

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1660

Amending District Court
Criminal Rules 1 and 8
concerning peremptory
challenges in minor offense
cases.

IT IS ORDERED:

1. District Court Criminal Rule 1(b) is amended to read as follows:

Rule 1. Applicability of Rules—Special Provisions.

* * * *

(b) **Arraignment and Plea.** When the defendant is brought before the district judge or magistrate the complaint shall be read to the defendant, and the defendant shall be furnished a copy of the complaint. The defendant may appear by use of telephonic or television equipment pursuant to Criminal Rules 38.1 and 38.2.

The district judge or magistrate shall inform the defendant

- (1) of the right to counsel;
- (2) of the right to have counsel appointed at public expense if the defendant could
 - (i) be sentenced to jail, or
 - (ii) suffer the loss of a valuable license, or
 - (iii) suffer a heavy enough fine to indicate criminality;
- (3) of the right to be admitted to bail;

- (4) that the defendant is not required to make a statement;
- (5) that any statement made by the defendant may be used against the defendant;
- (6) that if the defendant is charged by the State of Alaska the defendant may demand to be tried before a district judge;
- (7) unless the case is a minor offense governed by District Court Criminal Rule 8, that the defendant may peremptorily disqualify the district judge or magistrate to whom the case is assigned pursuant to AS 22.20.022.

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2. District Court Criminal Rule 8 is amended by adding a new subsection to read as follows:

Rule 8. Minor Offenses.

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(g) **Peremptory Challenges.** A judge in a minor offense case may not be peremptorily challenged under either Criminal Rule 25(d) or AS 22.20.022.

DATED: January 9, 2008

EFFECTIVE DATE: April 15, 2008

/s/
Chief Justice Fabe

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Carpeneti

/s/
Justice Winfree