

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1777

Amending Appellate Rule
206(a)(3) concerning stay of
probation pending appeal

IT IS ORDERED:

Appellate Rule 206 is amended to read as follows:

Rule 206. Stay of Execution and Release Pending Appeal in Criminal Cases.

(a) **Stay of Execution.**

(1) *Imprisonment.* A sentence of imprisonment shall be stayed if an appeal is taken and the defendant is released pending appeal.

(2) *Fine.* * * * *

(3) *Probation.* An order placing the defendant on probation shall be stayed if an appeal is taken and the defendant received a suspended imposition of sentence or was sentenced to a composite term of imprisonment that is suspended in its entirety. The defendant may move the sentencing court to commence probation immediately. If the defendant's motion is granted, the sentencing court shall issue an order specifying when the defendant's probation will commence.

(4) *Other Sentence.* Other terms or conditions of a sentence, including but not limited to the revocation or suspension of a license, may be stayed by the trial court pending appeal upon such terms as the court deems proper. If the trial court does not

grant the relief requested, the appellant may renew the motion in the appellate court.

(b) Release Pending Appeal.

* * * *

DATED: March 15, 2013

EFFECTIVE DATE: October 15, 2013

/s/
Chief Justice Fabe

/s/
Justice Winfree

/s/
Justice Stowers

/s/
Justice Maassen

/s/
Justice Bolger