



Alaska

Post-Conviction Case Activity & Victims' Rights

Post-Sentencing Review

After an individual has been convicted and sentenced, they may file motions in the trial court to challenge their conviction or sentence. For example, they may file:

- A motion for an acquittal
- A motion for a new trial based on new evidence, jury misconduct, legal errors at trial, or other problems with the proceedings
- A motion to modify their sentence
- A motion to withdraw their plea

Victims' Rights

Victims have the right to be treated with dignity, respect, and fairness. This right extends throughout all stages of the post-conviction process.

Victims have the right to information about and presence at all criminal proceedings where the defendant has a right to be present.

After the trial, victims have the right to information from the prosecutor about the convicted person's complete conviction history.

Victims have the right to information about who to contact regarding questions of sentence or release of the defendant and information about the potential for furlough, probation, parole, or good time credit.

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Direct Appeal

After the court decides on any post-trial motions (or if no post-trial motions are filed), the individual convicted of a crime may ask a higher court to review the trial court's or jury's decisions. This is called a "direct appeal." On appeal, the court does not admit new evidence or call witnesses. Instead, it reviews what happened at trial (called the trial record) and written briefs filed by both sides describing their positions.

If an individual convicted of a crime requests an appeal, they may ask the court to release them while the appeal is ongoing. The convicted individual is more likely to be released in misdemeanor cases than in felony cases.

The individual convicted of a crime generally has 30 days after sentencing to decide whether to appeal. If the convicted person appeals, the state Office of Criminal Appeals assigns a lawyer for the state to oppose the appeal. The state's lawyer and the convicted individual's lawyer then prepare written briefs for the judges, which generally takes several months. In some cases, the lawyers from both sides present oral arguments to the judges. Then, the judges prepare a written decision in the case. The appeal process takes roughly a year or more.

Victims' Rights

Victims have a right to notice if an appeal is filed.

Victims may view oral arguments [online](#) through a live feed.

State Post-Conviction Proceedings

Post-conviction motions are requests to have the conviction or sentence reviewed that are filed after the direct appeal process has ended. These motions can seek many outcomes, but the main requests and outcomes in Alaska are the following:

- Motion under the Alaska Uniform Post-Conviction Procedure Act: These motions can be used to overturn an individual's criminal conviction, modify their sentence, withdraw their plea, or obtain other relief.
- Judicial review of prison disciplinary proceedings: Incarcerated individuals can ask a court to review a final disciplinary decision of prison officials if they allege that their fundamental constitutional rights have been violated and that violation prejudiced their right to a fair adjudication.

Victims' Rights

Victims have the right to notification of motions to modify the convicted person's sentence.

DNA Testing

The convicted person may seek DNA testing of physical evidence collected in the case. In general, this motion must be filed within 3 years of the conviction.

The court will not automatically grant the requested testing. Instead, testing will be awarded only if it would establish the person's innocence or raise a reasonable probability of their innocence.

If the court grants DNA testing and the evidence shows the convicted person is innocent, the state will often agree to their release. If the state does not, then typically the convicted person will file a motion for a new trial. If the court grants that motion, the case starts over.

Federal Habeas Corpus

After seeking post-conviction relief in state court, a person convicted under Alaska law may go to federal court in a process called "habeas corpus." Relief in federal habeas corpus is available only in specific and rare circumstances. Issues often raised in federal habeas cases include claims that the convicted person had an inept attorney, claims that police or prosecutors violated their rights, hid evidence, or committed other misconduct.

In general, a person can file only one request for relief in federal habeas proceedings, though there are some exceptions to this rule.

Victims' Rights

Except for narrow exceptions when victims are testifying, victims have the right to attend federal habeas hearings, arguments, and proceedings.

Victims have the right to be heard at any federal district court proceeding involving the release, sentencing, or parole of the individual convicted of a crime.

Victims have the right to proceedings free from unreasonable delay.

Early Release Programs

If someone is sentenced to a term of imprisonment, they may be released from prison earlier than expected through these programs: parole, medical parole, geriatric parole, or earning days off their sentences (called "good-time credits") for good behavior. Good-time credits are not available to people convicted of certain violent, sexual, or felony offenses.

Victims' Rights

Victims have the right to notice if there's a hearing concerning the status of a person found not guilty by reason of insanity, hearings about medical parole, hearings about parole, and information about the release or escape of the person.

Victims have the right to notice of an incarcerated person's request to modify or reduce their sentence. Victims are entitled to a copy of the request to modify or reduce the sentence. Victims have a right to address the court at an incarcerated person's request to modify or reduce their sentence.

Victims have a right to notification of parole hearings. Victims have the right to write to the Parole Board and/or attend parole hearings.

Victims have the right to speak at probation revocation proceedings involving potential release.

The Department of Corrections will provide victims with a recent photo of defendants before release or if defendants escape. To request such a photo, victims should write to the Department of Corrections, 550 W. 7th Ave., Suite 1800, Anchorage, AK 99501-3558, or call 1-877-741-0741.

Clemency

The governor can grant clemency to people convicted under Alaska law. The [Board of Parole](#) helps the governor in this process. Clemency typically takes one of three forms.

1. Commutation: the reduction of a sentence to a less severe punishment
2. Reprieve: a temporary delay of a sentence being carried out
3. Pardon: an official act of forgiveness that frees a convicted person from punishment and erases the legal consequences of the crime

Victims' Rights

Victims (of certain violent crimes) have a right to notification before the state parole board grants clemency.

Victims have the right to submit a written statement in clemency.

Victims have the right to notice of any clemency actions taken by the governor.

Compensation

Restitution is a court-ordered payment from the convicted person to the victim to account for the victim's loss or injury.

Crime victims' compensation helps with financial losses that directly result from violent crime. These losses include loss of wages, medical expenses, mental health counseling, as well as funeral and burial costs. Applications must be submitted within two years of the crime.

Victims' Rights

Victims have a constitutional right to restitution.

Victims have the right to be notified of their right to apply for victims' compensation. Victims may be entitled to compensation of up to \$40,000 through the Alaska [Violent Crimes Compensation Board](#) (VCCB).

The information provided in this resource is not intended as legal advice and is current as of July 2024. States regularly change how they handle criminal proceedings and victims' rights during those proceedings. Confirm with the state agencies provided in this resource for more up-to-date information. Different stages and victims' rights may apply to certain types of cases and certain types of victims, such as cases involving accused individuals who are minors and cases involving sexual offenses, domestic violence, and child victims.