

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 51

IT IS ORDERED:

That the Magistrate Rules of Criminal Procedure be amended by the addition of the following:

"RULE 5. Review of Judgment and Sentence Other Than Appeal
From Final Judgment.

Petitions for review of any judgment and sentence claimed to be illegal for any cause, or for errors at law appearing on the face of the judgment or the proceedings in connection therewith, shall be filed with the superior court in accordance with Criminal Rule 35(b), and shall thereafter be under the supervision and control of such court. The court, or a judge thereof, may require of the magistrate such records, as provided in Magistrate Criminal Rule 1(i), as will enable the court to determine the matter.

An aggrieved party may also petition the superior court for review of any order or decision of a magistrate court where there is no appeal or other plain, speedy or adequate remedy, in the manner provided by Magistrate Civil Rule 21.

Hearings on petitions for review shall be upon the record, unless otherwise ordered by the court."

EFFECTIVE DATE: January 18, 1963

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Adm Dir

s/ Buell A. Nesbett
Chief Justice

s/ John H. Dimond
Associate Justice

s/ Harry O. Arend
Associate Justice