

COURT OF APPEALS OF ALASKA

Brandon Michael Dale McGuffey v. State of Alaska

No. 2824 (Alaska App. Feb. 27, 2026) · No. Court of Appeals No. A-14384; Trial Court No. 1KE-22-00625 CR;
No. 2824 · Decided February 27, 2026

SUMMARY

The Alaska Court of Appeals affirmed the superior court’s judgment imposing probation conditions on Brandon Michael Dale McGuffey after his guilty plea to possession of child pornography. The court rejected, under plain-error review, challenges to conditions restricting access to places where children congregate and defining prohibited sexually explicit material to include certain depictions of adults upon a treatment provider’s recommendation.

CASE DETAILS

COURT	Court of Appeals of Alaska
WRITING FOR THE COURT	Wollenberg; Harbison; Terrell
JURISDICTION	Alaska Court of Appeals
DECIDED	February 27, 2026
DOCKET	Court of Appeals No. A-14384; Trial Court No. 1KE-22-00625 CR; No. 2824
DISPOSITION	affirmed
PROCEDURAL POSTURE	McGuffey appealed from the superior court's judgment following his guilty plea and sentence, challenging probation conditions for the first time on appeal.
STANDARD OF REVIEW	Plain error review because McGuffey did not object to the probation conditions in the superior court.
PRECEDENTIAL VALUE	Published state intermediate appellate opinion
PARTIES	Brandon Michael Dale McGuffey v. State of Alaska

TOPICS

- probation
- criminal procedure
- appellate procedure
- first amendment
- void for vagueness

PRACTICE AREAS

- criminal law
- criminal procedure
- constitutional law
- appellate practice

QUESTIONS PRESENTED

1. Whether a probation condition restricting McGuffey from knowingly entering or residing near places where children under sixteen congregate, including parks, was unconstitutionally overbroad or vague.
2. Whether probation conditions restricting possession and authorizing searches for sexually explicit material, including material depicting adults when recommended by a sex-offender-treatment provider, constituted plain error because they lacked a case-specific justification and implicated First Amendment rights.

HOLDINGS

1. The condition did not constitute plain error. Read in context, the reference to parks means children's parks or portions of public recreational areas where children typically congregate as a group, not all state parks, national parks, or public places where adults engage in expressive activities. The treatment-provider recommendation requirement, scienter requirement, and probation-officer safety valve further limit the condition.
2. The conditions did not constitute plain error. The restrictions primarily target sexually explicit material involving children and directly relate to McGuffey's child-pornography conviction. The adult-material restriction is triggered only during sex-offender treatment upon the treatment provider's recommendation, requires notice, and allows McGuffey to seek judicial clarification or modification.

KEY QUOTATIONS

“Rather, it refers to children’s parks — public areas that are intentionally set aside for recreation where children “typically gather as a group.”” (at 3)

“Thus, as the State notes, if the treatment provider cannot identify a link to McGuffey’s actual needs or imposes a definition that does not provide sufficient notice of what is prohibited, McGuffey can challenge the restriction at that time to ensure it is no broader than necessary to facilitate McGuffey’s rehabilitation and the protection of the public.” (at 5)

FACTUAL BACKGROUND

McGuffey pleaded guilty to possessing child pornography after the State dismissed twenty-four additional child-pornography-related counts under a plea agreement. He committed the offense while on probation for a prior conviction for distributing child pornography. The superior court imposed probation conditions restricting his access to places where children congregate and, under specified circumstances, possession of sexually explicit material depicting adults.

PROCEDURAL HISTORY

Pursuant to a plea agreement, McGuffey pleaded guilty to one count of possession of child pornography, and the State dismissed ten distribution counts and fourteen additional possession counts. The superior court imposed general and special probation conditions, including restrictions on places where children congregate and on sexually explicit material. Because McGuffey did not object below, the Court of Appeals reviewed the challenges for plain error and affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Ranstead, 421 P.3d 15, 23 (Alaska 2018)
- Aketachunak v. State, 2025 WL 880617, at *2 (Alaska App. Mar. 19, 2025) (unpublished summary disposition)
- United States v. Grace, 461 U.S. 171, 177 (1983)
- Oyoghok v. Municipality of Anchorage, 641 P.2d 1267, 1269-70 (Alaska App. 1982)
- State v. Bouchard, 228 A.3d 349, 365 (Vt. 2020)
- United States v. Hamilton, 986 F.3d 413, 424 (4th Cir. 2021)
- State v. Wallmuller, 449 P.3d 619, 622-24 (Wash. 2019) (en banc)
- Galindo v. State, 481 P.3d 686, 693-94 (Alaska App. 2021)
- LaChappelle v. State, 2023 WL 5607861, at *4-5 (Alaska App. Aug. 30, 2023) (unpublished)
- Whiting v. State, 2014 WL 6713200, at *2-3 (Alaska App. Nov. 26, 2014) (unpublished)

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