
Minor Offense Procedures

Answers to Some Common Questions

Minor Offense Procedures

You have been charged with a minor offense. This pamphlet explains the two types of court hearings held in minor offense cases: **arraignment and trial**. This pamphlet also explains how to change the date of your arraignment or trial and how to change the court location where your arraignment or trial is held.

What is an arraignment?

At your arraignment, the judge will ask you what plea you want to enter: guilty, no contest, or not guilty. If you plead either guilty or no contest, the judge will set the amount of your fine at that time. If you plead not guilty, the judge will set your case for trial on another date.

Your citation will tell you where and when the arraignment will be held and whether your appearance at arraignment is **optional or mandatory**.

If your appearance is **optional**, you must either appear in court at the time specified in the citation **or** enter your plea by mail. Your citation explains how to do this.

If your appearance is **mandatory**, you must appear in court at the time specified in the citation unless you arrange for a **continuance** to another time. Your arraignment will be held at the court listed on your citation unless you arrange for a **temporary transfer** to another court location.

How to request a continuance:

If it is inconvenient for you to appear for arraignment or trial at the time scheduled, you may ask for a continuance to another time:

1. Use form **TR-200**, available at all courts, or write your request on a plain piece of paper. Explain why you need the continuance. Be sure the citation number is on your request.
2. Give or mail your request to the clerk at the court where you are scheduled to appear.
3. The clerk will let you know if your request for a continuance is granted and will notify you of the new date and time to appear.

How to request a temporary transfer:

If your arraignment is **mandatory**, you may request that it be transferred to the court nearest to where you work or live in this way:

1. Go to the Clerk's Office at the court listed on your citation or at the court where you want to appear.
2. Show your copy of the citation to the clerk and tell the clerk where you want your arraignment to be held.
3. The clerk will make the necessary arrangements and will tell you when to appear in the other court.
4. A temporary transfer does **not** affect the place of trial. If you plead not guilty at arraignment, your trial will be scheduled at the court listed on your citation. To change the place of trial, you must request a **change of venue**.

What is a trial?

At trial, the judge will hear evidence about the charges against you and decide whether you are guilty or not guilty. In a minor offense case, you do **not** have the right to a jury trial. The police officer and any witnesses will testify. This means they will tell their side of the story under oath. You have the right to testify and to have witnesses testify on your behalf. If your witnesses will not appear voluntarily, you may ask the clerk of court to issue a **subpoena** ordering them to appear.

If you cannot appear at the time set for your trial, you may request a **continuance** using the procedures described in this pamphlet. Use form **TR-201**.

Your trial will be scheduled at the court listed on your citation. To change the place of trial, you may request a **change of venue** using the procedures described below.

How to request a change of venue:

If you would like to change the place of trial, you may request a change of venue. These requests are not routinely granted. In making the decision to grant or deny your request, the judge will consider many factors, including the cost and inconvenience to the witnesses.

Follow these steps to change venue:

1. Ask the clerk for form **CR-320**.
2. Complete the top portion of the form titled "Motion." Explain in detail why you want your trial moved.
3. Mail or deliver your motion to the court listed on your citation.

4. The clerk will send a copy of your motion to the prosecutor so that the prosecutor may file a response or objection.
5. A judge will decide whether to grant your request. You will be sent a copy of the judge's decision.
6. If your request is **denied**, you must appear in the court listed on your citation at the time set for your trial
7. If your request is **granted**, your citation will be sent to the other court for trial setting. That court will send you a written notice telling you when your trial will be held.

Special note

If you are a person with a disability or if you live in an isolated location, you may be able to appear in court telephonically. Please contact the clerk of court for details.

What if I don't respond to a citation or appear for arraignment or trial?

Failure to respond or appear for arraignment or trial will cause the following to happen:

1. A default judgment will be entered against you for the maximum penalty permitted by law plus court and collection costs plus any surcharge required by statute. **Efforts to collect this judgment will include attachment of your Permanent Fund Dividend.**

In addition, if this offense involves a moving motor vehicle, points will be assessed against your driver's license. Also, the court may suspend your driver's license, privilege to drive or privilege to obtain a license.

–OR–

2. A warrant will be issued for your arrest, and you will be assessed an additional fee.

For more information about this publication, please call the Alaska Court System Administrative Office at
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