

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT KENAI

STATE OF ALASKA,)
)
 Plaintiff,)
)
 vs.)
)
 JULIE DAWN SHULER,)
 DOB: 1/28/1966)
 APSIN ID: 6555729)
 DMV NO. 6555729 AK)
 ATN: 113-721-336) Case No. 3KN-13- CR
)
 DEBRA J JENKINS,)
 DOB: 7/13/1965)
 APSIN ID: 73203220)
 DMV NO. 7220696 AK)
 ATN: 107-504-802) Case No. 3KN-13- CR
)
 Defendants.)
)
 _____)

INFORMATION

I certify this document and its attachments do not contain the (1) name of a victim of a sexual offense listed in AS 12.61.140 or (2) residence or business address or telephone number of a victim of or witness to any offense unless it is an address identifying the place of a crime or an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

The following counts charge a crime involving DOMESTIC VIOLENCE as defined in AS 18.66.990:

Count I - AS 11.41.230(a)(1)
Assault In The Fourth Degree
Julie Dawn Shuler - 001

Count II - AS 47.24.010(c)
Failure to File Report of Harm
Julie Dawn Shuler - 002
Debra J Jenkins - 001

THE OFFICE OF SPECIAL PROSECUTIONS AND APPEALS CHARGES:

Count I

That on or about December 8, 2012, at or near Kenai, in the Third Judicial District, State of Alaska, JULIE DAWN SHULER recklessly caused physical injury to another person.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 11.41.230(a)(1) and against the peace and dignity of the State of Alaska.

Count II

That on or about December 8, 2012, at or near Kenai in the Third Judicial District, State of Alaska, JULIE DAWN SHULER and DEBRA J JENKINS, who, in the performance of their professional duties, have reasonable cause to believe that a vulnerable adult suffered from undue abuse, not later than 24 hours after first having cause for the belief, knowingly failed to report the belief to the department's central information and referral service for vulnerable adults in the office of the department that handles adult protective services.

All of which is a class B misdemeanor offense being contrary to and in violation of AS 47.24.010(c) and against the peace and dignity of the State of Alaska.

Probable Cause:

The undersigned swears under oath this Information is based upon a review of the investigative report submitted to date. On December 21, 2012, Soldotna AST received a report of assault that occurred on December 8, 2012 at an assisted living home in Sterling. Trooper Wilson responded to the ResCare HomeCare offices in the Blazy Mall in Soldotna and spoke with the complainant executive director and administrator Andrea Miller. Miller informed Trooper Wilson that on December 8, 2012, Julie Shuler, an employee of ResCare HomeCare working at the Sunrise Assisted Living Home located at 39180 Fairview Street in Sterling, struck an 86 year-old resident with dementia in the face causing a laceration.

Trooper Wilson responded to Sunrise Assisted Living Home to interview employee Rebecca Fuoco. The incident happened when Fuoco was attempting to change the clothing of resident Alva Tubbs. Fuoco noticed that Tubbs was already

agitated and asked Shuler for assistance. It was normal for Tubbs to be agitated and Shuler agreed to help toilet Tubbs. Fuoco was bent over attempting to care for Tubbs while Shuler was holding his hands. Shuler backhanded Tubbs in what she claimed was a response to Tubbs striking her first. Fuoco, however, never saw Tubbs strike Shuler. Tubbs sustained a laceration above his right eye and later, moderate bruising.

Trooper Wilson later interviewed Shuler who admitted to striking Tubbs. Shuler alleged that Tubbs was squeezing her hands and then he let go and just hit her. Shuler said her reaction was to just backhand Tubbs. Shuler could not remember where Tubbs hit her and denied being injured by the contact. Shuler did not feel that it was excessive to backhand Tubbs, but also didn't believe it was in self-defense. Shuler also told executive director Andrea Miller that "he hurt me, so I hurt him."

Fuoco initially treated Tubbs' injury and then called the house manager Drucilla (Dru) Campbell. Dru provided care for Tubbs in order to evaluate his need for stitches or further medical care and noted that Tubbs' eye had already started to bruise. Dru contacted the program manager Debra Jenkins following receiving notice of the incident. Dru called Jenkins a second time to inform her that she was not sure if stitches were necessary and asked her to evaluate Tubbs. Jenkins came to the conclusion that Tubbs injury was superficial and denied hearing Shuler admit to backhanding Tubbs. Jenkins saw Tubbs on Tuesday, December 11, 2012 and noticed that the bruising was darker and larger.

Jenkins did not seek medical attention for Tubbs and neither Jenkins nor Shuler reported the incident to the Department of Health. A critical incident report was finally sent to Executive Director Andrea Miller on December 17, 2012, who immediately filed an incident report with the Department of Health the following day. Alaska law requires that administrators of residential care facilities and/or caregivers of vulnerable adults to report critical incidents of abuse to the Department of Health and Social Services within 24 hours. See AS 47.24.010.

Dated at Anchorage, Alaska, this ____ day of April, 2013.

MICHAEL C. GERAGHTY
ATTORNEY GENERAL

By: _____

A. Andrew Peterson
Assistant Attorney General
Alaska Bar No. 0601002

SUBSCRIBED AND SWORN TO before me this ____ day of
January 2014, at Anchorage, Alaska.

Notary Public in and for Alaska
My Commission Expires: End of Hire