

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

*In the matter of*

COURT PROCEDURES RELATED  
TO THE IMPLEMENTATION OF  
THE SPEEDY TRIAL ACT

MISCELLANEOUS  
GENERAL ORDER  
NO. 13-07

IT IS HEREBY ORDERED THAT:

To insure compliance with the Speedy Trial Act and error-free Speedy Trial Act reports, the following court procedures shall be implemented.

1.) The time needed for transcript preparation is excludable time under the Speedy Trial Act (STA). As a result, following an evidentiary hearing, criminal pretrial motions should not be taken under advisement until the transcript is received by the court. At the close of any evidentiary hearing where a transcript is ordered on the record, the judge is advised to refrain from announcing “the matter is taken under advisement” but instead should announce “this matter will be taken under advisement upon the filing of the transcript and any outstanding pleadings.” In circumstances where a transcript is not ordered on the record but subsequent to the hearing, it will be necessary for chambers to alert the Clerk’s Office to insure the time taken to prepare the transcript is excluded from any future STA calculation. An email from chambers should be sent to the CMC order box at the time the transcript is ordered, indicating which motion is involved, that a transcript has been ordered and the date the court ordered the transcript. This will permit the Clerk’s Office to calculate the appropriate period of excludable delay related to preparation of the transcript.

2.) The Clerk’s Office shall provide notice to each District Court Judge and Magistrate

Judge when a criminal motion has been under advisement for 23 days, alerting the court that the 30-day period permitted by the STA approaches. Each chamber should inform the Clerk's Office whether the judge wants the 23-day notices to be provided electronically, by paper copy, or both.

3.) The Clerk's Office shall provide each chamber with a periodic report listing all criminal motions under advisement and the length of time each motion has been under advisement. Each chamber should inform the Clerk's Office how frequently the judge wants to receive this report----daily, weekly, twice weekly or monthly.

4.) All Motions to Continue Trial shall be ruled upon by the District Court Judge, making the appropriate findings regarding the STA at the time the motion is granted. If no motion to continue the criminal trial date has been ruled upon by the District Court and a pretrial motion resulting in delay (including motions to extend the time to file pretrial motions) is filed before the Magistrate Judge, the Magistrate Judge shall rule upon whether the additional time permitted is excludable pursuant to the STA. If the time is excludable pursuant to 18 U.S.C. §3161(h)(7), the Magistrate Judge shall preserve his or her reasoning at the time the motion is granted. A finding of excludable delay pursuant to 18 U.S.C. §3161(h)(7) shall be entered on the docket either by including it in the judge's order granting the motion or by directing a deputy clerk to prepare an order of excludable delay for the judge's signature.

DATED at Anchorage, Alaska this 22nd day of October, 2013.

S/RALPH R. BEISTLINE  
RALPH R. BEISTLINE  
Chief Judge  
United States District Court

Distribution:

District Judges	Magistrate Judges (Full Time)
Senior Judges	Magistrate Judges (Part Time)
Clerk of Court	Court Librarian
U.S. Marshal	U.S. Probation & Pretrial Services
Federal Public Defender	U.S. Attorney