

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 2034

Amending Appellate Rule 215(c)
to include missing reference and
Criminal Rule 16(d)(3)(A)(ix) to
correct a typographical error.

IT IS ORDERED:

1. Appellate Rule 215(c) is amended to read as follows:

Rule 215. Sentence Appeal.

* * * *

(c) **Notice of Appeal.** A notice of appeal taken only from a sentence shall be filed with the clerk of the appellate courts not later than 30 days after the date shown in the clerk's certificate of distribution on the written judgment, except as provided for in Appellate Rule 204(a)(4). The notice of appeal need only state that the sentence which is being appealed is too lenient or excessive. When filed, the notice of appeal shall be accompanied by the items specified in Appellate Rule 204 (b)(1), (2), (4), (6), and (7).

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2. Criminal Rule 16(d)(3)(A)(ix) is amended to read as follows:

Rule 16. Discovery.

* * * *

(d) **Regulation of Discovery.**

* * * *

(3) *Materials to Remain in Custody of Attorney.*

(A) Materials furnished to an attorney pursuant to these rules shall be used only for the purpose of conducting the case. The following materials must remain in the custody of the defense attorney, the attorney's staff, investigators, experts, and others as necessary for the preparation of the defendant's case, and shall be subject to other terms and conditions that the court may provide. The materials listed in this paragraph shall not be provided to the defendant, but the information in the materials may be shared with the defendant to the extent necessary to prepare the defense of the case:

- (i) a criminal history record of a victim or witness;
- (ii) a medical, psychiatric, psychological, or counseling record of a victim or witness;
- (iii) an adoption record;
- (iv) a record that is confidential under AS 47.12.300 or a similar law in another jurisdiction;
- (v) a report of a presentence investigation of a victim or witness prepared pursuant to Criminal Rule 32.1 or a similar law in another jurisdiction;
- (vi) a record of the Department of Corrections other than the defendant's own file and any other incident report relating to the crime with which the defendant is charged;
- (vii) any other record that the court orders be kept in the exclusive custody of the attorney;

(viii) in a prosecution under AS 11.41.410 – 11.41.440 or 11.41.450, an audio or video interview of a victim;

(ix) in a prosecution under AS 11.41.410~~AS 11.41.040~~ – 11.41.440 or 11.41.450, photographs taken during a medical examination of a victim.

(B) * * * *

DATED: December 18, 2024

EFFECTIVE DATE: December 18, 2024

/s/
Chief Justice Maassen

/s/
Justice Carney

/s/
Justice Borghesan

/s/
Justice Henderson

/s/
Justice Pate