



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Law

Criminal Division
Office Of Special Prosecutions

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December 12, 2017

Sergeant Jeremy Weske
Juneau Police Department
6255 Alaway Ave.
Juneau, AK 99801

Re: *State v. David S. Wilson, PBK # 0667349*

Dear Sergeant Weske:

The Office of Special Prosecutions received your investigation concerning allegations that Senator David Wilson committed the offense of harassment in the second degree when he slapped reporter Nathaniel (Nat) Herz across the face. Harassment in the second degree is a class B misdemeanor offense punishable by a \$2,000 fine and imprisonment of not more than 10 days.¹ This offense is a specific intent crime that requires a showing that the offender acted with the specific intent to harass or annoy.


Based on my review of the investigation, it is unlikely that the state will be able to prove beyond a reasonable doubt that Senator Wilson acted with the specific intent to harass or annoy Mr. Herz when he slapped Mr. Herz on May 2, 2017. Stated another way, the evidence in this case fails to demonstrate that it was Wilson's conscious objective to harass or annoy Mr. Herz. This in no ways implies that Senator Wilson's conduct is not of concern, but rather that the resources necessary for this prosecution is disproportionate to the conduct, especially since the Legislature has the authority to address this conduct through other means.

If you have any questions, please contact me.

Sincerely,

JAHNA LINDEMUTH
ATTORNEY GENERAL

By:



Andrew Peterson
Chief Assistant Attorney General

¹ See Alaska Statute 12.55.035(b)(6) and Alaska Statute 12.55.135(b)(2).