IN THE COURT OF APPEALS OF THE STATE OF ALASKA

ROBERT J. LITTLEFIELD, Appellant, v. STATE OF ALASKA, Appellee.	Court of Appeals No. A-12317 Trial Court No. 1SI-14-134 CR MEMORANDUM OPINION No. 6618 — April 11, 2018

Appeal from the Superior Court, First Judicial District, Sitka, David V. George, Judge.

Appearances: Jude Pate, Assistant Public Defender, and Quinlan Steiner, Public Defender, Anchorage, for the Appellant. Christopher Orman, Assistant District Attorney, Sitka, and James E. Cantor, Acting Attorney General, Juneau, for the Appellee.

Before: Mannheimer, Chief Judge, Allard, Judge, and Suddock, Superior Court Judge.[*]

Judge MANNHEIMER.

In October 2014, under the terms of a plea bargain, Robert J. Littlefield pleaded guilty to one count of second-degree sexual abuse of a minor, AS 11.41.436(a),

[*] Sitting by assignment made pursuant to Article IV, Section 16 of the Alaska Constitution and Administrative Rule 24(d).

and he conceded two statutory aggravating factors. The plea bargain provided that Littlefield's sentence would be no less than 10 years' imprisonment and no more than 99 years' imprisonment. As part of the plea bargain, Littlefield expressly relinquished his ability to appeal whatever sentence he eventually received for this crime.

The State, for its part, promised that it would not recommend a sentence of more than 25 years to serve. (In fact, the State's ultimate sentencing recommendation was 15 years to serve — 25 years' imprisonment with 10 years suspended.)

On the same day that Littlefield entered his guilty plea to the sexual abuse of a minor charge, Littlefield also pleaded guilty to violating his conditions of release (*i.e.*, the conditions imposed when Littlefield was granted bail on the sexual abuse of a minor charge).

When Littlefield was released on bail, the court ordered him to have no contact at his residence with any child younger than 18 years. Littlefield conceded that he violated this condition of release by contacting a 10-year-old girl and a 9-year-old girl, offering them candy and bubble gum, and having them come to his residence, ostensibly to watch his dog.

Littlefield's violation of his bail conditions was a misdemeanor, with a maximum penalty of 1 year's imprisonment. Littlefield agreed that his sentence for this crime would be imposed consecutively to his sentence for sexual abuse of a minor.

At sentencing, Littlefield received a sentence of 11 years to serve (21 years with 10 years suspended) for his sexual abuse of a minor conviction. Littlefield received a consecutive 1 year to serve for violating the conditions of his release. Thus, Littlefield's composite sentence was 22 years with 10 years suspended — *i.e.*, 12 years to serve.

Littlefield now appeals the sentence he received for violating the conditions of his release. Littlefield contends that the sentencing court committed error by

sentencing him to the maximum term of imprisonment for this crime (*i.e.*, 1 year to serve) without expressly finding that Littlefield was a "worst offender". [1]

We reject this argument for two reasons.

First, Littlefield's sentence of 1 year's imprisonment for violating the conditions of his release was simply one component of the combined sentence that he received for this crime and for second-degree sexual abuse of a minor.

When this Court reviews a defendant's composite sentence imposed for two or more criminal convictions, this Court assesses whether the defendant's *combined sentence* is clearly mistaken, given the whole of the defendant's conduct and history. [2] And because this Court examines the defendant's conduct as a whole, we do not require that a specific sentence imposed for a particular count or offense be individually justifiable, as if that one crime were considered in isolation. [3]

Second, even if a finding of "worst offender" was required to justify Littlefield's sentence of 1 year to serve, the sentencing judge implicitly made this finding when he declared that Littlefield's violation of his bail conditions was "very, very disturb[ing]" because it was "a prelude to [sexual] grooming, if not grooming itself." Littlefield's renewed contact with young children — contact that Littlefield knew was expressly forbidden — convinced the sentencing judge that Littlefield presented a "great danger ... to the community" because of his apparent "inability to control [his]

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[1] *See State v. Wortham*, 537 P.2d 1117, 1120 (Alaska 1975); *Napayonak v. State*, 793 P.2d 1059, 1062 (Alaska App. 1990) (defining the term "worst offender").

[2] *Brown v. State*, 12 P.3d 201, 210 (Alaska App. 2000); *Comegys v. State*, 747 P.2d 554, 558-59 (Alaska App. 1987).

[3] *Waters v. State*, 483 P.2d 199, 202 (Alaska 1971); *Jones v. State*, 765 P.2d 107, 109 (Alaska App. 1988); *Comegys v. State*, 747 P.2d 554, 558-59 (Alaska App. 1987).

compulsions". The judge's findings and conclusions added up to an implicit finding of "worst offender", if one was needed. [4]

The superior court's sentencing decision is AFFIRMED.

[4] *See Smith v. State*, 187 P.3d 511, 527 (Alaska App. 2008); *Napayonak v. State*, 793 P.2d 1059, 1062 (Alaska App. 1990).