

## **Your rights under Alaska Criminal Rule 11**

1. The right to a speedy and public trial by jury on the factual issues establishing guilt or any fact affecting the mandatory minimum and statutory penalties, and any issue affecting any interest in any assets subject to forfeiture;
2. The right to plead not guilty or to persist in that plea if it has already been made;
3. The right to be presumed innocent and not to suffer any criminal penalty unless and until the defendant's guilt is established beyond a reasonable doubt;
4. The right to be represented by counsel at trial and if necessary to have a counsel appointed at public expense to represent the defendant at trial – the defendant is not waiving the right to have counsel continue to represent the defendant during the sentencing phase of this case;
5. The right to confront and cross examine witnesses against the defendant, and the right to subpoena witnesses to appear in the defendant's behalf;
6. The right to remain silent at trial, with such silence not to be used against the defendant, and the right to testify in the defendant's own behalf; and
7. The right to contest the validity of any searches conducted on the defendant's property or person.
8. The defendant waives the right to appeal the conviction resulting from the entry of guilty plea to the charges set forth in this agreement.

## **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.