

2/8/24

IN THE DISTRICT COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

In the Matter of:

Anchorage Pre-Indictment Hearing  
Calendar

Presiding Judge

3AN-AO-24-05

**ORDER RE ANCHORAGE PRE-INDICTMENT HEARING CALENDAR**

The weekly pre-indictment hearing calendar in Anchorage contributes to a growing backlog of undisposed criminal cases in the Alaska Court System. The calendar includes cases filed before 2023 and cases continued off-record beyond the 60-day limit previously established by the court. See PJO #738. The size of the calendar and the management of off-record continuances, has become an increasing burden on the court's limited resources.

To address the backlog and avoid further expansion of the calendar, the following changes will be implemented starting May 1, 2024:

- Where an A felony or an Unclassified felony is charged, the case will be permitted to remain on the PIH calendar for a period **not exceeding 180 days**.
- Where a B or C felony is the highest category of offense charged, the case will be permitted to remain on the PIH calendar for a period **not exceeding 60 days**. Off-record continuances will not be allowed.

The applicable period will begin from the date of the 1<sup>st</sup> pre-indictment hearing. The period may restart as of the day a conflict OPA attorney, tertiary conflict attorney, or private attorney enters an appearance substituting for another attorney. The period will not restart if a new public defender is substituted for another public defender or a new OPA attorney is substituted for another OPA attorney.

The court may extend the period upon finding good cause at a pre-indictment hearing. Generally, good cause will not include lack of an offer, outstanding discovery, ongoing negotiations, application to an alternative court, new charges, or other pending cases unless in another jurisdiction, the defendant's participation in a treatment program, or the defendant's presence out of state unless the defendant is in the custody of another jurisdiction.

## **I. Off-Record Continuances**

Starting March 1, 2024, off-record continuances will be permitted only in cases where the defendant is charged with an A or Unclassified Felony filed after 2022. In these cases, defense counsel may continue to request an off-record continuance by emailing the court at [3ANPIH@akcourts.us](mailto:3ANPIH@akcourts.us) pursuant to the procedure outlined in PJO #738.

However, starting March 1, 2024, the request must affirmatively state that the case includes an A or Unclassified felony and that the requested preliminary hearing is not beyond the 180-day date. The assigned prosecutor must be included on the request, as well as the generic DAO email address ([PIH@alaska.gov](mailto:PIH@alaska.gov)).<sup>1</sup>

## **II. Defendants Required to Appear in Court**

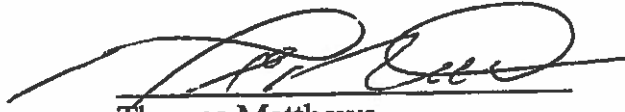
Beginning March 1, 2024, for cases filed in 2022 and before, all out-of-custody defendants must appear in person for pre-indictment hearings. No off-record continuances will be permitted.

IT IS SO ORDERED

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<sup>1</sup>Requests must include the case number, the defendant's name, the date of the requested pre-indictment hearing, and the affirmative statement that the defendant agrees to waive Criminal Rules 5 and 45 for the period of the continuance. The email's subject line must read "log note: off record continuance."

DATED at Anchorage, Alaska this 8<sup>th</sup> day of February, 2024.

A handwritten signature in black ink, appearing to read 'Thomas Matthews', written over a horizontal line.

Thomas Matthews  
Presiding Judge  
Third Judicial District

**Distribution:**

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