

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 379

Amending Appellate Rule 20,
relating to release pending
appeal.

IT IS ORDERED:

1. Appellate Rule 20(a)(1) is amended to read as follows:

(1) Imprisonment. A sentence of imprisonment shall be stayed if an appeal is taken and the defendant is released pending appeal.

2. Appellate Rule 20(b) is amended to read as follows:

(b) Release Pending Appeal. When an appeal on the merits is pending, an appeal under AS 12.30.030(b) from an order refusing bail pending appeal or imposing conditions of release pending appeal shall be in the form of a motion filed in the merit appeal. The motion shall comply with Rule 14(a), and shall contain specific factual information relevant to the factors set forth in AS 12.30.020(c), including but not limited to the following:

(1) The full name of the appellant, the Superior Court docket number of the case, the offenses of which the appellant was convicted, the date of sentencing, and the complete terms of the sentence.

(2) That application for release pending appeal has been made to the Superior Court, the reasons given by the Superior Court for denying the application in whole or in part, and facts and reasons demonstrating why the action of the Superior Court on the application was erroneous or an abuse of discretion.

(3) A concise statement of the question or questions to be raised on the appeal with a showing that the question or questions were raised in the trial court.

(4) Family: marital status; length of marriage; children, and their ages; other relatives in the area of residence.

(5) Employment and financial circumstances: name of employer at time of arrest and during pre-trial release; type of work; how long so employed; any offer or promise of employment if released pending appeal; assets of the appellant or of relatives or friends relevant to the ability to post money bail.

(6) Health: history of mental illness, alcoholism, or addiction to drugs, if any.

(7) Residence: length of residence in the city or town in which the appellant resided at the time of arrest.

(8) Criminal History: criminal convictions within ten years prior to the present arrest; if the appellant has ever forfeited bail, or had release, probation, or parole revoked, the date, the name and location of the court, and a brief description of the circumstances; whether the present offense was committed while the appellant was on bail or other release or on probation or parole; any other criminal charges pending against the appellant at the time the motion is filed.

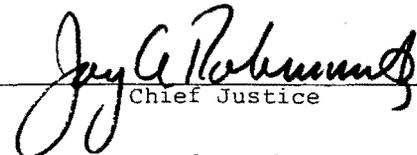
3. Appellate Rule 20(c) is rescinded.

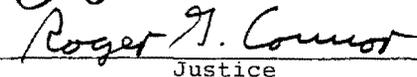
DATED: June 29, 1979

EFFECTIVE DATE: October 1, 1979

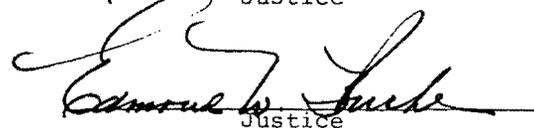
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