

Statewide Arraignment Script – Taped Version
March 7, 2006

You are here today because you have been charged with a crime.

You have to make some important decisions in court today. If you don't understand something that is explained in this presentation, please ask the judge when your case is called.

You should have a copy of the charges filed against you. If you do not have a copy of the charges, tell the judge when your case is called.

You have important legal rights.

First, you have the right to remain silent. This means that you do not have to make any statements or answer any questions. Any statements that you make can be used against you.

Also, you are considered innocent unless you are proven guilty beyond a reasonable doubt at trial.

You have a right to have a lawyer help you with your case.

Right to a Lawyer

I am going to explain to you what a lawyer is and what a lawyer does.

A lawyer is a person who has studied the laws of the State of Alaska and has passed a test showing an understanding of these laws.

A lawyer can explain things about your case and about the law which you might not understand if you represented yourself.

Your lawyer will talk to you about the facts of the case, in private. Your lawyer is not allowed to tell anyone what you say about this case unless you want the lawyer to do so.

Your lawyer will come to court with you and speak on your behalf.

Your lawyer will examine the charges that have been brought against you to be certain they are in proper form. Because your lawyer is trained in the law, the lawyer might see some mistakes in the

legal papers which have been filed against you which you do not see. Your lawyer will prepare and file legal papers for you.

Your lawyer will make sure that no improper evidence is brought against you in court.

Your lawyer will make sure that all of your rights are protected in court.

Your lawyer can advise you about whether or not you should have a trial.

Your lawyer will present your case to this court in the way most favorable to you. Your lawyer will question any witnesses who testify against you, and your lawyer will present evidence in court for you.

Your lawyer will obtain documents and other materials which may be offered as evidence against you at trial.

Your lawyer may investigate your case to locate witnesses and evidence that is favorable to you.

Your lawyer may negotiate with the prosecutor regarding the charges or the sentence.

Even if you think you want to admit that the charges against you are true, a lawyer can help by giving favorable information to the court and by making an argument for you at sentencing.

Because your right to a lawyer is so important, you can hire your own lawyer or, if you want a lawyer but cannot afford to pay for one, the court will appoint a lawyer for you.

If you ask a judge for a court-appointed lawyer, an investigation of your finances will be done. You will be asked questions about your finances.

If the court appoints a lawyer for you, you may be required to repay part of the cost of the lawyer.

Right to Trial

You have the right to a speedy and public trial within 120 days from the date you are served with the charging document. A trial is a hearing at which it is decided if you are guilty or not guilty.

If you are charged with a misdemeanor, you have a right to have a trial by a jury of six people. If you are charged with a felony, you have the right to have a trial by a jury of twelve people. A jury is a group of citizens who will hear the evidence and make a decision in your case about whether you are

guilty or not guilty.

At trial, you have the right to listen to and look at the people who testify against you, and you can ask them questions about what they say.

You have the right to call your own witnesses at trial. The court can prepare a legal paper called a subpoena, which requires your witnesses to come to trial.

You can testify at trial or you can remain silent. The fact that you remain silent cannot be used against you.

You have the right to disqualify the first judge assigned to your case within five days without giving any reason. After that, you would have to show a good reason to disqualify a judge.

Finally, you have the right to be released on your promise to appear. However, if the court decides that you might be a danger to the safety of the public or that you might fail to come back to court for all of your hearings, the court may set conditions of release including monetary bail.

Non-Citizens

If you are not a citizen of the United States,

1. A conviction may affect your immigration status
2. If you leave the country, you might not be able to get back in. You might not be able to become a citizen.
3. The judge can't answer these questions for you.
4. You should contact your attorney or consulate.

Pleas

Later in this proceeding the judge may ask you to decide what plea to enter to the charges that have been brought against you. Those answers are called pleas. You have three choices: **not guilty, guilty, and no contest.**

If you enter a plea of not guilty, the judge will schedule a trial and you will be told when to come back to court. You will have all the rights I've already explained.

Your not guilty plea could mean several different things:

1. you did not do what you are charged with doing; or
2. you want to present a legal defense or excuse to the charge and you want time to consult with an attorney; or
3. you are not sure how you want to plead now and you want to think about it some more; or
4. you want to make the prosecution present the case and prove, in trial, that you are guilty of the charge beyond a reasonable doubt.

Alternatively, you may plead guilty or no contest. If you plead guilty or no contest you will be giving up your right to a trial, and your right to make the state prove guilt beyond a reasonable doubt, to let a jury decide the issue of guilt, and to appeal the finding of guilt. We will go right to sentencing. Now, there is a difference between guilty and no contest. When you plead guilty you are admitting that the facts set out in the charging document are true. When you plead no contest you are not making any admission; you are simply saying that you choose not to fight the charges against you but you understand that you will be sentenced exactly as if you had pled guilty or had been found guilty at trial.

Your sentence may include jail, a fine, surcharges, restitution, community work service, the loss or suspension of a valuable license, completion of one or more treatment programs, and you may be placed on probation for a period of time. Conviction on this charge may have consequences beyond the sentence that this court will impose. For instance, the Department of Motor Vehicles may take action against your driver's license, and if you are on probation or parole your conviction will be proof that you have violated your probation or parole.

If you plead guilty or no contest so that you are convicted, and you are not a US citizen, you may be deported. There are other and significant consequences that may flow from your conviction. You are urged to speak with your attorney, consular official, or other knowledgeable person.

In summary, the three possible pleas are not guilty, guilty, and no contest.

It is very important that you understand all the rights and responsibilities which have been explained to you. If you have any questions about your rights, the crime or crimes you are being charged with, the meaning of the three plea options, or the sentence that may be imposed upon you, ask the judge when your case is called.

Felony

Some of you may have been charged with a felony. A felony is a more serious type of criminal case, and the penalties are more serious. If you have been charged with a felony, most of your case will be handled by the Superior Court, rather than the District Court. You will not be asked to enter a plea today. The judge may consider issues relating to your release and bail today.

Because a felony is more serious than a misdemeanor, you have a right to have a grand jury or a judge listen to witnesses early on in your case and decide whether there has been enough evidence for this case to continue. This should happen within 10 days if you are in jail, or within 20 days if you are not in jail. Because these proceedings happen so early in the case and they are very important, you should talk to your lawyer right away.

Alcohol Treatment

In many cases, the sentence may require that you participate in alcohol screening or treatment. If you are referred to alcohol screening or treatment, you must go to the screening or treatment office when the judge tells you to go. In alcohol screening, you will be asked questions about your background. Your responses are evaluated and, depending on the results, you may be referred to an education or treatment program. If you are referred to a program, your participation may be monitored. If you do not do what you are told to do, the prosecutor may be notified and the court may issue a warrant for your arrest.

Petition to Revoke Probation or Parole

Some of you may be here because there is an affidavit of non-compliance or a petition to revoke probation or a petition to revoke probation in addition to a new criminal charge. You have basically the same rights that were explained earlier but with a couple of changes. You do not have the right to a jury trial on a petition to revoke probation. If you admit that you violated your probation, the judge could impose the suspended portion of your sentence and extend your probation. If you deny that you violated your probation, you will have a hearing where the judge will decide whether it is more likely than not that you violated your probation. There is no jury involved in the process, and you cannot disqualify the judge. You have the right to speak to an attorney before you decide what to do.

Extradition

If you have been charged as a fugitive from justice, that means that another state wants you to be returned to that state to take care of a criminal charge. What happens is that the governor of the other state sends a written demand asking the governor of Alaska to send you back in custody to that state. The process is called extradition.

You have some choices to make.

You can agree to go back to the other state without being extradited. If you agree to go back, then you would be giving up your right to go through the extradition process.

Or, you have the right to go through the extradition process and wait for the extradition warrant. Hearings are usually set every 30 days up to 90 days. At 90 days, if the governor's warrant has not arrived, you should be released. The judge will tell you today when your next court hearing will be.

You have the right to talk to an attorney before you decide what to do.

You have a right to have bail set until this case is completed.

Therapeutic Courts

The Court system has several voluntary "therapeutic" or "problem-solving" courts that hear criminal cases for people with alcohol, drug or mental health treatment needs. These courts focus on treatment and rehabilitation. People who participate in these courts generally receive less jail time in exchange for following a stringent treatment plan. Each court has special requirements. You can ask the judge about these courts, or you may wish to speak to an attorney first.

Alaska Trial Courts

Certificate of Distribution

Case Number: 3KN-23-00416CR

Case Title: SOA VS. MURPHY, MARGARET

The Alaska Trial Courts certify that the Process Issued Summons with Written Arraignment Script was distributed to:

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