

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1186

Amending Criminal Rule 35.1 and  
Civil Rule 86 concerning  
petitions for post-conviction  
relief.

IT IS ORDERED:

1. Criminal Rule 35.1 is amended to read as follows:

(a) **Scope.** Any person who has been convicted of~~7~~ or sentenced for~~7~~ a crime ~~and who claims~~ may institute a proceeding applying for relief under this rule upon the ground that:

. . . .

(7) that there has been a significant change in law, whether substantive or procedural, applied in the process leading to applicant's conviction or sentence, when sufficient reasons exist to allow retroactive application of the changed legal standards~~7~~ ~~may institute a proceeding under this rule to secure relief.~~

. . . .

(c) **Commencement of Proceedings--Filing-Service.** A proceeding is commenced by filing an application with the clerk of the court in which the conviction occurred. Application forms will be furnished by the clerk of court. An application may be filed at any time. 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 district attorney prosecuting authority.

. . . . .  
(i) Expedited Consideration. An applicant may move for expedited consideration of the application for post-conviction relief. The motion must comply with Civil Rule 77(g).

2. Civil Rule 86 is amended to include new paragraphs (m) and (n) as follows:

(m) Superseded By Post-Conviction Relief Procedure Under Criminal Rule 35.1. This rule does not apply to any post-conviction proceeding that could be brought under Criminal Rule 35.1. The court shall treat such a complaint as an application for post-conviction relief under Criminal Rule 35.1 and, if necessary, transfer the application to the court of appropriate jurisdiction for proceedings under that rule.

(n) Not a Substitute for Remedies in Trial Court or Direct Review. This remedy is not a substitute for nor does it affect any remedy incident to the proceedings in the trial court, or direct review of a sentence or conviction.

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DATED: January 23, 1995

EFFECTIVE DATE: July 15, 1995

/s/  
Chief Justice Moore

/s/  
Justice Rabinowitz

/s/  
Justice Matthews

/s/  
Justice Compton

/s/  
Justice Eastaugh