

LAW OFFICE OF BRENT R. COLE, P.C.
821 N Street, Suite 208
Anchorage, Alaska 99501
(907) 277-8001
(907) 277-8002 fax

Brent R. Cole
Law Office of Brent R. Cole, P.C.
821 N Street, Suite 208
Anchorage, AK 99501
(907) 277-8001
info@akcolelaw.com
brent@akcolelaw.com

Attorney for Defendant

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT NAKNEK

STATE OF ALASKA,)
)
Plaintiff,)
)
vs.)
)
_____)
Defendant.)

Case No.: 3NA-20-_____ CR

VRA CERTIFICATION

I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any offense unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

NOTICE OF ADVISEMENT OF RIGHTS
AND ENTRY OF PLEA

COMES NOW, the Law Office of Brent R. Cole, P.C., and hereby gives notice that the Defendant has been advised of his or her Alaska Criminal Rule 11 rights as set forth in Exhibit A. The Defendant has also been advised of the possible penalties for the charges. See Exhibit B. The Defendant waives reading of these rights and the charge(s) against him or her in open court. The Defendant requests the following:

1. That the Court enter a NOT GUILTY plea at this time,
2. That the Court enter an order setting a pretrial conference for September 2020.

DATED this ____ day of _____, 2020, at Anchorage, Alaska.

LAW OFFICE OF BRENT R. COLE, P.C.
Attorneys for Defendant

By: _____
Brent R. Cole
AK State Bar No. 8606074

ORDER

Upon consideration of the Defendant's request, a pretrial conference shall be scheduled for September __, 2020 for ____AM/PM.

IT IS SO ORDERED

DATED THIS __ DAY OF _____, 2020.

Magistrate/Superior Court Judge

LAW OFFICE OF BRENT R. COLE, P.C.
821 N Street, Suite 208
Anchorage, Alaska 99501
(907) 277-8001
(907) 277-8002 fax

CERTIFICATE OF SERVICE

This is to certify that on this _____ day of _____, 2020,
a true and correct copy of the foregoing document was

- Mailed
- Hand-delivered
- Faxed
- Emailed

to the following:

Ron Dupuis, *Esq.*
Office of Special Prosecutions and Appeals
310 K Street, Suite 601
Anchorage, Alaska 99501

Staff at Law Office of Brent R. Cole, P.C.

Advisement of Criminal Rule 11 Rights for Arraignment

You have been charged with a misdemeanor offense that requires you to be present in court in order to be informed of your constitutional rights and enter a plea. This form advises you of those rights so it will be unnecessary for both you and me to attend your arraignment. Instead, I will file a notice with the Court that you have been advised of your constitutional rights and you want to plead "NOT GUILTY" at this time along with the filing of my Entry of Appearance and your signed Consent to Proceed. As a consequence, the Court will schedule this matter for a pretrial conference sometime in September. An overview of your constitutional rights is set forth below:

1. You have the right to a speedy and public trial.
2. You have the right to a judge trial on a violation charge.
3. You have the right to a jury trial on a misdemeanor charge, but not on a violation charge.
4. You have the right to be presumed innocent until proven guilty beyond a reasonable doubt.
5. You have the right to require the State to prove the elements of any charges against you beyond a reasonable doubt and this burden never shifts to you.
6. You have the right to be represented by an attorney at all stages of the criminal proceedings including the trial.
7. You have the right to confront and cross examine any witnesses against you.
8. You have the right to remain silent and not testify at the trial. If you exercise this right, you're your silence cannot be held against you.
9. You have the right to call your own witnesses and if they will not come voluntarily, you may compel their attendance through issuance of a subpoena.
10. You have the right to present relevant evidence and testify in your own behalf. If you testify, your testimony will be viewed like any other witness testimony.
11. You have the right not to present any evidence and rely on the State's failure to meet its burden of proof.
12. You have the right to appeal any adverse decisions by the trial court to a higher appellate court.

ADVISEMENT OF POSSIBLE PENALTIES FOR COMMERCIAL FISHING CHARGES

Criminal Penalties Associated with Commercial Fishing Charges as Misdemeanors

Most criminal charges for commercial fishing violations are misdemeanors punishable by a fine of not more than \$15,000 and a term of imprisonment of not more than one year. A person sentenced for this misdemeanor can have some of his fine or jail time suspended and be placed on informal probation for up to five years with certain conditions including, but not limited to, no commercial fishing violations and timely payment of all fines. There is a \$100.00 surcharge attached to each count. You can also be required to pay restitution and/or forfeit your interest in any illegally caught fish and any gear or boats used to engage in illegal activities.

Non-Criminal Penalties Associated with Commercial Fishing Charges as Violations

If you do not have a prior commercial fishing conviction or your last commercial fishing conviction is more than ten years old, then the maximum fine you can receive is \$3,000.

If you have one commercial fishing conviction in the last ten years, then the maximum fine you can receive is \$6,000.

If you have two or more commercial fishing convictions in the last ten years, then the maximum fine you can receive is \$9,000.

For a violation, you are not subject to jail time but can be placed on informal probation consistent with the conditions noted above. You are subject to a \$20.00 surcharge on each count. You can also be required to pay restitution and/or forfeiture of fish and/or gear.