

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT KETCHIKAN

STATE OF ALASKA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 DANIEL SAVALA, )  
 )  
 Defendant. )

FILED in the Trial Courts  
State of Alaska First District  
at Ketchikan

SEP 09 2016

Clerk of the Trial Courts  
By \_\_\_\_\_ Deputy


Case No. 1KE-12-59 CR

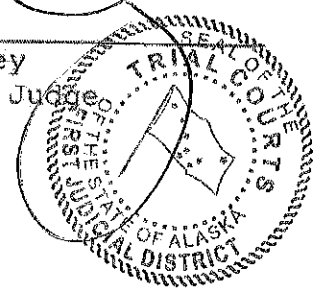
ORDER

The Court having considered the State's Motion for  
Earlier Termination of Probation,

IT IS ORDERED that the Defendant's probation shall  
terminate at this time.

DATED this 9 day of September 2016.

  
\_\_\_\_\_  
William B. Carey  
Superior Court Judge



**CERTIFICATION**  
Copies Distributed

Date 9-9-16  
To PS  
William B. Carey  
Probation  
Records  
By [Signature]

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT KETCHIKAN

STATE OF ALASKA,  
Plaintiff,  
v.  
DANIEL SAVALA,  
Defendant.

FILED in the Trial Courts  
State of Alaska First District  
at Ketchikan

SEP 08 2016

Clerk of the Trial Courts

By \_\_\_\_\_ Deputy

Case No. 1KE-12-59 CR

**UNOPPOSED MOTION FOR EARLY TERMINATION OF PROBATION**

VRA CERTIFICATION

I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any offense unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

Pursuant to AS 12.55.090(b), the State of Alaska, by and through District Attorney Stephen R. West, requests that the Court terminate the Defendant's probation. Earlier this year, the Court extended probation for one year to allow the Defendant to complete sex offender treatment. Attached is a letter from his sex offender treatment provider that the Defendant has successfully completed treatment and an email from the Alaska's interstate probation officer asking that probation end now. The Defendant's counsel does not oppose this request.

DATED this 9<sup>th</sup> day of September 2016

JAHNA LINDEMUTH  
ATTORNEY GENERAL

I, Stephen R. West, District Attorney's Office, certify that on the 9<sup>th</sup> day of September 2016 a copy of this document was emailed to Julie Willoughby.

By: Stephen R. West  
Stephen R. West - Bar No. 7806060  
District Attorney

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26



# Interstate Commission for Adult Offender Supervision

## PROGRESS REPORT

To: Alaska	Date: 09/08/2016	Type of supervision: <input type="checkbox"/> Parole <input checked="" type="checkbox"/> Probation	Is this case: <input checked="" type="checkbox"/> Registered Sex Offender <input checked="" type="checkbox"/> Victim sensitive
From: Texas	Phone #: 612-406-6990	Fax #: 612-454-0469	

### OFFENDER INFORMATION

Offender's full name (last, first, MI): Savala, Daniel	ICOTS Offender Number: 490152 Sending state #: 603766 Receiving state #:	ICOTS Case Number: 619077
AKA:		
SS #: [REDACTED]	FBI #: (if available) 57128PD4	Sex: M
	Race: White	DOB: 03/04/1966

Type of Report: <input type="checkbox"/> Annual <input type="checkbox"/> As requested
Address: 6029 Rusk Street
City: Houston
State: TX
Zip: 77023

**HOME/LIVING SITUATION:**  
The Client reported continued residence at [REDACTED]. He stated that he is living alone at this time.

**EMPLOYMENT:**  
The client currently owns rental property which is located at the same address as his residence but is a separate dwelling. He rents to college students which is his source of income.

**PROGRESS, PERFORMANCE, AND ATTITUDE:**  
The client is reporting on a Sex Offender Caseload and is reporting twice (2X) per month. He has reported for all scheduled office visits. He completed his Sex Offender Registration with the Houston Police Department on 09/23/2016. The client completed Sex Offender Treatment with the Paquin Clinic on September 7th, 2016 (Completion Letter attached). The client has paid all fees in full to Harris County Texas. He has completed all conditions of his probation. Please advise if the client will be allowed to be discharged from probation on November 14, 2016.

**PROGRESS PERFORMANCE, AND ATTITUDE DESCRIPTIONS:**  
Sex Offender Treatment Completion Letter

**RECOMMENDATIONS/REQUESTS:**  
CSO recommends that the client be released from probation on November 14th, 2016.

Supervising Officer/Location: EDWARD WILLIAMS	Date: 09/08/2016	Compact Administrator / Designee: Regina Grimes	Date: 09/08/2016
--	---------------------	--	---------------------

**THE PAQUIN CLINIC**

340 N Sam Houston Pkwy E. Suite 230  
Houston, Texas 77060  
Office (832) 300-1212  
Fax (832) 300-1211

September 7, 2016

Mr. Edward Williams  
HCCSCD-Sex Offender Unit  
49 San Jacinto  
Houston, Texas 77002


Mr. Williams:

This letter is in reference to Mr. Daniel Savala (SPN 02655605). He has been successfully discharged from the sex offender treatment program.

The prognosis for him NOT TO RE-OFFEND is considered to be GOOD.

Please feel free to contact me with any questions or concerns. I can be reached at 281-387-6332.

Sincerely,

  
Jennifer Deyna, M.Ed., LPC  
Licensed Sex Offender Treatment Provider

1                                   **IN THE SUPERIOR COURT FOR THE STATE OF ALASKA**  
2                                   **FIRST JUDICIAL DISTRICT AT KETCHIKAN**

3 **STATE OF ALASKA,**                                   )

4                                   **Plaintiff,**                                   )

5 **v.**                                   )

6 **DANIEL SAVALA,**                                   )

7                                   **Defendant.**                                   )

FILED in the Trial Courts  
State of Alaska First District  
at Ketchikan

**MAR 03 2016**

Clerk of the Trial Courts  
By \_\_\_\_\_ Deputy

8                                   **Case No. 1KE-12-59CR**

9  
10                                   **ORDER ON MOTION TO DISMISS PETITION: PROBATION TO BE EXTENDED FOR**  
11                                   **ONE YEAR**

12 **Introduction**

13                                   A hearing on defendant's Motion to Dismiss the Petition to Revoke Probation in this  
14 matter was held on January 21, and February 19, 2016 before the undersigned. The condition  
15 alleged to have been violated requires Mr. Savala to "continue active participation in Alaska  
16 Department of Corrections approved sex offender programming to the probation officer's  
17 satisfaction." The basis of the allegation is that Mr. Savala will not have completed the sex  
18 offender program prior to the expiration of his probation.

19                                   Mr. Savala's probation officer, Shannon Watson testified, as did his treatment provider in  
20 Texas, where the defendant resides, Jennifer Denny.

21 **Analysis**

22                                   The defendant, Daniel Savala, was convicted upon his plea of guilty to one count of  
23 Sexual Abuse of a Minor in the Third Degree. The charge was based upon conduct alleged to  
24 have taken place over at least a three year period between 1995 and 1997. It was alleged to have  
25

1 involved a number of juvenile boys in involved with a church in Ketchikan. The plea agreement  
2 in this matter, adopted by the court, set a three year probation period, which was two years less  
3 than that recommended by the probation officer who wrote the pre-sentence report<sup>1</sup>. Conditions  
4 requiring participation in sex offender treatment were imposed. There was not a condition that  
5 required that he actually complete the program, but that he actively participate in it to the  
6 satisfaction of the probation officer. The evidence adduced at the hearing on the petition to  
7 revoke leads the court to conclude that the length of the probation was not sufficient to ensure  
8 that Mr. Savala could complete the program, giving some leeway for various factors that might  
9 delay the process.  
10

11 Probation Officer Watson testified that the program normally takes about three years.  
12 Ms. Denny referenced three to five years as the typical range for completing the program. She  
13 attributed some of Mr. Savala's lack of progress to his being something of a slow learner. He  
14 was described as being very compliant and cooperative and no trouble. He did not have  
15 attendance issues, but he was slow in completing assignments. She testified he should have  
16 been able to finish or be close to finishing the program by now but for the delays caused by his  
17 inability or failure to complete his work in a timely fashion.  
18

19 At the conclusion of the hearing, the court declined to find a willful probation violation.  
20 But the State requested, alternatively, that probation be extended for the purpose of completing  
21 treatment. In support of this proposition, the Sate cites A.S. 12.55.090(b) and *Edwards v. State*<sup>2</sup>.  
22 This statue provides that he court may revoke or modify any condition of probation or may  
23

24 <sup>1</sup> That probation officer was Betty Tangeman.

25 <sup>2</sup> 34 P.3d 962 (Alaska App. 2001)

1 change the period of probation. *Edwards* stands for the proposition that the court “should be  
2 able to modify a defendant’s conditions of probation to the defendant’s detriment (i.e., impose  
3 more stringent conditions of probation) when the State proves a “significant change of  
4 circumstances – which we define to mean post-sentencing conduct that establishes a substantial  
5 reason to conclude that the current conditions of probation are not adequately ensuring the  
6 defendant’s rehabilitation or adequately protecting the public.”<sup>3</sup>

7  
8 Mr. Savala correctly points out that the change of circumstances has to be based upon his  
9 own conduct; the court may not just extend probation because the period of probation turned out  
10 to be insufficient for one reason or another having nothing to do with anything the defendant did  
11 or did not do. He also is correct that the conduct of the defendant in *Edwards* was egregious in  
12 nature and actually comprised a parole violation.

13 But the *Edwards* court did not necessarily require any particular level of seriousness or  
14 bad intent on the part of the defendant so as to allow the court to modify a condition of  
15 probation. Here, the failure of the defendant to complete his sex offender treatment within the  
16 period of probation was directly attributed to his failure to timely complete (or complete at all)  
17 various assignments as part of the treatment program. There may be some organic basis for his  
18 inability to do the required work, and no one is claiming that he has acted deliberately in slowing  
19 down the treatment program. But the court is satisfied on the basis of the testimony presented  
20 that the fact that the treatment program has not been completed is a result, in significant part, of  
21 Mr. Savala’s own conduct, intentional or not.  
22

23  
24  
25 <sup>3</sup> Id. 34 P.3d at 967

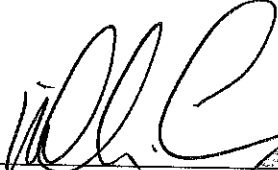
1 Moreover, the court is persuaded by the testimony that it is absolutely critical to the  
2 rehabilitation of the defendant that the program be completed. The court recognizes that a  
3 considerable period of time has passed since the defendant committed the acts for which he has  
4 been convicted. He has had no similar charges in the intervening period. So while that may be  
5 indicative of Mr. Savala's good potential for rehabilitation, the nature and seriousness of the  
6 criminal acts he engaged in make treatment, and the completion of treatment, imperative.  
7

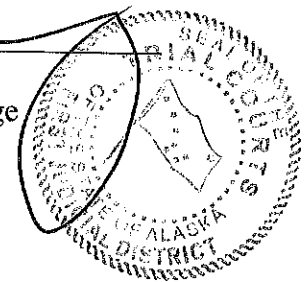
8 **Conclusion**

9 The Petition to Revoke Probation is dismissed. But because it is vital to Mr. Savala's  
10 rehabilitation that he complete the sex offender program in Texas, and because the fact that he  
11 has not completed same during his three year probation period is a consequence of his own  
12 conduct, the court modifies probation to extend all conditions for a period of 1 year, making a 4  
13 year period of probation in total.

14  
15 ***IT IS SO ORDERED.***

16  
17 Dated March 3, 2016

18   
19 William B. Carey  
20 Superior Court Judge



21  
22 **CERTIFICATION**

23 Copies Distributed

24 Date 3/4/16

25 By DA

Willoughby

A. Probert

Records

By M





IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT KETCHIKAN

STATE OF ALASKA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 DANIEL SAVALA, )  
 )  
 Defendant. )

Case No. IKE-12-59 CR

FILED in the Trial Courts  
State of Alaska First District  
at Ketchikan  
JAN 04 2016  
Clerk of the Trial Courts  
By \_\_\_\_\_ Deputy

REPLY TO OPPOSITION TO MOTION TO DISMISS THE PETITION  
TO REVOKE PROBATION

VRA CERTIFICATION

I certify that this document and its attachments do not contain (1) the name of a victim of sexual offense listed in A.S. 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any offense unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

The state argues that Mr. Savala was obligated to point out that the language in the probation condition that obligates Mr. Savala to "continue active participation and attendance" in a sex offender treatment program "to the probation officer's satisfaction" at the time of his sentencing hearing. The state is wrong. At the time of the sentencing hearing, the sentencing judge did NOT impose a probation condition that required that Mr. Savala successfully complete a sex offender treatment program, imposing a condition that required participation and attendance. Thus, at the time of the sentencing hearing, Mr. Savala was not notified by the sentencing judge that the term "to the probation officer's satisfaction" was going to be interpreted at a later time to mean that

JULIE WILLOUGHBY

ATTORNEY AT LAW

237 SEVENTH STREET  
JUNEAU, ALASKA 99801

julie.willoughby@acesalaska.net

Facsimile (907) 586-2206

Telephone (907) 586-1415

1 whenever the probation officer wants to impose a more severe condition of  
2 probation (requiring completion of the treatment program), the probation officer  
3 would consider any behavior by Mr. Savala (who was otherwise complying  
4 with the conditions imposed by the sentencing judge) was behavior deemed  
5 unsatisfactory to the probation officer.

6 Mr. Savala has every right to challenge this interpretation of his probation  
7 conditions at this time as it is only at this time that the state is adopting an  
8 expanded interpretation of the probation condition. That is identical to what  
9 happened in the case cited by Mr. Savala, *Pastos v. State*, 194 P.3d 387 (Alaska  
10 2008). There the defendant was permitted to challenge at the time that a  
11 probation revocation petition was filed against him a condition of probation as  
12 having been given a definition different than his understanding of the meaning  
13 of the probation condition at the time of his sentencing.

14 As the Alaska Supreme Court stated in *Pastos*, in order to succeed on a  
15 petition to revoke probation, the state must prove by a preponderance of the  
16 evidence that (1) the defendant had notice of his probation conditions, and (2)  
17 violated one of those conditions. *Id.* The state has not identified that Mr.  
18 Savala had notice that the probation officer's subjective "dissatisfaction"  
19 concerning the treatment program could be grounds for revoking his probation.  
20 Nor has the state identified any willful conduct that constitutes a violation of a  
21 probation condition.

22 The state argues in the alternative that a sentencing judge is permitted  
23 modify or extend probation even without the state being able to prove that a  
24 probation violation occurred, citing *Edwards v. State*, 34 P.3d 962 (Alaska App.  
25 2001). But the *Edwards* court adopted the requirement that a sentencing judge  
26 can make such modifications only where the state can prove that "a significant

JULIE WILLOUGHBY

ATTORNEY AT LAW

227 SEVENTH STREET  
JUNEAU, ALASKA 99801

julie.willoughby@acsalaska.net

Facsimile (907) 586-2206

Telephone (907) 586-1415

change of circumstances” has occurred. *Id.* at 967-69. At the time of Mr. Savala’s sentencing, the judge had the option of imposing a probation condition that required completion of a sex offender treatment program, but the judge did not impose such a condition.

The state seems to be arguing that, despite that no probation condition was imposed that requires completion of a treatment program and despite that Mr. Savala is complying with his probation conditions, some mysterious unidentified significant change of circumstances as occurred.

Yet what the *Edwards* court identified as the type of significant changes of circumstances sufficient to modify probation included: (1) the defendant knowingly committing a parole violation and was not deterred in his behavior knowing that he was violating parole conditions, (2) the defendant repeatedly lied to his parole/probation officer about his contacts with underage minors, (3) defendant encouraged his family to lie about these contacts, and (3) the defendant committed perjury in a hearing before the judge. This conduct met the court’s requirement that state must point to post-sentencing behavior that establishes a substantial reason to believe that the originally-imposed probation conditions are not adequate as to the defendant’s rehabilitation or as to protecting the public. *Id.* The state has not identified comparable behavior on the part of Mr. Savala.

A sentencing court does not have the authority to increase the probationary period or add conditions of probation after the sentencing hearing because the court later comes to the conclusion that a longer probationary period or additional terms of probation would be better. *Reyes v. State*, 978 P.2d 635 (Alaska App. 1999). A sentencing court can only make such changes under the *Edwards* holding where the defendant engages in post-sentencing conduct that

JULIE WILLOUGHBY

ATTORNEY AT LAW  
227 SEVENTH STREET  
UNEAU, ALASKA 99801

Facsimile (907) 586-2206

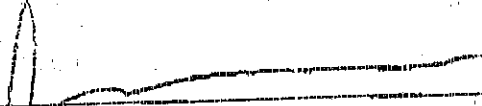
julie.wiloughby@acsalaska.net

Telephone (907) 586-1415

affirmatively establishes that the goals of the sentencing are being undermined (where a defendant defies authority, engages in prohibited conduct, induces family members to lie, and is willing to lie under oath, a sentencing court can reach a significantly altered view of the defendant's potential for rehabilitation and the danger he presents to the public). *Edwards*, 34 P.3d at 969.

The state has not alleged any conduct on Mr. Savala's part that constitutes a violation of his conditions of probation, the term in the probation conditions that the state relies upon is vague and cannot form the basis for a probation violation and the state has not identified any post-sentencing behavior on his part that would support a conclusion the a significant change of circumstances now exists as to Mr. Savala's potential for rehabilitation and the danger he presents to the public. Mr. Savala asks the court to dismiss the petition to revoke probation.

Dated at Juneau, Alaska this 4<sup>th</sup> day of January 2016.

  
Julie Willoughby  
Attorney for Defendant  
ABA # 9906037

This certifies that on the 4<sup>th</sup>  
day of January, 2016, a true copy  
of the foregoing was served  
on District Attorney's office  
by Sgt (907) 225-3917  
/s/ Carrie Oubert

JULIE WILLOUGHBY

ATTORNEY AT LAW  
227 SEVENTH STREET  
JUNEAU, ALASKA 99801

julie.willoughby@acsalaska.net

Facsimile (907) 586-2206

Telephone (907) 586-1415

1  
2 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
3 FIRST JUDICIAL DISTRICT AT KETCHIKAN

4 STATE OF ALASKA, )  
5 )  
6 Plaintiff, )  
7 v. )  
8 DANIEL SAVALA, )  
9 Defendant. )

FILED in the Trial Courts  
State of Alaska First District  
at Ketchikan

DEC 15 2015

Clerk of the Trial Courts  
By \_\_\_\_\_ Deputy

10 Case No. 1KE-12-59 CR

11 OPPOSITION TO DEFENDANT'S MOTION TO DISMISS

12 VRA CERTIFICATION

13 I certify that this document and its attachments do not contain  
14 (1) the name of a victim of a sexual offense listed in AS  
15 12.61.140 or (2) a residence or business address or telephone  
16 number of a victim of or witness to any offense unless it is an  
17 address used to identify the place of the crime or it is an  
18 address or telephone number in a transcript of a court proceed-  
19 ing and disclosure of the information was ordered by the court.

20 The State of Alaska, by and through District Attorney  
21 Stephen R. West, states its opposition to the Defendant's  
22 Motion to Dismiss the Petition to Revoke Probation.

23 The Defendant was sentenced on October 24, 2012 to  
24 two years jail with all suspended but 90 days and placed on  
25 probation for three years. Three of the probation conditions  
26 were the following:

3. The probationer 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.

STATE OF ALASKA, DEPARTMENT OF LAW  
Office of the District Attorney  
415 Main Street, Room 304  
Ketchikan, Alaska 99901  
(907) 225-6128 Fax (907) 225-3917

1  
2 4. The probationer shall continue active  
3 participation and attendance in Alaska Department of  
4 Corrections approved sex offender programming to the  
5 probation officer's satisfaction. The probationer  
6 shall obtain prior permission of the probation officer  
7 before voluntarily discontinuing sex offender  
8 treatment. ...

9 5. The probationer shall actively participate in  
10 Alaska Department of Corrections approved programming  
11 as directed by the probation officer. ...

12 At the time of sentencing, the Defendant was living  
13 in Texas, and after serving his 90-day jail sentence, he  
14 returned to Texas in December 2013 under the Interstate Compact  
15 for Adult Offender Supervision where he was supervised by Texas  
16 probation officers. He entered into a sex offender treatment  
17 program in April 2013. On April 19, 2015, the Defendant's sex  
18 offender treatment provider wrote to the Defendant's Texas  
19 probation officer the following:

20 It is my understanding that his probation is due to  
21 expire in November 2015. I wanted to let you know that  
22 Mr. Savala will not successfully complete sex offender  
23 treatment by that time. I am requesting that his  
24 probation be extended for one year to give him more  
25 time to successfully complete.

26 The Defendant's Texas probation officer then contacted the  
Alaska probation officer asking that the Defendant's probation  
be extended, and the Alaska probation officer filed the pending  
petition to revoke probation.

[W]hen a sentencing court suspends a portion of a  
defendant's term of imprisonment and places the  
defendant on probation, it is understood that [1] if  
the defendant violates the conditions of probation, or  
[2] if the defendant engages in any other post-

1  
2 sentencing conduct that establishes a substantial  
3 reason to conclude that the defendant's current  
4 conditions of probation are not adequately ensuring  
5 the defendant's rehabilitation or adequately  
6 protecting the public, the sentencing court has the  
7 authority to make the conditions of probation more  
8 onerous, or to extend the period of probation, or to  
9 order the defendant to serve some or all of the  
10 previously suspended jail time.<sup>[1]</sup>

11 First, a sentencing court can revoke probation based  
12 on a probation violation. AS 12.55.110(a) states that  
13 probation may be revoked "for good cause shown." As the Alaska  
14 Supreme Court has held, "good cause" to revoke probation "may  
15 be simply violation of the terms and conditions of probation."<sup>2</sup>  
16 The Defendant has violated probation condition number 4 which  
17 states that the Defendant "shall continue active participation  
18 and attendance in Alaska Department of Corrections approved sex  
19 offender programming to the probation officer's satisfaction."<sup>3</sup>  
20 As the petition shows, the Defendant has not been participating  
21 to his Probation Officer's satisfaction since he has been in  
22 treatment for two years and has not successfully completed it  
23 yet. The Defendant has therefore violated his probation.

24 The Defendant claims that the probation condition  
25 that he "continue active participation and attendance" in sex  
26 offender treatment "to the probation officer's satisfaction" is

<sup>1</sup> *State v. Henry*, 240 P.3d 846, 848 (Alaska App. 2010)  
(emphasis added).

<sup>2</sup> *Andrews v. State*, 552 P.2d 150, 154 n.11 (Alaska 1976).

<sup>3</sup> (Emphasis added).



1  
2 vague, but the time to have made an objection to this probation  
3 condition was when it was imposed at sentencing, not on a  
4 probation revocation hearing. If the Defendant thought it was  
5 vague, he should have said something at the time of sentencing.  
6 This could have been cleared up then if this was vague, rather  
7 than have him wait until he has gotten the benefits of the  
8 sentence and probation and then is charged with violating the  
9 probation condition.

10  
11 Second, even if the Defendant has not violated his  
12 probation, his probation can be extended because there is a  
13 substantial reason to conclude that the Defendant's current  
14 conditions of probation are not adequately ensuring his  
15 rehabilitation or adequately protecting the public. AS  
16 12.55.090(b) states that "the court may revoke or modify any  
17 condition of probation or may change the period of probation."<sup>4</sup>  
18 This gives the Court authority to extend the length of the  
19 Defendant's probation by an additional year. The Alaska Court  
20 of Appeals address this provision in *Edwards v. State*<sup>5</sup> holding  
21 that a court can modify probation conditions to the detriment  
22 of a defendant even in the absence of a probation violation;

23 [T]he true issue did not directly involve the  
24 double jeopardy clause, but rather was one of  
25 substantive law: the question was to identify the  
circumstances in which Alaska law authorizes a

26 <sup>4</sup> (Emphasis added).

<sup>5</sup> 34 P.3d 962, 967-69 (Alaska App. 2001).

1  
2 sentencing court to modify the conditions of a  
3 defendant's probation.

4 It practically goes without saying--although  
5 the United States Supreme Court expressly said it  
6 in *United States v. DiFrancesco*--that the double  
7 jeopardy clause is not violated when a sentencing  
8 court revokes a defendant's probation and imposes  
9 a previously-suspended prison term. In such  
10 circumstances, the defendant's sentence has not  
11 been "increased" because, from the beginning, it  
12 was understood that the defendant's imprisonment  
13 would remain suspended only if the defendant  
14 abided by the conditions of probation.

15 ... Since the *DiFrancesco* decision, most  
16 courts have held (either explicitly or  
17 implicitly) that when a defendant challenges a  
18 modification of their sentence on double jeopardy  
19 grounds, the double jeopardy issue must be  
20 resolved by examining the applicable sentencing  
21 statutes and deciding whether, from the  
22 beginning, the court was authorized to modify the  
23 sentence in that way.

24 *Reyes [v. State]*, 978 P.2d [635,] at 639 [(Alaska App.  
25 1999)]. The United States Supreme Court reiterated  
26 this approach to the double jeopardy problem in  
*Ralston v. Robinson*, 454 U.S. 201 (1981), where the  
court declared that the rule prohibiting a post-  
sentencing increase in a defendant's sentence "simply  
does not apply when [the legislature] has provided a  
court with the power to modify a sentence in light of  
changed circumstances".

As we pointed out in *Reyes*, the Alaska  
legislature clearly "intended probation to be  
modifiable"--for AS 12.55.090(b) declares that the  
sentencing court "may revoke or modify any condition  
of probation, or may change the period of probation".  
But although probation is designed to be modifiable,  
we acknowledged that there was "considerable debate"  
among American jurisdictions "regarding the  
circumstances in which a court is empowered to modify  
the conditions of probation to a defendant's  
detriment".

Some courts hold that, even though there may be  
good reason to modify the conditions of  
probation, the conditions of probation can be  
made more severe only if the sentencing court  
finds that the defendant has violated the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

existing conditions of probation. Other courts hold that a sentencing court can make such modifications to a defendant's probation even in the absence of a probation violation, but the record must demonstrate a significant change of circumstances that provides a reasonable basis for the more severe conditions of probation. *Reyes*, 978 P.2d at 639 (citations omitted).

... [T]he question is ultimately one of Alaska sentencing law. A court has no inherent power to suspend sentence and impose probation; any such power must be granted by legislative enactment. In *Edwards's* case, the particular provision that we must construe is AS 12.55.090(b), which declares that the sentencing court "may revoke or modify any condition of probation, or may change the period of probation".

... [W]e conclude that Alaska should adopt the "significant change of circumstances" side of the debate.

... [P]robation is a statutorily authorized method for allowing the conditional release of criminal offenders. Under Alaska law, when a sentencing court decides to grant probation--i.e., when the court allows a defendant to remain at conditional liberty in lieu of serving time in prison--the court has "broad authority to fashion conditions of probation" that are "reasonably related to the probationer's rehabilitation or the protection of the public".

This broad authority derives from the underlying premise of a probationary sentence. A judge who grants probation has expressly or implicitly determined that the goals of affirming community values, rehabilitating the defendant, and protecting the public can be achieved without imprisoning the defendant--that these goals can be achieved by allowing the defendant to remain in the community, subject to conditions.

But because society takes a risk when a defendant is released on probation, our supreme court has acknowledged a sentencing judge's clear need ... to know whether the probationer is conducting his life in a manner which warrants continuation of his present probationary status, or whether because of antisocial conduct the goal of rehabilitation is not being furthered and thus, either a change in the conditions of

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

probation, or incarceration, is necessary in order to protect society.

State v. Sears, 553 P.2d 907, 914 (Alaska 1976).

This passage from Sears strongly suggests that a sentencing judge should be able to modify the conditions of probation whenever a defendant's post-sentencing conduct establishes a substantial reason to conclude that the current conditions of probation are not adequately ensuring the defendant's rehabilitation or adequately protecting the public. More particularly, this passage suggests that a sentencing court's power to supervise and modify a defendant's probation should not be limited to instances in which the defendant has violated a pre-existing condition.

...  
Precedent, reason, and policy lead us to the conclusion that a sentencing court should be able to modify a defendant's conditions of probation to the defendant's detriment (i.e., impose more stringent conditions of probation) when the State proves a "significant change of circumstances"--which we define to mean post-sentencing conduct that establishes a substantial reason to conclude that the current conditions of probation are not adequately ensuring the defendant's rehabilitation or adequately protecting the public.<sup>6</sup>

As the petition alleges, the Defendant, who is a convicted sex offender, was ordered into sex offender treatment. For the Defendant's rehabilitation and to protect the public by forcing the Defendant to successfully be treated, all the parties anticipated that the Defendant would attend and successfully complete sex offender treatment; that has not happened. The Defendant's sex offender treatment provider has stated that the Defendant, who has been in treatment for almost two years, has not successfully completed sex offender treatment. The

<sup>6</sup> (Emphasis added).

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

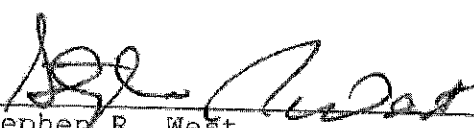
Defendant's rehabilitation and protection of the public clearly need for the Defendant to successfully complete sex offender treatment to help the Defendant from re-offending.

For these reasons, the Court should deny the Defendant's Motion to Dismiss the Petition to Revoke Probation.

DATED this 15<sup>th</sup> day of December 2015

CRAIG W. RICHARDS  
ATTORNEY GENERAL

I, SR West, District Attorney's Office, certify that on the 7<sup>th</sup> day of December 2015 a copy of this document was emailed to Julie Willoughby.

By:   
Stephen R. West  
District Attorney  
Bar No. 7806060

STATE OF ALASKA, DEPARTMENT OF LAW  
Office of the District Attorney  
415 Main Street, Room 304  
Ketchikan, Alaska 99901  
(907) 225-6128 Fax (907) 225-3917

JULIE WILLOUGHBY

ATTORNEY AT LAW  
227 SEVENTH STREET  
JUNEAU, ALASKA 99801

Telephone (907) 586-1415

Facsimile (907) 586-2206  
julie.willoughby@acsalaska.net

FILED in the Trial Courts  
State of Alaska First District  
at Ketchikan  
DEC 03 2015  
By Clerk of the Trial Courts  
Deputy

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT KETCHIKAN

STATE OF ALASKA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
DANIEL SAVALA, )  
)  
Defendant. )

Case No. 1KE-12-<sup>59</sup>~~19~~ CR

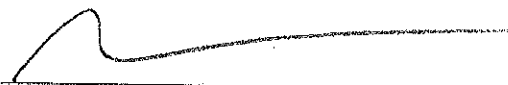
MOTION TO DISMISS THE PETITION TO REVOKE PROBATION

VRA CERTIFICATION

I certify that this document and its attachments do not contain (1) the name of a victim of sexual offense listed in A.S. 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any offense unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

The defendant, Daniel Savala by and through his attorney, Julie Willoughby, hereby moves for an order dismissing the probation revocation petition filed in the above case. This motion is based upon the attached memorandum of law.

Dated at Juneau, Alaska this 3<sup>rd</sup> December 2015.

  
Julie Willoughby  
Attorney for Defendant  
ABA #9906037

This certifies that on the 12/3/15  
day of \_\_\_\_\_, 20\_\_\_\_, a true copy  
of the foregoing was served.  
on DA West via Scan  
by JLW  
/s/ \_\_\_\_\_

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT KETCHIKAN

STATE OF ALASKA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 DANIEL SAVALA,, )  
 )  
 Defendant. )

Case No. 1KE-12-<sup>59</sup>~~10~~ CR

MEMORANUDM IN SUPPORT OF MOTION TO DISMISS THE COMPLAINT

VRA CERTIFICATION

I certify that this document and its attachments do not contain (1) the name of a victim of sexual offense listed in A.S. 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any offense unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

In order to prove that a probation violation has occurred, the state must establish by a preponderance of the evidence that a defendant had adequate notice of the conditions of his probation and that he willfully violated one of the conditions of probation. *Pastos v. State*, 194 P.3d 387 (Alaska 2008).

The probation revocation petition filed against Mr. Savala alleges that Mr. Savala has violated his probation conditions because he will have not completed the sex offender treatment program that he is in by the time his probation ends. The state alleges that this situation violates Mr. Savala's probation condition that requires active participation and attendance in a sex offender treatment program to the satisfaction of his probation officer.

JULIE WILLOUGHBY  
ATTORNEY AT LAW  
227 SEVENTH STREET  
JUNEAU, ALASKA 99801  
julie.willoughby@acsalaska.net  
Telephone (907) 586-1415  
Facsimile (907) 586-2206

**JULIE WILLOUGHBY**

ATTORNEY AT LAW

227 SEVENTH STREET  
JUNEAU, ALASKA 99801

Telephone (907) 586-1415

julie.wiloughby@acsalaska.net

Facsimile (907) 586-2206

1 The state has not established proposed facts that would support a finding of a probation  
2 violation. The probation condition cited by the state as the one in question does not contain a  
3 requirement that Mr. Savala must complete a sex offender treatment program prior to the end  
4 of his probation period. Thus, there has been no allegation of a willful violation of probation  
5 by Mr. Savala in that he has failed to meet a probation requirement.

6  
7 To the extent that the state is attempting to claim that the situation wherein Mr. Savala  
8 will continue to participate in and attend sex offender treatment until the date on which his  
9 probation expires, but where the treatment program extends beyond that date somehow  
10 means that Mr. Savala has failed to participate in such a program to the satisfaction of his  
11 probation officer, this argument is illegal as the probation conditions fails to give Mr. Savala  
12 adequate notice as to what conduct is will be considered "satisfactory" to his probation  
13 officer and therefore also infringes on Mr. Savala's due process rights. As the *Pastos* court  
14 explained, where a defendant was not given adequate notice of what conduct would be  
15 considered to be "contact," he cannot be found to have violated a probation condition that  
16 forbids "conduct" with an identified person. *Id.* at 387. The same is true here. Mr. Savala  
17 was not given any explanation in the judgment which contained his probation conditions as  
18 to what would constitute "satisfactory" behavior relevant to participating in sex offender  
19 treatment. As the *Pastos* court also explained, citing to *Crutchfield v. State*, a regulation is  
20 unconstitutionally vague when it fails to provide adequate notice as to what conduct is  
21 prohibited. *Id.*, citing to *Crutchfield v. State*, 627 P.2d 196, 199 (Alaska 1980). The *Pastos*  
22 court noted that this analysis applied to any criminal penalty, including allegations of  
23 probation violations. *Id.*

24  
25 Here Mr. Savala is in compliance with his conditions of probation except for the state's  
26



**JULIE WILLOUGHBY**

ATTORNEY AT LAW  
227 SEVENTH STREET  
JUNEAU, ALASKA 99801


Telephone (907) 586-1415

Facsimile (907) 586-2206  
julie.willoughby@acsalaska.net

1 allegation that his active participation in the treatment program is not considered active  
2 participation and attendance in a sex offender treatment program "to the satisfaction of" his  
3 probation officer. A sentencing court does not have the authority to increase the  
4 probationary period or add conditions of probation after the sentencing hearing because the  
5 court later comes to the conclusion that a longer probationary period or additional terms of  
6 probation would be better. *Reyes v. State*, 978 P.2d 635 (Alaska App. 1999).

7  
8 Because the probation revocation petition (1) fails to allege a violation of a probation  
9 condition, and (2) contains a probation condition that is unconstitutional in that it is both  
10 vague and fails to provide adequate notice as required by due process as to prohibited  
11 conduct, Mr. Savala asks the court to dismiss the probation revocation petition.

12 Dated at Juneau, Alaska this 3 day of December 2015.

13  
14  
15   
16 Julie Willoughby  
17 Attorney for Defendant  
18 ABA # 9906037  
19  
20  
21  
22  
23  
24  
25  
26

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT KETCHIKAN

State of Alaska,

Plaintiff,

vs.

Daniel Savala,

Defendant.

CASE NO: 1KE-12-00059CR

**NOTICE OF HEARING**

Event: Adjudication Hearing  
Judge: William B Carey  
Location: Courtroom 306, Ketchikan Courthouse  
415 Main Street  
Ketchikan, AK 99901  
Date: 11/25/2015  
Time: 2:00 pm

**\*\*Out of town parties please call conference line  
1-800-768-2983 Code 2253141# at designated time**

November 17, 2015

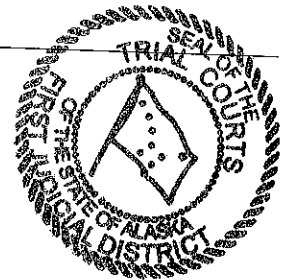
Date

By: NPoutt

Deputy Clerk

I certify that on 11/17/2015  
a copy of this notice was mailed or delivered to:  
Julie Willoughby  
Adult Probation Ketchikan Office & Shannon  
Watson  
District Attorney (1KE)

Clerk: NPoutt



Hearing / Event information for this case may also be available online at  
[courts.alaska.gov](http://courts.alaska.gov)

IN THE SUPERIOR COURT OF THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA )  
Plaintiff, )  
vs. )  
Daniel Savala )  
Defendant )  
DOB: 3/4/56 )  
Court No.: 1KE-S12-59 CR )  
ATN: 110-788-398 )

FILED in the TRIAL COURTS  
STATE OF ALASKA, THIRD DISTRICT

OCT 27 2015

Clerk of the Trial Courts

Deputy

VRA CERTIFICATION

I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any crime unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

FIRST PETITION TO REVOKE PROBATION

The undersigned, a duly appointed Probation Officer for the State of Alaska, Department of Corrections, on behalf of the State of Alaska, moves this Honorable Court for a hearing to determine if the above captioned defendant has violated the terms and conditions of his probation as alleged.

PETITIONER FURTHER REQUESTS this Honorable Court for the issuance of a Summons.

Shannon Watson  
Shannon Watson, Probation Officer II  
Petitioner

10/27/15  
Date

IDENTIFICATION

Race:	Caucasian	Sex:	Male	Height:	5'08"	Weight:	160
Eyes:	Brown	Hair:	Black	DOB:	3/4/1956	Age:	59
Place of Birth:	Houston, Texas						
ACOMS #:	603765	FBI Number:	57128PD4	APSIN #:	6801917		
Identifying Marks:	White marks on cheeks						

IN-CUSTODY REMAND

LOCATE INFORMATION:

Attachments: Judgment & Memo from treatment provider\*

New Charge ONLY  Technical Violation ONLY  PACE Technical Violation ONLY  
 New Charge AND Technical Violation

IN THE SUPERIOR COURT OF THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA )  
Plaintiff, )  
vs. )  
Daniel Savala )  
Defendant )  
DOB: 3/4/56 )  
Court No.: JKE-S12-59 CR  
ATN: 110-788-398

AFFIDAVIT

Shannon Watson is a duly appointed Probation Officer for the State of Alaska, Department of Corrections, and an officer of this Court as provided in Alaska Statute 33.05.030(b);

THAT on October 24, 2012, the above captioned defendant appeared in the Superior Court before the Honorable William Carey and was sentenced to two (2) years with all but 90 days suspended for Count XI: Sexual Abuse of a Minor in the Third Degree.

As a result thereof, the defendant was placed on probation for the period of three (3) years.

That, to the best of the affiant's knowledge, the defendant has approximately twenty-one (21) months remaining to serve.

AFFIDAVIT IN SUPPORT OF PETITION TO REVOKE PROBATION  
RE: Daniel Savala  
1KE-S12-59 CR

THAT the above captioned defendant violated the terms and conditions of probation as imposed by the Superior Court of the State of Alaska and the Department of Corrections as follows:

A. VIOLATION OF SPECIAL CONDITION #4:

The probationer shall continue active participation and attendance in Alaska Department of Corrections approved sex offender programming to the probation officer's satisfaction. The probationer 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 probationer shall notify the probation officer on the next working day.

ALLEGATION:

On or about October 27, 2015, at or near Houston, Texas, the defendant violated the conditions of probation by failing to complete sexual offender treatment by his probation termination date.

The defendant transferred his probation supervision to Houston, Texas in December of 2012. He enrolled in sexual offender treatment at The Paquin Clinic in April of 2013. According to the defendant's Texas PO, the defendant will not be treatment complete by November 14, 2015, the defendant's termination date. Therefore, the Texas sexual offender therapist and probation officer request that the defendant's probation be extended one year. A memorandum from the defendant's sexual offender treatment provider has been attached to this petition.

WITNESS:

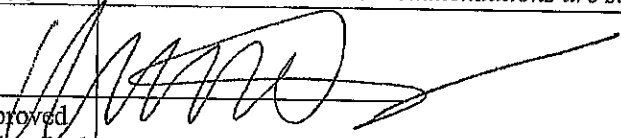
Shannon Watson, POII  
Interstate Compact Office  
310 K Street, Suite 508  
Anchorage, AK 99501  
907.269.6047

AFFIDAVIT IN SUPPORT OF PETITION TO REVOKE PROBATION  
RE: Daniel Savala  
1KE-S 12-59 CR


**FURTHER, a SUMMONS is requested on grounds that the defendant has not completed treatment.**

Probation Officer Recommendation: Based on information from the defendant's Texas probation officer and sexual offender treatment provider, it is recommended that the defendant's probation be extended one year.

*If any further violations occur these recommendations are subject to change.*

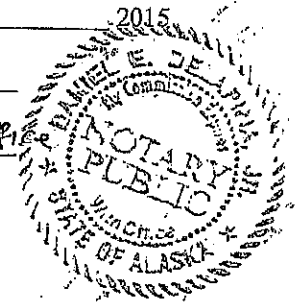
  
Approved  
Kathee Luth  
Probation Officer III

THAT said violations of probation are sufficient cause to revoke probation and impose sentence pursuant to the laws of the State of Alaska.

  
AFFIANT  
Shannon Watson,  
Adult Probation Officer  
Anchorage PSI and Interstate Compact Office  
310 K Street Suite 508  
Anchorage, Alaska 99501  
Phone: 269-7370 or 269-6047  
Fax: 269-6035

Subscribed and sworn before me this 27<sup>th</sup> day of October

Notary public for the State of Alaska  
My commission expires: ending with office



**THE PAQUIN CLINIC**

340 N Sam Houston Pkwy E, Suite 230  
Houston, Texas 77060  
Office (832) 300-1212  
Fax (832) 300-1211

April 19, 2015


Mr. Edward Williams  
HCCSCD-Sex Offender Unit  
49 San Jacinto  
Houston, Texas 77002

Mr. Williams,

This letter is in reference to Mr. Daniel Savala (SPN 02655605). It is my understanding that his probation is due to expire in November 2015. I wanted to let you know that Mr. Savala will not successfully complete sex offender treatment by that time. I am requesting that his probation be extended for one year to give him more time to successfully complete.

Please feel free to contact me with any questions or concerns. I can be reached at 281-387-6332.

Sincerely,

  
Jennifer Deyne, M.Ed., LPC  
Licensed Sex Offender Treatment Provider

FILED in the Trial Courts  
State of Alaska First District  
at Ketchikan  
NOV 17 2015  
1/20  
By Clerk of the Trial Courts Deputy

### NOTICE OF TEMPORARY TRANSFER OF FILE

To: Clerk of Court at Ketchikan Date: November 17, 2015

From: Clerk of Court at Anchorage

CCF  
(signature)

Re: Case Title: State of Alaska vs. Daniel Savala

Case No.: 1KE-12-00059CR

Enclosed is the case file in this case. It is being sent to your court for:

- arraignment and plea.
- sentencing.
- dissolution/divorce hearing.
- hearing on motion to \_\_\_\_\_
- Judge \_\_\_\_\_ to rule upon \_\_\_\_\_
- appeal.
- returning the temporarily transferred file to its original court.
- other (specify): Adjudication Hearing before Judge Carey: 12/8/15 at 3:30pm

Also enclosed is: log note, PTRP w/judgment

Other information: \_\_\_\_\_

FOR CRIMINAL CASES	
Defendant <input type="checkbox"/> is <input type="checkbox"/> is not in custody at _____	
Attorney: _____	(address)
(name)	
If defendant is not in custody, defendant's next appearance is in your court at:	
_____	Bail posted: \$ _____
(time)	(date)

When the above action is completed, please return the case file (original paperwork) to:  
Anchorage

**Distribution:**

1. To new court
2. Remain with original court
3. To defendant's attorney or defendant
4. To plaintiff's attorney or plaintiff



IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA AT ANCHORAGE

STATE  MUNICIPALITY OF ANCHORAGE

DEFENDANT Daniel Savala

CASE NO. 3AN-1KE-12-000590R

ORIGINAL CHARGES: SAM 3°

DOB: 3/4/1956

PHONE#

AMENDED CHARGES: 1st PTRP (10-28-15)

CD# <u>503</u>	<u>Arr</u> Type of Hearing	<u>Fayette</u> PRESENT FOR STATE/MOA	DEFENDANT: <u>He</u>
LOG# <u>21322</u>	<u>Wolventon</u> Judicial Officer	<u>J. Willoughby</u> PRESENT FOR DEFENDANT	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Not Present
DATE <u>11/15</u>	<u>K. Clason</u> Clerk		<input type="checkbox"/> In-Custody <input checked="" type="checkbox"/> Not In Custody
TIME <u>145</u> AMPM			<u>Sammons</u>

Case initially assigned to Judge \_\_\_\_\_

Peremptory Challenge Filed By  State/MOA  Defendant

Case Reassigned to Judge \_\_\_\_\_

RIGHTS BY:  Video  Other

CRIMINAL RULE 39:  \$200  \$250  Other

FINGERPRINTS:  Taken  Ordered

PLEA:  Not Guilty  Guilty  No Contest

Dismissal Per Rule \_\_\_\_\_ Cts \_\_\_\_\_

PETITION TO REVOKE PROBATION:  Admit  Deny

CRIMINAL RULES 5 & 45:  Runs  Tolloed  Rule 45 Expires \_\_\_\_\_

BAIL:  EXON  FORFEIT  REINSTATE

BAIL:  SET  CONTINUED

OWN RECOGNIZANCE

CASH APPEARANCE \$ \_\_\_\_\_

CASH PERFORMANCE \$ \_\_\_\_\_

CASH/CORPORATE \$ \_\_\_\_\_

UNSECURED BOND \$ \_\_\_\_\_

Third-Party Custodian approved: \_\_\_\_\_

Def- ask case to be assigned to Judge Kerry Carey

DA - has opposed

eat - Rule 10 transfer to Judge Kerry Carey

Concurrent w/ \_\_\_\_\_

CONDITIONS OF RELEASE:  Obey all laws; attend all hearings

Maintain contact with attorney

Notify attorney within 24 hours of any change of address

No alcohol or drugs

No possess weapons

No driving without valid OL and insurance

No direct or indirect contact w/ \_\_\_\_\_

Not return to residence of \_\_\_\_\_

INSTRUCTIONS TO DEFENDANT

Appointment of Counsel. The court has  GRANTED  DENIED your request to have an attorney appointed to represent you. You must contact your attorney within 2 working days from today. If convicted, you will be ordered to pay part of the cost of counsel under Criminal Rule 39. The attorney appointed to represent you is:

Public Defender Agency 900 W. 5<sup>th</sup> Ave., Ste. 200 Phone: 334-4400

Office of Public Advocacy 900 W. 5<sup>th</sup> Ave., Ste. 525 Phone: 269-3500

Denali Law Group 750 W. 2<sup>nd</sup> Ave., Ste. 104 Phone: 276-1942

Conflict Attorney Address: \_\_\_\_\_ Phone: \_\_\_\_\_

THESE ARE YOUR NEXT COURT DATES.

You must appear at all hearings listed below unless your attorney notifies you that you do not need to be present. A warrant for your arrest will be issued if you fail to appear for any hearing.

Type of Hearing	Date & Time	Type of Hearing	Date & Time
Arraignment		Minor Consuming Alcohol	
Pre-Indictment		Adjudication/Disposition	<u>12/8/15 3:30</u>
Bail Review		Pretrial Conference	<u>6/4 Judge Kerry Carey</u>
Representation Hearing		Trial Call / Trial	
Change of Plea/Sentencing			
Wellness/Veteran/CRP		Report to Jail/Remand	

CR-150 ANCH (1/15)(st.4)  
CRIMINAL LOG NOTES  
NOV 17 2015

I certify that on this date a copy of this form was given to:  
Defendant; Prosecutor; Def's Attv; Calendarer; ACAD; CWS; \_\_\_\_\_

Exempt From VRA Certif

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA  
AT Anchorage

( ) STATE OF ALASKA,  
Plaintiff,

vs. Srouzls Daniel

Defendant.

CASE NO. 16e-312-59 CR

DOB: 3/4/36

SUMMONS

I SAM 3RD DEGREE

To: Above Named Defendant  
Home Phone:  
Home Address: 5029 Rusk St  
Houston, TX 47023

OL/ID: 6801917 SSN:  
Work Phone:  
Work Address:

You are summoned to appear before the District/Superior Court at:

Court Address: 825 WEST 4TH AVENUE, ANCHORAGE, Alaska

Date and Time: 11/13/2015 @ 1:45 PM

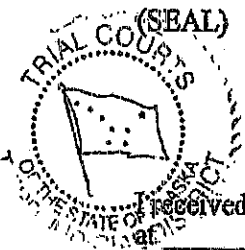
to answer to the attached charging document.

If you fail to appear, a warrant will be issued for your arrest.

10/30/15  
Date

Michael L. Wolverton  
Judge/Deputy Clerk as ordered on record by  
Judge

MICHAEL L. WOLVERTON  
Type or Print Judge's Name



RETURN

I received this summons \_\_\_\_\_, 20\_\_\_\_, and served it \_\_\_\_\_, 20\_\_\_\_,  
(address) in \_\_\_\_\_ (city), Alaska,

by delivering a copy of it and a copy of the charging document to \_\_\_\_\_  
the defendant or a person of suitable age and discretion residing at the defendant's home or usual  
place of residence.

Peace Officer \_\_\_\_\_

Signature of Peace Officer \_\_\_\_\_

Type or Print Name \_\_\_\_\_

NOV 30 2:40 PM

**KEEP ON TOP**

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
AT SITKA

STATE OF ALASKA,

vs.

*Daniel Savala*

Defendant.

DOB: 3-4-56

CASE NO. 1KE-12-59CR

DOC SUPERVISION TRANSFER

*Instructions to DOC: If this is the first time supervision has transferred, file this with the sentencing court. If supervision transfers again to another new supervising court, file this with the prior supervising court and original sentencing court.*

The Department of Corrections has transferred supervision of the defendant to the Probation Office in Anchorage, Alaska.

Effective Date of Transfer: 12-21-12

Department of Corrections  
Division of Probation and Parole  
Location: Sitka

**Clerk's Instructions:** This is filed for information purposes only and does not need to be signed. Docket this form using docket date 1/1/2999. Tie this form into case file and keep on top.



IN THE SUPERIOR COURT OF THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA )  
Plaintiff, )  
vs. )  
Daniel Savala )  
Defendant )  
DOB: 3/4/56 )  
Court No.: 1KE-S12-59 CR )  
ATN: 110-788-398 )

VRA CERTIFICATION

I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any crime unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

FIRST PETITION TO REVOKE PROBATION

The undersigned, a duly appointed Probation Officer for the State of Alaska, Department of Corrections, on behalf of the State of Alaska, moves this Honorable Court for a hearing to determine if the above captioned defendant has violated the terms and conditions of his probation as alleged.

PETITIONER FURTHER REQUESTS this Honorable Court for the issuance of a Summons.

Shannon Watson  
Shannon Watson, Probation Officer II  
Petitioner

10/27/15  
Date

IDENTIFICATION

Race:	Caucasian	Sex:	Male	Height:	5'08"	Weight:	160
Eyes:	Brown	Hair:	Black	DOB:	3/4/1956	Age:	59
Place of Birth:	Houston, Texas						
ACOMS #:	603765	FBI Number:	57128PD4	AFSIN #:	6801917		
Identifying Marks:	White marks on cheeks						

IN-CUSTODY REMAND

LOCATE INFORMATION:

Attachments: Judgment & Memo from treatment provider

- New Charge ONLY  Technical Violation ONLY  PACE Technical Violation ONLY
- New Charge AND Technical Violation

IN THE SUPERIOR COURT OF THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA	)
Plaintiff,	)
vs.	)
	)
Daniel Savala	)
Defendant	)
<u>DOB: 3/4/56</u>	)
Court No.: IKE-S12-59 CR	)
ATN: 110-788-398	)

AFFIDAVIT

Shannon Watson is a duly appointed Probation Officer for the State of Alaska, Department of Corrections, and an officer of this Court as provided in Alaska Statute 33.05.030(b);

THAT on October 24, 2012, the above captioned defendant appeared in the Superior Court before the Honorable William Carey and was sentenced to two (2) years with all but 90 days suspended for Court XI: Sexual Abuse of a Minor in the Third Degree.

As a result thereof, the defendant was placed on probation for the period of three (3) years.

That, to the best of the affiant's knowledge, the defendant has approximately twenty-one (21) months remaining to serve.

**AFFIDAVIT IN SUPPORT OF PETITION TO REVOKE PROBATION****RE: Daniel Savala  
1KE-S12-59 CR**

THAT the above captioned defendant violated the terms and conditions of probation as imposed by the Superior Court of the State of Alaska and the Department of Corrections as follows:

**A. VIOLATION OF SPECIAL CONDITION #4:**

The probationer shall continue active participation and attendance in Alaska Department of Corrections approved sex offender programming to the probation officer's satisfaction. The probationer 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 probationer shall notify the probation officer on the next working day.

**ALLEGATION:**

On or about October 27, 2015, at or near Houston, Texas, the defendant violated the conditions of probation by failing to complete sexual offender treatment by his probation termination date.

The defendant transferred his probation supervision to Houston, Texas in December of 2012. He enrolled in sexual offender treatment at The Paquin Clinic in April of 2013. According to the defendant's Texas PO, the defendant will not be treatment complete by November 14, 2015, the defendant's termination date. Therefore, the Texas sexual offender therapist and probation officer request that the defendant's probation be extended one year. A memorandum from the defendant's sexual offender treatment provider has been attached to this petition.

**WITNESS:**

Shannon Watson, POII  
Interstate Compact Office  
310 K Street, Suite 508  
Anchorage, AK 99501  
907.269.6047

AFFIDAVIT IN SUPPORT OF PETITION TO REVOKE PROBATION

RE: Daniel Savala

IKE-S12-59 CR

FURTHER SUMMONS is requested on grounds that the defendant has not completed treatment.

Probation Officer Recommendation: Based on information from the defendant's Texas probation officer and sexual offender treatment provider, it is recommended that the defendant's probation be extended one year. If any further violations occur these recommendations are subject to change.

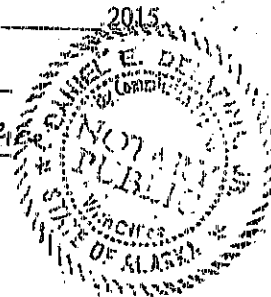
Approved [Signature]
Kathie Luth
Probation Officer III

THAT said violations of probation are sufficient cause to revoke probation and impose sentence pursuant to the laws of the State of Alaska.

[Signature]
AFFIANT
Shannon Watson
Adult Probation Officer
Anchorage PSI and Interstate Compact Office
310 K Street Suite 508
Anchorage, Alaska 99501
Phone: 269-7370 or 269-6047
Fax: 269-6035

Subscribed and sworn before me this 27th day of October 2015

Notary public for the State of Alaska
My commission expires: [Signature]





**THE PAQUIN CLINIC**

340 N Sam Houston Pkwy E, Suite 230  
Houston, Texas 77060  
Office (832) 300-1212  
Fax (832) 300-1211

April 19, 2015


Mr. Edward Williams  
HCCSCD-Sex Offender Unit  
49 San Jacinto  
Houston, Texas 77002

Mr. Williams,

This letter is in reference to Mr. Daniel Savala (SPN 02355605). It is my understanding that his probation is due to expire in November 2015. I wanted to let you know that Mr. Savala will not successfully complete sex offender treatment by that time. I am requesting that his probation be extended for one year to give him more time to successfully complete.

Please feel free to contact me with any questions or concerns. I can be reached at 281-387-6332.

Sincerely,

  
Jennifer Deyne, M.Ed., LPC  
Licensed Sex Offender Treatment Provider

Screen for VRA

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
AT KETCHIKAN

STATE OF ALASKA

Plaintiff,

vs.

DANIEL SAVALA

Defendant.

CASE NO. 1KE-12-59CR

JUDGMENT AND ORDER OF  
COMMITMENT/PROBATION

DOB: 03/04/1956

APSIN: 6801917 ATN: 110788398

DL: 6801917 ST: IX  Comm. Lic.

Defendant has been convicted upon his plea of guilty of:

CTN	Count	Date of Offense	Offense	Statute Violated	DV Offense Per AS18.66.990(3) &(5) (Yes or No)
011	XI	1995	Sexual Abuse of a Minor in the Third Degree	AS11.41.438	No

and the following charges were dismissed:

CTN	Count	Date of Offense	Offense
001-010	I-X	1995-1997	Sexual Abuse of a Minor in the Third Degree

Defendant came before the court on October 24, 2012 with counsel, Julie Willoughby, and the District Attorney Present.

This sentence is based on the parties' Criminal Rule 11 agreement. 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): Two (2) years with all but 90 days suspended.

- Under AS 33.16.090(a)(2) and AS 12.55.115, the defendant is not eligible to be considered for discretionary parole until the defendant:
  - Has served the following term: \_\_\_\_\_
  - Has completed the following conditions: \_\_\_\_\_

State vs. Daniel Savala

Screen for VRA  
Case No. 1KE-12-59CR

IT IS ORDERED that the defendant is fined \$\_\_\_\_\_ with \$\_\_\_\_\_ suspended. The unsuspended \$\_\_\_\_\_ is to be paid to the Court by \_\_\_\_\_. If the entire fine is not paid by the due date, the remaining balance will be assigned to the Department of Law for collection.

\*

POLICE TRAINING SURCHARGE. IT IS ORDERED that the defendant pay to the Court the following surcharge pursuant to AS 12.55.039 within ten (10) days:

Count	Surcharge Amount	Pay to
XI	\$ 100.00	RTN CT

415 Main St Rm 400  
Ketchikan AK 99901

\*

JAIL SURCHARGE. IT IS ORDERED that the defendant pay a correctional facilities surcharge of \$200.00 with \$100.00 suspended to the Department of Law Collections Unit, 1031 West 4<sup>th</sup> Avenue, Suite 200, Anchorage, Alaska 99501. Phone 907-269-6205. AS 12.55.041(b)(1).

DNA IDENTIFICATION. If this conviction is for a "crime against a person" as defined in AS 44.41.035, 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).

Defendant shall report to Alaska State Troopers at 7366 North Tongass Highway, Ketchikan, Alaska, 907-225-5118, or at 415 Main Street, Room 309, Ketchikan, Alaska, to submit to DNA sampling within 5 days of this judgment.

Defendant shall, on request of the Department of Public Safety, submit a DNA sample while in custody. If a DNA sample is not taken while defendant is in custody, defendant shall report to Alaska State Troopers at 7366 North Tongass Highway, Ketchikan, Alaska, 907-225-5118, or at 415 Main Street, Room 309, Ketchikan, Alaska, to submit to DNA sampling within 5 days of release from custody.

RESTITUTION. IT IS ORDERED that the defendant pay restitution:  
 in an amount to be determined as provided in Criminal Rule 32.6(c)(2).  
 as follows:

Restitution Recipients	Amount
A.	\$
B.	\$
C.	\$
<b>TOTAL AMOUNT DUE</b>	
	\$ _____

others listed on attached Addendum.

State vs. Daniel Savala

Screen for VRA  
Case No. 1KE-12-59CR

Payments must be made to the Department of Law Collections Unit, 1031 West Fourth Avenue, Suite 200, Anchorage, Alaska 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. If the defendant misses any required payment, the total unpaid amount becomes immediately due and civil execution may begin.

- Interest will accrue on the principal amount of restitution due at the rate provided in AS 09.30.070(a), currently 3.75%, from:
  - the date of loss: \_\_\_\_\_
  - the date of this judgment.
  - \_\_\_\_\_

The restitution due is owed jointly and severally with restitution ordered to be paid by the following co-defendants: (Names and Case Numbers)

\_\_\_\_\_

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

IT IS FURTHER ORDERED that

IT IS FURTHER RECOMMENDED that

IT IS ORDERED that, after serving any term of incarceration imposed, the defendant is placed on probation for 3  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.

State vs. Daniel Savala

Screen for VRA  
Case No. 1KE-12-59CRGENERAL CONDITIONS OF PROBATION CONTINUED

4. Make a reasonable effort to secure and maintain steady employment or involvement in non-pecuniary community activity. Should you become unemployed, or otherwise disengaged from community activity, 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. Do not possess any firearms or deadly weapons as defined by AS 11.81.900(b)(17).
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 dependants.
9. Do not consume intoxicating liquor to excess.
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. If this conviction is for a sex offense as defined in AS 12.63.100, submit to periodic polygraph examinations as directed by a probation officer of the Department of Corrections. AS 12.55.100(e).
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, which implement court orders or conditions of probation.

SPECIAL CONDITIONS OF PROBATION

1. Pay restitution to the victim in an amount to be determined by the court, payable to the Attorney General's Office on a monthly payment schedule, in an amount to be determined by the court.

State vs. Daniel Savala

Screen for VRA  
Case No. 1KE-12-59CRSPECIAL CONDITIONS OF PROBATION CONTINUED

2. Apply for the Permanent Fund Dividend, if eligible, for benefit during the years under the custody and supervision of the Department of Corrections; forfeit the proceeds for application toward restitution. The department of Revenue is hereby ordered to deliver the Permanent Fund Dividend check(s) to the Attorney General's Office for this purpose.
3. The probationer 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.
4. The probationer shall continue active participation and attendance in Alaska Department of Corrections approved sex offender programming to the probation officer's satisfactions. The probationer 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 probationer shall notify the probation officer on the next working day.
5. The probationer shall actively participate in Alaska Department of Corrections approved programming as directed by the probation officer. The probationer 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.
6. The probationer shall sign releases of information to authorize the exchange of verbal and written information between the assessment provider, treatment provider, polygraph examiner and Alaska Department of Corrections staff members. Additionally, during the course of supervision and treatment, the defendant 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.
7. 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.
8. The probationer shall have no contact with his victim(s), specifically J.P., and J.M. and their significant others and families. Contact includes but is not limited to no in-person contact, no written correspondence, no taped

State vs. Daniel Savala

Screen for VRA  
Case No. 1KE-12-59CRSPECIAL CONDITIONS OF PROBATION CONTINUED

- conversations, no electronic contact (internet or e-mail), no telephonic 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 victim(s).
9. The probationer shall not knowingly have any contact with a person under the age of 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 telephonic 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.
  10. The probationer 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, movies, 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.
  11. The probationer shall not reside in a dwelling in which a minor under the age of (18) is residing or staying without the written permission of his/her probation officer, his sex offender treatment provider and the parent/guardian of the minor.
  12. The probationer 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.

State vs. Daniel Savala

Screen for VRA  
Case No. 1KE-12-59CR

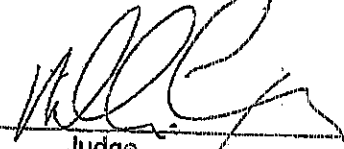
SPECIAL CONDITIONS OF PROBATION CONTINUED

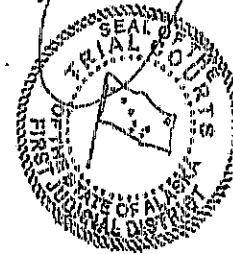
- 13. The probationer shall not accept employment, educational programming, or engage in any volunteer community activity, to include subsistence activities where minors under eighteen (18) years of age are present without the prior written permission of the probation officer.
- 14. The probationer shall not 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.
- 15. The probationer shall inform all persons with whom he has a significant relationship or with whom he is closely affiliated, of the probationer's sexual offending history. Person required to be informed will be determined in a consultation with the approved treatment provider and the probation officer.
- 16. 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.

Any appearance or performance bond in this case:

- is exonerated.
- is exonerated when defendant reports as ordered to jail to serve the sentence.
- was forfeited and any forfeited funds shall be applied to the restitution.

October 24, 2012  
Effective Date

  
\_\_\_\_\_  
Judge  
William B. Carey



I have read and understand my conditions of probation and agree to abide by them.

  
\_\_\_\_\_  
Signature

11-19-2012  
Date



State vs. Daniel Savala

Screen for VRA  
Case No. 1KE-12-59CR

**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.

<input type="checkbox"/>	<b>REGISTRATION REQUIREMENT.</b> Because you have been convicted of one of the offenses listed in AS12.63.100, you must register as described in the attached form (CR-471, Sex Offender and Child Kidnapper Registration Requirements).
--------------------------	--

I certify that on 10/29/12 a copy of this judgment was sent to:

- DA by  ct tray  mail  fax  other \_\_\_\_\_
- Def Atty \_\_\_\_\_ by  ct tray  mail  fax  other \_\_\_\_\_
- Deft @ cpkcc by  ct tray  mail  fax  other \_\_\_\_\_

- AST  DMV-Juneau
- KPD  Adult Probation
- Jail  DPS-R&I-Anch. & Fingerprints
- Collections unit for  cost of imprisonment  restitution  DOC surcharge

Clerk: [Signature]

**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

State v. DANIEL SAVALA

Case No. 1KE-12-59CR

**SEX OFFENDER AND CHILD KIDNAPPER REGISTRATION REQUIREMENTS**  
(Attachment to Judgment)

You must register because you have been convicted of one of the sex offenses listed in AS 12.63.100(6) or child kidnapping as defined in AS 12.63.100(2).

**WHEN & WHERE:**

- If you are not in jail, you must register by the next working day after you are convicted. In Anchorage, you must register at the Department of Public Safety, 5700 East Tudor Road. Outside Anchorage, you must register with the Alaska State Troopers or the police department closest to where you live.
- If you are in jail, you must register at the jail during the last 30 days before you are released.

**HOW:**

You must complete a registration form and be fingerprinted and photographed.

**HOW LONG:**

\*You must comply with the registration laws:

- for life. After your first registration, you must verify your information every three months.
- for 15 years after your unconditional discharge for this offense. After your first registration, you must verify your information once a year. You must continue to verify your information after the 15 years until you provide proof of the unconditional discharge that is acceptable to the Department of Public Safety.

**CHANGE OF ADDRESS:** If you move, you must give written notice to the police or Trooper post nearest to your new residence by the next working day after you change your residence. If you move out of state, your notice must be sent to the Department of Public Safety at the address stated below.

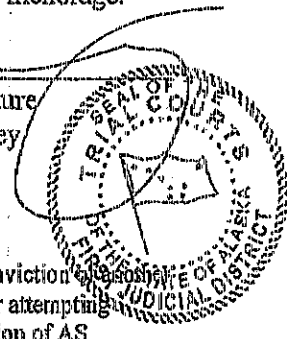
**QUESTIONS:** If you have questions, contact the Division of Statewide Services, Department of Public Safety, 5700 East Tudor, Anchorage, Alaska 99507. Phone: 269-0396 in Anchorage and 1-800-658-8892 outside Anchorage.

10/24/12

Date

*[Handwritten Signature]*

Judge's Signature  
William B. Carey



\* AS12.63.020(a). The following offenses require registration for the time indicated.

**Life:** first degree sexual assault; first degree sexual abuse of a minor; a second or more conviction of a sex offense or child kidnapping (which includes certain murders while committing or attempting kidnapping); or one sex offense and one child kidnapping; or a third or more conviction of AS 11.41.460 (indecent exposure before a person under 16); or attempt, solicitation or conspiracy to commit any of the above to commit any of the above offenses; or one conviction of murder under AS 11.41.100(a)(3) or 11.41.110(a)(3) if it involves a sex offense.

**15 Years:** first conviction of child kidnapping or a sex offense (other than the two first degree offenses listed above, murder under the above statutes involving a sex offense, and AS 11.41.460); or a second conviction of AS 11.41.460; or attempt, solicitation or conspiracy to commit these offenses (except murder).

No VRA Screening Necessary

FINGERPRINT VERIFICATION ATTACHMENT TO JUDGMENT

CASE NO: 1KE-12-00059CR

District Court  Superior Court at Ketchikan, Alaska

Plaintiff: State of Alaska

Defendant: Daniel Savala

DOB: 03/04/1956

ATN: 110788398

DOV: 01/01/1995

APSIN: 6801917

DLN/State:  CDL

FILED IN OPEN COURT  
SUPERIOR COURT  
KETCHIKAN  
Date 10-24-12

Send original along with a copy of the judgment to:

Department of Public Safety  
Alaska Automated Fingerprint Identification Section  
5700 E. Tudor Road  
Anchorage, AK 99507

Keep copy in court file.

LEFT THUMB      RIGHT THUMB

Two vertical rectangular boxes for fingerprint impressions, labeled 'LEFT THUMB' and 'RIGHT THUMB'.

Daniel Savala  
Defendant's Signature

[Redacted]  
Mailing Address

Houston TX 77023  
City                      State                      ZIP

10/24-12  
Date

[Signature]  
Witness  
(Signature and Title) ATTORNEY FOR MR. SAVALA

\* Amended as to Date:

NOTICE OF TEMPORARY TRANSFER OF FILE

To: Clerk of Court at Ketchikan Date: November 09, 2015  
 From: Clerk of Court at Anchorage CCF  
 Re: Case Title: State of Alaska vs. Daniel Savala (signature)  
 Case No.: 1KE-12-00059CR

Enclosed is the case file in this case. It is being sent to your court for:

- arraignment and plea.
- sentencing.
- dissolution/divorce hearing.
- hearing on motion to \_\_\_\_\_
- Judge \_\_\_\_\_ to rule upon \_\_\_\_\_
- appeal.
- returning the temporarily transferred file to its original court.
- other (specify): Adjudication Hearing before Judge Carey: 12/8/15 at 3:30pm

Also enclosed is: log note, PTRP w/judgment

Other information: \_\_\_\_\_

FOR CRIMINAL CASES	
Defendant <input type="checkbox"/> is <input type="checkbox"/> is not in custody at _____	
Attorney: _____	_____
(name)	(address)
If defendant is not in custody, defendant's next appearance is in your court at:	
_____	Bail posted: \$ _____
(time)	(date)

When the above action is completed, please return the case file (original paperwork) to: Anchorage

Distribution:

1. To new court Faxed to Ketchikan
2. Remain with original court
3. To defendant's attorney or defendant
4. To plaintiff's attorney or plaintiff



IT IS ORDERED that the defendant is fined \$ \_\_\_\_\_ with \$ \_\_\_\_\_ suspended. The unsuspended \$ \_\_\_\_\_ is to be paid to the Court by \_\_\_\_\_. If the entire fine is not paid by the due date, the remaining balance will be assigned to the Department of Law for collection.

POLICE TRAINING SURCHARGE. IT IS ORDERED that the defendant pay to the Court the following surcharge pursuant to AS 12.55.039 within ten (10) days:

Count	Surcharge Amount
XI	\$ 100.00

JAIL SURCHARGE. IT IS ORDERED that the defendant pay a correctional facilities surcharge of \$200.00 with \$100.00 suspended to the Department of Law Collections Unit, 1031 West 4<sup>th</sup> Avenue, Suite 200, Anchorage, Alaska 99501. Phone 907-269-5205. AS 12.55.041(b)(1).

DNA IDENTIFICATION. If this conviction is for a "crime against a person" as defined in AS 44.41.035, 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).

- Defendant shall report to Alaska State Troopers at 7366 North Tongass Highway, Ketchikan, Alaska, 907-225-5118, or at 415 Main Street, Room 309, Ketchikan, Alaska, to submit to DNA sampling within 5 days of this judgment.
- Defendant shall, on request of the Department of Public Safety, submit a DNA sample while in custody. If a DNA sample is not taken while defendant is in custody, defendant shall report to Alaska State Troopers at 7366 North Tongass Highway, Ketchikan, Alaska, 907-225-5118, or at 415 Main Street, Room 309, Ketchikan, Alaska, to submit to DNA sampling within 5 days of release from custody.

RESTITUTION. IT IS ORDERED that the defendant pay restitution:

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

Restitution Recipients	Amount
A.	\$ _____
B.	\$ _____
C.	\$ _____
<b>TOTAL AMOUNT DUE</b>	
	\$ _____

others listed on attached Addendum.

Payments must be made to the Department of Law Collections Unit, 1031 West Fourth Avenue, Suite 200, Anchorage, Alaska 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. If the defendant misses any required payment, the total unpaid amount becomes immediately due and civil execution may begin.

- Interest will accrue on the principal amount of restitution due at the rate provided in AS 09.30.070(a), currently 3.75%, from:
  - the date of loss: \_\_\_\_\_.
  - the date of this judgment.
  - \_\_\_\_\_.

The restitution due is owed jointly and severally with restitution ordered to be paid by the following co-defendants: (Names and Case Numbers)  
\_\_\_\_\_.

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

IT IS FURTHER ORDERED that

IT IS FURTHER RECOMMENDED that

IT IS ORDERED that, after serving any term of incarceration imposed, the defendant is placed on probation for 3  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.

GENERAL CONDITIONS OF PROBATION CONTINUED

4. Make a reasonable effort to secure and maintain steady employment or involvement in non-pecuniary community activity. Should you become unemployed, or otherwise disengaged from community activity, 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. Do not possess any firearms or deadly weapons as defined by AS 11.81.900(b)(17).
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 dependants.
9. Do not consume intoxicating liquor to excess.
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. If this conviction is for a sex offense as defined in AS 12.63.100, submit to periodic polygraph examinations as directed by a probation officer of the Department of Corrections. AS 12.55.100(e).
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, which implement court orders or conditions of probation.

SPECIAL CONDITIONS OF PROBATION

1. Pay restitution to the victim in an amount to be determined by the court, payable to the Attorney General's Office on a monthly payment schedule, in an amount to be determined by the court.



SPECIAL CONDITIONS OF PROBATION CONTINUED

2. Apply for the Permanent Fund Dividend, if eligible, for benefit during the years under the custody and supervision of the Department of Corrections; forfeit the proceeds for application toward restitution. The department of Revenue is hereby ordered to deliver the Permanent Fund Dividend check(s) to the Attorney General's Office for this purpose.
3. The probationer 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.
4. The probationer shall continue active participation and attendance in Alaska Department of Corrections approved sex offender programming to the probation officer's satisfactions. The probationer 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 probationer shall notify the probation officer on the next working day.
5. The probationer shall actively participate in Alaska Department of Corrections approved programming as directed by the probation officer. The probationer 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.
6. The probationer shall sign releases of information to authorize the exchange of verbal and written information between the assessment provider, treatment provider, polygraph examiner and Alaska Department of Corrections staff members. Additionally, during the course of supervision and treatment, the defendant 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.
7. 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.
8. The probationer shall have no contact with his victim(s), specifically J.P., and J.M. and their significant others and families. Contact includes but is not limited to no in-person contact, no written correspondence, no taped

SPECIAL CONDITIONS OF PROBATION CONTINUED

conversations, no electronic contact (internet or e-mail), no telephonic 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 victim(s).

9. The probationer shall not knowingly have any contact with a person under the age of 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 telephonic contact, no staling, 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.
10. The probationer 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, movies, 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.
11. The probationer shall not reside in a dwelling in which a minor under the age of (18) is residing or staying without the written permission of his/her probation officer, his sex offender treatment provider and the parent/guardian of the minor.
12. The probationer 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.

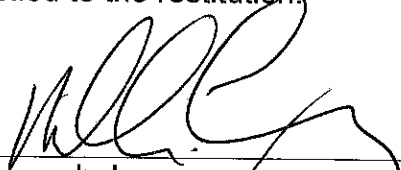
SPECIAL CONDITIONS OF PROBATION CONTINUED

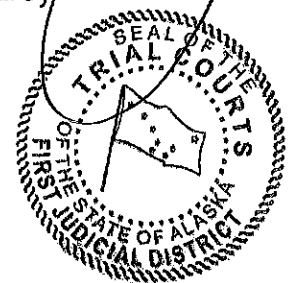
- 13. The probationer shall not accept employment, educational programming, or engage in any volunteer community activity, to include subsistence activities where minors under eighteen (18) years of age are present without the prior written permission of the probation officer.
- 14. The probationer shall not 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.
- 15. The probationer shall inform all persons with whom he has a significant relationship or with whom he is closely affiliated, of the probationer's sexual offending history. Person required to be informed will be determined in a consultation with the approved treatment provider and the probation officer.
- 16. 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.

Any appearance or performance bond in this case:

- is exonerated.
- is exonerated when defendant reports as ordered to jail to serve the sentence.
- was forfeited and any forfeited funds shall be applied to the restitution.
- 

October 24, 2012  
Effective Date

  
\_\_\_\_\_  
Judge  
William B. Carey



**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.

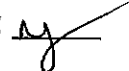
Sentence Appeal. If you are ordered to serve more than two years in jail, you may appeal the sentence to the court of appeals on the ground that it is excessive. Your appeal must be filed within 30 days of the date of distribution stated below. If you are sentenced to serve two years or less in jail, 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.

**REGISTRATION REQUIREMENT.** Because you have been convicted of one of the offenses listed in AS12.63.100, you must register as described in the attached form (CR-471, Sex Offender and Child Kidnapper Registration Requirements).

I certify that on 10/29/12 a copy of this judgment was sent to:

DA by  ct tray  mail  fax  other \_\_\_\_\_  
 Def Atty \_\_\_\_\_ by  ct tray  mail  fax  other \_\_\_\_\_  
 Deft @ dpkcc by  ct tray  mail  fax  other \_\_\_\_\_

AST  DMV-Juneau  
 KPD  Adult Probation  
 Jail  DPS-R&I-Anch. & Fingerprints  
 Collections unit for  cost of imprisonment  restitution  DOC surcharge

Clerk: 

**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

**SEX OFFENDER AND CHILD KIDNAPPER REGISTRATION REQUIREMENTS**  
(Attachment to Judgment)

You must register because you have been convicted of one of the sex offenses listed in AS 12.63.100(6) or child kidnapping as defined in AS 12.63.100(2).

**WHEN & WHERE:**

- If you are not in jail, you must register by the next working day after you are convicted. In Anchorage, you must register at the Department of Public Safety, 5700 East Tudor Road. Outside Anchorage, you must register with the Alaska State Troopers or the police department closest to where you live.
- If you are in jail, you must register at the jail during the last 30 days before you are released.

**HOW:**

You must complete a registration form and be fingerprinted and photographed.

**HOW LONG:**

\*You must comply with the registration laws:

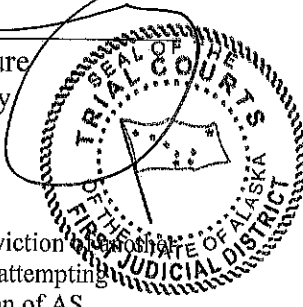
- for life. After your first registration, you must verify your information every three months.
- for 15 years after your unconditional discharge for this offense. After your first registration, you must verify your information once a year. You must continue to verify your information after the 15 years until you provide proof of the unconditional discharge that is acceptable to the Department of Public Safety.

**CHANGE OF ADDRESS:** If you move, you must give written notice to the police or Trooper post nearest to your new residence by the next working day after you change your residence. If you move out of state, your notice must be sent to the Department of Public Safety at the address stated below.

**QUESTIONS:** If you have questions, contact the Division of Statewide Services, Department of Public Safety, 5700 East Tudor, Anchorage, Alaska 99507. Phone: 269-0396 in Anchorage and 1-800-658-8892 outside Anchorage.

10/24/12  
Date

[Signature]  
Judge's Signature  
William B. Carey



\* AS12.63.020(a). The following offenses require registration for the time indicated.

Life: first degree sexual assault; first degree sexual abuse of a minor; a second or more conviction of a sex offense or child kidnapping (which includes certain murders while committing or attempting kidnapping); or one sex offense and one child kidnapping; or a third or more conviction of AS 11.41.460 (indecent exposure before a person under 16); or attempt, solicitation or conspiracy to commit any of the above to commit any of the above offenses; or one conviction of murder under AS 11.41.100(a)(3) or 11.41.110(a)(3) if it involves a sex offense.

15 Years: first conviction of child kidnapping or a sex offense (*other than* the two first degree offenses listed above, murder under the above statutes involving a sex offense, and AS 11.41.460); or a second conviction of AS 11.41.460; or attempt, solicitation or conspiracy to commit these offenses (except murder).

FINGERPRINT VERIFICATION ATTACHMENT TO JUDGMENT

CASE NO: 1KE-12-00059CR

District Court       Superior Court      at Ketchikan, Alaska

Plaintiff: State of Alaska

Defendant: Daniel Savala

DOB: 03/04/1956

ATN: 110788398

DOV: 01/01/1995

APSIN: 6801917

DLN/State:  CDL

FILED IN OPEN COURT  
SUPERIOR COURT  
KETCHIKAN  
Date 10-24-12

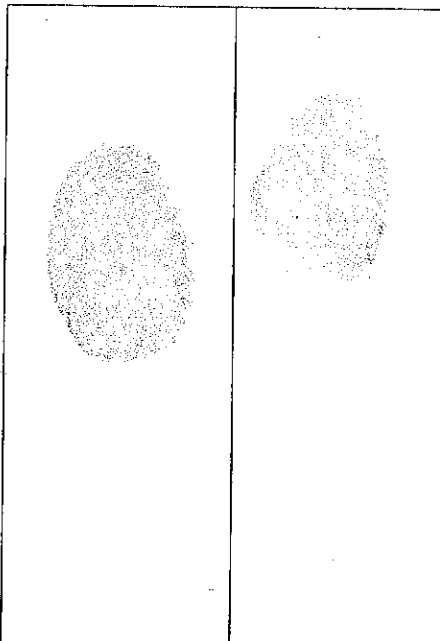
Send original along with a copy of the judgment to:

Department of Public Safety  
Alaska Automated Fingerprint Identification Section  
5700 E. Tudor Road  
Anchorage, AK 99507

Keep copy in court file.

**COPY**

LEFT THUMB      RIGHT THUMB



Daniel Savala  
Defendant's Signature

[Redacted]  
Mailing Address

Houston TX 77023  
City      State      ZIP

10/24-12  
Date

[Signature]  
Witness  
(Signature and Title)

Attorney  
For Mr. Savala

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA

AT Ketchikan

STATE OF ALASKA

FILED IN OPEN COURT  
Superior Court  
KETCHIKAN  
Date 10-24-12

vs. Plaintiff,

Daniel Savala

Defendant.  
DOB: 3-4-56 DOV:

CASE NO. 1KE-12-59 CR

TEMPORARY ORDER

ORIGINAL CHARGE: \_\_\_\_\_

CURRENT CHARGE: SAM3

Defendant is not in custody on this charge.

INSTRUCTIONS TO JAIL

COMMITMENT. It is ordered that the above-named defendant be held in custody:

pending action by this court or until bail is posted in the amount of \_\_\_\_\_

pending receipt of formal judgment. Defendant was sentenced as follows:

TWO years all but 90 days suspended

RELEASE. This is your authority to release the defendant \_\_\_\_\_

Defendant to obey all court orders, and all federal, state, and local laws.

Defendant to appear in court when ordered.

If represented by an attorney, defendant to maintain contact with defendant's attorney.

Defendant to notify defendant's attorney within 24 hours of any change in residence.

TRANSPORTATION (as necessary) \_\_\_\_\_

FINGERPRINT BEFORE RELEASE.  OTHER INSTRUCTIONS. \_\_\_\_\_

NEXT COURT APPEARANCE

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ PLACE: \_\_\_\_\_

Arraignment  Sentencing  Pre-Indictment Hearing

Omnibus Hearing  Bail Hearing  Representation Hearing

Trial  Trial Call  Other: \_\_\_\_\_

Defendant  is  is not represented by counsel:  Public Defender

Defendant  has  has not had a bail review.

10/24/12  
Date

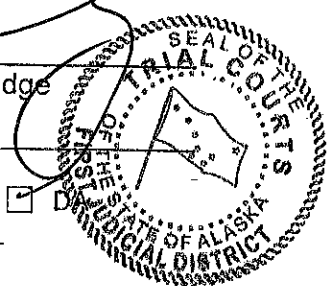
[Signature]  
District/Superior Court Judge  
Type/Print Name: \_\_\_\_\_

I certify that on 10/24/12 a copy of this order was sent to:  Jail  Def./Atty.  District Clerk

AST  Local Police  \_\_\_\_\_ Clerk: [Signature]

CR-200 (7/10)(st.5)  
TEMPORARY ORDER

Crim. R. 4(c) and 5(a)(2)



IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT KETCHIKAN

State of Alaska,

vs.

Daniel Savala,

State of Alaska,

Defendant.

CASE NO: 1KE-12-00059CR

**NOTICE TO DEFENDANT**

If you plead guilty or no contest or are found guilty of a sex offense or child kidnapping, you must register as described below.

**Sex Offender and Child Kidnapper Registration Requirements**

**WHO:** All persons who have been convicted of a sex offense or child kidnapping must register with the state. (See list of offenses on the back of this notice.)

**WHEN & WHERE:**

- If you are not in jail, you must register by the next working day after you are convicted. In Anchorage, you must register at the Department of Public Safety, 5700 East Tudor Road. Outside Anchorage, you must register with the Alaska State Troopers or the police department closest to where you live.
- If you are in jail, you must register at the jail during the last 30 days before you are released.

**HOW:** You must complete a registration form and be fingerprinted and photographed.

**HOW LONG:** You must comply with the registration laws:

- For life (for first degree sexual assault or first degree sexual abuse of a minor, or an attempt, solicitation or conspiracy to commit either offense or for murder under AS 11.41.100(a)(3) or AS 11.41.110(a)(3) if it involves a sex offense – see back).
- Either:
  - For life (if you are convicted, separately or at the same time, of two or more sex offenses, two or more child kidnappings, one sex offense and one child kidnapping, or three or more violations of AS 11.41.460), or
  - For 15 years after your unconditional discharge for this offense (if you are not in one of the categories listed in the two paragraphs above and if you comply with AS 12.63.020(a)(2)).

**UPDATING REQUIRED:** After your first registration, you must periodically verify the information you submitted. For lifetime registrations, you must verify your information every three months. For 15 year registrations, you must verify your information once a year, and you must continue to verify your information yearly until you give the Department of Public Safety acceptable proof of your unconditional discharge.

**CHANGE OF ADDRESS:** If you move, you must give written notice to the police or Trooper post nearest to your new residence by the next working day after you change your residence. If you move out of state, your notice must be sent to the Department of Public Safety at the address below.

**QUESTIONS:** If you have questions, contact the Division of Statewide Services, Department of Public Safety, 5700 East Tudor Rd., Anchorage, Alaska 99507. Phone: 269-0397 in Anchorage and 1-800-658-8892 outside Anchorage in Alaska.

.....  
A copy of this Notice was given to the defendant in open court before accepting the defendant's plea or after verdict. The defendant acknowledged receipt of this notice.

10/24/2012

Date

  
\_\_\_\_\_  
Judge William B Carey



## OFFENSES THAT REQUIRE REGISTRATION

Registration is required for the following crimes and for an attempt, solicitation, or conspiracy to commit any of these crimes (except murder):

### 1. Current Alaska Statutes:

AS 11.41.100(a)(3)	Murder – First Degree ( <i>of a child under 16 resulting from committing or attempting a sexual offense against or kidnapping of the child</i> )	Unclassified Felony
AS 11.41.110(a)(3)	Murder – Second Degree ( <i>of a person resulting from committing or attempting</i> <i>(1) sexual assault in the first or second degree,</i> <i>(2) sexual abuse of a minor in the first or second degree</i> <i>or</i> <i>(3) kidnapping (if the victim was under 18)</i> )	Unclassified Felony
AS 11.41.300	Kidnapping ( <i>if the victim was under 18 years of age at the time of the offense</i> )	Unclassified Felony
AS 11.41.410	Sexual Assault - First Degree	Unclassified Felony
AS 11.41.420	Sexual Assault - Second Degree	B Felony
AS 11.41.425	Sexual Assault - Third Degree	C Felony
AS 11.41.434	Sexual Abuse of Minor - First Degree	Unclassified Felony
AS 11.41.436	Sexual Abuse of Minor - Second Degree	B Felony
AS 11.41.438	Sexual Abuse of Minor - Third Degree	C Felony
AS 11.41.440(a)(2)	Sexual Abuse of Minor - Fourth Degree	A Misdemeanor
AS 11.41.450	Incest	C Felony
AS 11.41.452	Online Enticement of a Minor	B or C Felony
AS 11.41.455	Unlawful Exploitation of a Minor	B Felony
AS 11.41.458	Indecent Exposure in the First Degree	C Felony
AS 11.41.460	Indecent Exposure in the Second Degree ( <i>if the victim is under age 16 and the offender has a previous conviction for this offense</i> )	A Misdemeanor
AS 11.61.118(a)(2)	Harassment in the First Degree ( <i>if offender has a prior conviction for this offense</i> )	A Misdemeanor
AS 11.61.125	Distribution of Child Pornography	B Felony
AS 11.61.127	Possession of Child Pornography	C Felony
AS 11.61.128	Distribution of Indecent Material to Minors	B or C Felony
AS 11.66.110	Promoting Prostitution - First Degree ( <i>if the victim was 16 or 17</i> )	A or B Felony
AS 11.66.130(a)(2)	Promoting Prostitution -Third Degree ( <i>if the victim was 16 or 17</i> )	A Misdemeanor

### 2. Former Alaska Statutes:

AS 11.15.120	Rape
AS 11.15.134	Lewd and Lascivious Acts toward Children
AS 11.15.160	Assault with Intent to Commit Rape
AS 11.40.110	Incest
AS 11.40.200	Prostitution

### 3. Any similar law in another state or country.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT KETCHIKAN

STATE OF ALASKA, )  
 )  
 Plaintiff, )  
 )  
 Vs. )  
 )  
 DANIEL SAVALA, )  
 )  
 Defendant. )

Filed in the Trial Courts  
State of Alaska  
First Judicial District  
at Ketchikan

OCT 01 2012

Clerk of the Trial Courts  
By \_\_\_\_\_ Deputy

Case No. 1KE-12-0059Cr.

(proposed) ORDER

THIS MATTER having come before the Court on the Unopposed Motion to Continue the Sentencing Hearing; the court being fully appraised of the premises and having jurisdiction over the subject matter;

IT IS THEREFORE ORDERED that:

*Sentencing is continued until Wednesday,  
10/24/12 at 9:00 a.m.*

*[Signature]*  
\_\_\_\_\_  
Superior Court Judge



State v. Savala,  
Unopposed Motion to Continue Sentencing  
1KE-12-59Cr.  
Page 4 of 4

CERTIFICATION  
Copies Distributed

Date 10/1/12  
To DA J. W. W. W.  
W. W. W.  
By W. W. W.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT KETCHIKAN

STATE OF ALASKA, )  
)  
Plaintiff, )  
)  
Vs. )  
)  
DANIEL SAVALA, )  
)  
Defendant. )  
)  
)  
)

FILED in the Trial Court State of Alaska  
First Judicial District at Ketchikan

OCT 01 2012

Clerk of the Trial Courts

Case No. 1KE-12-0059Cr.

**UNOPPOSED MOTION TO CONTINUE SENTENCING HEARING**

VRA CERTIFICATION

I certify that this document and its attachments do not contain (1) the name of the victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any crime unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by a court.

Comes Now the State of Alaska, by and through Assistant District Attorney James Scott, and respectfully moves this honorable court to continue the Sentencing Hearing in the above captioned matter currently set for Monday October 8, 2012, and in support thereof states as follows:

- 1. Due to undersigned counsel's oversight this hearing was scheduled without taking into consideration the District Attorney's annual

State v. Savala,  
Unopposed Motion to Continue Sentencing  
1KE-12-59Cr.  
Page 1 of 4

I certify that a copy of the foregoing was placed in the attorney's or parties of record mailbox, clerk's office in Ketchikan. FOX and U.S. Mails to Julie Willoughby  
DATE: 10-1-12 By: [Signature]  
DISTRICT ATTORNEY'S OFFICE

STATE OF ALASKA, DEPARTMENT OF LAW  
Office of the District Attorney  
415 Main Street, Room 304  
Ketchikan, Alaska 99901  
(907) 225-6128 Fax (907) 225-3917

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

conference that begins in Girdwood, Alaska on  
October 8, 2012.

2. Undersigned counsel's attendance at that  
conference is mandatory. Given the nature of  
the case it would be inappropriate for counsel  
to participate by phone.

3. Opposing counsel has been consulted and does not  
oppose rescheduling the sentencing hearing in  
this matter. Her preference is that it be  
rescheduled for the week beginning October 22,  
2012. Undersigned counsel prefers a date  
earlier in the week if possible, as he will be  
out of the office on October 26, 2012.

4. If this request cannot be accommodated due to  
the court's schedule the parties request that a  
scheduling hearing be convened to set a new date  
for the sentencing hearing.

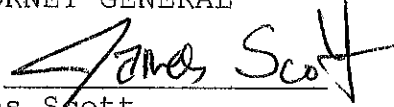
WHEREFORE, in light of the foregoing, the state  
respectfully moves this honorable court to continue the  
Sentencing Hearing in this matter for a period of at

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

least two weeks, to a date and time convenient to the court.

Respectfully submitted this 1st day of October 2012.

MICHAEL C. GERAGHTY  
ATTORNEY GENERAL

By:   
James Scott  
Assistant District Attorney  
AK Bar # 9909046

STATE OF ALASKA, DEPARTMENT OF LAW  
Office of the District Attorney  
415 Main Street, Room 304  
Ketchikan, Alaska 99901  
(907) 225-6128 Fax (907) 225-3917

No VRA Screening Necessary

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT KETCHIKAN

State of Alaska,  
vs.  
Daniel Savala,  
DOB: 03/04/1956

Plaintiff,  
Defendant.

CASE NO: 1KE-12-00059CR

**ORDER FOR  
PRESENTENCE REPORT**

To: Department of Corrections

The defendant has been found guilty of the crime(s) of Sexual Abuse of a Minor in the Third Degree/ AS 11.41.438

It is ordered that the Department of Corrections prepare a presentence report as follows:

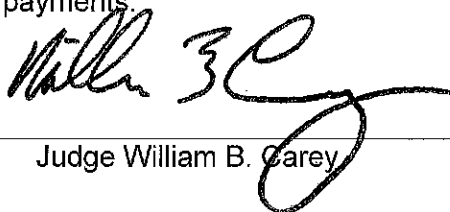
- full presentence report.  
 updated report.  
 short report
- Report Due:  30 days prior to sentencing.  
 10 days prior to sentencing.

The report must comply with Criminal Rule 32.1(b). In addition, the report must state whether there are any victims, the amount of damages for which restitution may be ordered, and whether there are any co-defendants in this matter. Sentencing is set for:

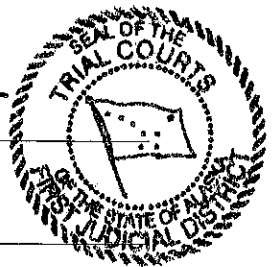
Date and Time: October 08, 2012 at 10:00 am  
Hearing Type: Sentencing: Superior Court  
Location: Courtroom 306, Ketchikan Courthouse  
415 Main Street  
Ketchikan, AK 99901

Within 15 days after entry of a restitution order, the Department of Corrections must give the court a completed restitution schedule on form CR-455. The information on form CR-455 about the victim(s) must be kept confidential and may not be released to anyone except court personnel for the purpose of processing restitution payments.

07/17/2012  
Effective Date

  
Judge William B. Carey

By: NPoult  
Deputy Clerk



Attorneys: DA James Scott Defense Counsel: Julie Willoughby  
The defendant is currently:  in custody.  not in custody.

I certify that on 7-17-12  
a copy of this order was sent to: DA; Willoughby; -fax 907-586-2206  
Probation

Clerk: NPoult

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FIRST JUDICIAL DISTRICT AT KETCHIKAN

Filed in the Trial Courts  
State of Alaska  
First Judicial District  
at Ketchikan

MAY 29 2012

STATE OF ALASKA )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 DANIEL SAVALA, )  
 )  
 Defendant. )

Clk  
By \_\_\_\_\_ Do

Case No. 1KE-12-0059 CR

ORDER

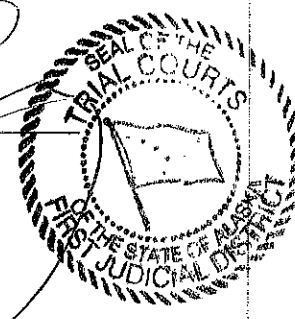
IT IS NOW ORDERED that Jose Savala is appointed as a second third party custodian. The Defendant Daniel Savala will be in the sight and sound custodian ship of one of his third party custodians, Daniel Young or Jose Savala.

On the Sunday of each week Mr. Daniel Savala will be transferred from one of his custodians to the other custodian for the duration of the week. These transfers will occur only on the afternoon of each Sunday between the hours of 12 Noon and 5 PM.

All other conditions of release that were approved by the Court remain in affect.

Dated this the 29 day of May 2012.

*William Carey*  
Judge William Carey



CERTIFICATION  
Copies Distributed  
Date 5/30/12  
To DA/J.W. Loughby  
\_\_\_\_\_  
By WMS

JULIE WILLOUGHBY

ATTORNEY AT LAW  
227 SEVENTH STREET  
JUNEAU, ALASKA 99801

julie.willoughby@acsalaska.net

Facsimile (907) 586-2206

Telephone (907) 586-1415

90 MAY 29 2012



IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FIRST JUDICIAL DISTRICT AT KETCHIKAN  
State of Alaska  
First Judicial District  
at Ketchikan

STATE OF ALASKA )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 DANIEL SAVALA, )  
 )  
 Defendant. )

MAY 29 2012

Clerk of the Trial Courts  
Deputy

Case No. 1KE-12-0059 CR

NON-OPPOSED STIPULATION TO ADDITIONAL THIRD PARTY CUSTODIAN

The Defendant Daniel Savala by and through his attorney Julie Willoughby and the Plaintiff, The State of Alaska by and through its attorney James Scott, agree to and stipulate to the addition of an second third party custodian for Daniel Savala,

The additional third party is to be Jose Savala of Houston Texas, who is the older brother of Daniel Savala. The State of Alaska has been provided with the personal details for Mr. Jose Savala.

Mr. Jose Savala has been informed of the duties of a third party custodian and was given copies of the current conditions of release and he has acknowledged this with the signed acceptance of duties of a third party custodian. (See Exhibit 1).

The Defendant Daniel Savala will have as his third party custodians Mr. Daniel Young (previously approved) or Mr. Jose Savala. One of these custodians will have Mr. Daniel Savala in third party custodianship, on a one week on, one week off basis. On the Sunday of each week

Mr. Daniel Savala will be transferred from one of his custodians to the other custodian for the NON-OPPOSED STIPULATION TO ADDITIONAL THIRD PARTY CUSTODIAN SOA v. Daniel Savala, 1KE-12-0059 CR

JULIE WILLOUGHBY

ATTORNEY AT LAW  
227 SEVENTH STREET  
JUNEAU, ALASKA 99801

Facsimile (907) 586-2206

julie.willoughby@acsalaska.net

Telephone (907) 586-1415

JULIE WILLOUGHBY

ATTORNEY AT LAW  
227 SEVENTH STREET  
JUNEAU, ALASKA 99801

Telephone (907) 586-1415

julie.willoughby@acsalaska.net

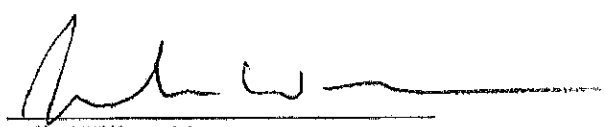
Facsimile (907) 586-2206

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

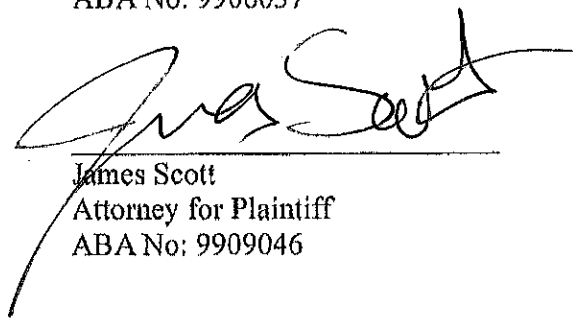
duration of the week. These transfers will occur only on the afternoon of each Sunday between the hours of 12 Noon and 5 PM.

All other conditions of release that were approved by the Court remain in affect.

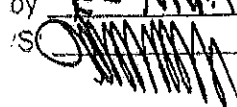
Dated this the 29<sup>th</sup> day of May 2012.



Julie Willoughby  
Attorney for Defendant  
ABA No: 9906037



James Scott  
Attorney for Plaintiff  
ABA No: 9909046

This certifies that on the 29  
day of May, 20 12, a true copy  
of the foregoing was served,  
on DA James Scott  
by E-Mail  


LODGED  
APR 17 2012

Facsimile (907) 586-2206

JULIE WILLOUGHBY  
ATTORNEY AT LAW  
227 SEVENTH STREET  
JUNEAU, ALASKA 99801  
julie.willoughby@csalaska.net

Telephone (907) 586-1415

IN THE SUPERIOR COURT  
FIRST JUDICIAL DISTRICT

*Trial*  
*5/8*

STATE OF ALASKA

Alaska  
District  
2012

vs.

DANIEL SAVALA

Alaska  
District

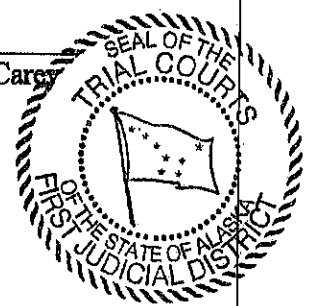
CERTIFICATION - - I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence of business address or telephone number of a victim of or witness to any crime unless it is an address used to identify the place of a crime or in a transcript of a court proceeding and disclosure of the information was ordered by the court.

\*\*\*ORDER\*\*\*

MR. SAVALA may appear at his pre-trial hearing scheduled for April 30, 2012, telephonically from Texas. His is to remain in the custody of his third-party custodian.

Date: 4/18/12

*[Signature]*  
Superior Court Judge William B. Cargy



\* Judge Cargy is on leave this week.

Copies Distributed  
Date 4/18/12  
To DA J.W. Willoughby  
*[Signature]*

**JULIE WILLOUGHBY**  
ATTORNEY AT LAW  
227 SEVENTH STREET  
JUNEAU, ALASKA 99801

Telephone (907) 586-1415

Julie.willoughby@acesalaska.net

Facsimile (907) 586-2206

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT KETCHIKAN

STATE OF ALASKA

vs.

DANIEL SAVALA

Filed in the Trial Courts  
State of Alaska  
First Judicial District  
at Ketchikan

APR 17 2012

Clerk of the Trial Courts  
By IKO Deputy


Case No. 1KE-12-59 CR,

CERTIFICATION -- I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence of business address or telephone number of a victim or witness to any crime unless it is an address used to identify the place of a crime or in a transcript of a court proceeding and disclosure of the information was ordered by the court.

**NON-OPPOSED MOTION TO ALLOW DEFENDANT TO APPEAR  
TELEPHONICALLY FOR PRE-TRIAL HEARING**

MR. SAVALA'S pretrial conference is scheduled for April 30, 2012. Previously the court allowed Mr. Savala to travel to Texas with his third-party custodian but ordered him to be physically in Ketchikan for the April 30, 2012 hearing. Undersigned counsel is in the process of reviewing the significant amount of discovery and anticipates asking the court for a continuance of the trial date to be adequately prepared to defend Mr. Savala. Undersigned counsel has conferred with the always-gracious Mr. Scott who states that under these circumstances he does not oppose allowing Mr. Savala to remain in Texas with the third-party custodian and that he will not oppose a continuance with a Rule 45 waiver. If the court allows the parties anticipate scheduling a new trial date at the pre-trial hearing.

Date: April 17, 2012

  
Julie Willoughby, ABA # 9906037

I certify that on 4/17/12  
I filed this motion to Ketchikan  
No. 1KE-12-59 CR

FILED in the Trial Courts  
State of Alaska First District  
at Ketchikan

APR 02 2012

Clerk of the Trial Courts

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT KETCHIKAN

By AD Deputy

State of Alaska,  
vs. Plaintiff,

CASE NO: 1KE-12-00059CR

Daniel Savala,  
Defendant.

CASH BOND

DOB: 03/04/1966 APSIN: 6801917 ATN: 110788398 DL/ID ST: \_\_\_\_\_ Com. Lic

Offense(s) Charged:

- 001: AS11.41.438: Sexual Abuse of Minor 3
- 002: AS11.41.438: Sexual Abuse of Minor 3
- 003: AS11.41.438: Sexual Abuse of Minor 3
- 004: AS11.41.438: Sexual Abuse of Minor 3
- 005: AS11.41.438: Sexual Abuse of Minor 3
- 006: AS11.41.438: Sexual Abuse of Minor 3
- 007: AS11.41.438: Sexual Abuse of Minor 3
- 008: AS11.41.438: Sexual Abuse of Minor 3
- 009: AS11.41.438: Sexual Abuse of Minor 3
- 010: AS11.41.438: Sexual Abuse of Minor 3

I acknowledge that I owe the State of Alaska the following amounts:

**Appearance Bond** in the amount of \$ 10000.00. The condition of this bond is that I will appear for all court hearings, including sentencing and post-conviction hearings.  
 Amount posted:  10% of the Bond Amount  100% of the Bond Amount

**Performance Bond (non-corporate)** in the amount of \$ \_\_\_\_\_. The condition of this bond is that I comply with the conditions of release set by the court.  
 Amount posted: 100% of the Bond Amount

I understand that:

1. The bonds continue until the court orders them exonerated (canceled).
2. If I deposit any cash with the court on the bonds, the court may use the cash to satisfy any fine, surcharge, or restitution imposed on me.
3. If I comply with the above conditions, the bonds will be canceled.
4. If I fail to comply with the above conditions, the court may enter a judgment against me for the amount of the bonds, plus costs and interest. All cash posted will be used to pay this judgment. If additional money is due, the court may order that my personal property be seized to satisfy any amount still due.

I submit myself to the jurisdiction of the court and irrevocably appoint the clerk of court as my agent upon whom papers affecting my liability may be served. [Civil Rule 80(f)] The clerk will attempt to notify me, but it is my responsibility to keep the clerk notified of my current address.

3-30-2012  
Date

Daniel Savala  
Defendant's Signature

Texas 77023  
State ZIP

Home Phone

Work Phone

self  
Place of Employment

witnessed by Kevin Morley

CASH BOND, Page 2 of 2  
CASH DEPOSIT AGREEMENT

I am depositing \$ 10000.00 cash as security for the bonds. I understand that:

1. The bonds continue until the court orders them exonerated (canceled).
2. If the defendant fails to comply with the conditions of the bonds, the bonds will be forfeited to the State. The only notice I will be given of forfeiture of this cash deposit will be mailed to me at the address I provide below.
3. If the defendant complies with the conditions of the bonds, the bonds will be canceled and this cash deposit will be returned to me. However, if I am the defendant, the court may order that the deposit be used to pay any fine, surcharge or restitution ordered.

**Complete the following if owner of cash is not the defendant:**

The cash I have deposited  may be used  may not be used by the court to pay any fine, surcharge, or restitution imposed on the defendant.

I submit myself to the jurisdiction of the court and irrevocably appoint the clerk of court as my agent upon whom papers affecting my liability may be served. [Civil Rule 80(f).] The clerk will attempt to notify me, but it is my responsibility to keep the clerk notified of my current address.

[Signature] Signature of Owner of Cash      Daniel Young Type or Print Name      01-26-88 Date of Birth

[Redacted] Mailing Address      City      State      ZIP      Daytime Phone

Failure to write clearly or give a complete address may delay refund of bail on deposit with court. 5945

ACKNOWLEDGMENT

On March 30th, 2012, the above-named owner of the cash personally appeared before me in Ketchikan, Alaska and acknowledged that he/she signed the above agreement freely and voluntarily for the purposes stated therein.



[Signature]  
Clerk of Court, Notary Public or other person authorized to administer oaths.  
My commission expires: \_\_\_\_\_

MY COMMISSION EXPIRES  
UPON TERMINATION FROM  
THE ALASKA COURT SYSTEM

**IRS Requirement:** The clerk or jail officer accepting bail must complete form CR-231 if the amount posted is more than \$10,000 in cash and the defendant is charged with one of the offenses listed on that form. Cash means any combination of cash, cashier's checks, bank drafts, traveler's checks or money orders. The Court System is required to submit this information to the Internal Revenue Service.

Form CR-231 is required in this case:  Yes  No

Clerk/Jail Officer: CF

- Distribution:
1. Original to court
  2. Defendant (via jail)
  3. Person depositing money
  4. Jail, if defendant is in custody
  5. DA
  6. J. Willab.

FOR COURT USE ONLY.  
Court Receipt # 805215  
Amount \$10,000.00  
Date Received 3/30/12  
Received By CF

ALASKA COURT SYSTEM

Receipt Type Accounts Receivable Outstanding Amount 0.00  
Receipt Number 805215 Receipt Date 03/30/2012

Case Number	IKE-12-00059CR
Description	State of Alaska vs. Savala, Daniel

Received From Daniel C Young  
On Behalf Of Savala, Daniel

Itemized Listing:

Description	Amount
Bail Info:	10,000.00

Receipt Payments	Amount	Reference Description
Cash	10,000.00	100x100

Total Received	10,000.00
Net Received	10,000.00
Change	0.00

Comments

Deputy Register autterback Transaction Date 03/30/2012 12:55:09

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT KETCHIKAN

State of Alaska,  
vs.

Plaintiff,

Daniel Savala,  
Defendant.

CASE NO: 1KE-12-00059CR

TEMPORARY ORDER

DOB: 03/04/1956 ATN: 110788398  
DL/ID ST: \_\_\_\_\_ - APSIN: 6801917

CHARGE(S):

- 001: AS11.41.438: Sexual Abuse of Minor 3
- 002: AS11.41.438: Sexual Abuse of Minor 3
- 003: AS11.41.438: Sexual Abuse of Minor 3
- 004: AS11.41.438: Sexual Abuse of Minor 3
- 005: AS11.41.438: Sexual Abuse of Minor 3
- 006: AS11.41.438: Sexual Abuse of Minor 3
- 007: AS11.41.438: Sexual Abuse of Minor 3
- 008: AS11.41.438: Sexual Abuse of Minor 3
- 009: AS11.41.438: Sexual Abuse of Minor 3
- 010: AS11.41.438: Sexual Abuse of Minor 3

**FILED** in the Trial Courts  
State of Alaska First District  
at Ketchikan  
**MAR 30 2012**  
Clerk of the Trial Courts  
By \_\_\_\_\_ Deputy

Defendant is not in custody on this charge.

INSTRUCTIONS TO JAIL

- COMMITMENT. It is ordered that the above-named defendant be held in custody:
- pending action by this court or until bail is posted in the amount of: \_\_\_\_\_
  - plus a court-approved third-party custodian
  - pending receipt of formal judgment. Defendant was sentenced as follows: \_\_\_\_\_

- RELEASE. This is your authority to release the defendant Release to third party - Bail posted at counter
- Defendant to obey all court orders, and all federal, state, and local laws.
  - Defendant to appear in court when ordered.
  - If represented by an attorney, defendant to maintain contact with defendant's attorney.
  - Defendant to notify defendant's attorney within 24 hours of any change in residence.

TRANSPORT (as necessary). \_\_\_\_\_

FINGERPRINT BEFORE RELEASE.  OTHER INSTRUCTIONS. \_\_\_\_\_

NEXT COURT APPEARANCE

DATE: 4/30/12 TIME: 2:30pm PLACE: Ketchikan

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Arraignment     | <input type="checkbox"/> Sentencing            | <input type="checkbox"/> Pre-Indictment Hearing |
| <input type="checkbox"/> Omnibus Hearing | <input type="checkbox"/> Bail Hearing          | <input type="checkbox"/> Representation Hearing |
| <input type="checkbox"/> Trial           | <input checked="" type="checkbox"/> Trial Call | <input type="checkbox"/> Other: _____           |





**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA AT KETCHIKAN  
TEMPORARY ORDER/RELEASE CONDITIONS**

STATE OF ALASKA	Defendant: DANIEL SAVALA	DOB: 3/4/56	ID# 6801917
Case Number	ATN	Current Charge(s)	
1 KE-12-59CR	110788398	SAM x 11	Bail/Disp. Days

**\*\* THIS ORDER REPLACES ANY PREVIOUSLY ISSUED ORDERS AND CONDITIONS OF RELEASE \*\***

**COUNSEL**

- The request for a court appointed lawyer is granted. Within three days, contact:
  - Public Defender Agency (907) 228-8950
  - City Public Defender (907) 225-2101.
- Defendant will hire a lawyer.  Defendant requests self-representation.

**COMMITMENT/RELEASE - INSTRUCTIONS TO JAIL**

- Defendant is to be held in custody on \$10,000.00 bail.
- Release upon posting of \$5000.00.  Other: \_\_\_\_\_
- Defendant is to be held in custody to serve time imposed above. Formal judgment to follow.

**CONDITIONS ON RELEASE: IT IS ORDERED** that the defendant's release is conditioned on the following:

- OWN RECOGNIZANCE (O.R.). Defendant does not have to post bail.
- Defendant to execute the following bonds:
  - APPEARANCE BOND in the amount of \$ 5,000.00 as 100% cash prior to release; an additional \$5,000.00 as 100% cash or surety due by 4/13/12.
  - PERFORMANCE BOND in the amount of \$ \_\_\_\_\_ cash only
- THIRD PARTY CUSTODIAN Daniel Young
  - 24-hour sight or sound.
  - The phone number for the Ketchikan Alaska State Troopers shall be programed into Mr. Young's cell phone prior to defendant's release. Mr. Young shall immediately notify Ketchikan AST if conditions are not abided by.
  - The third party custodian may return defendant to jail for any reason.
- DEFENDANT TO OBEY THE FOLLOWING CONDITIONS:
  - Appear at all scheduled hearings.
  - Obey all local, state and federal laws and ordinances.
  - Maintain contact with attorney.
  - Notify court in writing within 24 hours of any change in residence/mailing address.
  - Mail passport to attorney Julie Willoughby within 1 week of arrival in Texas.
  - Provide a copy of his round trip airline ticket between Ketchikan and Texas to the Ketchikan District Attorney's office prior to departing Ketchikan, with a return date to Ketchikan within 30 days of departure.
  - No contact directly or indirectly with persons under 18 years of age.

**NEXT SCHEDULED APPEARANCE:** 4/30/12 @ 2:30 PM Calendar Call, 5/8/12 @ 8:30 Jury Trial.

**AGREEMENT BY DEFENDANT.** I have reviewed the above order. I promise to appear at all court hearings and to comply with all conditions set. I understand that I can be immediately arrested if I violate any release condition.

**DEFENDANT'S SIGNATURE:** Set on record with defendant present

**ACCEPTANCE OF DUTIES BY CUSTODIAN.** I understand that I have the following duties: 1) I must make every effort to assure that defendant appears at all hearings and complies with all conditions of release. 2) If defendant violates any condition of release, I must immediately report it to local law enforcement and the prosecuting attorney. I understand that I may be punished for contempt of court and charged with a crime if I fail to immediately report when defendant violates a condition of release.

Daniel Young Custodian's Signature      1/26/56 Date of Birth      713-248-5945 Work Phone  
[Redacted] Residence Address      Huntsville, TX City      77340 State      ZIP      Home Phone

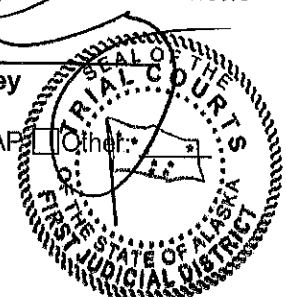
DATE: 3/29/12

I Certify that on 3/29/12 a copy of this order was:

Dist. to:  Deft by ml/ct  Deft's Atty  DA  CA  AST  KPD  KCC  JASAP  KASAP  Other: \_\_\_\_\_

Faxed to:  AST  KPD  KCC  Deft via KCC  Other: Julie Willoughby

Clerk: slh  
TFC Daniel Young e counters



IN THE ~~DISTRICT~~/SUPERIOR COURT FOR THE STATE OF ALASKA  
AT Ketchikan

STATE OF ALASKA )  
)  
)  
Plaintiff, )  
)  
vs. )  
)  
Daniel Savala )  
)  
Defendant. )  
)  
DOB 3/4/56 )

FILED IN OPEN COURT  
Superior Court  
KETCHIKAN  
Date 3/29/12 SDN

CASE NO. 1KE-12-59 CR

FUGITIVE FROM JUSTICE  
WAIVER OF EXTRADITION

I, the above-named defendant, certify that I waive issuance and service of the Warrant of Extradition provided for in AS 12.70.060.

I further certify that my legal rights regarding the issuance and service of the said Warrant of Extradition and an opportunity to apply for a Writ of Habeas Corpus have been fully explained to me by the Court as provided by law.

I further certify that I have read and understand the contents of this waiver and that I freely and knowingly consent to my return to the State of Alaska.

I do, therefore, execute this waiver before this Court.

3/29/12  
Date

Daniel Savala  
Defendant's Signature

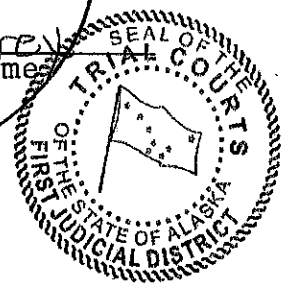
The defendant appeared before me and signed the above waiver. I find that the defendant has knowingly and voluntarily waived extradition.

3/29/12  
Date

[Signature]  
Judge/Magistrate

I certify that on \_\_\_\_\_  
copies of this form were distributed as follows:

William B. Carey  
Type or Print Name



- 1. Original to Court File.
- 2. Alaska State Troopers - to be given to agent of demanding state.
- 3. District Attorney.
- 4. Fugitive via KCC via fax
- 5. Jail - for their files. via fax
- 6. Fugitive's attorney, ~~if any~~ Julie Willoughby via fax

Clerk: SDN

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT KETCHIKAN

STATE OF ALASKA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 DANIEL SAVALA )  
 )  
 Defendant. )



Case No. 1KE-12-59CR

**OMNIBUS HEARING ORDER**

**I. Trial**

This case is scheduled for trial 5/8/12, beginning at 8:30 a.m.

The estimated time for trial is at least 5 days.

The pre-trial call will occur on 5/1/12 at 2:30 p.m. The defendant must be present. A defendant residing outside of the Ketchikan Gateway Borough may appear by telephone, unless otherwise ordered by the Court, by calling 907-225-3195.

Counsel for the State and counsel for the defendant shall meet and discuss resolution of this case without trial no later than one week prior to the pre-trial call. If the case is resolved after the pre-trial call the defense must promptly file written notice of the same with the Court and advise the Jury Clerk. **Notice of such a resolution should be submitted to the Jury Clerk at least two (2) business days prior to the scheduled trial date. If the case is resolved thereafter the parties and/or counsel for the parties may be assessed the costs incurred by the Court system in transporting/housing jurors and paying juror fees.**

The parties' proposed jury instructions, including instructions related to noticed aggravators, shall be filed at least three business days before the start of the trial. Proposed instructions may also be submitted during the trial to address matters arising during the trial. The submitting party must provide two original sets of the proposed instructions. One set of the instructions shall be numbered and cite the legal authority for

each proposed instruction. The second set shall be without citation or numbering. A conformed copy of the set containing legal citations must be served on the other party.

Jury selection shall be conducted in accordance with Alaska Criminal Rule 24(a).

Exhibits the parties intend to submit must be marked for identification prior to trial. A party intending to present exhibits shall file its exhibit list with the in-court clerk prior to that party presenting its evidence. The procedures set forth in Civil Rule 43.1(b) shall govern the marking and listing of exhibits. If an exhibit can be photo-copied (i.e. a document or a photograph), the party seeking to admit the exhibit shall provide a photo-copy of the exhibit to the Court and opposing counsel at or before the time the party seeks to admit the exhibit.

## II. Rule 45

The Criminal Rule 45 calculation began on 3/6/12. Criminal Rule 45 has been tolled for the following period(s) \_\_\_\_\_ . Counsel for the parties state that they have reviewed the Criminal Rule 45 situation and they affirm that the above trial date is not in violation of the defendant's rights under Criminal Rule 45.

## III. Stipulations

Any stipulations by the parties as to admissibility of evidence, witness testimony, chain of custody, or other matters shall be reduced to writing, signed by counsel and promptly filed with the Court.

### III. Discovery to the Defendant

- A. **Investigation.** The State states that its investigation in this case is complete except for Complete - possible supplemental report will be provided
- B. **Status of Discovery.** Defense counsel states that (s)he has obtained full discovery under Criminal Rule 16, except for So far so good.
- C. **Discovery Order.** The defendant is entitled to prompt discovery of any additional information coming into the State's possession after

this date that is discoverable under Criminal Rule 16. Tangible objects that the State intends to use at trial are located at AST Ketchikan and are available for inspection and/or copying by defendant's counsel upon reasonable request.

D. **Prior Convictions - State's witnesses.** Information concerning prior convictions of the persons the State intends to call as witnesses at trial shall be provided to defendant's counsel fifteen (15) days prior to trial.

E. **"Bad Acts" - defendant.** The State (does) (does not) intend to rely on "other crimes, wrongs, or acts" by the defendant for purposes permitted under ARE 404(b). If the State does intend to present such evidence the state purposes are to:

possible evidence of grooming behavior

For notice: 4/6/12

If the defense objects to the admissibility of such evidence defendant's counsel must raise the objection(s) in a motion in limine or motion for a protective order within the time period set forth elsewhere herein.

F. **Prior Convictions - defendant.** The State (does) (does not) intend to use prior convictions of the defendant under ARE 609 to impeach the defendant should the defendant testify at trial.

For each such conviction:

Date of conviction: \_\_\_\_\_ Offense: \_\_\_\_\_

The defendant (admits) (denies) the prior conviction.

Use of such a conviction for impeachment purposes (is) (is not) permitted under ARE 609. If use is permitted, and the defendant has not admitted the existence of the conviction, the State must prove the conviction. Further, the State must raise the matter outside the presence of the jury prior to the defendant's testimony so that the scope and nature of the related impeachment can be discussed and established. If defendant's counsel believes that such evidence should not be presented to the jury under ARE 403, or for any other reason, defendant's counsel shall address the same in a motion in limine or for protective order filed within the time period set forth in Section IV.

G. **Informer.** There (was) (was not) an informer.

If so, the informer (will) (will not) be called to testify at trial.

If so, the informer's identity (has) (has not) been disclosed.

A hearing on the disclosure of the informer's identity will occur on \_\_\_\_\_.

- H. **Electronic Surveillance.** There (has) (has not) been any electronic surveillance of the defendant or his/her premises.

If so, all discoverable material relating to the electronic surveillance has been supplied to defendant's counsel, or will be disclosed by \_\_\_\_\_.

- I. **Expert Witnesses.** The State intends to present expert testimony. (YES) (NO).

If yes, the State shall make the expert witness disclosures required by Criminal Rule 16(b)(1)(B) by \_\_\_\_\_.

NOTE, the Court does not interpret "written statements" or "report" to include an expert's notes or photographs. Hence, if the defendant wants copies of an expert's photographs, notes or similar writings, defendant's attorney must specifically request the same from the State in writing.

- J. The State must provide notice of aggravators by 4/2/12. If a notice is filed, a bifurcated trial with the same jury will be held if there is a guilty verdict on an offense that may be aggravated. The parties must be prepared to immediately proceed to present evidence pertaining to aggravators following such a guilty verdict. This second phase of the trial will begin immediately after the verdict or the next business day, except for good cause shown.

#### IV. Motions

The defendant will move: (circle all that apply)

1. To dismiss the indictment.
2. To dismiss for failure to state an offense.
3. To sever the case.
4. To sever Count \_\_\_\_\_.

5. For a bill of particulars.
6. To take the deposition of \_\_\_\_\_.
7. To suppress evidence.
8. To dismiss for entrapment.
9. To require the State to secure the appearance of witness \_\_\_\_\_.
10. Other. Specifically, \_\_\_\_\_.

Defense motions shall be filed by 4/9/12.  
 Opposition and Reply shall be filed in accordance with Criminal Rule 42(c), (d).

Oral argument will be scheduled if requested. An evidentiary hearing may be scheduled if requested. The party shall indicate in the request the anticipated length of the argument and/or hearing.

Motions in limine or for protective order shall be filed 14 days prior to trial. The opposition is due within 7 days of the filing of the motion.

A party contesting the admissibility of expert testimony proposed by the other party must request a **Daubert** hearing (**See, State v. Coon**, 974 P.2d 386 (Alaska 1999) within 14 days of receipt of expert disclosures from the other party.

## V. Discovery to the State

### A. **Incompetency, Insanity, Diminished Capacity.**

There (is) (is not) any claim of incompetency of the defendant to stand trial pursuant to AS 12.47.100.

There (is) (is not) any claim of insanity at the time of the offense pursuant to AS 12.47.010(b).

There (is) (is not) any claim of mental disease or defect negating a culpable mental state pursuant to AS 12.47.020(a).

If the defense claims that the defendant was insane at the time of the offense or suffered from a mental disease or defect negating a culpable mental state the defense further asserts that the defendant (is) (is not) presently suffering from any mental illness



that causes the defendant to be dangerous to the public peace or safety (AS 12.47.090(a)).

If the defense is presently unable to advise if any of the above are applicable the defense has 14 days within to provide written notice if the defendant claims any of the above. Failure to do so will result in waiver of the affirmative defenses of insanity or diminished capacity under AS 12.47.010(b) and AS 12.47.020(a) and the defendant will thereafter have to seek leave of court, and demonstrate good cause, in order to file notice of such defenses.

- B. By 4/9/12 the defendant shall file notice of intent to rely upon a defense of entrapment, duress, alibi, justification, or other statutory or affirmative defenses pursuant to Criminal Rule 16(c)(5).
- C. Defense counsel shall comply with the requirements of Criminal Rule 16(c)(6). "Reasonable time" for turning over such evidence means as soon as defense counsel is able to do so and, in any event, no more than 2 business days unless the location of the evidence is such that defense counsel can not comply with the 2 business day deadline. If defense counsel is not able to comply with the 2 business day deadline counsel shall take reasonable steps to assure that the evidence is turned over to the prosecutor as soon as is reasonably possible under the circumstances and shall promptly advise the Court in writing of the situation.
- D. By 4/9/12, the defendant shall make the expert witness disclosures required by Criminal Rule 16(c)(4).
- E. The State (is) (is not) requesting that the defendant engage in non-testimonial identification procedures pursuant to Criminal Rule 16(c)(1-3).

If so, the State is requesting that the defendant: \_\_\_\_\_

The defendant (does) (does not) oppose the State's request.

If opposed, the State shall file a written application pursuant to Criminal Rule 16(c)(1) by \_\_\_\_\_. The defendant shall file any opposition to the application by \_\_\_\_\_.

**VI. Miscellaneous**

Defense counsel intends to raise no issue by motion except as noted herein.

Nothing herein modifies, deletes, amends, or negates any of the requirements of Criminal Rule 16(d).

Failure by an attorney to comply with any of the dates or terms in the foregoing order without just cause may result in the imposition of a fine not to exceed fifty thousand dollars (\$50,000.00) as provided for in Civil Rule 95(b).

It is also ordered that \_\_\_\_\_

Dated \_\_\_\_\_

District Attorney

Defendant

\_\_\_\_\_  
Defense Counsel

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defense Counsel

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defense Counsel

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defense Counsel

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
Superior Court Judge

I certify that on 3-28-12  
a copy of this order was sent to:

DA /  Willoughby via fax: 506-2206

Clerk: BNC



**IN THE DISTRICT COURT FOR THE STATE OF ALASKA AT KETCHIKAN  
TEMPORARY ORDER/RELEASE CONDITIONS**

STATE OF ALASKA	Defendant: Daniel Savala	DOB:3/4/1956	ID#6801917
Case Number	ATN	Current Charge(s)	Bail/Disp.
1 KE-12-59CR	110788398	SAM III X 11	Days
1 KE- - CR			Days
1 KE- - CR			Days

**\*\* THIS ORDER REPLACES ANY PREVIOUSLY ISSUED ORDERS AND CONDITIONS OF RELEASE \*\***

**COUNSEL**

The request for a court appointed lawyer is granted. If convicted, defendant will be ordered to pay part of the cost of appointed counsel pursuant to Criminal Rule 39.

**Within three days contact:**

- Public Defender, 415 Main Street, Room 204, Ketchikan, Phone: 228-8950
- City Public Defender, 306 Main Street, Ste. 309, Ketchikan, Phone: 225-2101

- Defendant will hire a lawyer.  Defendant requests self-representation.
- Deft. waives counsel to pursue offer from prosecution (may request or hire counsel at any time).

**COMMITMENT/RELEASE - INSTRUCTIONS TO JAIL**

- Defendant is to be held in custody on \$25,000.00 bail.
- Release  Other: \_\_\_\_\_
- If released to third party custodian, the third party custodian may return defendant to jail for any reason.
- Defendant is to be held in custody to serve time imposed above. Formal judgment to follow.

**CONDITIONS ON RELEASE: IT IS ORDERED** that the defendant's release is conditioned on the following:

- OWN RECOGNIZANCE (O.R.). Defendant does not have to post bail.
- Defendant to execute the following bonds:
  - APPEARANCE BOND in the amount of \$ \_\_\_\_\_ as 100% cash
  - PERFORMANCE BOND in the amount of \$ 25,000.00 cash only
  - THIRD PARTY CUSTODIAN \_\_\_\_\_
    - 24-hour sight or sound.  \_\_\_\_\_
- DEFENDANT TO OBEY THE FOLLOWING CONDITIONS:
  - Appear at all scheduled hearings.
  - Obey all local, state and federal laws and ordinances.
  - Maintain contact with attorney.
  - Notify court in writing within 24 hours of any change in residence/mailling address.
  - Do not depart Ketchikan for any reason without written court permission.
  - No contact directly or indirectly with persons under the age of 18.
  - Do not be at the premises of the ferry terminal or the airport.

**NEXT SCHEDULED APPEARANCE:** Bail Hearing 3/29/12 @ 2:00pm.


**AGREEMENT BY DEFENDANT.** I have reviewed the above order. I promise to appear at all court hearings and to comply with all conditions set. I understand that I can be immediately arrested if I violate any release condition.

**DEFENDANT'S SIGNATURE:** Set on record with defendant present

Mailing Address: \_\_\_\_\_

**DATE:** 3/23/12

I Certify that on 3.23.12 a copy of this order was:  
 Dist. to:  Deft's Atty Willoughby via fax: 907-586-2206  DA  
 Faxed to:  AST  KPD  KCC  Deft via KCC  
 Clerk: bnc

Phone #: \_\_\_\_\_  
  
 Judge ~~Kevin C. Miller~~  
 William Carey



IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA  
AT Ketchikan

STATE OF ALASKA

Plaintiff,

vs.

Daniel Savala

Defendant.  
DOV:

DOB: 3/4/54

CASE NO. 1K2-12-59 CR

TEMPORARY ORDER

ORIGINAL CHARGE: I-XI: Sexual Abuse of a Minor III

CURRENT CHARGE: I-XI: Sexual Abuse of a Minor III

Defendant is not in custody on this charge.

INSTRUCTIONS TO JAIL

COMMITMENT. It is ordered that the above-named defendant be held in custody:

pending action by this court or until bail is posted in the amount of 25,000.

~~Do not release before hearing to set other conditions.~~  
 pending receipt of formal judgment. Defendant was sentenced as follows:

RELEASE. This is your authority to release the defendant \_\_\_\_\_

- Defendant to obey all court orders, and all federal, state, and local law s.
- Defendant to appear in court when ordered.
- If represented by an attorney, defendant to maintain contact with defendant's attorney.
- Defendant to notify defendant's attorney within 24 hours of any change in residence.

TRANSPORTATION (as necessary). \_\_\_\_\_

FINGERPRINT BEFORE RELEASE.  OTHER INSTRUCTIONS. \_\_\_\_\_

NEXT COURT APPEARANCE

DATE: 3/23/12 TIME: 2:30pm PLACE: #306

- Arraignment
- Omnibus Hearing
- Trial
- Sentencing
- Bail Hearing
- Trial Call
- Pre-Indictment Hearing
- Representation Hearing
- Other: \_\_\_\_\_

Defendant  is  is not represented by counsel:  Public Defender  Julie Willoughby  
Defendant  has  has not had a bail review.

3/7/12  
Date

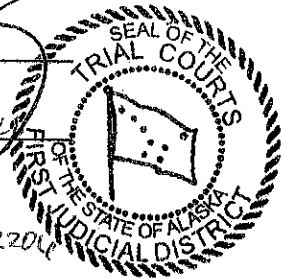
William B. Carey  
District/Superior Court Judge

Type/Print Name: William B. Carey

I certify that on 3/7/12 a copy of this order was sent to:  AST  Local Police  \_\_\_\_\_  
 Jail  Def./Atty.  DA  
Clerk: BNC fax willoughby-fax cs DA

CR-200 (7/10)(st.5)  
TEMPORARY ORDER

Crim. R. 4(c) and 5(a)(2)



LOGGED

FEB 27 2012

JULIE WILLOUGHBY

ATTORNEY AT LAW  
227 SEVENTH STREET  
KETCHIKAN, ALASKA 99901

julie.willoughby@csalaska.net

Facsimile (907) 586-2206

Telephone (907) 586-1415

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT KETCHIKAN

STATE OF ALASKA

vs.

DANIEL SAVALA

Filed in the Trial Courts  
State of Alaska  
First Judicial District  
at Ketchikan

FEB 27 2012

Clerk of the Trial Courts  
By \_\_\_\_\_

Case No. 1KE-12-59 CR,

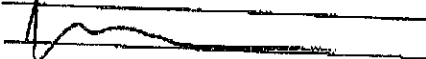
CERTIFICATION - - I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence of business address or telephone number of a victim of or witness to any crime unless it is an address used to identify the place of a crime or in a transcript of a court proceeding and disclosure of the information was ordered by the court.

ENTRY OF APPEARANCE

JULIE WILLOUGHBY ENTERS appearance on behalf of Daniel Savala in the above entitled matter and requests all discoverable material.

Date: 2/27/12

  
Julie Willoughby, ABA # 9906037

This certifies that on the 2/27/12  
day of \_\_\_\_\_, 20\_\_\_\_, a true copy  
of the foregoing was served,  
on Ketchikan DAO V.A Fax  
by SLW  
/s/ 

OUTSTANDING WARRANT AND SUMMONS CARD

Defendant: Savala, Daniel

DOB: 03/04/1956 Case No. 1KE-12-59CR

Date Issued: 01/27/2012

Criminal

Traffic

TYPE OF PROCESS:

Warrant                      Bail Set At \$25,000.00  
 Summons                      Date of Hearing: \_\_\_\_\_  
 Order to Show Cause      Date of Hearing: \_\_\_\_\_

AGENCY TO WHOM ISSUED:

Alaska State Troopers  
 Ketchikan Police Department  
 \_\_\_\_\_

Rec'd By AST: Zm  
Date: 1/27/12

Rec'd By KPD: \_\_\_\_\_  
Date: 1/30/12

RECALL NOTICE

Recalled by: \_\_\_\_\_ Date: \_\_\_\_\_

AST Notified of Recall: Name: \_\_\_\_\_ Time: \_\_\_\_\_

KPD Notified of Recall: Name: \_\_\_\_\_ Time: \_\_\_\_\_

Returned By AST: Zm  
Date: 3/7/12

Returned By KPD: \_\_\_\_\_  
Date: 3/7/12

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA  
AT KETCHIKAN  
(Issuing Court)

FILED in the Trial Courts State of Alaska  
First Judicial District at Ketchikan  
MAR 07 2012  
Clerk of the Trial Courts

State of Alaska,  
vs.  
Daniel Savala,  
Plaintiff,  
Defendant.

CASE NO: 1KE-12-00059CR

ARREST WARRANT

DOB: 03/04/1956 APSIN: 6801917 ATN: 110788398

To Any Peace Officer or Other Authorized Person:

You are commanded to arrest the defendant and bring the defendant before the nearest available judicial officer without unnecessary delay to answer to a complaint charging the defendant with violation of

CTN	Viol Date	Statute/Ord. (Offense)
001	01/01/1995	AS11.41.438: Sexual Abuse of Minor 3
002	01/01/1995	AS11.41.438: Sexual Abuse of Minor 3
003	01/01/1995	AS11.41.438: Sexual Abuse of Minor 3
004	01/01/1995	AS11.41.438: Sexual Abuse of Minor 3
005	01/01/1995	AS11.41.438: Sexual Abuse of Minor 3
006	01/01/1995	AS11.41.438: Sexual Abuse of Minor 3
007	01/01/1995	AS11.41.438: Sexual Abuse of Minor 3
008	01/01/1995	AS11.41.438: Sexual Abuse of Minor 3
009	01/01/1995	AS11.41.438: Sexual Abuse of Minor 3
010	01/01/1995	AS11.41.438: Sexual Abuse of Minor 3
011	01/01/1995	AS11.41.438: Sexual Abuse of Minor 3

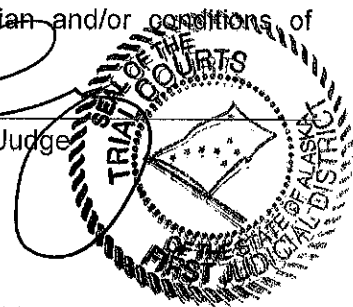
Bail is set at \$25,000.00.

The defendant may not be released until the court approves a third party custodian and/or conditions of release.

January 26, 2012  
Effective Date



*William B. Carey*  
Judge William B. Carey Judge



Agency Issued to: AST/KPD Agency Location: Ketchikan

**RECALL NOTICE TO:** Agency \_\_\_\_\_ Location: \_\_\_\_\_

This warrant is recalled because  Bail Posted  Arrest Made  Order by Judge \_\_\_\_\_

Phone Recall Accepted by: \_\_\_\_\_ Date and Time: \_\_\_\_\_

Clerk: \_\_\_\_\_ Court Location: \_\_\_\_\_

RETURN

Original warrant must be returned to issuing court listed at the top of this form.

Original warrant received by  AST  \_\_\_\_\_ Police Dept. on 3/6/12

I certify that State Trooper or Peace Officer Trooper Huckstep, Badge No. \_\_\_\_\_  
executed this warrant by arresting the defendant in Ketchikan, Alaska, on 3/6/12.  
The defendant  was  was not served with a copy of the warrant.

3/6/12 Return Date Trooper Zach Huckstep Signature of Peace Officer Trooper Zach Huckstep Type or Print Name \_\_\_\_\_  
Badge No. \_\_\_\_\_

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT KETCHIKAN

STATE OF ALASKA )

Plaintiff, )

vs. )

DANIEL SAVALA )

Defendant, )

Case No. 1KE-12-59CR

**NOTICE OF JUDICIAL ASSIGNMENT**

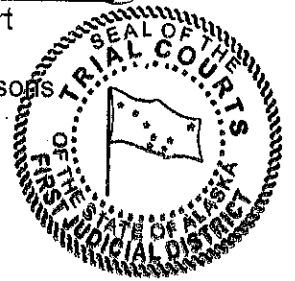
YOU ARE HERE BY NOTIFIED that the above entitled matter is assigned to the  
Honorable William B. Carey

DATED at Ketchikan, Alaska this 26<sup>TH</sup> day of January, 2012.

SIGNED: *Nyrol Jardine*  
Deputy Clerk of Court

I CERTIFY that on 1/27/12, copies of this notice were given or mailed to the persons  
designated below.

- DA
- PD
- OPA – \_\_\_\_\_
- Defendant via Summons
- Defendant via warrant
- \_\_\_\_\_



BY: nmj

- Arraignment in the above matter is set before the Honorable William B. Carey on
  - Monday, \_\_\_\_\_ at \_\_\_\_\_.
  - a date to be determined. Parties will be notified when the date has been set.



1  
2 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
3 FIRST JUDICIAL DISTRICT AT KETCHIKAN

4 STATE OF ALASKA, )  
5 )  
6 Plaintiff, )  
7 )  
8 vs. )  
9 )  
10 DANIEL SAVALA, )  
11 DOB: 3/4/1956 )  
12 APSIN ID: 6801917 )  
13 )  
14 Defendant. )

FILED IN OPEN COURT  
Superior Court  
KETCHIKAN  
Date 1-26-12

Case No. 1KE-12-59 Cr.  
AST Agency No. 10-84061  
ATN: 110-788-398

11 INDICTMENT

12 I certify this document and its attachments do not contain the (1) name of a victim of a sexual offense listed in AS 12.61.140 or (2)  
13 residence or business address or telephone number of a victim of or witness to any offense unless it is an address identifying the place of a  
14 crime or an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.  
15 The following counts charge a crime involving DOMESTIC VIOLENCE as defined in AS 18.66.990.

16 **Counts I - XI - AS 11.41.438 - Sexual Abuse of A Minor in the Third Degree**  
17 Daniel Savala - 001,002, 003, 004, 005, 006, 007, 008, 009, 010, 011

18 THE GRAND JURY CHARGES:

19 **Count I**

20 That on or about 1995-1997, at or near Ketchikan in the First Judicial  
21 District, State of Alaska, DANIEL SAVALA, being 16 years of age or older,  
22 engaged in sexual contact with a person (J.M.) who was 13, 14, or 15 years of  
23 age and at least three years younger than the offender.

24 All of which is a class <sup>Felony</sup> c offense, being contrary to and in violation of AS  
25 11.41.438, and against the peace and dignity of the State of Alaska.

26 **Count II**

That on or about 1995-1997, at or near Ketchikan in the First Judicial  
District, State of Alaska, DANIEL SAVALA, being 16 years of age or older,

1  
2 engaged in sexual contact with a person (J.M.) who was 13; 14, or 15 years of  
3 age and at least three years younger than the offender.

4 All of which is a class c <sup>Felony</sup> offense, being contrary to and in violation of AS  
5 11.41.438, and against the peace and dignity of the State of Alaska.

6  
7 **Count III**

8 That on or about 1995-1997, at or near Ketchikan in the First Judicial  
9 District, State of Alaska, DANIEL SAVALA, being 16 years of age or older,  
10 engaged in sexual contact with a person (J.M.) who was 13, 14, or 15 years of  
11 age and at least three years younger than the offender.

12 All of which is a class c <sup>Felony</sup> offense, being contrary to and in violation of AS  
13 11.41.438, and against the peace and dignity of the State of Alaska.

14 **Count IV**

15 That on or about 1995-1997, at or near Ketchikan in the First Judicial  
16 District, State of Alaska, DANIEL SAVALA, being 16 years of age or older,  
17 engaged in sexual contact with a person (J.M.) who was 13, 14, or 15 years of  
18 age and at least three years younger than the offender.

19 All of which is a class c <sup>Felony</sup> offense, being contrary to and in violation of AS  
20 11.41.438, and against the peace and dignity of the State of Alaska.

21 **Count V**

22 That on or about 1995-1997, at or near Ketchikan in the First Judicial  
23 District, State of Alaska, DANIEL SAVALA, being 16 years of age or older,  
24 engaged in sexual contact with a person (J.M.) who was 13, 14, or 15 years of  
25 age and at least three years younger than the offender.

STATE OF ALASKA, DEPARTMENT OF LAW  
Office of the District Attorney  
415 Main Street, Room 304  
Ketchikan, Alaska 99901  
(907) 225-6128 Fax (907) 225-3917

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

*Felony*

All of which is a class c offense, being contrary to and in violation of AS 11.41.438, and against the peace and dignity of the State of Alaska.

**Count VI**

That on or about 1995-1997, at or near Ketchikan in the First Judicial District, State of Alaska, DANIEL SAVALA, being 16 years of age or older, engaged in sexual contact with a person (J.M.) who was 13, 14, or 15 years of age and at least three years younger than the offender.

*Felony*

All of which is a class c offense, being contrary to and in violation of AS 11.41.438, and against the peace and dignity of the State of Alaska.

**Count VII**

That on or about 1995-1997, at or near Ketchikan in the First Judicial District, State of Alaska, DANIEL SAVALA, being 16 years of age or older, engaged in sexual contact with a person (J.M.) who was 13, 14, or 15 years of age and at least three years younger than the offender.

*Felony*

All of which is a class c offense, being contrary to and in violation of AS 11.41.438, and against the peace and dignity of the State of Alaska.

**Count VIII**

That on or about 1995-1997, at or near Ketchikan in the First Judicial District, State of Alaska, DANIEL SAVALA, being 16 years of age or older, engaged in sexual contact with a person (J.M.) who was 13, 14, or 15 years of age and at least three years younger than the offender.

*Felony*

All of which is a class c offense, being contrary to and in violation of AS 11.41.438, and against the peace and dignity of the State of Alaska.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**Count IX**

That on or about 1995-1997, at or near Ketchikan in the First Judicial District, State of Alaska, DANIEL SAVALA, being 16 years of age or older, engaged in sexual contact with a person (J.M.) who was 13, 14, or 15 years of age and at least three years younger than the offender.

All of which is a class c <sup>felony</sup> offense, being contrary to and in violation of AS 11.41.438, and against the peace and dignity of the State of Alaska.

**Count X**

That on or about 1995-1997, at or near Ketchikan in the First Judicial District, State of Alaska, DANIEL SAVALA, being 16 years of age or older, engaged in sexual contact with a person (J.M.) who was 13, 14, or 15 years of age and at least three years younger than the offender.

All of which is a class c <sup>felony</sup> offense, being contrary to and in violation of AS 11.41.438, and against the peace and dignity of the State of Alaska.

**Count XI**

That on or about 1995, at or near Ketchikan in the First Judicial District, State of Alaska, DANIEL SAVALA, being 16 years of age or older, engaged in sexual contact with a person (J.P.) who was 13, 14, or 15 years of age and at least three years younger than the offender.

All of which is a class c <sup>felony</sup> offense, being contrary to and in violation of AS 11.41.438, and against the peace and dignity of the State of Alaska.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

DATED this 26<sup>th</sup> day of January, 2012 at Ketchikan, Alaska.

A true bill



Grand Jury Foreperson



James T. Scott  
Assistant District Attorney, No. 9909046

WITNESSES EXAMINED BEFORE THE GRAND JURY: J.P., J.M., J.H., Veta Mutart

STATE OF ALASKA, DEPARTMENT OF LAW  
Office of the District Attorney  
415 Main Street, Room 304  
Ketchikan, Alaska 99901  
(907) 225-6128 Fax (907) 225-3917