

In the District Court of the State of Alaska
Third Judicial District, Unalaska, Alaska

Pg 1

UDPS Case #04-1715- 0313

ATN 108-120-213

State of Alaska

Plaintiff

vs

Last Name

First

M.I.

Dushkin

Terenty

J

Defendant

Criminal Complaint

No. 3UN-04- 215Cr.

Unlawful Exploitation of a Minor, filed in the District Court
for the State of Alaska at Unalaska

Count I

JUL 12 2004

Clerk of Court

DOB: 07/31/1981

S.S.N. 574-11-1170

O.L.N. 0540930

AS 11.41.455 (a)(3)

INFORMATION/INDICTMENT

I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a resident or business address or telephone number of a victim or of a witness to any offense unless it is an 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.

DOMESTIC VIOLENCE OFFENSES Per AS 18.66.990(3) and (5)

☐ ALL COUNTS☒ NONE☐ SPECIFIED ABOVEComplainant, *Ron Dute*
sworn, states that on or aboutPersonally appearing before me and being duly
9 July, 2004at on near Unalaska, in the
the defendant

Third Judicial District, State of Alaska,

Terenty Dushkin did commit the crime of Unlawful Exploitation of a Minor by being in the State and with intent of producing a live performance, film, audio, video, electronic or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct in (1)-(7) of this subsection, the person knowingly induces or employs a child under 18 years of age to engage in or photograph, films, records, or televises a child under 18 years of age engaged in, the following actual or simulated conduct: (3) the lewd touching by another person of the child's genitals, anus, or breast.

All of which is a class
AS 11.41.455 (a)(3)B Felony offense, being contrary to and in violation of
and against the peace and dignity of the State of Alaska.

This complainant is based upon an investigation conducted by the Unalaska Department of Public Safety as detailed in Departmental case 04-1715-0313.

While executing search warrant 3UN-106SW at Dushkin's residence, a videotape was seized. When the tape was viewed by Officer Simms, he heard a comment about the tape being made around Christmas. The tape shows three people involved in a sexual situation. One of the three, A M, was 17 years of age during the Christmas season, turning 18 years of age on 05/30/04. M was being touched on her breasts and genitals by Terenty Dushkin and Misty King, both of whom are adults.

The recordings dialogue indicates M is reluctant to participate at the beginning. She says things like, "I never did this", "I feel gross if you kiss me" (while talking to King), "I'm going to be nervous" and "can we talk about what's going to go on here?"

In the District Court of the State of Alaska
Third Judicial District, Unalaska, Alaska

Pg 2

UDPS Case #04-1715- 0313

ATN 108-120-213

State of Alaska

Plaintiff

vs

Criminal Complaint

Last Name

First

M.I.

No. 34N-04-215 Cr.

Dushkin

Terenty

J

Unlawful Exploitation of a Minor

Defendant

Count I

DOB: 07/31/1981

S.S.N. 574-11-1170

O.L.N. 0540930

AS 11.41.455 (a)(3)

Dushkin remains mostly quiet on the tape. He does say, "Shut up and go with it," apparently prompting M on, and "get over the hump" when M appears to be convincing herself to proceed.

King is actively involved in the tapes dialogue. King says things like "we can wait" as she encourages M, and is also heard saying, "I'm not trying to rape you", and "are you getting horny?" Additionally, King directs Dushkin's hand to M's genitals and assists him in rubbing the area. Later, Dushkin and King are independently touching M's breasts and genitals.

Dushkin stated he asked M to do the video, but she did not have to. Dushkin said M said she would and contacted King. Dushkin said his video camera was used to make the recording. Dushkin said the video occurred in his residence. Dushkin said the recording took place about a "year ago" but was not exactly sure when. Dushkin was definite when he said "no" to the question about the tape being made a week or a month ago.

M said she would do the video when asked by Dushkin. She said the video was done around Christmas, 2003. She was certain it was after 12/23/03, as that was when Dushkin returned from seminary, and thought it more likely in January, 2004. M was also sure the video was not from a week or a month earlier. M said she made arrangements with King.

The video recorded comments from King who stated the "video machine is running", and "be careful, don't knock the the camera down." M is recorded saying to Dushkin he, "can go tape now." M and King both wave to the camera.



SIGNATURE OF COMPLAINANT

Sworn and subscribed before me

this 12th Day of July 2004

In the District Court of the State of Alaska
Third Judicial District, Unalaska, Alaska

Pg 1

UDPS Case #04-1715- 0313

ATN 108-120-213

State of Alaska Plaintiff
vs
Last Name First M.I.
Dushkin Terenty J
Defendant
DOB: 07/31/1981
S.S.N. 574-11-1170
O.L.N. 0540930

Criminal Complaint

No. 34N-04-215 Cr.

Possession of Child Pornography

Count II

Filed in the District Court
for the State of Alaska at Unalaska

JUL 12 2004

AS 11.61.127(a)

Clerk of Court

INFORMATION/INDICTMENT

I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a resident or business address or telephone number of a victim or of a witness to any offense unless it is an 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.

DOMESTIC VIOLENCE OFFENSES Per AS 18.66.990(3) and (5)

☐ ALL COUNTS☒ NONE☐ SPECIFIED ABOVE

Complainant, ROY DORR
sworn, states that on or about
Third Judicial District, State of Alaska,

Personally appearing before me and being duly
9 July, 2004
at on near Unalaska, in the
the defendant

Terenty Dushkin did commit the crime of Possession of Child Pornography by knowingly possesses any material that visually or aurally depicts conduct described in AS 11.41.455(a) knowing that the production of the material involved the use of a child under 18 years of age who engaged in the conduct.

All of which is a class
AS 11.61.127(a)

C Felony offense, being contrary to and in violation of
and against the peace and dignity of the State of Alaska.

This complaint is based upon an investigation conducted by the Unalaska Department of Public Safety as detailed in Departmental case 04-1715-0313.

While executing search warrant 3UN-106SW on Dushkin's residence, a videotape was seized. When the tape was viewed by Officer Simms, he heard a comment about the tape being made around Christmas. The tape shows three people involved in a sexual situation. One of the three, A M, was 17 years of age during the Christmas season, turning 18 years of age on 05/30/04. M was being touched on her breasts and genitals by Terenty Dushkin and Misty King, both of whom are adults.

In interviews conducted with Dushkin and M, both agreed the video was made while M was 17 years of age. Dushkin stated he had been in a relationship with M for three years and knew her age. Dushkin further stated his camera was used and the tape was kept at his residence.



Sworn and subscribed before me

this 12th Day of July 2004

SIGNATURE OF COMPLAINANT

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT UNALASKA

STATE OF ALASKA,

Plaintiff,

vs.

TERENTY JOHN DUSHKIN,

DOB: 7/31/1981

APSN ID: 0540930

DMV NO. 0540930

SSN: 574-11-1170

ATN: 108-120-213

Defendant.

No. 3UN-S04-215 CR

AMENDED JUDGMENT

The defendant has been convicted upon his plea of:

<u>Count</u>	<u>Date of Offense</u>	<u>Offense (including tag #)</u>	<u>Statute Violated</u>	<u>DV Offense Per AS 18.66.990(3) &(5) (Yes or No)</u>
I	December 2003	Unlawful Exploitation of a Minor - 001	11.41.455(a)(3)	No

and all other charges brought under this case number are dismissed:

<u>Count</u>	<u>Date of Offense</u>	<u>Offense</u>
II	December 2003	Possession of Child Pornography

Defendant came before this court on the effective date (see last page), with counsel, Andrew Lambert, and an Assistant District Attorney was present.

It appearing to the satisfaction of this court that the ends of justice and the best interests of the public will be served thereby,

IT IS ORDERED that the defendant is sentenced to **12 months with 12 months suspended, and 3 years probation.** The sentence is non-presumptive. The active and

suspended time imposed and probation are concurrent in all three criminal cases. Defendant is eligible for parole.

IT IS ORDERED, pursuant to AS 12.55.039(a)(1), that the defendant pay a court surcharge of \$100.00 within ten days.

☒ **IT IS ORDERED**, pursuant to AS 12.55.041(b)(1), that the defendant pay a correctional facility surcharge of \$100.00 within ten days, because the defendant was taken to a correctional facility or sentenced to a term of imprisonment.

☐ **IT IS ORDERED**, pursuant to AS 12.55.041(c), that the defendant pay a probation surcharge of \$ 100.00. The probation surcharge is suspended unless the defendant is placed in a correctional facility on a petition to revoke probation or unless the defendant is sentenced to a term of imprisonment on a petition to revoke probation.

DNA IDENTIFICATION. If this conviction is for a felony as defined in AS 44.41.035, the defendant is ordered to provide samples for the DNA Registration System when requested to do so by a health care professional acting on behalf of the state. AS 12.55.015(h).

RESTITUTION: IT IS ORDERED that defendant pay restitution as follows:

<u>Restitution Recipients</u>	<u>Amount</u>
A. A.M.	\$ To be determined
B.	\$
C.	\$
☐ Others listed on attached Addendum.	

Payments must be made to the Department of Law Collections Unit, 1031 West Fourth Avenue, Suite 200, Anchorage, AK 99501.

Restitution is due immediately for civil execution purposes, unless defendant establishes a payment schedule with the Department of Law Collections Unit. If the defendant misses any required payment, the total unpaid amount becomes immediately due and civil execution may begin.

Interest will accrue on the principal amount of restitution due at the rate provided I AS 09.30.070(a), currently 6.25%, from:

the date of loss: _____

the date of judgment.

JUDGMENT

State v. Terenty John Dushkin, 3LN-S04-215 CR

Page 2 of 8

☐ _____.

Defendant is placed on probation to the Department of Corrections under the following conditions after serving his term of incarceration:

GENERAL CONDITIONS OF PROBATION

1. Comply with all direct court orders listed above by the deadline stated.
2. Report to the Department of Corrections Probation Office on the next business day following the date of sentencing; or, if time is to be served immediately after sentencing, then report to the Department of Corrections Probation Office on the next business day following release from an institution.
3. Secure the prior written permission of a probation officer of the Department of Corrections before changing employment or residence or leaving the region of residence to which assigned.
4. Make a reasonable effort to secure and maintain steady employment. Should you become unemployed, notify a probation officer of the Department of Corrections as soon as possible.
5. Report in person between the first day and the tenth day of each month, or as otherwise directed, to your assigned office of the Department of Corrections. Complete in full a written report when your probation officer is out of the office to insure credit for that visit. You may not report by mail unless you secure prior permission to do so from your probation officer.
6. At no time have under your control a concealed weapon, a firearm, or a switchblade or gravity knife.
7. Do not knowingly associate with a person who is on probation or parole or a person who has a record of a felony conviction unless prior written permission to do so has been granted by a probation officer of the Department of Corrections.
8. Make a reasonable effort to support your legal dependents.
9. Do not consume intoxicating liquor to excess.
10. Comply with all municipal, state and federal laws.
11. Report all purchases, sales and trades of motor vehicles belonging to you, together with current motor vehicle license numbers for those vehicles, to your probation officer.
12. Upon the request of a probation officer, submit to a search of your person, personal

JUDGMENT

State v. Terenty John Dushkin, 3UN-S04-215 CR

Page 3 of 8

property, residence or any vehicle in which you may be found for the presence of contraband.

13. Abide by any special instructions given by the Court or any of its duly authorized officers, including probation officers of the Department of Corrections.

SPECIAL CONDITIONS OF PROBATION

1. Not possess a firearm, not be in a vehicle in which a firearm is present, and not be in a residence in which there is a firearm.
2. Not have any contact, directly or indirectly, with K.S., J.E. and A.M., unless that person(s) provides, in advance and in writing to defendant's probation officer, his/her consent to contact.
3. Agrees to undergo a mental health evaluation and, if recommended, enroll in and successfully complete a program to include the ingestion of physician prescribed drugs.
4. Do not be on the campus of any school unless enrolled and attending as a student.
5. Submit, at any reasonable time, to search of your person, personal property, residence, business, vehicle, or any vehicle under which you have control, for the presence of weapons.
6. Do not associate with persons involved in using, manufacturing, growing, or distributing controlled substances.
7. Do not enter or remain in places where controlled substances are being used, manufactured, grown, or distributed.
8. Forfeit to the investigating agency all items seized as evidence in this case.
9. Maintain verifiable full-time employment unless engaged in an educational and/or treatment program approved by his probation officer, showing proof of income or participation when required to do so.
10. Submit to the drawing of blood and the taking of fingerprints for the purpose of inclusion in the deoxyribonucleic (DNA) identification system established pursuant to AS 44.41.035.
11. To pay full restitution in accordance with a repayment schedule determined by the Department of Law Collections Unit in the total amount to be determined.
12. To apply for all yearly permanent fund dividend checks until restitution is fully paid.

JUDGMENT

State v. Terenty John Dushkin, 3UN-S04-215 CR

Page 4 of 8

13. To comply with all court orders listed above by the deadline stated.

SPECIAL CONDITIONS OF PROBATION

SEX OFFENDER CONDITIONS

1. Apply for the Permanent Fund Dividend, if eligible, for benefit during the years under the custody and supervision of the Department of Corrections; forfeit the proceeds for application toward restitution. The Department of Revenue is hereby ordered to deliver the Permanent Fund Dividend check(s) to the Attorney General's Office for this purpose.
2. Successfully complete an approved outpatient sexual offender treatment program as directed by the Department of corrections. The defendant is not to discontinue treatment without the written approval of sexual offender outpatient treatment program provider and the Probation/Parole Officer, and must authorize the program to provide progress reports/evaluations.
3. Submit to the collection of a buccal swab and taking of fingerprints for the purpose of creating a DNA identification system pursuant to AS 44.41.025 and AS 44.41.035.
4. Not use, possess, handle, purchase, give, or administer any controlled substance, to include marijuana, without a valid prescription.
5. Not to possess pornographic materials or frequent establishments where sales of pornographic materials are the primary business.
6. Not to frequent establishments where nude dancing or posing is part of the entertainment.
7. Upon the request or at the direction of a probation officer, submit to a search of his/her personal computer by a probation officer or other law enforcement officer.
8. Have no contact with unrelated female minors under the age of sixteen without the written approval of the Probation/Parole Officer, and an approved sex offender treatment provider.
9. No accepting employment or engaging in any volunteer community activity which involves contact with female minors under the age of sixteen.
10. To have no contact either directly or indirectly with the victims.

THE PROBATION IS HEREBY ORDERED TO EXPIRE 3 years from date of release from incarceration.

JUDGMENT

State v. Terenty John Dushkin, 3UN-S04-215 CR

Page 5 of 8

Defendant shall receive credit for time served which is applicable to this case only.

Any appearance bond in this case is:

- ☒ exonerated
☐ exonerated when defendant reports to the jail to serve the term of imprisonment
☐ was forfeited and any forfeited funds shall be applied to the restitution.
☐ _____

May 5, '05
Effective date

Adam Gleason
Judge

Sharon Gleason (6-2-05)
Superior Court Judge Sharon Gleason

NOTICE TO DEFENDANT

You are advised that according to the law, the court may at any time revoke your probation for cause or modify the terms or conditions of your probation. You are subject to arrest by a probation officer with or without a warrant if the officer has cause to believe that you have violated a condition of your probation. You are further advised that it is your responsibility to make your probation officer aware of your adherence to all conditions of probation set forth above.

Sentence Appeal. If you are ordered to serve more than two years in jail, you may appeal the sentence to the court of appeals on the ground that it is excessive. Your appeal must be filed within 30 days of the date of distribution stated below. If you are sentenced to serve two years or less in jail, you may seek review of your sentence by filing a petition for review in the supreme court. To do this, you must file a notice of intent to file a petition for sentence review within 10 days of the date of distribution stated below. See Appellate Rules 215 and 403(h) for more information on time limits, procedures and possible consequences of seeking review of your sentence.

☒ REGISTRATION REQUIREMENT. Because you have been convicted of one of the offenses listed in AS 12.63.100, you must register as described in the attached form (CR-471, Sex Offender and Child Kidnapper Registration Requirement).

☐
I certify that on 6-3-05 a copy of this judgment was sent to: I certify that on 6/10/05 a copy of this Judgment was sent to:

JUDGMENT

State v. Terenty John Dushkin, 3UN-S04-215 CR
Page 6 of 8

☒ DA
☒ Defense Atty Lambert

Sec./Clerk: [Signature]

☒ DA
☒ Def Atty Lambert

☒ Deft thru Atty

☒ Police/AST

☒ Jail Anchorage

☐ VPSO/Village Council at _____

☒ Collections Unit for cost of imprisonment

☐ _____

Clerk: gmp

☐ Exhibit Clerk

☒ Adult Probation

☒ DPS-R&I-Anchorage

☒ DPS-Fingerprint Section

☐ DMV-Juneau (lic. action)

WRIT OF EXECUTION

To Department of Law Collections Unit: You are commanded to satisfy the above restitution order, including interest and costs, by seizing the defendant's Alaska Permanent Fund Dividend. This writ terminates upon full payment of the restitution, including interest and costs. This writ does not become effective until the defendant fails to make any required payment.

FINGERPRINT VERIFICATION ATTACHMENT TO JUDGMENT

Case No. 3UN-S04-215

☐ District Court ☒ Superior Court at Anchorage, Alaska

Plaintiff: STATE OF ALASKA

Defendant: Terenty John Dushkin

Send original along with a copy of the judgment to:

Department of Public Safety
Alaska Automated Fingerprint Identification Section
5700 E. Tudor Road
Anchorage, Alaska 99507

Keep copy in court file.

LEFT THUMB

RIGHT THUMB

not used

--	--

Defendant's Signature

Mailing Address

State Zip Code City

Date

Witness (Signature and Title)

not used

JUDGMENT

State v. Terenty John Dushkin, 3UN-S04-215 CR

Page 2 of 8

No VRA Screening Necessary

FINGERPRINT VERIFICATION ATTACHMENT TO JUDGMENT

CASE NO. 3UN-04-215 CR☐ District Court

Superior Court

at Unalaska, Alaska

Plaintiff: STATE OF ALASKA

Defendant: Terenty Dushkin

Send original along with a copy of the judgment to:

Department of Public Safety
Alaska Automated Fingerprint Identification Section
5700 E. Tudor Road
Anchorage, AK 99507

Keep copy in court file.

LEFT THUMB

RIGHT THUMB



A handwritten signature in black ink, appearing to be "Terenty Dushkin", written over a horizontal line.

Defendant's Signature

P.O. Box 726

Mailing Address

Unalaska AK 99585
City State ZIP06-05-05

Date

A handwritten signature in black ink, written over a horizontal line.

Police Officer

Witness

(Signature and Title)

581-2809

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA AT Unalaska
 State of Alaska vs. Terevity Dushkin Case No. 3UN-504 CR
NOTICE TO DEFENDANT 213/215/220

If you plead guilty or no contest or are found guilty of a sex offense or child kidnapping, you must register as described below.

Sex Offender and Child Kidnapper Registration Requirements

WHO: All persons who have been convicted of a sex offense or child kidnapping must register with the state. (See list of offenses on the back of this notice.)

WHEN & WHERE:

- If you are not in jail, you must register by the next working day after you are convicted. In Anchorage, you must register at the Department of Public Safety, 5700 East Tudor Road. Outside Anchorage, you must register with the Alaska State Troopers or the police department closest to where you live.
- If you are in jail, you must register at the jail during the last 30 days before you are released.

HOW: You must complete a registration form and be fingerprinted and photographed.

HOW LONG: You must comply with the registration laws:

☒ For life (for first degree sexual assault or first degree sexual abuse of a minor, or an attempt, solicitation or conspiracy to commit either offense or for murder under AS 11.41.100(a)(3) or AS 11.41.110(a)(3) if it involves a sex offense – see back)

☐ Either:

- For life (if you are convicted, separately or at the same time, of two or more sex offenses, two or more child kidnappings, one sex offense and one child kidnapping, or three or more violations of AS 11.41.460)
- For 15 years after your unconditional discharge for this offense (if you are not in one of the categories listed in the two paragraphs above and if you comply with AS 12.63.020(a)(2))

UPDATING REQUIRED: After your first registration, you must periodically verify the information you submitted. For lifetime registrations, you must verify your information every three months. For 15 year registrations, you must verify your information once a year, and you must continue to verify your information yearly until you give the Department of Public Safety acceptable proof of your unconditional discharge.

CHANGE OF ADDRESS: If you move, you must give written notice to the police or Trooper post nearest to your new residence by the next working day after you change your residence. If you move out of state, your notice must be sent to the Department of Public Safety at the address stated below.

QUESTIONS: If you have questions, contact the Permits and Licensing Unit, Department of Public Safety, 5700 East Tudor, Anchorage, Alaska 99507. Phone: 269-0396 in Anchorage and 1-800-658-8892 outside Anchorage.

A copy of this Notice was given to the defendant in open court ^{after} before accepting the defendant's plea or after verdict. The defendant acknowledged receipt of this notice.

Date: May 5, 2005

Sharon Gleason
 Judge's Signature
Sharon Gleason
 Type or Print Judge's Name