

IN THE TRIAL COURTS FOR THE STATE OF ALASKA

In the Matter of:)
)
Correction of Clerical Mistakes)
in Criminal Judgments)
for Purposes of APSIN)
_____)

The Alaska Department of Public Safety (“DPS”) records criminal judgments in the Alaska Public Safety Information Network (“APSIN”). Within DPS, the Criminal Records Unit, a unit of the Statewide Services Division, carries out this role. Regulations promulgated by DPS obligate trial courts to submit criminal disposition information to DPS for entry into APSIN.¹ Criminal history records are used for a multitude of reasons, including, but not limited to, licensing and employment background checks, firearms purchases, law enforcement agency investigations, sex offender registration requirements, prosecutorial charging decisions, and sentencing recommendations.

However, criminal convictions based on judgments that contain missing or inaccurate information cannot be recorded into APSIN. When DPS identifies an error in a judgment that prevents entry into APSIN, DPS must notify the issuing court of the missing or erroneous information and request correction. The purpose of this order is to outline a uniform statewide process for correction of judgment errors identified by DPS.

A trial court can correct missing or inaccurate information in a criminal judgment under Criminal Rule 36: “Clerical mistakes in judgments, orders or other parts of the record, and errors in the record arising from oversight or omission, may be corrected by the court at any time and after such notice, if any, as the court orders. . . .”

Clerical mistakes include “errors of transcription or typing” made by a clerk and “errors made by the judge when composing the judgment or order.”² Examples of clerical mistakes include, among others, incorrect or incomplete personal information (*e.g.*, name,

¹ See 13 AAC 68.140.

² *Lampley v. State*, 33 P.3d 184, 186 (Alaska App. 2001).

date of birth, or APSIN identification number), sentencing information (*e.g.*, effective date of judgment, sentencing terms, or plea information) and convicting statute information (*e.g.*, statute, relevant subsection, or domestic violence indicator). Correction of a clerical mistake “can be made at any time in order to bring the judgment into accord with the court's original intent insofar as that intent is clearly ascertainable from the record.”³

When it is not apparent from the record that an error is a simple transcription or composition mistake and the substantive rights of the parties may be affected, correction under Criminal Rule 36 is not appropriate. In these cases, courts may notify the parties of the need for additional information or future proceedings.

The process for the Criminal Records Unit of DPS to bring a judgment error to the issuing court’s attention will be as follows:

1. DPS will submit form CR-590, “Notice of Judgment Error” directly to the clerk’s office of the issuing court;
2. The clerk’s office will docket the notice and route it directly to the issuing judicial officer;
3. The judicial officer will review form CR-590 with the judgment and relevant sections of the court record;
4. The judicial officer will make amendments permitted under Criminal Rule 36 and distribute to the parties and DPS either an amended judgment, form CR-595, “Order to Correct Judgment,” or notice that additional information or future proceedings are required.

³ *Graybill v. State*, 522 P.2d 539, 542 (Alaska 1974).

