
Misdemeanor Arraignments

Answers to some
common questions

What is a misdemeanor arraignment?

A misdemeanor arraignment is a district court hearing. At this hearing, you will be told your rights and the charge against you; the judge will ask you to plead not guilty, guilty, or no contest to the charges brought against you; and other court hearings will be scheduled, as necessary.

What will happen when I'm in the courtroom?

You should be given a copy of the complaint filed against you. The complaint is a document that tells you the charge against you. It may be brought by the State of Alaska or by your local city or borough government.

When your case is called, the judge will ask you if your name is spelled correctly and if your date of birth is correct on the complaint. The judge will tell you the crime with which you are charged.

The judge will then tell you the **maximum possible penalties** for the crime with which you are charged. The judge will also tell you if there are any **mandatory minimum penalties** for the crime – that is, the fine, number of days in jail, and/or other penalties that **must** be imposed if you are found guilty of the crime.

What will happen if I plead guilty or no contest?

If you plead guilty or no contest, the judge will convict and sentence you at the arraignment, or shortly thereafter.

1. **Jail Time:** If the judge decides you must serve time in jail and you are not presently in custody, the judge will tell you the day and time when you must report to jail.
2. **Fine:** If you are ordered to pay a fine, the judge will also tell you **when** you must pay it. If you need more time, tell the judge **immediately**.
3. If you are referred to an alcohol program, you must go to the program as directed by the court or you will be arrested and brought back to court.
4. For certain driving offenses, your driver's license may be revoked.
5. You may be required to make restitution, that is, pay for any damage you caused and/or do community service.

What if I missed my arraignment?

Call the court immediately and make arrangements to come to court immediately. There may have been a bench warrant issued for your arrest when you did not show up.

What are my rights?

Your rights are very important to you. If you do not understand the rights that the judge explains, tell the judge when your case is called.

1. **Silence:** You have a right to not say anything. You do not have to make any statements or answer any questions. Any statements you make may be used against you.
2. **Lawyer:** You have a right to have a lawyer help you with your case. A lawyer is a person who has studied the laws of Alaska and has passed a test to show that he or she understands these laws.

If you want a lawyer but cannot afford to hire one, you have the right to a court appointed lawyer. If the court appoints a lawyer for you, you will be required to repay part of the cost of the lawyer if you are convicted.

If a lawyer represents you, he or she will talk with you about the facts of your case, in private. Your lawyer is not allowed to tell anyone else what you say about your case unless you want him or her to do so.

Your lawyer will come to court with you and speak on your behalf. Your lawyer may negotiate with the prosecutor regarding the charges or sentence.

Your lawyer will examine the charges that have been brought against you to see if they are in proper form. Because your lawyer has been trained in the law, he or she might see some mistakes that you might not see in the legal papers, which have been filed against you. Your lawyer will prepare and file legal papers for you.

3. **Presumption of innocence:** You are considered innocent unless you are proven guilty beyond a reasonable doubt at trial, or unless you plead guilty or no contest to the charges against you.

4. **Trial:** You have a right to have a trial. A trial is a hearing at which it is decided if you are guilty or not guilty.

If you decided to have a trial, you can have a **jury trial** or a trial before a **judge** without a jury. At a 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 to give your side of the story. If they won't come voluntarily, the court can prepare a legal paper called a subpoena, which requires your witnesses to come to your trial. You can either testify or stay silent at trial. The fact that you stay silent and don't speak cannot be used against you.

You also have the right to a speedy trial, which means that your trial must be held within 120 days from the date you were served with the charging document. However, if you or your lawyer causes a delay in your trial, your case can still go to trial after 120 days have passed.

5. **Release before trial:** If you plead not guilty and ask for a trial, you will not necessarily have to stay in jail until your trial is held. You may be released on your own recognizance, that is, on the basis of your promise to come back to court for your future court appearances or upon a reasonable bail while waiting for a trial.

What are the pleas?

You can choose a plea of not guilty, guilty, or no contest to the charges against you.

1. **Not guilty:** This plea can mean any one of the following four things:
- You did not do what you are charged with doing, **or**
 - You want to raise a legal defense or excuse to the charge against you, **or**
 - You want the prosecution to present the case against you in court and **prove** that you are guilty of the charge beyond a reasonable doubt, **or**
 - You are not sure how you want to plead now and you want to think about it some more.

If you plead **not** guilty, you will be given a trial. If you have decided that you want to have a lawyer help you with your case, the judge will enter a not guilty plea for you at arraignment. Later, after you see your lawyer, you can decide whether or not you want to change this plea.

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2. **Guilty:** If you plead guilty, you will be admitting that you committed the crime with which you are charged. You will also be saying that you don't want to raise any defenses to the charges against you. You will be giving up your rights to remain silent and to be presumed innocent until proven guilty beyond a reasonable doubt at trial. If you plead guilty at arraignment, you will be convicted and sentenced at that time or shortly thereafter.
 3. **No contest:** If you plead no contest, you will be saying you will not fight the charge against you. You will be giving up all your rights as if you were pleading guilty, except that you do not give up your right to remain silent. A judgment of conviction will be entered against you and you will be sentenced as if you had pleaded guilty to the charge.

If you don't understand the differences between the pleas after reading this explanation and after listening to the judge, **ask the judge to explain further before you decide what plea you want to make.**

What will happen if I plead not guilty?

If you plead not guilty, the judge will tell you when you must come back to court for your next court appearance.

The judge will then decide the conditions under which you can be released pending your next court appearance. Depending on the circumstances of your case, the judge may decide to release you on the basis of your personal promise to come back to court. Or the judge may decide that you must post bail money or agree to other conditions before you can be released.

Important note: If you want a lawyer to help you, or one has been appointed for you, contact the lawyer immediately. If you wait, your lawyer may not have time to prepare your case properly for you. Do not wait!

For more information about this publication,
Please call the Alaska Court System
Administrative Office at
(907) 264-0240
820 West, 4th Ave
Anchorage, Alaska 99501