

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 1049

Amending Criminal Rule 32(e)  
concerning sentencing referrals  
to three-judge panel.

IT IS ORDERED:

1. Criminal Rule 32(e)(7) is amended to provide:

(7) If the three-judge sentencing panel imposes sentence on the defendant, [FURTHER SENTENCING] proceedings[, INCLUDING PROCEEDINGS] relating to sentence modification under Criminal Rule 35(a)[,] shall [OCCUR BEFORE] be assigned to the [SAME] three-judge panel[, WHO SHALL BE CONSIDERED THE SENTENCING COURT.] sitting at the time such action is ready for decision. All other post-sentencing proceedings shall be assigned to the judge who referred the matter to the three-judge panel for consideration. The referring judge may impose any sentence which the three-judge panel would be empowered to impose. except that the referring judge may not reduce a sentence imposed by the three-judge panel. [IF AT THE TIME FURTHER PROCEEDINGS ARE REQUESTED ANY OF THE THREE JUDGES IS NO LONGER AVAILABLE, ONE OR MORE ALTERNATE MEMBERS SHALL SIT IN THE SAME FASHION AS PROVIDED FOR IN AS 12.55.175(a).]

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Effective Date: \_\_\_\_\_  
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DATED: September 20, 1990

EFFECTIVE DATE: January 15, 1991

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Chief Justice Matthews

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Justice Rabinowitz

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Justice Burke

\_\_\_\_\_  
Justice Compton

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Justice Moore