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IN THE TRIAL COURTS FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT
AT ANCHORAGE

STATE OF ALASKA,

Plaintiff,

vs

JOSEPH HAZELWOOD,

Defendant.

No. 3AN 89-7217; 3AN 89-7218

TRIAL BY JURY, CONTINUED
MARCH 22, 1990
PAGES 8064 THROUGH 8077

VOLUME 43-A

SENTENCING HEARING
MARCH 23, 1990
PAGES 8078 THROUGH 8093

VOLUME 43-B

Original

ARLIS

H & M Court Reporting
510 "L" Street, Suite 350
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Alaska Resources
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BEFORE THE HONORABLE KARL JOHNSTONE
Superior Court Judge

Anchorage, Alaska
March 22, 1990
12:38 o'clock p.m.

APPEARANCES:

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1 PROCEEDINGS

2 MARCH 22, 1990

3 (Tape: C-3690)

4 (941)

5 (Jury not present)

6 THE CLERK: ...the Honorable Karl S. Johnstone
7 presiding is now in session.

8 THE COURT: Be seated.

9 I have a note from the jury. They indicate
10 they've reached a verdict and are ready to return it to
11 the courtroom.

12 Is there anything counsel needs to do before
13 we bring the jury in?

14 MR. MADSON: No, Your Honor.

15 MS. HENRY: No, Your Honor.

16 THE COURT: We have a large number of media
17 representatives here who have asked to be able to talk
18 with some of the jurors afterwards. I'm going to
19 advise them that the media would like to talk to them
20 afterwards, and if they want to talk to the media they
21 can come back into the courtroom so we won't have a
22 chaos in the hallways, or in the elevators, or
23 downstairs. And the media has agreed to conduct their
24 interviews in the courtroom afterwards.

25 Those who do not want to talk to the media I'm

1 sure will not be hounded by media personnel on their
2 way out. I'll be talking to the jurors, personally,
3 after I excuse them, in the jury room. And then it
4 will be up to them what they want to do.

5 Let's bring the jury in.

6 (Pause)

7 THE COURT: And we will be polling the jury.

8 (Pause)

9 (Jury present.)

10 (1056)

11 THE COURT: I've got your note, ladies and
12 gentlemen. We're ready to receive your verdict. If
13 you would, pass it to the bailiff and he'll pass it to
14 me.

15 The verdicts are in proper form. I'll publish
16 the caption on the first one and then just read the
17 verdict for each of them after that.

18 "In the superior court for the state of
19 Alaska, third judicial district, State of Alaska,
20 plaintiff, versus Joseph Hazelwood, defendant.

21 "Verdict 1: We, the jury, find the defendant,
22 Joseph Hazelwood, not guilty of criminal mischief in
23 the second degree as charged in the indictment. Dated
24 in Anchorage, Alaska, this 22nd day of March, 1990.

25 "Verdict 2: We, the jury, find the defendant,

1 Joseph Hazelwood, not guilty of operating a watercraft
2 while under the influence of intoxicating liquor as
3 charged in Count 1 of the information.

4 "Verdict 3: We, the jury, find the defendant,
5 Joseph Hazelwood, not guilty of reckless endangerment
6 as charged in Count 2 of the information.

7 "Verdict 4: We, the jury, find the defendant,
8 Joseph Hazelwood, guilty of negligent discharge of oil
9 as charged in Count 3 of the information."

10 All four verdicts are dated the 22nd day of
11 March, 1990 and signed by the jury foreperson.

12 Ladies and gentlemen, that completes your jury
13 service in this case. On behalf of the court system
14 and on behalf of myself, personally, I want to thank
15 you for your efforts and your participation.

16 This was a thankless job. Everybody in here
17 gets paid for their role in this case and you folks
18 don't, and yet, you probably have the most important
19 role. You were on time every day. I noticed that.
20 That's very unusual. You were very attentive. You
21 have my thanks.

22 I told you at the beginning it would be an
23 experience you would never forget, and I'm sure that's
24 going to be the case, and I hope it was a positive
25 experience for you. You've been part of a very

1 significant case. I think you'll remember that.

2 I'm going to release you from the instructions
3 not to discuss this case with anybody else. However,
4 I'm going to ask that you wait in your jury room just
5 for a couple of minutes. I will come in and talk with
6 you. I want to exchange some information with you.

7 Media personnel will probably want to talk to
8 you about the case.

9 Before I excuse you, however, I want to verify
10 that the verdicts read were your verdicts. You're
11 going to be asked by Mr. Purden if the verdicts just
12 read are your verdicts. That means if all four of the
13 verdicts are your verdicts the answer is yes. If less
14 than all four is your individual verdict, the answer is
15 no.

16 So, when you hear your name called just answer
17 the question yes or no.

18 Mr. Purden.

19 THE CLERK: Juror 1, Margaret Glenn, were the
20 verdicts just read your true and correct verdicts?

21 MS. GLENN: Yes.

22 THE CLERK: Juror 2, Beatrice Freeman, were
23 the verdicts just read your true and correct verdicts?

24 MS. FREEMAN: Yes.

25 THE CLERK: Juror 3, Lori Wing, were the

1 verdicts just read your true and correct verdicts?

2 MS. WING: Yes.

3 THE CLERK: Juror 4, Terrell Smith, were the
4 verdicts just read your true and correct verdicts?

5 MR. SMITH: Yes.

6 THE CLERK: Juror 5, Albert Oakes, were the
7 verdicts just read your true and correct verdicts?

8 MR. OAKES: Yes.

9 THE CLERK: Juror 6, James Rousey, Sr., were
10 the verdicts just read your true and correct verdicts?

11 MR. ROUSEY: Yes.

12 THE CLERK: Juror 7, Terence Reimer, were the
13 verdicts just read your true and correct verdicts?

14 MR. REIMER: Yes.

15 THE CLERK: Juror 8, Katharyn Rosselle, were
16 the verdicts just read your true and correct verdicts?

17 MS. ROSSELLE: Yes.

18 THE CLERK: Juror 10, Blondell Walker, were
19 the verdicts just read your true and correct verdicts?

20 MS. BLONDELL: Yes.

21 THE CLERK: Juror 11, Yvonne Payne, were the
22 verdicts just read your true and correct verdicts?

23 MS. PAYNE: Yes.

24 THE CLERK: Juror 11, Jeffrey Sage, were the
25 verdicts just read your true and correct verdicts?

1 MR. SAGE: Yes.

2 THE CLERK: Juror 12, Bobby Lewis, were the
3 verdicts just read your true and correct verdicts?

4 MR. LEWIS: Yes.

5 THE COURT: Okay. I want to excuse you now.
6 I'll be back in and talk with you momentarily. Press
7 people -- media people will probably want to talk to
8 you. I'm not going to encourage you, or discourage you
9 from that. That's your right if you want to speak to
10 anybody about this case afterwards. It's not wise to
11 go into the mental processes that go on in jury
12 deliberations with anybody.

13 Counsel will not be able to ask you those
14 questions. Sometimes they like to ask questions that
15 might improve their performance.

16 It's an interesting case for a lot of people,
17 so I'm sure there's going to be a lot of interest in
18 your participation. If you want to talk to media
19 personnel, or want to talk to the attorneys I'm going
20 to let you come back in through the same door you've
21 been coming in everyday and you can conduct your
22 conversations here in the courtroom. I won't be here,
23 but I'm not going to allow media to descend, or
24 anybody, to descend upon you out there in the hallway,
25 or in the elevators, or downstairs. They've agreed to

1 conduct their interviews in the courtroom here, which
2 is probably the best idea of all.

3 If you don't want to, you do not have to, and
4 you're free to leave after I finish talking with you
5 and you just tell people it's private, you'd rather not
6 talk about it. They won't press the issue.

7 So, I'm going to let you go to your jury room.
8 I'll be there in just about two minutes, myself.

9 (Jury not present)

10 THE COURT: I want to thank counsel for what I
11 consider to be a highly professional trial that was
12 conducted by them.

13 We'll put this on the calendar for this
14 afternoon for further proceedings. We'll have to
15 determine a sentencing date on the misdemeanor. We'll
16 come on at 3 o'clock p.m. in this courtroom. While
17 everybody is still in town I want to resolve this, or
18 set it for a future date that is agreeable to
19 everybody.

20 I'd like counsel to be prepared with the
21 sentencing information concerning this particular count
22 to assist the court.

23 We'll stand in recess.

24 THE CLERK: Please rise. This court stands in
25 recess subject to call.

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(1357)

(Off record - 12:50 p.m.)

(On record - 3:01 p.m.)

THE CLERK: Court now resumes its session.

THE COURT: You may be seated.

This is further proceedings in the Joseph Hazelwood matter.

Counsel, this is a Class B misdemeanor sentencing and normally I wouldn't order a pre-sentence report for it. Normally Class B misdemeanors are sentenced at the time a verdict is returned, but there's some -- possibly some extenuating circumstances in this case that may justify a delay and maybe counsel would need some additional time.

I didn't want to take this matter up right after the jury returned its verdict when we're in the middle of some potential chaos, which ultimately did develop, as I expected. I wanted to wait and give you all time to think about it.

I'll accept input from counsel now. From the State, first.

MR. COLE: Whatever you want to do, judge, is fine with us.

MR. MADSON: Your Honor, I don't believe a formal pre-sentence report is necessary. We would

1 certainly not request one. I think that poses an undue
2 burden on the probation office. We don't believe it's
3 necessary in a case involving only a maximum 90 days,
4 even though -- I think we can present extenuating
5 circumstances without the necessity of a formal pre-
6 sentence report.

7 THE COURT: All right. Does the State need
8 some time to gear up for sentencing in this case?

9 MR. COLE: No. I'm prepared today.

10 THE COURT: Does the defendant want some time?
11 I'm willing to give you some time to...

12 MR. MADSON: Yeah. We thought, Your Honor,
13 when you spoke earlier that, you know, you were asking
14 for time, or requesting at least if we -- considering
15 time, if we asked for it. And that's what we
16 anticipated.

17 Our problem is probably one of scheduling. We
18 talked about it, and it looks like we've got some real
19 problems in April and part of May to get counsel back
20 here again, but if possible we'd like to have the
21 sentencing around the first part of June. I don't know
22 if the court feels that's too late, or how counsel
23 feels about that, but we feel it also would let things
24 kind of simmer down a little bit. Give time to look at
25 it in a proper perspective and not have the emotion of

1 the moment involved in the decision, or the sentence.

2 THE COURT: That seems a little long, but I'm
3 willing to consider a reasonable delay.

4 I recognize that in the case of Mr. Chalos,
5 and Mr. Russo, and the defendant it would require
6 travel to New York and back. I don't know if you were
7 going to need everybody here for the sentencing, or
8 not.

9 MR. MADSON: Yeah. I've got some problems,
10 too, in April at that time, too, Your Honor.

11 THE COURT: I'm thinking in terms of not quite
12 such a long delay, like in terms of tomorrow, or next
13 Tuesday, or Wednesday. I don't need any more time
14 than that. I don't know what more information I'm
15 going to have then, or you're going to have then that
16 we don't already have now.

17 MR. MADSON: Can we just confer a second, Your
18 Honor?

19 THE COURT: Sure.

20 (Side conversation)

21 MR. MADSON: Your Honor, if that's the case,
22 rather than wait, how about tomorrow? Can we do it
23 tomorrow morning?

24 THE COURT: That's fine with me. How about
25 counsel for the State?

1 MS. HENRY: Your Honor, that would be fine. I
2 would request -- I have a sentencing that's going to
3 take the better part of the morning, but we'd be
4 available in the afternoon, if the court has some time.

5 THE COURT: How does 1:30 in the afternoon
6 sound?

7 MR. MADSON: That should be okay, Your Honor.
8 We're going to be here, obviously. We don't have any
9 other matters.

10 THE COURT: All right. We'll set it on for
11 sentencing at 1:30 and if you have any documentation
12 you want to submit in aid of disposition I would be
13 willing to look at it. I don't know anything about the
14 computer printouts on the defendant. If you have
15 anything on that pass them by to opposing counsel and
16 then let me look at them in aid of disposition.

17 MR. COLE: I've given a copy to the defense
18 and we'll deliver a copy to your office by the close of
19 business today. I'm sorry. I didn't make a copy for
20 you.

21 THE COURT: That's fine. Okay. Is there
22 anything further, then?

23 MR. COLE: No. I have nothing further, Your
24 Honor.

25 MR. MADSON: That would be 1:30 tomorrow you

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said, right?

THE COURT: Yes, sir. Okay.

We'll stand in recess.

THE CLERK: Please rise. This court stands in recess subject to call.

(1559)

(Off record - 3:08 p.m.)

CONTINUED

IN THE TRIAL COURTS FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT
AT ANCHORAGE

STATE OF ALASKA,

Plaintiff,

VS

JOSEPH HAZELWOOD,

Defendant.

No. 3AN 89-7217; 3AN 89-7218

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MARCH 23, 1990
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VOLUME 43-B

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BEFORE THE HONORABLE KARL JOHNSTONE
Superior Court Judge

Anchorage, Alaska
March 23, 1990
1:30 o'clock p.m.

APPEARANCES:

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1 PROCEEDINGS

2 MARCH 23, 1990

3 (Tape: C-3691)

4 (21)

5 THE CLERK: Superior for the State of Alaska,
6 the Honorable Karl S. Johnstone presiding is now in
7 session.

8 THE COURT: You may be seated.

9 It's time for sentencing in the Joseph
10 Hazelwood matter. Normally Class B sentencing doesn't
11 involve sentencing arguments. The sentence is imposed
12 promptly after an elocution. However, this is not a
13 run of the mill Class B misdemeanor. So, I'm going to
14 allow brief sentencing arguments, after which Captain
15 Hazelwood can make an elocution.

16 Mr. Cole.

17 MR. COLE: Well, thank you, Your Honor. Well,
18 I think I should first state that these comments that
19 I'm about to make acknowledge the jury's verdict and
20 don't mean to imply otherwise.

21 The court heard the facts in this case. It's
22 clear that there was an oil spill, the largest oil
23 spill in the United States history, a spill of over
24 260,000 barrels of crude oil into Prince William Sound.
25 The damages were catastrophic.

1 I think that the court should look at AS
2 12.55.005. It's the declaration of purposes for
3 sentencing. It sets out six things that the court
4 should take into consideration in pronouncing an
5 appropriate sentence.

6 The first one is seriousness of the present
7 offense. I don't think that there could be any doubt
8 that the circumstances surrounding this incident were
9 among the most serious ever contemplated by the
10 statute, itself. I think the spill speaks for itself
11 on that.

12 As to the defendant's prior criminal history.
13 He has a 1984 DWI accident. Actually, it was a
14 refusal. In that case he refused to take the breath
15 test, was belligerent, and upon being contacted he
16 stated that he had been hit, "The son of a bitch hit
17 me," and he was noted to be -- his speech was slurred,
18 breath smelled of alcohol.

19 In 1985 the defendant checked into a alcohol
20 rehabilitation program, a 28 day program, and in 1988
21 on September 13th, about six months prior to the Exxon
22 Valdez going aground, he had another DWI in New
23 Hampshire where he had a .19 blood alcohol content. A
24 .19 is nearly two times what is the legal limit in
25 Alaska.

1 The third factor -- well, in summing up on
2 that point, I think Captain Hazelwood's had the
3 opportunity to be aware of the effects of alcohol and
4 what they have had on his life. He has apparently
5 disregarded that through the testimony in this case,
6 those consequences, and we would submit that he is
7 probably on a scale of 1 to 10 a 3 to 4 as far as to
8 the likelihood of his rehabilitation.

9 The third one is need to confine -- he doesn't
10 present a danger to the community, like some of the
11 other people, so I wouldn't think that that is one of
12 the things that needs to be taken into consideration.

13 The fourth one is circumstances of the
14 offense, and specifically whether the offense harmed
15 the victim, or endangered public safety. I don't think
16 there's any doubt that the offense in this case did a
17 substantial -- there was substantial endangerment to
18 the public safety.

19 I think that in this case the court can deter
20 other people. And I think that that's a significant
21 factor that should be taken into consideration. Tanker
22 captains should be put on notice that for their conduct
23 they will be held responsible.

24 And, finally, Your Honor, there is the
25 community condemnation and reaffirmation of societal

1 norms. And I think that's something that you, in your
2 position, are better able to take into account, given
3 the controversial nature of this case. We are not
4 going to make any recommendations, but would submit
5 that to your -- I think you're in the best position,
6 given the light of this case, to make this
7 determination.

8 THE COURT: Thank you, Mr. Cole.

9 Mr. Madson.

10 MR. MADSON: Thank you, Your Honor.

11 (205)

12 Well, this certainly is a Class B misdemeanor
13 that has gathered a great deal of attention, more than
14 any other in history, I'm sure.

15 The comments I'm going to make are also very
16 brief, Your Honor, and I think the court is correct.
17 Normally in a situation like this it doesn't call for a
18 great deal of argument, and I fully agree.

19 One thing I should mention, the 1988 -- the
20 conviction that Mr. Cole mentioned, that went down in
21 New Hampshire as a violation only. It was not a
22 misdemeanor. It was a violation. Apparently they have
23 some means of reducing the charge there that I don't
24 understand, but that's what it was. It was not a
25 conviction of a misdemeanor for a DWI.

1 The important thing is -- whether or not it is
2 a conviction, I think, is totally irrelevant. The
3 jury's verdict in this case clearly set out what we
4 said in the very beginning, that alcohol was not a
5 factor in this. They made that as clear as anyone
6 possibly could.

7 The negligence that was involved here was
8 civil negligence. The court gave the civil standard
9 definition of negligence to the jury, and that's what
10 they found. I think that factor is extremely
11 important.

12 And by doing this, and by not finding anything
13 else, they obviously rejected any factor of alcoholism,
14 any cause or result, or any relationship between the
15 two. So, I think the prior record means nothing as far
16 as this is concerned.

17 The other thing I think we have to stress
18 here, and I think it's very important, is that while
19 the jury had this as a civil negligence definition, if
20 it had been a civil case, they also would have had to
21 determine one other thing, and that is the appropriate
22 percentage of negligence of all the parties.

23 They, of course, did not have the chance to do
24 that, and I think it's very important, because in a
25 civil case, obviously, more than one defendant can be

1 present, and the jury has the duty and the right and
2 the power to apportion the percent of negligence
3 attributable to each of the parties.

4 We don't know what the jury would have done in
5 this case. We do know from the result, and I think the
6 comments that were made afterwards, and the whole
7 thrust of this case, and the evidence the court has
8 heard, that when it came to the end result there were a
9 number of parties that were appropriately at fault.

10 We don't know how much the Coast Guard played
11 in this. We don't know how much the other individuals
12 on the bridge would have been assigned a certain
13 percentage of negligence. Exxon, Alyeska -- we could
14 go on and on. And certainly, as the result, as Mr.
15 Cole said, the disaster of the spill, and the court saw
16 the videos, saw the pictures, and we know that for two
17 days the ship sat there in still calm waters and
18 nothing was done. If we want to look just at the
19 result I think we have to look at the overall picture.

20 So, in summary, I think if we want to look
21 just at the result I think we have to look at the
22 overall picture.

23 So, in summary, Your Honor, I think the
24 negligence of Captain Hazelwood as found by the jury
25 was a percentage of the total. How much is anybody's

1 guess, but I think the end result should be that
2 Captain Hazelwood either get a suspended imposition of
3 sentence, and to do that, of course, because normally a
4 probationary period could only be as long as the period
5 of incarceration, in this case 90 days, without his
6 consent, that is. But, with his consent, and I've
7 discussed this with him, he would agree to any amount
8 of probation up to the maximum the court would see fit
9 to apply here.

10 In addition to that, we feel if that isn't
11 appropriate, certainly a suspended sentence is.

12 We would also ask that the bond in this case
13 be refunded, except for a thousand dollars. I think
14 the thousand dollars is a maximum fine. And, as the
15 court may, or may not be aware, we -- if an appeal is
16 taken and the end result is such that the conviction
17 stands, the thousand dollars would cover the maximum
18 fine. But, we feel the balance should be returned to
19 help defray some of the costs and expenses in this case
20 and that he be either given a suspended sentence, or
21 suspended imposition of sentence with whatever
22 conditions the court sees fit to apply here.

23 And, we would also ask, lastly, for the return
24 of his passport. That was one of the conditions of his
25 release on a felony that we feel is no longer

1 appropriate.

2 But, I would agree with Mr. Cole that
3 sentencing is obviously in the discretion of the court.
4 And I think the court has certainly heard the evidence
5 and is in a position to impose a sentence that we
6 believe would be fair. Thank you, very much.

7 THE COURT: Captain Hazelwood, you have a
8 right to make a statement on your own behalf. If you
9 choose to, you may do so while seated, or you may
10 stand. You do have a right, though.

11 CAPTAIN HAZELWOOD: Standing at the podium?

12 THE COURT: Yes, sir.

13 CAPTAIN HAZELWOOD: I'd just like to thank the
14 jury for the verdict they reached yesterday. I know
15 they were hard pressed upon, given the facts.

16 Thank you for their efforts.

17 And thank you.

18 (415)

19 THE COURT: Well, you're right, Mr. Madson.
20 This is a very costly and complicated misdemeanor
21 offense.

22 The defendant has two prior convictions. One
23 for a misdemeanor, one for a violation, both involving
24 DWI. And he is no stranger to the criminal justice
25 system in that regard. He certainly knows that alcohol

1 and equipment don't work very well together.

2 I was hoping I was going to hear something
3 that would sound like an apology. I've been waiting to
4 hear that. I watch television. And I saw where the
5 captain is going to try to get his job back with back
6 pay. I was waiting to hear something that would sound
7 like, "I'm sorry" for whatever role the captain was
8 willing to accept in this case. And it sounds like
9 there is no acceptance of any role so far.

10 But, I believe, and I think that Captain
11 Hazelwood believes, and knows -- that as just about
12 everybody else does who has reliable information about
13 this case, that no reasonably prudent person operating
14 a tanker like the Exxon Valdez would have had those
15 drinks before getting on board, or would have left the
16 bridge when Captain Hazelwood did.

17 In my opinion he violated at least a couple of
18 Coast Guard regulations. And that, at the very least,
19 constitutes negligence.

20 And I think Captain Hazelwood knows the buck
21 stops with him, and as the captain of that vessel he
22 has to take responsibility.

23 I think, Mr. Cole, when the legislature
24 enacted this Class B misdemeanor offense for
25 negligently discharging oil they probably didn't

1 envision the Exxon Valdez going aground and discharging
2 the millions of gallons of oil that it did.

3 And, given the defendant's record of criminal
4 convictions, given his conduct in this case, and the
5 impact of his actions there's no question that this is
6 worst case scenario for the Class B misdemeanor offense
7 of negligent discharge of oil.

8 I think Captain Hazelwood has no doubt been
9 deterred. It's very unlikely in my opinion he would
10 ever be given the opportunity to be a master of a
11 tanker, and he has suffered enormous shame through all
12 this.

13 I am giving him the benefit of the doubt by
14 him not taking responsibility he's following the advice
15 of counsel and trying to remain as silent as possible,
16 because of the pending civil litigations. I would
17 imagine deep down he probably is very shameful and very
18 contrite, but he's having a difficult time saying that
19 at this time.

20 I don't believe that imprisonment needs to be
21 imposed to deter Captain Hazelwood. He's been
22 deterred. He's certainly not a danger to society, but
23 there is a community outrage at what's happened. He
24 has been found guilty of the offense of negligently
25 discharging oil. And something has to be done about

1 that to satisfy the community's need for condemnation
2 and reaffirmation, and to hopefully deter other
3 captains in similar situations.

4 Imprisonment is not going to restore the
5 environment. He can't respond fully, financially, for
6 the damage that's been caused. But, I think there's an
7 alternative to imprisonment. And there's an
8 alternative to full restitution that I think would
9 serve in part to satisfy the community's need for
10 condemnation and reaffirmation.

11 It is, therefore, the order of this court that
12 Captain Hazelwood be committed to the Department of
13 Corrections for a period of 90 days to be spent in a
14 penal facility, that he be fined \$1,000, and that
15 Captain Hazelwood pay restitution to the State of
16 Alaska in the sum of \$50,000, which I recognize is a
17 token restitution, but I think it reflects somewhat of
18 what Captain Hazelwood might be able to do by applying
19 25 percent of his gross income from all sources as he
20 receives it, towards his financial obligation.

21 It is further ordered that the term of
22 imprisonment and the fine be suspended on the condition
23 that Captain Hazelwood perform 1,000 hours of community
24 work service in the State of Alaska.

25 The court has utilized a formula contained in

1 AS 12.55.055 in determining the amount of community
2 work service hours.

3 It is further ordered that pursuant to that
4 statute that Captain Hazelwood perform community work
5 and projects that are designed to eliminate the
6 environmental damage that was caused by the oil spill
7 in Prince William Sound. It is strongly recommended by
8 this court to the Department of Corrections that said
9 works be performed on the beaches in Prince William
10 Sound as far as is feasible.

11 It is the intention of this court that the
12 community work be performed during summer months of
13 1990, or at such other times as clean up efforts are
14 being conducted.

15 I recognize that there may be actions which
16 might delay the performance of defendant's community
17 work, such as his appeal rights being exercised. As a
18 result, should clean up operations have ceased in
19 Prince William Sound -- I doubt that that will occur in
20 the foreseeable near future, but in the event they do
21 cease, the defendant shall perform his community work
22 service on other projects within the State of Alaska,
23 designed to reduce, or eliminate environmental damage,
24 or improve the public lands.

25 That completes my sentence in this case.

1 Are there any questions concerning this
2 sentence, Mr. Cole?

3 MR. COLE: The length of probation, Your
4 Honor. I didn't understand. I didn't hear that.

5 THE COURT: The maximum probationary period
6 that can be imposed for a misdemeanor offense, as I
7 understand it, under these circumstances, is one year.
8 And I'm going to make that a condition of probation,
9 one year.

10 In the event that an appeal is filed, and the
11 sentence is stayed and bail, that at that time will
12 toll the one year, the one year won't commence while
13 the defendant has filed his appeal, until the result.

14 Any questions concerning the sentence, Mr.
15 Madson?

16 MR. MADSON: Not concerning the sentence, no,
17 Your Honor.

18 THE COURT: Okay. Captain Hazelwood, you have
19 a right to appeal this sentence if you believe it to be
20 excessive, or contrary to law. The court will appoint
21 counsel if you can not afford your own counsel. You
22 must make your appeal within 30 days of the effective
23 date of the judgment.

24 Is there anything further in the case?

25 MR. MADSON: The only thing further, Your

1 Honor, is that I would -- as I understand it we have 30
2 days to appeal, and if appeal is timely filed, then we
3 would ask that the sentence be stayed, pending the
4 appeal.

5 THE COURT: Yes. Do that in writing and at
6 your request I see no reason to continue the bond. Is
7 it a \$50,000 bond? Is that what it is?

8 MR. MADSON: Yes.

9 THE COURT: I'm going to exonerate that bond
10 at this time. And, did this court order him to turn
11 his passport over?

12 MR. MADSON: I don't know which court it was.

13 MR. COLE: Judge Stewart did that.

14 THE COURT: Okay. Any objection to returning
15 the passport?

16 MR. COLE: No.

17 THE COURT: Okay. The passport shall be
18 returned.

19 Anything further?

20 MR. MADSON: I don't believe so, Your Honor.

21 THE COURT: We stand in recess.

22 THE CLERK: Please rise. Court stands in
23 recess subject to call.

24 (Off record - 1:55 p.m.)

25 ***END***

1 CERTIFICATE

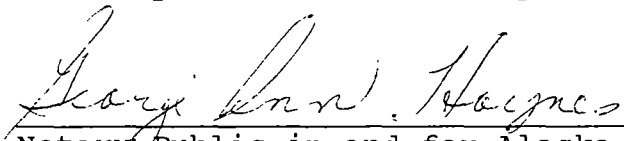
2 SUPERIOR COURT)
3) SS.
4 STATE OF ALASKA)

5 I, Georgi Ann Haynes, Certified Professional
6 Court Reporter for the Third Judicial District, State
7 of Alaska, hereby certify:

8 That this transcript was prepared to the best of
9 my knowledge and ability from Third Judicial District
10 Gyyr tapes identified as follows:

11 That the transcript was prepared from tapes
12 recorded by Alaska Court System personnel, therefore
13 "indiscernible" portions appear in the transcript.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 and affixed my seal this 24th day of July, 1990.

16 
17 _____
18 Notary Public in and for Alaska
19 My commission expires: 1/10/91
20
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22
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25