

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1341

Amending Appellate Rule 502(b),
Criminal Rule 32, Criminal Rule
35, Civil Rule 26, and
Administrative Rule 10(e) to
include changes made by chapter
95 SLA 1998.

IT IS ORDERED:

1. Paragraph (b) of Appellate Rule 502 is amended to read:

(b) **Extensions of Time.** When by these rules or by a notice given thereunder or by order of the appellate court an act is required or allowed to be done at or within a specified time, the appellate court may in its discretion, either on motion of a party, showing good cause, or sua sponte:

(1) Extend the time period, either before or after its expiration or

(2) Validate an act done after the expiration of the time period.

Motions to extend a time period, or to validate an act done after the expiration of the time period, must comply with Rule 503. Time periods specified in the Appellate Rules, including time periods for doing an act or filing a document in the trial court, may be extended only by the appellate courts and not by the trial court. In a matter requesting review of or appealing a criminal conviction or sentence, this rule does not authorize an appellate court, or the superior court acting as an intermediate appellate

court, to validate the filing of a notice of appeal, petition for review, or petition for hearing more than 60 days after the expiration of the time specified in the rule or statute or in the last extension of time previously granted.

2. The following note is added at the end of Appellate Rule 502:

Note to SCO 1341: Appellate Rule 502(b) was amended by § 10 ch. 95 SLA 1998 to prohibit the court from allowing an appeal or request for review of a criminal conviction or sentence to be filed more than 60 days after the expiration of the time specified in the rule or statute or in the last extension of time previously granted. Section 1 of this order is adopted for the sole reason that the legislature has mandated the amendment.

3. Criminal Rule 32 is amended by adding a new paragraph to read:

(e) Judgment for Crime Against a Person.

In a case in which the defendant is convicted of a crime against a person as defined in AS 44.41.035(j), the written judgment must set out the requirements of AS 12.55.015(i).

4. The following note is added at the end of Criminal Rule 32:

Note to SCO 1341: Paragraph (e) of Criminal Rule 32 was added by § 11 ch. 95 SLA 1998. Section 3 of this order is adopted for the sole reason that the legislature has mandated the amendment.

5. Criminal Rule 35 is amended by adding a new paragraph to read:

(g) **Relaxing the Time Period for Request.** A court may not relax by more than 10 days the time period in which a request to modify or reduce a sentence under (b) of this rule must be filed.

6. The following note is added at the end of Criminal Rule 35:

Note to SCO 1341: Paragraph (g) of Criminal Rule 35 was added by § 12 ch. 95 SLA 1998. Section 5 of this order is adopted for the sole reason that the legislature has mandated the amendment.

7. The following note is added at the end of Civil Rule 26:

Note: Section 2 of chapter 95 SLA 1998 amends AS 09.19.050 to state that the automatic disclosure provisions of Civil Rule 26 do not apply in prisoner litigation against the state. According to section 13 of the act, this amendment has the effect of changing Civil Rule 26 "by providing that the automatic disclosure provisions of the rule do not apply

to litigation against the state brought by prisoners."

8. The following note is added at the end of Administrative Rule 10:

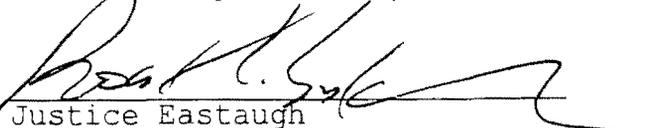
Note: Section 3 of chapter 95 SLA 1998 amends the definition of prisoner litigation against the state that appears in AS 09.19.100(1). According to section 14 of the act, this amendment has the effect of changing Administrative Rule 10(e) "by expanding the definition of 'litigation against the state' so that it has the meaning given in AS 09.19.100 as amended by sec. 3 of this Act."

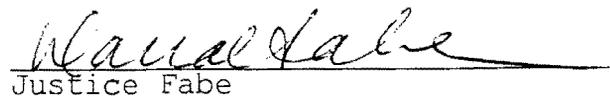
DATED: August 13, 1998

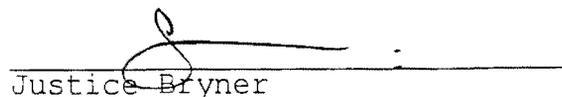
EFFECTIVE DATE: September 10, 1998


Chief Justice Matthews


Justice Compton


Justice Eastaugh


Justice Fabe


Justice Bryner