

Bail Set at \$250,000 for Accused Cavaness Killer

Wednesday, 24 June 2009

{audio}/images/stories/mp3/090624.summerall_arraignment.mp3{/audio}

Erik Wander/KMXT

A Kodiak man was arraigned here today (Wednesday) on second degree murder charges stemming from the beating death of 41-year-old Darrell Cavaness in early 2008. Twenty-nine-year-old Chawn D. Summerall of Kodiak was indicted late last week by a Kodiak Grand Jury.

In January 2008, Kodiak Police responded to a report of an assault at a residence on Natalia Street, where they found Cavaness unconscious. He was taken to Providence Hospital in Anchorage where he later died. The death was ruled a homicide by the State Medical Examiner.

June Stein is the state's Assistant Attorney General for rural prosecutions in Anchorage. At Summerall's arraignment, she referred to his lengthy criminal record in Oklahoma and Alaska in asking Kodiak Superior Court Judge Steve Cole to set a high bail. Stein listed multiple convictions for criminal trespass, assault, public drunkenness, felony DUI and multiple probation violations. She also said Summerall, who is currently in custody on unrelated charges, continued to have contact with police even after the Cavaness incident.

-- (Arraignment
1 42 sec. "On March 14th ... sometime
in August, your honor.")

Stein, commenting on probable cause, took the opportunity to advise the court of some of the facts of the case gathered during grand jury testimony, in which a total of 11 witnesses testified.

-- (Arraignment
2 58 sec. "One of the eyewitnesses ... end
was Mr. Summerall's.")

In requesting a lofty bail, Stein made the case that Summerall represents both a flight risk and danger to the community.

-- (Arrestment
3 29 sec. "The defendant is not ... dollar
cash bail.")

Cavaness' mother asked the
judge by phone to deny bail.

-- (Arrestment
3b 14 sec. "I don't believe that this ... for
my son, thank you.")

Cole
said he found probable cause to have charged Summerall, and that in setting
bail, he was obliged to consider the same two crucial factors Stein raised.
Cole addressed Summerall:

-- (Arrestment
4 54 sec. "You're facing up to ... a danger
to this community.")

Cole set bail at
250-thousand dollars, and appointed the public defender's office to represent
Summerall and enter a not guilty plea on his behalf. He also instructed Summerall
not to have any direct or indirect contact with any of the witnesses listed in
the indictment or with the Cavaness family. The second-degree murder charge is
punishable by 10 to 99 years in prison and up to a 500-thousand-dollar fine. Summerall is currently
serving time for violating probation on a felony DUI charge. Asked
if she expected further indictments in the case, Stein said only that the
district attorney's office is focusing on the case against Summerall at this
point. Cole scheduled Summerall's trial to begin the week of September 28th.

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