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# Minor Offense Procedures

## Answers to Some Common Questions

### What is a Minor Offense?

Generally, a minor offense means that you cannot be punished by jail time or by the court taking away a valuable license like a driver's license. The maximum fine that can be imposed for an offense is listed on the citation.

### Your Rights

For a minor offense, you have the right to: (1) a trial; (2) hire a lawyer to represent you in court (you do **not** have the right to a court-appointed lawyer); (3) confront and question witnesses; (4) testify; **and** (5) have subpoenas issued to compel witnesses to appear on your behalf.

### 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 and any other requirements at that time. If you plead not guilty, the judge will set your case for trial on another date.

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

- If your appearance is **optional**, you must do one of the following: (1) request an

arraignment, (2) give or mail your not guilty plea to the court, **or** (3) pay the citation online, in person, or by mail. Your citation explains how to do this.

- If your appearance is **mandatory**, you must do one of the following: (1) give or mail your not guilty plea to the clerk at the court where you are scheduled to appear, or (2) 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 to appear telephonically:

If you would like to request to appear telephonically for your arraignment or trial, you may file a request.

1. You **must** use form **TR-525**, available at: <https://public.courts.alaska.gov/web/forms/docs/tr-525.pdf>.
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 has been granted and will notify you how to appear telephonically.

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## 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. You **must** use form **TR-200**, available at: <https://public.courts.alaska.gov/web/forms/docs/tr-200.pdf>.
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

You may request an arraignment be transferred to the court nearest to where you work or live.

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. 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**. You **must** use form **TR-200**, available at: <https://public.courts.alaska.gov/web/forms/docs/tr-200.pdf>. 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. The judge will consider many factors, including the cost and inconvenience to the witnesses. Contact your local clerk for instruction or use form **CR-320**, available at: <https://public.courts.alaska.gov/web/forms/docs/cr-320.pdf>.

## 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: 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 plus restitution if required by law. **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. If this is a commercial fishing offense, points may be assessed against your fishing permit.

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