

IN THE TRIAL COURTS FOR THE STATE OF ALASKA

In the Matter of:

**Procedure for Correction of Clerical
Mistakes in Criminal Judgments Within 6
Months of Distribution by the Court**

SUPERSEDING PRESIDING JUDGES' STATEWIDE ORDER REGARDING THE PROCEDURE FOR THE DEPARTMENT OF PUBLIC SAFETY TO BRING JUDGMENT ERRORS TO THE COURT'S ATTENTION¹

The Alaska Department of Public Safety ("DPS") is responsible for entering all criminal judgments into the criminal repository for the State of Alaska, currently known as the Alaska Public Safety Information Network ("APSIN"). Regulations promulgated by DPS obligate trial courts to submit criminal judgments to DPS for entry into APSIN.² Criminal history records found in APSIN are used for a multitude of reasons, including, but not limited to, licensing and employment background checks, firearms purchases, law enforcement agency investigations, sex offender registration requirements, prosecutorial charging decisions, and sentencing recommendations.

A criminal conviction cannot be entered into APSIN if the judgment contains missing or inaccurate information. When DPS identifies an error in a judgment that prevents entry into APSIN, DPS must notify the issuing trial court and request correction.

Errors due to clerical mistakes, typographical mistakes, or other inaccurate

¹ This order supersedes the Presiding Judges' Order in ITMO: Correction of Clerical Mistakes in Criminal Judgments for Purposes of APSIN dated September 26, 2023 with an effective date of October 9, 2023.

² See 13 AAC 68.140.

information on the judgment caused by an oversight or omission in the record can be corrected by the court under Criminal Rule 36.³ Such corrections “can be made at any time in order to bring the judgment into accord with the court's original intent insofar as that intent is clearly ascertainable from the record.”⁴

When it is not apparent from the record that the error is a simple transcription or composition mistake, or if the substantive rights of the parties may be affected, correction under Criminal Rule 36 is not appropriate. In these cases, the trial court may notify the parties of the need for briefing, additional information, or future proceedings.

The purpose of this order is to outline a uniform statewide procedure for DPS to bring requests to correct a criminal judgment to the court’s attention. This procedure may only be utilized within six months of the date the court distributes the judgment to DPS.⁵

In order to request correction of a criminal judgment:

1. DPS must electronically file form CR-590, “Notice of Judgment Error” with the issuing court;

³ Criminal Rule 36 provides: “Clerical mistakes in judgments, orders or other parts of the record, and errors in the record arising from oversight or omission, may be corrected by the court at any time and after such notice, if any, as the court orders. . . .” Clerical mistakes include “errors of transcription or typing” made by a clerk and “errors made by the judge when composing the judgment or order.” *Lampley v. State*, 33 P.3d 184, 186 (Alaska App. 2001). Examples of clerical mistakes include, among others, incorrect or incomplete personal information (*e.g.*, name, date of birth, or APSIN identification number), sentencing information (*e.g.*, effective date of judgment, sentencing terms, or plea information) and convicting statute information (*e.g.*, statute, relevant subsection, or domestic violence indicator).

⁴ *Graybill v. State*, 522 P.2d 539, 542 (Alaska 1974).

⁵ For any older judgments, the court anticipates that DPS, through counsel, will file a motion seeking a corrected judgment.

2. A court clerk will docket the notice and route it directly to the issuing or assigned judicial officer;
3. The judicial officer will review form CR-590 with the judgment and relevant sections of the court record;
4. If the judicial officer concludes that corrections are necessary and permitted under Criminal Rule 36, the judicial officer will issue an amended judgment. The clerk will distribute the originating notice and the amended judgment to the parties and DPS. A separate order will not be issued.
5. If the judicial officer concludes that no correction is necessary, or that additional information, briefing, or proceedings are required, the court will provide notice using form CR-595.

Dated April 30, 2025.

/s/ Amy Mead
Amy Mead
Presiding Judge First Judicial District

/s/ Paul Roetman
Paul A. Roetman
Presiding Judge Second Judicial District

/s/ Thomas Matthews
Thomas Matthews
Presiding Judge Third Judicial District

/s/Brent Bennett
Brent Bennett
Presiding Judge Fourth Judicial District

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