

NOTICE

*Memorandum decisions of this Court do not create legal precedent. See Alaska Appellate Rule 214(d) and Paragraph 7 of the Guidelines for Publication of Court of Appeals Decisions (Court of Appeals Order No. 3). Accordingly, this memorandum decision may not be cited as binding authority for any proposition of law.*

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

MURVILLE LAMPKIN,

Appellant,

v.

STATE OF ALASKA,

Appellee.

Court of Appeals No. A-12001  
Trial Court No. 3AN-12-2435 CR

MEMORANDUM OPINION

No. 6572 — January 10, 2018

Appeal from the Superior Court, Third Judicial District,  
Anchorage, Michael R. Spaan, Judge.

Appearances: Megan Webb, Assistant Public Defender, and  
Quinlan Steiner, Public Defender, Anchorage, for the Appellant.  
James Fayette, Assistant Attorney General, Office of Special  
Prosecutions, Anchorage, and Jahna Lindemuth, Attorney  
General, Juneau, for the Appellee.

Before: Mannheimer, Chief Judge, Allard, Judge, and Suddock,  
Superior Court Judge.\*

Judge MANNHEIMER.

In October 2011, Murville Lampkin was working as a security guard at  
Rumrunners, a downtown Anchorage bar. One of the bar's patrons, Johnny Brown, got

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\* Sitting by assignment made pursuant to Article IV, Section 16 of the Alaska  
Constitution and Administrative Rule 24(d).

into an altercation with several of the bar's security guards, including Lampkin and his boss (the head of security), George Damassiotis. Following a struggle, Brown was taken into custody by the security guards. According to the State's evidence, Lampkin "sucker-punched" Brown on the left side of his face while Brown was being transported by elevator to a holding room. Brown's injuries required surgical repair to the bones of his face.

Based on this episode, Lampkin was convicted of fourth-degree assault and he was ordered to pay approximately \$7200 in restitution to Brown. Lampkin now appeals his conviction and the restitution judgement.

#### *Lampkin's attack on his conviction*

Lampkin's boss, Damassiotis, reached a plea agreement with the State, and he testified as a State's witness at Lampkin's trial. In his testimony, Damassiotis stated that he had no prior knowledge of Brown, and he portrayed himself as calmly attempting to control both Brown and his own security employees during the episode at Rumrunners.

To impeach Damassiotis's testimony on these points, Lampkin's attorney sought to introduce evidence purportedly showing that Damassiotis had a pre-existing bias against Brown. The defense attorney contended that Damassiotis was biased against Brown because Brown had assaulted Damassiotis on an earlier occasion.

According to the defense attorney's offer of proof, at an earlier point in Damassiotis's career, Damassiotis was involved in a fight while he was working as a security guard at another downtown restaurant/bar. During this fight, somebody kicked Damassiotis in the head. Later, *after* the incident at Rumrunners occurred, one of the

security guards informed Damassiotis that Brown was the one who had kicked Damassiotis in the head on that earlier occasion at the other bar.

The trial judge declined to allow Lampkin’s attorney to introduce this evidence, and Lampkin now contends that this ruling was error. Lampkin relies on the principle that a trial court “must be particularly solicitous toward cross-examination that is intended to reveal bias, prejudice, or motive to testify falsely.”<sup>1</sup>

But even though Lampkin’s attorney argued that the proposed evidence showed Damassiotis’s pre-existing bias against Brown, the defense attorney offered no evidence that, *at the time of the incident at Rumrunners*, Damassiotis knew that Brown had previously assaulted him (or even suspected that Brown had assaulted him). The only offer of proof was that Damassiotis was informed of this *afterwards*. Thus, the evidence that Lampkin’s attorney wished to introduce had no relevance to the question of pre-existing bias.

We accordingly uphold the trial judge’s ruling.

#### *Lampkin’s attack on the restitution order*

As we explained earlier, the State’s evidence showed that, after Brown was taken into custody by the Rumrunners security guards, and while he was being transported in an elevator to a holding room, Lampkin “sucker-punched” Brown on the left side of his face. At sentencing, Lampkin was ordered to pay approximately \$7200 in restitution to Brown — to compensate Brown for the medical expenses involved in surgically repairing his facial bones.

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<sup>1</sup> *Wood v. State*, 837 P.2d 743, 745 (Alaska App. 1992).

On appeal, Lampkin argues that he should not have been ordered to pay this full amount. Lampkin points out that, before Brown was subdued and transported in the elevator, Brown fought with the security guards outside the bar and that, during this fight, Brown was thrown to the sidewalk and restrained there. Lampkin suggests that a portion of Brown's facial injuries were attributable to this prior struggle outside the bar.

But at sentencing, the trial judge found that the damage to Brown's facial bones occurred when Lampkin punched him in the elevator. This finding is supported by the evidence, and it is not clearly erroneous. We therefore uphold the sentencing judge's restitution order.

### *Conclusion*

The judgement of the superior court is AFFIRMED.