

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1590

Amending Criminal Rule 11
regarding Pleas of Guilty or
Nolo Contendere

IT IS ORDERED:

Criminal Rule 11(c) is amended to read as follows:

Rule 11. Pleas.

* * * *

(c) **Pleas of Guilty or Nolo Contendere.** The court shall not accept a plea of guilty or nolo contendere from a defendant without first addressing the defendant personally and

(1) determining that the defendant understands the nature of the charge; and

(2) informing the defendant that by a plea of guilty or nolo contendere the defendant waives the right to trial by jury or trial by a judge and the right to confront adverse witnesses; and

(3) informing the defendant:

(i) (A) of the mandatory minimum punishment, if any, and the maximum possible punishment provided by the statute defining the offense to which the plea is offered, and

(ii) (B) that the defendant has the right to plead not guilty or to persist in that plea if it has already been made, or to plead guilty; and

(C) that if the defendant is not a citizen of the United States, a conviction of a crime may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to federal law; and

(4) if the defendant is charged with a sex offense as defined in AS 12.63.100 or child kidnapping as defined in AS 12.63.100, informing the defendant in writing of the requirements of AS 12.63.010 and, if it can be determined by the court, the period of registration required under AS 12.63; and-

(5) in cases when a plea agreement has been accepted by a court, informing the defendant:

(i) (A) that the defendant waives the right to appeal a sentence as excessive and waives the right to seek reduction of a sentence under Criminal Rule 35 if a plea agreement between the defendant and the prosecuting attorney provides for a specific sentence or a sentence equal to or less than a specified maximum; and

(ii) (B) that the defendant waives the right to appeal as excessive that portion of a sentence that is less than or equal to a minimum sentence specified in a plea agreement between the defendant and the prosecuting attorney and waives the right to seek reduction of a sentence under Criminal Rule 35 to a length less than the length of the minimum sentence.

* * * *

DATED: February 9, 2006

EFFECTIVE DATE: April 15, 2006

/s/
Chief Justice Bryner

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Fabe

/s/
Justice Carpeneti