

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT

STATE OF ALASKA,)
)
Plaintiff,)
vs.)
)
SETH ALBERT LOOKHART)
)
LOOKHART DENTAL, LLC)
)
Defendant,)
)

Case No.3AN-17-2990-CR (Seth Lookhart)
Case No.3AN-17-2992-CR (Lookhart Dental, LLC)

FINDINGS AND PUBLISHING
OF VERDICTS

After a bench trial in the above-captioned cases, and after a review of the testimony and evidence adduced at trial, this court is prepared to render verdicts in these matters.

At the outset, this court finds that, despite the nature and extent of the allegations, the number of counts, and the voluminous exhibits admitted into evidence, the facts of this case are fairly straight forward and generally not in dispute.

Based upon a review of this testimony and evidence, and upon a review of this court's four legal pads of its hand-written notes made during the course of trial, this court finds that the State has met its burden of proof, and that the defendants are guilty, beyond a reasonable doubt, as to each and every one of the forty-six counts charged.

In short, this court finds that the evidence in support of the State's allegations is simply overwhelming, and this court is persuaded by the State's arguments. The court finds that the witnesses presented by the State were credible, knowledgeable and believable, and their testimony was fully supported by the evidence presented and

admitted. While defense counsel did a commendable job of trying to hold the State to its burden of proof by pointing out some possible discrepancies on certain charges, the court nevertheless finds that the State has in fact met its burden of proving the defendants guilty as to each and every count.

In its review of the testimony and evidence, the court was particularly concerned as to two of the counts.

First, the defense raised questions about Count 15, involving Luke Burke, suggesting that this was no more than a correction in the billing review process. But on review (and particularly upon review of the State's written rebuttal at pages 34 and 35), the court is persuaded by the State's argument that, one way or the other, one of the defendant's entries as to this billing was false. While this offense may not be as relatively significant compared with the other charges, that is a matter to be dealt with at sentencing on this particular count.

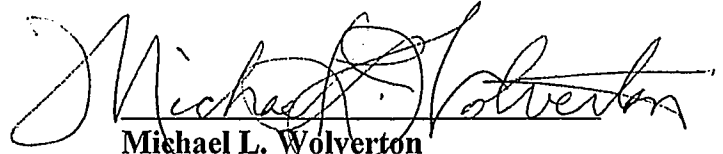
Second, the court paid particular attention to the allegations in Counts 40 and 41 claiming that Ms. Cranford was permitted to remove a patient's tooth. While the evidence was somewhat equivocal as to what happened factually, even if the court accepts the defense position that a "hand over hand" technique was used, Dr. Nordstrom's expert testimony was not contradicted when he opined that this was an improper practice of dentistry. The court is therefore persuaded by the State's written rebuttal at page 5.

In conclusion, the court wants to State that it has tried to be careful to not conflate findings regarding guilty or not guilty verdicts with sentencing considerations. As the court has noted, the evidence presented by the State has been, by and large, overwhelming. But the court also notes that in some of the text conversations, Dr. Lookhart's freinds would inquire about how he could get away with some of his practices. Dr. Lookhart responded, in effect, that unless someone was standing right next to him at the time, no one would ever know.

While that might have been the case in some of the actions that he took, the State obtained a substantial amount of forensic evidence to support all of the counts alleged. But perhaps most notable of all is the fact that this overwhelming amount of evidence

was often supported, and often in excruciating detail, by Dr. Lookhart's own texts, photos and videos.

ENTERED this 17th day of January, 2020 at Anchorage, Alaska.



Michael L. Wolverton
Superior Court Judge