

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1291

Amending Criminal Rule 45(c)
concerning when the time for
trial commences to run.

IT IS ORDERED:

Paragraph (c) of Criminal Rule 45 is amended to read:

(c) **When Time Commences to Run.**

(1) *Generally.* Except as provided in subparagraphs (2) through ~~(6)~~ (5), the time for trial shall begin running, without demand by the defendant, from the date the charging document is served upon the defendant.

* * * *

~~(4) *Defendant in Custody.* If the alleged offense is committed by a defendant in custody or incarcerated on other charges, the time for trial shall begin running 10 days from either referral in writing by correctional officials to the prosecuting attorney, or commencement of formal disciplinary proceedings, whichever is earlier.~~

~~(5)~~ (4) *Mistrial, New Trial or Remand.* If the defendant is to be tried again following a mistrial, an order for a new trial, or an appeal or collateral attack, the time for trial shall run from the date of mistrial, order granting a new trial, or remand.

~~(6)~~ (5) *Withdrawal of Plea.* If the defendant is to be tried after withdrawal of a

Supreme Court Order No. 1291
Effective Date: January 15, 1998
Page 2

plea of guilty or nolo contendere previously entered, the time for trial shall run from the date of the order permitting the withdrawal.

DATED: October 29, 1997

EFFECTIVE DATE: January 15, 1998

/s/
Chief Justice Matthews

/s/
Justice Compton

/s/
Justice Eastaugh

/s/
Justice Fabe

/s/
Justice Bryner