

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1222

Amending Criminal Rule 11(e)
concerning plea agreements and
Criminal Rule 27.1 concerning
the defendant's right to
testify.

IT IS ORDERED:

1. Criminal Rule 11(e)(1) is amended to read as follows:

(1) *Disclosure of Sentencing Agreement.*

If the parties reach a ~~charge or~~ sentencing agreement, the court shall require disclosure of the agreement in open court at the time the plea is offered. Once the agreement has been disclosed, the court may accept or reject the agreement, or may defer that decision until receipt of a presentence report.

2. Criminal Rule 27.1(b) is amended to read as follows:

(b) **Inquiry of Nontestifying Defendant.**

Before the defense ~~concludes its~~ evidence rests, the defense shall notify the court outside the presence of the jury that the defense ~~is presenting its last witness~~ intends to rest. 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.

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EFFECTIVE DATE: August 8, 1995

/s/
Chief Justice Moore

/s/
Justice Rabinowitz

/s/
Justice Matthews

/s/
Justice Compton

/s/
Justice Eastaugh