

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 437

Authorizing Statewide Uniform
Interim Procedures Relating to
Presentence Reports and
Sentencing Pending Decision on
Proposed Amendments to Rule
32(c), Alaska Rules of Criminal
Procedure.

IT IS ORDERED:

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 and the court shall order a presentence investigation by the Division of Corrections; any dispute over the fact of prior convictions shall be set for hearing pursuant to paragraph 2(b).

2. At the time guilt is established, the court shall set:

a. the time for the submission by counsel of affidavits setting forth aggravating and mitigating factors pursuant to AS 12.55.155, or extraordinary circumstances pursuant to AS 12.55.165, which time shall be not less than five working days after the finding of guilt;

b. a hearing to resolve any dispute between the parties concerning the requirement of presumptive sentencing and the aggravating and mitigating factors or extraordinary circumstances which may exist, at a time convenient to the court and counsel, which time shall be not less than five working days from the time set for submission of the affidavits required by paragraph 2(a) above.

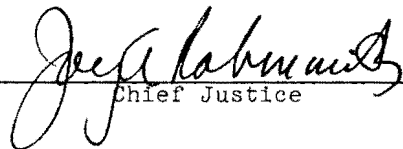
3. At the presentence hearing required by paragraph 2(b) the court shall enter an order establishing if presumptive sentencing applies, setting forth the aggravating and mitigating factors and ordering a presentence report. A copy of this order shall be given to the Division of Corrections. If presumptive sentencing applies and there are no aggravating and mitigating factors, only a short form of the presentence report will be ordered.

4. At the presentence hearing 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 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.

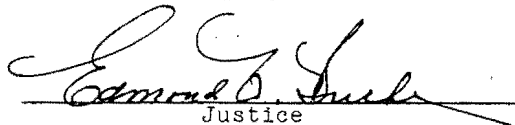
DATED: October 21, 1980

EFFECTIVE DATE: October 21, 1980

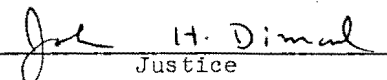
SC Justices
Ct/Appeals Judges
Sup/Ct Judges
Dist/Ct Judges
Magistrates
Mag/Supr
Adm Dir
Clks/Ct
Law Librarian
Masters
Gov
Dep/Law
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Chief Justice


Justice


Justice


Justice


Justice