

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT PALMER

State of Alaska,
vs.
Ryan W Cox,

Plaintiff,
Defendant.

CASE NO: 3PA-08-01354CR

JUDGMENT AND ORDER
OF COMMITMENT / PROBATION

DOB: 04/30/1990
APSIN: _____ DL/ID: 7309852
ATN: 111148623 ST: AK CDL

Plea: Guilty Not Guilty No Contest
Rule 11 Plea: Yes No Partial
Trial: Court Jury

Defendant has been convicted upon a guilty verdict of:

| CTN | Offense | Date of Offense: (if checked) | DV Offense per AS 18.66.990(3) & (5) |
|-----|---|-------------------------------|--------------------------------------|
| 001 | AS11.41.434(a)(1): Sex Abuse Minor 1- Penetrate Vic Undr 13 | 04/22/2008 | <input type="checkbox"/> |
| 002 | AS11.41.438(a)(3): Sex Abuse Minor 3- Penetrate Vic Undr 13 | 04/22/2008 | <input type="checkbox"/> |
| 003 | AS11.41.440(a)(1): Sex Abuse Minor 4 - Undr 16, Vic Undr 13 | 04/22/2008 | <input type="checkbox"/> |
| 004 | AS11.41.440(a)(1): Sex Abuse Minor 4 - Undr 16, Vic Undr 13 | 04/22/2008 | <input type="checkbox"/> |

SENTENCE

Defendant came before the court on November 27, 2012 with counsel, Greg Parvin, and the 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):

- | CTN: | Period: |
|------|---|
| 001 | TWENTY FIVE years with TEN years suspended. The unsuspended FIFTEEN years are to be served immediately. |
| 002 | ONE and ONE-HALF years with 0 years suspended, consecutive to CTN 001. The unsuspended ONE and ONE-HALF years are to be served immediately. |
| 003 | THREE months with 0 months suspended, consecutive to CTN 002. The unsuspended THREE months are to be served immediately. |
| 004 | THREE months with 0 months suspended, consecutive to CTN 003. The unsuspended THREE months are to be served immediately. |

POLICE TRAINING SURCHARGE: IT IS ORDERED that defendant pay to the court the following surcharge pursuant to AS 12.55.039 within 10 days:

- | CTN: | Surcharge: |
|------|--|
| 001 | <input checked="" type="checkbox"/> \$100 (Felony) <input type="checkbox"/> \$75 (DUI/Refusal) <input type="checkbox"/> \$50 (Misd) <input type="checkbox"/> \$10 (Infrac) |

INITIAL JAIL SURCHARGE. Defendant was arrested and taken to a correctional facility or is being ordered to serve a term of imprisonment. Therefore, IT IS ORDERED that defendant immediately pay a correctional facilities surcharge of \$100 per case to the Department of Law Collections Unit, 1031 W. 4th Ave., Suite 200, Anchorage, AK 99501 AS 12.55.041(b)(1).

SUSPENDED JAIL SURCHARGE. Defendant is being placed on probation. Therefore, IT IS ORDERED that the defendant pay an additional \$100 correctional facility surcharge. This surcharge is suspended and must only be paid if defendant's probation is revoked and, in connection with the

revocation, defendant is arrested and taken to a correctional facility or jail time is ordered served. AS 12.55.041(c).

DNA IDENTIFICATION. If this conviction is for a "crime against a person" as defined in AS 44.41.035(j), or a felony under AS 11 or AS 28.35, 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, and to provide oral samples for the DNA Registration System when requested by a correctional, probation, parole, or peace officer. AS 12.55.015(h).

RESTITUTION. IT IS ORDERED that defendant pay restitution as follows:

in an amount to be determined as provided in Criminal Rule 32.6(c)(2).

as follows:

| <u>Restitution Recipients</u> | <u>Amount</u> |
|-------------------------------|---------------|
| A. ___ | \$ |
| B. ___ | \$ |
| C. ___ | \$ |

Payments must be made to the Department of Law Collections Unit, 1031 West Fourth Avenue, Suite 200, Anchorage, AK 99501. The court will also accept payments.

Restitution is due immediately for civil execution purposes, unless defendant establishes a payment schedule with the Department of Law Collections Unit or, in municipal cases, with the court. If the defendant misses any required payment, the total unpaid amount becomes immediately due and civil execution may begin.

Defendant is ordered to apply for an Alaska Permanent Fund Dividend every year in which defendant is a resident eligible for a dividend until the restitution is paid in full.

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

GENERAL CONDITIONS OF PROBATION:

1. Comply with all direct court orders listed above by the deadlines stated.
2. 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.
3. 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.
4. 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.
5. Report in person between the first day and the tenth day of each month, or as otherwise directed, to your assigned office 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.
6. At no time have under your control a concealed weapon, a firearm, or a switchblade or gravity knife.
7. 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.

8. Make a reasonable effort to support your legal dependents.
9. Do not consume intoxicating liquor.
10. Comply with all municipal, state and federal laws.
11. 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.
12. Upon the request of a probation officer, submit to a nonconsensual, warrantless search of you person, personal property, residence or any vehicle in which you may be found, for the response of alcohol, illegal controlled substances, firearms, or concealable weapons.
13. 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. The defendant shall not use, possess, consume, ingest or have in any of his bodily fluids any alcoholic beverages or illegal controlled substances, including marijuana.
2. The defendant shall immediately submit to a breath analysis test, oral analysis, urinalysis and/or blood analysis by a medical doctor or medical laboratory to determine the use of illegal controlled substances and/or alcoholic beverages when directed to do so by a peace officer or a probation/parole officer of the Department of Corrections.
3. The defendant shall not drive unless properly licensed and insured and must provide proof of said items to the probation officer.
4. The defendant shall enroll in and successfully complete an educational/vocational training program, at the direction of the probation/parole officer.
5. The defendant shall obtain and maintain verifiable full-time employment unless engaged full-time in an educational or treatment program approved by the probation/parole officer.
6. The defendant shall notify his employer of his criminal history.
7. The defendant shall obtain a psychiatric or psychological evaluation for purposes of mental health counseling within 90 days of being placed on probation. Defendant shall be required to authorize the provider to release the results of the evaluation to the probation/parole officer upon completion.
8. The defendant shall actively participate in and successfully complete mental health counseling as indicated in the mental health evaluation and as directed by the probation/parole officer.
9. The defendant shall take any medications prescribed by a licensed medical practitioner and as directed by the probation officer. The defendant shall follow the prescribed medical treatment to the satisfaction of the medical practitioner and his probation officer. The defendant agrees to allow his probation officer access to any information obtained by the medial personnel, including his attendance and performance in the treatment.

10. The defendant, while in the custody, and if offered by the Department of Corrections, shall enter into and successfully complete a Sex Offender Treatment Program.
11. The defendant shall obtain a sex offender evaluation/risk assessment from a DOC approved sex offender treatment provider to determine the need for sex offender monitoring/counseling/treatment and follow all recommendations.
12. The defendant shall continue active participation and attendance in Alaska Department of Corrections approved sex offender programming to the probation officer's satisfaction. The defendant shall obtain prior permission of the probation officer before voluntarily discontinuing sex offender programming. If released, removed or terminated from treatment (temporarily or permanently) for any reason, the defendant shall notify the probation officer on the next working day.
13. The defendant shall actively participate in Alaska DOC approved programming as directed by the probation officer. The defendant shall sign and abide by all conditions of the treatment program, which will include regular periodic polygraph examinations and may include plethysmograph assessment, and physiological and/or psychological testing, as well as other methods of ongoing assessment.
14. The defendant shall sign releases of information to authorize the exchange of verbal and written information between the assessment provider, treatment provider, polygraph examiner and Alaska DOC staff members. Additionally, during the course of supervision and treatment, the probation officer shall authorize the exchange of information with other individuals who are identified by the probation officer as having an essential role in supervision and treatment in the community, including, but not limited to medical/mental health/psychiatric providers, substance abuse treatment providers, physiological assessment technicians, and clinicians providing treatment to victims and/or family members.
15. The defendant shall, if decided appropriate by his probation officer and sex offender treatment provider, enter and successfully complete any other Department approved programs, including but not limited to substance abuse treatment and domestic violence programming. The defendant shall sign releases of information to enable other programs to exchange verbal and written information with the probation officer and sex offender treatment provider. The defendant shall, if determined necessary by an appropriate mental health or substance abuse professional, enroll in a residential mental health or substance abuse program for a length of time determined necessary by the appropriate professionals. The probationer shall also comply with use of medications prescribed as part of the treatment program.
16. The defendant shall submit to the collection of a buccal swab and taking of fingerprints for the purpose of creating a DNA identification system pursuant to AS 44.41.025 and AS 44.41.035.
17. The defendant shall have no contact with his victims. Contact includes but not limited to no in-person contact, no written correspondence, no taped conversations, no electronic contact (internet or e-mail), no telephone contact, no stalking, no harassment and no communication of any nature through a third party, without the prior written permission of the probation officer and the sex offender treatment provider. The probationer shall not enter onto the premises, travel past, or loiter near the victim's residence, place of employment, or other places frequented by the victims.

18. The defendant shall not knowingly have any contact with a person under sixteen (16) years old, unless in the immediate presence of another adult who knows the circumstances of his crime (including the assault cycle of the crime, if appropriate). This adult must be approved by a probation officer, who must provide written permission in order for contact to occur. This restriction regarding in-person contact with minors includes employment, recreational and residential situations, and subsistence activities, unless the contact with a minor has been pre-approved in writing by the probation officer. Contact includes but is not limited to no in-person contact, no written correspondence, no taped conversations, no electronic contact (internet or e-mail), no telephone contact, no stalking, no harassment and no communication of any nature through a third party, without the prior written permission of the probation officer and the sex offender treatment provider. This restriction does not prohibit incidental contact in public locations and does not prohibit conversations in public with a minor employee of a business.

19. The defendant shall not accept employment, educational programming, or engage in any volunteer community activity, to include subsistence activities where minors under sixteen (16) years of age are present without the prior written permission of the probation officer.

20. The defendant shall not at any time possess, have on their person, have in their residence, or in their vehicle any sexually explicit material, which includes but is not limited to child erotica, sexually graphic anime, adult and/or child pornography, chat logs included. The prohibited materials cannot be in, but not limited to, books, videos, magazines, printed matter, computer disks or files, any encryption devices or computer mechanisms or other electronic devices that can hold this type of visual or audio material.

21. The defendant shall not enter any establishment whose primary business is the sale of sexually explicit material and shall not enter any establishment where nude dancing or posing is part of the entertainment. This includes, but is not limited to strip clubs, massage parlors, adult book stores, phone services and internet sites.

22. Upon the request or at the direction of a probation officer, submit to a search of his residence or any vehicle under his control, personal computer and/or any item which has internet connectivity (i.e., X-Box, cell phone, palm pilots, Blackberries) by a probation officer or other law enforcement officers for the presence of sexually explicit material. The defendant shall provide the probation officer any and all passwords used on such devices.

23. The defendant shall not open or maintain an account with any internet provider, and is expressly forbidden from accessing the Internet from anyone else's account, whether a public, private or business account, without the prior written permission of the probation officer.

24. The defendant's residence shall be subject to the approval of his probation officer, and if decided appropriate, limited to communities with an adult probation office is located.

25. The defendant shall not reside in a dwelling in which a minor under the age of (16) is residing or staying without the written permission of his probation officer, his sex offender treatment provider and the parent/guardian of the minor.


26. The defendant shall advise all members of the household in which he is residing of his criminal history, even when the residence is temporary. The probation officer may discuss the circumstances of the offender's criminal history with any household member.

27. The defendant shall not knowingly associate with other felons unless they are in a treatment program together and have a specific assignment from the approved treatment provider that requires collaborative work.

28. The defendant shall inform all persons in any household where he lives with whom he has a significant personal relationship, or with whom he is closely affiliated in a club or employment situation such as his employer, of the probationer's sexual offending history. Persons required to be informed will be determined in consultation with the approved treatment provider and the probation officer.

29. Upon release from incarceration, register as a sex offender with the State of Alaska Department of Public Safety in accordance with the registration requirements under AS 12.63.010 and AS 12.63.020.

November 27, 2012
Effective Date


Judge Eric Smith, Administrative Head of 3 Judge
Panel

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. (However, you may not appeal the sentence as excessive if it was imposed in accordance with a plea agreement that provided for a specific sentence or a sentence equal to or less than a specified maximum sentence. If the sentence was imposed in accordance with a plea agreement that provided for a minimum sentence, you may appeal as excessive only the part of the sentence that is longer than the minimum sentence by more than two years.) 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.

REGISTRATION REQUIREMENT. Because you have been convicted of one of the offenses listed in AS 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 _____ a copy of this judgment was sent to:

District Atty
by mail other

Defense Atty
by mail other

Pro Per Defendant
by mail other

DOC / Adult Probation

Judicial Assistant: _____

I certify that on 12-18-12 a copy of this judgment was sent to:

District Atty _____ by mail other

Defense Atty Pervin by mail other

Defendant by Atty mail other

Exhibit Clerk Adult Probation

Police / AST DPS - Fingerprint Section

DMV-by mail to PO Box 110221, Juneau, AK 99811
 with surrendered license/ID # _____

Jail DPS - R&I - Anchorage

VPSO/Village Council at _____

Collections Unit (for restitution)

CFEC _____

Clerk: ja

WRIT OF EXECUTION

To Department of Law Collections Unit: You are commanded to satisfy the above restitution order, including interest and costs, by seizing the defendant's Alaska Permanent Fund Dividend. This writ terminates upon full payment of the restitution, including interest and costs. This writ does not become effective until the defendant fails to make any required payment.

I certify that a copy of this writ was sent to the Department of Law Collections Unit.

(SEAL)

Deputy Clerk Date