

**IN THE SUPREME COURT OF THE STATE OF ALASKA**  
**ORDER NO. 2038**

Order regarding pending criminal cases filed before January 1, 2023 and Criminal Rules 45 and 16(e)(1).

This court entered Order No. 2007, terminating previous COVID-19 related orders and providing procedures to address persistent backlogs in criminal cases, effective May 16, 2023. Those efforts have led to some decrease in the number of pending criminal cases. This order is intended to facilitate the further reduction in the time to disposition of these older criminal cases without undue delay.

**IT IS ORDERED:**

For all criminal cases filed in 2022 and prior years, the provisions of Criminal Rule 45 and Criminal Rule 16(e)(1) are amended as follows:

1. Beginning with the effective date of this order, no more than a total of 90 days may be excluded for continuances granted at the request of the defense under Criminal Rule 45(d)(2), regardless of the number of continuances requested;
2. No more than a total of 90 days may be excluded for continuances granted at the request of the prosecution under Criminal Rule 45(d)(3), regardless of the number of continuances requested;
3. No more than a total of 90 days may be excluded for other periods of delay for good cause under Criminal Rule 45(d)(7), regardless of the number of other periods of delay;

4. The court may make further exclusions under the above-named provisions only upon a showing that extraordinary circumstances exist and that the delay is indispensable to the interest of justice;
5. The limited exclusions provided in this order are in addition to exclusions for continuances previously granted; and
6. If a continuance has previously been granted for failure to comply with a discovery rule or order, then the court should consider other sanctions under Criminal Rule 16(e)(1), including dismissing the affected charges or precluding the delinquent party from using the involved evidence at trial.

Judges shall make findings regarding the bases for granting any request for a continuance, including but not limited to: identifying the implicated section of Rule 45(d); addressing relevant considerations pursuant to the rule; and identifying and explaining the reasons for any finding that extraordinary circumstances exist and that delay is indispensable to the interest of justice.

DATED: March 12, 2025

EFFECTIVE DATE: May 12, 2025

/s/  
Chief Justice Carney

/s/  
Justice Borghesan

/s/  
Justice Henderson

/s/  
Justice Pate

/s/  
Justice Oravec