

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT KENAI

STATE OF ALASKA,)
)
 Plaintiff,)
 v.)
)
 MARGARET MURPHY,)
)
 Defendant.)

Case No. 3KN-23-00416CR

ORDER RE STIPULATION TO CHANGE VENUE TO HOMER¹

The parties in this case have submitted a joint stipulation to transfer venue to Homer. Based on the allegation that the alleged crime occurred in Homer, this transfer appears to be legally appropriate, as generally speaking criminal trials should be held where the alleged offense occurred.² The Alaska Constitution guarantees criminal defendants the right to have a jury selected from a pool that represents “a fair cross section of the community” in which the crime allegedly occurred.”³

Nonetheless, the Court retains substantial discretion in determining the ultimate trial location in order to ensure a fair trial. There may be circumstances in which the community where the incident occurred is so small, the parties so well-known, and pretrial publicity so pervasive that venue must be changed.⁴

As the parties are aware, Homer is a smaller and much more limited courthouse facility. In addition, the Defendant is well known there, and there has already been pre-trial publicity about the case. There is considerable public interest in the case.⁵

¹ The change of venue does not affect the assignment of this matter to the undersigned Judge.

² *Wylie v State*, 797 P.2d 651, 656 (Alaska App. 1990); See also Alaska R. Crim. Pro. 18; Administrative Bulletin No. 28.

³ *Alvarado v State*, 486 P.2d 891, 903 (Alaska 1971).

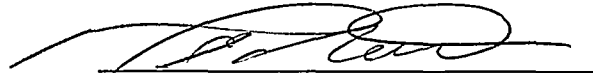
⁴ *Wylie*, 797 P.2d at 656; See also, *Nickolai v State*, 708 P.2d 1292, 1293 (Alaska App. 1985).

⁵ That is also true in Kenai where the case began.

Under the circumstances of this case, the court is granting the parties' joint request to change venue of this case to Homer. But, the Court reserves the right to transfer venue to another location if it determines that a fair and impartial jury cannot be obtained, or that public interest in the proceedings make it impossible to conduct the trial or pre-trial proceedings in a just, safe and impartial manner.⁶

IT IS SO ORDERED.

DATED at Anchorage, Alaska this 21st day of July, 2023.


Thomas A. Matthews
Superior Court Judge

I certify that on 7/21/23 a copy
of the following was mailed/faxed/hand-delivered
to each of the following at their addresses of record.

*Campion
Robinson
Petunenas*

⁶ AS 22.10.040.