

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 493

Amending Appellate Rules 302(b)(1),  
402(a)(1) and 404(a)(1), relating  
to petitions for hearing.

IT IS ORDERED:

1. Appellate Rule 302(b)(1) is amended to read  
as follows:

(1) A petition for hearing may be filed in the appellate court having statutory jurisdiction, with respect to any final decision of the Superior Court on an appeal or petition for review from the District Court. "Final decision" is defined in AS 22.07.020(e) and includes any decision or order of the Superior Court, other than a dismissal by consent of all parties, which closes the matter in the Superior Court, whether or not it contemplates further proceedings in the District Court. Unless specified otherwise in the particular order in question, it includes but is not limited to, opinions, memorandum opinion and judgments, orders denying petitions for review, dismissals on motion of the appellee or respondent, and sua sponte dismissals pursuant to Rule 204(b)(2), 212(c)(10), or another rule.

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2. Appellate Rule 402(a)(1) is amended to read as follows:

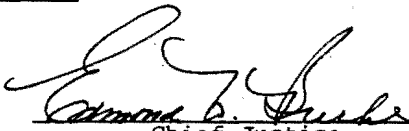
(1) An aggrieved party, including the State of Alaska, may petition the appellate court as provided in Rule 403 to review any order or decision of the trial court, not appealable under Rule 202 and not subject to a petition for hearing under Rule 302, in any action or proceeding, civil or criminal.

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3. Appellate Rule 404(a)(1) is amended to read as follows:

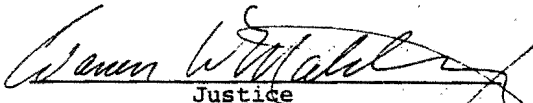
(1) An original application for relief may be filed with the appellate court or a judge or justice thereof in any matter within its jurisdiction, whenever relief is not available from any other court and cannot be obtained through the process of appeal, [OR] petition for review, or petition for hearing. Grant of the application is not a matter of right but of sound discretion sparingly exercised.

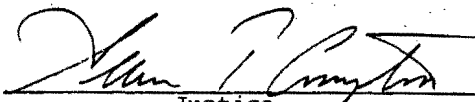
DATED: December 1, 1981  
EFFECTIVE DATE: January 4, 1982

  
Edmund B. Fisher  
Chief Justice

  
Justice

  
Justice

  
Justice

  
Justice

Usual distribution