

THE APPELLATE RULES COMMITTEE RECOMMENDS THE FOLLOWING PROPOSAL:

3. Appellate Rule 215(f)—The record in sentence appeals.

Appellate Rule 215 governs sentence appeals. The proposal is that the regular appeal records process contained in Rule 210 should also govern sentence appeals with a few minor differences specific to sentence appeals to remain in Rule 215(f). The proposal is designed to meet two goals: (1) reflect the current process within the Alaska Court System for preparing the record on appeal and the transcripts; and (2) clarify that only certain proceedings need to be transcribed and a full trial transcript is not necessary for a sentence appeal. Under the proposal, the parties must designate transcripts as set forth in Rule 210(b). The rule further outlines the required designation: the entire sentencing hearing at which the sentence was imposed. Also, if the sentence appeal is from a probation revocation proceeding, the designation must also include the original sentencing hearing and all prior probation revocation sentencing hearings. The time for preparing the transcript would change from 15 days to 40 days under Rule 210. The committee commented that the concept is that a sentencing appeal moves faster through the appeal process than other appeals, hence the 15-day transcript deadline in the current rule, but the reality is that it does not. And for the few instances in which a party needs a quick turnaround for the record and transcript, the party could ask for expedited transcript and record preparation.

The Appellate Rules Committee recommends the following proposal:

Rule 215. Sentence Appeal.

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(f) Record on Appeal.

(1) ~~Preparation and Contents. Except as provided in paragraph (2), Appellate Rule 210 governs the content and preparation of the record on appeal. Within 15 days after the filing of a notice of sentence appeal, the clerk of the trial court shall prepare sufficient copies of the record on appeal, which shall consist of the following:~~

~~[a]— all charging documents;~~

~~[b]— the judgment being appealed;~~

~~[c]— a transcript of the entire sentencing proceeding; and, if the sentence appeal is from a probation revocation, the transcript shall include the original sentencing and all probation revocation sentencing proceedings.~~

~~[d]— all reports, documents, motions and memoranda pertaining to sentencing which were available to the sentencing court.~~

The clerk shall number the pages of the record consecutively. Appellate Rule 210(c) shall not apply.

(2) ~~Distribution. The parties must designate transcripts as set forth in Rule 210(b). The designation in a sentence appeal must include at least the entire sentencing hearing at which the sentence was imposed. If the sentence appeal is from a probation revocation proceeding, the designation must also include the original sentencing hearing and all prior probation revocation sentencing hearings. Immediately upon preparation of the record on appeal, the clerk shall send the original to the clerk of the appellate courts, two copies to the defendant's counsel, and a copy to the attorney for the prosecution. Unless otherwise ordered by the appellate court, limitations that the trial court placed on disclosure of documents that are contained in the record continue to apply while the case is on appeal.~~

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