

1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
2 THIRD JUDICIAL DISTRICT AT ANCHORAGE

3 STATE OF ALASKA,

4 Plaintiff,

5 vs.

6 Lisa Mylinda Simpson
7 DOB: [REDACTED]/1966
8 APSIN ID: 0781469
9 DMV NO.: 0781469 AK
ATN: 114676299

10 Defendant.

11 Court No. 3AN-20-02173CR (Lisa Mylinda Simpson)

12 *Superseding*

13 **CRIMINAL RULE 11 PLEA AGREEMENT**

14 I certify this document and its attachments do not contain the (1) name of a victim of a sexual offense listed in AS 12.61.140 or (2) residence
15 or business address or telephone number of a victim of or witness to any offense unless it is an address identifying the place of a crime or an
16 address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

17 The parties give notice that pursuant to Alaska Rule of Criminal Procedure 11(e)
18 that the State of Alaska and the defendant, Lisa Simpson, have reached a plea agreement.

19 **A. General Terms of Plea Agreement**

20 The plea agreement, if accepted by the court, will result in the following:

- 21 1. The defendant agrees to enter a plea of **GUILTY** to Count VI of the Information
22 Adding Misdemeanor Counts to Indictment – Voter Misconduct in the Second
23 Degree, AS 15.56.050. All other counts are dismissed.
24 2. The defendant agrees to testify truthfully if subpoenaed by the prosecution or by
25 any co-defendants in case number 3AN-20-02172CR or any related prosecution.
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LS
[Handwritten initials]

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3. The defendant is obligated to provide both truthful interviews and truthful testimony as essential components of this agreement. Nothing in this agreement protects the defendant from a charge of perjury if she knowingly makes false sworn statement in court. Likewise, should the investigating officers conclude at any point the defendant has been deceptive, misleading, or has feigned memory loss, the State of Alaska may seek to withdraw from this agreement and proceed to trial as if this agreement did not exist. The parties agree that in this event, the defendant would be entitled to hearing before the Court on this issue, and that the prosecution would have to prove a breach of this agreement by a preponderance of the evidence – as required by Alaska law.
4. The defendant agrees to disclose whether she has offered any written or oral statements – whether recorded or not – to any party, attorney or private investigator involved with this case.
5. The defendant agrees to disclose to law enforcement the following information from any defense investigation:
 - a. the existence of any statement she personally made to any investigator regarding this case – which was disclosed to any third-party not within her personal trial defense team;
 - b. any audio-recorded statements of any witness regarding this case;
 - c. any written summary of witness statements regarding this case;
 - d. the fruits of any background investigation of potential State witnesses; and,
 - e. the existence and content of any formal or informal inter-defendant cooperation agreement, including any offer to pay for any defendant’s counsel.

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6. The defendant will not be required to disclose any written statement or summary of any statement she made directly to her attorney(s) – provided that statement was not further re-disclosed to a third-party. ALASKA R. EVID. 503 (Lawyer-Client Privilege); ALASKA R. PROF. CONDUCT 1.6 (Confidentiality of Information). If the statement was disclosed to a third-party, the defendant shall disclose it to law enforcement. The defendant is not required to disclose any document to the extent that document contains her attorney’s opinions, theories, thought processes, or subjective conclusions. ALASKA R. EVID. 503 (Lawyer-Client Privilege); ALASKA R. PROF. CONDUCT 1.6 (Confidentiality of Information).
7. The parties agree that the defendant will enter her plea pursuant to this agreement and be sentenced by the same superior court judge who presides over the trial of *State of Alaska v. Gabrielle LeDoux*, 3AN-20-02172CR. This sentencing hearing will be held at a mutually agreeable date, but only after 3AN-20-02172CR has been fully adjudicated by plea or jury verdict.
8. At sentencing, and subject to the judge’s final approval pursuant to Alaska law (See R.Crim.Pro. 11), the parties agree that all terms of the sentence shall be “open” – left to the discretion of the Court. Under the terms of this agreement, the defendant can argue to the Court that any mitigators by analogy apply, to include AS 12.55.155(d)(11), or the “assisted authorities” mitigator.¹ The Court can make its sentencing determination based upon the judge’s view of the facts, to include his findings regarding your client’s degree of candor during her testimony.
9. The defendant understands and acknowledges that the maximum term of imprisonment for Voter Misconduct in the Second Degree pursuant to AS 15.56.050, is up to a year in jail.

¹ Statutory mitigator AS 12.55.155(d)(11) provides: “after commission of the offense for which the defendant is being sentenced, the defendant assisted authorities to detect, apprehend, or prosecute other persons who committed an offense.”

- 1 10. The defendant agrees the Alaska State Troopers did not violate any of defendant's
- 2 constitutional, procedural, or statutory rights.
- 3 11. The defendant agrees the State of Alaska did not violate any of defendant's
- 4 constitutional, procedural, or statutory rights.
- 5 12. The defendant admits to the facts set forth in the original charging document,
- 6 attached to this document as Appendix A.
- 7 13. At change of plea the defendant shall sign, date, and file this Criminal Rule 11 Plea
- 8 Agreement. The court shall conditionally accept the guilty plea, and schedule a
- 9 sentencing hearing once the case of *State of Alaska v. Gabrielle LeDoux*, 3AN-20-
- 10 02172CR has been fully adjudicated by plea or jury verdict. ALASKA R. CRIM. PRO.
- 11 32.1.

B. Elements of Criminal Offenses

- 12 1. Defendant agrees to plead **GUILTY** to Count VI of the Information Adding
- 13 Misdemeanor Counts to Indictment – Voter Misconduct in the Second Degree, AS
- 14 15.56.050. To convict defendant of Voter Misconduct in the Second Degree, the
- 15 State would have to prove beyond a reasonable doubt the following at trial:
- 16 a. the defendant, as principal and/or accomplice, registered to vote without
- 17 being entitled to vote under AS 15.07.030.

C. Disposition of Other Charged Offenses

- 19 1. Pursuant to this Plea Agreement the State agrees to replace the previously charged
- 20 charges with a charge of Voter Misconduct in the Second Degree. The previous
- 21 charged counts were:
- 22 a. Voter Misconduct in the First Degree, AS 11.56.040
- 23 b. Voter Misconduct in the First Degree, AS 11.56.040
- 24 c. Voter Misconduct in the First Degree, AS 11.56.040
- 25 d. Voter Misconduct in the First Degree, AS 11.56.040
- 26 e. Voter Misconduct in the First Degree, AS 11.56.040
- 27 f. Voter Misconduct in the Second, AS 15.56.050

- 1 g. Voter Misconduct in the Second, AS 15.56.050
- 2 h. Unlawful Interference with Voting in the Second, AS 15.56.035
- 3 i. Unlawful Interference with Voting in the Second, AS 15.56.035

4 **D. Waiver and Understanding of Rights**

5 1. The defendant acknowledges that this agreement has been discussed fully with
6 counsel and is entered into with the advice and consent of counsel. The defendant
7 fully understands the terms of this agreement and the consequences of abiding by
8 or violating this agreement. Further, the defendant acknowledges that after full
9 consultation with counsel, defendant has been informed and understands the
10 following:

- 11 a. The nature of the charges;
- 12 b. The elements of the charges;
- 13 c. The minimum terms of imprisonment;
- 14 d. The maximum terms of imprisonment;
- 15 e. The maximum fines that could be imposed;
- 16 f. The maximum probationary period;
- 17 g. That the defendant has the absolute right to plead not guilty;
- 18 h. That the defendant is presumed innocent of all the charges;
- 19 i. That the defendant has the absolute right to proceed to a jury trial;
- 20 j. That defendant is aware that if he is not a citizen of the United States, a
21 conviction of a crime may have the consequences of deportation, exclusion
22 from admission to the United States, or denial of naturalization pursuant to
23 federal law.

24 2. That by entering pleas of guilty, defendant is voluntarily
25 a. waiving defendant's right to remain silent;
26 b. waiving the right to call witnesses on defendant's behalf at trial;
27 c. waiving the right to a speedy and public trial by a jury of twelve or by judge;
d. waiving the presumption of innocence and the requirement that the State of
Alaska prove the charges beyond a reasonable doubt;

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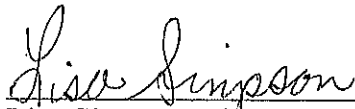
- e. waiving the right to be confronted by and cross-examine the witnesses against defendant;
 - f. waiving the right to have a jury determine any statutory aggravators;
 - g. waiving defendant's right to appeal defendant's conviction or to appeal the terms of the sentence in this case so long as sentence imposed is within the limits of the plea agreement or to seek reduction of the sentence under Criminal Rule 35; and,
 - h. waiving the right to counsel at trial and on appeal.
3. The defendant acknowledges and affirmatively represents to the court that by entering this agreement:
- a. The defendant is fully satisfied with the representation and advice of defendant's lawyer;
 - b. The defendant has been provided discovery in the matter to include but not limited to police reports, audio recordings, and, photographs;
 - c. The defendant has fully discussed the charge made against defendant in this case, potential defenses, sentencing ranges, aggravating factors, this agreement with defendant's lawyers, all of the rights set forth under section D, sub-sections 1 and 2, and is entering this agreement voluntarily, knowingly, and intelligently;
 - d. The defendant understands that defendant is voluntarily giving up defendant's right to testify in defendant's own behalf at trial;
 - e. The defendant is presently not under the influence of alcohol, drugs or medication, and is not presently under the care of any physician, psychiatrist or psychologist.
4. The parties further represent that the terms of their agreement are completely set out by this document.
5. The defendant acknowledges and represents that there have been no threats, coercion, or promises apart from those terms set forth in this plea agreement.

1 **E. Certification of Parties**

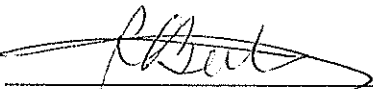
2 I, Lisa Simpson, certify that I have carefully read and understand the terms of this
3 agreement and all of its consequences and have no questions. I am signing this document
4 freely and voluntarily and agree to be bound by its terms or suffer the consequences set
5 forth above should I violate any of the provisions of this agreement. I am not now under
6 the influence of alcohol or drugs. I do not have any further questions for my attorney.

7 Defense counsel Rex Butler certifies to the court the following: That counsel has
8 read this document, has explained the terms of this agreement and its contents to defendant,
9 including but not limited to the minimum and maximum sentencing range and the Criminal
10 Rule 11 requirements, that to the best of counsel's knowledge defendant understands the
11 agreement, consents to its terms and that it is being entered into with the advice and consent
12 of counsel and does not have any further questions for me concerning the plea agreement.

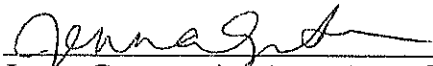
13 State of Alaska, Department of Law counsel certifies this written agreement and the
14 accompanying court form Rule 11 Agreement and Judgment constitutes the entirety of the
15 parties' plea agreement.

16 
17 Lisa Simpson, defendant

7/8/24
date

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19 Rex Butler, defense counsel
20 Alaska Bar Number 8310105

7/8/2024
date

21 
22 Jenna Gruenstein, Asst. Atty. General
23 Alaska Bar Number 0912086

7/8/24
date