

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 350

Adding Appellate Rule 21.5,  
Related to Expedited Appeals.

IT IS ORDERED:

Appellate Rule 21.5 is added, to read:

(a) Scope. This rule applies to the following classes of appeals, and supersedes the other Appellate Rules to the extent that they may be inconsistent with this rule:

- (1) extradition appeals;
- (2) juvenile waiver appeals.

(b) Definitions.

(1) An appeal from an order of the superior court granting or denying an application for a writ of habeas corpus filed pursuant to AS 12.70.090 is an "extradition appeal." An appeal from any other final judgment of the superior court relating to the extradition of a person charged in this state or elsewhere with a crime is also an "extradition appeal," except that any appeal from a final judgment convicting a person of a crime is not an "extradition appeal."

(2) A "juvenile waiver appeal" is an appeal from an order under AS 47.10.060(a) finding that a minor is not amenable to treatment under AS 47.10.

(c) Jurisdictional Limitation. This rule does not permit an appeal to be taken in any circumstances in which an appeal would not be permitted by Rule 5.

(d) Notice of Appeal. The notice of appeal in an appeal under this rule shall be filed with the clerk of the superior court which entered the order or judgment being appealed, within ten days after entry of the order or judgment.

The notice shall identify the appeal as an appeal under this rule, but the supreme court will apply this rule to cases within its scope whether they are so identified or not.

(e) Forwarding Notice of Appeal.

Immediately upon the filing of a notice of appeal in an appeal under this rule, the clerk of the superior court shall notify the parties and the clerk of the supreme court in the manner provided in Rule 7(b).

(f) Record on Appeal.

The appellant shall not designate a record on appeal. The entire superior court file shall serve as the record on appeal, together with a cassette tape recording of any hearing held in superior court if deemed necessary by the supreme court. Promptly upon the filing of the appellee's memorandum, the clerk of the superior court shall transmit the original and copies of the record on appeal to the clerk of the supreme court in the same manner as for other appeals.

(g) Memoranda on Appeal.

(1) Within 10 days after filing a notice of appeal in an appeal under this rule, the appellant shall file with the supreme court the original of a typewritten memorandum in support of the appeal, together with proof of service on all other parties.

(2) Within 10 days after service of the appellant's memorandum, the appellee may file with the supreme court the original of a typewritten memorandum in opposition to the appeal.

(3) No reply memorandum may be filed unless ordered by the court.

(4) The memoranda need not comply with the requirements of Rule 11 unless ordered by the supreme court.

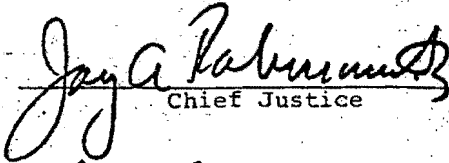
(5) The clerk of the supreme court shall forthwith duplicate copies of the memoranda for use of the court.

(h) Disposition of Appeals.

Appeals under this rule will be disposed of expeditiously by the supreme court on the record and memoranda. Oral argument may be granted in the court's discretion.

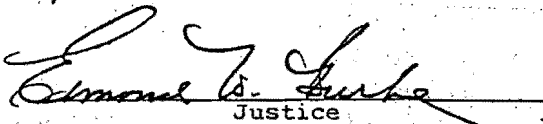
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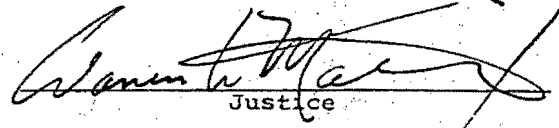
EFFECTIVE DATE: April 1, 1979

  
Chief Justice

  
Justice

  
Justice

  
Justice

  
Justice

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