

NOTICE

Memorandum decisions of this Court do not create legal precedent. See Alaska Appellate Rule 214(d) and Paragraph 7 of the Guidelines for Publication of Court of Appeals Decisions (Court of Appeals Order No. 3). Accordingly, this memorandum decision may not be cited as binding authority for any proposition of law.

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

DEONTE RASHAWN WILLIAMS,

Appellant,

v.

STATE OF ALASKA,

Appellee.

Court of Appeals No. A-11952
Trial Court No. 3AN-11-13655 CR

MEMORANDUM OPINION

No. 6151— February 25, 2015

Appeal from the Superior Court, Third Judicial District,
Anchorage, Kevin M. Saxby, Judge.

Appearances: Craig S. Howard, Assistant Public Advocate, and
Richard Allen, Public Advocate, Anchorage, for the Appellant.
Jack R. McKenna, Assistant District Attorney, Anchorage, and
Michael C. Geraghty, Attorney General, Juneau, for the
Appellee.

Before: Mannheim, Chief Judge, and Allard and Kossler,
Judges.

PER CURIAM.

In December 2011, Deonte Rashawn Williams placed his three-year-old stepson in a bathtub of scalding water, causing second- and third-degree burns to the lower half of the child's body. As part of a plea agreement with the State, Williams pleaded guilty to second-degree assault for recklessly causing serious physical injury to

the child.¹ He also stipulated to the existence of five aggravating factors.² Because Williams was a second felony offender, he faced a presumptive range of 4 to 7 years, which could be increased to 10 years because of the aggravating factors.³ The agreement left Williams’s sentence to the discretion of the superior court.

Williams’s prior felony was a 2002 third-degree assault conviction for which he ultimately served 2 years due to probation violations. In addition, between 2008 and 2011, Williams was convicted of nine misdemeanor offenses, five of which were assaults on girlfriends or ex-girlfriends.

Superior Court Judge Kevin Saxby sentenced Williams to 9 years with none suspended. Williams appeals this sentence as excessive.

In sentencing Williams, Judge Saxby explained that Williams “approache[d] worst offender status” because the second-degree assault involved “a level of intent and ... a level of torture ... that occurred ... to a very young child.”⁴ Based on the aggravated nature of this crime and Williams’s assaultive record, Judge Saxby chose to emphasize the sentencing factors of isolation, deterrence, and community condemnation with his sentence.⁵ He found Williams’s prospects for rehabilitation to be “fairly low or maybe nonexistent.”

¹ AS 11.41.210(a)(2).

² AS 12.55.155(c)(2) (offense manifested deliberate cruelty), (c)(5) (defendant knew or should have known victim was particularly vulnerable due to extreme youth), (c)(8) (defendant has prior history of repeated assaultive behavior), (c)(18) (offense was domestic violence offense), (c)(21) (defendant has prior history of repeated criminal conduct).

³ See AS 12.55.155(d)(3); AS 12.55.155(a)(1).

⁴ See *Weitz v. State*, 794 P.2d 952, 958 (Alaska App. 1990) (worst-offender finding can be based on current offense).

⁵ See generally AS 12.55.005.

Williams argues that Judge Saxby should have taken a more favorable view of his rehabilitation prospects and imposed an active term of imprisonment within the 4- to 7-year presumptive range, and suspended any additional time above that.

When addressing an excessive sentence claim, this Court reviews whether the imposed sentence is clearly mistaken — that is, whether the sentence is within a permissible range of reasonable sentences, given the facts of the crime and the offender’s history.⁶ Judge Saxby’s sentencing findings are supported by the record, and the 9-year sentence he imposed is not clearly mistaken in light of the aggravated nature of Williams’s crime and history.

The judgment of the superior court is AFFIRMED.

⁶ See *State v. Hodari*, 996 P.2d 1230, 1232, 1237 (Alaska 2000).