

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT ANCHORAGE

STATE OF ALASKA
vs.
Justin Bullock
DOB: 01/31/1983
AP SIN: 7406148 ATN 110-585-772
DL: 7406148 ST.: AK Comm. Lic.

Plaintiff,
Defendant.

CASE NO. 3VA-07-00113 CR

JUDGMENT AND ORDER OF
COMMITMENT/PROBATION

Defendant has been convicted upon _____ of

<u>CTN</u>	<u>Count</u>	<u>Date of Offense</u>	<u>Offense</u>	<u>Statute Violated</u>	<u>DV Offense Per AS 18.66.990(3)&(5) (Yes or No)</u>
001	I	6/23/2007	Assault in the First Degree	AS 11.41.200(a)(1)	No

and the following charges were dismissed:

<u>CTN</u>	<u>Count</u>	<u>Date of Offense</u>	<u>Offense</u>	<u>Statute Violated</u>	
002	II	6/23/2007	Assault in the Second Degree	AS.11.41.210 (A)(1)	NO
003	III	6/23/2007	Assault in the Second Degree	AS.11.41.210 (A)(1)	NO
004	IV	6/23/2007	Assault in the Second Degree	AS.11.41.210 (A)(1)	NO
005	V	6/23/2007	Assault in the Second Degree	AS.11.41.210 (A)(1)	NO
006	VI	6/23/2007	Assault in the Third Degree	AS 11.41.220(A)(1)(A)	NO
007	VII	6/23/2007	Assault in the Third Degree	AS 11.41.220(A)(1)(A)	NO
008	VII	6/23/2007	Assault in the Third Degree	AS 11.41.220(A)(1)(A)	NO
009	IX	6/23/2007	Assault in the Third Degree	AS 11.41.220(A)(1)(A)	NO

<u>CTN</u>	<u>Count</u>	<u>Date of Offense</u>	<u>Offense</u>		
010	X	6/23/2007	Assault in the Third Degree	AS 11.41.220(A)(1)(A)	NO
011	XI	6/23/2007	Assault in the Third Degree	AS 11.41.220(A)(1)(A)	NO
012	XII	6/23/2007	Assault in the Third Degree	AS 11.41.220(A)(1)(A)	NO
013	XIII	6/23/2007	Assault in the Fourth Degree	AS 11.41.230(A)(3)	NO
014	XIV	6/23/2007	Violating Conditions of Release from a felony	AS.11.56.757(B)(1)	NO

Defendant came before the court on (sentencing date) 8/21/2008 with counsel, Ms. DeGrazia and Mr. Perry, and the District Attorney present.

IT IS ORDERED that the defendant is hereby committed to the care and custody of the Commissioner of the Department of Corrections for the following period(s): 7 years with all but time served 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: _____

IT IS ORDERED that the defendant is fined \$0 with \$0 suspended. The unsuspended \$ is to be paid _____.

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

<u>Count</u>	<u>Surcharge Amount</u>
I	\$100.00

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

SECOND JAIL SURCHARGE. IT IS ORDERED that the defendant pay a correctional facilities surcharge of \$100 if defendant's probation is revoked and, in connection with the revocation, defendant is arrested and taken to a correctional facility or jail time is ordered served. AS 12.55.041(c).

DNA IDENTIFICATION. If this conviction is for a "crime against a person" as defined in AS 44.41.035, or a felony under AS 11 or AS 28.35, the defendant is ordered to provide samples for the DNA Registration System when requested to do so by a health care professional acting on behalf of the state and to provide oral samples for the DNA Registration System when requested by a correctional, probation, parole or peace officer. AS 12.55.015(h).

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

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

Others listed on attached Addendum.

Payments must be made to the Department of Law Collections Unit, 1031 West 4th Avenue, Suite 200, Anchorage, AK 99501. The court will also accept payments.

Restitution is due immediately for civil execution purposes, unless defendant establishes a payment schedule with the Department of Law Collections Unit. 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 3.50%, 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 the 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 7 months years under the following conditions:

GENERAL CONDITIONS OF PROBATION

1. Comply with all direct court orders listed above by the deadlines stated.
2. Report to the Department of Corrections Probation Office on the next business day following the date of sentencing, or, if time is to be served prior to probation, report to the Department of Corrections Probation Office on the next business day following release from an institution.
3. Secure the prior written permission of a probation officer of the Department of Corrections before changing employment or residence or leaving the region of residence to which assigned.

4. Make a reasonable effort to secure and maintain steady employment. Should you become unemployed, notify a probation officer of the Department of Corrections as soon as possible.
5. Report in person between the first day and the tenth day of each month, or as otherwise directed, to your assigned office of the Department of Corrections. Complete in full a written report when your probation officer is out of the office to insure credit for that visit. You may not report by mail unless you secure prior permission to do so from your probation officer.
6. At no time have under your control a concealed weapon, a firearm, or a switchblade or gravity knife.
7. Do not knowingly associate with a person who is on probation or parole or a person who has a record of a felony conviction unless prior written permission to do so has been granted by a probation officer of the Department of Corrections.
8. Make a reasonable effort to support your legal dependents.
9. Do not consume intoxicating liquor.
10. Comply with all municipal, state and federal laws.
11. Report all purchases, sales and trades of motor vehicles belonging to you, together with current motor vehicle license numbers for those vehicles, to your probation officer.
12. Upon the request of a probation officer, submit to a nonconsensual, warrantless search of your person, personal property, residence or any vehicle in which you may be found, for the presence of alcohol, illegal controlled substances, firearms, or concealed weapons.
13. Abide by any special instructions given by the court or any of its duly authorized officers, including probation officers of the Department of Corrections.

SPECIAL CONDITIONS OF PROBATION

1. The defendant shall not use, possess, consume, ingest or have in any of his bodily fluids any alcoholic beverages or illegal controlled substances including marijuana.
2. The defendant shall immediately submit to a breath analysis test and urinalysis by a probation officer and/or blood analysis by a medical doctor or medical laboratory to determine the use of narcotics or other controlled substances and/or alcoholic beverages when directed to do so by a Probation/Parole Officer of the Department of Corrections.
3. The defendant shall actively participate in and successfully complete mental health programming and/or treatment as recommended by the DOC IDP+ Coordinator or by a Probation Officer, with a specific plan to be made in consultation with the designated outpatient provider.

4. The defendant shall ingest, take or receive by way of injection medication as prescribed by a licensed practitioner who has been approved by the probation officer or IDP+ program. Failure to ingest, take or receive injection of medication as prescribed will result in a petition to revoke probation. The defendant shall submit to testing so that his compliance with required medication can be determined.
5. Defendant shall be subject to medication monitoring for at least 1 year.
6. Defendant shall sign release of information allowing Probation Officer access to compliance with treatment.
7. Defendant must live in housing approved by the probation/parole Officer or IDP+ Coordinator. May not change housing situation without prior approval from probation/parole officer.
8. The defendant shall not frequent places where alcoholic beverages are the main items for sale.
9. The defendant shall not reside in any residence where alcoholic beverages are present.
10. The defendant shall forfeit to the State of Alaska items specified in the State's motion for Forfeiture of Property if filed in the above case.
11. The defendant shall have no contact with his victims. 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.
12. The defendant shall make reasonable efforts to pay restitution to the victims in the amount and on a schedule to be determined by the Department of Law and as set forth in the restitution judgment.
13. The defendant shall submit to the collection of a buccal swab and taking of fingerprints for the purpose of creating a DNA identification system pursuant to AS 44.41.025 and AS 44.41.035.

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.
- _____.

8.21.09
Effective Date

[Signature]
Judge
JOANNIDEY
Type Judge's Name

In the Three Judge Panel for the State of Alaska at Anchorage

Media No.: 604

Judge: S. Joannides C. Huguelet, R. Erlich

Date: Friday, August 21, 2009

Clerk: A. Thorne

Plaintiff: State vs.

Defendant's Name:
Justin S. Bullock

Case No:
3VA-07-00113CR

DOB:
1-31-83

Address:
[Enter Defendant's Address]

Type of Proceedings: Three judge panel

Counsel Present: Plaintiff: Michael Perry, present
Defendant: Lee deGrazia, present

Defendant: Defendant Present, In Custody

Bail Set/Continues: [Enter Text]		
Transport Order: [Enter Text]		
Other Court Orders: [Enter Text]		
Next Court Date(s) and Time(s): [Enter Date]	Type of Hearing(s): [Enter Hearing Type]	Location: [Enter Location]

Summary of Proceedings: Court imposes sentence and conditions

9:23:48 AM	On record Court in session Court identifies case and parties 3 Judge panel
9:24:27 AM	Mr. Perry -witness Pause while clerk on phone
9:25:50 AM	Witness on telephone
9:25:56 AM	Court inquires Mr. Perry Mr. Perry -wish to call for victim impact statement
9:26:50 AM	Ms. deGrazia -no Objection
9:27:10 AM	Michael Blanchard on telephone
9:27:26 AM	Court instructs Mr. Blanchard

9:27:32 AM Mr. Perry addresses Mr. Blanchard on procedure

9:28:08 AM Mr. Blanchard has letter

9:28:13 AM Document read into record – victim impact statement

9:32:43 AM Mr. Perry

- photos not returned to me
- Superior court – photos for sentencing
- all part of the record
- have several photos

9:33:40 AM Move to display weapons used

9:34:02 AM Mr. Blanchard

- third knife thrown out window
- knives used

9:34:46 AM Weapons given to judges – pause while all parties look at weapons

9:35:16 AM Judge Joannides inquires

Mr. Blanchard

- bruised down chest
- choked me, pulled out white handled knife, steak knife
- knocked his hand away
- knife stuck in mattress, the other at my throat

9:36:19 AM

- took two knives away
- started choking me again, reached behind to pull out third knife
- pulled it out, crew member threw it out window
- helped get Defendant off me

9:37:07 AM Weapons placed before clerk

9:37:16 AM Judge Erlich inquires Mr. Blanchard

- fisherman's insurance
- victim's compensation
- not out too much

9:37:53 AM Mr. Perry

- restitution judgment 7,300+

Judge Joannides inquires

Mr. Perry

-restitution to board

9:38:31 AM Judge Huguelet inquires Mr. Blanchard

- ran boat in to town
- exploratory surgery at hospital
- medivac to Anchorage
- surgery, heart stressed out
- wanted follow up in 60 days
- tests in Seattle
- stress from incident, never had heart problems

9:40:00 AM -what doctor said so had follow up tests
-victim's crime place will have information

9:40:22 AM Judge Joannides inquires Mr. Blanchard

- don't really know about that
- couldn't tell you

9:41:37 AM Panel has no more questions for Mr. Blanchard

9:41:48 AM **Exhibit(s) Identified** **plaintiff 1**

Photos given to judges

9:42:41 AM Ms. deGrazia

- restitution
- will not dispute that amount

9:43:39 AM Mr. Perry

- most of blood was from Mr. Bullock
- knife, fish blood, it didn't strike him

9:44:08 AM Mr. Blanchard

- didn't bleed a lot
- had to hit him 3 times until controllable
- just wanted to stop him

Pause while viewing pictures

9:45:40 AM Judge Joannides informs victim of staying on phone

Mr. Blanchard

- cell phone
- will get off line
- either way, is there verdict

9:46:28 AM Court

Will finish with sentencing today

9:46:39 AM Mr. Blanchard
-will check with prosecutor

9:46:57 AM Mr. Perry
-no further evidence
-not disputing diagnosis
-defense show
-cross only

9:47:24 AM Judge Joannides
-presentence report 6/11/09 – corrections made

9:47:42 AM Ms. deGrazia
-copy of original from presentence writer
-only copy of corrections

9:48:12 AM Judge Joannides
Part of record – will put in original file

9:48:25 AM Judge Joannides inquires witnesses

9:48:38 AM Ms. deGrazia
-witnesses
Pause to get to stand

9:51:34 AM **Witness Sworn/Affirmed:**
Connelly, Mike

9:52:02 AM **Direct Examination by Ms. deGrazia**
(attorney for city of Spokane)
(served two positions for Washington)
(background)
(became familiar at 7 years old)
(friend of family)

9:55:44 AM (continued to be friends with Defendant)
(established relationship, worked for me)
(watched out for animals)
(Justin always a quiet kid, reliable)
(not part of athlete group)

9:57:38 AM (quiet, thoughtful)
(very intelligent)
(never had negative trust issues)
(I trust him, kids trusted him)
(no violence, more inclined to walk away)
(seemed thoughtful and methodical)
(more so than my boys)
(not suspect mental issues)
(moved to home in city)

10:00:08 AM (Justin helped move)
(last time we were together)
(worked hard and was tired)
(glad he was there)
(somewhat familiar with mental health issues)
(we were shocked, horrific for family)
(circumstances alien)

10:01:32 AM (we talked about what we could do)
(want to get him back home)
(south Spokane is farming community)
(close knit, 5-6 families involved in his life)
(will continue to be when he comes home)
(basketball game)
(support given to each other in community)

10:03:19 AM (not indicate anything in his background)
(very reliable)
(this event occurred out of the blue)
(up on ocean, isolated, not medicated)
(circumstance will not be recreated)
(has every incentive to control it)
(want him to come home)

10:05:57 AM **Cross Examination by Mr. Perry**

(he helped us move before coming back to Alaska)
(within one month of incident)
(he talked to my daughter Carolyn about opportunities)
(have sent cards, able to talk briefly)
(no other contact)

10:07:11 AM (total shock)

10:07:39 AM **Redirect Examination by Ms. deGrazia**

(wasn't on radar)
(if he is released it is a reality we have to deal with)
(Justin would have positive support and discipline)
(do what is necessary to stay healthy)

10:08:39 AM **Witness excused**

10:08:49 AM Judge Joannides

Lived in Spokane but no knowledge of parties involved

10:09:10 AM Ms. deGrazia
-law school

10:09:27 AM Mr. Perry comments
-no concerns on disclosures

10:09:44 AM Judge Joannides
Was not friends with Mr. Connelly
Pause while parties talk

10:10:07 AM Ms. deGrazia
-witness schedule
-possible break

10:10:39 AM Judge Joannides
Break addresses lunch break
Wish to push through to 11 before taking break
Can break at 11 for witness to take conference call
Pause to get witness

10:11:56 AM **Witness Sworn/Affirmed:**
Jeffery Bullock

10:12:23 AM **Direct Examination by Ms. deGrazia**
(science director, training grant in W A)
(training high school teachers)
(background)
(relationship – Justin's uncle)
(trusted him, still do)

10:15:19 AM (fundamental personality)
(he is slow moving, slow talking, not aggressive)
(intelligent, reads a lot)
(communicates with any person)
(core fundamental personality)
(prior knowledge before today, only what I read)
(conversation with family)

10:17:10 AM Clerk change to T. Smallwood

10:17:29 AM (I think I was in the Yukon when I found out that he was being put on that / given that, I would not have believed that story)

10:18:10 AM (I visited Justin in Sept ...this happened in June / I was gone in June and most of July)

10:18:37 AM (when I returned to Sept.
(I paid the bail and I got the bail money back a few months ago: 50,000.00 cash; I have every penny

10:19:13 AM Clerk changed A. Thorne

(admitted to ER)
(first day I saw him)
(not more than a couple minutes)
(eyes dilated, adrenaline spike, less focused, movements erratic)
(gave me impression he was amped up)
(that day the physician told my mother & I he had psychotic episode)
(felt he had paranoid schizophrenia)
(provisional diagnosis)
(saw him 2-4 more times)
(trips to Anchorage – saw 6 times)

10:22:08 AM (eyes dilated, conversations not focused)
(not on medication)
(came up with sister in 2008)
(conversations a religious tone)
(flighty, unfocused)
(don't recall eyes, mannerisms same)
(sister & I up here, went to see him)
(guard came out, couldn't see him)
(incident with guard took place)

10:24:57 AM (to my knowledge not on meds)
(wife and I came up 12/08)
(notable difference, conversations scaled down, eyes normal)
(contact visit)
(coming back to Justin before Alaska)
(fundamental personality not aggressive)
(can tell a difference since on meds)

10:26:19 AM (December when wife & I came up in 2008)
(started him on meds in May or June)
(none of us would disagree need to take meds)
(our responsibility to ensure it happens)
(our family)
(community view as responsibility)
(yes I do)

10:27:37 AM (willing to do what it takes)
(safeguards, U A or blood test)
(make sure he is on meds)
(put up \$50,000 bail, sincerity)
(social level, responsibility to Justin and community)
(would want to know if meds being taken)
(is dose correct, medication right)

10:29:53 AM (if we see dilation of eyes, dis - focus of concentration)
(behavior change, family or community would see change)
(change of behavior leading up to event)
(captain with him a few months, would notice change)
(absolutely, they would spot it)
(personal level, injustice)

(he has medical condition)
(don't keep in jail for medical condition)
(can be mitigated)

10:32:22 AM

Cross Examination by Mr. Perry

(from my visits since medication)
(appears to be same person)
(mannerisms the same)
(a stretch to say identical)
(have no reservations)

10:33:37 AM (part would be trust between court and my family)
(we would take on responsibilities)
(if captain knew what we knew now would take different tack)
(none of us realized he had mental disease)
(know that now)
(captain would have made different decisions)
(I live in Wenatchee)

10:36:01 AM (over the years, 4-5 times a year)
(lived in Missouri, NY, visited them there)
(contact will still be there when Justin comes home)
(not living in Spokane, no)
(April, May before coming to Alaska)
(I remember prior to coming to Alaska, working on truck)
(frustration would have come out)
(didn't see any indicators of incident)

10:37:47 AM

Judge Joannides inquires

(have a pretty good sense of family dynamics)
(you are asking to trust our family)
(I feel we have responsibility to community)
(have to think of others around where he lives)
(you are entrusting to us to do what needs to be done)

10:40:48 AM Witness excused

10:41:14 AM **Witness Sworn/Affirmed:**

Bonnie Jean Bullock

10:41:47 AM **Direct Examination by Ms. deGrazia**

(wife and mother of 5 children, retired registered nurse)
(first born grandson, as close as my own children)
(caretaker when parents gone)
(visited regularly, spent summers with me)
(prior to coming to Alaska this last time)
(spend weekends with Grandpa and I)

10:43:23 AM (always willing to help)
(warm and caring person)
(no conflict with him, never any problem)

(never aggressive)
 (sibling rivalry not severe)
 (kind, loving, very social)
 (normal temper)
 10:44:45 AM (no)
 (have knowledge of what happened)
 (absolutely not)
 (yes, I came up as third party custodian to relieve mother)
 (she was third party)
 (familiar with requirements)

10:45:49 AM Judge Joannides addresses mother's absence
 Addresses telephonic participation

10:46:27 AM (spent all the time with him)
 (did not violate conditions)
 (did not have knowledge)
 (very restless when with me)
 (ankle bracelet, grandmother, happy to see me)
 (I came up here)
 (circumstances, telephone man coming in)
 (in and out, having difficulties)
 (Justin having problems)

10:48:24 AM (asked him to get pizza)
 (he put hands up, don't touch me, eyes dilated)
 (I sat down on bed)
 (he indicated I had sexual molested him when young)
 (then I knew things were not going well)
 (called 911, tried to call mother, she came down)
 (police came and took him to psych hospital)
 (waited 3 hours)

10:49:40 AM (absolutely)

10:50:23 AM Judge Joannides inquires witness
 (Lee with him, he was okay)
 (visiting with her)
 (very restless, wouldn't eat)
 (holding his head)

10:51:07 AM Direct continues
 (saying bizarre things)
 (my experience, police came)
 (they spoke to him, gave bizarre answer)
 (nothing as it was supposed to be)
 (that is what I am saying)

10:51:52 AM (police spoke with him, very calm)
 (I spoke with policeman)
 (asked about handcuffs, he wasn't rebellious)
 (did what he was supposed to do)
 (diagnosis of mental illness)

10:52:44 AM (spoke with intake, not sure if psych)
(he determined schizo tendency)
(Providence, spent night there then transported to jail)
(I've read substantial books regarding illness)
(took course, was asked if I would consider being instructor)
(depends on Justin)
(active NAMI group)

10:55:03 AM (3 hour courses)
(absolutely there was)
(if demeanor irrational, not normal, it is a clue)
(family situation we know personality)
(know when not normal)
(had I known he was ill I would have picked up on some things)
(will always be in my radar)

10:56:20 AM (have observed him, written correspondence)
(last June had contact visit, very satisfying)
(I've been told that, it is obvious)

10:57:14 AM Judge Joannides inquires break for phone call

Ms. deGrazia responds

Court to take break

10:57:30 AM Off record

11:20:31 AM On record

Witness Previously Sworn/Affirmed Resumes Stand:

Bonnie Bullock

11:21:01 AM **Cross Examination by Ms. deGrazia**

(always been a close family)
(see children weekly)
(always helped each other)
(daughter married, attuned to Justin's situation)
(testimony not needed so she didn't come)
(niece, nephews taken as children)

11:23:03 AM (truly believe he is, had contact visit in June)
(we discussed this, have to take meds the rest of life)
(can't drink, seems to be aware of situation)
(stay close with Justin)
(if at home or near family, they will be aware of what is happening)
(always been close contact, immediate and extended)

11:25:17 AM (incarceration not beneficial)
(therapy, continuity)
(absolutely)
(depends on how long to have custodian)
(longer the exchange, burdensome for family)

11:27:33 AM (husband willing to come up)
(would be custodian)
(for his age, yes)
(loves to travel, don't see any problem)
(probably more serious)
(wouldn't hesitate)
(they take their pills together)
(he understands)

11:29:19 AM (no criminal history)
(counseling background, engineering)

11:29:33 AM **Cross Examination by Mr. Perry**

(never get a day off)
(live in Wenatchee)
(he was happy to see me)
(no, there was none of that)

11:30:40 AM (that could have been red flag had I known diagnosis)
(fairly sudden)
(I hadn't been with him but a few days)
(nothing surfaced until break)
(did something every day)
(no indication of anything wrong)
(his attorney with him)

11:31:55 AM (so obvious in change in behavior)
(always had been loving and warm, touch type person)
(back to normal you mean)
(I can't recall, quite gradual, can't be specific)
(past six months, weekly conversation on phone)
(he calls regularly)
(certainly seems that way to me)

11:33:23 AM (15 minutes at the most, hard to totally evaluate)
(that is right)

Clerk asks judge that mic be placed closer to witness

11:34:35 AM Judge Joannides instructs witness

(rephrase that please)
(that is most important job, to see that he is safe)
(don't want anything to happen to family, community)
(for our own protection we have to be on top of it)

11:35:59 AM **Redirect Examination by Ms. deGrazi**

(not for a minute)

11:36:15 AM Judge Joannides inquires

(never violent, was sitting on studio couch, didn't move, fearful)
(never got off couch)

11:36:54 AM Witness excused

11:37:14 AM Witness Sworn/Affirmed:

Mark Bullock

11:37:40 AM Direct Examination by Ms. deGrazia

(Granite construction)
(most of work in summer months)
(I am his father)
(Justin, haven't talked about, has other siblings)
(he is the oldest)

11:38:54 AM (all involved with 4H, got along)
(he has been pretty social, well read)

Clerk on phone

11:40:25 AM (rather than retaliate, he walked off)
(just wasn't his demeanor)
(work history, letters from employers)
(good work ethic, did what he was told)
(they would like to have him back)
(Lawless from industry made offer)
(no problem with vocational but want to address immediate problem)
(we have community support)

11:41:57 AM (contractors, letters written)
(people asking about Justin)
(until we get him back we don't know)
(would like to bring him back into program)
(got in touch with social services)
(funding to help with mental illness)
(Spokane mental health)
(mental health facility in Spokane for adolescents)

11:43:19 AM (offered what he can do, Eastern State Hospital)
(get him into programs, stabilize this, monitor)
(help him become asset)
(Davis, talked to him today, kids in school)
(said he would help guide through process)
(mental health facilities)
(he asked about need to come up)

11:44:36 AM (my wife and Kim are close, special needs child)
(Alaska Airlines, flying back and forth on his discounts)
(this is my 7th trip, my wife up 7 times)

11:45:11 AM Judge Erlich inquires

(Tamarack center directors)

Ms. deGrazia inquires

(all went to high school)

(Davis, met through community)
 (he went to college, U of I)
 (Spokane community)
 (decided to go fishing)
 (Blanchard, 2006)

11:46:35 AM (Morehead after first year with Blanchard, went crabbing)
 (enjoyed it, couldn't wait to go back)
 (second season)
 (he was on boat, satisfied to bring him back)
 (no complaints about work ethic)
 (wife called me, I was at Mom's house)
 (work all over state, live in Spokane)
 (Justin arrested, in fight, in jail)

11:48:02 AM (total shock, number of questions, what happened)
 (why happen to someone not aggressive)
 (how did he get into this, now we know why)
 (comfortable in understands)
 (no one saw it coming, Blanchard had no idea)
 (demeanor had changed)

11:48:54 AM (could not have foreseen)
 (number of facilities available)
 (been able to short circuit that with contacts)
 (bring him in to state, process, some has been done)
 (Justin signed release of information DSHS)
 (after paperwork done, Spokane county, go to providers)
 (Spokane mental health put together program)
 (random testing, crisis management)

11:50:49 AM (psych, Sacred Heart, work extensively, monitor and help out consumer become successful)
 (vocational organizations)
 (Mike Connelly's mother started facility)
 (concerned about getting him back, taken care of)
 (opportunities to get him back to work)
 (can stay close in community)
 (in talking with Eastern State, preferred to have court ordered program)
 (helps to ensure program is complied with)
 (everybody knows their role)

11:52:41 AM (we don't have opportunity not to do that)
 (everything that is available, we are doing that)
 (absolutely manage, wife diligent)
 (management of what they take or don't take)
 (she isn't here, didn't know how long here)
 (trying to save vacation time for when he is back)
 (take care of transport, testing)
 (would rather have me come up)

11:54:50 AM (this is 8th time, about the same)
 (4 times together, individually)
 (yes, it is, have 4 kids)
 (think he will be fine, will live with the rest of our lives)
 (something we will do)
 (other for way home hasn't been stamped)
 (perfect world would have him back to do the right thing)
 (have to get him out)

11:57:18 AM (to start transfer to get back down there)
 (have to monitor situation up here)
 (that's why I have another ticket)
 (absolutely)
 (period of time not taking meds see subtle changes)
 (get him in for eval, adjust meds)
 (yes, we have all become students)
 (our family isn't going to change)

11:59:43 AM (may become advocates for mental illness)

12:00:14 PM Mr. Perry has no cross

12:00:26 PM Judge Erlich inquires

(we are south toward Pullman)
 (Spokane is continuous community)
 (youngest daughter in college)
 (brother two years older going to college)
 (two in Spokane, at house all the time)
 (third is youngest brother, lives in Tri City)

12:01:50 PM (Wenatchee 167 miles from Spokane)
 (would start with, like to see)
 (daily monitoring, assistance)
 (have a small place, shops, activities to keep him busy)

12:02:41 PM Witness excused

12:02:49 PM Ms. deGrazia

-witness – doctor

12:03:05 PM Judge Joannides

12:03:07 PM Take 5 minute break

12:03:16 PM Off record

12:10:28 PM On record

12:10:36 PM Ms. deGrazia

-witness

12:10:45 PM **Witness Sworn/Affirmed:**

Mark McClung

12:11:17 PM **Direct Examination by Ms. deGrazia**

(forensic psych)
 (Washington, Alaska)
 (outpatient, private office)

12:13:11 PM (teaching position)
Judge Erlich inquires
(not guilty by reason of insanity)

12:13:31 PM Ms. deGrazia resumes
(graduate, background)
(education)
(agencies worked for)
(threat assessment, evaluations)

12:15:37 PM Judge Erlich inquires
(sometimes one in the same)
(evaluate employee, mental health issue)
(violence risk, part of process)

12:16:03 PM Ms. deGrazia
(board certified in psych)

12:16:37 PM Ms. deGrazia
-offer as expert

12:16:44 PM Mr. Perry
-stipulated

12:16:50 PM Judge Joannides
So qualified

12:16:59 PM Ms. deGrazia continues
(certainly more so in western W A then Spokane)
(aware of what can be provided)
(contributed to book on emergency psych)
(issues of suicide and civil law)
Pause while witness checks computer report

12:18:14 PM Ms. deGrazia inquires report

12:18:29 PM Mr. Perry
-2/10/09 report
-no Objection

Direct continues

12:18:39 PM (report)
(contacted me about case)
(motiveless crime)
(asked me to do initial interview)
(didn't find much, mental status normal)
(vague suspiciousness, possible paranoia)

12:19:40 PM (Capt Blanchard and other crew member)
(3 visits, phone contact mid November)
(was in jail, clearly psychotic at that time)
(symptoms above surface, delusions)
(hallucinations, ideas of reference)
(random things, attaching significance)

12:20:52 PM (agitation, loose associations)
(both disorders have symptoms I described)
(strong component)
(grandiosity)
(mania, mood component)
(more treatable, can be symptom free periods, control with treatment)
(backed up by study)
(medications generally the same)
(he wasn't starting meds until end of 2007)

12:24:11 PM (awhile before taking it)
(anti psychotic)
(saw him a year later, June 10 this year)
(quite different, visible signs taking meds)
(weight gain, facial movement slowed down)
(restless physically)
(look more flat, monotone)
(symptoms better, insight into mental illness)

12:26:16 PM (experiencing some symptoms)
(80-90 percent drop from year before)
(past comments on behaviors)
(thoughts he had, part of mental illness)
(meds making him feel better)
(continued evidence of improvement)
(absolutely not)
(symptoms I saw very hard to fake)

12:27:53 PM (can't fake disorganized thinking)
(difficult to fake it)
(MMPI – 450 question test)
(scales built into test)
(spoken with all family members)
(got information, read investigation file)
(statements of victims, crew members)
(spoke with you and investigator)

12:29:56 PM (have seen records from Matsu mental health)
(emergency records from Providence)
(engaged in social use of alcohol and MJ)
(normal level given his age, no abuse or dependence)

(no triggering factor for illness)
 (no personality disorder)
 (life history from family)
 (don't indicate personality disorder)
 12:32:20 PM (big time)
 (risk of violence, schizo not have more serious violence)
 (add personality disorder, violence increases)
 (positive for prognosis)
 (personality disorder not treatable)
 (when mental illness starts)
 (poor prognosis if starting in high school)
 (didn't start showing until mid 20s)
 (took on adult responsibilities)
 (positive for him)
 12:35:13 PM (has the skill set, family support)
 (Defendant family is calm, reasonable)
 (low emotional intensity family – positive for Defendant)
 (untreated, risk would be significantly greater)
 (when treated, hard to make specific estimate)
 (my opinion his violence on boat a product of mental illness)
 (motivations, rational to engage in behavior related to paranoid delusions)
 (long term monitoring and treatment)
 (psych meds for rest of life)
 12:38:17 PM (community clinic setting preferred)
 (provides psych to see fro time to time)
 (gives him case management)
 (someone to see frequently)
 (change in symptoms)
 (get life back on track)
 12:39:25 PM (crisis beds, emergency contact)
 (Jean has been in NAMI family training)
 (recm for all family members)
 (listen for delusions, alert clinicians)
 (local mental health programs)
 (community mental health center)
 (partial hospitalization, work base schedule)
 12:42:06 PM (medication monitoring, depends on mental status)
 (defer to evaluators during assessment)
 (will make sure they have benefit of my information)
 (symptoms he had when untreated)
 (still has some residual symptoms)
 (controlled and managed)
 12:44:33 PM (interview style, do see some)
 (changes in conversation, easy to talk with family)
 (check in with Justin re paranoia)
 12:45:47 PM **Cross Examination by Mr. Perry**
 (pretty extensively)
 (employed at TX, civil commitment eval)
 (hold for evaluation at center)
 (evaluated hundreds of people)

(consultant in different facilities)
 (settings I've been in)
 (important for Defendant)
 (when symptoms active no insight into illness)
 (refused meds, went to involuntary meds)
 (placed on forced meds)

12:48:37 PM (once he knew it had been ordered, he complied)
 (Dec 2008 not renew order, had been routinely taking meds)
 (taking voluntarily)
 (course of illness, may lose insight)
 (daily monitoring by family member)
 (long acting meds)

12:50:02 PM (that is right)
 (likely long term picture)
 (controlled with meds)
 (illness can get more active)
 (relatively low in short term)
 (jail setting, things to get paranoid about)
 (has managed setting after taking meds)
 (remained insightful and compliant)

12:51:56 PM (hallucinations remain)
 (voices time to time, phone outside in hallway)
 (wasn't picking up paranoia, friends being imposters)
 (no danger concerns)
 (irrational themes)
 (motive for violence not from personality)

12:56:13 PM (if not have personality style, fear related to paranoia)
 (asking questions about voices or delusions, ask routinely)
 (know it is just illness, what we use in treatment)
 (easy to tell if present again)
 (whether viewed as real or part of illness)
 (I'm 300 miles away from Spokane)

12:58:53 PM (sure)
 (he has, not sure what you are asking)
 (right)
 (which theme, not clear what you are asking)
 (that would be main theme, need to watch)
 (people imposters, being controlled, sinister, dangerous)
 (this illness when crime occurred organizational not impaired)
 (don't know if that simple, delusions made him think he had job offer)
 (not hide quietness)

1:01:47 PM (believed other things set for him in future)
 (wasn't discussing inner thoughts)
 (people checking on thought process)
 (not having insight is rough)
 (no insight, no reason to hide symptoms)
 (easy to illicit)
 (some risk of that, possible outcome)
 (haven't seen evidence)

1:03:44 PM (connections with family)
 (that is always an issue, early warning signs)
 (didn't have early warning signs at first)

(no one looking for it)
(continually checking in with him)
(early warning signs would be noted)
(started to have ideas of reference)
(people connected to captain, not sharing with anyone)
(will be repeatedly be asked about conspiracies)
1:06:16 PM (slow process for disease to become active again)
(if he decides to stop taking meds, more paranoid)
(take awhile to be in fear of safety)
(unlikely given what we know)
(checking in regularly)
(lifelong treatment, monitoring – random screening)
(recommend for first year, continued improvement)
(resolution of symptoms)
1:07:56 PM (monitoring can be reduce, mental health program be in place)
(family checking in with him)
(physical side effects, can visually see)
(can do blood testing)
(presence of prescribed meds)
(3-4 days it would be apparent)

1:09:22 PM **Redirect Examination by Ms. deGrazia**

(possibly, real challenge to completely eliminate in jail setting)
(dangerous in jail, isolated, hear things, don't know about it)
(getting out of jail setting may improve)
(not optimal treatment now)
(other setting, treatment, better control of symptoms)
1:11:05 PM (none once he started taking meds regularly)
(he lost it, later got good time back)
(I don't know)

Ms. deGrazia

-Department of Corrections - he got all of good time back, in compliance

1:12:08 PM Judge Huguelet inquires

(it was assault related to paranoia)
(got involuntary medication)
(he stated taking it regularly)
(3-4 weeks after that paranoia declined)
(monitor, decrease dosage)
(on good meds for this)
1:13:58 PM (could add other meds)
(on good med now – 80-90% improvement)
(keep up on meds)
(a lot safer, limiting in side effects)
(medications really uncomfortable)
(newer ones compliance is better)
(could qualify for free medical care)
(capable of working, positive job history)

1:15:51 PM (therapeutic to work)
 (can't apply until out of jail)
 (3 month window to show working routinely)
 (definitely independent living)
 (was able to do it before illness)
 (in the cards for the future)
 (given symptoms, no)

1:17:14 PM (don't consider expert in correctional involvement)
 (Probation Officer should be in regular contact)
 (trade information with treatment team)
 (Probation Officer know what saying about interview)
 (should be able to get services)
 (shouldn't be a problem)
 (drop off in substance abuse, not treatment source for him)

1:18:47 PM (will be able to get back to work, qualify for insurance)
 (state resources)

1:19:05 PM Judge Erlich inquires
 (over time, a life time, at least 50% decide they don't need meds for a while)
 (some people it may be beginning, not in treatment)
 (small blip for others)
 (when people doing well why take meds)
 (definitely)

1:20:49 PM (maintaining compliance is big challenge)
 (factors that help, family support)
 (person having insight into illness)
 (lack of chaos factors)
 (if demonstrating compliance wouldn't start with that)
 (compliance in jail setting for 8 months)
 (if anything came up in community, drug screen, medication low)
 (likely decision of fast dissolve or long acting inject able)

1:22:44 PM (if in day program they would monitor)
 (family monitor if out)
 (once a day watch him take meds)
 (Jean is registered nurse, can train family)

1:23:41 PM Witness excused

1:23:51 PM Ms. deGrazia
 -Defendant allocution
 Judge Joannides
 -after counsel
 Pause while judges talk

1:24:12 PM Judge Joannides
 Take break

Once consider information will take longer break
Wish to take 5 minute break
Inquires closing

1:24:39 PM

Mr. Perry gives schedule

1:24:44 PM

Ms. deGrazia the same schedule

1:24:50 PM

Court to take break

1:24:52 PM

Off record

1:38:37 PM

On record

Judge Joannides inquires closing arguments

1:39:05 PM

Mr. Perry – closing arguments

- people involved
- disappointed Mr. Blanchard could not be here
- budget constraints with state
- not here to dispute what we have heard from family

Clerk on phone

1:43:38 PM

Judge Joannides inquires

1:44:12 PM

Mr. Perry

- not my intentions
- Chaney criteria
- balancing that needs to be done
- mitigation found
- one month away from time served
- double dipping, statutory mitigator found

1:45:32 PM

1:46:11 PM

Judge Erlich inquires

Mr. Perry

- that is acknowledged
- thought that it will be okay if he does plan
- worry about focus entirely upon Defendant
- no focus on victims

1:47:38 PM

- other victim's case dismissed
- he expressed level of trauma, refused to participate
- family doesn't want to think about it again
- urge the court to consider
- horrific crime, premeditated
- reduced to assault 1, initially att murder
- knives laid out in galley, Defendant waited until others asleep

1:49:19 PM

-went on deck to get other knife, removed boots, enter through pilot house

-attacked in his sleep
 -could have been very different
 -court refused to entertain other mitigators
 -not dispute what we have heard
 -presumptive range set by legislators
 1:50:38 PM -court worked with fail safe
 -3.5 years not unfair for this crime
 -chance of relapse
 -did not notice anything before this happened
 -onset quick, couple of days changed behavior
 -don't have testimony from mother
 -grandmother noticed quick change to other behavior
 1:53:05 PM -not a gradual slope
 -strong family support
 -over time stop treatment
 -victim acted responsibly
 -restitution not disputed
 -recm from doctor reasonable and helpful
 -period of probation be moderate
 1:56:02 PM -give teeth for probation
 1:56:31 PM Judge Joannides
 Please address issue of time served
 Arrested on 6/23
 1:57:01 PM Ms. deGrazia – closing argument
 -out 40 days
 -2 years in custody
 -good time reinstated
 -it is enough
 -every day is unjust
 -no additional information needed on standard
 1:58:09 PM -interest of justice – can reduce sentence to zero
 -reduce time he has served to time served
 -period of probation – demonstrate commitment to treatment
 -not speculation
 -no evidence of that – they were captain's thoughts
 -speculation
 1:59:33 PM -advantages of Defendant
 -youthful, non aggressive, good core, diagnosis amenable to treatment
 -late onset of illness
 -compliance with meds
 -change in behavior once on meds
 -meds don't work in personality disorder
 -mental illness unaware of
 -insight into illness
 2:02:26 PM -family support, community support
 -lived independently, history of employment, education
 -no criminal history – nothing
 -no infractions after taking meds

-no history of substance abuse
-no personality disorder
-risk of violence issue
-illness more amenable to treatment

2:05:34 PM

Judge Erlich inquires

Ms. deGrazia

-alcohol and drug abuse issue
-jury is out on that issue
-Defendant didn't ask for disorder, not aware
-bad genetics, is addressing this disorder
-has continued to be successful

2:07:34 PM

2:07:49 PM

Judges have no further questions

2:07:59 PM

Judge Joannides addresses Defendant allocation

Defendant allocation

2:11:21 PM

Judge Joannides

Recess now, reconvene at 3:15

2:11:41 PM

Ms. deGrazia inquires

Can keep items here

2:11:44 PM

Off record

3:17:54 PM

On record

Judge Joannides

Thanks parties for briefings
Will be issuing panel's decision
Recognize dangerous nature of offense
Life threatening situation
Victim survived injuries
Panel recognizes mental illness issues
4 months left to serve on sentence
Manifest injustice
Exceptional potential for rehabilitation
Sentence less than presumptive range
Chaney criteria waived

3:19:01 PM

Not find this case presents situation to fix problem

3:21:27 PM

Found this case different

Took first felony into account – out of character
Sudden onset but not long standing
Would be different if Defendant knew he suffered from mental illness
He and family would have been on notice

These circumstances, sudden onset problem
 Cannot guarantee this won't happen again
 Considered factors specific to this case
 Youthful offender, non aggressive important
 Late onset of illness, voluntarily complied with meds
 Was ordered to take them, lucid enough to understand non compliance
 3:24:11 PM Intact family – low emotional intensity, Defendant has no personality disorder
 Defendant developed insight into illness
 Incredible family and community support – rarely seen
 Grandmother called police when he decompensated – compelling
 Recognized that situation was dangerous
 Increasing period of probation – to be addressed
 3:26:51 PM Deterrence – sudden onset not to be deterred by what court states today
 Defendant is stabilized
 Recognition of taking medication, long probation
 Panel finds that deterrence, have satisfied that factor
 3:27:38 PM Judge Huguelet
 Addresses state of Alaska correctional system in treatment of Defendant
 Both counsel put forth effort for justice
 3:28:40 PM Judge Joannides
 Convicted of Assault 1
 Mitigator appropriate
 Commit to Department of Corrections for 7 years, all but time served suspended
 No fine imposed today
 Random testing required
 3:31:05 PM Mr. Perry gives restitution document to panel
 3:32:23 PM Defendant to apply for Permanent Fund Dividend until restitution
 7 years probation, modifications made
 First business day after release go to probation office
 Comply with court orders
 Ms. deGrazia
 -will go over presentence report with him with changes
 3:33:42 PM Judge Joannides
 Secure prior written permission before changing job
 Get employment
 Notify Probation Officer if unemployed
 Report as set out
 No concealed weapons under control
 Not associate with felons
 Not consume liquor, comply with state and federal laws
 Submit to warrantless search
 3:35:36 PM Abide instructions by court and Probation Officer

If there is a dispute, call attorney
 Special condition 1,2,3 as set out
 Modification on 4 – added Defendant shall submit to testing – compliance with meds be tested
 Take meds and submit to monitoring of compliance
 Crossed out 5, already covered
 Modified prescription drugs
 Deleted 6 – Defendant shall sign required release of information
 Allow Probation Officer access to information to check on compliance
 7,8, all the rest were adopted as set out

3:37:49 PM

3:38:09 PM Mr. Bullock has no questions

3:38:16 PM Ms. deGrazia inquires information on 3,4,7

Judge Joannides responds

Pause while panel discusses inquiry

3:39:29 PM Judge Joannides inquires request for transfer

3:39:40 PM Mr. Perry does not know

-some review
 -usually confer with state agency

3:40:02 PM Ms. deGrazia

-understand Probation Officer will comply with IDP
 -wish to have "or"

3:40:42 PM Mr. Perry does not Object

3:40:56 PM Judge Joannides

Addresses family on support of Defendant
 Don't know when corrections will release
 Once released to family member
 First business day is Monday
 Inquires releasing today – are there release conditions pending

3:42:10 PM Ms. deGrazia

-father has one way ticket back that is open
 -will take custody over the weekend, third party custodian

3:42:53 PM Judge Joannides

No challenge to this court's authority about conditions of release
 Once sentence imposed, we don't tell Department of Corrections what to do
 Prepared to release into community
 Department of Corrections means actively involved in monitoring
 Return to family

3:45:19 PM Judge Huguelet comments

3:45:30 PM Mr. Perry comments

3:45:34 PM Ms. deGrazia

- release post sentencing
- prescription will be written by doctor today
- will have medication to cover

3:46:15 PM Mr. Perry

- Valdez case through Palmer
- where to report

3:46:30 PM Ms. deGrazia comments

3:59:33 PM Judge Joannides

Temporary order to reflect
Only to be released to his father's custody – Mark Bullock – 10/7/56

Pause while order written by judge

3:47:52 PM Judge Joannides inquires father

Duties and responsibility to administer medicine

3:48:37 PM Father comments

3:48:40 PM Off record

3:50:35 PM On record

Court informs court of procedure to be done

3:51:04 PM Off record

3:58:38 PM On record

Fingerprint on record – pause

3:59:39 PM Fingerprinting completed

4:00:06 PM Pause while Defendant attorney fills out order of conditions and release

4:02:25 PM Order given to Judge Joannides – signs conditions of release order
Exhibits returned

4:03:02 PM Off record