

1 IN THE COURT OF APPEALS OF THE STATE OF ALASKA

2 STATE OF ALASKA)
3)
4 Petitioner,)
5 vs.)
6 HARRY NORMAN POWELL,)
7 Respondent.)

Court of Appeals No. A-13326

8 Superior Court No. 3AN-17-07280CR

9 **NOTICE OF DEATH OF MR. POWELL**

10 I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in
11 AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any offense unless it is an
12 address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and
disclosure of the information was ordered by the court. I further certify that the type font is Times New Roman 13.

13 Harry Norman Powell has died of COVID-19 while in pretrial custody in this case.

14 Undersigned counsel spoke with Mr. Powell’s eldest daughter this morning. She
15 expressed that the family wishes for this appeal to be decided, despite Mr. Powell’s death.
16

17 The issues presented in this case require this Court to weigh the “grave
18 inconveniences” of a felony indictment. That phrase is chilling here. Mr. Powell did not
19 suffer merely from inconveniences; he was sent to his grave.
20

21 In deciding this case this Court must not overlook or understate the very real
22 consequences of pretrial incarceration on criminal defendants. These consequences make it
23 essential that courts enforce robust safeguards to ensure the reliability of an indictment,
24 including the foundational requirements specified in Evidence Rule 801(d)(3).
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