

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 436

Three-part Order Amending  
Rule 32, Alaska Rules of  
Criminal Procedure,  
Relating to Sentences and  
Judgments

IT IS ORDERED:

1. Paragraph (b) of Rule 32, Alaska Rules of Criminal Procedure, is amended to read:

(b) Judgment - Execution.

(1) Execution. The judgment of conviction shall set forth the plea, the verdict or findings, and the adjudication and sentence. At the time of imposition of sentence, the judge or magistrate shall make a statement on the record explaining his reasons for imposition of the sentence. If the defendant is found not guilty or for any other reason is entitled to be discharged, judgment shall be entered accordingly. The judgment shall be signed by the judge or magistrate and entered by the clerk. When the judgment has been entered, the clerk shall forthwith deliver to a peace officer a certified copy of the judgment for execution. The peace officer shall note on the copy of the judgment the date of its delivery to him. When the judgment has been executed, the peace officer shall promptly return the copy to the clerk with his proceedings endorsed thereon.

(2) Conviction of a Corporation. If a corporation is convicted of any criminal offense the court may give judgment thereon and shall cause such judgment to be enforced in the same manner as a judgment in a civil action, or as otherwise provided by law.

2. Paragraph (d) of Rule 32, Alaska Rules of Criminal Procedure, is amended to read:

(d) Sentencing Referrals to Three-Judge Panel.

(1) If the trial court finds that extraordinary circumstances exist under AS 12.55.165, the case shall be transferred forthwith to a three-judge sentencing panel of the superior court. All pertinent files, records and transcripts shall be transmitted to the sentencing panel by the clerk of the court within 30 days of the date of the order transferring the case.

(2) Three judges of the superior court shall be appointed by the Chief Justice to be the regular members of the sentencing panel. Two other judges of the superior court shall be appointed by the Chief Justice as first and second alternate members of the sentencing panel. At least one of the three regular members and one of the two alternate members of the sentencing panel shall reside outside of Anchorage. The term of appointment of the regular and alternate members of the sentencing panel shall be two years, except that the first three regular members appointed shall serve staggered terms of one, two, and three years. The Chief Justice may appoint additional alternate members of the sentencing panel to serve on a case-by-case basis in the event of the disability or disqualification of more than two judges.

(3) The Chief Justice shall appoint one of the three regular members to be administrative head of the sentencing panel and his or her office shall serve as the administrative repository for all papers and documents pertaining to cases submitted to the sentencing panel.

(4) Both the prosecuting attorney and the defendant may exercise in a timely fashion a challenge for cause, or a peremptory challenge if not previously exercised, to one judge or the sentencing panel in accordance with AS 22.20.022 and Rule 25(d)(1), Alaska Rules of Criminal Procedure. In the event that a judge on the sentencing panel is the same judge who made the finding under subsection (1) of this rule, that judge shall be automatically disqualified.

(5) The sentencing panel shall either sentence the defendant or remand the case to the court within 60 days from the date that the case was transmitted to the sentencing panel. The sentencing panel shall provide a written statement of its findings and conclusions in support of any order remanding a case to the trial court.

(6) If the sentencing panel elects to take testimony or sentence the defendant under AS 12.55.175(b) or (c), both the prosecution and the defendant shall have the right to be present in court during the proceedings. The defendant shall have the right to address the sentencing panel personally before sentence is imposed. The proceedings shall be held in a location best suited to the convenience of the parties and the court as determined by the sentencing panel.

(7) If the three-judge sentencing panel imposes sentence on the defendant, any further sentencing proceedings, including proceedings relating to sentence modification, shall occur before the same three-judge panel, who shall be considered the sentencing court. If at the time further proceedings are requested any of the three judges is no longer available, one or more alternate members shall sit in the same fashion as provided for in AS 12.55.175(a).

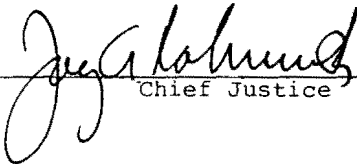
(8) The right to bail of a convicted defendant is neither conferred nor enlarged by this rule.

3. Existing paragraph (e) of Rule 32, Alaska Rules of Criminal Procedure, which by Part 1 of this order has been incorporated in subsection (2) of paragraph (b) of Rule 32, Alaska Rules of Criminal Procedure, is deleted. Existing paragraph (f) of Rule 32, Alaska Rules of Criminal Procedure, entitled "Transcript of Sentencing Proceeding," is redesignated as paragraph (e) of Rule 32, Alaska Rules of Criminal Procedure.

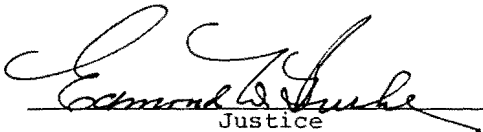
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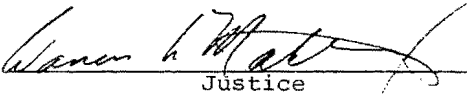
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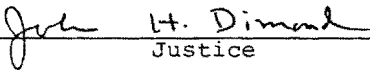
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Sup/Ct Judges  
Dist/Ct Judges  
Magistrates  
Mag/Supr  
Adm Dir  
Clks/Ct  
Law Librarian  
Masters  
Gov  
Dep/Law  
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Chief Justice

  
Justice

  
Justice

  
Justice

  
Justice