

In the Supreme Court of the State of Alaska

Disciplinary Matter Involving:

Supreme Court No. S-09848

Samuel R. Peterson, Jr.,

Order

Respondent.

Date of Order: 12/8/00

ABA Number 1998D246

Before: Fabe, Chief Justice, Matthews, Eastaugh, Bryner, and Carpeneti, Justices

The Alaska Bar Association requested an emergency interim suspension after Samuel Peterson, Jr. was arrested for refusing a police order to drop a handgun when police responded to a disturbance at Peterson's home. Peterson was impaired at the time of his confrontation with the police, and a search of his home revealed cocaine, marijuana, and methamphetamine, as well as brass knuckles. Upon the Bar Association's request, we entered an order of interim suspension on January 12, 1999.

The disciplinary board of the Bar Association adopted the area committee's recommendation to suspend Samuel Peterson, Jr. for a period of three-and-one-half years, retroactive to the date of interim suspension, January 12, 1999. The area committee alternatively proposed that "if the suspension is not imposed retroactively, the committee would recommend a shorter period of suspension, which would also terminate June 12, 2002."

On October 4, 2000, we notified the Bar Association and Peterson of our determination that a more severe sanction may be appropriate and invited response. The Bar Association responded, and Mr. Peterson did not.

Because Peterson has exhibited troubling, and in some instances criminal, behavior since the time of his interim suspension, we reject the proposed discipline as too lenient.

A brief chronology of Peterson's problems beginning with the incident with the handgun follows:

- October 30, 1998: Police were called to a disturbance at Peterson's home. Peterson was impaired and refused a police command to drop a .45 semi-automatic handgun that he is carrying. A search of his home revealed drugs, including cocaine and methamphetamine.
- December 1, 1998: Peterson left his third-party custodian and had a fracas with airport

police when his airline ticket was refused. Once again, he appeared to be under the influence of alcohol or drugs.

- January 7, 1999: Peterson failed a urinalysis and tested positive for cocaine.
- January 8, 1999: Peterson's psychologist reported to the judge hearing his bail matter that when Peterson "has recourse to alcohol or psychoactive drugs, he is liable to become destructive" to himself or others. That psychologist also stated that Peterson needed residential care in a drug abuse center.
- January 12, 1999: This court entered its interim suspension.
- February 4, 1999: Peterson completed a court-ordered, three-week drug treatment program in Washington.
- March 12, 1999: Peterson pleaded to one Class C felony count of Misconduct Involving a Controlled Substance in the Fourth Degree. He was sentenced to 18 months with all but 114 days suspended. His probation was to last until March 12, 2001.
- Mid-April 1999: On the day that Peterson was released from jail, he started drinking in violation of his probation conditions. He was arrested in a store in Soldotna and charged with disorderly conduct. He pleaded guilty to the charge.
- August 1999: Peterson was arrested for driving with a suspended license. He also tested positive for alcohol consumption. His probation was revoked and he was sentenced to an additional seventy-five days in jail.
- May 23, 2000: A week prior to his disciplinary hearing before the area hearing committee, Peterson tested positive for methamphetamine. Peterson claimed that the urinalysis test was a mistake or suggested that one of his friends may have spiked his food with methamphetamine.

The same week in May, 2000, Peterson attended his stepfather's funeral in California, drank a third of a bottle of vodka, and became involved in a heated argument with his mother and others. Police were called and Peterson was arrested for disorderly conduct.

Peterson was to have completed his community work service by May 2000; he had not completed it by the date of the hearing but indicated that he had obtained a thirty-day extension for completion.

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Peterson's poor performance on probation and his imprisonment for probation violations belie his argument "that he is well on the way to rehabilitation." Indeed, a week before the sanctions hearing, Peterson admittedly violated his probation by drinking and being arrested for disorderly conduct. Given Peterson's proven inability to function with the supervision of his probation officer, it is unlikely that the recommended discipline is sufficient to protect the public.

We therefore suspend Samuel Peterson, Jr. for five years, retroactive to the date of interim suspension, January 12, 1999. Reinstatement is conditioned on successful completion of the probation imposed in the criminal proceedings; moreover, Mr. Peterson must refrain from the use of any illegal substances and must maintain sobriety from the date of this order until the end of the suspension period.

Entered at the direction of the court.

Clerk of the Appellate Courts


Marilyn May

cc: Clerks of Court

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