

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1969

Amending Criminal Rule 35.1 to
clarify that an opposition may be
filed in response to a motion.

IT IS ORDERED:

Criminal Rule 35.1(f)(1) is amended to read as follows:

Rule 35.1. Post-Conviction Procedure.

* * * *

(f) Pleadings and Judgment on Pleadings.

(1) The state shall file an answer or a motion within 45 days of service of an original, amended, or supplemental application filed by counsel or by an applicant who elects to proceed without counsel, or of a notice of intent to proceed on the original application under (e)(2)(A) of this rule. If the state files a motion, the applicant shall have 30 days to file an opposition, and the state shall have 15 days to file a reply. The motion, opposition, and reply may be supported by affidavit. At any time prior to entry of judgment the court may grant leave to withdraw the application. The court may make appropriate orders for amendment of the application or any pleading or motion, for pleading over, for filing further pleadings or motions, or for extending the time of the filing of any pleading. In considering a pro se application the court shall consider substance and disregard defects of form, but a pro se applicant will be held to the same burden of proof and persuasion as an applicant proceeding with counsel. If the application is not accompanied by the record of the proceedings challenged therein, the respondent

may file with its answer the record or portions thereof that are material to the questions raised in the application.

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DATED: June 2, 2021

EFFECTIVE DATE: October 15, 2021

/s/
Chief Justice Bolger

/s/
Justice Winfree

/s/
Justice Maassen

/s/
Justice Carney

/s/
Justice Borghesan