

Clinton M. Champion
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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT HOMER

STATE OF ALASKA,

Plaintiff,

vs.

Case No. 3HO-23-00295 CR

MARGARET MURPHY,

Defendant.

NOTICE REGARDING RE-INDICTMENT

Independent Prosecutor Clinton M. Champion, on behalf of the Kenai Grand Jury (“Grand Jury”) respectfully submits this Notice Regarding Re-Indictment in accordance with the Order Granting Motion to Dismiss Indictment. In its Order Dismissing Indictment, February 27, 2024, the Court required the Independent Prosecutor to advise if a new indictment will be sought against the Defendant within ten days of the Order, or by March 8, 2024.

I. BACKGROUND

The Grand Jury heard testimony from Margaret Murphy in November 2022 regarding events that occurred in 2005. When the Defendant testified before the Grand Jury on November 3, 2022, she was not represented by counsel and was not a target of the grand jury’s investigation, i.e., the Grand Jury did not have probable cause to believe she had committed any criminal offenses at the time she testified.

When the Defendant testified, the Grand Jury had not yet received and reviewed any materials from the Alaska Commission on Judicial Conduct (ACJC) regarding Mr. Haeg’s complaint about the Defendant. The Grand Jury did not receive such materials until January 31, 2023. Upon receipt of those materials, the Grand Jury identified discrepancies between the Defendant’s testimony in November 2022, and a letter she had written to the ACJC in 2006.

As the Order Dismissing Indictment indicated, the indictment issued by the Grand Jury was ripe with technical and procedural problems. The Independent Prosecutor informed the Superior Court of these issues at the grand jury return hearing on April 28, 2023. The Superior Court advised the Independent Prosecutor that those issues needed to be addressed through a motion to dismiss. Those issues have been addressed through the litigation of Defendant’s Motion to Dismiss and the subsequent Order Dismissing Indictment. The Independent Prosecutor must decide whether to seek another indictment against the Defendant which would not involve the procedural and technical obstacles presented in the prior proceedings.

II. CRIMINAL RULE 45 SPEEDY TRIAL

The first question the Independent Prosecutor must resolve is whether seeking a new indictment would violate the Defendant’s right to a speedy trial. A defendant charged with a felony must be tried within 120 days.¹ The 120-day speedy trial clock begins to run when a charging document is served upon the

¹ Alaska Rule of Criminal Procedure 45(b).