

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

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JANE DOE,)
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Petitioner,)
)
vs.)
)
JOHN DOE,)
)
Respondent.)

Case No. 3PA-09-2261 *CT*

CONFIDENTIAL AND FILED UNDER SEAL

PETITION FOR CUSTODY

Clapp, Peterson, Van Flein,
Tiemessen & Thorsness, LLC
711 H Street, Suite 620
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1 Petitioner, mother of the minor child, pursuant to AS 25.20.060(a), files
2 this petition seeking an award of custody and child support from Respondent,
3 father of the minor child. This Court has jurisdiction over the minor child as both
4 parents are, and have for at least the last six months, been domiciled in the
5 State of Alaska. The child has resided in Alaska for all of his life, and Petitioner,
6 Respondent, and the minor child are all residents of the State of Alaska.
7 Furthermore, no other court has ever exercised jurisdiction over this child in the
8 past, and no other court cases involving this child are currently pending in any
9 Court.
10

11
12 Because jurisdiction is proper in the State of Alaska, and because venue
13 is proper in this Court, Petitioner requests that this court award child custody
14 and child support as set forth below in this petition.

15 Petitioner Bristol Palin ("Bristol"), mother of Tripp E. Johnston-Palin,
16 DOB December 27, 2008 ("Tripp"), petitions the Court for sole legal custody of
17 Tripp and 100% physical custody with scheduled visitation rights by
18 Respondent. Bristol further seeks an order codifying both a visitation schedule
19 for the Respondent father, Levi Johnston ("Levi"), and a child support order in
20 accord with Civil Rule 90.3. In addition, Bristol seeks an order barring any
21 unsupervised contact with the child by his paternal grandmother, Sherry
22
23
24

1 Johnston, for the reasons set forth in Section B. Petitioner seeks an evidentiary
2 hearing to establish the factual basis supporting this Petition.

3 I. FACTUAL OVERVIEW

4 On December 27, 2008, Bristol Palin gave birth to Tripp Palin-Johnston.
5 It is undisputed that Levi is Tripp's biological father. Although the parties were
6 at one time engaged, they did not marry. Subsequent to Tripp's birth, the couple
7 terminated their personal relationship.
8

9 Tripp is now 10 months old. There is no formal custody arrangement.
10 There has been an informal custody arrangement, however, whereby Bristol
11 has maintained 100% physical custody and 100% *de facto* legal custody. Levi
12 has exercised sporadic visitation rights. It has become apparent that the time
13 has come to formalize this arrangement with a court order, particularly in light of
14 Levi's public statements that he is "retaliating" against Bristol and her family
15 because he is angry about his visitation schedule. By "retaliating," Levi stated
16 that he is going on a media tour disparaging the Palins because of his anger
17 and that he wants a contentious—and highly public—court battle to do so. As
18 Levi stated in the following article published on October 30, 2009:
19
20

21 Johnston said he recognized that taking the legal road would be
22 hard. "It's going to be a tough battle. Basically, it's down to who has
23 the better lawyer. I can just imagine all the cameras that are going
24 to be there – it's going to be crazy," he said. * * *

1 Johnston admitted to the Guardian that comments he made to
2 Vanity Fair and other outlets calling Palin a distant mother and a
3 political hypocrite were partly made in retaliation. "If they had let me
4 see my kid, I wouldn't have done any of that." Asked whether he
5 worried that his outspoken remarks about Tripp's grandmother might
6 be harmful to the child, he replied: "I don't know. I hope not, but
7 what else are you going to do?"

8 [Exhibit 1] ("We're going to court': Sarah Palin to face legal battle over
9 grandson")¹ Contrary to his statements to the press, Levi has regular access for
10 visitation of his son, but goes for long periods of time without contacting Bristol
11 or otherwise following through with planned visits.

12 Bristol and Levi's son Tripp is not yet one year old. Since the day Tripp
13 was born he has been with Bristol almost 100% of the time, with a few notable
14 exceptions where Levi has visited with Tripp for a few hours, and once kept him
15 overnight.² It cannot be reasonably disputed that Bristol is raising and providing
16 for Tripp on a continual basis. That pattern of Levi's sporadic visitation,
17 established over the last 10 months, compels this Petition and the request that
18 100% legal and physical custody be vested in Bristol. Not only is the evidence
19 overwhelming that Bristol has been providing 100% of the care and custody for
20 Tripp for his entire life, there is evidence that Levi is not yet mature enough to
21 take on significant parental responsibilities. The evidence will show that Levi is

22
23 ¹ <http://www.guardian.co.uk/world/2009/oct/30/levi-johnston-sarah-palin-custody>

24 ² Bristol Palin has maintained a detailed contact and visitation log reflecting Levi Johnston's
25 communications and visitation. This log will be presented in support of this Petition once a
26 confidentiality order is in place.

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1 not ready for the demands of parenthood and the sacrifices that would entail to
2 a 19 year old aspiring actor/model. Levi remains without a regular job or steady
3 source of income. He has obtained money by selling stories to the media about
4 his son Tripp, ex-fiance Bristol, and the Palin family in general, but otherwise
5 has not gone to school to learn a trade or obtain a degree. Recently he has
6 engaged in modeling, including risqué modeling for Playgirl magazine. [Exhibit
7 2, Levi Tweet dated October 29, 2009 "confirming" full frontal nudity pictorial in
8 Playgirl]
9

10 CONFIRMATION: It looks like the shoot will be all nude after all..
11 ..! But in a tasteful matter [sic] (who remembers Austin powers
12 ending part I) [sic]

13 (<http://twitter.com/LeviJohnston05> (October 29, 2009)) See also [Exhibit 3
14 Gawker.com, [http://gawker.com/5387972/johnston-watch-90-sure-there-will-be-
15 full-frontal](http://gawker.com/5387972/johnston-watch-90-sure-there-will-be-full-frontal)], There is also evidence that Levi may have substance abuse
16 issues, based on statements he has made about seeking "weed." [Exhibit 4,
17 Levi Twitter Dated October 23, 2009]. The bottom line is this: Since the date of
18 birth on December 27, 2008 to the date of filing this Petition on November 2,
19 2009, there have been approximately 305 days. Multiplied by 24—the number
20 of hours in a day—there have been 7,368 hours. During that time Levi has not
21 had any time alone with the baby, and the approximate total number of hours
22
23
24

1 Levi has had the baby with the assistance of his family comes to approximately
2 70.5 hours.

3 All of these facts warrant a finding that 100% legal and physical custody
4 should be awarded to Bristol with scheduled visitation for Levi.

5 Finally, an order precluding unsupervised contact between Sherry
6 Johnston, the paternal grandmother, and Tripp, should also be entered. Sherry
7 Johnston was arrested in December 2008 for felony drug possession, and she
8 has pled guilty to at least one felony count. [Exhibit 5, ADN Article re S.
9 Johnston arrest dated December 18, 2008]; [Exhibit 6, Notice of Change of Plea
10 in *State v. Johnston*, Case No. 3PA-08-3607 CR]. Because of her illegal
11 activities and illegal drug usage, Ms. Johnston should not be allowed
12 unsupervised visits with Tripp.
13
14

15 II. DISCUSSION

16 A. The Best Interests of the Child Compel 100% Legal Custody and 17 Sole Physical Custody with Bristol

18 The touchstone guiding the resolution of this petition is determining Tripp's
19 best interest. "In a custody dispute between two parents, custody is to be
20 awarded according to the best interests of the child." *Harvey v. Cook*, 172 P.3d
21 794, 798 (Alaska 2007). State law further provides:

22
23 If there is a dispute over child custody, either parent may petition the
24 superior court for resolution of the matter under AS 25.20.060-
25 25.20.130. The court shall award custody on the basis of the best

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1 interests of the child. In determining the best interests of the child,
2 the court shall consider all relevant factors, including those factors
3 enumerated in AS 25.24.150(c) and the presumption established in
4 AS 25.24.150(g). In a custody determination under this section, the
5 court shall provide for visitation by a grandparent or other person if
6 that is in the best interests of the child.

7 AS 25.20.060(a). In this case, Bristol, has been providing virtually all the care
8 and care decisions to Tripp since his birth. Bristol has created a schedule for
9 the baby, and ensures a safe environment for the baby. Bristol has assumed,
10 by necessity, nearly 100% care and custody of the infant, with occasional visits,
11 amounting to less than 1% of the time, by Levi, who has demonstrated only
12 passing interest in providing care to his son, and who has made minimal
13 financial contributions to the child's upbringing.

14 The best interests of the child are to maintain a schedule, maintain a safe
15 household, maintain competent caregivers, and maintain continuity in the child's
16 care. While Tripp should have scheduled visits with Levi, the evidence
17 demonstrates that Levi is not yet ready for significant parenting responsibilities.
18 Levi apparently has a substantial travel schedule to New York and Los Angeles
19 to pursuing acting and modeling, and long weeks of travel are not in the best
20 interests of the child. Tripp benefits from a stable environment, not a transient
21 environment. Bristol and her family are providing that stable environment.

22 To date, Bristol and her family have provided nearly 100% of the child
23 care for Tripp, and paid for almost all costs associated with Tripp's upbringing.
24

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1 Not until October, 8th, 2009, nearly 10 months after Tripp was born, did Levi pay
2 his first dollar to help support his child.

3 The best interests of the child compel the conclusion that Bristol should
4 be awarded 100% legal and physical custody of Tripp, with visitation rights in
5 favor of Levi. Furthermore, the Court should ascertain the extent of Levi's
6 earnings, and a child support order should be entered under Civil Rule 90.3 so
7 that scheduled and regular child support payments are made.
8

9 **B. Sherry Johnston Should Be Barred from Unsupervised Contact**
10 **With Tripp**

11 Under AS 25.20.060(a), when a custody petition is being addressed, the
12 "court shall provide for visitation by a grandparent or other person if that is in the
13 best interests of the child." Bristol does not contest the right of any grandparent
14 to visit with Tripp. Either Keith or Sherry Johnston should have visitation, but
15 Sherry Johnston should not have unsupervised visitation.

16 Ms. Johnston is a convicted felon. She is also a chronic pain patient and
17 undergoes daily, regular, and sustained narcotic infusions. The side effects of
18 such narcotics are well known, but often include sleepiness. The baby cannot
19 be left with Sherry Johnston without someone else there to supervise, as Ms.
20 Johnston could fall asleep or be too drowsy to appropriately monitor the baby.
21 Further, in light of the illegal drug dealing by Ms. Johnston, there is the risk that
22 she may re-offend, keep medications around the house which could be
23
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1 accessible to the baby, have illegal drug users come to the house (or she could
2 take the baby in her car during a drug sale), or otherwise engage in behavior
3 (criminal or negligent) which could result in a variety of harms to the baby. For
4 these reasons, any visitation schedule for Mrs. Johnston should be conditioned
5 on a neutral third party supervisor, paid for by Ms. Johnston.

6 Bristol's parents, Todd and Sarah Palin, have shown an active and regular
7 interest in the care and custody of the baby. Any visitation order pertaining to
8 the Palins should allow generous, if not at will, visitation and care, as that is the
9 pattern that is in place, and that is the pattern that is in the best interests of the
10 baby.
11

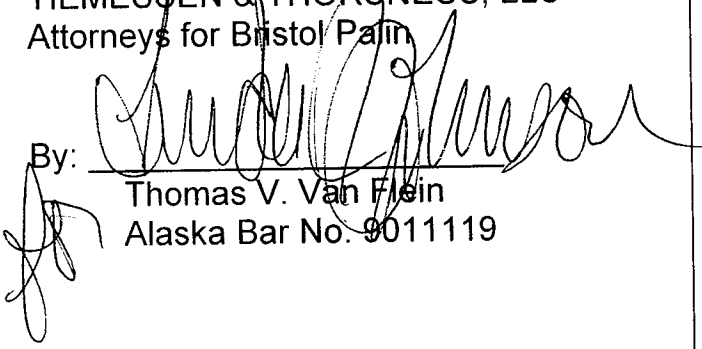
12 III. CONCLUSION

13 For all of the foregoing reasons, Bristol Palin requests that this Court
14 grant Bristol Palin 100% legal and physical custody of Tripp Palin-Johnston
15 with scheduled visitation in favor of Levi Johnston, and supervised visitation,
16 for Sherry Johnston. Bristol Palin further requests that the Court ascertain
17 Levi Johnston's income and enter an appropriate child-support order pursuant
18 to Alaska Civil Rule 90.3.
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DATED at Anchorage, Alaska, this 3 day of November, 2009.

CLAPP, PETERSON, VAN FLEIN,
TIEMESSEN & THORSNESS, LLC
Attorneys for Bristol Palin

By:



Thomas V. Van Flein
Alaska Bar No. 9011119

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'We're going to court': Sarah Palin to face legal battle over grandson

Levi Johnston demands access to baby Tripp and accuses the former VP candidate of turning her daughter against him

Ed Pilkington in Anchorage
guardian.co.uk, Friday 30 October 2009 19.02 GMT



Levi Johnston and Bristol Palin. Photograph: Paul Sancya/AP

Relations between the former US vice-presidential candidate Sarah Palin and Levi Johnston, the teenager who almost became her son-in-law, have deteriorated to the point that a court battle is now inevitable, he has told the Guardian.

The dispute is over Tripp, his infant son by Palin's eldest daughter, Bristol: he claims Palin is preventing him from seeing the child.

"I'm up to the point where I can't see my kid again. I'm done. I'm sure we'll end up in court. We're definitely going to court," Johnston, 19, said in an interview in Anchorage, Alaska's largest city.

Johnston was propelled to national and international media attention last September when it was revealed he had made Bristol, who was then 17 and still at school, pregnant.

The disclosure was made just days after Palin was chosen as John McCain's Republican vice-presidential running mate in the presidential election.

Tripp was born on 27 December, but the couple broke up less than three months later. Since then, Johnston and the Palin family have been locked

EXHIBIT 1
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in an increasingly acrimonious debate about access.

Johnston said there had been times when he had been allowed to see Tripp about once a week, but there had also been periods when he had had virtually no access. He said: "They started letting me see him and everything was fine. But everything got bad again. So I said screw them."

Johnston said his relationship with the Palin family was entering another bad phase where his calls were not being returned, even though he said he was now paying child support.

He has not seen Tripp for several weeks, and he blamed Sarah Palin personally for that: "Bristol listens to her mom. Sarah says something, Bristol is going to follow."

An ugly court dispute is unlikely to be an attractive proposition for Palin, either as Bristol's mother or as a politician with a book launch pending and a possible run at the presidency in 2012. A large part of Palin's political appeal rests on her reputation for being a homely "hockey mum" that could be tarnished by a public custody fight.

Johnston said he recognised that taking the legal road would be hard. "It's going to be a tough battle. Basically, it's down to who has the better lawyer. I can just imagine all the cameras that are going to be there – it's going to be crazy," he said.

Palin has responded to Johnston's recent criticisms by using the American media to accuse him of peddling flat-out lies and exaggerations, adding it was unfortunate that he chose to exploit his former relationship with Bristol than care for the wellbeing of their child.

Sarah Palin's lawyer, Thomas Van Flein, said: "Other than noting that Tripp's father is always welcome to visit his son, we are unable to respond to these allegations as it is inappropriate to discuss child custody matters publicly."

Johnston admitted to the Guardian that comments he made to Vanity Fair and other outlets calling Palin a distant mother and a political hypocrite were partly made in retaliation. "If they had let me see my kid, I wouldn't have done any of that."

Asked whether he worried that his outspoken remarks about Tripp's grandmother might be harmful to the child, he replied: "I don't know. I hope not, but what else are you going to do?"

Rex Butler, a lawyer who is acting as Johnston's media agent, said his client had given statements that were not flattering to Sarah Palin "but he's never been malicious. Of course, the Palins and Palin supporters would like to discredit him."

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Palin's memoir, Going Rogue, will be published on 17 November and is already in the bestseller lists. It has earned her at least \$1.5m (£910,000) in advances.

- *Read tomorrow's Guardian for the full interview with Levi Johnston*

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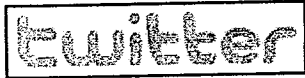
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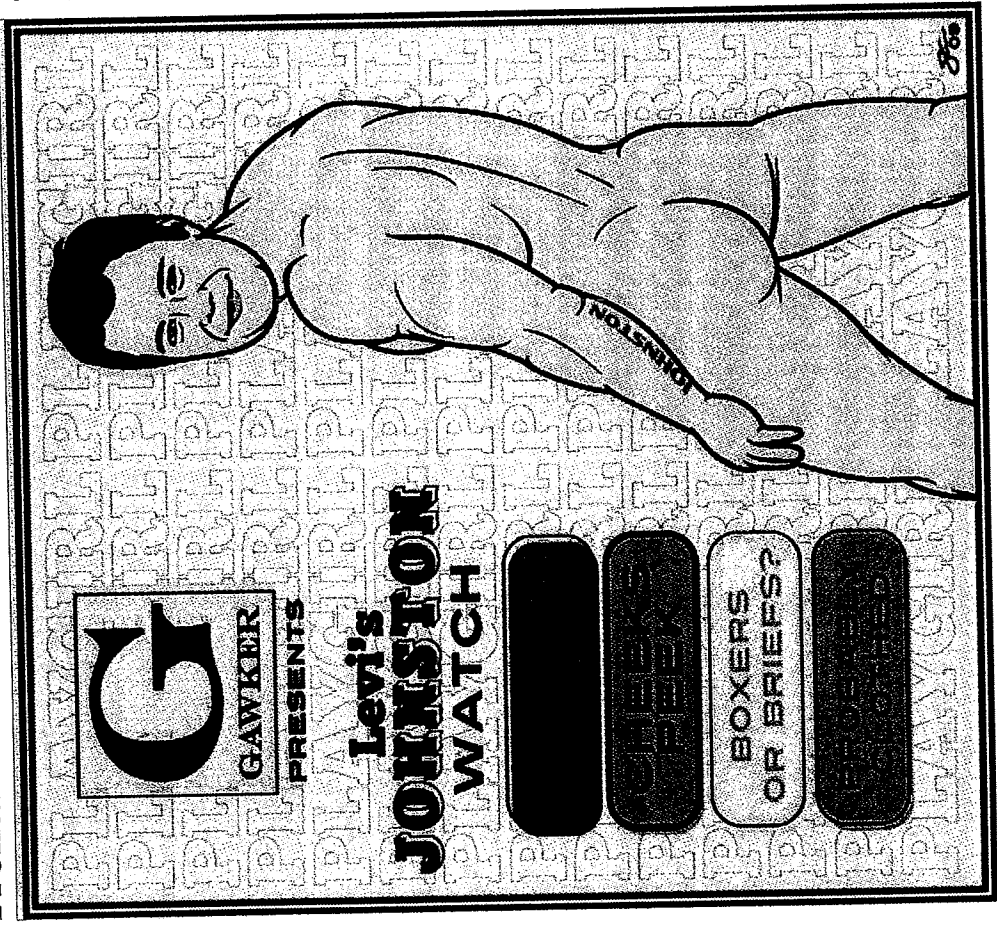
1. " More Rats than Roaches" no wonder Splinter grew the size he did..[about 2 hours ago](#) from web
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2. " i Think New York has more Homeless people than actual Residents "[about 2 hours ago](#) from web
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3. Why would i want to check a voicemail on my cell phone? People want to talk to me, call again. If i want to talk to you, I'll answer..[about 2 hours ago](#) from web
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4. Who in the fuck is tila tequila? Is she a stripper?...That's her? Yeah, that's a stripper, son, I don't give a shit what you say..[about 2 hours ago](#) from web
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5. the lion. FROM WIZARD OF OZ. (WHAT YA THINK ?)[about 3 hours ago](#) from web

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- o [Reply](#)
6. ~~CONFIRMATION: It looks like the shoot will be all nude after all. But in a tasteful matter (who remembers Austin powers ending part 1) 3:34 PM Oct 29th from web~~
- o [Reply](#)
7. @KellyPandKShow i TRIED CALLING INTO THE SHOW . SOME DUDE HANG UP ON ME - SOMETHING ABOUT A WINNER HAS BEEN CHOSEN ???2:22 PM Oct 29th from web in reply to KellyPandKShow
- o [Reply](#)
8. who really rolls on the floor when they laugh anyway?1:58 PM Oct 29th from web
- o [Reply](#)
9. Hey #PugsandKelly thi si slevi (PugsandKelly live > <http://ustre.am/4y6H>)10:59 AM Oct 29th from Ustream
- o [Reply](#)
10. Im with right now PUGS&KELLY FROM DALLAS TEXAS ASK ANYTHING <http://bit.ly/1m1JnA10>:57 AM Oct 29th from web
- o [Reply](#)
11. @JGoo220 You know you're a celebrity when strangers want to see your penis.!!LMAO --9:57 AM Oct 29th from web in reply to JGoo220
- o [Reply](#)
12. there's been a lot of rumours whether I'll go full frontal as of late... I repeat ===its NOT CONFIRM. (not yet) I will let ya guys know9:46 AM Oct 29th from web
- o [Reply](#)
13. HOW CAN WE LOOK THE OTHER WAY WHEN 2/3 OF OUR CIVILIZATION ARE LIVING UNDER 1 DOLLAR A DAY ... AND STARVING THEMSELVES TO DEATH !?? 1:50 AM Oct 29th from web
- o [Reply](#)
14. (If You Wanna Make The World A Better Place) Take A Look At Yourself, And Then Make A Change I'm Asking Him To Change His Ways1:34 AM Oct 29th from web

EXHIBIT 2
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Johnston Watch: '90% Sure' There Will Be Full Frontal



The contract is signed, ladies and gentleman, this thing is really going to happen. No one is disclosing cash figures yet, but it's more than the \$25,000 he was originally offered. And there might be wang!

Levi's handler Tank Jones confirmed for us that the contract with *Playgirl* is signed and that the shoot will take place in the next couple of weeks here in New York. A date hasn't been set yet, but it's most likely going to be the first weekend in November. Jones said the shoot will take place in a studio, but that they want to do some shots outside as well, weather permitting. New York in November—those are going to be some perky man nipples!

Jones confirmed what we reported before, that there's nothing about how much Levi will or will not show in the contract, but he said that Levi is "fearless" and he'll "do what he wants to do" and that he's "90% sure there will be nudity...I'm

talking the front. Letting the whole thing hang out."

Jones confirmed that they payday is more than the \$25,000 *Playgirl* originally offered. When asked if the online magazine ponied up more cash or came up with some other sort of incentive, he said, "A little bit of both." Since they're offering that kind of money, we're sticking with our assumption that it will be more than an underwear shoot. That Tank keeps alluding to Levi showing penis and is

"90% sure" we'll see the kid's hunting rifle makes us hopeful, but 90% is not 100% so we're hedging our bets until the actual shoot.

In other Levi news, Jones said that he's working on a book about the Palin family. "There's a whole lot of material he hasn't talked about because he wanted to protect the family," Jones says. But since the Palin's have been talking trash about him, Levi isn't keeping quiet anymore. "The gloves are off, everything is going to come out." While we don't want a body double for this shoot, we certainly hope there is going to be a ghostwriter for this book!

[Illustration by Steven Dressler]

Send an email to Brian Moylan, the author of this post, at brian@gawker.com.



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Levi Johnston's mother hit with drug charges

Arrested: her son was in the spotlight as father of bristol palin's baby.

By ZAZ HOLLANDER
zhollander@adn.com

Published: December 18th, 2008 08:30 PM
Last Modified: December 19th, 2008 05:19 PM



WASILLA -- A 42-year-old Wasilla woman was arrested Thursday at her home by Alaska State Troopers with a search warrant in an undercover drug investigation. Sherry L. Johnston was charged with six felony counts of misconduct involving a controlled substance.

enlarge
AL GRILLO / Associated Press archive 2008
Sherry L. Johnston was arrested by Alaska State Troopers at her Wasilla home Thursday December 18, 2008 and charged with six felony counts of misconduct involving a controlled substance. Johnston is the mother of Levi Johnston, the Wasilla 18-year-old who received international attention in September when Gov. Sarah Palin and her husband, Todd, announced their teenage daughter was pregnant and he was the father.

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Johnston is the mother of Levi Johnston, the Wasilla 18-year-old who received international attention in September when Gov. Sarah Palin and her husband, Todd, announced their teenage daughter was pregnant and he was the father. Bristol Palin, 18, is due on Saturday, according to a recent interview with the governor's father, Chuck Heath.

Troopers served the warrant at Johnston's home at the "conclusion of an undercover narcotics investigation," said a statement

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Yahoo! Buzz

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EXHIBIT 5

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issued Thursday by the troopers as part of the normal daily summary of activity around the state.

and now private citizen.
(section)

Troopers charged Johnston with second-degree misconduct involving a controlled substance -- generally manufacturing or delivering drugs -- as well as fourth-degree misconduct involving controlled substances, or possession.

Troopers released no other information, including the kind or amount of drugs, because details could jeopardize an ongoing investigation, spokeswoman Megan Peters said.

Asked how long the investigation had proceeded before Johnston's arrest, Peters would only say "a while."

The Palmer District Attorney's office had no comment.

Sherry Johnston was arrested around noon and booked at Mat-Su Pretrial Facility, according to a booking officer there. She was released on a \$5,000 unsecured bond just after 2 p.m.

No charging documents had been filed at Palmer courthouse by the end of the day, a clerk said.

Levi Johnston sat with Bristol and the rest of the Palin family in St. Paul, Minn., during Gov. Palin's speech to the Republican National Convention, and he joined the family on the stage afterwards.

PHOTOS
Sarah Palin



Wide variety of galleries following Sarah Palin, from Wasilla childhood to political celebrity on a global scale.

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When asked about the arrest, Palin's spokesman, Bill McAllister, issued the following statement by e-mail: "This is not a state government matter. Therefore the governor's communications staff will not be providing comment or scheduling interview opportunities."

Johnston didn't come to the door of her home on Caribou Loop Road outside Wasilla on Thursday afternoon. A teenage boy who answered the door said he couldn't provide any information.

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

STATE OF ALASKA)
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 Plaintiff,)
)
 v.)
)
 SHERRY JOHNSTON,)
)
 Defendant.)

FILED UNDER SEAL

Case No. 3PA-08-3607 CR

VRA CERTIFICATION
 I hereby certify that a true and correct copy of the 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 residence or business address or telephone number of a victim of or 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.

NOTICE OF CHANGE OF PLEA

COMES NOW the defendant, Sherry Johnston, by and through counsel, Rex Butler and Associates, Inc., P.C., and hereby gives Notice of Change of Plea in the above entitled matter. This Notice is filed under seal because it includes information protected under Art. I, Section 22 of the Constitution of Alaska. Defendant requests the trial be vacated and this matter be set on for a status hearing as soon as practicable.


Ms. Johnston will be entering a plea to a single A felony count pursuant to a plea agreement that includes stipulation to a mitigator for "small amounts." Because Ms. Johnston has a pain pump, and because her medical condition requires constant pain management, including the use of narcotic prescriptions, logistical details relating to her change of plea must be worked out with the State and with the Department of Corrections to avoid a cruel and unusual punishment by operation of the automatic remand requirement in Class A felony cases. Dr. Chandler has opined that the pain pump is required to avoid, essentially, torturous levels of pain attending Ms. Johnston's medical condition. Because

REX LAMONT BUTLER & ASSOCIATES, INC. P.C.
Attorneys and Counselors at Law
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745 West Fourth Avenue, Suite 300
Anchorage, Alaska 99501
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she is an anomalous case, Defendant is requesting the status hearing prior to activation of the automatic remand provision, meaning this is in effect a conditional change of plea that will become operational after the status hearing is conducted and the appropriate prophylactics set in place to avoid a miscarriage of justice and to avoid cruel and unusual punishment by operation of statute.

This Motion is supported by Affidavit of Counsel.

DATED this 14th day of May 2009.



Rex Lamont Butler, ABN 8310105
REX LAMONT BUTLER AND ASSOCIATES, INC., P.C.
Counsel for Sherry Johnston

Certificate of Service

I hereby certify that on the 15th day of May 2009, a true and correct copy of the Notice of Change of Plea, Affidavit of Counsel in support of the Notice and a proposed order were :

Mailed
 Faxed
 Delivered by Courier

To:

Palmer District Attorney
11921 Palmer Wasilla Hwy Suite 100
Palmer, Alaska 99645

Rex L. Butler

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FILED
STATE OF ALASKA
IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

2009 MAY 15 AM 8:27

THIRD JUDICIAL DISTRICT AT PALMER
 CLERK, TRIAL COURTS

STATE OF ALASKA)	
)	BY _____
Plaintiff,)	DEPUTY CLERK
)	AFFIDAVIT OF COUNSEL
v.)	FILED UNDER SEAL
)	
SHERRY JOHNSTON,)	
)	
Defendant.)	

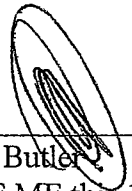
Case No. 3PA-08-3607 CR

STATE OF ALASKA)
) SS:
 THIRD JUDICIAL DISTRICT)

1. I am the defendant's counsel.
2. The factual assertions made in the Notice of Change of Plea are true and correct to the best of my knowledge.
3. The Notice of Change of Plea and the request for a status conference prior to its activation for purposes of statutorily driven automatic remand was filed in good faith and in the interest of justice.

Further your affiant sayeth not.

DATE this 14th day of May 2009.



Rex L. Butler

SUBSCRIBED TO AND SWORN BEFORE ME this 14th day of May 2009.

Notary Public State of Alaska

My Commission Expires: 03-06-10

