

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA AT FAIRBANKS

CD: 4FA4210-46
Date: June 21, 2010
Case: 4FA-09-2553 CR

STATE OF ALASKA
vs.
ARIE VANCE HENRY

Judge: Downes
Clerk: Brees

PROCEEDINGS: Oral Argument re Motion for Referral to Three-Judge Panel

COUNSEL PRESENT

Plaintiff: Scott L. Mattern, Assistant District Attorney
DOC: Zoe Sutton, Probation Officer
Defendant: William R. Satterberg

Defendant: Present/Out of Custody

09:15:10 On record

09:15:24 Court and counsel discuss witnesses.

09:16:06 Clerk places phone call to Glenn Williams @ 907-272-5500; message

09:17:51 Mr. Satterberg approaches clerk re telephone number.

09:19:13 Clerk places phone call to Glenn Williams @ 907-332-2410; connected

09:21:30 Witness Sworn/Affirmed: Glenn Williams (Telephonic)

09:22:30 Direct Examination by Satterberg

(Witness relates qualification)
(Witness relates job duties)

09:24:13 Our work started March, he called . . . we've been doing more of a cognitive approach.

09:24:41 Our work has centered on thought stopping, behavioral change, looking at triggers and relapse prevention re sexual impropriety. We've met roughly 15.5 times.

09:25:12 I believe I was late for the session, so saw him for half a session, 30 minutes, that day.

09:25:48 He has admitted he made a mistake. He shows remorse for the girl and her family.

09:26:21 Seeing her father at court left an impact on him.
We've tried to look at a behavioral matrix in terms of pros and cons of these types of behaviors, consequences, what he's lost by this type of behavior.

09:27:54 He's had to ask for letters of recommendation from people, has had to express what has happened to those who have known him.

09:28:19 So that was somewhat of a journey for him because he had to go to members of the community and explain his behavior. That was an eye-opener for him.

09:28:44 Re: June 16 letter
Individuals who are involved in inappropriate social behavior sometimes have other inappropriate behaviors.

09:30:57 Drugs and alcohol are used as a way to reduce inhibitions. If you find a client w/sexual improprieties . . . the trend is more pervasive than if you didn't find addictive behaviors.

09:31:46 Mattern: Objection, none of this has been provided, no chance to rebut
Court: Not being qualified as an expert, point well taken
Satterberg: It's not surprise he's being called to testify
Mattern: There has to be notice
Court: We're here re sexual abuse, haven't heard qualifications

09:34:08 **COURT: Mr. Satterberg qualify witness as expert.**

09:34:35 **Witness Testifies**

I have been qualified before for child and adolescent psychology. I've seen young people from McLaughlin Center.

09:35:06 I have cases that come through, and I see referrals from Elmendorf Air Force Base, their mental health center.

09:35:31 Last year I had a case re child pornography. I have been qualified as an expert witness in child and adolescent psychology, and I have dealt w/cases of sexual impulsivity.

09:36:42 I deal w/sexual impulsivity. I had a case last year that went on for nine months re child pornography.

09:37:12 Most of my work is in anxiety and depression. I have been certified as an alcohol and drug counselor many years ago. I no longer have a certificate. I continue to take classes.

09:37:50 Satterberg: Offer as expert in counseling sexual impulsivity.

09:38:00 **Voir Dire by Court**

I have a CV, and I could get that to you. I don't have a fax machine at the moment.

09:38:14 Re: counseling center in Anchorage

09:38:57 **Direct Examination by Satterberg**

I haven't had contact w/you (before this case).

09:39:16 **Cross Examination by Mattern**

No, I have not been qualified in that area to testify.

09:39:40 We have a center here, and one of the units deals w/juveniles. I've had more calls the last year for compulsive behavior. Elmendorf can not handle those cases because they have too much going on w/PTSD and brain injury.

09:40:37 I have seen probably 5-10 of these types of cases in the past several years. I had a boy who was accused of sexual assault.

09:41:54 I have two cases on-going, one for chronic sexual behavior and another of a sexual addict.

09:42:18 Re: current caseload
Each case I see is somewhat unique.

09:43:01 I am not DOC-approved. I have taken on-line . . .

09:43:41 Mattern: Not qualified to offer an opinion. We're entitled to at least the data he generated.

09:44:28 COURT: I will not let him testify at this time. I would like counsel to see his CV and has right to notice of an expert.
I will reconsider after notice and the CV has been distributed.

09:45:07 Satterberg: Request a continuance.

09:45:12 COURT: May present other witnesses today.

09:45:55 Witness Excused

09:46:11 Witness Sworn/Affirmed: Cassi Campbell

09:46:39 Direct Examination by Satterberg

09:47:45 Re: relationship w/Defendant
I am aware of the offense. Over the time that I've been close to Arie, that an offense such as this, he would be the last person I would see doing such a thing.

09:48:15 Arie is one of the most respectful people I've met. Something like this seems completely out of character.

09:48:37 I was comparing Arie to other people I'm around, when you're a girl hanging out w/guys. I was comparing him to other males and how much different he was in general. He respects boundaries a lot; I could not see him purposely hurting anyone.

09:49:42 Mattern: Objection, hearsay
Satterberg: Not for the truth of the matter asserted
Court: Overruled, not for the truth of the matter asserted

09:50:04 After what had happened, he asked me to come over and explained what happened. He also called my family and asked if he could talk to my dad and mother and explain what had happened. He felt it was important they were aware of what was going on.

09:50:36 I think that when he was talking, you could tell he felt horrible for what had happened.

09:51:15 No, he didn't blame the victim. He completely blamed himself.

09:51:25 Mattern: Objection, speculation
Court: Sustained

09:51:39 No, he would not pose a threat to the community. I think his willingness to accept what has happened will benefit him.

09:52:34 I will be a senior. I minored in psychology.

09:52:48 Mattern: Objection
Court: Sustained

09:52:56 No, I don't want to see him go to jail.

09:53:02 Mattern: Objection
Court: Sustained

09:53:20 I drove up from Anchorage for this hearing.
Re: siblings

09:53:58 I trust him.

09:54:04 Cross Examination by Mattern

No, I don't think it's appropriate to get a fifteen-year-old girl drunk.

09:54:44 He blamed himself for the situation and what came from it, everything that is happening now, that she's hurt, that his family is hurt, everything tied into this entire situation.

09:55:20 Yes, I consider myself a good friend of Mr. Henry.

09:55:54 Redirect Examination by Satterberg

No, nothing romantic in the past.

09:56:07 Voir Dire by Court

He explained to me that he was in Fairbanks w/good friend. They'd gone out and met a young girl and some things had happened. He explained to me what happened and that alcohol was involved. After that, he was brought in and questioned about it. I didn't ask where they'd gotten the alcohol from. He said they had alcohol and were drinking.

09:56:52

09:57:55 Recross Examination by Mattern

No, he didn't say he was the source of the alcohol.

09:58:06 All he said was they had alcohol. I didn't ask more questions about it. I was listening.

09:58:23 Witness Excused

09:58:37 Witness Sworn/Affirmed: Brian Gross

09:59:06 Direct Examination by Satterberg

Re: relationship w/Defendant

10:00:36 Fantastic w/the kids, kids adored him. In 2008, I broke my leg so I was unable to be on the ice.

10:01:43 Basically, Arie took charge. I was on the sidelines. He was organized, responsible.

10:02:07 Re: ages of kids in sessions
I'm aware that he's plead guilty of sexual assault.

10:02:36 I did not pry into more detail than what he explained to me. When he first told me, I was very surprised that for his age, how much responsibility he was taking for the matter.

10:03:07 He accepted full responsibility and was going to make it through this and asked for my help to come as a witness and write a letter. He never tried to push it off on somebody else. I drove up from Anchorage for this purpose.

10:03:59 Re: work schedule
I would be concerned if a parent went to the sex offender site and saw he was coaching. I would not have concerns about . . . USA Hockey is the governing body of hockey. They don't govern individual camps.

10:05:26 It's my belief that coaching kids was the highlight of his summer, loved being w/the kids.

10:06:05 During the school year, I did not see Arie often.

10:06:35 **Cross Examination by Mattern**

10:06:55 Yes, many of the camps are co-educational.
He did not tell me who brought the alcohol or how much he drank. He seemed very ashamed.

10:07:26 He said it was very serious.

10:08:02 **COURT:** I want to disclose that I have some background, that somebody w/this type of background would not be able to coach.

10:08:37 Witness Excused

10:08:44 **Witness Sworn/Affirmed: Arie Henry**

10:09:07 **Direct Examination by Satterberg**

10:10:03 Re: educational background
Yes, I'm an only child.
I would be a junior at the beginning of next semester.

10:10:23 Re: college background
Re: hockey background

10:12:54 Currently at UAA I have gone into business management since they don't have sports management.

10:13:08 Yes, I have registered as a sex offender.

10:13:44 Yes, I came to Fairbanks in July last year to coach.
The event occurred Friday, and I'd been in town about 4-5 days. We were staying at the Alpine Hotel.

10:14:03 We were staying our last night at Jillian Square Apartments. I met her Friday afternoon taking out trash.

10:14:28 I said hello, and we got into a friendly conversation. The subject of drinking came up.

10:14:46 I invited her to drink w/me. My friend from Anchorage bought the alcohol. I brought the alcohol, vodka. It had been previously opened, not brand new.

10:15:16 I texted her later and asked if she wanted to share a bottle of vodka w/me, and she said sure.

10:15:41 I met her outside her room. She told me she . . . she climbed out of her bedroom window to meet me. Initially we were drinking outside the apartment complex on the stairs. It got colder, so we moved into the laundry room.

10:16:17 I asked her early on if she liked beer. She said beer was okay, but she liked hard liquor better.

10:16:38 She was drinking; I was drinking, too. I didn't drink copious amounts. I believe she was drinking heavily.

10:17:09 We began to get flirtatious and started kissing. One thing led to another. Yes, I had sex w/her.

10:17:29 I brought a condom. I always carried a condom in my wallet. No, she never said she didn't want sex.

10:17:56 She tried to text, and it came out jumbled. No, we had not had sex at that time.

10:18:41 I remember her bumping her head once. I believe she was heavily intoxicated.

10:19:06 We had sex once, and when I paused for a moment, I believe she asked me to continue. I am not assigning responsibility to her. It was my actions. I could have said no or not engage in sexual conduct. I made poor decisions.

10:20:01 Yes, I took her back to the house. I got on my knees, and I told her to use me as a step stool so she could climb in easier. We kissed good-night, and I left.

10:20:40 She walked w/me, but I didn't necessarily carry her but supported her weight. She was not completely walking, kind of using me as a crutch.

10:21:10 She got home at maybe four a.m. I remember asking if she wanted to talk tomorrow. I believe she nodded yes.

10:21:43 I was contacted by the police. The data master test was zero at nine a.m.

10:22:11 I've been attending UAA. I contacted Glenn Williams to seek voluntary treatment, obeying my bail conditions.

10:23:02 Yes, I realize this will involve jail time. After my release, I plan on finishing my degree at UAA and perhaps attending graduate school.

10:23:53 I am sorry and want to personally apologize to the family. I'm completely responsible for my actions and ashamed of myself.

10:24:32 I also let down my family and friends. I owe it to her and her family to get better. I want to take responsibility for this.

10:24:56 Cross Examination by Mattern

I contacted Mr. Williams in March. I was concerned w/the situation in general. I wanted to seek counseling.

10:25:23 I wanted to address the issue and find ways to remedy it. I agree there was no alcohol in my system at nine.

10:26:29 Yes, I brought the bottle of vodka. I believed she was younger than me. I couldn't remember her exact age.

10:26:57 No, my parents didn't give me the vodka.
Yes, I was only 19 at the time.

10:27:16 I always carry a condom.
I remember becoming concerned about her intoxication after she hit her head on the floor.

10:28:11 Correct, she never said no. I may have asked. I remember hesitating at least once to make sure she wasn't saying no, if she was bothered by it.

10:29:03 Later on, I realized it was poor judgment.
After my freshman year in college, I figured it would be better to err on the safer side. I wasn't carrying condoms daily to expect . . . I carried one in case the matter should arise.

10:30:54 Re: previous sexual conduct

10:31:43 **Redirect Examination by Satterberg**

Yes, we text messaged.

10:32:09 Mattern: Objection, outside scope of cross
Court: There was some mention of it
Satterberg: I'll rephrase

10:32:36 Mattern: Objection, asked and answered
Court: It is
Satterberg: I'll w/draw

10:32:49 **Voir Dire by Court**

No, I didn't drink as much as her.
Yes, I realized I was committing a crime by providing alcohol to a minor.

10:33:21 Witness Excused

10:33:28 Satterberg: No other witnesses w/the exception of Mr. Williams.

10:33:38 Court and counsel discuss scheduling.

10:33:52 Court calls Chambers.

✓ **COURT**: Continue Oral Argument July 23 @ 2:45-4:30 w/RBD.
Same terms and conditions of release.

10:36:03 Off record

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA AT FAIRBANKS

CD: 4FA4210-54
Date: July 23, 2010

STATE OF ALASKA
vs.
ARIE VANCE HENRY

Judge: Downes
Clerk: Brees

Case: 4FA-09-2553 CR

PROCEEDINGS: Oral Argument re Motion for Referral to Three-Judge Panel

COUNSEL PRESENT

Plaintiff: Scott L. Mattern, Assistant District Attorney

DOC: Zoe Sutton, Probation Officer

Defendant: William R. Satterberg

Defendant: Present/Out of Custody

02:43:20 On record

02:43:43 Satterberg: The last time we took a break because the State wanted to see Mr. Williams' CV. I have not seen an expert notice . . .

02:44:08 Mattern: This isn't an expert notice; it's a CV. There's not a word about what he might testify about.

02:44:49 Satterberg: We furnished this to the state on June 28, incredulous to wait till today. There has to be some good faith.

02:45:09 Mattern: The information has never been produced. If the State had pulled that, no question what would have happened.

02:45:25 Court: I am looking to see if there was an order.

Mattern: It was oral.

Satterberg: The objection was about qualifications. If Mr. Mattern felt short-changed, quick fix to pick up the phone.

02:46:17 COURT: This was to be continued today, continued oral argument, which I guess included the testimony. Glenn Williams was called. There was an objection.

02:47:13 Court reads from file.

02:48:09 COURT: The CV has been provided.

02:48:23 Satterberg: His report was furnished prior to that.

02:48:28 COURT: Interviewing is sometimes done. Absolutely that has to be provided to the State, but maybe none of that was done. If none of that data was generated, then Mr. Mattern doesn't know. He was not allowed to testify before.

02:50:17 Satterberg: I got back yesterday, made a call. I don't know if there's been other tests.

02:50:48 Mattern: Even notes of the interview.

02:50:53 Clerk places phone call to Glenn Williams @ 907-272-5500; connected

02:52:00 Court addresses Dr. Williams re State's objections.

02:53:07 Williams: I could prepare that for the DA's Office if that's something they would like me to do.

02:53:31 He's been here about 21 times, tried to discuss about how he ended up in the situation, looked at his actions and steps he could take.

02:53:58 I have some tests. The last time I spoke, I talked about the alcohol and drug tests I gave him. I looked at the Static 99, which is the sex offender actuarial.

02:54:28 I also have done some other testing, an MMPI and two other instruments. One looks at offender's ability to be rehabilitated. The other looks at sexual violence risk inventory. I didn't present them because I didn't know . . .

02:55:22 COURT: The State has requested that so they can provide the data to an expert, if they wish to.
Mr. Mattern has the right to prepare analysis of that testing, so that material needs to be provided.
I want to get this done. We have put this off, and I am not very patient at this point of getting this before the Court.

02:57:03 Williams: Would Monday be helpful?

02:57:10 Court: Monday would be helpful. I'm worried about Mr. Henry's right to be properly represented, and Mr. Satterberg has been out of the country to marshal that. I am concerned about the victim's rights to have this resolved. I am not happy to continue this.

✓ COURT: Cont. Hearing to August 12 @ 2:15-4:30 w/RBD.
Mr. Satterberg may attend telephonically.

** Court will call judge in Ketchikan to work on accommodation.
Mr. Mattern to respond by August, 6 close of business.
Same terms and conditions of release.

03:03:06 Off record

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA AT FAIRBANKS

CD: 4FA4210-59
Date: August 12, 2010

STATE OF ALASKA
vs.
ARIE VANCE HENRY

Judge: Downes
Clerk: Brees

Case: 4FA-09-2553 CR

PROCEEDINGS: Oral Argument re Motion for Referral to Three-Judge Panel

COUNSEL PRESENT

Plaintiff: Scott L. Mattern, Assistant District Attorney

DOC: Zoe Sutton, Probation Officer

Defendant: William R. Satterberg

Defendant: Present/Out of Custody

02:16:51 On record

02:17:35 Court recites procedural history of case.

02:18:22 Mattern: Got information, no reason to dispute we don't have it all.

02:18:49 Satterberg: Prepared to call an expert, Dr. Williams.

02:19:09 Clerk places phone call to Dr. Glenn Williams @ 907-272-5500 - on line

02:20:23 Court and counsel discuss mitigators/aggravators.

02:21:17 Witness Previously Sworn/Affirmed: Glenn Williams (Telephonic)

02:21:27 Redirect Examination by Satterberg

Nothing has been w/held that I know of.

(Witness relates qualification)

02:24:00 I don't see child abuse in his past. I find him a good candidate for rehabilitation.

02:24:21 The issue is sometimes victims, in order to balance things out, can become perpetrators. That is the current client's case.

02:25:06 That is one of the factors I look at in terms of the background. I found nothing in that area.

02:25:22 The piece I see in terms of re-offending is using alcohol and drugs tends to lower inhibitions, larger chance to re-offend.

02:25:51 I gave several different tests, and I didn't see that. I talked to him extensively about his family history. I gave him the Michigan Alcohol Screening Test . . . He didn't show alcohol or drug abuse problems. He did fine on impulsivity.

02:27:05 He talked about if he'd had thoughts about sexual activities, how to deal w/that, deterrence, impulse control.

02:27:27 I don't see a big anger management problem. He does use some of the aggressiveness on ice in terms of hockey, but I didn't necessarily see that in his personal life off the ice.

02:28:06 Mattern: Objection, out of his area of expertise, speculation
Court: Sustained

02:28:29 Mattern: Objection, unless he's a DOC report writer

02:29:20 Voir Dire by Court

I looked at polygraph testing, meetings w/PO, random UA's, sex offender treatment programs. A part of me thought about CWS, but I was unsure about what that might involve.

02:30:01 I think there are areas that would help Arie.

02:30:34 Redirect Examination by Satterberg

02:30:48 Mattern: Objection, that's a legislative decision
Court: Will allow it as it will affect his rehabilitation

02:32:28 I feel it would be best to do treatment sooner rather than later. I read some of the reports and looked at the PO's report. The longer a person is in jail, the less they will re-offend. Because of factors of his background and being a first-time offense, it would appear treatment sooner would be better than later. If he's in jail for years, will he be as enthusiastic about treatment when he comes out the other end.

02:34:03 Re: treatment received while incarcerated
The piece that I sometimes look at in terms of decision-making is that in the last 5-10 years is that the frontal lobe doesn't develop until age 23-24, which means his ability to make decisions and think about social consequences is going to grow in the next few years. It is not there totally.

02:36:27 Recross Examination by Mattern

02:36:39 Yes, I did tests on Mr. Henry.
02:36:39 I have a letter from Dr. Rose, a clinical psychologist. He did an assessment of Arie.

02:36:57 I thought it might be good to do another MMPI and see what the results are. I did a Static 99, an outdated version.

02:37:26 Yes, I reviewed the presentence report. There were four factors that I saw, the low-moderate risk to re-offend.

02:38:15 The protective factors that I looked at, there were many more of those than I'd seen before.

02:38:37 After I did my total package of testing, I didn't come to the same conclusion. Dr. Rose also found the four factors.

02:39:03 He gave the PAI, that showed there were no indications of psycho-pathology. When I look at Arie's code . . .

02:40:16 The scores are made of sub-scales. If you look at the eco strain, he scored a 56. Between 50-60 on the MMPI is normal.

02:41:08 One of the things you look at is that younger populations tend to score a little bit higher on the scale 9, for instance.

02:42:09 I don't believe he's as defiant and rebellious as the MMPI shows. If you single the MMPI out and just take the results of that, you don't get a full picture.

02:42:44 One of the things I found is if you look at impulsivity, one of those scores is average.

02:43:37 He's continued to follow bail conditions.
Re: computerized scoring

02:46:00 If I weigh the assessment, there are parts that show rehabilitative predictability. He has two parents who continue to support him. His friends are supportive. He hasn't had any infractions on bail conditions.

02:46:50 If you look at the whole picture, it includes . . .
I asked him how he gets along w/female relatives,

02:48:39 He continued to come here for all 24 sessions. I don't view him as leaving the treatment; he continues w/it.

02:49:50 Arie admitted he did do this and would like to receive treatment for himself.

02:50:23 He did not tell me something similar to this happened in the past. At this time, I don't have that information.

02:51:17 That would be important to know.

02:51:25 Satterberg: Counsel is misstating the evidence
Mattern: It had to do w/him saying there was an incident to this one
Court: I thought it was regarding carrying condoms. I may be wrong
Mattern: Involving alcohol and a female
Court: I don't think he indicated it was similar to this

02:54:19 Witness Testifies

Re: chances of re-offending

02:55:12 The Sexual Violence Risk Inventory acts like the Static 99. They look at the factors and if there are changes. When you have less of the factors, you show lower risk of re-offending.

02:56:26 Redirect Examination by Satterberg

You look at prevailing factors and look at a group of individuals who have the prevailing factors.

02:57:12 Yes, I have treated Arie for roughly six months. I still find him to be an excellent candidate for rehabilitation.

02:57:53 He did not blame the victim.

02:58:06 Recross Examination by Mattern

They can be used as predictive measures. We try to assess the background and make predictions about behavior.

02:58:27 The difficulty of predicting behavior is that it's not 100%. These would be good tools to use.

02:59:11 Voir Dire by Court

03:01:28 I felt Arie has excellent chances of rehabilitation.
He continued to follow through w/what I had asked and didn't
try to evade the questions about sexual inappropriateness.

03:01:48 We even discussed if it would be appropriate to enroll in
sexual offender classes before coming there.

03:03:18 Redirect Examination by Satterberg

I would say very good or better. If he continues to perform
like he has, I see very good chances of excellent
rehabilitation. He's already feeling the effects of sentencing
in terms of being on the offenders list and not being around
young people, that sort of thing.

03:04:13 Recross Examination by Mattern

We were discussing whether enrolling would be a good thing at
the time.

03:04:45 One of the things I noticed is he would show up in Fairbanks in
May, so I didn't know when he would start his sentence, if he
had to go to jail right away.

03:05:20 Yes, I wanted him to see Dr. Rose.
It shows his willingness to be treated.

03:06:02 Voir Dire by Court

Dr. Michael Rose in Anchorage. He works at a private clinic.

03:06:33 Redirect Examination by Satterberg

I do not know if Dr. Rose is state certified.

03:06:57 Witness Excused

03:07:21 COURT: I want to make a decision on this right away.
There are no aggravators agreed to or offered.
The Court can still consider whether any factor is present.

03:09:21 Argument by Mattern.
Re: Benbow

03:10:43 Argument by Satterberg.

03:12:58 Rebuttal Argument by Mattern.

03:14:09 COURT: I want to find out if the victim wants to make a statement.

03:14:23 Mattern: I don't think she wants to testify, only if she had to.

03:14:37 COURT: Take a recess.

03:14:47 Off record
03:36:36 On record

03:36:44 COURT'S FINDINGS AND RULINGS

03:37:30 The question is whether I should refer this to a three-judge sentencing panel and whether there is manifest injustice. Several issues arise. This is not a simple question. The circumstances of the event are very serious. This is not a typical situation.

03:38:04 This involves a situation where a young lady became extremely intoxicated and out of control.

03:39:13 The facts reflect the seriousness of the situation. The GJ returned Sexual Assault 1 and 2. Sexual Assault 2 is the crime the Defendant has pled to.

03:40:11 This is not Sexual Assault 1. I don't find that c(1) under 12.55.155 applies. I do not think it prohibits me from making a determination and possibly referring this to a three-judge panel based on Defendant's potential for rehabilitation. I find that Mr. Satterberg's argument is persuasive.

03:42:29 I find this is a matter fairly typical of the offense of Sexual Assault 2. I find that, through testimony, Mr. Henry has shown that he is a young man w/insight as to his and other people's behaviors. It can cut against him because his insight into this situation is poor. He should have known that if he feeds vodka to a juvenile, that that juvenile will be intoxicated and unable to resist his advances.

03:44:29 I never saw any results that there was anything other than alcohol in her system.

03:45:02 In this case, I look at the Defendant's background and other case law whether this should be sent to a three-judge panel.

03:47:08 The Defendant has admitted to doing this and pled guilty. That factor, acceptance of responsibility, leads the Court to mitigate a sentence. The Defendant's background does not have criminal activity. Those things bode for rehabilitation.

03:48:10 This seems to be something out of the ordinary. I find this to be a very close case. I recognize that even if I refer this to a three-judge sentencing panel, that doesn't mean you have beaten the system.

03:49:25 Refer this to a three-judge sentencing panel. I can not ignore that the doctor thinks the Defendant has an excellent chance for rehabilitation. Maintain same release conditions.

03:53:16 To next case