

IN THE Mial COURT AT Little ALASKA  
 TAPE NO. 82-85 PAGE NO. 1 COURT CONVENED AT 11:00 ☒ A.M. ☐ P.M. DATE 10/4 1982  
 PRESENT: JUDGE Crispe CLERK Young  
 CASE NO. 82-377CR CASE TITLE: State VS. James Belcher

PROCEEDINGS: Sentencing

COUNSEL PRESENT: PLAINTIFF Steve Hutchings  
 DEFENDANT: T. Cole

DEFENDANT ☒ PRESENT ☐ NOT PRESENT ☐ IN CUSTODY ☒ NOT IN CUSTODY

LOG NUMBER	DESCRIPTION
3231	Case called
	Cit - Has Pre-sentence report
DIRECT	TC - Calls witness - SWORN
	Pamela Allen Kirk Caplan KIRK - CAPLAN Counselor in private practice Master from San-Diego. Self-employed - 15 months.
	Have done work on incest for about 4 yrs. Most of practice on incest.
	Total treatment takes plan from Harborview model/ Santa Clara / Chicago.
	Adapted treatment plan for Alaska. Have training from Colorado
3261	TC - G Saw James Belcher for 10 hrs.
DIRECT	Seen wife for 2 1/2 mos. Daughter 2 mos.
3267	TC - Sandy had a lot of confusing, concern for how family got into situation.
DIRECT	

CLERK NOTES



TAPE NO.

82-85

PAGE NO.

2

## CONTINUATION SHEET

CASE NO. 82-377 CB

DATE

10/4

1982

LOG NUMBER	DESCRIPTION
3272 DIRECT	<p>TC - Has done better on the proper association of guilt.            Better understanding of daughter and her feelings.            Very motivated to attend counseling. Active in Parents United &amp; self help group.            Supporting of daughter and husband.</p>
3283 DIRECT	<p>TC - Talked w/ daughter only 2 hrs in July.            Not seen Brenda for past 5 wks.            Has attended daughter's United.</p>
3290 DIRECT	<p>TC - Met 8/9 - 8/13.            Had assessment over 5 days. Usually takes 6-8 wks.            Dierke had sent paperwork. Rec. copy of letter from man in Nassau. Had letter from Jim also.</p>
3298 DIRECT	<p>TC - Came to Dierke yesterday. Talked w/ him some.            Dierke much more clear. From what Sandy and Dierke have told me. More focused on own feelings. Looking more at dynamics of family and self.            Belief Dierke is sincere in feelings. Sincere interest in family and daughter.            Impressed in assessment. Came completely on own. Daughter may look on incest as not liking but dare to accept it.</p>



LOG NUMBER	DESCRIPTION
3325 DIRECT	<p>TC - Def doesn't use alcohol as excuse.</p> <p>Looks forward to addressing problems and following thru. Internal desire to add. issues.</p>
3335	<p>TC - Treatability looked at.</p> <p>Is he a danger to community.</p> <p>Is focus adult women</p> <p>Primary sexual attraction.</p> <p>Can safely say would not be danger to children.</p> <p>Virtually zero on viol. probation.</p>
3348	<p>TC - Look at prior record.</p> <p>Nothing.</p> <p>No danger to society.</p>
3352	<p>TC - Feel incarceration w/be negative.</p> <p>2 treatments - 1 Lemon Creek</p> <p>1 at Eagle River.</p> <p>Revictimizes victim &amp; Def.</p> <p>If in jail would not be able to help financially.</p> <p>Family suffers financially</p> <p>Deprived of goods and activities.</p> <p>Increased anger against Brenda by other siblings.</p> <p>Siblings look at Brenda now as getting help for family.</p> <p>Would not be able to pursue family, ind. counselling.</p>

LOG NUMBER	DESCRIPTION
3372 DIRECT	<p>TC - Dyad next steps of counseling.  marriage  Father / daughter  Daughter should be able  to confront Father.  If in jail Father  would be way behind.</p>
3382 DIRECT	<p>TC - Parents United involvement  about 1 yr.  all men groups -  marriage groups -  Dyf wants to make it  up to family, daughter.  Can see him being volunteer  for hotline, sponsor.  Could be benefits to himself  as well as others.</p>
3396 DIRECT	<p>TC - Have had no remolests -  Don't see prison sentence  detering Dyf.  Removing problems much  more helpful.</p>
3404 DIRECT	<p>TC - Prison terms may bring  on silence.  Do not want father to  go to jail - impose  further problems.  Most victims wait along  time before making report.  Fears and concerns are  reaffirmed..</p>



LOG NUMBER	DESCRIPTION
3416 DIRECT	TC - Doesn't encourage victims or Def turn themselves in.
	TC - No prior criminal record Financially sup. Follows thru on commitments. Not overly defensive. Willing to take guilt.
3427	END OF TAPE New Tape 82-86
0007 DIRECT	TC - No physical violence towards wife and daughter. Told sons why family not together. No severe emotional instabilities. Prompt and on time for assessments.
0029 CROSS	SH - Part of assessment is to look at perpetrators. Some not possible to counseling. Some should be incarcerated. Some need psychiatric setting. No blanket statement.
0072	SH - Did not have Brenda say she didn't want Father to go to jail. Info thru Sandy and Diane.
0085	SH - Harberview motel suggests some jail time. Martha def. spend some time in local jail. Are allowed to go out and work part-time.
0104	SH - TC did not indicate <sup>what kind of</sup> jail time. Except for one recent case man was given some 200 days in jail.



LOG NUMBER	DESCRIPTION
0127 CROSS	SH - Only case I know of is work release program.  Has not thinking of work rel. Didn't know if OJ was - 1 yr.
0145	SH - If not a threat to community should not be jailed.  SH - Counsel as many victims as perpet.
0159	SH - Victims have problems. May become promiscuous. or opposite - Fear of any males. Unresolved conflicts. Prostitution, began Poor self-esteem Unresolved guilt. Yrs. of not reporting. Drugs - poor - girls.  No relationship w/peers. Suicidal Over or underestimating.
0199	SH - Considered whether perpet stranger or Father.  Have not spent a lot of time counseling rape victims.  Incest victim more severely damaged because of trust rel. w/ Father.
0246	SH - We have rel. of cond. information forms. Probation officer has access to this info.
0263	SH - Confrontation of Father/daughter would not be the same time.  Assessment is not therapy. 2 hrs. w/each.



## LOG NUMBER

## DESCRIPTION

0284  
CROSS

SH - Age is factor of daughter.  
Process should be done  
before she moves out of home.  
In cases where one party  
behind in counsel - retards  
progress.

0310  
CROSS

SH - Similar family has 5 sessions  
per wk. Dad, daughter, mother  
would be in counseling.  
Marital counseling also.  
Parents United self-help.  
non-profit organization.

0340  
CROSS

SH - Resistorism records kept in  
Santa Clara and Harborview.

No rec. in the model on  
last 400 cases.

Harborview models has 22 or 27%.  
Less data to draw on.

3 US - have only started  
keeping records since 1980.

Personally have not had any  
in past 15 months.

0372  
CROSS

SH - Miss Belcher is employed.  
Mrs. Belcher doesn't feel she  
can support family well  
enough but too much  
for any assistance.

TC - Est. another 45 min

0410

Cit Recessed 12:15

~~0410~~  
1015

TC - calls witness

Cit - Lt is officer of the cit



LOG NUMBER	DESCRIPTION
1028	<p>L2 - Not enthused about testifying</p> <p>TC - Ref. by DuBois that they be informed of why daughter left.</p>
1040	<p>L2 - Both S worker and I thought Def should tell children what had happened.</p> <p>Def. very reluctant. Finally decided to tell boys but there was a great deal of hesitation beforehand.</p>
1058	<p>SH - First time Def appeared he was w/o counsel. Have talked w/ family separately.</p> <p>One hand - might stress isolation - up to 20 yrs.</p> <p>Other is treatment mode - achieve rehabilitation - no jail.</p> <p>Cit has to</p> <ol style="list-style-type: none"> <li>1) Deter Def</li> <li>2) Deter others</li> <li>3) Rehab. Def.</li> <li>4) Isolate Def.</li> </ol> <p>Believe some jail time necessary. State's position jail time necessary.</p>
1097	<p>SH - Ms. Kil said victim don't want Dad in jail.</p> <p>On wife battering syndrome - don't want husband in jail. Cit has heard hundreds of times.</p> <p>Victim doesn't want Def in jail.</p>



LOG NUMBER	DESCRIPTION
1115	<p>SH - This conduct more harmful than stranger raping victim. Crt would feel def should be isolated.</p> <p>Def violated her person and role of father.</p> <p>Both Horetto and Harborview rec. jail time.</p> <p>Reg. and crt of appeals - op. 104 7/16/82</p> <p>Husband &amp; wife committed offenses against children.</p> <p>Appealed to state - sentence too lenient as no jail time given to wife.</p>
1153	<p>SH - Dr. David Coons Intervention may be detrimental.</p> <p>None of children living w/ Mrs. Doe. Properly give way to mental health of children.</p> <p>Crt believed imprisonment should have been given to show com. condemnation. Judge had been too lenient.</p>
1186	<p>TC - Obj to Leg. status.</p> <p>SH - Crt looks to new code as old. Leg. will of people.</p> <p>Sex Assault 1st Deg. not more than 30 yrs. If 1st Felony - 8 yrs.</p>



LOG NUMBER	DESCRIPTION
1206 SH -	<p>Takes away flexibility of art.</p> <p>Rec. 2 months to serve</p> <ol style="list-style-type: none"> <li>1) After this Def.</li> <li>2) Deter others</li> <li>3) Unfair to Def to not even see inside of jail.</li> </ol> <p>Beyond that, concur w/PO.</p> <p>4 yrs. w/ 4 susp.</p> <p>Rec. 5 yrs w/ all but 2 mo. susp.</p> <p>LZ - Rec 4 yrs. w/ 4 susp.</p> <p>SH - Concur</p>
1230 7C -	<p>Known Def for awhile.</p> <p>Had spent his time w/ this DA. Didn't want anyone else to know.</p> <p>Said didn't remember it happening but Brenda said it had.</p> <p>Def has come along way.</p> <p>His approach was to avoid any further harm to anyone.</p> <p>Wanted to make it this situation.</p> <p>Wouldn't consider daughter having to testify.</p> <p>Hasn't shown any other intent than to make it right.</p> <p>He handled situation w/ Ray very well.</p> <p>Understood models - not necessarily part of treatment</p>



LOG NUMBER

DESCRIPTION

1276 TC -

It is a serious matter

One of best candidates  
for rehabilitation.

Don't feel danger to society

Damaging to serve jail time.

More damaging than assault  
by a stranger.

Stranger not a part  
of treatment. Nothing  
helping her go forward  
in life.

Should be as little restriction -  
jail time  
counter productive.

Exploitation different in  
Jane Doe case. Much  
less in this case.

Sandy does have control  
over daughter - living  
at home.

Not as public as J.D. case.

Def taking active part in  
rehab. Daughter self.  
Rehabilitation should come  
first.

Community benefits all.  
benefit. More enlightened  
approach.

SIS may be brought about.  
Complete healing for self  
and family.

1356 Def -

Last 4 months have been a  
time of change. Couldn't face  
friends, self, prof. help.



LOG NUMBER

DESCRIPTION

1363 Def - Will take awhile to completely change.  
 Made positive plans toward rehab. self.  
 Have 2 art shows sched. and working on commissions for financial help.  
 Want to continue counselling. Found it very therapeutic.  
 4 mos. of introspection. Counselling and friends have helped.  
 Daughter's deepest concern. Can see how actions have hurt people.  
 Paramount importance between self and daughter. Only about 1 1/2 yrs before entering adulthood.  
 Want to thank everyone involved in case - have been treated very well.

1403 Def - Have followed cts order not to drink to the letter.  
 Feel alcohol and charge related.  
 Subconsciously drinking to lift inhibitions. Don't see alcohol as cause but symptom.

1421 Ctl - Findings -  
 Believe Def to be sincere  
 Made a mistake.  
 Cts has read reports & recommendations.

LOG NUMBER	DESCRIPTION
1437	<p>Cit - Don't feel isolation protect community.</p> <p>Underlying causes bring on use of alcohol.</p>
1464	<p>TC - Early reports indicated Def. did not remember.</p> <p>Later Def determined had blocked out incident</p> <p>Def - Does remember doing it.</p>
1479	<p>Cit - Cit sees a lot of "don't remember it".</p> <p>Def well-intended, sincere.</p> <p>Subj. to psychological eval.</p> <p>Society norms, deterrence to others.</p> <p>Cit has to comm. w/ society</p> <p>Not punishment for punishment's sake.</p> <p>Facts become known thru victim.</p> <p>3 factors are difficult</p> <p>but jail table necessary.</p> <p>Can't ignore cit's protest.</p> <p>Must deter others.</p>
	<p>Judgment</p>
1530	<p>Cit - AS 12.51.015</p> <p>Fine of \$2000<sup>00</sup></p> <p>to be pd by 4 mo prior to end of probation.</p> <p>Thru Comm. Serv.</p> <p>subj to discretion of P.D.</p> <p>AS SS 4 yrs w/ all but 2 mo susp.</p>



TAPE NO.

82-86

PAGE NO.

14

## CONTINUATION SHEET

CASE NO. 582-37KR

DATE

10/4

1982

LOG NUMBER

DESCRIPTION

1559 Cts - to start

1569 Off / On Record

TC - Goved like to split time  
to start 11/15. Trying  
to see house.  
Has some shows coming  
up.  
Goved serve from 11/15 - 12/15.  
Rest in summer.

1587 SH - June seems a little too long.  
No problem w/ split.

TC - Has commissions that need to be  
done. Shows in Mar. and May.

Cts - Have family obligations to consider.

H&SS to start 11/15  
for 30 days less good time.

2nd period 30 days less  
good time  
June 15, 1982.

Rec. counselling for sexual  
and alcohol problems.

If viol can serve bal of  
sentence - 4 yrs.

To report to <sup>sitk</sup> ~~Prob~~ P.O.  
and thereafter as directed.

Std. cond. Probation.

- 1) No conceal weapon
- 2) Maintain job
- 3) Urinalysis or blood tests
- 4) No narcotics or alcohol.

Very important factor - alcohol.  
5) care of person

## CONTINUATION SHEET

TAPE NO.

82-84

PAGE NO.

15

CASE NO.

582-3772

DATE

10/4

19

82

LOG NUMBER

DESCRIPTION

14660

Cib -

6) Abstain from use of alcohol.  
7) Councelling  
8) Maintain sep. household  
from daughter until recommend.

14672

TC -

Because of being a painter -  
not a 9-5 job.

Cit - Recog. talent as artist.

14680

Cit Reversed

I certify that this is a true and correct copy  
of an original document on file in the  
Alaska Trial Courts at Sitka.  
Signed and sealed this 24 day of 8/23

By

Clerk/Deputy Clerk





IN THE TRIAL COURT AT SITKA ALASKA  
TAPE NO. 82-60 PAGE NO. 1 COURT CONVENED AT 8:15 A.M. ☒ P.M. DATE 7/9/82  
PRESENT: JUDGE CRABBE CLERK HINGA  
CASE NO. 582-3770K CASE TITLE: STATE VS. JAMES BELCHER

PROCEEDINGS: CONTINUED ARRAIGNMENT

COUNSEL PRESENT: PLAINTIFF STEVE HUTCHINGS  
DEFENDANT: T. COLE

DEFENDANT ☒ PRESENT ☐ NOT PRESENT ☐ IN CUSTODY ☒ NOT IN CUSTODY

LOG NUMBER	DESCRIPTION
1585	COURT CONVENED TC - ENTERS PLEA OF NO CONTEST CRT - ADDRESSES DEF RE: RIGHTS, WAIVER OF RIGHTS + JT. NO PRESUMPTIVE SENTENCE DEF - SATISFIED W/ COUNSEL, WAIVES RIGHTS VOLUNTARILY
1628	CRT - FINDS NO CONTEST PLEA VOLUNTARY, COUNSEL CONCUR
1631	SH - FACTUAL BASIS - 9:30 AM. FATHER (DEF) OF BRENDA BELCHER GOT INTO BED, PUT HIS HANDS ON HER BREASTS, & PUT HIS FINGER IN HER VAGINA, THEN BRENDA SCREAMED, GOT UP RAN OUT OF HOUSE. RAN TO LITTOUS, CALLED ERIC OLSEN TOLD HIM ABOUT INCIDENT. LATE THAT AM. DEF INTER- VIEWED BY SGT. THORNTON, DEF SAID ONLY THOUGHT WAS DREAMING (WAS INTOXICATED C TIME OF INCIDENT).

CLERK NOTES

TAPE NO. 82-60 PAGE NO. 2

CONTINUATION SHEET

CASE NO. 582-3702 DATE

7/9 1982

LOG NUMBER	DESCRIPTION
1675	SH - DESCRIBES ELEMENTS OF OFFENSE.
1680	CRT - CONCURS, F/B TC - CONCURS CRT - F/B FOUND, AGREES NO CONTEST PLEA.
1692	ORDERS PRE-SENT. REPORT OFF-RECORD / ON RECORD CMT - SENTENCING 9/20/82 @ 10 AM. ✓ SH PRE-SENT. REPORT DUE 10 DAYS PRIOR TO SENT. DATE. DEF REPORT TO P/O TODAY + GIVE INFO. DEF'S - 800 LAKE ST. -8090 SIGNS ORDER SH - COND'S NO ALCOHOL NO CONTACT W/ VICTIM 1728 CRT - READS PREVIOUS CONDU SET TC - FAMILY MOVING TO ANG. REQ'S - AMEND. TO COND'S ALLOW DEF GO ANG. SH - NO OBJ., AS LONG AS CRT / STATE NOTIFIED WHEN DEF GOES TO ANG. TC - NO OBJ.



## CONTINUATION SHEET

TAPE NO.

82-60

PAGE NO.

3

CASE NO. 582-37700

DATE

7/9 19 82

LOG NUMBER

DESCRIPTION

1757 CRT - AMENDS COND'S  
DEF ALLOWED TO GO TO  
ANC. W/ REASONABLE NOTICE  
TO STATE GIVEN PREVIOUS  
TO TRIP.

1766 COURT RECESSED 2:45



I certify that this is a true and correct copy  
of an original document on file in the  
Alaska Trial Courts at Sitka.

Signed and sealed this 24 day of 8/23

By

  
Clerk/Deputy Clerk

IN THE TRIAL COURT AT SITKA ALASKA  
TAPE NO. 82-58 PAGE NO. 1 COURT CONVENED AT 8:30 A.M. P.M. DATE 7/2 1982  
PRESENT: JUDGE CLARKE CLERK HINGA  
CASE NO. 582-372R CASE TITLE: STATE VS. JAMES BELCHER

PROCEEDINGS: CONTINUED ARRAIGNMENT

COUNSEL PRESENT: PLAINTIFF STEVE HUTCHINGS  
DEFENDANT: T. COLE

DEFENDANT ☒ PRESENT ☐ NOT PRESENT ☐ IN CUSTODY ☒ NOT IN CUSTODY

LOG NUMBER  
2875

COURT CONVENED

TC - FILED ENTRY OF APPEAR.  
HAS SEEN POLICE REPORTS.  
REQ'S CONT., POSSIBLE  
SETTLEMENT

CIT - 8:15 AM. 7/19/82 ✓  
CONT'D ARRAIGN.

COND'S OF REL MAINTAINED  
+ CONTACT W/ATTY. MAINTAINED

2892

COURT RECESSED @ 8:30 AM.



I certify that this is a true and correct copy  
of an original document on file in the  
Alaska Trial Courts at Sitka.  
Signed and sealed this 24 day of 8/23

Clerk/Deputy Clerk



IN THE TRIAL COURT AT SITKA ALASKA  
TAPE NO. 8257 PAGE NO. 1 COURT CONVENED AT 8:15 A.M. P.M. DATE 6/29/82  
PRESENT: JUDGE CRASKE CLERK HINGA  
CASE NO. S82-377CR CASE TITLE: STATE VS. JAMES BELCHER  
10/8/41

PROCEEDINGS: ARRAIGNMENT  
SUPERIOR COURT

COUNSEL PRESENT: PLAINTIFF STEVE HUTCHINGS  
DEFENDANT: NONE

DEFENDANT ☒ PRESENT ☐ NOT PRESENT ☐ IN CUSTODY ☒ NOT IN CUSTODY

LOG NUMBER	DESCRIPTION
2189	CASE CALLED CMT- READS INFO, MAX PENALTY, RIGHTS, ATTY. C (RIGHT TO GRAND JURY) DEF- SELF EMPLOYED ARTIST, WAIVES ATTY.
2229	CMT- FURTHER RIGHTS DEF- WAIVES ATTY., HAS THOUGHT ABOUT IT. SH- HAS SPOKEN ABOUT THIS W/DEF, EXPLAINED GF, ATTY., & OTHER RIGHTS LAST WEEK. DEF CONSISTENTLY REQ'S NO ATTY., OR GF. DEF- CONCURS
2251	CMT- WAIVER OF RIGHT TO GF DEF- WAIVER RIGHT TO GF CMT- SATISFIED WAIVER OF GF. VOLUNTARY - STATE'S COUNSEL CONCURS
2263	SH- REQ'S CMT GIVE DEF CHOICE OF PLEA

CLERK NOTES

## CONTINUATION SHEET

TAPE NO.

8257

PAGE NO.

2

CASE NO.

582-377-CR

DATE

6/29, 82

LOG NUMBER	DESCRIPTION
2270	SH - NO TAKE PLEA TODAY, SET CONT'D ARRAIGN. IN A FEW DAYS.
2275	CRT - CONTINUES RIGHTS, READS STATUTE RE: ALLEGED OFFENSE, ELEMENTS OF OFFENSE, RIGHTS TO JT.  DEF - NO Q'S
2305	CRT - CAN APPOINT ATT. 7/2/82 @ 8:30 AM. ✓ SW 6/2 REL. COND'S
2320	SH - NO ALCOHOL NO CONTACT W/ BB UNLESS SHE REQ'S IT.
2323	CRT - NOT LEAVE SITKA OBEY ALL LAWS NO ALCOHOL NO CONTACT W/ BB UNLESS SHE INITIATES IT.  DEF SIGNS COND'S OF REL.  CP: STATE/DEF
2339	DEF - PRIMARY CONCERN IS FAMILY + SUBJECTION TO SCANDAL  CRT - PUBLIC RECORD
2345	COURT REOPENED @ 8:45 AM.



certify that this is a true and correct copy  
of an original document on file in the  
Alaska Trial Courts at Sitka.  
Signed and sealed this 24 day of 8/23

By   
Clerk/Deputy Clerk



In the SUPERIOR Court of the State of Alaska  
FIRST Judicial District, SITKA, Alaska

FILED in the Trial Courts  
State of Alaska, First District  
Sitka

JUN 29 1982

Clerk of the Trial Courts  
Deputy

By                       
**INFORMATION**

FOR  
SEXUAL ASSAULT IN FIRST DEGREE

Violation Section AS 11.41.410(a)(4)(A)

STATE OF ALASKA

Plaintiff

v.

JAMES BELCHER,

10-8-41

Defendant(s)

No. 82-377 Cr

**The District Attorney Charges:**

That on or about the 12th day of June, 1982, at or near Sitka in the First Judicial District, State of Alaska, James Belcher, being eighteen (18) years of age or older, did knowingly engage in sexual penetration with B.B., a person under eighteen (18) years of age, to wit: sixteen (16) years, who was his daughter,

All of which is a class A felony, being contrary to and in violation of AS 11.41.410(a)(4)(A) and against the peace and dignity of the State of Alaska.

DATED at Sitka, Alaska, this 29th day of June, 1982.

Stephen H. Hutchings  
Stephen H. Hutchings  
District Attorney



I certify that this is a true and correct copy  
of an original document on file in the  
Alaska Trial Courts at Sitka.  
Signed and sealed this 29 day of 8/23

By                     

Clerk/Deputy Clerk



