

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1625

Amending Criminal Rule 35.1
concerning post conviction
relief.

IT IS ORDERED:

Criminal Rule 35.1 is amended to read as follows:

Rule 35.1. Post-Conviction Procedure.

* * * *

(e) Indigent Applicant. (1) If the applicant is indigent, filing fees shall be paid under the provisions of AS 09.19 and counsel shall be appointed consistent with AS 18.85.100 to assist the applicant.

(2) Within 60 days of an attorney's appointment on behalf of an indigent applicant, the attorney shall file with the court and serve on the prosecuting attorney

(A) a statement that the litigation will proceed on the claims alleged in the application filed by the applicant; or

(B) an amended application for post-conviction relief; or

(C) a certificate that the attorney

(i) does not have a conflict of interest;

(ii) has reviewed the facts of the underlying proceeding or action challenged in the application, and the pertinent law;

(iii) has consulted with the applicant and, if appropriate, with trial counsel; and

(iv) has determined that the claims presented in the application have no arguable merit and that the applicant has no other colorable claims for post-conviction relief.

(3) The certificate described in subparagraph (e)(2)(C) shall include a full description of

- (A) the claims the attorney has considered;
- (B) the materials the attorney has reviewed;
- (C) the investigations the attorney has conducted; and
- (D) the reasons why the attorney has concluded that all of the applicant's potential claims have no arguable merit.

DATED: September 14, 2006

EFFECTIVE DATE: April 16, 2007

/s/
Chief Justice Fabe

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Bryner

/s/
Justice Carpeneti