



July 1979

Manual of Criminal Law and Procedure

Peter Smith Ring, John E. Havelock, Daniel W. Hickey, and Barry J. Stern

Suggested citation

Ring, Peter Smith; Havelock, John E.; Hickey, Daniel W.; & Stern, Barry J. (1979). *Manual of Criminal Law and Procedure*. Prepared under Grant No. 78-A-014 from the Alaska Department of Law. Anchorage, AK: Criminal Justice Center, University of Alaska Anchorage.

Summary

Intended to aid to Alaska law enforcement officers in the performance of their duties in the field, this manual was designed to provide brief, quick access to major points of substantive and procedural criminal law. The manual contained discussion and procedural guidelines for investigatory stops, identification procedures including line-ups, arrest, search and seizure, interrogation, as well as discussion of justification for the use of nondeadly and deadly force whether by peace officers or civilians, culpability, entrapment, trial preparation, and media relations. The section on substantive criminal law deals with a selection of crimes most likely to be encountered by "street" officers as defined with the recently enacted Revised Alaska Criminal Code (effective January 1, 1980), describing elements of each crime, investigative hints, and differences with previous provisions of the criminal code, where relevant.

MANUAL OF CRIMINAL LAW
AND PROCEDURE



THE CRIMINAL JUSTICE CENTER

University of Alaska, Anchorage
Anchorage, Alaska

MANUAL OF CRIMINAL LAW
AND PROCEDURE

by

Peter Smith Ring
Associate Professor of Justice
Criminal Justice Center
University of Alaska, Anchorage

John E. Havelock
Professor of Justice
Criminal Justice Center
University of Alaska, Anchorage

Daniel W. Hickey
Chief Prosecutor
Department of Law
State of Alaska

Barry J. Stern
Assistant District Attorney
Department of Law
State of Alaska

JC 7903.01

July 1979

This manual was prepared by the Criminal Justice Center, University of Alaska under contract with the Department of Law from grant award number 78-A-014 awarded by the Governor's Commission on the Administration of Justice, with funds provided by the Law Enforcement Assistance Administration, U. S. Department of Justice. The views expressed in the document do not necessarily represent those of the Governor's Commission on the Administration of Justice or the U. S. Department of Justice.

MANUAL OF CRIMINAL LAW AND PROCEDURE
TABLE OF CONTENTS

TITLE	PAGE NUMBER
PART 1: INTRODUCTION	1
PART 2: CRIMINAL PROCEDURES	3
2.1.: INVESTIGATORY STOPS.	3
2.1.1.: THE STOP.	3
2.1.2.: THE PAT-DOWN SEARCH	4
2.1.3.: SUMMARY	5
2.2.: IN-FIELD IDENTIFICATION PROCEDURES	5
2.2.1.: INFORMAL PROCEDURES	5
2.2.2.: USE OF PHOTOS	6
2.2.3.: CONFRONTATIONS	8
2.2.4.: EMERGENCIES	10
2.2.5.: PRE-ARREST LINE-UPS	10
2.3.: ARREST	11
2.3.1.: ARREST WITH A WARRANT	11
2.3.2.: ARREST WITHOUT A WARRANT.	13
2.4.: SEARCH AND SEIZURE	15
2.4.1.: SEARCH WITH A WARRANT	17
2.4.2.: SEARCH WITHOUT A WARRANT.	22
2.4.3.: INVENTORY SEARCHES	25
2.5.: QUESTIONING SUSPECTS	27
2.5.1.: WARNINGS.	27
2.5.2.: WHEN WARNINGS ARE REQUIRED	27
2.5.3.: WAIVER	29
2.6.: POST-ARREST IDENTIFICATION PROCEDURES	29
2.6.1.: LINE-UPS.	30
2.6.2.: OMVI.	37
2.7.: ELECTRONIC MONITORING	37
PART 3: SUBSTANTIVE CRIMINAL LAW	38
3.1.: CHARGE FILING POLICY	39

MANUAL OF CRIMINAL LAW AND PROCEDURE
 TABLE OF CONTENTS
 Page 2

TITLE	PAGE NUMBER
3.1.1.: RURAL MISDEMEANOR	39
3.1.2.: RURAL FELONIES	40
3.1.3.: RURAL TRAFFIC OFFENSES	40
3.1.4.: URBAN MISDEMEANORS	40
3.1.5.: URBAN FELONIES	41
3.1.6.: URBAN TRAFFIC OFFENSES	41
3.2.: HOMICIDE	42
3.2.1.: MURDER IN THE FIRST DEGREE	43
3.2.2.: MURDER IN THE SECOND DEGREE	43
3.2.3.: MANSLAUGHTER.	45
3.2.4.: CRIMINALLY NEGLIGENT HOMICIDE	46
3.3.: ASSAULT.	46
3.3.1.: ASSAULT IN THE FIRST DEGREE	46
3.3.2.: ASSAULT IN THE SECOND DEGREE.	48
3.3.3.: ASSAULT IN THE THIRD DEGREE.	49
3.3.4.: RECKLESS ENDANGERMENT	49
3.4.: KIDNAPPING AND RELATED OFFENSES.	50
3.4.1.: KIDNAPPING	50
3.4.2.: CUSTODIAL INTERFERENCE IN THE FIRST DEGREE	52
3.4.3.: CUSTODIAL INTERFERENCE IN THE SECOND DEGREE.	53
3.5.: SEXUAL ASSAULT AND RELATED OFFENSES.	53
3.5.1.: SEXUAL ASSAULT IN THE FIRST DEGREE	54
3.5.2.: SEXUAL ASSAULT IN THE SECOND DEGREE	55
3.5.3.: SEXUAL ASSAULT IN THE THIRD DEGREE	56
3.5.4.: SEXUAL ABUSE OF A MINOR	56
3.6.: ROBBERY AND RELATED OFFENSES	57
3.6.1.: ROBBERY IN THE FIRST DEGREE	57
3.6.2.: ROBBERY IN THE SECOND DEGREE.	58
3.6.3.: EXTORTION AND COERCION	58
3.7.: BURGLARY	60
3.7.1.: BURGLARY IN THE FIRST DEGREE.	60
3.7.2.: BURGLARY IN THE SECOND DEGREE	61

MANUAL OF CRIMINAL LAW AND PROCEDURE

TABLE OF CONTENTS

Page 3

TITLE	PAGE NUMBER
3.8.: CRIMINAL TRESPASS	61
3.8.1.: CRIMINAL TRESPASS IN THE FIRST DEGREE	62
3.8.2.: CRIMINAL TRESPASS IN THE SECOND DEGREE	63
3.9.: THEFT AND RELATED OFFENSES	63
3.9.1.: THEFT IN THE FIRST DEGREE	65
3.9.2.: THEFT IN THE SECOND DEGREE	69
3.9.3.: THEFT IN THE THIRD DEGREE	69
3.9.4.: THEFT IN THE FOURTH DEGREE	69
3.9.5.: VALUE	69
3.9.6.: CONCEALMENT OF MERCHANDISE	70
3.9.7.: REMOVAL OF IDENTIFICATION MARKS: UNLAWFUL POSSESSION	71
3.9.8.: ISSUING A BAD CHECK	72
3.10.: ARSON	72
3.10.1.: ARSON IN THE FIRST DEGREE	73
3.10.2.: ARSON IN THE SECOND DEGREE	74
3.10.3.: CRIMINALLY NEGLIGENT BURNING.	74
3.10.4.: FAILURE TO CONTROL OR REPORT A DANGEROUS FIRE	74
3.11.: CRIMINAL MISCHIEF	75
3.11.1.: CRIMINAL MISCHIEF IN THE FIRST DEGREE	75
3.11.2.: CRIMINAL MISCHIEF IN THE SECOND DEGREE	77
3.11.3.: CRIMINAL MISCHIEF IN THE THIRD DEGREE	79
3.11.4.: CRIMINAL MISCHIEF IN THE FOURTH DEGREE	80
3.11.5.: LITTERING	82
3.12.: RIOT, DISORDERLY CONDUCT AND RELATED OFFENSES	82
3.12.1.: RIOT.	82
3.12.2.: DISORDERLY CONDUCT	83
3.12.3.: HARASSMENT	87
3.13.: DANGEROUS INSTRUMENTALITY OFFENSES	89
3.13.1.: MISCONDUCT INVOLVING WEAPONS IN THE FIRST DEGREE	89

TITLE	PAGE NUMBER
3.13.2.: MISCONDUCT INVOLVING WEAPONS IN THE SECOND DEGREE	92
3.13.3.: MISCONDUCT INVOLVING WEAPONS IN THE THIRD DEGREE.	93
3.13.4.: POSSESSION OF BURGLARY TOOLS	94
3.13.5.: CRIMINAL POSSESSION OF EXPLOSIVES	95
3.13.6.: UNLAWFUL FURNISHING OF EXPLOSIVES	95
3.13.7.: RESISTING OR INTERFERING WITH ARREST	96
3.13.8.: MAKING A FALSE REPORT	97
3.13.9.: TERRORISTIC THREATENING.	98
3.13.10.: CONTRIBUTING TO DELINQUENCY OF A MINOR	98
3.14.: ESCAPE AND UNLAWFUL EVASION	101
3.14.1.: ESCAPE IN THE FIRST DEGREE	101
3.14.2.: ESCAPE IN THE SECOND DEGREE.	102
3.14.3.: ESCAPE IN THE THIRD DEGREE	103
3.14.4.: ESCAPE IN THE FOURTH DEGREE.	104
3.14.5.: UNLAWFUL EVASION IN THE FIRST DEGREE	104
3.14.6.: UNLAWFUL EVASION IN THE SECOND DEGREE	104
3.14.7.: OBSTRUCTION OF HIGHWAYS.	104
PART 4: JUSTIFICATION.	106
4.1.: USE OF NONDEADLY FORCE IN DEFENSE OF SELF	106
4.2.: USE OF DEADLY FORCE IN DEFENSE OF SELF	107
4.3.: USE OF FORCE IN DEFENSE OF A THIRD PERSON	108
4.4.: USE OF FORCE IN DEFENSE OF PROPERTY AND PREMISES.	108
4.5.: USE OF FORCE BY A PEACE OFFICER IN MAKING AN ARREST OR TERMINATING AN ESCAPE	110
4.6.: USE OF FORCE BY A PRIVATE PERSON IN MAKING AN ARREST OR TERMINATING AN ESCAPE	112
4.7.: USE OF FORCE IN RESISTING OR INTERFERING WITH ARREST	113
PART 5: CULPABILITY	114

<u>TITLE</u>	<u>PAGE NUMBER</u>
PART 6: ENTRAPMENT	116
PART 7: TRIAL PREPARATION.	118
7.1.: EVIDENCE PRESERVATION	118
7.2.: TESTIFYING IN COURT.	118
PART 8: MEDIA RELATIONS	121

MANUAL OF CRIMINAL LAW AND PROCEDURE
TABLE OF CONTENTS TO APPENDICES

TITLE	PAGE NUMBER
APPENDIX 1: STATUTORY PROVISIONS INCLUDED IN REVISED CRIMINAL CODE.	124
APPENDIX 2: COMPLAINT FORMS	135
Murder in the First Degree	135
Murder in the Second Degree	136
Murder in the Second Degree	137
Murder in the Second Degree	138
Murder in the Second Degree	139
Manslaughter	140
Criminally Negligent Homicide	141
Assault in the First Degree	142
Assault in the First Degree	143
Assault in the First Degree	144
Assault in the Second Degree	145
Assault in the Second Degree	146
Assault in the Third Degree	147
Assault in the Third Degree	148
Assault in the Third Degree	149
Reckless Endangerment	150
Kidnapping.	151
Kidnapping.	152
Kidnapping.	153
Custodial Interference in the First Degree.	154
Custodial Interference in the Second Degree	155
Sexual Assault in the First Degree.	156
Sexual Assault in the First Degree.	157
Sexual Assault in the First Degree.	158
Sexual Assault in the First Degree.	159
Sexual Assault in the Second Degree	160
Sexual Assault in the Second Degree	161
Sexual Assault in the Third Degree.	162

MANUAL OF CRIMINAL LAW AND PROCEDURE

TABLE OF CONTENTS TO APPENDICES.

Page 2

TITLE	PAGE NUMBER
Sexual Abuse of a Minor	163
Sexual Abuse of a Minor	164
Robbery in the First Degree	165
Robbery in the Second Degree	166
Burglary in the First Degree	167
Burglary in the Second Degree	168
Criminal Trespass in the First Degree	169
Criminal Trespass in the First Degree	170
Criminal Trespass in the Second Degree	171
Theft in the First Degree	172
Theft in the First Degree	173
Theft in the First Degree	174
Theft in the First Degree	175
Theft in the First Degree	176
Theft in the First Degree	177
Theft in the First Degree	178
Theft in the First Degree	179
Theft in the First Degree	180
Theft in the First Degree	181
Theft in the Second Degree	182
Theft in the Second Degree	183
Theft in the Second Degree	184
Theft in the Second Degree	185
Theft in the Second Degree	186
Theft in the Second Degree	187
Theft in the Second Degree	188
Theft in the Second Degree	189
Theft in the Second Degree	190
Theft in the Second Degree	191
Theft in the Third Degree	192
Theft in the Third Degree	193
Theft in the Third Degree	194
Theft in the Third Degree	195
Theft in the Third Degree	196
Theft in the Third Degree	197
Theft in the Third Degree	198
Theft in the Third Degree	199
Theft in the Third Degree	200
Theft in the Third Degree	201

MANUAL OF CRIMINAL LAW AND PROCEDURE

TABLE OF CONTENTS TO APPENDICES

Page 3

TITLE	PAGE NUMBER
Theft in the Fourth Degree.	202
Theft in the Fourth Degree.	203
Theft in the Fourth Degree.	204
Theft in the Fourth Degree.	205
Theft in the Fourth Degree.	206
Theft in the Fourth Degree.	207
Theft in the Fourth Degree.	208
Theft in the Fourth Degree.	209
Theft in the Fourth Degree.	210
Theft in the Fourth Degree.	211
Concealment of Merchandise.	212
Arson in the First Degree	213
Arson in the Second Degree.	214
Criminal Mischief in the First Degree	215
Criminal Mischief in the First Degree	216
Criminal Mischief in the Second Degree.	217
Criminal Mischief in the Second Degree.	218
Criminal Mischief in the Second Degree.	219
Criminal Mischief in the Second Degree.	220
Criminal Mischief in the Third Degree	221

PART 1: INTRODUCTION.

This manual is intended to serve primarily as an aid to Alaska's law enforcement community in the performance of their duties in the field. It has been designed to provide brief, quick access to major points of substantive and procedural criminal law. It is neither all inclusive nor comprehensive. It presumes that the user will have had a basic introduction to the concepts of both substantive and procedural criminal law.

The material contained herein is current to July 1, 1979. Users should note this fact carefully. Court decisions or legislative enactments subsequent to this date may result in significant changes in the law contained herein. However, the format has been designed for easy updating of the contents.

Those subsections of part 3 dealing with substantive criminal law are based on the Revised Alaska Criminal Code, effective January 1, 1980. Part 3 does not deal with every instance of criminal conduct. The authors have sought to outline only those offenses with which a majority of Alaska's law enforcement officers might have to deal in the course of their ordinary duties. Title 11 of the Alaska Statutes should be checked for the language of crimes not contained in this manual. A complete list of all title 11 provisions is provided, however.

Part 3 is introduced with a discussion of the Department of Law's Policy with respect to the filing of criminal charges. Thereafter follows a number of sections dealing with substantive crimes. For each crime the elements are listed, alternative charges are noted, and helpful investigative hints are provided.

Parts 4 through 6 deal briefly with other provisions of the revised criminal code. Part 7 provides some hints on preparation for and testifying at trial.

A final word of caution -- the law is a dynamic, ever changing subject. Any time a legal issue arises a police officer should always first consider whether he has time to seek the legal advice of an assistant district attorney or the district attorney. If the time is available, it is usually well spent getting an attorney's counsel.

PART 2: CRIMINAL PROCEDURES.

2.1.: INVESTIGATORY STOPS. It should be clearly understood that investigatory stops are governed by provisions of the Federal and the Alaska Constitutions. If they are not properly conducted, the exclusionary rule may be applied and the evidence obtained from them may be suppressed.

2.1.1.: THE STOP.

The United States Supreme Court in Terry v. Ohio authorized police officers to stop persons when the officer had a reasonable suspicion that the person might be about to, or already had, engaged in criminal conduct. The officer did not have to have probable cause to believe that an offense had been committed.

The Alaska Supreme Court has followed in the general direction of Terry, upholding stops based on reasonable suspicion. However, they have narrowed the circumstances under which a stop can be made to those involving a reasonable suspicion that imminent public danger exists or serious harm to persons or property has recently occurred and was caused by a particular person. This standard applies to persons on foot and to those in automobiles. An objective standard is used to determine the reasonableness of the officer's conduct: based on the facts and circumstances available to the officer at the moment the stop was made, would a reasonable man believe that the action taken was appropriate. In short, hunches will not do the trick.

2.1.2.: THE PAT-DOWN SEARCH.

In Terry the U. S. Supreme Court concluded that there is narrowly drawn authority for police officers to conduct reasonable searches for weapons for his own protection in stop cases where he has reason to believe he is dealing with an armed and dangerous individual. He need not be absolutely certain that the individual is armed. But, as with stops, hunches will not be enough. Once again, an objective standard will be used to measure the reasonableness of the officer's conduct.

The search for weapons is limited to a pat down of the individual's outer garments. Unless the officer finds something that is clearly a weapon or an object that might be a weapon, the search can not go beyond the pat-down stage.

The Alaska Supreme Court has not yet ruled on the permissible scope of the pat-down search. However, it seems likely that if called upon they would follow their narrowed definition of a permissible stop and restrict the right to search beyond outer garment pat-downs to limited circumstances involving clear indication of risk of harm to the officer.

2.1.3.: SUMMARY.

Stops of persons where probable cause to arrest is not present must be limited to cases involving a reasonable suspicion that imminent public danger exists or serious harm to persons or property has recently occurred.

Absent specific reasonable suspicions that his life may be in danger which would warrant a pat-down of the outer garments (no search of the person or pockets of the individual) is permitted unless a weapon or other hard object which might be a weapon is felt during the pat-down.

2.2.: IN-FIELD IDENTIFICATION PROCEDURES. In this section we shall be dealing with the ability of the police officer to lawfully develop a positive identification of a suspect who is not yet under arrest.

2.2.1.: INFORMAL PROCEDURES.

It is permissible to take the victim of, or other eyewitnesses to, a crime on a tour of the area immediately after the commission of the crime to see if they can identify the suspect. During such a tour, officers should make no suggestive statements about individuals whom they observe. A detailed record of such a tour should be made especially if a suspect is identified by the accompanying victims and/or witnesses.

If the officer has some specific information as to a locale where a suspect might be found, he may take a witness to such a place provided the locale is likely to have present a large number of people similar in characteristics to the suspect. If the place is not likely to have a large number of persons present,

then the officer should take the witness to a number of similar locales. This procedure may be used either where the suspect is known or is believed to frequent the locale in question.

2.2.2.: USE OF PHOTOS.

Both the Alaska and United States Supreme Courts have authorized the use of photographs as a means of producing an identification of a person suspected of committing a crime. However, the manner by which photographs are presented to a witness must be such that they are not so suggestive as to create a very substantial likelihood of irreparable misidentification.

While the courts have not been overly specific as to every kind of occurrence which might produce suggestive circumstances, it is clear that a number of pictures must be used (at least six or seven), the subjects should look alike in basic physical characteristics, if there is a "prime" suspect there should be absolutely nothing suggestive about his or her picture, nothing should be said to the witness to suggest an identification, and the photographs used should be retained and a detailed record of the identification procedure maintained.

The Alaska Supreme Court has also noted that corporeal identification is generally a more accurate procedure than photographic identification. Consequently, it should be used only when a line-up is impractical, such as when no known person is suspected and a witness looks through a "mug" file.

In selecting photographs to use the following things should be kept in mind: photographs of individuals of the same general

appearance as the suspect should be selected. Some of the obvious characteristics that should be approximated are as follows: (1) race; (2) age; (3) hair style (straight, natural or processed, short, medium or long); (4) hair color; (5) facial hair (beards, mustaches, sideburns); (6) features; and (7) complexion.

Some photographs bearing notations or attachments, or depicting unusual physical characteristics which cannot be duplicated, should be modified or not used.

Only one photograph of the suspect should be included in each group unless there are also several photos of the other individuals.

Photographs should be displayed as soon after the crime as possible.

The following advice should be given to witnesses at photographic identifications: "Each of you will be asked to look at several photographs. You will be alone with me (or an investigating officer) when you look at these photographs. The fact that the photographs are shown to you should not influence your judgment. You should not conclude nor guess that the photographs contain the picture of the person who committed the crime. You are not obligated to identify anyone. It is just as important to free innocent persons from suspicion as to identify guilty parties. Please do not discuss the case with other witnesses not indicate in any way that you have identified someone."

Each witness should view the photographs alone. The officer showing the photographs to the witness should be scrupulously careful to avoid any suggestion that the photographs contain the picture of the suspect.

2.2.3.: CONFRONTATIONS.

This section deals with those limited instances when it is permissible to directly confront a single suspect with a witness for purposes of making an identification.

An officer may arrange a confrontation between a suspect and a witness whenever the suspect is arrested or temporarily detained; the confrontation takes place within a very brief time after the offense, and the witness is cooperative and states that he might recognize the perpetrator of the offense.

No confrontation may be arranged before the witness describes as completely as possible the appearance and clothing of the suspect. No confrontation may be conducted at a police building or any other custodial facility.

If probable cause to arrest is present, the suspect should be taken into full custody prior to confrontation (unless he freely and voluntarily consents to take part in the confrontation). The confrontation may take place at the location of the suspect or at the location of the witness. If the suspect is not identified, he should be released, pursuant to appropriate departmental policies, unless probable cause still exists to believe the suspect is the perpetrator of the offense.

If probable cause for arrest is not present, the suspect may be detained only briefly. All reasonable force -- short of

deadly force -- may be used to detain the suspect. The confrontation should take place at the scene of detention. The suspect should not be moved without his consent to the witness' location.

An officer should be impartial in presenting the suspect to a witness because suggestion already exists that the police believe the suspect is the perpetrator of the crime. It is improper to increase that suggestion in the mind of the witness by saying things like, "We think we have the right man." Instead, the officer should ask the witness to view the individual to see if the witness recognizes him.

An officer should inform the witness that he should not feel obligated to make an identification. The witness should be informed that it is just as important to free innocent persons from suspicion as it is to identify guilty persons.

The witness must be afforded an ample opportunity to view the suspect. This means that the suspect should be removed from a police car prior to viewing, but only in a way that assures no physical evidence is contaminated and there is no danger to suspect or witness.

The suspect may be asked to utter certain words, make certain gestures, or assume particular poses that the witness might recognize.

No physical evidence taken from the suspect may be presented to the witness until after the witness has completed the identification procedure.

2.2.4.: EMERGENCIES.

An emergency circumstance exists only when a witness is in danger of death or blindness, or when a suspect is in danger of death.

An immediate confrontation under these circumstances may be arranged if emergency medical procedures permit.

In these situations, time and location limitations contained in the preceding sections can be disregarded. All other cautionary procedures should be followed so that the identification procedure is conducted as fairly as is possible under the circumstances.

2.2.5.: PRE-ARREST LINE-UPS.

In Blue v. State, the Alaska Supreme Court held that, in the absence of exigent circumstances, a pre-arrest lineup may not be conducted unless the suspect is represented by counsel during the lineup. Further, the court held that a lineup conducted under exigent circumstances without the presence of the suspect's counsel will be carefully scrutinized to insure that the lineup procedures used were not so unnecessarily suggestive that they constituted a denial of due process of law.

If the suspect requests counsel he must be permitted to call counsel and counsel must be given a reasonable time to appear. If counsel can not appear within a reasonably prompt time, Blue does not require the police to delay pre-arrest/pre-indictment line-ups if the delay might interfere with a prompt and purposeful investigation shortly after the commission of the offense.

In determining whether exigent circumstances exist, police officers should consider the following:

- (1) How soon after the commission of the crime were they notified? The sooner the better.
- (2) How soon after the commission of the crime did an investigation commence? The sooner the better.
- (3) How good was the victim's (or witness') description of the suspect? The more accurate and detailed the better.

Each of these three considerations will contribute to the increased likelihood of the victim or other witnesses having a fresh memory of facts on which to base an identification should the diligent efforts of the police in their prompt and purposeful investigation produce a suspect shortly after the commission of the crime.

Officers should refer to section 2.6 . for guidance on how to conduct a proper line-up in these circumstances.

2.3.: ARREST. The law of arrest is governed by both constitutional and statutory principles, and these guidelines will deal with legal requirements established under both.

2.3.1.: ARREST WITH A WARRANT.

It is always preferable to make an arrest pursuant to a warrant issued by a neutral and detached magistrate, and whenever the circumstances permit an assistant district attorney should be consulted to determine whether the warrant should be sought.

Alaska Criminal Rule 4 states in part that:

A warrant or summons shall be issued by a judge or magistrate only if it appears from the complaint, or from an affidavit or affidavits filed with the complaint, that there is probable cause to believe that an offense has been committed and that the defendant has committed it.

This is, of course, a classic definition of probable cause.

The warrant shall be signed by the magistrate, and shall contain the name of the defendant or, if his name is unknown, any name or description by which the defendant can be identified with reasonable certainty, and shall describe the offense charged in the complaint. The warrant shall be directed to any peace officer or other person authorized by law to execute the warrant and shall command that the defendant be arrested and brought before the nearest available magistrate without unnecessary delay. The magistrate shall endorse the amount of bail upon the warrant.

The warrant shall be executed by any peace officer or other officer authorized by law, at any place within the jurisdiction of the State of Alaska.

The warrant shall be executed by the arrest of the defendant. The officer need not have the warrant in his possession at the time of the arrest, but upon request he shall show the warrant to the defendant as soon as possible. If the officer does not have the warrant in his possession at the time of the arrest he shall then inform the defendant of the offense charged and of the fact that a warrant has been issued.

The officer executing the warrant shall make return thereof to the magistrate or other officer before whom the defendant is brought pursuant to rule 5. At the request of the prosecuting attorney any unexecuted warrant shall be returned to the magistrate by whom it was issued and shall be canceled by him.

2.3.2.: ARREST WITHOUT A WARRANT.

A peace officer without a warrant may arrest a person

- (1) for a crime committed or attempted in his presence;
- (2) when the person has committed a felony, although not in his presence;
- (3) when a felony has in fact been committed, and he has probable cause for believing the person to have committed it.

Additionally, a peace officer may arrest a person without a warrant, whether or not the offense is committed in the presence of the officer, when the officer has probable cause to believe that the person to be arrested has committed the crime of operating a motor vehicle in violation of AS 28.35.030 or a similar city or borough ordinance, if the violation is alleged to have occurred less than eight hours before the time of arrest.

A state trooper may arrest a person without a warrant for a misdemeanor or for the violation of an ordinance when

- (1) the officer has reasonable grounds to believe that the person to be arrested has committed a misdemeanor or has violated an ordinance;
- (2) personal or property damage is likely to be done unless the person is immediately arrested; and

(3) there is no known judicial officer empowered to issue a warrant within a radius of 25 miles of the person to be apprehended.

The arrest is made by the actual restraint of a person or by his submission to the custody of the person making the arrest. When making an arrest without a warrant, the peace officer shall inform the person to be arrested of his authority and the cause of the arrest, unless the person to be arrested is then engaged in the commission of a crime, or is pursued immediately after its commission or after an escape. No peace officer may subject a person arrested to greater restraint than is necessary and proper for his arrest and detention. If the person being arrested either flees or forcibly resists after notice of intention to make the arrest, the peace officer may use all the necessary and proper means to effect the arrest. (See section 4, JUSTIFICATION, for a more detailed discussion of the use of force in making an arrest.)

A peace officer may break into a building or vessel in which the person to be arrested is or is believed to be if the officer is refused admittance after he has announced his authority and purpose. And, a peace officer may break open a building or vessel to liberate a person who entered to make an arrest and is detained, or to liberate himself when necessary.

If a person arrested escapes or is rescued, the person from whose custody he escaped or was rescued may immediately

pursue and retake him at any time and in any place in the state. To retake the person escaping or rescued, the person pursuing may use the same means and do any act necessary and proper in making an original arrest.

We have already defined probable cause in section 2.3.1. The means by which probable cause is established are discussed in detail in section 2.4.1. and will not be repeated here. There is, however, one point associated with the law of arrest which should be clarified. The term "presence" involves two elements: (1) the officer must actually observe acts which are indicative of the commission of an offense and (2) the officer must be aware that he is in fact seeing an offense being committed.

Finally, depending upon the jurisdiction in which they work, peace officers should be aware that in cases involving misdemeanors or violations of local ordinances the issuance of citations in lieu of physical arrests are authorized by the Alaska Statutes.

2.4.: SEARCH AND SEIZURE. The Alaska Supreme Court has defined "search" as implying some exploratory investigation or an invasion and quest, a looking for or seeking out. The quest may be secret, intrusive or accomplished by force, and it has been held that a search implies some sort of force, either actual or constructive, much or little. A search implies prying into hidden places for that which is concealed, and that the object searched for has been hidden or intentionally put out of the way. While it has been

said that ordinarily searching is a function of sight, it is generally held that the mere looking at that which is open to view is not a search.

A second term that needs some definition is "seizure". The Alaska Supreme Court has defined a seizure as a dis- possession achieved by force rather than by a voluntary surrender.

As the definition of search implies, there are a number of occasions on which a seizure of a person or property will not be the result of a search. It is settled that the fourth amendment does not apply to those things which are exposed to public view. The United States Supreme Court has stated: "What a person knowingly exposes to the public, even in his own home or office, is not a subject of Fourth Amendment protection."

Nor does the fourth amendment apply to things which are left and found in "open fields." The special protection accorded by the fourth amendment to the people in their "persons, houses and effects" is not extended to the open fields. The distinction between the latter and the house is as old as the common law.

Along similar lines, the fourth amendment's protection does not extend to abandoned property or to places which might once have been protected (such as a hotel room) but have since been abandoned.

Finally, the fourth amendment, as a general rule, does not apply to actions undertaken by a private person.

2.4.1.: SEARCH WITH A WARRANT.

The primary and cardinal rule of the law of search and seizure is the principle of antecedent justification. That is, subject only to a few specifically established and well developed exceptions searches conducted outside the judicial process, without prior approval by a judge or magistrate, are per se unreasonable under the Fourth Amendment. In short, a search warrant is not only the preferable means of conducting a search and seizure, it is also the required means in all but a few exceptions. As such, it is important to understand fully both the manner in which a search warrant is obtained and executed and the grounds on which it can be issued.

In Alaska, in addition to the fourth amendment and its requirements and the requirements of article 1, section 14 of the constitution of the State of Alaska, AS 12.35.010, et. seq. and rule 37 of the Criminal Rules also govern the grounds for, the issuance of, and the execution of search warrants. Those involved with searches and seizures should be thoroughly familiar with the provisions of both of these documents.

AS 12.35.020 sets forth five grounds upon which a search warrant can be issued. They include a reasonable belief that: (1) the property was stolen or embezzled; (2) the property was used as a means of committing a crime; (3) the property is in the possession of a person who intends to use it as the means of committing a crime, or in the

possession of another to whom he may have delivered it for the purpose of concealing it or preventing it from being discovered; or (4) the property constitutes evidence of a particular crime or tends to show that a certain person has committed a particular crime. The fifth grounds deals with searches conducted in connection with certain environmental offenses related to air pollution.

In addition to the grounds on which a search warrant may be issued, title 12 also describes the types of places from which property may be seized. They are: (1) a house or other place in which it is concealed or may be found; (2) on a person by whom it was stolen, embezzled, or used in the commission of a crime; (3) on a person who is in possession of the property; or (4) on the person to whom the property has been delivered for the purpose of concealing it or preventing it from being discovered, or from a house or other place occupied by him or under his control (see AS 12.35.025.).

To summarize, a search warrant may only be issued on certain statutorily specified grounds, can be directed towards certain persons or places listed in the statutes, and must be based on a showing to a judge or magistrate, under oath, that there is probable cause to believe that the items to be seized are in the place to be searched. Both the items to be seized and the person or places to be searched must be particularly described in the warrant.

Generally, the most difficult aspect of a search warrant and its accompanying affidavits is the issue of probable cause. How is it established?

Perhaps the easiest, and usually the most satisfactory although rare, means of establishing the existence of probable cause is for the affiant (the officer requesting the warrant) to recite those facts and circumstances within his direct personal knowledge or resultant from his direct personal observations which gave rise to his conclusion that an offense has been or was being committed.

As has been suggested, however, the development of probable cause in this manner is more generally the exception than the rule. The most frequent vehicle for the development of probable cause is the "informant's" tip, or "hearsay" information.

At the very outset, it should be clearly understood that the use of the term informant is not limited to the usual definition of a "stool pigeon", "snitch" or "paid informant". An informant, in the context of the law of search and seizure, may be another law enforcement officer, a good citizen, or a criminal.

The use of hearsay information in support of a search warrant has been uniformly upheld by both the United States and Alaska Supreme Courts.

However, the holdings in these cases do not provide blanket authority for the indiscriminate use of hearsay. If

hearsay information is to be used in support of a search warrant it must meet what has come to be known as the Aguilar Two-Prong Test.

In Aguilar the United States Supreme Court held that: Although an affidavit may be based on hearsay information and need not reflect the direct personal observations of the affiant, . . . the magistrate must be informed of some of the underlying circumstances from which the informant concluded that the narcotics were where he claimed they were, and some of the underlying circumstances from which the officer concluded that the informant, whose identity need not be disclosed, was "credible" or his information "reliable."

To summarize, Aguilar set forth a two-pronged test to be used by a judge or magistrate in evaluating hearsay information: (1) a "veracity" prong, and (2) a "basis of knowledge" prong.

The first prong of Aguilar is usually met by an affirmative statement from the officer seeking the warrant that the informant has provided him with reliable information in the past and then a recitation of some (or all) of the past occasions on which the informant has provided reliable information.

The second prong, the "basis of knowledge" prong, of the Aguilar test is usually met by the affiant's providing the court with a statement of some of the underlying circumstances from which the informant concluded that the

property to be seized or the person or place to be searched were where they said they were.

If it is not possible for the affiant to provide a statement as to how the informant came upon his information (perhaps because in so doing it would necessarily identify the informant), then it is nonetheless possible to meet the "basis of knowledge" test by describing the accused's criminal activity in such sufficient detail that the magistrate may know that he is dealing with and relying on something more substantial than a casual rumor circulating in the underworld or upon an accusation based merely on an individual's reputation. In short, the facts must be so detailed as to support an inference of personal knowledge.

Once the existence of probable cause has been established, constitutional requirements (at both the Federal and state level) mandate the necessity for describing with particularity the place or person to be searched and the items to be seized.

Once obtained, the search warrant should be promptly executed. Rule 37 (b) requires that the executed warrant be promptly returned and be accompanied by an inventory of the property taken. The inventory must be made in the presence of the applicant for the warrant and the person from whose possession or premises the property was taken, if either is present, or in the presence of at least one other credible person. It must be signed by the officer under penalty of perjury.

AS 12.35.040 describes the authority of the officer executing the warrant. In essence, he has the same authority with respect to the execution of a search warrant as he does in the execution or service of a warrant for an arrest, including the power and authority to break open any door or window. The announcement should be loud enough to be heard by occupants of the premises and beyond that the circumstances of each case will govern the outcome.

2.4.2.: SEARCH WITHOUT A WARRANT.

INCIDENT TO ARREST

A major exception to the search warrant requirements involves searches made incidental to a lawful arrest. In these cases a search of the person is permissible when made incidental to a lawful custodial arrest so long as it is designed to remove any weapons that the suspect may have or to prevent the concealment or destruction of any evidence related to the crime for which the arrest is made on the subject's person. Such a search may extend into any area into which the suspect might reach in order to grab a weapon or evidential items.

The search of a person incident to a lawful arrest must be accomplished at the same time and place as the arrest. However, as the Alaska Supreme Court held in the leading case of McCoy v. State, the search of a person remains incidental to the arrest when it is conducted shortly thereafter at a jail or other place of detention rather than at the time and place of arrest.

EMERGENCIES AND HOT PURSUIT

Hot pursuit and emergencies provide other exceptions to the search warrant requirement. At both the federal and state levels the courts have held that the police may enter a premises without a warrant when they are in pursuit of a fleeing felon. Once inside they may search for the suspect anywhere he may be hiding. The police may also make a warrantless search to prevent the imminent destruction of known evidence. Finally, the police have the right to enter a premises and investigate in the case of an emergency. It is inherent in the very nature of their profession. The criterion used in determining the reasonableness of the entry is the reasonableness of the belief of the police as to the existence of the emergency, not the factual existence of an emergency. However, the Alaska Supreme Court has appeared to limit the application of the emergency exception to situations where the officers seemingly have only emergency aid on their minds in going to the scene and are dealing with unconscious defendants from whom it is impossible to get information.

AUTOMOBILES

Where automobile searches are concerned, three points appear to be fairly well settled and widely accepted. First, the word "automobile" is not a talisman in whose presence the fourth amendment fades away. Second, a search, even of an automobile, is a substantial invasion of privacy. Third, the privacy expectations associated with automobile travel are in some regards less than those associated with a home or an office.

As a practical matter, most vehicle searches follow the arrest of the driver for some motor vehicle violation. Consequently, vehicle searches are also governed by the case law associated with warrantless searches incident to a lawful arrest.

In the leading case, Daygee v. State, the Alaska Supreme Court held that: "[A] search is incident to an arrest as long as it is made substantially contemporaneously with the arrest. The search of the vehicle should not depend on whether or not the person or persons arrested are in the car or have been recently removed from the car for purposes of effectuating the arrest. We reach this conclusion because it would be an unusual situation for a police officer not to remove a suspect from a car while going through the arrest process, both for reasons of safety and because of the practical physical limitations of effecting an arrest in such a confined area."

The Alaska Supreme Court went on to note that: "The search referred to above, however, would only go to visible areas within easy reach of the suspect and would not permit the opening of closed spaces or opening of closed containers. The car should then be immobilized and stored pending further judicial process of search or release to a proper party."

PLAIN VIEW

Two requirements must be met if a seized item of evidence particularly described in a search warrant is to be admissible under the plain view doctrine. The first is that the initial intrusion into protected space must be justified, that is, it

must have been based on a search warrant or on one of the recognized exceptions to the search warrant requirement. Secondly, the plain view discovery must be inadvertent.

Initially, the doctrine does not apply to situations in which a law enforcement officer sees things in open fields or other constitutionally non-protected areas. Nor does it apply to situations in which an officer sees things in constitutionally protected areas (such as the home or garage or the automobile) from constitutionally non-protected areas (such as the street or other public places). In the former cases a search and seizure is lawful because no one has standing to allege the violation of the fourth amendment protection such as the right to privacy. In the latter cases, the sighting merely gives rise to the existence of probable cause for a warrant, or to the existence of probable cause to arrest for an offense being committed in the officer's presence, or it may give rise to exigent circumstances justifying a warrantless search, such as the observation of the destruction of known evidence.

2.4.3.: INVENTORY SEARCHES.

In interpreting article I, section 14 of the Alaska Constitution, the Alaska Supreme Court has repeatedly stated that a warrantless search is per se unreasonable unless it clearly falls within one of the narrowly defined exceptions to the warrant requirements. These broad constitutional principles have led the Court to conclude that article I,

section 14 of the Alaska Constitution protects any closed luggage, briefcases, containers, or packages within a vehicle which is subjected to an inventory search.

The Alaska Supreme Court has also concluded that routine police inventorying of the contents of a vehicle is a search. The fact that an inventory is undertaken in whole or in part to protect the property of the driver of the vehicle does not change the activity into something other than a search. Nonetheless, the Court has decided that there are rationales supporting routine noninvestigative warrantless inventory searches of a vehicle and its contents. Specifically, they have sanctioned the need to protect property located within a vehicle at the time it is impounded. And, in conjunction with impounding a vehicle, law enforcement officers, as a matter of routine inventory procedure, are entitled to catalog all articles which are not in closed or sealed containers, luggage, briefcases, and packages. As to closed or sealed containers found within a larger open or unsealed container, officers conducting inventory searches should list the items as sealed or locked packages or containers.

In the event circumstances permit, the driver or owner of the vehicle should be consulted and offered the opportunity to request that an inventory be made of the contents of any closed or locked containers. Otherwise, if deemed necessary, the officer may remove the items from the vehicle for safe-keeping.

2.5.: QUESTIONING SUSPECTS. The current law related to the use of confessions in criminal cases, at both federal and state levels, is the result of an interplay between two important provisions of the Constitution of the United States: the sixth amendment guarantee of the right to counsel and the fifth amendment privilege against compulsory self-incrimination and their Alaska Constitution counterparts.

2.5.1.: WARNINGS.

To protect the person who is being interrogated in a custodial situation, the United States Supreme Court in Miranda v. Arizona required that the following warnings be given to him before any questioning commenced: (1) he has a right to remain silent; (2) any statement he does make can and will be used against him in court; (3) he has the right to consult with and have an attorney present during an interrogation; and (4) he has the right to have an attorney appointed for him if he is unable to obtain his own.

2.5.2.: WHEN WARNINGS ARE REQUIRED.

The Miranda warnings are required whenever there is a custodial interrogation.

CUSTODY

The Miranda decision, itself, provides a convenient jumping off point for a discussion of what constitutes "custody". In its opinion, the Court noted: "The principles announced today deal with the protection which must be given to the privilege against self-incrimination when the individual is first subjected to police interrogation while in custody at the station or

otherwise deprived of his freedom of action in any way; in short, custody occurs if the suspect is deprived of his freedom in any significant way or is led to believe, as a reasonable person, that he is so deprived."

The Alaska Supreme Court has adopted this objective, reasonable person perspective as the proper standard for determining custody. The custody determination must be made on a case-by-case basis. The question to be asked is whether in the absence of actual arrest something is said or done by the police officer, either in his manner of approach or in the tone or extent of his questioning, which indicates to the defendant that the officer would not heed a request to depart or to allow the defendant to do so. This requires some actual indication of custody, such that a reasonable person would feel he was not free to leave and break off police questioning.

In deciding this issue, the Court will look at three sets of facts: whether the defendant could have left the scene of the interrogation voluntarily; whether the defendant was questioned as a suspect or a witness; and whether the defendant freely and voluntarily accompanied the police to the place of questioning.

INTERROGATION

The Miranda decision was quite emphatic that all persons contacted by the police need not be informed of their rights. General on-the-scene questioning could be conducted without

making advisements. As the court observed, "[i]t is an act of responsible citizenship for individuals to give whatever information they may have in aid of law enforcement."

Further, in holding as it did in Miranda, the court did not seek to bar all confessions. It clearly indicated in the opinion that should a person walk in off the street to confess to the police, the police need not inform such persons of their rights prior to the person making a statement and that confessions made under such circumstances would be admissible.

2.5.3.: WAIVER.

A valid waiver of a constitutional right requires that the state prove by a preponderance of the evidence that it be knowingly and intelligently made in an environment free from coercion.

In addition to this standard, the Alaska Supreme Court has said that it would consider the suspect's mental condition, age, education, and experience in determining if a valid waiver had been obtained. The court has urged law enforcement officers to ascertain these facts prior to undertaking an interrogation and to take them into consideration in determining if the person about to be questioned really understands the meaning of his Miranda rights.

2.6.: POST-ARREST IDENTIFICATION PROCEDURES. The discussion in sections 2.2.2., 2.2.3., and 2.2.4. on the use of photos and confrontations between witnesses and suspects apply equally to post-arrest identification procedures. This section will consequently focus primarily on corporeal line-ups.

2.6.1.: LINE-UPS.

The following eyewitness identification procedure should be used in lineups unless the witness: (1) would not be able to identify the perpetrator of the offense under investigation; and (2) knew the identity of the suspect before the offense occurred, or privately learned of his identity after the offense occurred.

SEPARATE VIEWS BY EACH WITNESS: Each witness should view the suspect out of the presence of all other witnesses.

NO DISCUSSION BY PRESENT WITNESSES WITH FUTURE WITNESSES: Each witness who takes part in an identification procedure should not be permitted to discuss his observations in the presence of other witnesses who are to take part in a future identification process.

OFFICER SUGGESTIONS TO WITNESS NOT PERMITTED: Officers should not suggest to a witness which of the persons in the line-up the officer believes to be the perpetrator of the offense, either directly or indirectly.

RECORD REQUIRED -- PHOTOGRAPH IF POSSIBLE: A complete record of each identification procedure shall be made. Whenever possible, photographs of the identification procedure shall be taken.

COPY OF RECORD TO DISTRICT ATTORNEY BUT NOT TO DEFENSE ATTORNEY: A copy of the identification procedure record, including photographs if taken, should be given to the district attorney.

The police department should not give this information to de-

fense attorneys except that the defendant's lawyer should be permitted to be present when the witness states his conclusion about the lineup and to view the lineup identification card.

LINEUP, DEFINITION: A lineup is an identification procedure in which a suspect is placed in a live group setting and presented to a witness.

LINEUP, WHEN APPLICABLE: A lineup should be held unless one of the following circumstances make a lineup unwise or impractical:

- (1) there is no suspect;
- (2) the suspect cannot be located;
- (3) the witness knew the identity of the suspect before the offense, or privately learned his identity after the offense occurred;
- (4) due to the unusual appearance of the suspect there is a lack of suitable persons to include in the lineup group;
- (5) there is no witness willing or able to view the lineup;
- (6) the suspect refuses to cooperate with the procedure.

LINEUP, TIME FOR: A lineup should be conducted as soon as possible after the commission of the offense.

LINEUP, PROCEDURE FOR:

- (1) All lineups should be conducted so that the suspect cannot see the witness and the witness cannot see the suspect except in line with other participants.

(2) All lineups should consist of not less than six (6) persons including the suspect.

(3) Sex and race should be the same for all persons in the lineup.

(4) Persons placed in the lineups should have similar physical characteristics. Factors such as age, height, weight, hair length, hair color, skin coloring, and physical build should be considered.

(5) Persons placed in the lineup should wear similar clothing. In no circumstances may persons in jail clothes be placed in a lineup with persons in street clothes.

(6) The suspect should be informed and allowed to select his initial position in the lineup. He should be permitted to change his position in the line after each viewing. If he declines to place himself, the officer in charge of the lineup should place him in a fair position.

(7) Officers should say or do nothing to distinguish the suspect from the other lineup participants.

(8) The non-suspects in the lineup must be informed that they shall not do anything so as to single out the actual suspect.

(9) Officers connected with the case under investigation who may have had contact with potential witness should never be placed in the lineup. The same shall be the case with non-officer, non-suspect participants.

(10) There should be no interrogation of the suspect while viewing witnesses are present.

(11) The witness may request of the officer conducting the lineup that the participants in the lineup say or do certain things. The officer in charge of the lineup should then order that each participant in the lineup, in turn, say or do that which has been requested by the witness. The officer in charge should make every effort to insure that his instructions are delivered in the same manner to all the participants in the lineup.

(12) Witnesses need not be physically present at the lineup scene but may view it from another room or hidden location. It must be remembered, however, that lighting and distance become a factor in eyewitness identification.

(13) If necessary, the witness may be masked during the viewing of the lineup. Care should be taken, however, to ensure that the masking does not interfere with the ability to clearly view the participants of the lineup.

(14) A color photograph should be taken of every lineup. Every lineup shall be recorded on audio tape. Where practical, every lineup should be recorded on video tape or film.

(15) If the officer in charge of the lineup encounters difficulties, he should immediately suspend the identification procedure, isolate the participants in the lineup from witnesses, and consult with a superior officer.

LINEUP, ROLE OF THE DEFENDANT'S LAWYER:

(1) A suspect in a post-indictment lineup must be informed that he has a right to have counsel present during

the lineup, and that if he cannot afford counsel one will be appointed for him.

(2) A suspect in a pre-indictment lineup conducted under exigent circumstances need not be provided with an attorney unless he specifically requests one. If he requests counsel but has not retained counsel and cannot afford to retain counsel the public defender's office should be contacted and requested to provide an attorney for the suspect. As a general rule, in all other pre-indictment lineups the suspect should be specifically informed that he has a right to counsel and that if he cannot afford counsel, counsel will be appointed for him.

(3) The suspect should be informed that he has the right to waive the right to counsel. He shall be informed of the consequences of such an act. If he decides to waive, he must sign a waiver form (see attached).

(4) If the suspect requests an attorney, but an attorney refuses to attend the lineup, or none can be obtained after reasonably diligent efforts to do so, the suspect should be informed that the lineup will proceed without an attorney in a fair manner.

(5) Where a suspect requests an attorney and the attorney indicates that he will attend the lineup, the attorney must be given a reasonable time to appear.

(6) The suspect's attorney shall be allowed to consult with his client up to 30 minutes prior to the lineup.

(7) Whenever feasible, and particularly if requested by the attorney, the suspect's attorney should be permitted to select the other participants in the lineup.

(8) The suspect's attorney should be allowed to make suggestions as to the procedure to be used prior to the lineup. The attorney's suggestions should be recorded on the identification procedure form. Any procedure suggested by the attorney for the suspect which would render the identification procedure more consistent with these guidelines should be implemented.

(9) Once the lineup identification procedure has commenced, the attorney's client should only direct suggestions regarding the manner in which the lineup is being conducted to the officer in charge of conducting the lineup. The suspect's attorney should be informed that he has no right to directly interfere with the identification procedure while a witness is viewing the lineup.

(10) The attorney for the suspect has no right to interview the witnesses prior to or during the identification procedure.

(11) The attorney for the suspect should be permitted to be present when the witness states his conclusion about the lineup, and to view the witness identification card.

(12) The attorney for the accused may be present in the room in which the lineup is being conducted or, if he prefers, may view the identification procedure from some other vantage point.

LINEUP, REFUSAL TO PARTICIPATE:

(1) No suspect has the right to refuse to participate in a lineup.

(2) If a suspect refuses to participate he should be informed that his refusal to participate may be used as evidence against him at trial.

(3) If after the warning required in (2) is given, the suspect still refuses to participate, a reasonable amount of force may be used to place the suspect in a lineup or keep him there if the officer in charge believes that this action will permit the lineup procedure to continue or be completed without becoming unreasonably suggestive or conductive.

(4) If the suspect refuses to participate in the lineup after receiving the warning required in (2), the officer in charge may elect to record such refusal on the identification procedure form, dismiss the participants in the lineup, return the suspect to custody if he is detained, or release him if he is on bail and has appeared under court order, and proceed to conduct a proper photographic identification procedure.

LINEUP, ROLE OF OFFICER IN CHARGE:

(1) The officer in charge of the lineup should be responsible for insuring that the requirements of these guidelines are met in each and every instance to the fullest extent possible.

(2) The officer in charge of the lineup should be cognizant of the fact that due process must be met in conducting a lineup and should make every effort to insure that the lineup is conducted in a fair and impartial manner.

NOTE: The term "suspect" as used herein refers to a person who is under arrest, a person who is properly in custody, but not formally arrested, or a person under arrest, released on bail who appears under court order. Use of the term "suspect" should not be read to mean that the police can force persons not mentioned above to stand in lineups.

2.6.2.: OMVI.

The Alaska Supreme Court has authorized the use of video taping in OMVI cases and has ruled that a defendant need not be warned he is to be taped or that he has any right to counsel.

2.7.: ELECTRONIC MONITORING. In the absence of limited exigent circumstances, as yet undefined by the Alaska Supreme Court, and regardless of the locus of the surveillance, Alaska's Constitution prohibits the secret electronic monitoring of conversations upon the mere consent of one of the participants unless a search warrant has been obtained from an impartial magistrate based on probable cause to believe that criminal activity will be discussed. A reasonable description of the person and the place where conversation will be monitored and of the subject of the conversation is required.

PART 3: SUBSTANTIVE CRIMINAL LAW.

This part of the manual will deal with substantive crimes defined in the new Alaska Criminal Code, effective January 1, 1980. It will focus on a limited number of offenses: those which a "street" officer is likely to have a deal with most frequently. The more esoteric types of criminal conduct such as business fraud and offenses against public administration of justice are not addressed. The reader is directed, however, to his agency's copy of the manual on the Revised Criminal Code, prepared by the Department of Law which does address these crimes and also to the commentary on the code and the tentative drafts of the code, all of which will provide greater detail on the meaning and intent of the legislature in enacting the various provisions of the Revised Code.

3.1.: CHARGE FILING POLICY. It should be clearly understood that a final determination whether to charge a suspect or person under arrest and/or for what offenses is a decision which the District Attorney alone makes. Neither the courts nor any other agency of the executive branch of government have jurisdiction over such matters where violations of State law are concerned.

Consequently, whenever possible and practical police officers, whether local or state, should seek the advise of the district attorney's office before making an arrest or filing a complaint in a criminal matter. A series of recommended procedures on these issues follows.

3.1.1.: RURAL MISDEMEANORS.

In cases involving misdemeanor offenses committed in the presence of an officer in a locale for which a full time district attorney is not assigned, the officer is authorized to both make the arrest and to file a complaint on the offense with the district court or magistrate as is appropriate. The district attorney's office for the Judicial District in which

the offense took place should be notified as soon as possible of the arrest and the filing of the complaint and provided with copies of all relevant papers, especially the complaint and the police reports.

3.1.2.: RURAL FELONIES.

In cases involving felony offenses committed in the officer's presence, the officer should employ the same procedures outlined for misdemeanor offenses. However, if time permits, he should make an effort to discuss the case with the district attorney assigned to the locale so that an effort can be made to file a complaint charging the offense at a level as close to that which will be prosecuted as is possible under the circumstances.

In cases in which an arrest is to be made as a result of an investigation of a felony offense, officers should consult with the district attorney assigned to the locale prior to making the arrest and filing the complaint.

3.1.3.: RURAL TRAFFIC OFFENSES.

These procedures do not apply to traffic offenses other than those involving vehicular homicides.

3.1.4.: URBAN MISDEMEANORS.

In cases involving misdemeanor offenses which occur in jurisdictions within which a district attorney's office is located, officers should endeavor to meet with the intake officer prior to filing a complaint. Recent reorganization of the district attorney's offices should insure the presence

of an intake officer with whom the police officer may discuss the appropriateness of filing charges.

3.1.5.: URBAN FELONIES.

Except for offenses committed in the presence of an officer no offense involving a felony should lead to an arrest and the filing of a complaint unless it has been previously reviewed by an intake officer of the district attorney's office. Felony offenses committed in the presence of the officer may lead to an arrest, but no complaint should be filed until the officer has discussed the matter with the intake officer.

3.1.6.: URBAN TRAFFIC OFFENSES.

No complaints should be filed in traffic offenses involving OMVI or vehicular homicide unless they have been discussed with the intake officer in the district attorney's office.

3.2.: HOMICIDE. To commit any form of homicide, the defendant must cause the death of a person. The Code defines "person" as a human being who has been born and was alive at the time of the criminal act. Thus, abortions are excluded from the coverage of this article. The crime of abortion is defined in AS 11.15.060 and that provision is not changed by the Code.

The definition of "alive" is the converse of the definition of "death" appearing in existing AS 9.65.120.

3.2.1.: MURDER IN THE FIRST DEGREE.

AS 11.41.100 -- Unclassified Felony.

ELEMENTS

(1) With an intent -- that is, acting with the conscious objective;

(2) to cause the death of another person;

(3) causes the death of any person; or,

(4) compels or induces any person to commit suicide through duress or deception.

RELATED OFFENSES

Murder in the Second Degree, Manslaughter, Criminally Negligent Homicide.

INVESTIGATIVE HINTS

(1) Preserve the scene, especially weapons, possible weapons, blood splatter, and the position of the body;

(2) know your departments procedures as to who should be notified such as investigators, medical examiners, lab technicians, etc.;

(3) get accurate names and addresses of potential witnesses or sources of information before they can leave the scene; and ,

(4) be alert for evidence of self-defense.

3.2.2.: MURDER IN THE SECOND DEGREE.

AS 11.41.110 -- Unclassified Felony.

ELEMENTS

(1) With intent -- conscious objective,

(2) to cause death or serious physical injury to another,

(3) he causes the death of any person;

OR,

(1) knowing -- aware of his conduct,

(2) his conduct is substantially certain to cause death or serious physical injury to another, or

(3) he causes the death of any person;

OR,

(1) intentionally -- with a conscious objective -- he performs an act,

(2) that results in the death of another person, or

(3) under circumstances manifesting an extreme indifference to the value of human life;

OR,

FELONY MURDER

(1) acting either along or with one or more persons,

(2) he commits, or attempts to commit:

(a) arson in the first degree,

(b) kidnapping,

(c) sexual assault in the first degree under AS 11.41.410 (a) (1) or (2),

(d) sexual assault in the second degree,

(e) burglary in the first degree,

(f) escape in the first or second degree,

(g) robbery in any degree,

(3) and in the course of,

- (3-a) or in furtherance of that crime,
- (3-b) or in immediate flight from that crime,
- (4) any person causes the death of a person other than one of the participants.

RELATED OFFENSES

Manslaughter, criminally negligent homicide, underlying felonies in felony murder.

INVESTIGATIVE HINTS

- (1) See first degree murder; and,
- (2) be sure to gather and preserve evidence related to underlying felonies.

3.2.3.: MANSLAUGHTER.

AS 11.41.120 -- A Class "A" Felony.

ELEMENTS

- (1a) Intentionally -- conscious objective, or
- (1b) knowingly -- awareness of conduct, or
- (1c) recklessly -- substantial and unjustifiable risk that result will occur plus a conscious disregard of the risk constituting a gross deviation from the standard of conduct or care that a reasonable person would observe in the situation,
- (2) causing the death of another person,
- (3) under circumstances not amounting to murder in the first or second degree;

OR,

- (1) intentionally - conscious objective,
- (2) aids another person,
- (3) to commit suicide.

RELATED OFFENSES

Criminally negligent homicide.

INVESTIGATIVE HINTS

See Murder in the First Degree.

3.2.4.: CRIMINALLY NEGLIGENT HOMICIDE.

AS 11.41.130 -- A Class "C" Felony.

ELEMENTS

(1) With criminally negligence -- a substantial and unjustifiable risk that the result will occur where the person is unaware of the risk and thus unconsciously disregards it where disregard of the risk constitutes a gross deviation from the standard of conduct or care that a reasonable person would observe in the situation; or,

(2) he causes the death of another person.

INVESTIGATIVE HINTS

See Murder in the First Degree.

3.3.: ASSAULT. In dealing with assault cases officers should look to the type of injury and the means by which the injury was produced as the primary way of determining the proper charge.

3.3.1.: ASSAULT IN THE FIRST DEGREE.

AS 11.41.200 -- A Class "A" Felony.

ELEMENTS

(1) With intent -- conscious objective,
(2) to cause serious physical injury (physical injury which creates a substantial risk of death or which causes

serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of a bodily organ, or physical injury which terminates pregnancy) to another person,

(3) he cause physical injury (physical pain or an impairment of physical condition),

(4) to any person,

(5) by means of a dangerous instrument (anything which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is capable of causing death or serious physical injury, including all deadly weapons);

OR,

(1) with intent,

(2) to cause serious physical injury to another person,

(3) causes serious physical injury to any person;

OR,

(1) intentionally,

(2) performs an act,

(3) that results in serious physical injury to another person,

(4) under circumstances manifesting an extreme indifference to the value of human life.

RELATED OFFENSES

Assault in the Second Degree, Assault in the Third Degree, and Reckless Endangerment.

INVESTIGATIVE HINTS

(1) Make every effort to get good quality color photographs of the victim's injuries;

(2) in cases in which the type of weapon used is not immediately apparent -- such as a gun or knife -- make sure that potential "dangerous" weapons are preserved for lab analysis;

(3) if the victim is seriously injured but conscious, get as thorough and complete a description of the assailant as possible before the victim is removed from the scene. Inquire initially whether the victim knew the assailant;

(4) evidence which tends to establish the suspect's intentions should be collected from the victim and/or witnesses to the assault as well as from persons with whom the suspect had associated prior to the assault.

3.3.2.: ASSAULT IN THE SECOND DEGREE.

AS 11.41.210 -- A Class "B" Felony.

ELEMENTS

- (1) With intent,
- (2) to cause physical injury to another person,
- (3) he causes serious physical injury to any person;

OR,

- (1) intentionally,
- (2) placing another person in fear of imminent serious physical injury,
- (3) by means of dangerous instrument;

OR,

- (1) recklessly,
- (2) causes serious physical injury to another person

(3) by means of a dangerous instrument. (This section is likely to be used to prosecute drunk drivers who injure persons.)

RELATED OFFENSES

Assault in the Third Degree, Reckless Endangerment.

3.3.3.: ASSAULT IN THE THIRD DEGREE.

AS 11.41.230 -- A Class "A" Misdemeanor.

ELEMENTS

(1a) Intentionally, or

(1b) recklessly,

(2) causes physical injury to another person;

OR,

(1) with criminal negligence,

(2) causes physical injury to another person,

(3) by means of a dangerous instrument;

OR,

(1) intentionally,

(2) places another person in fear of imminent physical injury,

(3) by words or conduct.

RELATED OFFENSES

Reckless Endangerment.

3.3.4.: RECKLESS ENDANGERMENT.

AS 11.41.250 -- A Class "B" Misdemeanor.

ELEMENTS

(1) Recklessly,

(2) engaging in conduct which,

(3) creates a substantial risk of serious physical injury to another person.

INVESTIGATIVE HINTS

(1) Look for witnesses who can describe the way in which the suspect was acting just prior to engaging in the alleged conduct which created the substantial risk of serious physical injury.

3.4.: KIDNAPPING AND RELATED OFFENSES. There are three methods of committing kidnapping under the Code. Each requires that the defendant restrain his victim. Restraint may be accomplished by moving a person or by confining him. The person's movements must be restricted unlawfully and without his consent so as to interfere substantially with his liberty by moving him from one place to another, or by confining him in the place where the restraint started, or to which the victim was moved. A restraint is without consent if it is accomplished by force, threat or deception or by acquiescence of the victim if the victim is under 16 or is incompetent and his lawful custodian has not agreed to the movement or confinement.

3.4.1.: KIDNAPPING.

AS 11.41.300 -- An Unclassified Felony.

ELEMENTS

- (1) Restraint of another person,
- (2) with intent to:
 - (a) hold for ransom, reward or other payment,
 - (b) use as a shield or hostage,

- (c) inflict physical injury upon him or place him or a third person in apprehension that any person will be subjected to serious physical injury ,
- (d) interfere with the performance of a governmental or political function, or
- (e) facilitate the commission of a felony or flight after commission of a felony;

OR,

- (1) restrains another person,
- (2) by secreting or hiding him in a place where he is not likely to be found;

OR,

- (1) restrains another person,
- (2) under circumstances which expose him to a substantial risk of serious physical injury.

RELATED OFFENSES

Custodial interference in the First or Second Degrees.

INVESTIGATIVE HINTS

- (1) Take care to develop evidence related to whether the victim was restrained or went with the suspect willingly;
- (2) make careful notes as to the nature of the location where the victim was physically restrained. Would the surroundings create a substantial risk of serious physical injury;
- (3) was the victim a victim of non-consenting genital intercourse, cunnilingus, fellatio, anal intercourse or has

the victim suffered an intrusion, however slight, of an object or any part of a person's body into the victim's genital or anal opening;

(4) did the victim suffer serious physical injury;

(5) establish the relationships between the victim and the suspect. Were they relatives.

3.4.2.: CUSTODIAL INTERFERENCE IN THE FIRST DEGREE.

AS 11.41.320 -- A Class "A" Misdemeanor.

While aimed primarily at eliminating kidnapping charges from child custody disputes, the statutes on custodial interference protect parental custody against all unlawful interruption, even when the child itself is a willing, undeceived participant in the attack on this interest of its parent.

ELEMENTS

(1) Being a relative of a child under 18 years of age or of an incompetent person,

(2) knowing he has no legal right to do so,

(3) he takes, entices, or keeps that child or incompetent person from his lawful guardian,

(4) with intent to hold him for a protracted period,

(5) and causes the victim to be removed from Alaska.

RELATED OFFENSES

Custodian Interference in the Second Degree.

INVESTIGATORY HINTS

(1) What did the suspect think he had in the way of legal rights to the child. Does he have any supporting papers;

(2) was the suspect a patient, stepparent, ancestor, decendent, brother, sister, aunt or uncle or relative of the same degree through marriage or adoption, of the victim;

(3) look for corroborating evidence for all the elements. A child's or incompetent person's work alone may not hold up on the stand;

(4) check both sides of the case very carefully. Get as much documented evidence as you can and present it with the police reports prior to seeking the complaint. These are very emotional cases.

3.4.3.: CUSTODIAL INTERFERENCE IN THE SECOND DEGREE.

AS 11.41.330 -- A Class "B" Misdemeanor.

ELEMENTS

The same as those for first degree except that the victim is not removed from the state.

3.5.: SEXUAL ASSAULT. Sexual assaults are victim neutral. They may be committed by either sex on members of the same or opposite sex. Sexual penetration -- defined as genital or anal intercourse, cunnilingus or fellatio or any other intrusion, however slight, of the victim's genital or anal openings by any means -- and sexual contact -- defined as the intentional touching directly or through clothing of the victim's genitals, anus or female breast by the suspect or by the victim when caused to do so by the suspect (e.g., masturbation) -- are the primary determinant, it being defined as a person who with or without resisting, is coerced by the use of force against a person or property, or by the express

or implied threat of imminent death, imminent physical injury, or imminent kidnapping to be inflicted on anyone; or is incapacitated as a result of an act of the defendant.

3.5.1.: SEXUAL ASSAULT IN THE FIRST DEGREE.

AS 11.41.410 -- A Class "A" Felony.

ELEMENTS

- (1) Being of any age the suspect,
- (2) engages in sexual penetration,
- (3) with another a person,
- (4) without the consent of that person;

OR,

- (1) being of any age the suspect,
- (2) attempts to engage in sexual penetration,
- (3) with another person,
- (4) without that person's consent,
- (5) and causes serious physical injury to that person;

OR,

- (1) being 16 years of age or older,
- (2) he engages in sexual penetration,
- (3) with another person under 13 years of age;

NOTE: This includes consenting sexual penetration.

OR,

- (1) being 18 years of age or older,
- (2) he engages in sexual penetration,
- (3) with another person who is under 18 years of age

and who:

- (a) is entrusted to his care by authority of law or,

- (b) is her son or daughter whether adopted,
illegitimate or stepchild.

NOTE: Once again, this includes consenting sexual penetration.

RELATED OFFENSES

Sexual Assault in the Second and Third Degree and Sexual Abuse of a Minor, Assault in the Second Degree.

INVESTIGATORY HINTS

- (1) Get accurate information on the victim and the suspect's ages and relationships,
- (2) photograph all injuries,
- (3) preserve all clothing, both the victim's and the suspect's.
- (4) collect blood and saliva samples when possible,
- (5) treat all victims with the same respect and concern you'd want your loved ones to receive,
- (6) get as accurate a description of the suspect and of his M.O. as you can while respecting the victim's emotional condition.

3.5.2.: SEXUAL ASSAULT IN THE SECOND DEGREE.

AS 11.41.430 -- A Class "B" Felony.

ELEMENTS

- (1) The suspect coerces,
- (2) another person to engage in sexual contact,
- (3) by the express or implied threat of imminent death, imminent physical injury or imminent kidnapping,
- (4) to be inflicted on any person,

(5) with or without resistance by the victim;

OR,

- (1) the suspect coerces,
- (2) another person to engage in sexual contact,
- (3) by causing physical injury to any person,
- (4) with or without the victim's resistance.

RELATED OFFENSES

Sexual Assault in the Third Degree, Sexual Abuse of a Minor, Coercion and Assault in the Third Degree.

3.5.3.: SEXUAL ASSAULT IN THE THIRD DEGREE.

ELEMENTS

- (1) Being of any age,
- (2) he engages in sexual penetration,
- (3) with a person,
- (4) who he knows is:
 - (a) suffering from a mental disorder or defect which renders that person incapable of understanding the nature of the conduct under circumstances where a person who could understand would not engage in sexual penetration or,
 - (b) is incapacitated.

RELATED OFFENSES

Sexual Abuse of a Minor.

3.5.4.: SEXUAL ABUSE OF A MINOR.

AS 11.41.440 -- A Class "C" Felony.

ELEMENTS

- (1) Being 16 years of age or older,
- (2) he engages in sexual penetration,
- (3) with a person under 16 but over 13 years of age;

OR,

- (1) being 16 years of age or older,
- (2) he engages in sexual contact,
- (3) with a person who is under 13 years of age.

NOTE: Both of these offenses involve consenting acts.

3.6.: ROBBERY AND RELATED OFFENSES.

3.6.1.: ROBBERY IN THE FIRST DEGREE.

AS 11.41.500 -- A Class "A" Felony.

ELEMENTS

- (1) In the course of taking or attempting to take,
- (2) property from the immediate presence and control of a person,
- (3) accompanied by force or the threat to use force upon any person to:

(a) prevent or overcome resistance to his taking
~~the property or his retention of the property~~
after taking, or

(b) compel any person to deliver property or engage in other conduct which might aid in the taking of the property,

- (4) and during the robbery or in immediate flight therefrom he or another participant,

- (a) is armed with a deadly weapon or represents by words or other conduct that they are so armed, or
- (b) uses or attempts to use a dangerous instrument or represents by words or other conduct that they are so armed, or
- (c) causes or attempts to cause serious physical injury to any person.

RELATED OFFENSES

Robbery in the Second Degree, Extortion, Coercion, Assault in the First and Second Degrees.

INVESTIGATORY HINTS

- (1) What kinds of weapons, if any, were used and how were they used ;
- (2) how long did the victim(s) have to observe the suspect(s) and under what conditions. These may be key to a subsequent good identification;
- (3) what threats were used? What were the exact words or gestures used or employed by the suspect(s)?

3.6.2.: ROBBERY IN THE SECOND DEGREE.

AS 11.41.520 -- A Class "B" Felony.

ELEMENTS

The same as those listed in 1-3 under Robbery in the First Degree.

3.6.3.: EXTORTION AND COERCION.

The extortion statute in the Code is virtually identical to the statute passed by the legislature in 1974. The only

changes that have been made were necessary to conform the statute to the Code's uniform general definitions (i.e., in paragraph (1) the term "bodily injury" was changed to "physical injury").

Extortion is a B felony regardless of the value of the property that was obtained. In this regard, extortion differs from the theft provisions by not making the classification dependent on the value of the property.

Under paragraph (1), extortion can be committed by obtaining property of another by threatening physical injury. It is important to note that while this conduct is similar to robbery, the extortion statute specifically excludes situations amounting to robbery from its coverage. Thus, if the threat is of immediate physical injury, the crime is robbery; if the threat involves other than the immediate infliction of physical injury, the crime is extortion.

Extortion requires that the defendant actually obtain property by means of a threat.

Coercion is classified as a C felony. Coercion of a person to do or abstain from any act when he has a legal right to do the opposite is prohibited. The crime of coercion describes conduct that is very similar to extortion. However, there is no primary distinction between the two crimes. Under extortion, the defendant must threaten his victim and obtain property. Under the crime of coercion, any act may be compelled by means of a threat.

The type of threats that will be the basis of a charge of coercion are specified in paragraphs (1)-(6). These threats are identical to the threats listed in the same paragraphs of the extortion statute. One threat listed in the extortion statute is not, however, included in the coercion provision: Paragraph (7).

3.7.: BURGLARY. The Revised Code provides for two degrees of burglary. The type of premises involved in the actions of the suspect determine whether the conduct is first or second degree burglary. As used in the Code the term "building," in addition to its usual meaning, includes any propelled vehicle or structure adapted for overnight accomodation of persons or for carrying on business; when a building consists of separate units, including apartment units, offices, or rented rooms, each unit is considered a separate building; "dwelling" means a building that is designed for use or is used as a person's permanent or temporary home or place of lodging.

3.7.1.: BURGLARY IN THE FIRST DEGREE.

AS 11.46.300 -- A Class "B" Felony.

ELEMENTS

- (1) Entering or remaining unlawfully, that is, at the time of the entry or remaining the building is not open to the public and the suspect is not otherwise privileged to enter or remain,
- (2) in a building,
- (3) with the intent to commit a crime in the building,

(4) and the building is a dwelling or effecting entry or while in the building or in immediate flight from the building the suspect is armed with a firearm, causes or attempts to cause physical injury to a person or uses or threatens to use a dangerous instrument.

RELATED OFFENSES

Burglary in the Second Degree, Criminal Trespass in the First and Second Degrees, Possession of Burglary Tools.

INVESTIGATORY HINTS

- (1) What is the nature of the premises involved -- a building or a dwelling;
- (2) was the suspect armed or did he make threats;
- (3) were any victims injured;
- (4) how was entry obtained;
- (5) what relationship, if any, exists between the victim(s) and the suspect(s)? Were they roommates, are they landlords/tenants, etc.?

3.7.2.: BURGLARY IN THE SECOND DEGREE.

AS 11.46.310.

ELEMENTS

The elements are identical to elements 1-3 for Burglary in the Second Degree.

3.8.: CRIMINAL TRESPASS. Similar to burglary, criminal trespass is divided into two degrees. The first degree offense is a class A misdemeanor, the second degree offense is a class B misdemeanor. Criminal trespass in the second degree occurs when a person "enters or remains unlawfully"

in or upon premises. The term "premises" is defined to mean real property including any building. Criminal trespass in the second degree also occurs when a person enters or remains unlawfully in a propelled vehicle. Note that the taking of a propelled vehicle would be prosecuted under the code provisions on theft or criminal mischief. Section 11.46.330(a)(2) covers relatively trivial conduct, such as unlawfully entering an automobile to take a nap.

3.8.1.: CRIMINAL TRESPASS IN THE FIRST DEGREE.

AS 11.46.320 -- A Class "A" Misdemeanor.

ELEMENTS

- (1) Enters or remains unlawfully,
- (2) on real property,
- (3) with intent to commit a crime, on that real property;

OR,

- (1) enters or remains unlawfully,
- (2) in a dwelling.

RELATED OFFENSES

Criminal Trespass in the Second Degree.

INVESTIGATORY HINTS

(1) Does the evidence of the break-in or use of the premises and other circumstances suggest that the suspect was seeking emergency shelter; or, does the evidence tend to disspell such a notion;

(2) has someone made a report to the police on emergency use of the premises reported to have been broken into;

(3) is the property posted against trespassing? If so, how? Is it reasonably conspicuous under the circumstances;

(4) Was the notice of trespass otherwise communicated to the suspect? How?

3.8.2.: CRIMINAL TRESPASS IN THE SECOND DEGREE.

AS 11.46.330 -- A Class "B" Misdemeanor.

ELEMENTS

- (1) Enters or remains unlawfully,
- (2) in or upon premises;

OR,

- (1) enters or remains unlawfully,
- (2) in a propelled vehicle (which means a device upon which or by which a person or property is or may be transported, and which is self-propelled, including automobiles, vessels, airplanes, motorcycles, snow machines, all-terrain vehicles, sailboats, and construction equipment).

3.9.: THEFT AND RELATED OFFENSES. The primary purpose of theft provisions in the Revised Code was the consolidation of the traditionally distinct crimes of larceny, larceny by trick, embezzlement, theft or mislaid property, obtaining property by false pretenses, receiving stolen property and theft of services into the crime of theft. The crime of theft is divided for purposes of punishment into four degrees, depending primarily on the value of the property or services that was the subject of theft. The prohibited conduct is designated as "theft" to avoid any implication that the crime is limited by the scope of common law larceny.

11.46.100 (1) describes conduct traditionally classified as larceny or embezzlement. The defendant must act with "intent to deprive another of property or to appropriate property of another". The terms "appropriate" and "deprive" are defined as follows:

"Appropriate" or "appropriate property of another to oneself or a third person" means to:

(A) exercise control over property of another, or to aid a third person to exercise control over property of another, permanently or for so extended a period or under such circumstances as to acquire the major portion of the economic value or benefit of the property; or ,

(B) dispose of the property of another for the benefit of oneself or a third person;

While "deprive" or deprive another of property" means to:

(A) withhold property of another or cause property of another to be withheld from him permanently or for so extended a period or under such circumstances that the major portion of its economic value or benefit is lost to him;

(B) dispose of the property in such a manner or under such circumstances as to make it unlikely that the owner will recover the property;

(C) retain the property of another with intent to restore it to him only if he pays a reward or other compensation for its return;

(D) sell, give, pledge, or otherwise transfer any interest in the property of another; or ,

(E) subject the property of another to the claim of a person other than the owner.

Subsections (2) - (6) of 11.46.100 refer to sections describing how:

- (1) theft of lost property,
- (2) theft by deception,
- (3) theft by receiving,
- (4) theft of services, and
- (5) theft by failure to make required disposition of funds received or held may be committed.

It is important to note that the conduct described in these sections does not define separate crimes. Conduct described as theft by deception, or example, is theft under section 100 , and depending on the value of the property involved will be punished as theft in the first, second, third or fourth degree.

3.9.1.: THEFT IN THE FIRST DEGREE.

AS 11.46.120 -- A Class "B" Felony.

ELEMENTS

(1) With intent to deprive another of property or to appropriate the property of another to himself or a third person:

- (2a) he obtains property of another, or
- (2b) he commits theft of lost or mislaid property, or
- (2c) he commits theft by deception, or
- (2d) he commits theft by receiving, or

- (2e) he commits theft of services; or
- (2f) he commits theft by failure to make required disposition of funds received or held,
- (3) and the value of the property or services is \$25,000 or more.

RELATED OFFENSES

Theft in Second, Third or Fourth Degrees, Concealment of Merchandise, Issuing a Bad Check, Fraudulent Use of a Credit Card.

INVESTIGATORY HINTS

(1) Did the suspect obtain the property of another knowing that the property was lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient and did he fail to take reasonable measures (including notifying the identified owner or a peace officer) to restore the property to the owner with intent to deprive the owner of the property? (Theft of lost or mislaid property.)

(2) Did the suspect with intent to deprive another of property or to appropriate property of another to himself or a third person, obtains the property of another by deception.

"Deception" is defined in 11.46.900(b)(14) to cover five forms of conduct. Paragraph (A) codifies the traditional false pretenses concept of knowingly creating a false impression, but broadens its scope to include confirming

another's impression which the defendant does not believe to be true. The false impression may relate to law, value, intention or other state of mind. The traditional restriction to "existing facts" is rejected, as is the requirement of a "false token".

If the defendant knowingly fails to correct a false impression which he has previously created he has committed deception under paragraph (B). Paragraph (C) provides that deception also occurs when a seller knowingly prevents a buyer from acquiring relevant information to the disposition of property or services.

Paragraph (D) reaches the conduct currently covered by AS 11.20.400 -- conveying an interest in property and failing to disclose a claim which impairs the enjoyment of the property.

Paragraph (E) provides that a person obtains property by deception if he promises performance which he intends or knows will not be performed. The original promise is actually the creating of a false impression under paragraph (A). However, it is advisable to provide specifically for theft by a false promise to emphasize that the common law restriction to "existing facts" cannot be interpreted to exempt false promises from the coverage of the theft statute (theft by deception).

(3) Did the suspect buy, receive, retain, conceal, or dispose of stolen property with reckless disregard that the

property was stolen. As used here, "receives" includes acquiring possession, control, or title, or lending on the security of the property (theft by receiving).

(4) Did the suspect obtain services, known by him to be available only for compensation, by deception, force, threat, or other means to avoid payment for the services; or, having control over the disposition of services of others to which he was not entitled, he knowingly diverted those services to his own benefit or to the benefit of another not entitled to them.

(5) Did the suspect abscond without paying for hotel, restaurant, or other services for which compensation is customarily paid immediately upon the receiving of them. If so, this is prima facie evidence that the services were obtained by deception (theft of services).

(6) Did the suspect obtain property from anyone or personal services from his employee upon an agreement or subject to a known legal obligation to make specified payment or other disposition to a third person, whether from that property or its proceeds or from his own property to be reserved in equivalent amount; and did he exercise control over the property to services as his own and fails to make the required payment or disposition (theft by failure to make required disposition of funds held or received).

(7) If you are dealing with theft by receiving accurately describe where the property was found. If it was artfully con-

cealed, or had identification marks removed, that will be good circumstantial evidence of knowledge that the property was stolen.

(8) In theft of services cases get physical evidence -- phone bills, receipts, etc., whenever possible.

3.9.2.: THEFT IN THE SECOND DEGREE.

AS 11.46.130 -- A Class "C" Felony.

ELEMENTS

(1) Same as 1 and 2 in First Degree and,
(2) value of property or services is \$500 or more but less than \$25,000, or the property is a firearm or explosive or the property is taken from the person of another.

3.9.3.: THEFT IN THE THIRD DEGREE.

AS 11.46.140 -- A Class "A" Misdemeanor.

ELEMENTS

Are the same as First Degree but the value of the property or services is \$50 or more but less than \$500 or the property is a credit card.

3.9.4.: THEFT IN THE FOURTH DEGREE.

AS 11.46.150 -- A Class "B" Misdemeanor.

ELEMENTS

Are the same as First Degree but the value of the property or services is less than \$50.

3.9.5.: VALUE.

AS 11.46.980.

Because the degree of theft is primarily determined by the value of the property involved, the Code includes rules

for determining value. While discussed in the context of the theft provisions, the rules specified here apply to all offenses in chapter 46 in which it is necessary to determine value.

Subsection (a) of AS 11.46.980 provides that value will ordinarily mean the market value of the property at the time of the theft. If this cannot reasonably be ascertained, value means the cost of replacing the property.

Subsection (b) (1) provides that the value of a written instrument constituting an evidence of debt, such as a check, draft, or promissory note, shall be considered the amount due or collectable on the instrument. Pursuant to subsection (b) (2), the value of any other written instrument is considered the greatest amount of economic loss which the owner might reasonably suffer because of the theft.

Subsection (c) provides that amounts involved in criminal acts committed under one course of conduct are to be aggregated in determining the degree of theft.

3.9.6.: CONCEALMENT OF MERCHANCISE.

AS 11.46.220 -- A Class "C" Felony or Class "A" or "B" Misdemeanor (depending on value of property).

ELEMENTS

- (1) Without authority,
- (2) he knowingly conceals on or about his person,
- (3) the merchandise of a commercial establishment,
- (4) not purchased by him,

(5) while still on the premises of the commercial establishment,

(6) with the intent to deprive the owner of the merchandise;

AND,

(7a) the value of the merchandise is \$500 or more -- a class C felony, or

(7b) the value of the merchandise is \$50 or more but less than \$500 -- a class A misdemeanor, or

(7c) the value of the merchandise is less than \$50 -- a class B misdemeanor.

3.9.7.: REMOVAL OF IDENTIFICATION MARKS: UNLAWFUL POSSESSION.

AS 11.46.260 and AS 11.46.270 -- Class "C" Felony to Class "B" Misdemeanors (depending upon value of property).

The crime of removal of identification marks prohibits the defacing, erasing or the altering of a serial number or identification mark "with intent to cause interruption to the ownership of another." The intent element prevents conviction of persons who alter their own property.

The crime of unlawful possession prohibits the possession of property "knowing that the serial number or identification mark . . . has been erased, altered, changed or removed with the intent of causing interruption to ownership of another."

There should be few problems in convincing a jury that a person discovered, for example, with ten television sets in his basement, all with their serial numbers removed, possessed that property knowing it has been altered with the intent to cause

interruption to the ownership of another. In short, both these offenses should be considered in connect with theft by receiving.

3.9.8.: ISSUING A BAD CHECK.

AS 11.46.280 -- A Class "B" Felony to Class "B" Misdemeanor (depending upon the face amount of the check).

ELEMENTS

- (1) Issuance of a check,
- (2) knowing it will not be honored by the drawee.

INVESTIGATORY HINTS

(1) Was check presented for payment within 30 days after issue and did the writer fail to make full satisfaction within 15 days after notice of dishonor was deposited as first class mail? If so, prima facie evidence that the writer knew the check would not be honored is established;

(2) find out if the bank or drawee has assessed costs and/or protest fees. If so, these are part of the face amount of the dishonored check and thus may change the class of offense. For example, a check for \$498 would ordinarily only be a class A misdemeanor. However, if the bank charges a \$5.00 service fee, then the offense becomes a Class "C" felony.

3.10.: ARSON. Several offenses under the Code involve a wrongful use or relationship with fire or explosives. The key factors the officer should look to are (1) who set it? (2) what was his intent? (3) what damage occurred? (4) was anyone placed in danger? (5) who did or did not report the fire?

Fire and explosive related offenses can ripen into assault

and homicide when injury to persons occurs or is intended. When the purpose includes economic advantage or fraud of an insurance carrier, theft or extortion may additionally be committed in some cases.

3.10.1.: ARSON IN THE FIRST DEGREE.

AS 11.46.400 -- A Class "A" Felony.

ELEMENTS

(1) An intent to damage any property by starting a fire or causing an explosion,

(2) recklessly places another person in danger of serious physical injury.

RELATED OFFENSES

Arson in the Second Degree, Criminally Negligent Burning, Theft by Deception, Failure to Control or Report a Dangerous Fire.

INVESTIGATIVE HINTS

Eliminate natural causes; check for smells, color of smoke, speed of spread, point(s) of origin, locked or jimmied condition of doors and windows, condition of doors and windows, condition of fire prevention devices; wood charring patterns, who is watching the fire fighting efforts, liquid containers, candles or piled combustibles, recent insurance activity and economic distress, the location of policy, personal or property record of prior fires, destruction of evidence of other offenses, unusual removal of goods, valuables, etc. Photos should be taken of all evidence as it is uncovered. Arson is a specialty investigation. Get backup if you can where preliminary indications are of a concealed, intentionally caused fire.

3.10.2.: ARSON IN THE SECOND DEGREE.

AS 11.41.410 -- A Class "B" Felony.

This offense is aimed primarily at property threatening conduct as compared with First Degree which is concerned with risks to the person.

ELEMENTS

- (1) Intentional damage,
- (2) to "a building" (includes some boats and vehicles),
- (3) by starting a fire or causing an explosion.

RELATED OFFENSES

Criminally Negligent Burning, Failure to Control or Report a Dangerous Fire.

3.10.3.: CRIMINALLY NEGLIGENT BURNING.

AS 11.41.430 -- A Class "A" Misdemeanor.

ELEMENTS

- (1) If, with criminal negligence he,
- (2) causes damage to any property of another,
- (3) by fire or explosion.

RELATED OFFENSES

Homicide or assault if death or injury results.

3.10.4.: FAILURE TO CONTROL OR REPORT A DANGEROUS FIRE.

AS 11.46.450 -- A Class "A" Misdemeanor.

This offense is primarily concerned with intentionally started outdoor fires which have gotten out of control where the person responsible has just walked away from it.

ELEMENTS

(1) An official contractual or other legal duty to prevent or combat the fire in question,

OR

the fire was started by the person in any manner,

OR

the fire was started with the person's consent,

OR

the fire was started by any cause on property in the person's custody or control, and

(2) he knows that the fire is endangering life or a substantial amount of property of another,

(3) failure to take reasonable measures to put out or control the fire when he can do so without substantial risk of harm to himself,

OR

fails to give a prompt alarm.

3.11.: CRIMINAL MISCHIEF. Though either larcenous or assaultive behavior may be incidentally involved in this group of offenses, they generally cover injurious interference with property of a vandalism nature where the intent to steal or to injure people physically is a secondary motive or not present.

3.11.1.: CRIMINAL MISCHIEF IN THE FIRST DEGREE.

AS 11.46.480 -- A Class "B" Felony.

Section 480 includes three separate offenses under the title "Criminal Mischief in the First Degree":

§ 480(a)(1) (Intentional Disruption of Utility Service)

ELEMENTS

(1) Any damage or tampering with property used by a utility (such as gas, steam, electric, water, sewer, communications or any common carrier) or by an organization which deals with emergencies involving danger to life or property (such as a police, ambulance, or fire department) with,

(2) an intention to cause a substantial disruption or impairment of a service rendered to the public by the utility or organization causing,

(3) an actual disruption or impairment,

(4) in the absence of legal right or reasonable grounds for the suspect to believe he had a right to engage in such conduct.

§ 480(a)(2) (Damage With Widely Dangerous Means)

ELEMENTS

(1) Damage to property of another where the value of the loss exceeds \$100,000,

(2) by the intentional use of widely dangerous means such as fire, explosion, avalanche, poison, radioactive material, bacteria, collapse of a building or flood,

(3) with an intention to cause damage,

(4) in the absence of legal right or reasonable grounds to believe he has a right to engage in such conduct.

§ 480(a)(3) (Damage to Oil or Gas Pipeline)

ELEMENTS

(1) Any damage to an oil or gas pipeline or supporting facility (not including property used exclusively in retail

distribution), .

(2) with intent to cause such damage,

(3) in the absence of a legal right or reasonable grounds to believe he has a right to engage in such conduct.

RELATED OFFENSES

Other Criminal Mischiefs, Firearms Offenses, possible federal offenses in case of pipeline interference.

INVESTIGATIVE HINTS

Generally follow procedure for burglary such as evidence of access, presence of hostility to injured organization, indications of juvenile involvement, possibility of group activity, spent cartridges or other paraphernalia.

3.11.2.: CRIMINAL MISCHIEF IN THE SECOND DEGREE.

AS 11.46.482 -- A Class "C" Felony.

Section 482 includes four separate offenses under the title "Criminal Mischief in the Second Degree." Special note should be made of 482(a)(4) which is a felony joyriding statute.

§ 482(a)(1) (Felonious vandalism)

ELEMENTS

(1) Intention to damage the property of another where the value of the loss exceeds \$500,

(2) actual damage to property of another (need not be same property which the person intended to damage),

(3) in the absence of legal right or reasonable grounds to believe he has a right to engage in such conduct.

§ 482(a)(2) (Tampering with pipeline or plane)

ELEMENTS

(1) Tampering (improper interference, meddling or alteration)

with an oil or gas pipeline or supporting facility or an airplane or helicopter with,

(2) reckless disregard for risk of harm to or risk of loss of the property,

(3) in the absence of legal right or reasonable grounds to believe he has a right to engage in such conduct.

§ 482(a)(3) (Creating risk of catastrophic damage)

ELEMENTS

(1) He recklessly creates a risk of damage to the property of another in an amount exceeding \$100,000,

(2) by the use of a widely dangerous means (such as fire, explosion, avalanche, poison, radioactive material, bacteria, collapse of a building or flood,

(3) in the absence of legal right or reasonable grounds to believe he has a right to engage in such conduct.

§ 482(a)(4) (Felonious joyriding)

ELEMENTS

(1) the suspect drives or tows away or takes,

(2) a propelled vehicle,

(3) belonging to another person, and

(4) causes \$500 or more damage to the vehicle

OR

causes owner to incur reasonable expenses of \$500 or more as a result of loss of use of the vehicle,

(5) in the absence of legal right or reasonable grounds to believe he has a right to engage in such conduct.

RELATED OFFENSES

Criminal Mischief in the Third Degree, possible federal offenses with planes, pipelines and out-of-state transportation.

3.11.3.: CRIMINAL MISCHIEF IN THE THIRD DEGREE.

AS 11.46.484 -- A Class "A" Misdemeanor.

Section 484 includes four separate offenses under the title "Criminal Mischief in the Third Degree."

§ 484(a)(1) (Misdemeanor vandalism)

ELEMENTS

- (1) Intentional damage to the property of another,
- (2) where the value of damage is more than \$50 but under \$500,
- (3) in the absence of legal right or reasonable grounds to believe he has a right to engage in such conduct.

§ 484(a)(2) (Simple joyriding)

ELEMENTS

- (1) The suspect drives or tows away or takes,
- (2) a propelled vehicle,
- (3) belonging to another person,
- (4) in the absence of legal right or reasonable grounds to believe he has a right to engage in such conduct.

§ 484(a)(3) (Failure to return rented vehicle)

ELEMENTS

- (1) The suspect has custody of a propelled vehicle under a written agreement with another person who is the owner of the vehicle,
- (2) the agreement specifies the time (date) by which the

vehicle is to be returned and,

(3) the suspect knowingly retains or withholds possession of the vehicle beyond the specified time,

(4) where the owner does not consent to the extended time period,

(5) and the length of time which the vehicle was held beyond the return date was long enough to render the retention an unreasonable deviation from the agreement.

§ 484(a)(4) (Tampering with fire alarm or sprinkler)

ELEMENTS

(1) The suspect tampers (improper interference, meddling or alteration) with a fire protection device located in a building which,

(2) is a public place (any place where a substantial group has access - such as common hallways),

(3) in the absence of legal right or reasonable grounds to believe he has a right to engage in such conduct.

3.11.4.: CRIMINAL MISCHIEF IN THE FOURTH DEGREE.

AS 11.46.486 -- A Class "B" Misdemeanor.

Section 486 includes three separate offenses under the title "Criminal Mischief in the Fourth Degree."

§ 486(a)(1) (Petty tampering)

ELEMENTS

(1) Tampering (improper interference, meddling or alteration) with property of another person,

(2) while exhibiting a reckless disregard for risk of harm

to or risk of loss of the property,

OR

intending to cause a substantial inconvenience to another person,

(3) in the absence of legal right or reasonable grounds to believe he has a right to engage in such conduct.

§ 486(a)(2) (Petty vandalism)

ELEMENTS

(1) Intentional damage to property of another,

(2) of value of less than \$50,

(3) in the absence of legal right or reasonable grounds to believe he has a right to engage in such conduct.

§ 496(a)(3) (Joyriding passenger)

ELEMENTS

(1) Repeat the elements of § 482(a)(4) or § 484(a)(2) but as to another person or as to a person or persons unknown,

(2) where the suspect knew the vehicle was stolen or used in violation of § 482(a)(4) or § 484(a)(2),

(3) and the suspect rode in the vehicle at time of knowledge,

(4) in the absence of legal right or reasonable grounds to believe he has a right to engage in such conduct.

INVESTIGATIVE HINTS

Note that the four degrees of mischief are tied together and distinguished by a number of elements on which you must provide evidence:

(1) the specific state of mind of the suspect,

(2) the value of goods damaged,

(3) the ownership of goods,

(4) the existence or absence of an excuse or reasonable belief of the suspect that he had some right or justification in the taking or use of the property.

3.11.5.: LITTERING.

AS 11.46.488 -- A Violation.

ELEMENTS

(1) The suspect places or throws litter (meaning any rubbish, refuse or debris) on any public or private property or in any public or private waters,

(2) in the absence of permission from a person the suspect might reasonably believe had the power to give it,

(3) where the suspect does not immediately remove the litter.

INVESTIGATIVE HINTS

Note that no culpable mental state is required. The offense is one of "strict liability." Litter will frequently contain envelopes, etc., addressed to the offender.

3.12.: RIOT, DISORDERLY CONDUCT AND RELATED OFFENSES.

3.12.1.: RIOT.

AS 11.61.100 -- A Class "C" Felony.

ELEMENTS

(1) The suspect engaged in tumultuous and violent conduct,

(2) in a public place,

(3) with five or more other participating persons,

(4) the conduct caused significant damage to property or physical injury to persons,

OR

the conduct created a substantial risk of such damage or injury.

RELATED OFFENSES

Criminal Mischief Offenses and other offenses against persons and property.

INVESTIGATIVE HINTS

Problems of subsequent identification and linkage of specific individuals to specific conduct are inherent in riotous situations. Photographs are very helpful.

3.12.2.: DISORDERLY CONDUCT.

AS 11.61.110 -- A Class "B" Misdemeanor.

Disorderly Conduct has historically been used as a catch-all arrest charge for persons making a nuisance of themselves. But the generality of the charge has been increasingly troublesome to the courts which have demanded that specific behavior be identified. Many early statutes were struck down. To make the kinds of behavior previously controlled under disorderly conduct still amenable to arrest, the statute has been subdivided to cover seven distinct, specific types of conduct under the title "Disorderly Conduct." Of course an arrest may be made under more than one subsection of section 110.

§ 110(a)(1) (Excessive noise in the home)

ELEMENTS

- (1) The suspect makes an unreasonably loud noise (unreasonably loud considering:
 - (a) the nature of the location,
 - (b) time of day or night,

- (c) other pertinent circumstances) with,
- (2) an intent to disturb peace and privacy of another person not on the same premises,

OR

with reckless disregard for the effect that conduct is having after being warned that he is disturbing peace and privacy of another person.

INVESTIGATIVE HINTS

Though not essential, if at all feasible, get complaining person (victim) to agree to be a witness, before making arrest or issuing a citation. Noise which disturbs a police officer is not enough. Take note of circumstances known or which should have been known to suspect which make the noise unreasonable and specify those in the complaint, such as time of night, residential neighborhood or apartment block, volume indicators such as how far away noise could be heard.

This is not an obscenity statute. The noise should be characterized as speech, shouting, whistling, loud laughing, amplification, etc., of a volume louder than necessary for communication within the premises. Specific language context may be recorded. A prior warning improves the case but is not essential.

RELATED OFFENSES

Criminal Mischief, Harassment.

§ 110(a)(2) (Excessive noise in a public place or in a home without consent)

ELEMENTS

- (1) The suspect makes an unreasonably loud noise

(unreasonably loud considering

- (a) the nature of the location,
- (b) the time of day,
- (c) other pertinent circumstances) in a

(2) place that is private but the person in control of premises has not consented to noise,

OR

in a public place,

(3) with intent to disturb peace and privacy of another (who may be on the same premises),

OR

with reckless disregard that his conduct is having that effect and he continues the noisy conduct after being warned that he is disturbing peace and privacy of another person.

RELATED OFFENSES

If in a private place the person will usually have been asked to leave: Trespass.

INVESTIGATIVE HINTS

(See § 110(a)(1)). Note that a public place has a different expectation as to privacy. Specify the unreasonable nature of the NOISE because church service, because making it difficult for neighbors in club to converse, hear music, conduct business, etc.

§ 110(a)(3) (Failure to disperse)

ELEMENTS

- (1) In a public place,
- (2) when a crime has occurred,
- (3) peace officer has ordered suspect to disperse,

(4) and the suspect failed to disperse.

§ 110(a)(4) (Refusal to leave premises)

ELEMENTS

- (1) In a private place where,
- (2) the suspect has no right of possession in premises and,
- (3) the suspect has not been expressly invited to remain by a person having a right of possession and,
- (4) the peace officer has ordered suspect to leave premises, and
- (5) the suspect has failed to comply with the order.

§ 110(a)(5) (Fighting)

ELEMENTS

- (1) In a public or private place the suspect,
- (2) challenges another to fight,

OR

fights in the absence of self-defense.

§ 110(a)(6) (Creating reckless condition)

ELEMENTS

- (1) The suspect recklessly,
- (2) creates a hazardous condition for others having,
- (3) no legal justification or excuse for his act.

INVESTIGATIVE HINTS

Examples might include dangerously rocking a small boat, turning out lights in an auditorium, shouting "fire", digging a hole in or obstructing a road or path, potentially injurious "practical jokes."

§ 110(a)(7) (Offensive exposure)

ELEMENTS

- (1) The suspect intentionally,
- (2) exposes his genitals or buttock or anus or female breast,
- (3) to another person with,
- (4) reckless disregard for the offensive or insulting effect which the act may have on the other person.

INVESTIGATIVE HINTS

No sexual intent is required. This is not an obscenity statute. Exposure must take place in situation involving a reckless disregard of other's feelings - i.e., routine, predictable exposure by an entertainer in a place of entertainment is not covered.

3.12.3.: HARASSMENT.

AS 11.61.120 -- A Class "B" Misdemeanor.

Conduct described under "harassment" was historically controlled under disorderly conduct. The emerging constitutional requirement of specific conduct identification has resulted in the identification of five separate offenses constituting harassment as well as the several disorderly conduct categories.

§ 120(a)(1) (Fighting words)

ELEMENTS

- (1) The suspect insults,
OR
taunts,
OR
challenges another person,

(2) where the suspect knows or should know that the words used create a probability of an immediate, violent response from the other person with,

(3) intention to harass or annoy the other person.

§ 120(a)(2) (Disabling phone)

(1) Makes a phone call to another person,

(2) fails to terminate the connection,

(3) intention to impair the ability of the other person to place or receive telephone calls,

(4) intention to harass or annoy the other person.

§ 120(a)(3) (Repeated phone calls)

ELEMENTS

(1) Making three or more phone calls to another person,

(2) knowing that the calls are received at a time of extreme inconvenience to the person with,

(3) an intention to harass or annoy the other person.

§ 120(a)(4) (Offensive phone calls). This offense includes three separate types of offense.

(Anonymous phone call)

ELEMENTS

(1) Making a phone call to another person,

(2) declining to identify self when asked,

(3) with an intention to harass or annoy the other person.

(Obscene phone call)

ELEMENTS

(1) Making a phone call to another person involving an,

(3) intention to harass or annoy the other person.

(Threatening phone call)

ELEMENTS

(1) Making a phone call to another person and,

(2) while on the phone threaten physical injury to the person called or to some other person,

(3) with an intention to harass or annoy the other person.

§ 120(a)(5) (Offensive physical contact)

ELEMENTS

(1) Touches another person,

(2) with an intention to harass or annoy the person by the touching.

3.13.: DANGEROUS INSTRUMENTALITY OFFENSES.

3.13.1.: MISCONDUCT INVOLVING WEAPONS IN THE FIRST DEGREE.

AS 11.61.200 -- A Class "C" Felony.

Section 61.200 establishes six felony offenses describing various conduct in relation to weapons. The offenses described as misconduct are as follows:

§ 200(a)(1) (Possession of firearm by felon)

ELEMENTS

(1) The suspect has been convicted of a felony in any court in U. S. and,

(2) is in knowing possession of a firearm,

(3) which is capable of being concealed on his person.

RELATED OFFENSES

A federal offense may also be involved if the conviction is federal.

INVESTIGATIVE HINTS

Investigate special Affirmative Defense circumstances, such as:

- (1) existence of pardon,
- (2) underlying conviction was set aside,
- (3) more than a five year lapse from date of unconditional discharge (end of parole or probation) to the date of the suspected offense.

§ 200(a)(2) (Transfer of firearm to a felon)

ELEMENTS

- (1) A possessor or purchaser who has been convicted of a felony in any court in the U. S.,
- (2) knowingly transfers or sells,
- (3) a firearm capable of being concealed on one's person.

INVESTIGATIVE HINTS

Also investigate special Affirmative Defense circumstances, such as:

- (1) the existence of pardon,
- (2) the underlying conviction was set aside,
- (3) more than a five year lapse from date of unconditional discharge (end of parole or probation) to the date of the suspected offense.

§ 200(a)(3) (Possession of prohibited weapon)

ELEMENTS

- (1) Prohibited weapon. Prohibited weapons in summary are:
 - (a) a rocket (other than an emergency flare) having a propellant charge of more than four ounces and which carries

an explosive, incendiary or gas charge,

(b) a mine capable of inflicting serious physical injury,

(c) a bomb or grenade,

(d) a silencer,

(e) metal knuckles,

(f) fully automatic firearm,

(g) sawed off rifle or shotgun under 26",

OR

barrel length under 16" (rifle) or 18" (shotgun),

(2) involving manufacture or possession or transportation or sale or transfer of the weapon.

INVESTIGATIVE HINTS

Investigate whether the sale was in accordance with National Firearms Act.

§ 200(a)(4) (Giving of firearm to intoxicated person)

ELEMENTS

(1) The suspect knowingly,

(2) sells or transfers,

(3) a firearm,

(4) to a person whose physical or mental condition suspect knows is substantially impaired by consuming liquor or drugs.

§ 200(a)(5) (Altering serial number on a firearm)

ELEMENTS

(1) The suspect removes or covers or alters or destroys the manufacturer's serial number on a firearm with,

(2) the intent to render the firearm untraceable.

§ 200(a)(6) (Possession of weapon with altered serial number)

ELEMENTS

- (1) The suspect is in possession of a firearm,
- (2) knowing that the firearm manufacturer's serial number has been removed or covered or altered or destroyed with,
- (3) the intent on part of person removing, covering, altering or destroying that firearm be thereby rendered untraceable.

3.13.2.: MISCONDUCT INVOLVING WEAPONS IN THE SECOND DEGREE.

AS 11.61.210 -- A Class "A" Misdemeanor.

Three different forms of conduct are included under section 61.210.

§ 210(a)(1) (Possession of firearm while intoxicated)

ELEMENTS

- (1) Knowing possession of firearm on the person,
- (2) whose physical or mental condition substantially impaired,
- (3) as a result of consuming liquor or drugs.

§ 210(a)(2) (Discharge of firearms on a highway)

ELEMENTS

- (1) Knowing discharge,
- (2) of a firearm,
- (3) from, on or across a highway (includes trails, rights-of-way, alleys, bridges, tunnels, ferries).

§ 210(a)(3) (Reckless discharge of firearm)

ELEMENTS

- (1) Knowing discharge,
- (2) of a firearm with,

(3) reckless disregard for risk of damage to property or physical injury to a person.

3.13.3.: MISCONDUCT INVOLVING WEAPONS IN THE THIRD DEGREE

AS 11.61.220 -- A Class "B" Misdemeanor.

This section includes three separately described offenses.

§ 220(a)(1) (Possession of concealed weapon)

ELEMENTS

- (1) Knowing possession of a
- (2) deadly weapon (includes knife, axe, club, metal knuckles, explosive),
- (3) other than an ordinary pocket knife,
- (4) concealed on his person (means observer cannot determine it is a weapon without removing or opening that which conceals it).

INVESTIGATIVE HINTS

Check out evidence of special affirmative defenses:

- (1) suspect in his own dwelling or property appurtenant thereto (right of privacy),
- (2) suspect actively engaged in lawful hunting, fishing, trapping, hiking or other lawful outdoor activity that necessarily involves the carrying of a weapon for personal protection.

Note that does not apply to coming and going from such activity. Nor does it apply where no protection involved (on bike path; fishing in suburban setting).

§ 220(a)(2) (Possession of loaded firearm in a bar)

ELEMENTS

- (1) Knowing possession,
- (2) of a loaded firearm (in clip or chamber),

- (3) in a place where liquor sold for consumption on premises,
- (4) and the suspect is neither the owner nor the lessor of premises nor in course of employment for owner or lessor.

§ 220(a)(3) (Minor in possession of firearm without permission)

ELEMENTS

- (1) The suspect is an unemancipated minor under 16 years of age,
- (2) in possession of firearm,
- (3) in the absence of consent of parent or guardian.

3.13.4.: POSSESSION OF BURGLARY TOOLS.

AS 11.61.230 -- A Class "A" Misdemeanor.

ELEMENTS

- (1) Possession of nitroglycerine, dynamite or tool or device adapted or designed for use in burglary, theft from the person or theft of services,

OR

possession of acetylene torch, electric arc, burning bar, thermal lance, oxygen lance or other device capable of burning through a solid material,

- (2) with intent to use the tools or to permit use of tools in burglary, theft from the person (11.46.130(a)(3)) or theft of services.

RELATED OFFENSES

Attempted Burglary - will often prove to be the more effective charge. Tools charges will help when a beginning has not really been made on a burglary scheme.

INVESTIGATIVE HINTS

Note that screwdrivers, prybars, rubber gloves and other

items commonly used in burglary are not burglary tools but burning tools are.

3.13.5.: CRIMINAL POSSESSION OF EXPLOSIVES.

AS 11.61.240 -- This offense may be classified as an "A", "B" or "C" Felony or an "A" or "B" Misdemeanor depending on the crime intended to be committed. The possession is one step down from the class of the crime intended to be committed.

ELEMENTS

(1) Possession or manufacture of an explosive substance (dynamite, blasting powder, nitroglycerine, blasting caps, nitro-jelly, but not saleable fireworks, black powder, smokeless powder, small arms ammunition and primers), with

(2) an intention to use that substance or device to commit a crime.

RELATED OFFENSES

Attempts at Crime. Proof of this offense will also virtually always entail proof of an intent to commit the crime since a combination of "intent to use" and possession of materials which can otherwise serve no lawful purpose of the defendant under the circumstances is sufficient to establish an attempt.

3.13.6.: UNLAWFUL FURNISHING OF EXPLOSIVES.

AS 11.61.250 -- A Class "C" Felony.

ELEMENTS

(1) Furnishing an explosive substance or device (dynamite, blasting powder, nitroglycerine, blasting caps, nitrojelly, but not saleable fireworks, black powder, smokeless powder, small arms ammunition and primers),

(2) to another,

(3) knowing that the person intends to use the substance or device to commit a crime.

RELATED OFFENSES

Attempt. If the suspect furnished the explosives with the intent of "promoting or facilitating" the commission of the offense, the suspect would be accountable as a principal to the crime committed by the other person.

3.13.7.: RESISTING OR INTERFERING WITH ARREST.

AS 11.56.700 -- A Class "A" Misdemeanor.

ELEMENTS

(1) A peace officer is attempting an arrest and,

(2) the suspect knows that the peace officer is attempting to make an arrest,

(3) and the suspect intends to prevent the officer from making an arrest,

(4) and the suspect resists the arrest or interferes with the arrest of another,

(5) by the use of force,

OR

committing any degree of criminal mischief,

OR

any means that creates a substantial risk of physical injury to any person.

RELATED OFFENSES

Refusing to Assist a Peace Officer or Judicial Officer

(AS 11.56.720), Hindering Prosecution in the First Degree
(AS 11.56.770). The first of these offenses covers the situation
where the suspect under the old law would have been classified
as an accessory after the fact. Compounding (AS 11.56.790).

INVESTIGATIVE HINTS

The criminal mischief required might be tampering with a
squad car. The substantial risk of physical injury might be
fleeing at high speeds in an automobile.

3.13.8.: MAKING A FALSE REPORT.

AS 11.56.800 -- A Class "A" Misdemeanor.

§ 800(a)(1) (False charging)

ELEMENTS

- (1) Knowingly give false information,
- (2) to a peace officer,
- (3) intend thereby to implicate another in a crime.

§ 800(a)(2) (False report of crime)

ELEMENTS

- (1) Knowingly,
- (2) make a false report,
- (3) to a peace officer,
- (4) that a crime has occurred or is about to occur.

§ 800(a)(3) (False alarm)

ELEMENTS

- (1) Knowingly make a false report,

OR

give a false alarm that,

- (2) a fire or other incident dangerous to life or property

calling for emergency response has occurred,

OR

is about to occur.

INVESTIGATIVE HINTS

False reports to a peace officer made with an intent to hinder apprehension from a prosecution, conviction or punishment of another, are separately prohibited by section 780. Note that false alarms are not limited to call boxes or to fire.

3.13.9.: TERRORISTIC THREATENING.

AS 11.56.810 -- A Class "C" Felony.

ELEMENTS

- (1) Knowingly making a false report that,
- (2) a circumstance dangerous to human life exists,

OR

is about to exist,

- (3) that places a person in fear of physical injury to any person,

OR

causes evacuation of a building,

OR

causes serious public inconvenience.

RELATED OFFENSES

Making a False Report, Hindering Prosecution, Compounding.

3.13.10.: CONTRIBUTING TO DELINQUENCY OF A MINOR.

AS 11.51.310 -- A Class "A" Misdemeanor.

Four offenses are described under section 51.130.

§ 130(a)(1) (Permitting illegal conduct by a juvenile)

ELEMENTS

- (1) The suspect has reached his or her 19th birthday,
- (2) the victim has not reached his or her 18th birthday and,
- (3) the victim performs any act prohibited by state law

where,

- (4) the suspect aids,

OR

causes,

OR

permits victim's conduct.

RELATED OFFENSES

Suspect may be guilty of the offense committed by the minor as a principal if he acted with an intent to promote or facilitate the commission of the offense and solicited or aided or abetted in its planning or commission.

INVESTIGATIVE HINTS

When proceeding on the basis of "permitted" misconduct, not specifically aided or encouraged by the suspect, the suspect must have some authority over the victim such as a parent-child relationship or a temporary custodial relationship as, for example, a delegation from a parent or school authority to control the child.

§ 130(a)(2) (Permitting gambling by juvenile)

ELEMENTS

- (1) Suspect has reached 19th birthday,
- (2) and the victim has not reached 18th birthday,

- (3) the victim participates in unlawful gambling where,
- (4) the suspect knowingly permits victim to engage in gambling.

RELATED OFFENSES

Suspect may be guilty of gambling offenses independently.

INVESTIGATIVE HINTS

To "permit" the suspect must have some authority to prohibit the participation of the child either as a custodian or delegate of a custodian over the child or as a person controlling the gambling enterprise.

§ 130(a)(3). (Permitting presence of juvenile at sale of drugs)

ELEMENTS

- (1) The suspect has reached 19th birthday and,
- (2) the victim has not reached 18th birthday,
- (3) and the victim is present in a building where the unlawful sale of drugs occurs and,
- (4) the suspect permits victim to remain.

RELATED OFFENSES

Drug offenses themselves.

INVESTIGATIVE HINTS

The suspect must have some authority to command or prohibit the presence of the juvenile or to control the same in order to "permit" the child's presence. Note also that a sale is required. Other transfers are insufficient.

While the elements of the offense do not include a proof requirement that the child witness the transaction or be present while it is going on, ordinarily a prosecution should be brought

only when in fact, some "contamination" factor is present - the child is exposed to the drugs or is aware that an illegal transaction is being sanctioned in his presence.

§ 130(a)(4) (Consensual molestation of a youth)

ELEMENTS

- (1) The suspect has reached 19th birthday,
- (2) and the victim is between 13th birthday and 16th birthday,
- (3) suspect knowingly engages in sexual contact (intentional touching or causing victim to touch directly or through clothing suspect's or victim's genitals, anus or breast).

RELATED OFFENSES

If the child is under 13 or if the sexual act occurs without consent, prosecution should be brought under felonious sexual assault provisions.

3.14.: ESCAPE AND UNLAWFUL EVASION. This group of offenses relate on the one hand to the resisting arrest and assault group of offenses and on the other hand to the obstruction of public administration offenses.

3.14.1.: ESCAPE IN THE FIRST DEGREE.

AS 11.56.300 -- a Class "A" Felony.

ELEMENTS

- (1) A person without lawful authority,
- (2) removes self from official detention (custody, arrest, surrender in lieu of arrest, confinement under court order in juvenile or criminal proceeding)
- (3) by means of a deadly weapon.

RELATED OFFENSES

Weapons Offenses; Assault; Resisting Arrest; Kidnapping; other Escapes and Unlawful Evasions, Permitting an Escape; Promoting Contraband.

INVESTIGATIVE HINTS

Official detention does not cover placement of a juvenile in a foster home pursuant to a custody order.

3.14.2.: ESCAPE IN THE SECOND DEGREE.

AS 11.56.310 -- A Class "B" Felony.

This offense is best analyzed as four separate offenses:

§ 310(a)(10)(A) (Escape from correctional facility)

ELEMENTS

- (1) The suspect has been committed to official detention in a correctional facility and,
- (2) without lawful authority, knowingly removes self from the correctional facility.

RELATED OFFENSES

Unlawful Evasions and Criminal Acts including mischiefs committed in role of escapee.

§ 310(a)(1)(B) (Escape by felon from detention)

ELEMENTS

- (1) The suspect without lawful authority,
- (2) knowingly removes himself,
- (3) from official detention on a charge of a felony or for extradition.

§ 310(a)(1)(C) (Escaping with firearm in possession)

ELEMENTS

- (1) The suspect is held in official detention and,

(2) removes himself from detention without lawful authority,
(3) and possesses a firearm on or about his person during
escape or at any time before being restored to official detention.
§ 310(a)(2) (Unlawful evasion with firearm in possession)

ELEMENTS

(1) The suspect commits offense of unlawful evasion in any
degree,
(2) and possesses a firearm on or about his person during
escape or at any time before being restored to official detention.

3.14.3.: ESCAPE IN THE THIRD DEGREE.

AS 11.56.320 -- A Class "C" Felony.

ELEMENTS

(1) The suspect is confined within a correctional facility
on a charge of a misdemeanor,
(2) and removes himself from detention without lawful authority
during any lawful movement or activity incident to the confinement.

RELATED OFFENSES

Other Escapes, Unlawful Evasions and criminal acts including
mischiefs committed in role of escapee.

INVESTIGATIVE HINTS

Escape of this nature would include slipping away from a
courtroom by a convicted misdemeanant prior to being transported
to a correctional facility.

3.14. 4.: ESCAPE IN THE FOURTH DEGREE.

AS 11.56.330 -- A Class "A" Misdemeanor.

ELEMENTS

(1) The suspect is charged with a misdemeanor,

- (2) and while committed to official detention,
- (3) without lawful authority,
- (4) removes himself from official detention ,

OR

commits unlawful evasion ,

AND

leaves or attempts to leave the state.

3.14.5.: UNLAWFUL EVASION IN THE FIRST DEGREE.

AS 11.56.340 -- A Class "A" Misdemeanor.

ELEMENTS

- (1) The suspect is charged with a felony,
- (2) committed to official detention,
- (3) granted temporary leave for specific purpose or limited period and,
- (4) fails to return.

3.14.6.: UNLAWFUL EVASION IN THE SECOND DEGREE.

AS 11.56.350 -- A Class "B" Misdemeanor.

ELEMENTS

- (1) The suspect is charged with a misdemeanor,
- (2) committed to official detention,
- (3) granted temporary leave for specific purpose or limited period and,
- (4) fails to return.

3.14.7.: OBSTRUCTION OF HIGHWAYS.

Section 61.150 includes two generally distinct types of conduct, dropping something on the highway and obstructing the highway.

§ 150(a)(1) (Dropping a substance on the highway)

ELEMENTS

(1) A substance (anything) is on a highway (includes trails, rights-of-way, tunnels, paths, fences),

(2) a person has placed,

OR

dropped,

OR

permitted to drop the substance,

(3) the person acted knowingly,

(4) the substance created a substantial risk of physical injury to others using the highway.

§ 150(a)(2) (Blocking a highway)

ELEMENTS

(1) A highway is impassible,

OR

passible only with unreasonable inconvenience or hazard,

(2) a person has knowingly brought about this condition (as by parking car on the road).

RELATED OFFENSES

Mischief Offenses. If the conduct is intentional, more serious crimes against the person are involved.

INVESTIGATIVE HINTS

Check out special affirmative defense: the person took reasonable steps to remove the substance and no person suffered physical injury.

PART 4: JUSTIFICATION.

Key to an understanding of justification are three terms: "force," "deadly force" and "nondeadly force."

"Force" is defined as "any bodily impact, restraint, or confinement; force includes deadly and nondeadly force."

"Deadly force" means "force which the person uses with the intent of causing, or uses under circumstances which he knows creates a substantial risk of causing, death or serious physical injury; 'deadly force' includes intentionally discharging a firearm in the direction of another person or in the direction in which another person is believed to be." The term "nondeadly force" "means force other than deadly force."

The use of any degree of force is justified only "when and to the extent . . . (the person claiming the defense) reasonably believes . . . (force) necessary." The defendant must subjectively believe that the use of force is necessary and that belief must have been objectively reasonable under the circumstances. A reasonable man standard is adopted. Further, even though a particular degree of force may be authorized, the use of such force will not be justified if it was not reasonable to believe that such force was necessary to accomplish the person's objective. For example, while deadly force is authorized to terminate burglary in an occupied building, the shooting of a burglarer who is known to be an unarmed juvenile is not likely to be viewed by the trier of fact as reasonably necessary to terminate the burglary. Nondeadly force should have been used, or deadly force should have been threatened.

4.1.: USE OF NONDEADLY FORCE IN DEFENSE OF SELF.

AS 11.81.330.

Subsection (a) allows a person to use nondeadly force to defend himself from what he reasonably believes to be the use of unlawful force. Since force is defined to include the threat of imminent bodily impact, a person may defend himself from threats of imminent impact as well as actual impact.

Paragraphs (1)-(3) limit the right of a person to use nondeadly force in self-defense. Under paragraph (1), neither party to mutual combat which is not authorized by law can claim self-defense. Paragraph (2) prohibits a person from provoking another person into using force and later claiming that his use of force in self-defense was justified. Finally, paragraph (3) prevents an initial aggressor from claiming self-defense.

Subsection (b) provides that even when one of the three circumstances described in paragraphs (1)-(3) exists a person can still use nondeadly force if he stops fighting and effectively communicates his withdrawal to the other person. If the other person continues the incident by the use of unlawful force, nondeadly force may then be used in self-defense.

4.2.: USE OF DEADLY FORCE IN DEFENSE OF SELF.

AS 11.81.335.

As a condition to the use of deadly force in self-defense, the Revised Code requires that the use of nondeadly force would have been justified. If the use of nondeadly force would have been justified, then a person may use deadly force when and to

the extent he reasonably believes it necessary to defend himself from death, serious physical injury, kidnapping, forcible sexual assault or robbery.

A person is required to retreat prior to using deadly force. Retreat is not required when the defender is on premises, including a dwelling, which he owns or leases and when he is not the original aggressor, by a peace officer acting within the scope and authority of his employment, or by a person assisting a peace officer in making an arrest. Note that there is no duty to retreat prior to using nondeadly force. Further, the defendant must know that he has a safe retreat; it is not enough that a reasonable person would have believed he could have retreated safely.

4.3.: USE OF FORCE IN DEFENSE OF A THIRD PERSON.

AS 11.81.340.

The Code allows any person to come to the aid of any third person when the rescuer reasonably believes that the third person would be justified in using force to defend himself. The rescuer may use the same degree of force which he reasonably believes that the third person could use in his own defense, either nondeadly as described in 4.1 above or deadly as described in 4.2.

4.4.: USE OF FORCE IN DEFENSE OF PROPERTY AND PREMISES.

AS 11.81.350.

This section of the Code provides that a person may use nondeadly force to terminate the commission or attempted commission of an unlawful taking or damaging of property or services. This

would include things like the crimes of theft, criminal mischief and concealment of merchandise. Deadly force may be used, however, to terminate the commission or attempted commission of arson upon a dwelling or occupied building (remember the definition of building).

A person in possession or control of premises, or an express or implied agent of that person may use nondeadly force to terminate the commission or attempted commission of a criminal trespass. Deadly force may be used to terminate a burglary occurring in an occupied dwelling or building.

A person defending property or land also may be justified in using deadly force based on other sections of the justification article. For example, one who destroys a person's only means of transportation from a remote bush site has, in effect, used deadly force against the owner if the destruction creates a substantial risk of serious physical injury -- i.e., exposure, starvation. In this case the use of deadly force in defense of person (not property) would be appropriate.

Note that any person, not just the owner, is allowed to use force to prevent damage to property, including arson. However, if the crime is criminal trespass (usually, unlawful entry onto land) or burglary, a person will be allowed to use force only if he is in possession or control of the premises, or is an "express or implied agent" of the owner of the premises, a term broad enough to cover a person who discovers a trespasser on his neighbor's land or a burglar in his neighbor's dwelling.

4.5.: USE OF FORCE BY A PEACE OFFICER IN MAKING AN ARREST
OR TERMINATING AN ESCAPE.

AS 11.81.370.

A peace officer may use nondeadly force and may threaten to use deadly force whenever he reasonably believes it necessary to make an arrest, to terminate an escape or attempted escape from custody, or to make a lawful stop. In providing that non-deadly force may be used to effect a lawful stop, the Code insures that a peace officer will not be criminally liable for an assault prosecution for conducting lawful stops of the kind described in Coleman v. State and Ebona v. State.

The introductory phrase "in addition to using force justified under other sections of this chapter" emphasizes that this section is in addition to other sections describing the justifiable use of force. For example, if in making an arrest the officer reasonably believes that the use of force is necessary in self-defense, the provisions of section 335 will supplement the authority to use force described in this section.

With regard to when deadly force may be used by a peace officer in making an arrest or in terminating an escape or attempted escape from custody, the Code makes several changes in existing law.

A peace officer may use deadly force when and to the extent he reasonably believes it necessary to make an arrest or terminate an escape or attempted escape of a person he reasonably believes "has committed or attempted to commit a felony which involved

the use of force against a person." The felony has to be defined as involving the use of force against a person and the officer must have reasonably believed that force was in fact involved. Under this standard, for example, the use of deadly force would be justified in arresting a fleeing burglar who the officer reasonably believes has used force against an occupant of a building, a robber or a person who has committed or attempted to commit a felony assault. Deadly force would not be justified to arrest a person who the officer believes has committed a nonviolent felony such as forgery or theft, unless the use of deadly force is justified by other factors.

Another situation justifying the use of deadly force by a peace officer involves the armed fleeing escapee. A peace officer may use deadly force to retake a person who has escaped or is attempting to escape from custody while in possession of a firearm on or about his person. Insofar as this paragraph allows a peace officer to use deadly force against a misdemeanor escapee who is not necessarily using his firearm it expands existing law. However, the factors of flight plus possession of a firearm should be sufficient evidence of dangerousness to justify the use of deadly force if necessary to retake the escapee.

A peace officer may also use deadly force to effect an arrest or terminate an escape or attempted escape of a person who the officer reasonably believes "may otherwise endanger life or inflict serious physical injury unless arrested without

delay." This gives peace officers the necessary leeway to apprehend a person who has not committed a violent felony and who is not an escapee in possession of a firearm, but is nevertheless highly dangerous.

The use of force in making an arrest or a stop by a peace officer is not justifiable unless the officer reasonably believes the arrest or stop to be lawful.

The provisions of this section only effect the right to use or threaten force in making an arrest. If an officer, for example, merely draws his weapon prior to entering a building in search of a criminal, the provisions of this section would be inapplicable since force had not been used or threatened against anyone.

4.6.: USE OF FORCE BY A PRIVATE PERSON IN MAKING AN ARREST OR TERMINATING AN ESCAPE.

AS 11.81.390.

The use of nondeadly force by a private person in making an arrest or terminating an escape or attempted escape from custody is justified when the citizen reasonably believes the arrestee has committed a misdemeanor in his presence or a felony, regardless of whether the felony was committed in his presence. Deadly force may be used when he reasonably believes the suspect has committed a felony which involved the use of force against a person or is escaping or has escaped from custody while in possession of a firearm.

4.7.: USE OF FORCE IN RESISTING OR INTERFERING WITH ARREST.

AS 11.81.400.

Ordinarily a person may not resist or interfere with an unlawful arrest. However, the Code provides two exceptions to this rule. A person may resist or interfere with an unlawful arrest if the peace officer is using excessive force in making the arrest. In allowing resistance under such circumstances the Code is consistent with existing law. The amount of force used in resisting the arrest may not exceed the amount of force that would be authorized in self-defense. For example, if the peace officer is using excessive nondeadly force in making the arrest, only nondeadly force may be used in resisting the arrest.

There is also a limited right to use nondeadly force in resisting (but not in interfering with) an unlawful arrest. This provision is necessary since the crime of resisting arrest, section 11.56.700, is committed when a person uses force against an officer. The definition of force (section 11.81.900(b)(22)) is broad enough to cover virtually all physical resistance to an arrest.

To lawfully resist an unlawful arrest three conditions must be met: (1) the arrest must in fact be unlawful, (2) the resister must know the arrest to be unlawful, and (3) deadly force may not be used. One example of a situation in which nondeadly force would be justified is this: a peace officer requests a bribe from a citizen. The citizen refuses and the officer places the citizen under arrest for disorderly conduct. Under these circumstances, the citizen may use nondeadly force in resisting the arrest.

PART 5: CULPABILITY.

Only four culpable mental states are used: "intentionally," "knowingly," "recklessly" and with "criminal negligence." Every offense involves proof of one or more of these states of mind as applied to each element of the offense. Culpable acts must also be voluntary.

A person acts "intentionally" when his conscious objective is to cause the result. It does not matter that the person doesn't know the criminal nature of his conduct. Intoxication may be evidence that a person did not act intentionally if the intoxication was so extensive that he could not have formulated a conscious objective. A mistake of fact may mean conduct was not intentional.

A person acts "knowingly" when he is actually aware of the nature of his conduct, regardless of the result intended, or aware of the circumstance, knowledge of which is an element in the offense. "Knowingly" includes situations where a person deliberately closes his eyes to a situation. The fact that a person was intoxicated is not evidence that he did not act knowingly. A mistake in fact as to some circumstance may mean conduct is not knowing.

A person acts "recklessly" when he is actually aware of and consciously and grossly disregards a substantial and unjustifiable risk. Intoxication is no excuse for recklessness. A reasonable mistake as to the fact of a risk or its nature or extent may mean a person was not reckless.

A person acts with "criminal negligence" when he is grossly oblivious to a substantial and unjustifiable risk. Intoxication is not excuse for criminal negligence. A reasonable mistake as to facts creating the risk may mean a person was not reckless.

PART 6: ENTRAPMENT (AS 11.81.450).

Entrapment is an affirmative defense to any prosecution. Where any risk of an entrapment defense is present, the investigating officer should collect evidence which tends to show the presence or absence of the elements of entrapment.

ELEMENTS

(1) A public law enforcement official,

OR

a person working in cooperation with him,

(2) induced the suspect,

(3) to commit the offense,

(4) by persuasion or inducement as would be effective to persuade the average person, other than one who is ready and willing, to commit the offense.

INVESTIGATIVE HINTS

Though the elements of the defense focus on the accused, when entrapment is raised, the conduct of the police officer is effectively on trial. Any "excessive" effort by the police officer to induce the commitment of the crime may create an entrapment. Where possible, the extent of "how far" the officer will go should be reviewed in advance with a superior or the district attorney. Only "normal" effort can be used to overcome the natural reluctance of a person to commit a crime -- the reluctance, for instance, that any seller shows to the average buyer of illicit drugs. Playing on particular susceptibilities of a suspect -- his addiction, a close friendship,

appeals to a sense of obligation -- all will become evidence of entrapment. Such evidence will be considered by the courts cumulatively.

PART 7: TRIAL PREPARATION.

7.1.: EVIDENCE PRESERVATION. All evidence related to an offense should be preserved and the chain of evidence accurately documented. Discovery rules require rather complete disclosure to defendants upon request. Consequently, police officers should inform the district attorney's office of the existence of any and all pieces of evidence. Furthermore, what might not seem important to the case from the perspective of the investigating officer may well take on a different light from the perspective of the prosecuting attorney. Thus, police officers should not make independent judgments about the value of evidence, physical or otherwise.

7.2.: TESTIFYING IN COURT. There are a number of cardinal rules about testifying in criminal cases which police officers should always observe. First, NEVER try to outsmart or outthink a judge or an attorney. Second, like the proverbial boy scout -- BE PREPARED. Never get on the witness stand without having reviewed what you are about to talk about to the jury or the judge, preferably with the assistant district attorney who is trying the case. Third, be neat, courteous, sincere. Fourth, JUST ANSWER THE QUESTION. DON'T ELABORATE. Fifth, tell the truth.

You can help yourself by looking over your notes on the case before you are to appear in court. Don't rely on your memory. If you discover gaps in your notes which your memory does not fill, don't be afraid to say you can't recall. Trying to

manufacture an answer will only lead to trouble. And, bring your notes with you to trial. You may be able to use them to refresh your recollection or to testify directly from them.

At trial, don't try to memorize answers. If you have a grasp of the facts in the case and listen carefully and take your time before answering, you'll have no problem giving a good answer to the question. THE KEY IS TO LISTEN TO WHAT IS BEING ASKED. In pausing before answering, don't take too long as this may indicate a lack of certainty. On the other hand, you want to be sure to avoid snap answers.

The best answers are short. Preferably, "yes" and "no" types. Try to keep your answers to the point of the question. Be specific.

Remember that you are really telling the jury (or judge) what you know, not the attorney. Consequently, try to use plain english in answering questions. As much as possible avoid the use of "police jargon" and technical terminology. But if you must use it, try to translate it into plain english.

If the judge or the opposing counsel interrupts your testimony, stop instantly.

Never be argumentative with anyone in the courtroom. If you feel your blood beginning to boil, take your time and count to ten. Juries have a way of knowing when someone is being picked on or treated unfairly and they'll respond favorably to someone who remains cool under such pressures.

Finally, always appear objective. Even if you think the defendant is guilty as sin, it is the jury's function to make that decision. You will be much more impressive and credible as a witness if you appear to be viewing the events as a disinterested professional whose sole role, to steal one from Jack Webb, has been to get "the facts, just the facts, mam."

PART 8: MEDIA RELATIONS

The guidelines which follow have been drafted to assist local and state law enforcement agencies in dealing with the media in connection with specific criminal investigations and prosecutions. The guidelines have been designed to minimize the likelihood that a criminal prosecution will be halted or reversed on appeal on grounds flowing from prejudicial publicity. Nothing in this section applies to any other dealings which law enforcement personnel or agencies may have with the media outside the context of a specific criminal proceeding.

From the time of arrest, or the issuance of an arrest warrant, or the filing of any complaint in the district court or with a magistrate, or the indictment in any criminal matter, no law enforcement officer of the State of Alaska or of a municipality of the State of Alaska should release, authorize the release or cause to be released any information or statement not given under oath in open court for dissemination by any means of public communication, whether for the written or electronic media, relating to that matter and concerning any of the following:

(1) the prior criminal record of the offender, including arrests, indictments or convictions in this jurisdiction or in any other;

(2) statements as to the defendant's or suspect's reputation or character;

(3) the contents of any statement, admission, or confession made by the defendant or suspect or whether the defendant or

suspect failed or refused to make any such statement, admission or confession;

(4) the performance of the defendant or suspect on any tests or examinations which the defendant or suspect was given or his refusal to submit to such tests or examinations;

(5) the names of witnesses or prospective witnesses and the substance and credibility of any testimony which they may make in a criminal proceeding;

(6) opinions as to the defendant's or suspect's guilt or innocence.

Nothing in the preceding should be construed to prohibit law enforcement officers from making a factual statement of the defendant's name, age, place of residence, occupation and family status. Further, if the defendant or suspect has not yet been apprehended, nothing in the preceding should be construed to prohibit a law enforcement officer or agency from releasing any information necessary to aid in the apprehension of the defendant or suspect or to protect the public from any dangers which the defendant or suspect may present.

Nothing in the preceding should be construed to prohibit a law enforcement officer from announcing an arrest, the time and place of the arrest, whether pursuit or resistance was associated with the arrest, the use of weapons, if any, in connection with the arrest, the identity of the arresting officer(s) and investigating agency(s), the length of the investigation, the nature of evidence seized at the time of

the arrest, the nature of the charge(s) against the defendant including a brief discussion of the offense charged, the scheduling or result of any stage in the judicial proceeding against the defendant or the name of the victim unless otherwise prohibited by law or agency policy.

No law enforcement officer or employee of a law enforcement agency should deliberately pose a person in custody for photographing or televising by representatives of the news media nor should a law enforcement agency permit a person in custody to be interviewed by representatives of the news media unless the person in custody requests such an interview in writing after having been fully informed of his rights to counsel.

APPENDIX 1

STATUTORY PROVISIONS
INCLUDED IN REVISED CRIMINAL CODE

TITLE 11

CHAPTER 16. PARTIES TO CRIME

- AS 11.16.100 Legal accountability based upon conduct.
- AS 11.16.110 Legal accountability based upon conduct of another: complicity.
- AS 11.16.120 Exemptions to legal accountability for conduct of another.
- AS 11.16.130 Legal accountability of organizations.

CHAPTER 31. ATTEMPT AND SOLICITATION

- AS 11.31.100 Attempt.
- AS 11.31.110 Solicitation.
- AS 11.31.140 Multiple convictions barred.
- AS 11.31.150 Substantive crimes involving attempt or solicitation.

CHAPTER 41. OFFENSES AGAINST THE PERSON

Article 1. HOMICIDE

- AS 11.41.100 Murder in the first degree.
- AS 11.41.110 Murder in the second degree.
- AS 11.41.115 Defenses to murder.
- AS 11.41.120 Manslaughter.
- AS 11.41.130 Criminally negligent homicide.
- AS 11.41.140 Definition.

Article 2. ASSAULT AND RECKLESS ENDANGERMENT

- AS 11.41.200 Assault in the first degree.
- AS 11.41.210 Assault in the second degree.

AS 11.41.230 Assault in the third degree.

AS 11.41.250 Reckless endangerment.

Article 3. KIDNAPPING AND CUSTODIAL INTERFERENCE

AS 11.41.300 Kidnapping.

AS 11.41.320 Custodial interference in the first degree.

AS 11.41.330 Custodial interference in the second degree.

AS 11.41.370 Definitions.

Article 4. SEXUAL OFFENSES

AS 11.41.410 Sexual assault in the first degree.

AS 11.41.420 Sexual assault in the second degree.

AS 11.41.430 Sexual assault in the third degree.

AS 11.41.440 Sexual abuse of a minor.

AS 11.41.445 General provisions.

AS 11.41.450 Incest.

AS 11.41.455 Unlawful exploitation of a minor.

AS 11.41.470 Definitions.

Article 5. ROBBERY, EXTORTION, AND COERCION

AS 11.41.500 Robbery in the first degree.

AS 11.41.510 Robbery in the second degree.

AS 11.41.520 Extortion.

AS 11.41.530 Coercion.

CHAPTER 46. OFFENSES AGAINST PROPERTY

Article 1. THEFT AND RELATED OFFENSES

AS 11.46.100 Theft defined.

AS 11.46.110 Consolidation of theft offenses:
pleading and proof.

- AS 11.46.120 Theft in the first degree.
- AS 11.46.130 Theft in the second degree.
- AS 11.46.140 Theft in the third degree.
- AS 11.46.150 Theft in the fourth degree.
- AS 11.46.160 Theft of lost or mislaid property.
- AS 11.46.180 Theft by deception.
- AS 11.46.190 Theft by receiving.
- AS 11.46.200 Theft of services.
- AS 11.46.210 Theft by failure to make required disposition of funds received or held.
- AS 11.46.220 Concealment of merchandise.
- AS 11.46.230 Reasonable detention as defense.
- AS 11.46.260 Removal of identification marks.
- AS 11.46.270 Unlawful possession.
- AS 11.46.280 Issuing a bad check.
- AS 11.46.285 Fraudulent use of a credit card.
- AS 11.46.290 Obtaining a credit card by fraudulent means.

Article 2. BURGLARY AND CRIMINAL TRESPASS

- AS 11.46.300 Burglary in the first degree.
- AS 11.46.310 Burglary in the second degree.
- AS 11.46.320 Criminal trespass in the first degree.
- AS 11.46.330 Criminal trespass in the second degree.
- AS 11.46.340 Defense: emergency use of premises.
- AS 11.46.350 Definition.

Article 3. ARSON, CRIMINAL MISCHIEF AND RELATED OFFENSES

- AS 11.46.400 Arson in the first degree.
- AS 11.46.410 Arson in the second degree.

- AS 11.46.430 Criminally negligent burning.
- AS 11.46.450 Failure to control or report a dangerous fire.
- AS 11.46.480 Criminal mischief in the first degree.
- AS 11.46.482 Criminal mischief in the second degree.
- AS 11.46.484 Criminal mischief in the third degree.
- AS 11.46.486 Criminal mischief in the fourth degree.
- AS 11.46.488 Littering.
- AS 11.46.490 Definitions.

Article 4. FORGERY AND RELATED OFFENSES

- AS 11.46.500 Forgery in the first degree.
- AS 11.46.505 Forgery in the second degree.
- AS 11.46.510 Forgery in the third degree.
- AS 11.46.520 Criminal possession of a forgery device.
- AS 11.46.530 Criminal simulation.
- AS 11.46.540 Obtaining a signature by deception.
- AS 11.46.550 Offering a false instrument for recording.
- AS 11.46.570 Criminal impersonation.
- AS 11.46.580 Definitions.

Article 5. BUSINESS AND COMMERCIAL OFFENSES

- AS 11.46.600 Scheme to defraud.
- AS 11.46.620 Misapplication of property.
- AS 11.46.630 Falsifying business records.
- AS 11.46.660 Commercial bribe receiving.
- AS 11.46.670 Commercial bribery.
- As 11.46.710 Deceptive business practices.
- AS 11.46.720 Misrepresentation of use of a propelled vehicle.

AS 11.46.730 Defrauding creditors.

Article 6. GENERAL PROVISIONS

AS 11.46.980 Determination of value; aggregation of amounts.

AS 11.46.985 Deceiving a machine.

AS 11.46.990 Definitions.

CHAPTER 51. OFFENSES AGAINST THE FAMILY

AS 11.51.100 Endangering the welfare of a minor.

AS 11.51.120 Criminal nonsupport.

AS 11.51.125 Failure to permit visitation with a minor.

AS 11.51.130 Contributing to the delinquency of a minor.

AS 11.51.140 Unlawful marrying.

CHAPTER 56. OFFENSES AGAINST PUBLIC ADMINISTRATION

Article 1. BRIBERY AND RELATED OFFENSES

AS 11.56.100 Bribery.

As 11.56.110 Receiving a bribe.

AS 11.56.120 Receiving unlawful gratuities.

AS 11.56.130 Definition.

Article 2. PERJURY AND RELATED OFFENSES

AS 11.56.200 Perjury.

As 11.56.210 Unsworn falsification.

AS 11.56.220 Proof of guilt.

AS 11.56.230 Perjury by inconsistent statements.

AS 11.56.235 Retraction as a defense.

AS 11.56.240 Definitions.

Article 3. ESCAPE AND RELATED OFFENSES

- AS 11.56.300 Escape in the first degree.
- AS 11.56.310 Escape in the second degree.
- AS 11.56.320 Escape in the third degree.
- AS 11.56.330 Escape in the fourth degree.
- AS 11.56.340 Unlawful evasion in the first degree.
- AS 11.56.350 Unlawful evasion in the second degree.
- AS 11.56.370 Permitting an escape.
- AS 11.56.375 Promoting contraband in the first degree.
- AS 11.56.380 Promoting contraband in the second degree.
- AS 11.56.390 Definition.

Article 4. OFFENSES RELATING TO JUDICIAL AND OTHER PROCEEDINGS

- AS 11.56.510 Interference with official proceedings.
- AS 11.56.520 Receiving a bribe by a witness or juror.
- AS 11.56.540 Tampering with a witness.
- AS 11.56.590 Jury tampering.
- AS 11.56.600 Misconduct by a juror.
- AS 11.56.610 Tampering with physical evidence.
- AS 11.56.620 Simulating legal process.

Article 5. OBSTRUCTION OF PUBLIC ADMINISTRATION

- AS 11.56.700 Resisting or interfering with arrest.
- AS 11.56.720 Refusing to assist a peace officer or judicial officer.
- AS 11.56.770 Hindering prosecution in the first degree.
- AS 11.56.780 Hindering prosecution in the second degree.
- AS 11.56.790 Compounding.
- AS 11.56.800 Making a false report.

- AS 11.56.810 Terroristic threatening.
- AS 11.56.820 Tampering with public records.
- AS 11.56.830 Impersonating a public servant.

Article 6. ABUSE OF PUBLIC OFFICE

- AS 11.56.850 Official misconduct.
- AS 11.56.860 Misuse of confidential information.

Article 7. GENERAL PROVISIONS

- AS 11.56.900 Definitions

CHAPTER 61. OFFENSES AGAINST PUBLIC ORDER

Article 1. RIOT, DISORDERLY CONDUCT AND RELATED OFFENSES

- AS 11.61.100 Riot.
- AS 11.61.110 Disorderly conduct.
- AS 11.61.120 Harrassment.
- AS 11.61.130 Misconduct involving a corpse.
- AS 11.61.140 Cruelty to animals.
- AS 11.61.150 Obstruction of highways.

Article 2. WEAPONS AND EXPLOSIVES

- AS 11.61.200 Misconduct involving weapons in the first degree.
- AS 11.61.210 Misconduct involving weapons in the second degree.
- AS 11.61.220 Misconduct involving weapons in the third degree.
- AS 11.61.230 Possession of burglary tools.
- AS 11.61.240 Criminal possession of explosives.
- AS 11.61.250 Unlawful furnishing of explosives.

CHAPTER 66. OFFENSES AGAINST PUBLIC HEALTH AND DECENCY

Article 1. PROSTITUTION AND RELATED OFFENSES

- AS 11.66.100 Prostitution.
- AS 11.66.110 Promoting prostitution in the first degree.
- AS 11.66.120 Promoting prostitution in the second degree.
- AS 11.66.130 Promoting prostitution in the third degree.
- AS 11.66.140 Evidence required for sections 110-130 of this chapter.
- AS 11.66.150 Definitions.

Article 2. GAMBLING OFFENSES

- AS 11.66.200 Gambling.
- AS 11.66.210 Promoting gambling in the first degree.
- AS 11.66.220 Promoting gambling in the second degree.
- AS 11.66.230 Possession of gambling records in the first degree.
- AS 11.66.240 Possession of gambling records in the second degree.
- AS 11.66.250 Affirmative defenses applicable to sections 230 and 240.
- AS 11.66.260 Possession of a gambling device.
- AS 11.66.270 Forfeiture.
- AS 11.66.280 Definitions.

CHAPTER 76. MISCELLANEOUS OFFENSES

- AS 11.76.100 Selling or giving tobacco to a minor.
- AS 11.76.110 Interference with constitutional rights.

CHAPTER 81. GENERAL PROVISIONS

Article 1. GENERAL PURPOSES

- AS 11.81.100 General purposes.

Article 2. APPLICABILITY OF CRIMINAL STATUTES

- AS 11.81.200 Effect of amendment or repeal of criminal statutes.
- AS 11.81.210 Limitation on applicability.
- AS 11.81.220 All offenses defined by statute.

Article 3. CLASSIFICATION OF OFFENSES

- AS 11.81.250 Classification of offenses.

Article 4. GENERAL PRINCIPLES OF JUSTIFICATION

- AS 11.81.300 Justification: defense.
- AS 11.81.320 Justification: necessity.
- AS 11.81.330 Justification: use of nondeadly force in defense of self.
- AS 11.81.335 Justification: use of deadly force in defense of self.
- AS 11.81.340 Justification: use of force in defense of a third person.
- AS 11.81.350 Justification: use of force in defence of property and premises.
- AS 11.81.370 Justification: use of force by a peace officer in making an arrest or terminating an escape.
- AS 11.81.380 Justification: use of force by private assisting in arrest or terminating an escape.
- AS 11.81.390 Use of force by a private person in making an arrest or terminating an escape.
- AS 11.81.400 Justification: use of force in resisting or interfering with arrest.
- AS 11.81.410 Justification: use of force by guards.
- AS 11.81.420 Justification: performance of public duty.
- AS 11.81.430 Justification: use of force, special relationships.

AS 11.81.440 Duress.

AS 11.81.450 Entrapment.

Article 5. GENERAL PRINCIPLES OF CRIMINAL LIABILITY

AS 11.81.600 General requirements of culpability.

AS 11.81.610 Construction of statutes with respect to culpability.

AS 11.81.615 Offenses defined by age or value.

AS 11.81.620 Effect of ignorance or mistake upon liability.

AS 11.81.630 Intoxication as a defense.

AS 11.81.640 Application of sections 600-630.

Article 6. DEFINITIONS

AS 11.81.900 Definitions.

AS 12.25.030 ARREST AUTHORITY

AS 12.25.030 Arrest Without a Warrant.

TITLE 12 REVISIONS. SENTENCING

AS 12.55.005 Declaration of purpose.

AS 12.55.015 Authorized sentences.

AS 12.55.025 Sentencing procedures.

AS 12.55.035 Fines.

AS 12.55.045 Restitution.

AS 12.55.051 Enforcement of fines and restitution.

AS 12.55.055 Community work.

AS 12.55.088 Modification of sentence.

AS 12.55.125 Sentences of imprisonment for felonies.

AS 12.55.135 Sentences of imprisonment for misdemeanors.

AS 12.55.140 Sentences for violations.

- AS 12.55.145. Prior convictions.
- AS 12.55.155 Factors in aggravation and mitigation.
- AS 12.55.165 Extraordinary circumstances.
- AS 12.55.175 Three-judge sentencing panel.
- AS 12.55.185 Definitions.

TITLE 33 REVISION. PAROLE AND GOOD/TIME

- AS 33.15.080 Granting of parole.
- AS 33.15.180 Persons eligible for parole.
- AS 33.20.010 Computation of good time.

APPENDIX 2

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

FELONY

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.100 CR
Murder in First Degree

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that

on or about the _____ day of _____, 19___, at or near

city where offense occurred, in the number JUDICIAL DISTRICT,

State of Alaska, name of the person accused of committing the crime

with the intent to cause the death of (name of intended victim)
caused the death of (name of victim) by (briefly describe
method by which death was produced).

Then adequately describe the manner by which you came
to the conclusion that the defendant caused the death and
list the evidence that supports your belief that the defendant
caused the death.

All of which is contrary to and in violation of AS 11.41.100 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19___.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.110 CR

Second Degree Murder

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that

on or about the _____ day of _____, 19__, at or near

city where offense occurred, in the number JUDICIAL DISTRICT,

State of Alaska, name of the person accused of committing the crime

intending to kill (or cause serious injury to) [name
of intended victim] caused the death [name of victim] by
[briefly describe the means by which the victim was killed].

Then describe how you concluded that the person named
in the complaint committed the crime and what evidence
supports that conclusion.

All of which is contrary to and in violation of AS 11.41.110 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA
number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.110 CR

Second Degree Murder

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that

on or about the _____ day of _____, 19__, at or near

city where offense occurred, in the number JUDICIAL DISTRICT,

State of Alaska, name of the person accused of committing the crime

knowing (describe why you've concluded the defendant knew what he was doing) his conduct (describe conduct) was substantially certain to cause the death [or serious physical injury] of (intended victim) and he caused the death of (victim).

Once again, describe means by which the defendant was identified and the evidence which supports your conclusion that the defendant committed the crime.

All of which is contrary to and in violation of AS 11.41.110 and against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA
number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.110 CR

Second Degree Murder

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that

on or about the _____ day of _____, 19__, at or near

city where offense occurred, in the number JUDICIAL DISTRICT,

State of Alaska, name of the person accused of committing the crime

intentionally (describe acts which support this conclusion) did (describe act) which resulted in the death of (victim) when (describe circumstances manifesting an extreme indifference to the value of human life). [Here it is important to weave a pattern which demonstrates that defendant purposely did what he did despite the fact that it might result in someone's death.]

Again, describe evidence which supports your conclusion that the defendant committed the acts and where you got that evidence.

All of which is contrary to and in violation of AS 11.41.110 and against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA
number of JUDICIAL DISTRICT, location of ALASKA
the district the court.

STATE OF ALASKA

PLAINTIFF COMPLAINT *type of*
complaint:
VS *felony or misdemeanor*
DEFENDANT(S) NO, AS 11.41.110 CR
name(s) of
defendants Second Degree Murder
(Felony Murder)
COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19___, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

acting by himself [or in concert with other defendants]
committed [or attempted to commit] (name of the felony) and
in the course of [furtherance of] [flight from] that crime
[name of person who caused death] caused the death of
(name of victim) by (describe means by which death occurred).

in describing underlying crime, make certain that you
describe all its elements. And, make sure you describe why
you have concluded that the defendant committed the crime.

All of which is contrary to and in violation of AS 11.41.110 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19___.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA
number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF COMPLAINT *type of*
VS *complaint:*
felony or misdemeanor
DEFENDANT(S) NO. AS 11.41.120 CR
name(s) of Manslaughter
defendants

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

knowing [or intentionally or recklessly] (outlining
how the defendant's state of mind is established or
inferred) caused the death of (name of victim). Then
distinguish this death from first or second degree murder.
You do that by a detailed discussion of how the death
was caused.

Conclude the complaint by outlining why you believe
the defendnat caused the death and what evidence you
have in support of this conclusion.

All of which is contrary to and in violation of AS 11.41.120 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.130 CR

Criminally Negligent
Homicide

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with criminal negligence (describe conduct which demonstrates a substantial and unjustifiable risk of death disregarded by the defendant) he caused the death of (name of victim). Here it is important to state precise details of defendant's conduct, especially as they relate to the standard of care a reasonable person would have observed in the circumstances.

Conclude with a statement on why you have probable cause to believe that the defendant committed the crime, including the evidence which supports your conclusion.

All of which is contrary to and in violation of AS 11.41.130 and against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA
number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.200 CR

Assault in the
First Degree

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent (describe how defendant's actions reflect
a conscious objective) to cause serious physical injury
to (name of intended victim) he (describe physical injury
in detail) to (name of actual victim) by the use of
(describe dangerous instrument used).

Conclude with a probable cause statement including
a recitation of evidence supporting your conclusion that
the defendant committed the crime.

All of which is contrary to and in violation of AS 11.41.200 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA
number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.200 CR

First Degree
Assault

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with the intent (describing the defendant's conscious
objective by his actions) to cause serious physical
injury to (name of intended victim) he (describe in detail
the serious physical injury) to (name of actual victim).
It is important to accurately describe the nature of the
injury intended and produced. Both must reflect the
definition of serious physical injury.

Conclude with an appropriate probable cause statement.

All of which is contrary to and in violation of AS 11.41.200 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.200 CR
First Degree
Assault

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that

on or about the _____ day of _____, 19__, at or near

city where offense occurred, in the number JUDICIAL DISTRICT,

State of Alaska, name of the person accused of committing the crime

intentionally (describe defendant's conduct in terms of a conscious objective) (describe the act) resulting in (describe in detail the serious physical injury) to (name of victim) under (describe in accurate detail the circumstances surrounding the defendant's actions in terms which reflect an extreme indifference to the value of human life such as shooting into a school building on a May afternoon.

Conclude with a solid probable cause statement.

All of which is contrary to and in violation of AS 11.41.200 and against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.210 CR
Second Degree Assault

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

intentionally (describe a conscious objective) sought to
cause physical injury (describe how and why you concluded
this) to (name of intended victim) he caused (describe
serious physical injury in detail) to (name of actual
victim). [The critical factor here is what the defendant
intended to do, not the result.]

Conclude with a probable cause statement outlining
why you believe the defendant committed the offense and
the evidence in support of that conclusion.

All of which is contrary to and in violation of AS 11.41.210 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.210 CR

Assault in the
Second Degree

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

recklessly (describe conduct of defendant in terms of his awareness of a substantial and unjustifiable risk of harm coupled with a disregard of the risk where the defendant's conduct is a gross deviation from what a reasonable person would have done in circumstances, such as: drunk driver injuring a person) caused (describe serious physical injury) to (name of victim) by means of (describe a dangerous instrument).

Conclude with a probable cause statement.

All of which is contrary to and in violation of AS 11.41.210 and against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.230 CR

Third Degree Assault

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that

on or about the _____ day of _____, 19__, at or near

city where offense occurred, in the number JUDICIAL DISTRICT,

State of Alaska, name of the person accused of committing the crime

intentionally [or recklessly] (describe the precise nature of the defendant's conduct in terms of one or another of these two culpable mental states) caused (describe in precise detail the physical injury) to (name of actual victim).

Conclude with a proper probable cause statement.

All of which is contrary to and in violation of AS 11.41.230 and against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA
number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF COMPLAINT *type of*
VS *complaint:*
felony or misdemeanor
DEFENDANT(S) NO. AS 11.41.230 CR
name(s) of Third Degree Assault
defendants

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with [describe defendant's conduct in terms of criminal
negligence] he cause [describe a physical injury] to
[name of actual victim] by means of [describe the
dangerous instrument used by the defendant]. It is
critically important to describe the defendant's conduct in
very precise details leaving out nothing. Once small
omission can make the difference between establishing
criminal negligence and ordinary negligence.

Conclude with a probable cause statement.

All of which is contrary to and in violation of AS 11.41.230 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.230 CR

Third Degree Assault

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that

on or about the _____ day of _____, 19__, at or near

city where offense occurred, in the number JUDICIAL DISTRICT,

State of Alaska, name of the person accused of committing the crime

intentionally [describe defendant's conduct in terms of his apparent conscious objective] placed [name of victim] in fear of imminent physical injury by [describe words or conduct of defendant as precisely as possible]. You must also describe the nature of the victim's fear, why it was real, etc.

Conclude with a statement outlining probable cause to believe that the defendant committed the acts constituting the crime.

All of which is contrary to and in violation of AS 11.41.230 and against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.250 CR

Reckless Endangerment

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that

on or about the _____ day of _____, 19__, at or near

city where offense occurred, in the number JUDICIAL DISTRICT,

State of Alaska, name of the person accused of committing the crime

recklessly (describing defendant's conduct in detail)
creating a substantial risk (describe why the risk
exists and is substantial) of serious physical injury
(describe why injury would be serious) to (name of
potential victim).

Conclude with a probable cause statement establishing
defendant as the assailant.

All of which is contrary to and in violation of AS 11.41.250 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.300 CR
Kidnapping

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

restrained [describe defendant's actions with respect
to this victim, especially as they relate to movement
of the victim or preventing victim from going somewhere]
(name of victim) with intent (conscious objective) to
[describe one of the five items listed in the statute].
It is important here to demonstrate that the defendant
moved or restrained victim in order to accomplish his
objective, such as: ransom, facilitate the commission
of a bank robbery, etc.

Conclude with a well documented probable cause
statement.

All of which is contrary to and in violation of AS 11.41.300 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA
number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF COMPLAINT *type of*
VS *complaint:*
felony or misdemeanor
DEFENDANT(S) NO. AS 11.41.300 CR
name(s) of *Kidnapping*
defendants

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

restrains (describe in detail how the defendant moved the
victim or held the victim against the victim's consent).
[name of victim] by [describe in detail where the victim
was hidden and why that place was not likely to be found.
For example, a cave in woods hidden by heavy foliage, or
in a closet in a deserted building, etc.].

Conclude the complaint by establishing how you
developed your probable cause to believe the defendant
committed the crime.

All of which is contrary to and in violation of AS 11.41.300 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA
number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF COMPLAINT *type of*
VS *complaint:*
felony or misdemeanor
DEFENDANT(S) NO. AS 11.41.300 CR
name(s) of
defendants Kidnapping

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

restrains [again, describe what the defendant actually did
to the victim] (name of victim) under circumstances [describe
the conditions very precisely and with great detail, e.g.,
time of year, weather conditions, location of premises,
condition of premises, etc.] which exposed (name of victim)
to a substantial risk of serious physical injury.

Conclude by establishing probable cause to believe that
the defendant committed the crime.

All of which is contrary to and in violation of AS 11.41.300 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA
number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.320 CR

Custodial Interference
in First Degree

COMPLAINANT, *name of person requesting the complaint*

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the *number* JUDICIAL DISTRICT,
State of Alaska, *name of the person accused of committing the crime*

describe relationship and ages of victim and defendant and
having no legal right to do so (discuss basis for this
conclusion, e.g., custody given exclusively to other parent)
he [takes, entices or keeps -- describing means by which
defendnat acquired the person of the victim] with the
intent [describe evidence supporting this conscious objective]
to hold him for [describe evidence of a protracted period]
and took (name of victim) out of Alaska (describe where
defendant took victim).

Conclude by establishing probable cause.

All of which is contrary to and in violation of AS 11.41.320 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, *location of* ALASKA
the district *the court*

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.330 CR

Custodial Interference
in the Second Degree

COMPLAINANT, *name of person requesting the complaint*

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the *number* JUDICIAL DISTRICT,
State of Alaska, *name of the person accused of committing the crime*

This complaint should be drafted in much the same
fashion as a complaint alleging custodial interference
in the first degree EXCEPT that the victim is not removed
from the state. All other elements are identical.

All of which is contrary to and in violation of AS 11:41.330 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.410 CR

Sexual Assault in the
First Degree

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that

on or about the _____ day of _____, 19__, at or near

city where offense occurred, in the number JUDICIAL DISTRICT,

State of Alaska, name of the person accused of committing the crime

(state age of defendant) [describe sexual act involving penetration, such as: genital or anal intercourse, fellatio, cunnilingus] with (name of victim) [describe why there was no consent to the act by the victim]. In this complaint an accurate description of the defendant's conduct is essential, including force or threats which may have been made. They are not required however. If the victim did not consent then the crime has been committed. All you have to show is that the defendant knew what he was doing and was reckless as to results.

Conclude with a probable cause statement.

All of which is contrary to and in violation of AS 11.41.410 and against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA
number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF
VS
COMPLAINT *type of*
complaint:
felony or misdemeanor
DEFENDANT(S)
name(s) of
defendants
NO. AS 11.41.410 CR
Sexual Assault in
First Degree
COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

state age of defendant, attempted to engage [describe an
act which fits description of sexual penetration] with
[name of victim] without [name of victim's] consent
(describe facts which support this conclusion) and
caused (describe serious physical injury in precise
detail).

Conclude by establishing your probable cause belief
that the defendant committed the acts alleged in the
complaint.

All of which is contrary to and in violation of AS 11.41.410 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA
number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.410 CR

Sexual Assault in
First Degree

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

state defendant's age as being 16 or older and include
date of birth engaged (describe an act of sexual penetra-
tion) with [name of victim] who is a person under 13
years of age (give precise age of victim and date of
birth). In this case the dates of birth of the defendant
and the victim and the date of the offense are the
critical factors and all should be set forth in the
complaint.

Conclude by setting out probable cause.

All of which is contrary to and in violation of AS 11.41.410 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.410 CR

Sexual Assault in the
First Degree

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

state defendant's age (give birthdate) as being 18 years
or older engaged in (describe an act of sexual penetration)
with (name victim) a person less than 18 years of age having
been born on (give birthdate) who was (describe relationship
between the defendant and the victim). Here the dates and
relationship are the key elements and must be clearly set
forth. A lack of consent is not required although where
no consent was present it should be so stated.

Conclude by establishing probable cause.

All of which is contrary to and in violation of AS 11.41.410 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.420 CR
Sexual Assault in
Second Degree

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

caused [name of victim] to engage in [describe an act
constituting sexual contact] by [describe how the defendant
threatened the victim who the threats were against, what
they were -- imminent death, physical injury or kid-
napping] during which time (name the victim) [describe
victim's conduct including any resistance, although it
isn't required to make the crime].

Conclude by establishing probable cause, how you
identified the defendant as the person who committed the
crime.

All of which is contrary to and in violation of AS 11.41.420 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.420 CR
Sexual Assault in
Second Degree

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

describe what the defendant did to the victim in terms of
sexual contact [or what the defendnat caused the victim
to do to himself/herself or someone else] as a result of
[describe means by which the defendant caused physical
injury] to (name of person injured) in the absence of
[or in spite of] resistance by the victim. Take care to
establish the fact that physical injury was done and to
connect it to effort to cause victim to engage in sexual
contact. Then establish probable cause.

All of which is contrary to and in violation of AS 11.41.420 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.430 CR

Sexual Assault in
Third Degree

COMPLAINANT, *name of person requesting the complaint*

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the *number* JUDICIAL DISTRICT,
State of Alaska, *name of the person accused of committing the crime*

(state defendant's age) engaged in (describe an act of sexual penetration) with [name victim] whom [name defendant] knew [describe in detail why the defendant knew this] to be either suffering from a mental disorder or defect or was incapacitated as those terms are described by statute. It is important to describe the victim's pre-existing condition in detail and to establish how defendant knew of this pre-existing condition. Then establish you probable cause statement.

All of which is contrary to and in violation of AS 11.41.430 and against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA.
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.440 CR

Sexual Abuse of
a Minor

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

state defendant's age (and date of birth) as being 16
years of age or older, engaged in (describe an act involving
sexual penetration) with (name victim) who is (state
victim's age and DOB). The critical facts in this
complaint are related to dates of birth, date of the
offense and the nature of the offense. This offense
involves consenting conduct on the part of the victim.

Conclude with a statement establishing probable
cause.

All of which is contrary to and in violation of AS 11.41.440 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.440 CR

Sexual Abuse of
a Minor

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

state defendant's age (and DOB) [as being 16 years of
age or older] engaged in [describe an act of sexual
contact] with [name of victim], (name of victim) being
[age and DOB] (under 13 years of age). Once again,
dates are critical factors.

Conclude by establishing probable cause.

All of which is contrary to and in violation of AS 11.41.440 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA
number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF COMPLAINT *type of*
VS *complaint:*
felony or misdemeanor

DEFENDANT(S) NO. AS 11.41.500 CR
name(s) of
defendants

First Degree
Robbery

COMPLAINANT, *name of person requesting the complaint*

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the *number* JUDICIAL DISTRICT,
State of Alaska, *name of the person accused of committing the crime*

while (describe conduct involving a taking or an attempt
to take) property [describe it] from [name of victim]
(describe where on or about the victim's immediate person
or control the property was located) while (describe force
or threat to sue force engaged in by the defendant) in
order to [prevent or overcome resistance to taking or
to compel delivery or otherwise aid in taking] and during
this time defendant or another participant was armed with
a deadly weapon [describe] or so represented [describe
how] or used or attempted to sue a dangerous instrument
[describe] or so represented [describe how] or caused
or attempted to cause [describe how] serious physical
injury to [name intended or actual victim].

Conclude by establishing probable cause.

All of which is contrary to and in violation of AS 11.41.500 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.41.520 CR

Second Degree
Robbery

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

while [describe defendant's conduct in taking or attempting
to take] property [describe it] from the [describe where
on victim's person or within victim's control the property
was located] by the [describe how defendant forced or
threatened the use of force] on [name person forced or
threatened] for the purpose of [preventing or overcoming
resistance to taking or retaining property or compelling
delivery of or assistance in the taking of property].

Conclude by establishing probable cause to believe
that the defendant committed the crime.

All of which is contrary to and in violation of AS 11.41.520 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.300 CR
Burglary in First
Degree

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

[describe conduct involving defendant entering or remaining
unlawfully] in [describe nature of premises which must be a
dwelling as defined in the Code] with intent to commit a
crime therein [describe why this conclusion is reached --
what defendant did, had in his possession, etc.] and while
[in the dwelling or in immediate flight therefrom] [name
defendant] was [armed with a firearm or caused or attempted
to cause physical injury to (name of intended or actual
victim) or threatened (describe how) to sue a dangerous
instrument [describe what].

Conclude by establishing probable cause.

All of which is contrary to and in violation of AS 11.46.300 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA
number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF COMPLAINT *type of*
VS *complaint:*
felony or misdemeanor
DEFENDANT(S) NO. AS 11.46.310 CR
name(s) of Second Degree
defendants Burglary

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

did [describe entering or remaining and the circumstances
under which the building was or was not open to the public]
in a [describe the premises which must be at least a
"building" as that term is defined in AS 11.81.900(b)(3)]
with intent [describe what about the defendant's conduct
indicated his intent] to commit a crime [describe the
crime to the extent possible] in the building.

Conclude with a statement establishing probable cause
to believe the defendant committed the crime.

All of which is contrary to and in violation of AS 11.46.310 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.320 CR
Criminal Trespass in
the First Degree

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that

on or about the _____ day of _____, 19__, at or near

city where offense occurred, in the number JUDICIAL DISTRICT,

State of Alaska, name of the person accused of committing the crime

entered [or remained] (describe means by which the defendant entered or remained) unlawfully [describe why no lawful purpose (such as consent of owner) exists] on real property (which includes land or any building) with intent (describe how defendant's actions manifest a conscious objective) to commit a crime (describe what kind) on that real property. Follow up with a statement which establishes probable cause to believe that the defendant committed the crime.

All of which is contrary to and in violation of AS 11.46.320 and against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.320 CR
Criminal Trespass in
the First Degree

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

entered [describe how] or remained [describe how] unlawfully
[describe why defendant was reckless as to entering or
remaining or why he had no consent of the owner, or other
lawful purpose] in a dwelling [describe the premises in
terms of the definition of dwelling in AS 11.81.900(b)(17) --
a place designed or used as a permanent or temporary place
of lodging].

Conclude with a discussion of how probable cause is
established.

All of which is contrary to and in violation of AS 11.46.320 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.330 CR
Criminal Trespass in
the Second Degree

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

describe an unlawful entering or remaining in or upon any
real property or building or in a propelled vehicle.

Conclude by establishing probable cause.

All of which is contrary to and in violation of AS 11.46.330 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA
number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF COMPLAINT *type of*
VS *complaint:*
felony or misdemeanor
DEFENDANT(S) NO. AS 11.46.120 CR
name(s) of First Degree
defendants Theft

COMPLAINANT, name of person requesting the complaint
personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he obtains [describe
how] the property of [name actual victim] with a value of
more than \$25,000.

Conclude by establishing probable cause.

All of which is contrary to and in violation of AS 11.46.120 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF COMPLAINT type of
VS felony or misdemeanor
DEFENDANT(S) NO. AS 11.46.120 CR
name(s) of First Degree
defendants Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he obtains the property
of [name victim] which was [lost or mislaid or delivered under
a mistake as to the amount or nature of the property --
describing how defendant got property to fit one of these]
and he took no action to restore property to the owner with
the intent [describe defendant's conscious objectives] to
deprive [name victim] of his property with a value of more
than \$25,000.

Conclude by establishing probable cause.

All of which is contrary to and in violation of AS 11.46.120 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF COMPLAINT type of
VS felony or misdemeanor
DEFENDANT(S) NO. AS 11.46.120 CR
name(s) of First Degree
defendants Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly created a
false impression that [describe the nature of the impression
and the reasons why it is false] with respect to property
of a value of more than \$25,000.

Then establish your probable cause.

All of which is contrary to and in violation of AS 11.46.120 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.120 CR
First Degree
Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that

on or about the _____ day of _____, 19__, at or near

city where offense occurred, in the number JUDICIAL DISTRICT,

State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a conscious objective] to deprive [name intended or actual victim] or to appropriate property of [name intended victim] to himself or [name a third person] he knowingly failed to correct [describe a false impression which the defendant previously had created, including the means by which the defendant created the false impression and why he knew it to be false and why he knew he was not correcting the false impression] involving property with a value of more than \$25,000.

Then develop the probable cause statement.

All of which is contrary to and in violation of AS 11.46.120 and against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.120 CR
First Degree
Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly (describe
why defendant knew) prevented (describe how this was done
in detail) (name victim) from acquiring (describe relevant
information to the disposition of the property or services)
in a case involving property (or services) with a value
of more than \$25,000.

Then set out grounds and evidence which establish
probable cause.

All of which is contrary to and in violation of AS 11.46.120 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.120 CR
First Degree
Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly (describe
why defendant knew) conveyed (describe in detail an interest
in the property in question) while failing to disclose
(describe a claim against the property, including the name
of the person holding the claim) which impairs (describe
how) enjoyment of property with a value of more than
\$25,000.

Conclude by developing probable cause.

All of which is contrary to and in violation of AS 11.46.120 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.120 CR
First Degree
Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly (describe
how the defendant acted) promised (describe what acts the
defendant promised to perform) knowing [or intending] that
they would not be performed [describe why the defendant
knew or how he intended that the acts wouldn't be performed]
involving property with a value of more than \$25,000.

~~Conclude by developing how you focused on the defendant
as the one who committed the crime and what evidence supports
that conclusion.~~

All of which is contrary to and in violation of AS 11.46.120 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF COMPLAINT *type of*
VS *complaint:*
felony or misdemeanor
DEFENDANT(S) NO. AS 11.46.120 CR
name(s) of First Degree
defendants Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he [brought, received,
retained, concealed or disposed] (describe what the defend-
ant did which supports this allegation) of [describe
property including when and where it was stolen or why it
is assumed to be stolen] (describe how the defendant's
conduct was reckless -- that is, he was aware of and
disregarded a substantial and unjustifiable risk that the
property was stolen) involving property with a value of
more than \$25,000.

Then establish probable cause.

All of which is contrary to and in violation of AS 11.46.120 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF COMPLAINT type of
VS complaint:
felony or misdemeanor
DEFENDANT(S) NO. AS 11.46.120 CR
name(s) of First Degree
defendants Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he obtained [describe
kinds of services] knowing (describe facts which establish
defendant's knowledge, such as, pay in advance or pay by
check-out signs] by [deception, force, threat or other
means -- describe them] where the services had a value of
more than \$25,000.

Thereafter, establish your probable cause.

All of which is contrary to and in violation of AS 11.46.120 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF COMPLAINT type of
VS felony or misdemeanor
DEFENDANT(S) NO. AS 11.46.120 CR
name(s) of First Degree
defendants Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly diverted
[describe why defendant knew what he was doing and how he
did it] (describe services in detail) to [himself or to
(name person) not entitled to them] over which [name the
defendant] had control [describe how defendant had control
of the disposition of the services, such as, a hotel clerk
who gives away a room to a friend] where such services had
a value of more than \$25,000.

Then set out the evidence which establishes probable
cause.

All of which is contrary to and in violation of AS 11.46.120 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF COMPLAINT type of
VS complaint:
felony or misdemeanor
DEFENDANT(S) NO. AS 11.46.130 CR
name(s) of Second Degree
defendants Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he obtains [describe
how] the property of [name actual victim] with a value of
[more than \$500 but less than \$25,000].

Conclude by establishing probable cause.

All of which is contrary to and in violation of AS 11.46.130 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.130 CR
Second Degree
Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that

on or about the _____ day of _____, 19__, at or near

city where offense occurred, in the number JUDICIAL DISTRICT,

State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a conscious objective] to deprive [name intended or actual victim] or to appropriate property of [name intended victim] to himself or [name a third person] he obtains the property of [name victim] which was [lost of mislaid or delivered under a mistake as to the amount or nature of the property -- describing how defendant got property to fit one of these] and he took no action to restore property to the owner with the intent [describe defendant's conscious objectives] to deprive [name victim] of his property with a value of more than [\$500 but less than \$25,000].

Conclude by establishing probable cause.

All of which is contrary to and in violation of AS 11.46.130 and against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.130 CR
Second Degree
Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly created
a false impression that [describe the nature of the
impression and the reasons why it is false] with respect
to property of a value of more than [\$500 but less than
\$25,000].

Then establish your probable cause.

All of which is contrary to and in violation of AS 11. 46.130 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, *location of* ALASKA
the district *the court*

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.130 CR
Second Degree
Theft

COMPLAINANT, *name of person requesting the complaint*

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the *number* JUDICIAL DISTRICT,
State of Alaska, *name of the person accused of committing the crime*

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly failed to
correct [describe a false impression which the defendant
previously had created including the means by which the
defendant created the false impression and why he knew it
to be false and why he knew he was not correcting the
false impression] involving property with a value of [more
than \$500 but less than \$25,000].

Then develop the probable cause statement.

All of which is contrary to and in violation of AS 11.46.130 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.130 CR
Second Degree
Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19____, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly (describe
why defendant knew) prevented (describe how this was done
in detail) (name victim) from acquiring (describe relevant
information to the disposition of the property or services)
in a case involving property (or services) with a value of
[more than \$500 but less than \$25,000].

Then set out grounds and evidence which establish
probable cause.

All of which is contrary to and in violation of AS 11.46.130 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19____.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF COMPLAINT *type of*
complaint:
VS *felony or misdemeanor*
DEFENDANT(S) NO. AS 11.46.130 CR
name(s) of Second Degree
defendants Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19___, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly (describe
why defendant knew) conveyed (describe in detail an interest
in the property in question) while failing to disclose
(describe a claim against the property, including the name
of the person holding the claim) which impairs (describe
how) enjoyment of property with a value of [more than
\$500 but less than \$25,000].

Conclude by developing probable cause.

All of which is contrary to and in violation of AS 11.46.130 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19___.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF COMPLAINT type of
VS complaint:
felony or misdemeanor
DEFENDANT(S) NO, AS 11.46.130 CR
name(s) of Second Degree
defendants Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly (describe
how the defendant acted) promised (describe what acts the
defendant promised to perform) knowing [or intending] that
they would not be performed [describe why the defendant knew
of how he intended that the acts wouldn't be performed]
involving property with a value of [more than \$500 but
less than \$25,000].

Conclude by developing how you focused on the defendant
as the one who committed the crime and what evidence
supports that conclusion.

All of which is contrary to and in violation of AS 11.46.130 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.130 CR
Second Degree
Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he [bought, received,
retained, concealed or disposed] (describe what the
defendant did which supports this allegation) of [describe
property, including when and where it was stolen or why
it is assumed to be stolen] (describe how the defendant's
conduct was reckless -- that is, he was aware of and
disregarded a substantial and unjustifiable risk that the
property was stolen) involving property with a value of
[more than \$500 but less than \$25,000].

Then establish probable cause.

All of which is contrary to and in violation of AS 11.46.130 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.130 CR
Second Degree
Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he obtained [describe
kinds of services] knowing (describe facts which establish
defendant's knowledge, such as, pay in advance or pay by
check-out signs] by [deception, force, threat or other
means -- describe them] where the services had a value
of [more than \$500 but less than \$25,000].

Thereafter, establish your probable cause.

All of which is contrary to and in violation of AS 11.46.130 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.130 CR
Second Degree
Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly diverted
[describe why defendant knew what he was doing and how he
did it] (describe services in detail) to [himself or to
(name person) not entitled to them] over which [name the
defendant] had control [describe how defendant had control
of the disposition of the services, such as, a hotel night
clerk who gives away a room to a friend] where such services
had a value of [more than \$500 but less than \$25,000].

Then set out the evidence which establishes probable
cause.

All of which is contrary to and in violation of AS 11.46.130 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, *location of* ALASKA
the district *the court*

STATE OF ALASKA

PLAINTIFF COMPLAINT *type of*
complaint:
VS felony or misdemeanor
DEFENDANT(S) NO. AS 11.46.140 CR
name(s) of Third Degree
defendants Theft

COMPLAINANT, name of person requesting the complaint
personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he obtains [describe
how] the property of [name actual victim] with a value
of [more than \$50 but less than \$500].

Conclude by establishing probable cause.

All of which is contrary to and in violation of AS 11.46.140 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.140 CR
Third Degree
Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he obtains the property
of [name victim] which was [lost or mislaid or delivered
under a mistake as to the amount or nature of the property --
describing how defendant got property to fit one of these]
and he took no action to restore property to the owner with
the intent [describe defendant's conscious objectives] to
deprive [name victim] of his property with a value of [more
than \$50 but less than \$500].

Conclude by establishing probable cause.

All of which is contrary to and in violation of AS 11.46.140 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.140 CR
Third Degree
Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19___, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly created a
false impression that [describe the nature of the impression
and the reasons why it is false] with respect to property
of a value of [more than \$50 but less than \$500].

Then establish your probable cause.

All of which is contrary to and in violation of AS 11.46.140 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19___.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.140 CR
Third Degree
Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly failed to
correct [describe a false impression which the defendant
previously had created, including the means by which the
defendant created the false impression and why he knew it
to be false and why he knew he was not correcting the
false impression] involving property with a value of
[more than \$50 but less than \$500].

Then develop the probable cause statement.

All of which is contrary to and in violation of AS 11.46.140 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA
number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF COMPLAINT *type of*
complaint:
VS *felony or misdemeanor*
DEFENDANT(S) NO. AS 11.46.140 CR
name(s) of Third Degree
defendants Theft

COMPLAINANT, name of person requesting the complaint
personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the _____ JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly (describe
why defendant knew) prevented (describe how this was done
in detail) (name victim) from acquiring (describe relevant
information to the disposition of the property or services)
in a case involving property (or services) with a value of
[more than \$50 but less than \$500].

Then set out grounds and evidence which establish
probable cause.

All of which is contrary to and in violation of AS 11.46.140 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.140 CR
Third Degree
Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly (describe
why defendant knew) conveyed (describe in detail an interest
in the property in question) while failing to disclose
(describe a claim against the property, including the name
of the person holding the claim) which impairs (describe
how) enjoyment of property with a value of [more than \$50
but less than \$500].

Conclude by developing probable cause.

All of which is contrary to and in violation of AS 11.46.140 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.140 CR
Third Degree
Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly (describe
how the defendant acted) promised (describe what acts the
defendant promised to perform knowing [or intending] that
they would not be performed [describe why the defendant
knew of how he intended that the acts wouldn't be performed]
involving property with a value of [more than \$50 but less
than \$500].

Conclude by developing how you focused on the defendant
as the one who committed the crime and what evidence supports
that conclusion.

All of which is contrary to and in violation of AS 11.46.140 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF
VS
COMPLAINT type of complaint:
felony or misdemeanor
DEFENDANT(S)
name(s) of defendants
NO. AS 11.46.140 CR
Third Degree Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that on or about the _____ day of _____, 19__, at or near city where offense occurred, in the number JUDICIAL DISTRICT, State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a conscious objective] to deprive [name intended or actual victim] or to appropriate property of [name intended victim] to himself or [name a third person] he [brought, received, retained, concealed or disposed] (describe what the defendant did which supports this allegation) of [describe property, including when and where it was stolen or why it is assumed to be stolen] (describe how the defendant's conduct was reckless -- that is, he was aware of and disregarded a substantial and unjustifiable risk that the property was stolen) involving property with a value of [more than \$50 but less than \$500].

Then establish probable cause.

All of which is contrary to and in violation of AS 11.46.140 and against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, *location of* ALASKA
the district *the court*

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.140 CR
Third Degree
Theft

COMPLAINANT, *name of person requesting the complaint*

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the *number* JUDICIAL DISTRICT,
State of Alaska, *name of the person accused of committing the crime*

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he obtained [describe
kinds of services] knowing (describe facts which establish
defendant's knowledge, such as, pay in advance or pay by
check-out signs] by [deception, force, threat or other
means -- describe them] where the services had a value of
[more than \$50 but less than \$150].

Thereafter, establish your probable cause.

All of which is contrary to and in violation of AS 11.46.140 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.140 CR
Third Degree
Theft

COMPLAINANT, *name of person requesting the complaint*

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the *number* JUDICIAL DISTRICT,
State of Alaska, *name of the person accused of committing the crime*

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly diverted
[describe why defendant knew what he was doing and how
he did it] (describe services in detail) to [himself or
to (name person) not entitled to them] over which [name
the defendant] had control [describe how defendant had
control of the disposition of the services, such as, a
hotel night clerk who gives away a room to a friend] where
such services had a value of [more than \$50 but less than
\$500].

Then set out the evidence which establishes probable
cause.

All of which is contrary to and in violation of AS 11.46.140 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF COMPLAINT *type of*
VS *complaint:*
felony or misdemeanor
DEFENDANT(S) NO. AS 11.46.150 CR
name(s) of Fourth Degree
defendants Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he obtains [describe
how] the property of [name actual victim] with a value of
[less than \$50].

Conclude by establishing probable cause.

All of which is contrary to and in violation of AS 11.46.150 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF COMPLAINT *type of*
complaint:
VS *felony or misdemeanor*
DEFENDANT(S) NO. AS 11.46.150 CR
name(s) of Fourth Degree
defendants Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he obtains the property
of [name victim] which was [lost or mislaid or delivered
under a mistake as to the amount or nature of the property --
describing how defendant got property to fit one of these].
and he took no action to restore property to the owner with
the intent [describe defendant's conscious objectives] to
deprive [name of victim] of his property with a value of
[less than \$50].

Conclude by establishing probable cause.

All of which is contrary to and in violation of AS 11.46.150 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, *location of* ALASKA
the district *the court*

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.150 CR
Fourth Degree
Theft

COMPLAINANT, *name of person requesting the complaint*

personally appearing before me and being duly sworn, states that

on or about the _____ day of _____, 19__, at or near

city where offense occurred, in the *number* JUDICIAL DISTRICT,

State of Alaska, *name of the person accused of committing the crime*

with intent [describe how defendant's actions indicate a conscious objective] to deprive [name intended or actual victim] or to appropriate property of [name intended victim] to himself or [name a third person] he knowingly created a false impression that [describe the nature of the impression and the reasons why it is false] with respect to property of a value of [less than \$50].

Then establish your probable cause.

All of which is contrary to and in violation of AS 11.46.150 and against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.150 CR
Fourth Degree
Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly failed to
correct [describe a false impression which the defendant
previously had created, including the means by which the
defendant created the false impression and why he knew it
to be false and why he knew he was not correcting the false
impression] involving property with a value of [less than
\$50].

Then develop the probable cause statement.

All of which is contrary to and in violation of AS 11.46.150 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.150 CR
Fourth Degree
Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly (describe
why defendant knew) prevented (describe how this was done
in detail) (name victim) from acquiring (describe relevant
information to the disposition of the property or services)
in a case involving property (or services) with a value of
[less than \$50].

Then set out grounds and evidence which establish
probable cause.

All of which is contrary to and in violation of AS 11.46.150 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.150 CR
Fourth Degree
Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19___, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly (describe
why defendant knew) conveyed (describe in detail an interest
in the property in question) while failing to disclose
(describe a claim against the property, including the name
of the person holding the claim) which impairs (describe
how) enjoyment of property with a value of less than \$50.

Conclude by developing probable cause.

All of which is contrary to and in violation of AS 11.46.150 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19___.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.150 CR
Fourth Degree
Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly (describe
how the defendant acted) promised (describe what acts the
defendant promised to perform) knowing [or intending] that
they would not be performed [describe why the defendant knew
or how he intended that the acts wouldn't be performed]
involving property with a value of [less than \$50].

Conclude by developing how you focused on the defendant
as the one who committed the crime and what evidence supports
that conclusion.

All of which is contrary to and in violation of AS 11.46.150 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.150 CR
Fourth Degree
Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he [bought, received,
retained, concealed or disposed] (describe what the defen-
dant did which supports this allegation) of [describe property
including when and where it was stolen or why it is
assumed to be stolen] (describe how the defendant's conduct
was reckless -- that is, he was aware of and disregarded a
substantial and unjustifiable risk that the property was
stolen) involving property with a value of [less than \$50].

Then establish probable cause.

All of which is contrary to and in violation of AS 11.46.150 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.150 CR
Fourth Degree
Theft

COMPLAINANT; name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he obtained [describe
kinds of services] knowing (describe facts which establish
defendant's knowledge, such as, pay in advance or pay by
check-out signs] by [deception, force, threat or other
means -- describe them] where the services had a value of
[less than \$50].

Thereafter establish your probable cause.

All of which is contrary to and in violation of AS 11.46.150 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.150 CR
Fourth Degree
Theft

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

with intent [describe how defendant's actions indicate a
conscious objective] to deprive [name intended or actual
victim] or to appropriate property of [name intended victim]
to himself or [name a third person] he knowingly diverted
[describe why defendant knew what he was doing and how he
did it] (describe services in detail) to [himself or to
(name person) not entitled to them] over which [name the
defendant] had control [describe how defendant had control
of the disposition of the services, such as, a hotel night
clerk who gives away a room to a friend] where such services
had a value of [less than \$50].

Then set out the evidence which establishes probable
cause.

All of which is contrary to and in violation of AS 11.46.150 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO, AS 11.46.220 CR
Concealment of
Merchandise

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

knowingly [describe how defendant concealed merchandise
on or about his person, such as, in a booster box] (describe
merchandise in detail) of (name store, including branch names
if appropriate) not purchased by him (describe why this is so,
such as, not going through check stand) while still on the
premises of (name store) with the intent to deprive (name
owner) of the merchandise. The value of the merchandise was
[place in amount]. (If \$500 or more a Class "C" felony;
if more than \$50 but less than \$500, a Class "A" misdemeanor;
and, if less than \$50, a Class "B" misdemeanor).

Conclude by establishing probable cause.

All of which is contrary to and in violation of AS 11.46.220 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA
number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF
VS
COMPLAINT *type of complaint:*
felony or misdemeanor
DEFENDANT(S)
name(s) of defendants
NO. AS 11.46.400 CR
First Degree
Arson

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19____, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

intentionally [describe conduct which reflects that the
defendant's conscious objective was to] start a fire
[describe how this was done in precise detail] [or
causing an explosion again explaining how it was done]
which [describe how fire recklessly, defendant being aware
of a substantial and unjustifiable risk which he disre-
garded, placed (name of actual or potential victim) in
danger of serious physical injury] [describe why this
was likely to be the case].

Conclude by establishing probable cause to believe
that the defendant committed the act charged.

All of which is contrary to and in violation of AS 11.46.400 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19____.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.410 CR
Arson in Second
Degree

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

intentionally damaged (describe how defendant's conduct
reflects a conscious objective to damage) [describe the
building, boat or vehicle damaged] belonging to (name
owner) by (describe means by which the fire was started
or the explosion was caused).

Conclude by establishing probable cause to believe
that the person charged has committed the acts charged.

All of which is contrary to and in violation of AS 11.46.410 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.480 CR
Criminal Mischief
in the First Degree

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

[first establish why the defendant had no right to engage
in his conduct or why he had no reasonable grounds for so
believing -- do this by establishing his relationship to
the property owners and by detailing the nature of his
conduct, how he got on the premises for instance] he
intentionally (describe conduct which demonstrates what
the defendant's conscious objective was) [then describe
in detail what kind of property was damaged, what means
were used to cause the damage, what was the value of the
loss].

All of which is contrary to and in violation of AS 11.46.480 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA
number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF
VS
COMPLAINT *type of*
complaint:
felony or misdemeanor
DEFENDANT(S)
name(s) of
defendants
NO. AS 11.46.480 CR
Criminal Mischief in
the First Degree

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

[describe the kind of damage done, the type of property
damaged and the means by which the damage was accomplished]
and then describe the defendant's conscious objective and
identify the evidence which supports your conclusions as
to the defendant's intentions.

NOTE: for utilities or organizations dealing with emergencies
you must present evidence of an intent to cause substantial
disruption or impairment of service plus an actual disruption
or impairment.

NOTE: if widely dangerous means are used, property loss must
exceed \$100,000.

NOTE: if property is oil or gas pipeline or supporting
facility (except retail distribution) any damage will suffice.

Then conclude with a discussion of probable cause.

All of which is contrary to and in violation of AS 11.46.480 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA
number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF COMPLAINT *type of*
VS *complaint:*
felony or misdemeanor
DEFENDANT(S) NO. AS 11.46.482 CR
name(s) of Criminal Mischief in
defendants the Second Degree

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

[describe conduct involving intentional damage] to the
property (name intended victim) which resulted in [describe
damage in amount of \$500 or more] to the property of
(name actual victim).

Conclude by establishing probable cause to believe
that the named defendant committed the offense.

All of which is contrary to and in violation of AS 11.46.482 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA
number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF COMPLAINT type of
VS complaint:
felony or misdemeanor
DEFENDANT(S) NO. AS 11.48.482 CR
name(s) of Criminal Mischief in
defendants the Second Degree

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

[describe conduct involving tampering with a pipeline or supporting facility or an aircraft] under [describe circumstances which reflect a reckless, an awareness of and disregard for, a substantial and unjustifiable risk of harm or risk of loss of the] property of (name victim).

Conclude by establishing probable cause to believe the defendant committed the offense.

All of which is contrary to and in violation of AS 11.46.482 and against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, *location of* ALASKA
the district *the court*

STATE OF ALASKA

PLAINTIFF

COMPLAINT *type of*
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.482 CR
Criminal Mischief in
the Second Degree

COMPLAINANT, *name of person requesting the complaint*

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the *number* JUDICIAL DISTRICT,
State of Alaska, *name of the person accused of committing the crime*

[describe reckless conduct by defendant] (created a risk
of damage to the property of) (name of victim) in the
amount of [in excess of \$100,000] by the use of (describe
the widely dangerous means used by the defendant). Then
establish probable cause to believe that the defendant
committed the act in question.

All of which is contrary to and in violation of AS 11.46.482 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA

number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF

COMPLAINT type of
complaint:
felony or misdemeanor

VS

DEFENDANT(S)
name(s) of
defendants

NO. AS 11.46.482 CR
Criminal Mischief in
the Second Degree

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

[drove or towed or took and describe how] a [describe a
propelled vehicle] belonging to [name victim] and cause
[\$500 or more] damage to vehicle (describe damage and
how caused) OR (caused victim to incur (describe) reasonable
expenses) of [\$500 or more] as a result of the loss of
the vehicle.

Then establish probable cause.

All of which is contrary to and in violation of AS 11.46.482 and
against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate

IN THE DISTRICT/SUPERIOR COURT OF THE STATE OF ALASKA
number of JUDICIAL DISTRICT, location of ALASKA
the district the court

STATE OF ALASKA

PLAINTIFF COMPLAINT *type of*
VS *complaint:*
felony or misdemeanor
DEFENDANT(S)
name(s) of
defendants NO. AS 11.46.484 CR
Criminal Mischief in
the Third Degree

COMPLAINANT, name of person requesting the complaint

personally appearing before me and being duly sworn, states that
on or about the _____ day of _____, 19__, at or near
city where offense occurred, in the number JUDICIAL DISTRICT,
State of Alaska, name of the person accused of committing the crime

Describe either:

1. Intentional damage of more than \$50 but less than \$500 to the victim's property (describe how and means) OR
2. taking, towing or driving of victim's propelled vehicle OR
3. knowing failure to return a rented propelled vehicle within specified date without owner's consent for a long enough period to render retention as an unjustifiable deviation from the terms of the rental agreement OR
4. tampering with a fire protection device in a public place.

Then establish probable cause.

All of which is contrary to and in violation of AS 11.46.484 and against the peace and dignity of the State of Alaska.

/s/ signature of complainant

Sworn to and subscribed before me this _____ day of _____, 19__.

/s/ signature of judge/magistrate