

Alvarado Pleads Guilty to Reduced Charge in Superior Court

The second trial of Cloyd M. Alvarado was scheduled to be held last Tuesday in a hotel in Cold Bay, Alaska at costs estimated as high as \$50,000. It was cancelled last week when Alvarado pleaded guilty to a reduced charge of statutory rape in Superior Court in Anchorage.

Alvarado was the subject last month of a landmark Alaska Supreme Court decision which held that his previous conviction on a charge of forceable rape was not valid. Selection of the jury, the court found precluded selection of native villagers.

He had been charged with the rape of his 14 year old sister in law in the village of Chignik and found guilty following a half-day trial in Anchorage on October 15, 1969.

Alaska Legal Services attorneys appealed the conviction objecting to the then current practice of choosing jurors from within a 15-mile radius of Anchorage. The Supreme Court found that this practice pre-

cluded native villagers from serving on juries and that jury selection was not impartial. A retrial was ordered.

Alvarado is one quarter Aleut, married to a full blooded Aleut woman and lived in Chignik with his wife's large family. The Alaska Supreme Court recognized that he belonged to the Aleut culture, one which differs from that in the urban Anchorage area in many respects.

The 15-mile rule was adopted the state contended, in order to spare the state the expense of bringing in rural jurors. In its decision, the Supreme Court required the state to select jurors from within the entire judicial district in which the alleged crime occurred or from within the senate election district.

Meanwhile, the state legislature passed a new law which requires that criminal trials be held in the election district in which the alleged crime occurred.

The Alvarado trial was to have been the first trial held

under new "Bush" statutes—a trial scheduled to be held in Cold Bay by a court moved to the bush.

Ironically, the trial will not be held. Last Thursday, Alvarado pleaded guilty to a reduced charge of statutory rape. Judge James M. Fitzgerald sentenced him to five years in jail—including the two he has already spent awaiting the outcome of his appeals.

Of course, he might have gotten off. The prosecution case

is weaker today than it was two years ago. Witnesses disappeared, memories faded and the DA in Anchorage admitted it would be easier to acquit Alvarado in Cold Bay than in Anchorage. So, he copped a plea.

The move saved the court an estimated \$30 to \$50,000 in trial costs—a chartered aircraft to transport the court, court records and reference materials, necessary supplies and court paraphernalia.

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