

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1316

Amending Appellate Rule 215(a)
concerning appellate review of
sentence.

IT IS ORDERED:

Paragraph (a) of Appellate Rule 215 is amended to read:

(a) **Appellate Review of Sentence.**

(1) *Right to Appeal.* A defendant may appeal an unsuspended sentence of imprisonment that exceeds two years for a felony offense or 120 days for a misdemeanor offense on the ground that the sentence is excessive, unless the sentence was imposed in accordance with a plea agreement that provided for imposition of a specific sentence or a sentence equal to or less than a specified maximum sentence. If a sentence is imposed in accordance with a plea agreement that provides for a minimum sentence, a defendant may appeal as excessive only the part of the sentence that exceeds the minimum sentence by more than two years for a felony offense or 120 days for a misdemeanor offense. The prosecuting authority may appeal a sentence of any length on the grounds that the sentence is too lenient. An appeal under this subparagraph must be taken to the court of appeals.

(2) *Right to Seek Discretionary Review.* A defendant may seek discretionary review of an unsuspended sentence of imprisonment which

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is not appealable under subparagraph (a)(1)
by filing a petition for review in the
supreme court under Appellate Rule 402.

DATED: March 5, 1998

EFFECTIVE DATE: July 15, 1998

/s/
Chief Justice Matthews

/s/
Justice Compton

Justice Eastaugh

/s/
Justice Fabe

/s/
Justice Bryner