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, although it may be cited for whatever persuasive value it may have. See McCoy v. State, 80 P.3d 757, 764 (Alaska App. 2002).

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

CHRISTIAN LYNN BEIER, Appellant, v. STATE OF ALASKA, Appellee.	Court of Appeals No. A-13316 Trial Court No. 3AN-15-09578 CR MEMORANDUM OPINION No. 7016 — July 13, 2022

Appeal from the Superior Court, Third Judicial District, Anchorage, Michael L. Wolverton, Judge.

Appearances: Cynthia L. Strout, Law Office of Cynthia L. Strout, Anchorage, for the Appellant. RuthAnne Beach, Assistant Attorney General, Office of Criminal Appeals, Anchorage, and Treg R. Taylor, Attorney General, Juneau, for the Appellee.

Before: Allard, Chief Judge, and Wollenberg and Harbison, Judges.

Judge HARBISON.

Following a jury trial, Christian Lynn Beier was convicted of two counts of attempted first-degree murder, one count of evidence tampering, and one count of

failure to stop at the direction of a peace officer.[1] The charges arose after Beier walked into C.L.'s home, shot him several times, strangled him, beat him, and then went upstairs and shot C.D. in the face. Beier received a composite sentence of 141 years with 60 years suspended (81 years to serve).

On appeal, Beier challenges his sentence as excessive. For the reasons explained in this opinion, we reject Beier's claim and affirm the sentence imposed by the superior court.

Background facts and proceedings

Christian Beier met C.D. and C.L. about three weeks prior to the attack. The three saw each other nearly every day over the three-week period, and often consumed alcohol and drugs together.

Beier quickly became romantically interested in C.D. He testified that, after the first night they met, they "were considered to be in a relationship." According to Beier, he was sober when he shot C.L. and C.D., and he claimed that he acted in the heat of passion after discovering that C.L. and C.D. were in a sexual relationship.

C.D. testified that there were times when she thought that she and Beier could be in a romantic relationship, but that Beier ultimately told her he did not want to be. After Beier told C.D. that he did not want to be in a relationship, she slept over at C.L.'s house, in C.L.'s bed, and she and C.L. kissed. C.D. told Beier that they had kissed, but Beier came to believe that C.L. and C.D. were having sex, and this made him angry.

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[1] AS 11.41.100(a)(1)(A) & AS 11.31.100(a), AS 11.56.610(a)(1), and AS 28.35.182(a)(1), respectively.

On the day of the attack, C.D. and C.L. were in C.L.'s bedroom watching television. They heard Beier outside yelling C.L.'s name and banging loudly on the front door, and then the back door of the house. C.L. went downstairs and opened the back door to let Beier inside. C.L. asked Beier what was wrong, and Beier responded by shooting C.L. two or three times. Beier then tried to strangle C.L. with his hands. When C.L. fought back, Beier released C.L.'s neck and began beating him with his gun and a clothing iron. Beier then shot C.L. again, this time in the stomach.

Beier left C.L. on the floor and went upstairs where he found C.D. sitting on C.L.'s bed. He shot her in the face from ten feet away. C.D. fell backwards and pretended she was dead. After Beier left the room, C.D. wrapped a towel around her head and jumped out the second-story window into a bush. She waited in the bush until she saw Beier's truck drive away, and then she started walking down the street to find help.

C.L. and C.D. both survived the attack. C.L. was hospitalized for two-and a-half weeks and underwent six surgeries. While C.L. was in the hospital, Beier sent him two Facebook messages. The first said, "Hey, motherfucker, bet you are sorry now for sleeping with the girl I was interested in. I heard you survived. Good news for me. Now I can do the job again. Fuck you, asshole." The second message said, "I hope you die in the hospital, bitch."

The gunshot to C.D.'s face entered right below her left eyebrow and exited the back left side of her neck. She was hospitalized for three days and had surgery to remove the remaining portion of her eye. While C.D. was in the hospital, Beier sent her a Facebook message that said, "You stupid bitch. That's what happens when you fuck with my heart and my head. Ill [*sic*] be back to finish what I started later. Fuck you dumb cock sucking skank[.]"

Beier was eventually apprehended after he led officers on a high-speed chase from Eagle River to Anchorage. Officers noted that when they finally arrested Beier, he was smiling, sarcastic, and treating the experience as "a joke."

Beier proceeded to trial, and he was convicted of two counts of attempted first-degree murder, one count of evidence tampering, and one count of failure to stop at the direction of a peace officer. While he was incarcerated in connection with this case, Beier was disciplined for fighting with other inmates and for trying to make alcohol.

At sentencing, C.L. told the court that he was still taking medication to prevent nightmares and help with his post-traumatic stress disorder. He explained that the attack had left him untrusting and paranoid, and that his memory and learning abilities had been significantly affected. He told the court that he would be "genuinely scared for [his] life if [Beier] got out while [C.L. was] still alive."

C.D. testified that her physical recovery had been immensely painful, that she still had not regained full feeling on the left side of her face, and that her neck continued to cramp from the scar tissue around the bullet exit wound. She also testified that she had severe anxiety, flashbacks, panic attacks, and nightmares. She still had not regained the ability to drive at the time of Beier's sentencing, and many jobs and careers are now permanently foreclosed to her because of her disability.

Beier faced a sentencing range of 5 to 99 years for each count of attempted first-degree murder.[2] The court imposed sentences of 70 years with 30 years suspended, to be served consecutively, on each of the attempted murder counts. The court also imposed 6 months to serve, consecutively, for each of the eluding and evidence

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[2] AS 12.55.125(b).

tampering charges. Beier's composite sentence is therefore 141 years with 60 years suspended, or 81 years to serve.

Why we affirm the superior court's sentencing decision

Beier challenges his sentence as excessive. He asserts that the sentencing court gave too little weight to his potential for rehabilitation, including his minimal prior criminal history,[3] the high level of support for him in the community, his sincere remorse, and the presentence report author's assessment that he demonstrated a strong desire for rehabilitation and an extraordinary awareness of the life circumstances that led him to commit the crimes.

We review an excessive sentence claim under the "clearly mistaken" standard of review, which recognizes that "reasonable judges, confronted with identical facts, can and will differ on what constitutes an appropriate sentence."[4] This Court will therefore only modify a sentence if it falls outside "a permissible range of reasonable sentences."[5]

In the present case, the sentencing court recognized Beier's potential for rehabilitation, but found that this potential was outweighed by other sentencing criteria, including the severity of the crime, deterrence, and community condemnation. The State argued that Beier's conduct approached a double homicide, and the court adopted the State's reasoning. We have previously recognized that "when an all-but-completed act of first-degree murder fortuitously skirts death, inflicting grave and lasting injuries," a

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[3] Beier had a single prior misdemeanor drug conviction.

[4] *Galindo v. State*, 481 P.3d 686, 690 (Alaska App. 2021) (quoting *Erickson v. State*, 950 P.2d 580, 586 (Alaska App. 1997)).

[5] *Id.*

sentencing court may reasonably conclude that a defendant convicted of attempted murder "deserves a sentence falling closer to that which would have been appropriate for the completed crime than to that which would have been appropriate for a lesser form of assault."[6]

We recognize that the sentence Beier received was extremely high. But both C.L. and C.D. suffered serious and lasting physical and psychological injuries, and the sentencing court called their survival a "miracle." And when Beier discovered they had survived, he sent messages threatening to finish what he had started. Under these circumstances, we conclude that the sentencing court's decision to emphasize the severity of the crime, deterrence, and community condemnation, as well as Beier's ultimate sentence, was not clearly mistaken.[7]

Conclusion

The judgment of the superior court is AFFIRMED.

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[6] *Rudden v. State*, 881 P.2d 328, 331 (Alaska App. 1994).

[7] *See Pickard v. State*, 965 P.2d 755, 760 (Alaska App. 1998) (noting that a sentencing court "bears primary responsibility for determining the priority and relationship of the various sentencing goals in each case").