

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

AT FAIRBANKS, ALASKA

Filed in the Trial Courts
STATE OF ALASKA, FOURTH DISTRICT

AUG 5 1999

STATE OF ALASKA,

Plaintiff,

vs.

STERLING W. MUTH,

Defendant.

Clerk of the Trial Courts
By _____ Deputy

CASE NO. 4FA-S98-3245 CR

CORRECTED JUDGMENT AND ORDER OF
COMMITMENT/PROBATION

(corrected as to typographical error in Special
Conditions #8)

Defendant has been convicted upon a plea of no contest of

<u>Count</u>	<u>Date of Offense</u>	<u>Offense</u>	<u>Statute Violated</u>
7	09-01-97 through 05-31-98	Sexual Abuse of a Minor in the Second Degree	A.S. 11.41.436 (a)(3)
8	09-01-96 through 05-31-97	Sexual Abuse of a Minor in the Second Degree	A.S. 11.41.436(a)(3)

and the following charges were dismissed:

<u>Count</u>	<u>Date of Offense</u>	<u>Offense</u>	<u>Statute Violated</u>
1	09-01-94 through 05-31-95	Sexual Abuse of a Minor in the Second Degree	A.S. 11.41.436(a)(3)
2	09-01-95 through 05-31-96	Sexual Abuse of a Minor in the Second Degree	A.S. 11.41.436(a)(3)
3	09-01-96 through 05-31-97	Sexual Abuse of a Minor in the Second Degree	A.S. 11.41.436(a)(3)
4	09-01-96 through 05-31-97	Sexual Abuse of a Minor in the Second Degree	A.S. 11.41.436(a)(3)
5	09-01-97 through 05-31-98	Sexual Abuse of a Minor in the Second Degree	A.S. 11.41.436(a)(3)
6	09-01-97 through 05-31-98	Sexual Abuse of a Minor in the Second Degree	A.S. 11.41.436(a)(3)

DV Offense per AS 18.66.990(3) and (5) XX Yes No.

Defendant came before the court on April 27, 1998 with counsel, Terrance W. Hall, and Jay Hodges, Assistant District Attorney present.

IT IS ORDERED that the defendant is hereby committed to the care and custody of the Commissioner of the Department of Corrections for the following period(s):

<u>Count</u>	<u>Sentence</u>	<u>Time Suspended</u>
7	6 years	2 years and 1 month
8	6 years*	2 years and 1 month**

* one month of time to serve is consecutive

** five months of the suspended time is consecutive

Composite sentence of six one half years, with four years to serve and two and one half years suspended.

The sentence is: non-presumptive. The defendant is eligible for parole.

SURCHARGE: Defendant shall pay the statutorily mandated surcharge in the amount of \$100.00 within ten days.

DNA IDENTIFICATION. This conviction is for a "crime against a person" as defined in A.S.44.41.035(j), the defendant is ordered to provide samples for the DNA Registration System when requested to do so by a health care professional acting on behalf of the state. A.S. 12.55.015(h).

IT IS ORDERED that, after serving any term of incarceration imposed, the defendant is placed on probation for a period of **six years**, under the following conditions:

GENERAL CONDITIONS OF PROBATION

1. Report to the Department of Corrections Probation Office on the next business day following the date of sentencing, or, if time is to be served prior to probation, report to the Department of Corrections Probation Office on the next business day following release from an institution.
2. Secure the prior written permission of a probation officer of the Department of Corrections before changing employment or residence or leaving the region of residence to which assigned.
3. Make a reasonable effort to secure and maintain steady employment. Should you become unemployed, notify a probation officer of the Department of Corrections as soon as possible.
4. Report in person between the first day and the tenth day of each month, or as otherwise directed, to your assigned officer of the Department of Corrections. Complete in full

- a written report when your probation officer is out of the office to insure credit for that visit. You may not report by mail unless you secure prior permission to do so from your probation officer.
5. At no time have under your control a concealed weapon, a firearm, or a switchblade or gravity knife.
 6. Do not knowingly associate with a person who is on probation or parole or a person who has a record of a felony conviction unless prior written permission to do so has been granted by a probation officer of the Department of Corrections.
 7. Make a reasonable effort to support your legal dependents.
 8. Do not consume intoxicating liquor to excess.
 9. Comply with all municipal, state and federal laws.
 10. Report all purchases, sales and trades of motor vehicles belonging to you, together with current motor vehicle license numbers for those vehicles, to your probation officer.
 11. Abide by any special instructions given by the court or any of its duly authorized officers, including probation officers of the Department of Corrections.

SPECIAL CONDITIONS OF PROBATION

1. Defendant is subject to a warrantless, non-consensual search by a law enforcement officer of defendant's person, personal property, residence or any vehicle in which the defendant may be found for the presence of females under the age of 16, pornography and personal use computers.
2. Defendant shall provide blood and oral samples for the DNA Registration System when requested to do so by a health care professional acting on behalf of the state. A.S. 12.55.100(d) and A.S. 44.41.035.
3. Defendant shall participate in all available sex offender, stress and anger management treatment while incarcerated.
4. Upon his release, defendant must follow all recommended continued care, aftercare or community based treatment as recommended by his treatment providers, who must include DOC recognized sex offender treatment providers.
5. Defendant shall sign releases of information allowing DOC to monitor participation in treatment and to receive copies of evaluations, progress reports and discharge summaries.
6. Defendant shall have no unsupervised contact with females under the age of 16.
7. Defendant may not purchase or possess pornographic materials, including those acquired through electronic means.
8. Defendant shall not enter establishments whose primary business is the sale or display of pornographic material.

- 9. Defendant shall have not contact with the victims without their written consent and the consent of his therapist and probation officer.
- 10. Defendant may not reside with or participate in childcare of a child under the age of 16, unless the legal parent of the child has been informed, in writing, of these charges and the terms of this sentence.
- 11. Defendant shall pay for the costs of the victim's therapy. Payment shall be made through the Clerk of Court.

Any appearance bond in this case is:

XX exonerated.

April 27, 1999
Effective Date
dn

R D S J

Richard D. Savell
SUPERIOR COURT JUDGE
8/5/99

Date Signed

NOTICE TO DEFENDANT

You are advised that according to the law, the court may at any time revoke your probation for cause or modify the terms or conditions of your probation. You are subject to arrest by a probation officer with or without a warrant if the officer has cause to believe that you have violated a condition of your probation. You are further advised that it is your responsibility to make your probation officer aware of your adherence to all conditions of probation set forth above.

Sentence Appeal. If you are ordered to serve more than two years in jail, you may appeal the sentence to the court of appeals on the ground that it is excessive. Your appeal must be filed within 30 days of the date of distribution stated below. If you are sentenced to serve two years or less in jail, you may seek review of your sentence by filing a petition for review in the supreme court. To do this, you must file a notice of intent to file a petition for sentence review within 10 days of the date of distribution stated below. See Appellate Rules 215 and 403(h) for more information on time limits, procedures and possible consequences of seeking review of your sentence.

Because you have been convicted of one of the offenses listed in A.S. 12.63.100, you must register as described in the attached form (CR-471, Sex Offender and Child Kidnapper Registration Requirements).

I certify that on 8/6/99
a copy of this judgment was sent to:
 District Attorney
 Defense Attorney Hall
 Exhibit Clerk
 DOC
 FCC
 DPS - Juneau
 MISC - news, DPS Fingerprinting
 CLERK: [Signature]

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