

Alaska State Legislature

State Capitol, Room 208
Juneau, Alaska 99801-1182
Phone: 907-465-3779
Fax: 907-465-2833
Toll Free: 800-469-3779



145 Main St. Loop
Second Floor
Kenai, Alaska 99611
Phone: 907-283-7223
Fax: 907-283-7184

REPRESENTATIVE MIKE CHENAULT SPEAKER OF THE ALASKA STATE HOUSE

SPONSOR STATEMENT HOUSE BILL 221

"An act relating to the appointment of counsel for persons accused of crimes; and amending Rule 39.1, Alaska Rules of Criminal Procedure"

The Alaska Court System is tasked with appointing legal representation for citizens who cannot afford an attorney. The Public Defender Agency and the Office of Public Advocacy provides attorneys for those people who request a Court appointed counsel since they cannot afford an attorney.

For several years, it has come to the attention of our office that there is no financial verification for those who have been criminally charged and ask the Court for counsel. Our office regularly receives complaints that after making requests for appointed counsel, defendants leave the parking lot in new vehicles or live in nice homes.

One of the most egregious cases in recent history is the prosecution of a scheme to defraud.

The defendant, in a statement to the Court, claimed to be indigent in 2009. Subsequently, this person was appointed five different attorneys for 55 different events and well over 100 filings. The best accounting for court appointed representation was over \$219,000 by the Department of Law. This does not take into consideration Court time as well as court employee time.

In a pretrial hearing, testimony was provided that the defendant had hundreds of thousands of dollars in the bank as a result of payment for services rendered by the defendant. This was in violation of several court orders against the defendant.

The defendant was convicted of several felonies. Post-conviction, the defendant was able to find the funds to hire a merger attorney as well as a sentencing specialist. After sentencing, the defendant appealed his sentence again claiming indigence. The State of Alaska is currently paying for the defendant's appellant attorney.

In conclusion, there must be changes in Court Rule 39.1 to determine eligibility and to allow for the defendant to sign a sworn statement subject to penalties for perjury. House Bill 221 allows for both those changes and would open the door for prosecution. Since there are in fact many defendants who are indigent, defendants who perjure themselves are taking funds that could be used by the truly needy.