

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 1028

Amending Criminal Rule 32(c)
concerning Department of
Corrections

IT IS ORDERED:

Criminal Rule 32(c) is amended to provide:

(c) Procedure for Determining Mitigating and Aggravating Factors and Effect of Prior Convictions.

(1) At the time guilt is established by verdict or plea, counsel shall inform the court and the defendant of any prior convictions which bring into effect the presumptive sentencing provisions of AS 12.55.125; any dispute over the fact of prior convictions shall be set for hearing pursuant to paragraph (2)(ii), and the court shall order a presentence investigation by the Department [DIVISION] of Corrections.

....

(3) At the presentence hearing provided for by paragraph (2)(ii) the court shall enter an order establishing if presumptive sentencing applies, setting forth the aggravating and mitigating factors. A copy of this order shall be given to the Department [DIVISION] of Corrections. If presumptive sentencing applies and there are no aggravating

or mitigating factors, only a short form of the presentence report is required.

(4) At the time guilt is established the court shall establish the date for sentencing and provide that the presentence report be made available to the attorneys ten calendar days before sentencing in order that any factual errors in the report may be resolved among the attorneys and the Department [DIVISION] of Corrections or at a hearing before the judge to whom the case is assigned for sentencing unless good cause is shown for the hearing to be before another judge.

DATED: March 8, 1990

EFFECTIVE DATE: July 15, 1990

Chief Justice Matthews

Justice Rabinowitz

Justice Burke

Justice Compton

Justice Moore