Age of Consent

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Actor gets 4 months for assault in sex case

By Peyton Whitely
Times Snohomish County bureau

EVERETT — Actor Scott Bairstow, accused of having sex with a 12-year-old Mukilteo girl, was sentenced yesterday to four months in jail for assault.

Because of the time the 33-year-old already has spent behind bars, he is expected to be released from jail in about 37 days.

Bairstow entered an Alford plea last month to a charge of second-degree assault. An Alford plea is a form of guilty plea and has the same legal effect as a guilty plea. In making such a plea, a defendant does not admit guilt but concedes that if the case were to go to trial, a jury likely would find the defendant guilty.

Before he was sentenced, Bairstow insisted he did not rape the victim but did cause her stress. He said his mother was dying of cancer and he wanted to be with her in her final days.

"First, I'd like to apologize," Bairstow told Snohomish County Superior Court Judge Linda Krese. "I'm at your mercy. Any decision will be God's will for me."

Deputy Prosecutor Janice Albert argued for a harsher sentence and said Bairstow seemed to be trying to transfer some of the blame to the victim. The prosecution recommended a six-month sentence. The maximum sentence he faced was nine months.

But Mitchell Egers, a Los Angeles attorney who represented Bairstow, argued there was no need for a longer sentence. Bairstow also was ordered to be under community supervision for 12 months and meet some other conditions, including paying a $500 victim-penalty assessment.

Bairstow is best-known for roles in the TV series "Party of Five" and the motion pictures "The Postman" and "White Fang II: Myth of the White Wolf." He used to live in Mukilteo.

He originally was charged with second-degree rape in May after it was determined he had sex with the girl, then 12, between January and October 1998. The sexual relationship continued until summer 2001, according to charges.

Bairstow now lives in Southern California and will be allowed to continue his supervision there after being released from jail.