

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 515

Making Technical Changes in
Appellate Rule 215

IT IS ORDERED:

1. Appellate Rule 215(b) is amended to read as follows:

(b) Notice of Appeal. Written notice of appeal from a sentence by the prosecution [STATE], or by a defendant appealing solely on the ground that the sentence is excessive, shall be filed with the clerk of the court which imposed the sentence not later than 30 days after sentence was imposed. The notice of appeal need only state that the sentence which is being appealed is too lenient or excessive. Whether or not the defendant is represented by counsel, the notice of appeal shall state the mailing address of the defendant. No fee shall be collected for filing a notice of sentence appeal.

2. Appellate Rule 215(d) is amended to read as follows:

(d) Indigent's Right to Counsel on Sentence Appeal. An indigent defendant is entitled to the assistance of counsel in prosecuting an appeal on the ground that the sentence is excessive. Where an appeal is taken by the prosecution [STATE] pursuant to AS 12.55.120(b) on the ground that the sentence is too lenient, and the defendant has not appealed, the appellate court in its discretion may appoint counsel for an indigent defendant.

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3. Appellate Rule 215(e) is amended to read as follows:

(e) Forwarding Notice of Appeal. Upon receipt of a notice of sentence appeal, the clerk shall forthwith forward a copy of the notice to the defendant and his counsel, to the [DISTRICT] attorney for the prosecution, to the judge who imposed the sentence, and to the clerk of the appellate court. The copy of the notice sent to the appellate court shall be accompanied by a copy of the judgment as required by Rule 204(b).

4. Appellate Rule 215(g)(1) is amended to read as follows:

(1) Preparation and Contents. Within 15 days after the filing of a notice of sentence appeal, the clerk shall prepare sufficient copies of the record on appeal, which shall consist of the following:

[a] A transcript of the entire sentencing proceeding, which shall include the complete sentencing report required by subdivision (f) of this rule;

[b] All reports and documents which were available to the sentencing court as an aid in imposing sentence.

[c] Notices of factors in aggravation or mitigation, if any, filed under AS 12.55.155(f).

The clerk shall number the pages of the record consecutively in the same manner as required by Rule 210(f)(4). The 15-day period may be extended as provided in Rule 210(g).

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5. Appellate Rule 215(g)(2) is amended to read as follows:

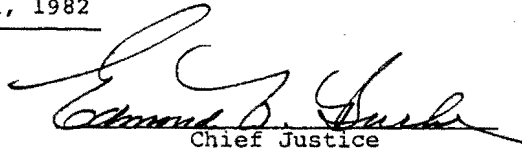
(2) Distribution. Immediately upon preparation of the record on appeal, the clerk shall send the original to the clerk of the appellate courts, and copies [BY MAIL] to the defendant, [AND] his counsel, and the [DISTRICT] attorney for the prosecution. [AND TO THE CLERK OF THE APPELLATE COURTS.]

6. Appellate Rule 215(h)(5) is rescinded and repromulgated to read as follows:

(5) Service of Memoranda. When filed, the original memoranda shall be accompanied by proof of service on opposing counsel.

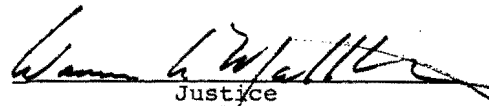
DATED: August 19, 1982

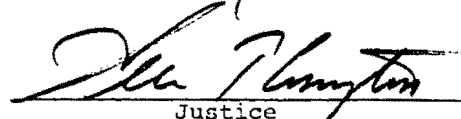
EFFECTIVE DATE: October 1, 1982


Chief Justice


Justice


Justice


Justice


Justice