

In the Supreme Court of the State of Alaska

Bob Huber,)
)
) Appellant,)
)
) v.)
)
) **State of Alaska,**)
) **Department of Corrections,**)
) Appellee.)

Supreme Court No. S-16190

Richard B. DeRemer, III,)
)
) Appellant,)
)
) v.)
)
) **State of Alaska,**)
) **Department of Corrections,**)
) Appellee.)

Supreme Court No. S-16194

Scott Walker,)
)
) Appellant,)
)
) v.)
)
) **State of Alaska,**)
) **Department of Corrections,**)
) Appellee.)

Supreme Court No. S-16202

Order

Supplemental Briefing

Date of Order: 5/9/2017

Trial Court Case # 3PA-15-01336CI
Trial Court Case # 3AN-14-09396CI
Trial Court Case # 3PA-14-02547CI

Before: Stowers, Chief Justice, and Maassen, Bolger, and Carney, Justices
[Winfree, Justice, not participating]

In *Huber v. State*, Supreme Court Case No. S-16190, *DeRemer v. State*, Supreme Court Case No. S-16194, and *Walker v. State*, Supreme Court Case No. S-16202, the superior court ruled that prisoners had waived certain issues by their failure to raise them in their appeal to the superintendent under 22 AAC 05.480. To resolve this issue, this court desires further briefing on the question of “issue exhaustion” as thoroughly discussed in the opinions reported in *Sims v. Apfel*, 530 U.S. 103 (2000).

IT IS THEREFORE ORDERED that the parties shall simultaneously file memoranda of up to twenty pages in length addressing the following questions:

1. Do the prisoner discipline statutes or regulations require a prisoner to raise an issue on appeal to the superintendent in order to preserve the issue for judicial review?
2. In light of the broad authority given to the superintendent under 22 AAC 05.480, is it appropriate to require the issue preservation typical of adversarial judicial proceedings?
3. Does a prisoner have notice that the failure to raise an issue on appeal to the superintendent will result in waiver of that issue?

The ACLU of Alaska and the Alaska Association of Criminal Defense Lawyers are invited to file amicus briefs.

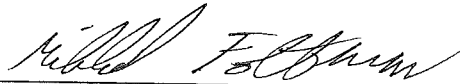
The cases are not being consolidated at this time. However, each party may file a single brief.

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The memoranda and amicus briefs should be filed on or before **6/12/2017**.

Entered at the direction of the court.

Clerk of the Appellate Courts



Mikkel Foltmar, Deputy Clerk

Distribution:

John K Bodick
Matthias Cicotte
Attorney General's Office
310 K Street, Ste 403
Anchorage AK 99501-5993

Scott Walker
Goose Creek Correctional Center
P.O. Box 877790
Wasilla AK 99687-7790

Jon M Buchholdt
Buchholdt Law Offices
731 I Street Suite 101
Anchorage AK 99501

Joshua Decker, Executive Director
ACLU of Alaska
1057 West Fireweed Lane, Ste 207
Anchorage AK 99503

Cindy Strout, President
Alaska Association of Criminal Defense Lawyers
c/o 601 West 5th Avenue, Ste 800
Anchorage AK 99501