

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
SECOND JUDICIAL DISTRICT

In the Matter of:	)	
	)	Presiding Judge Administrative Order
Preliminary Hearing	)	No. 26-01
Calendar Management	)	
_____	)	

PRELIMINARY HEARING CALENDAR MANAGEMENT

The preliminary hearing calendars for the various courts in the Second Judicial District—Kotzebue, Nome, Unalakleet, and Utqiagvik—contribute to a growing backlog of undisposed criminal cases in the Alaska Court System. As of June 1, 2026, the preliminary hearing docket includes 123 cases that are over 180 days old and 42 cases that are more than one year old. The Alaska Supreme Court has directed Presiding Judges to adopt policies that reduce the number of aged pending cases and Criminal Rule 5(e) requires that the court must take into account the public interest in the prompt disposition of criminal cases.

The following changes will be implemented **starting September 15, 2026**:

1. A case will be permitted to remain on the preliminary hearing calendar no longer than 180 days (time begins counting from the first preliminary hearing forward).
2. A case that comes off the preliminary hearing calendar and is placed on the district court docket as a misdemeanor will not be returned to the preliminary hearing docket.

Time under this order is not affected by the tolling or running of time under Criminal Rule 5 or 45. This period will not restart if a new public defender is substituted for another public defender or a new OPA attorney is substituted for another OPA attorney, or a conflict OPA attorney, tertiary conflict attorney, or private attorney enters an appearance substituting for another attorney.

The court may extend the period only upon a finding of good cause at a preliminary hearing. Generally, good cause will not include lack of an offer, outstanding discovery, ongoing plea negotiations, new charges, or other pending cases unless in another jurisdiction, or the defendant's presence out of state unless the defendant is in the custody of another jurisdiction.

It is important to criminal case processing, that felony cases generally be heard and handled in superior court (e.g., discovery disputes, pre-trial motions, other Criminal Rule 16 issues) and not district court before the local magistrate judge. The purpose of the preliminary hearing calendar, and as contemplated by Criminal Rule 5, (given the 10- and 20-day time limitations for defendants in custody and out of custody) is a brief procedural stop for the State to determine whether cases should remain in district court as misdemeanors or be presented to grand jury and proceed in superior court.

IT IS SO ORDERED.

Dated at Kotzebue, Alaska this 7th day of July 2026.

A handwritten signature in black ink, appearing to read 'DR', with a stylized flourish extending to the right.

DAVID L. ROGHAIR
Presiding Judge
Second Judicial District

Distribution:

Chief Justice of the Supreme Court
Administrative Director
Area Court Administrator, Second Judicial District
Second Judicial District Clerks of Court
Rural Court Administrator, Second Judicial District
Alaska Bar Association members, Second Judicial District
Presiding Judge, Second Judicial District
All Second Judicial District Judicial Officers
Court Rules Attorney