

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1206

Adding Criminal Rule 27.1  
concerning the defendant's  
right to testify.

IT IS ORDERED:

The Criminal Rules are amended to include new Rule 27.1 to read:

**Rule 27.1 Defendant's Right to Testify.**

(a) Advice of Right. Prior to the prosecutor's opening statement, the court shall advise the defendant on the record outside the presence of the jury that it is the defendant's right to choose whether to testify or remain silent.

(b) Inquiry of Nontestifying Defendant. Before the defense concludes its evidence, the defense shall notify the court outside the presence of the jury that the defense is presenting its last witness. If the defendant has not testified, the court shall ask the defendant to confirm that the decision not to testify is voluntary. This inquiry must be directed to the defendant personally and must be made on the record outside the presence of the jury.

Supreme Court Order No. 1206  
Effective Date: July 15, 1995  
Page 2

DATED: April 7, 1995

EFFECTIVE DATE: July 15, 1995

/s/  
Chief Justice Moore

/s/  
Justice Rabinowitz

/s/  
Justice Matthews

/s/  
Justice Compton

/s/  
Justice Eastaugh