

**IN THE DISTRICT COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT PALMER**

MISDEMEANOR PRE-TRIAL ORDER (EFFECTIVE 2/7/24)

A) ARRAIGNMENT AND REPRESENTATION BY A LAWYER

1. At your first appearance, or at the Pretrial Conference, you must tell the court if you want a lawyer to help you with your case.
2. Court-Appointed Lawyer
 - a. If you want a lawyer appointed at public expense, you must provide sworn financial information. If a lawyer is appointed for you, and you are convicted, a relatively modest fee is charged at the end of the case.
 - b. If the Public Defender Agency or Office of Public Advocacy is appointed, you must contact the appointed office within five working days of the appointment.
3. Hired Lawyers
 - a. If you intend to hire a lawyer, but have not hired one by your first court appearance, or if you are unsure about having a lawyer, you must discuss your choice at the Pretrial Conference Hearing. At the Pretrial Conference you must tell the court whether you have 1) hired a lawyer, 2) want to apply for a court-appointed lawyer, or 3) have chosen to proceed
4. Self-Representation
 - a. If you tell the court at the Pretrial Conference that you have chosen to represent yourself, the court will ask you questions about your intention. The court will not allow you to proceed to trial without a lawyer unless you understand the benefits of a lawyer and knowingly give up the right to a lawyer.
 - b. If you decide to proceed without a lawyer, representing yourself, you will not be granted any delay of the trial if you later decide to seek a lawyer.
 - c. If you do not demonstrate competence to present your case, the court **cannot permit you to proceed to trial without representation.** Under that circumstance, you may be required to hire counsel if you are financially able to do so. In that circumstance, if you do not either hire counsel or establish financial inability to afford counsel, then the court would appoint counsel to represent you, subject to repayment. The court may appoint "stand-by" counsel, if warranted, subject to repayment.

B) DISCOVERY OF EVIDENCE

1. Within twenty (20) days after arraignment, the prosecution shall provide all Criminal Rule 16(b) materials, including digital media, and promptly shall disclose any materials received after that date. No later than 40 days after arraignment the state must give the defense written notice of any ER 404(b) evidence it intends to introduce at trial.
2. At least twenty (20) days before pretrial conference, the defense shall provide all statements and reports of experts to be used at trial. At least ten (10) days

before pretrial conference, defendant shall give notice, with particularity as to count; of any statutory justification, excuse, or affirmative defense.

3. Parties shall disclose any such subsequently obtained discovery material promptly without the necessity of further request or order.

C) MOTIONS

1. Substantive pre-trial motions must be filed no later than forty (40) days after arraignment, unless other deadlines are set. Pleadings must comply with Civil Rule 77 and Criminal Rule 42 and shall be accompanied by a memorandum of law or of points and authorities and an appropriate order. Requests for an evidentiary hearing of evidence or for oral argument shall include the estimated time required and any scheduling requirements.
2. Subject to constitutional limitations, failure to raise by motion any pre-trial issue within forty (40) days of arraignment will constitute a waiver of such issue unless the party can demonstrate due diligence.

D) PRE-TRIAL CONFERENCE AND TRIAL-STATUS HEARINGS

1. Pre-Trial Conference will be scheduled for a date at least seven days following arraignment. Defendants may waive appearance only by written consent for their lawyer to proceed on their behalf at the pretrial conference hearing, **except that the defendant must appear in person for the pretrial conference at which they intend to announce ready for trial. A defendant must also be personally present at trial status hearing.**

E) CONTINUANCES AFTER ANNOUNCING READY FOR TRIAL

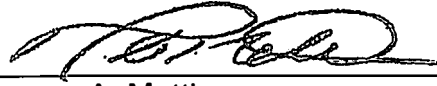
1. If the defendant announces ready for trial the state must file a request to continue for unavailability of essential witnesses within 3 days of the pretrial conference. Any such continuance will not toll Rule 45 unless by motion and affidavit the State establishes unavailability, materiality and due diligence. The defense must file any written opposition to such motion within 3 days of service of the motion.
2. Continuances will not normally be granted to the party announcing ready for trial unless there is a showing by motion and affidavit that, despite due diligence, factors which could not have been ascertained at the time of announcement of ready for trial necessitate a continuance in the interest of justice.

F) SPEEDY TRIAL - RULE 45

1. At each proceeding, and in any motion for continuance, the District Attorney shall be prepared to advise the court of the expiration date of Rule 45. Any objection to any Rule 45 ruling by the court must be filed in writing within five days of the court's order, or before the next hearing in the case, whichever is earlier.

By the Order of the presiding judge

Date: 2/12/2024



Thomas A. Matthews

Distribution:

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