



LOCAL NEWS

Former Juneau cop sentenced to 4 1/2 yearsby **Matt Miller**

February 10, 2012 11:23 am

[Click here for iFriendly audio](#)

A former Juneau police officer was sentenced to four-and-a-half years in prison in connection with a case that initially included accusations of sexual abuse of a minor.

Brian Ervin, 39, was later convicted of felony interference with official proceedings, or essentially contacting a witness in the case, as the sex abuse charges were dropped.

Ervin could be out of prison in three years with credit for good time. He declined probation which would've included any number of conditions. However, there may be conditions placed on his parole if it is granted.

Ervin didn't say anything in court aside from answering routine questions from Ketchikan Superior Court Judge Trevor Stephens.

District Attorney Dave Brower conceded that neither side would be satisfied with the outcome.

"But I believe that this is the best result that we're going to get here," said Brower.

It's a stiffer sentence than the one- to two-year sentence Ervin was facing earlier. He consented to a new sentence agreement after the first part of a sentencing hearing earlier this month. Brower questioned Ervin about alleged abuse of two siblings when he was a child. He denied those accusations as well as allegations that he had abused a teenage girl starting eight years ago. It's those other accusations that formed the basis of recent charges of sexual abuse of a minor.

At least one of Ervin's siblings was apparently prepared to testify during Friday's continued sentencing hearing. That didn't happen.

The accuser in the latest case also did not speak this time. But her foster mother read a statement handed to her by

the accuser. She claimed the abuse started when she was ten-years old and became a nightly occurrence. She said Brian Ervin took everything from her.

“It scares me to think that in order for our court system to save a little time, that millions of sex offenders are able to secure a plea bargain,” she said. “And with that, receive little or no punishment for their actions.”

The accuser wanted the plea agreement dropped and the case on the alleged sexual assault to go to trial.

Ervin’s defense attorney Julie Willoughby said days, even weeks could be spent parsing through the truthfulness of the accuser’s statements and allegations.

“He stands by his testimony that none of those things happened,” said Willoughby. “Otherwise, he wants to put this and the public spectacle of this behind him.”

Ketchikan Superior Court Judge Trevor Stephens didn’t think the abuse charges were fabricated and he found the accuser credible by a preponderance of the evidence. That’s a lower standard than beyond a reasonable doubt.


“It’s not so much what she said, (but) how she said it,” said Stephens.

But Judge Stephens speculated that taking the abuse case to a jury at trial would be extremely problematic for the prosecution. He noted the lack of corroborating testimony or physical evidence, and seemingly shifting, even contradictory, recollections of the accuser.

Ervin entered a ‘no contest’ plea to the felony interference charge at the same time that sexual abuse charges against him were dropped last August.

Sentencing wrapped up Friday morning in Juneau Superior Court.

Ervin already reported to Lemon Creek Correctional Center last year to start serving out his expected sentence.



Posting as Norma Jean Almodovar (Not you?)

☐ Post to Facebook

Facebook social plugin