

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

In The Matter Of:)
)
The Filing of Charges of Violating)
Conditions of Release or Failure to Appear,) Amended¹
) PJ Order # 824
)
_____)

Most criminal defendants are released from custody with conditions of bail while awaiting resolution of their charges. When a prosecutor or the Pretrial Enforcement Division (PED) believes that a criminal defendant has violated a condition of bail or fails to appear at a court hearing, the prosecutor or PED has three basic options. The prosecutor or PED might overlook the conduct. The prosecutor or PED may seek a bail hearing to address the alleged violation or non-appearance. Or the prosecutor or PED may file a new charge of Violating Conditions of Release (VCOR) or Failure to Appear (FTA).

If the prosecutor or PED files the new charge of VCOR or FTA as a new, separate case, then the court system must open a new case file. While the opening of a single new criminal case is not overly burdensome, the opening of hundreds of new files with the relatively minor charges of VCOR or FTA consumes a significant amount of clerical time. These new cases typically are then linked to the original case(s) and they travel together.

The court system recognizes the absolute right of the prosecutor or PED to elect to seek a bail hearing without filing new charges or to file a new charge of VCOR or FTA. But the court system would like to more efficiently handle those situations where a new charge is filed. It requires far less clerical processing if the prosecutor or PED files the new charge in the existing case(s) where the bail condition originated or the hearing was set.

1. Therefore, if the prosecutor or PED elects to file a charge of VCOR, the prosecutor or PED shall do so in the case in which the bail condition

¹ Adding a new paragraph 2.

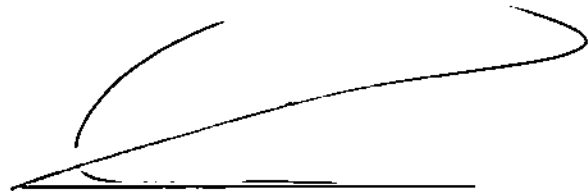
was set, subject to paragraph 2, below. If the defendant is alleged to have engaged in conduct that violated the same condition in multiple cases, then the prosecutor or PED shall file the VCOR in the case containing the most serious charge.

2. If, based upon the same conduct, the prosecutor elects to file both a VCOR and a new charge, then the prosecutor may file both in either the case in which the bail condition was set or in a new case.

3. If the prosecutor or PED elects to file a charge of FTA, the prosecutor or PED shall do so in the case in which the allegedly missed hearing was set. If the defendant is alleged to have failed to appear at a hearing where multiple criminal cases were to be addressed, then the prosecutor or PED shall file the VCOR in the case containing the most serious charge.

4. This Order takes effect on 1 July 2021.

DATED this 28th day of June 2021 at Anchorage, Alaska.



William F. Morse
Presiding Judge
Third Judicial District

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