

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 784

Amending Criminal Rule 37(d)(2)
concerning transmittal of sealed
testimony to court of appeals

IT IS ORDERED:

Criminal Rule 37(d)(2) is amended to provide:

(2) as the basis of a search without warrant may move the court for disclosure of the identity of the informant pursuant to Rule 16. In the event the court determines that disclosure of the identity of the informant is not required under Rule 16, the court shall conduct an in camera recorded hearing in which it shall investigate and take evidence so as to determine whether or not a search based on the informant's information was justified. Following the in camera hearing, the court shall grant or deny the motion to suppress on the record, and shall make written findings concerning the validity of the search based on the informer's information. The written findings, together with the record of the hearing, shall be sealed, and if the validity of the search is upheld the sealed testimony and findings shall, on appeal of a conviction in which evidence of the search was admitted, be transmitted to the court of appeals [AND THE SUPREME COURT] for automatic review of the motion to suppress.

DATED: December 4, 1986

EFFECTIVE DATE: March 15, 1987

Chief Justice Rabinowitz

Justice Burke

Justice Matthews

Justice Compton

Justice Moore