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

State of Alaska,)
)
 Plaintiff,)
)
 vs.)
)
 James A. Sugar.)
)
 Defendant.)

Filed in the Trial Courts
State of Alaska Third Judicial District
At Palmer

JUL 09 2008

Clerk of the Trial Courts
By _____ Deputy

Case No. 3PA-S07-00724 CR

ORDER OF REFFERAL TO THREE JUDGE SENTENCING PANEL

The Court hereby Refers this case to a three-judge sentencing panel, ^{finding that} ~~on the~~
~~basis that~~ a sentence of ~~two~~ ^{or less} two years is appropriate and ^{finding} that a sentence of 50%
of the ^{lowest} presumptive term in this case ~~based upon the findings of the mitigators~~ - that
being three years - would be manifestly unjust. In support of its referral to the three
judge panel for a sentence ^(of less than three) ~~between two and three~~ years, the Court makes the following findings:

1. ~~The Court has found that~~ Two mitigating factors exist including the ^{statutory}
least serious mitigator.
2. Mr. Sugar's conduct in this case amounted to him ^{(only being a}
follower on a ^{short distance} tobacco run with his co-defendant, ~~and~~ placidly
returning to PCC upon being stopped by the guards.
3. Mr. Sugar's mentality, given his prior head injury and past conduct,
indicates that he has the mentality of a 14 year old that would follow
a leading individual.

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JUL 09 2008

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4. It ~~was~~^{is} manifestly unfair that Mr. Sugar, the follower, should receive the same sentence as his co-defendant, ~~who~~^(who) the leader in this case, ~~and~~^(who) attempted to run when confronted by the officers.

5. ~~Defendant's~~^{Defendant's} prior felony criminal history consists of all non-violent Class C offenses, ~~and~~^(and) three of which are over 20 years old.

6. It ~~appears to be~~^{is} out of all proportion to the crime committed, and to the harm done considering the crimes Mr. Sugar was being incarcerated for, that the punishment for this conduct would exceed the sentence he received ~~in~~ⁱⁿ the case ~~for~~^{for} which he was ~~originally~~^{currently} incarcerated. In other words, Mr. Sugar was serving a sentence of two years and it ~~seems~~^{is} out of proportion to give him a sentence of ~~more than~~^{more than} an additional two years ~~in~~^{for} this case in light of ~~the~~^{the} conduct.

DATED at Palmer, Alaska this 9 day of July, 2008.

Jeremy W. Curtis
Judge of the Superior Court

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