/EXTRA LINE	CITY/COUNTRY	STATE	LAST CHGD
1021 E 3RD		ANCHORAGE	AK	09/15/1986

OCCUPATION: FISHERMAN

EMPLOYMT: SELF

ID/LIC NUM: 6005542

UPDATED:

CRIMINAL HISTORIES MAY EXIST IN: CA

PF2 MULT PERSON

PF8 CONVICTIONS

MORE...

PETD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:39:19.5

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: SEW DATE: 09/03/1974 CHARGE: 5311 DISORDERLY CONDUCT

CONVICTING COURT: MSW DATE: 09/03/1974 CHARGE: 5311 DISORDERLY CONDUCT

COURT DOCKET: 74-XXX POS ID: Y DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
FINE			\$ 025.00	

PF8 CONVICTIONS

MORE...

PTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:39:32.0

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: SEW DATE: 09/03/1974 CHARGE: 9933 DRINKING IN PUBLIC  
 CONVICTING COURT: MSW DATE: 09/03/1974 CHARGE: 9933 DRINKING IN PUBLIC  
 COURT DOCKET: 74-XXX POS ID: Y DISPOSITION: GUILTY  
 CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
FINE			\$ 010.00	

FFS CONVICTIONS

MORE...

PTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:39:54.8

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: FPD DATE: 09/17/1975 CHARGE: 2399 LARCENY  
 CONVICTING COURT: DFA DATE: 09/22/1975 CHARGE: 2399 LARCENY  
 COURT DOCKET: 75-3265 POS ID: Y DISPOSITION: GUILTY  
 CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		5		

FFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:40:05.7

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: ANC DATE: 07/16/1976 CHARGE: 2399 LARCENY

CONVICTING COURT: DAN DATE: 07/17/1976 CHARGE: 2399 LARCENY

COURT DOCKET: 76-XXX POS ID: Y DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		15		

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:40:22.8

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: DOCA DATE: 11/13/1976 CHARGE: 5311 DISORDERLY CONDUCT

CONVICTING COURT: DAN DATE: 11/14/1976 CHARGE: 5311 DISORDERLY CONDUCT

COURT DOCKET: 76-XXX POS ID: Y DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		1		

PFS CONVICTIONS

MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:40:33.6

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: BET

DATE: 05/08/1979

CHARGE: 9932

OPEN CONTAINER

CONVICTING COURT: DBE

DATE: 05/09/1979

CHARGE: 9932

OPEN C INTAINER

COURT DOCKET: 79-370

POS ID: Y

DISPOSITION: BAIL FORFEITURE

CONDITION:

SENTENCE  
FINE

YEARS

DAYS

AMOUNT  
\$

DATE TO COMPLETE  
025.00

PFS CONVICTIONS

MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:40:50.6

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: BET

DATE: 08/26/1979

CHARGE: 5311

DISORDERLY CONDUCT

CONVICTING COURT: DBE

DATE: 08/29/1979

CHARGE: 5311

DISORDERLY CONDUCT

COURT DOCKET: 79-835

POS ID: Y

DISPOSITION: GUILTY

CONDITION:

SENTENCE  
FINE

YEARS

DAYS

AMOUNT  
\$

DATE TO COMPLETE  
025.00

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:41:01.6

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: KOD DATE: 09/27/1981 CHARGE: 2399D LARCENY

CONVICTING COURT: DKO DATE: 09/28/1981 CHARGE: 2399D LARCENY

COURT DOCKET: 81-764 POS ID: Y DISPOSITION: GUILTY

CONDITION: NO SIMILAR VIOLATION/OR ALCOHOL VIOLATION.

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		10		
JAIL SUSP		2		
PROBATION		180		
RESTITUTIO			\$ 950.00	

PF8 CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:41:19.9

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: AND DATE: 12/23/1982 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 02/07/1983 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 82-8759 POS ID: Y DISPOSITION: GUILTY

CONDITION: NSV/NO ALCOHOL.

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		25		
PROBATION	2			
ALCOHOL SC				

PF8 CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:41:31.2

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: ANC DATE: 03/17/1984 CHARGE: 9741 CONCEALMNT OF MERCH

CONVICTING COURT: DAN DATE: 03/18/1984 CHARGE: 9741 CONCEALMNT OF MERCH

COURT DOCKET: 84-1958 POS ID: Y DISPOSITION: GUILTY

CONDITION: NSV; 24 HRS COMM WORK SERV

4-9-85 CWS SATISFIED BY 1 DY JAIL.

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		25		
PROBATION	1			03/18/1985

FF8 CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:41:53.0

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: ANC DATE: 04/23/1984 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 04/24/1984 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 84-3029 POS ID: Y DISPOSITION: GUILTY

CONDITION: NSCV; ALC SCR; REPORT W/I 48 HRS OF RELESE TO ALC SCR

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		10		
JAIL SUSP		8		
PROBATION	1			

FF8 CONVICTIONS

MORE...

FD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:42:06.0

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: XXX DATE: 08/10/1962 CHARGE: 5311 DISORDERLY CONDUCT  
CONVICTING COURT: DAN DATE: 08/10/1962 CHARGE: 5311 DISORDERLY CONDUCT  
COURT DOCKET: 62-XXX POS ID: Y DISPOSITION: GUILTY  
CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		180		
JAIL SUSP		60		

PF8 CONVICTIONS

MORE...

FD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:42:29.5

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: XXX DATE: 04/04/1964 CHARGE: 5311 DISORDERLY CONDUCT  
CONVICTING COURT: DAN DATE: 04/04/1964 CHARGE: 5311 DISORDERLY CONDUCT  
COURT DOCKET: 64-XXX POS ID: Y DISPOSITION: GUILTY  
CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		90		

PF8 CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:42:42.2

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: XXX DATE: 08/04/1962 CHARGE: 9613 DRUNK IN PUBLIC  
 CONVICTING COURT: DJJ DATE: 08/04/1962 CHARGE: 9613 DRUNK IN PUBLIC  
 COURT DOCKET: 62-XXX POS ID: Y DISPOSITION: GUILTY  
 CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
FINE			\$ 050.00	

PF8 CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:42:58.9

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: XXX DATE: 02/22/1985 CHARGE: 5311 DISORDERLY CONDUCT  
 CONVICTING COURT: DAN DATE: 02/23/1985 CHARGE: 5311 DISORDERLY CONDUCT  
 COURT DOCKET: 85-1366 POS ID: DISPOSITION: GUILTY  
 CONDITION: NSCV;

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		5		
JAIL SUSP		3		
PROBATION		180		

PF8 CONVICTIONS .

MORE...

PTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:43:09.6

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: XXX DATE: 04/23/1984 CHARGE: 5012 PROBATION VIOLATION

CONVICTING COURT: DAN DATE: 04/09/1985 CHARGE: 9845 PROBATION-REVOC

COURT DOCKET: 94-3029 POS ID: DISPOSITION: GUILTY

CONDITION: MAY SERVE ANY PART IN RESIDENT ALC PROGRAM;

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		8		

PF8 CONVICTIONS

MORE...

PTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:43:26.9

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: XXX DATE: 02/03/1985 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 04/15/1985 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 85-983 POS ID: DISPOSITION: NOLO CONTENDRE

CONDITION: NSCV; STAY AWAY FROM MARKET BASKET

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		65		
JAIL SUSP		60		
PROBATION	2			
ALCOHOL SC				

PF8 CONVICTIONS

MORE...

TD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:43:40.6

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: ANC DATE: 09/21/1986 CHARGE: 5707 CRIMINAL TRESPASS  
 CONVICTING COURT: DAN DATE: 09/22/1986 CHARGE: 5707 CRIMINAL TRESPASS  
 COURT DOCKET: 86-6514 POS ID: Y DISPOSITION: NOLO CONTENDRE  
 CONDITION: NCV;L

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		25		
PROBATION	2			

FFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:44:12.2

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: ANC DATE: 09/21/1986 CHARGE: 2303 SHOPLIFTING  
 CONVICTING COURT: DAN DATE: 09/22/1986 CHARGE: 2303 SHOPLIFTING  
 COURT DOCKET: 86-6513 POS ID: Y DISPOSITION: NOLO CONTENDRE  
 CONDITION: NCV;

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		90		
JAIL SUSP		80		
PROBATION	3			

FFS CONVICTIONS

MORE...

FD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:44:23.9

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: ANC DATE: 01/25/1987 CHARGE: 5311 DISORDERLY CONDUCT

CONVICTING COURT: DAN DATE: 01/25/1987 CHARGE: 5311 DISORDERLY CONDUCT

COURT DOCKET: 87-667 POS ID: Y DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		10		
JAIL SUSP		8		
PROBATION	1			

FF8 CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:44:41.6

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: ANC DATE: 05/07/1987 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 05/08/1987 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 87-3627 POS ID: Y DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		60		
JAIL SUSP		55		
ALCOHOL SC				
PROBATION	2			

FF8 CONVICTIONS

MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:44:53.8

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: DAN DATE: 05/07/1987 CHARGE: 5707 CRIMINAL TRESPASS

CONVICTING COURT: DAN DATE: 05/08/1987 CHARGE: 5707 CRIMINAL TRESPASS

COURT DOCKET: 87-3627 POS ID: N DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		60		
JAIL SUSP		55		
ALCOHOL SC				
PROBATION	2			

PF8 CONVICTIONS

MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:45:10.5

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: DAN DATE: 07/07/1987 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 08/26/1987 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 87-5486 POS ID: N DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		60		
JAIL SUSP		45		

PF8 CONVICTIONS

MORE...

PSTDA10P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:45:36.4

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: DAN DATE: 07/07/1987 CHARGE: 5707 CRIMINAL TRESPASS

CONVICTING COURT: DAN DATE: 08/26/1987 CHARGE: 5707 CRIMINAL TRESPASS

COURT DOCKET: 87-5486 POS ID: N DISPOSITION: NOLO CONTENDRE

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		60		
JAIL SUSP		45		

\* CONTACT R&I. SOME CRIMINAL RECORDS DO NOT MEET OCH CRITERIA \*

PF8 CONVICTIONS

\* AT END \*

H B

4 6 5

# STATE OF ALASKA THE LEGISLATURE

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

## LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. JUD.	4-8-88	1:30p.m.
H. JUD.	3-11-88	1:30p.m.



1 IN THE HOUSE

BY ULMER

2

HOUSE BILL NO. 465

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to criminal proceedings involving

7

certain minors; and amending Rule 45(a) and Rule

8

45(d)(2), Alaska Rules of Criminal Procedure."

9

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10

\* Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

11

there has been an increase in the number of offenses involving children,

12

that the longer the length of time between the event and the trial, the

13

more difficulty young children have remembering past events necessary for a

14

criminal prosecution, that offenses against children are especially

15

reprehensible, and that the vulnerability of children requires immediate

16

removal of the offender from society.

17

(b) This Act is necessary to shorten the time between the occurrence

18

of the criminal offense and the trial and punishment of the offender in

19

proceedings in which a minor was the victim or is to be a witness.

20

\* Sec. 2. AS 12.45 is amended by adding a new section to read:

21

Sec. 12.45.049. CRIMINAL PROCEEDINGS INVOLVING MINORS. (a) In

22

a criminal proceeding involving a victim or witness who will be under

23

16 years of age at the time of trial, the court shall take appropriate

24

action to ensure that the trial is promptly conducted. If either

25

party submits a motion or other request for a delay or continuance of

26

the proceedings, the court shall consider and give weight to any

27

adverse effect that the requested delay or continuance may have on the

28

well-being of the minor.

29

(b) The provisions of (a) of this section do not apply if the

1 person under 16 years of age at the time of trial is the defendant in  
2 a proceeding under this chapter.

3 \* Sec. 3. AS 12.45.049, added by sec. 2 of this Act, has the effect of  
4 amending Alaska Rules of Criminal Procedure 45(a) and 45(d)(2) by directing  
5 the courts to give prompt attention to the conduct of criminal trials  
6 involving minors as victims or witnesses and by adding as a standard to  
7 evaluate a motion or request for delay or continuance of a proceeding in  
8 which a minor is a victim or witness the effect of the delay or continuance  
9 on the well-being of the minor.

# STATE OF ALASKA

## DEPARTMENT OF LAW

### CRIMINAL DIVISION

STEVE COWPER, GOVERNOR

REPLY TO

CRIMINAL DIVISION CENTRAL  
P.O. BOX KC  
JUNEAU, ALASKA 99811-0310  
PHONE: (907) 465-3428

OFFICE OF SPECIAL PROSECUTION  
AND APPEALS  
1031 WEST 4TH AVENUE, SUITE  
ANCHORAGE, ALASKA 99501-5  
PHONE: (907) 279-7424

April 6, 1988

The Honorable Fran Ulmer  
House of Representatives  
P.O. Box V  
Juneau, Alaska 99811

RE: HB 465

Dear Representative Ulmer:

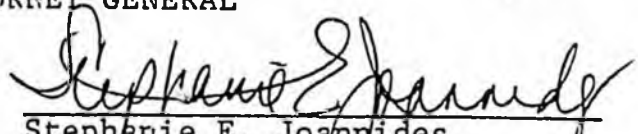
In response to your request for our comments, I have reviewed HB465. The Department of Law supports this bill in its present form.

The court in considering motions for continuance already has the discretion to consider a variety of factors, including "any adverse effect that the requested delay or continuance may have on the well-being of" any person involved. Any factors which the court considers are balanced against the defendant's constitutional rights. HB 465 does not appear to subordinate any rights of the defendant but merely requires the court in reaching its decision to consider the well-being of the minor as one of the factors. The weight of that factor is not delineated nor is a mandatory denial of the continuance request required.

Very truly yours,

GRACE BERG SCHAIBLE  
ATTORNEY GENERAL

By:

  
Stephanie E. Joannides  
Assistant Attorney General

SEJ/llm

cc: Art Peterson  
Assistant Attorney General  
Civil Section

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: "An Act relating to criminal proceedings involving certain minors..."  
Sponsor: Representative Ulmer  
Requestor: Representative Ulmer

Agency Affected: Department of Law  
BRU: Prosecution  
Components: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

*Richard I. Pegues*

Prepared by: Richard I. Pegues, (Director)

Division: Administrative Services

Phone: 465-3672

Date: April 6, 1988

Approved by Commissioner: Richard I. Pegues (FOR) Grace Berg) Schaible, Atty. Gen.

Agency: Department of Law

Date: April 6, 1988

Distribution (by preparer):

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 465

This bill amends AS 12.45.049 by adding a new section that provides that a court take appropriate action to ensure that a criminal proceeding involving a victim or witness under 16 years of age is conducted promptly. When a motion or other request for a delay or continuance of a criminal proceeding is made under the bill's provisions, the court is to consider and give weight to any adverse effect that the requested delay or continuance may have on the well-being of young victims and witnesses. There is already case law that says that there is a public interest in the prompt disposition of criminal proceedings. Courts already take several factors into consideration in scheduling proceedings, including the well-being of witnesses. By amending Alaska Rules of Criminal Procedure 45(a) and 45(d)(2), the bill formalizes an existing practice by requiring that courts consider the well-being of victims and witnesses under the age of 16 years as a factor in scheduling certain criminal proceedings.

The Department of Law does not believe that this change in the Alaska Rules of Criminal Procedure will have a fiscal impact on its operations. Trials involving child victims and witnesses are distributed widely enough throughout the department's caseload to make it possible for the department to avoid scheduling conflicts without requiring additional resources.

LAW OFFICES OF  
KEMPEL, HUFFMAN AND GINDER  
A PROFESSIONAL CORPORATION

ROGER R. KEMPEL  
RICHARD R. HUFFMAN  
PETER C. GINDER  
DARREL J. GARDNER  
DONALD C. ELLIS  
MARY ELLEN FLAHERTY  
BOBBY DEAN SMITH  
VICTOR C. KRUMM

255 E. FIREWEED LANE, SUITE 200  
ANCHORAGE, ALASKA 99503  
(907) 277-1604  
TELECOPIER (907) 276-2493

March 30, 1988

Representative Fran Ulmer  
Alaska State Legislature  
Box V (MS 3100)  
Juneau, AK 99811

Re: House Bill 465

Dear Fran:

Thanks for the courtesy of providing me with a copy of House Bill 465.

The Public Defender's fiscal note is interesting but probably inaccurate. It has been demonstrated in a number of jurisdictions that "fast-tracking" cases results in substantial monetary savings compared to non-"fast-track" processing. The Alaska court system has studied the issues surrounding "fast-tracking" and, I think, has come to the same conclusion as other jurisdictions.

Delays result in more bench hearings, more pretrial hearings, more court appearances, and more motion practice. Incarcerated defendants are, of course, accompanied by well-paid police officers, and each pretrial court appearance costs the police agency a lot of money. Every court hearing also requires a prosecutor, a judge, and a defense attorney. Delays also result in greatly increased costs involving witnesses. It is not uncommon for courts to continue trials one or more times, often at the last minute, requiring additional service of process by judicial service officers. It follows that reducing delay results in dramatic savings, not extra costs. Therefore, while the Public Defender's fiscal note may accurately reflect that new clerical staff may be needed, it does not address the savings for its professional staff.

There is a substantial amount of truth in the maxim, "justice delayed is justice denied." There is very little reason why we should not process misdemeanors and routine felonies--except the truly complex--within 90 days.

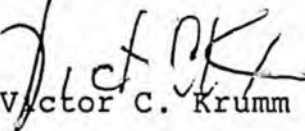
Fran Ulmer  
March 30, 1988  
Page 2

The argument that expediting cases may be unconstitutional is very overbroad. We heard that said when the 120-day rule was adopted; undoubtedly, the United States heard that said when it went to 90 days (federal rules call for trials within 90 days).

House Bill 465 is a mild reminder to the courts to put victims back into the process. It does not suggest trampling on anybody's rights.

Very truly yours,

KEMPEL, HUFFMAN AND GINDER, P.C.

  
Victor C. Krumm

VCK:kj

POSITION PAPER

House Bill 465

For an Act entitled: "An act relating to criminal proceedings involving certain minors; and amending Rule 45(a) and Rule 45(d)(2), Alaska Rules of Criminal Procedure."

For children under 16 years of age, who are victims of a criminal or are witnesses to a criminal offense, House Bill 465 would provide for a shorter period of time between the occurrence of the criminal offense and the trial.

The Department supports the concept of speedier trials involving children who are victims especially children who are victims of abuse or neglect. The trauma of the abuse is oftentimes increased by the necessary court procedures. Over time, the child may feel coerced emotionally by the offender or family members to recant and/or change the facts of the abuse to protect the family unit from the chaos experienced at this time. A speedier trial would assist in alleviating this stressful time of waiting in fear, oftentimes experienced by the victim and the family.

Department Position

The Department supports this bill.

RECOMMENDED:

*Yvonne M. Chase*  
Yvonne M. Chase, Director  
Division of Family  
and Youth Services

DATE:

2-18-88

APPROVED:

*Myra M. Munson*  
Myra M. Munson, Commissioner  
Department of Health  
and Social Services

DATE:

2-24-88

POSITION PAPER

HB 465

The Alaska Public Defender Agency is a totally reactive agency which provides representation to indigent persons when appointed by the court. This agency does not make policy nor does it initiate litigation. Only proposed legislation with fiscal or program ramifications for this agency can be said to have a direct agency impact. Thus, the Public Defender Agency submits position papers for legislation which will affect this agency fiscally or programatically or will require this agency to litigate constitutional issues raised by the legislation.

Fiscal impact:        None                      See attached fiscal note   X  

Program impact:        None                      See analysis below   X  

Constitutional impact:        None See analysis below   X  

Proposed House Bill No. 465 requires the criminal courts to consider the effect a request for continuance of a criminal trial would have on witnesses or alleged victims who are minors. It states in pertinent part:

If either party submits a motion...for continuance of the proceedings, the court shall consider and give weight to any adverse effect that the requested...continuance may have on the minor.

This proposal is unnecessary in that it directs the courts to do what is already mandated under Alaska case law. In Salazar v. State, 559 P.2d 66 (Alaska 1976), the Alaska Supreme Court stated:

A trial court in exercising its discretion in (requests for continuance)...must also consider the interests of the opposing party, the public and the judicial system in the prompt disposition of litigation. Salazar, at 74.

The Court went on to say:

Efficiency in the operation of the court system and the interest of the public in prompt disposition of criminal cases dictate that unnecessary delays be avoided. Salazar, at 74, quoting Burleson v. State, 543 P.2d 1195, 1199 (Alaska 1975).

It has been the experience of the Public Defender Agency attorneys that whenever the well-being of a minor witness or victim could potentially be affected by a delay of proceedings, the court is apprised of such fact and gives that information appropriate weight in making its ruling. It cannot be said that this issue is currently being ignored by Alaska judges, as it clearly is not.

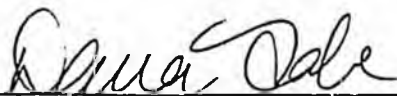
This legislation is not only unnecessary, but also has potential constitutional flaws. Emphasizing the well-being of witnesses could serve to subordinate a defendant's constitutional rights in such a situation. Under the U.S. and Alaska Constitutions, a person accused of a crime has certain substantial rights related to the conduct of his/her trial. Foremost is the due process right to a fundamentally fair proceeding. Concomitant with due process is the right to present a full defense and to have the effective assistance of trained counsel. To secure these constitutional rights, requests for continuances are sometimes necessary. Both the state and the defense make requests for continuance when necessary to ensure a fair trial. The need to analyze physical evidence, the unavailability of a witness, inadequate preparation time, all can give rise to good cause for continuance.

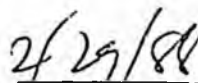
Because the substantial rights of the criminally accused are of such import in the criminal justice system, those rights are not to be subordinated in an effort to expedite criminal cases. See Salazar, supra, at 74. The courts must balance the rights of the accused and the needs of the opposing party, witnesses and the public in ruling on a requested postponement. If the defense request is legitimate, failure to give the requested delay could result in serious constitutional violations. As an example, the failure of the court to give a continuance in the Salazar case mentioned above resulted in the reversal of a Murder in the First Degree conviction.

To the extent that this legislation would cause courts to go beyond the current balancing of the needs of the parties, creating a body of "fast track" child sexual abuse cases, its fiscal impact would be significant on affected state agencies. It should be noted that these types of cases comprise a high percentage of all felony filings in Superior Court. A substantial number of these cases go to trial because of the mandatory jail terms of 8 years.

In summary, there appears to be no demonstrable need for this otherwise well-intentioned legislation. The courts are already mandated to give consideration to the various and diverse interests of both parties in criminal litigation in the context of requests for continuance. It is the experience of the Public Defender Agency staff attorneys that the courts do scrupulously follow this mandate and show concern for youthful witness/victims. To overemphasize this concern could upset the important constitutional rights of criminally accused persons and, practically speaking, have an adverse fiscal impact on relevant state agencies.

Based on the information above, the Public Defender Agency opposes this bill.

  
\_\_\_\_\_  
Dana Fabe, Public Defender  
Public Defender Agency

  
\_\_\_\_\_  
Date