

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1668

Amending Appellate Rule 206(b)(1)
and Criminal Rule 35.1(c) to make
minor corrections.

IT IS ORDERED:

1. Appellate Rule 206(b)(1) is amended to read as follows:

**Rule 206. Stay of Execution and Release Pending Appeal
in Criminal Cases.**

* * * *

(b) **Release Pending Appeal.** When an appeal on the merits is pending, an appeal under AS 12.30.030(b) from an order refusing bail pending appeal or imposing conditions of release pending appeal shall be in the form of a motion filed in the merit appeal. The motion must be filed with the clerk of the appellate courts within 30 days after the date of the notice of the order from which review is sought. Date of notice is defined in Civil Rule 58.1(c) and Criminal Rule 32.3(c). The motion shall comply with Rule 503, and shall contain specific factual information relevant to the factors set forth in AS 12.30.020(c), including but not limited to the following:

(1) The full name of the appellant; the trial court case number; s the offenses of which the appellant was convicted, if applicable; the date of sentencing; t and the complete terms of the sentence;

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2. Criminal Rule 35.1(c) is amended to read as follows:

Rule 35.1. Post-Conviction Procedure.

* * * *

(c) **Commencement of Proceedings - Filing — Service.** A proceeding is commenced by filing an application with the clerk at the court location where the underlying conviction is filed. Application forms will be furnished by the clerk of court. An application must be filed within the time limitations set out in AS 12.72.020 or AS 12.72.025. The clerk shall open a new file for the application, promptly bring it to the attention of the court and give a copy to the prosecuting attorney.

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DATED: February 8, 2008

EFFECTIVE DATE: April 15, 2008

/s/
Chief Justice Fabe

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Carpeneti

/s/
Justice Winfree