

# *charges dropped*

The Alaska Supreme Court June 8 ordered the dismissal of charges of illegal game possession against two Barrow residents. The Court ruled that dismissal was mandated by Rule 45 of the Rules of Criminal Procedure, because of the State's failure to bring Maggie Ahmaogak and Charles Neokak to trial within 120 days of the date they were served with a summons.

The State claimed that the summonses issued to the defendants were not "charges" that triggered the running of the 120-day period for trial. Two lower court judges, Warren Taylor and Jay Hodges of Fairbanks,

agreed with the State.

The Alaska Supreme Court in a unanimous opinion by Justice Warren Matthews, did not agree. Although the wildlife officer who issued the summonses never filed a sworn complaint with the court, Justice Matthews concluded that "it would be both overly technical and in violation of the intent of the rule" to ignore the service of the summonses, since "notice of the commencement of prosecution to the defendant is the concern of the rule."

Chief Justice Jay Rabinowitz did not participate in the decision of this case.