In the Court of Appeals of the State of Alaska

Patrick Leo Shorty, Appellant, v. **State of Alaska,** Appellee.	Court of Appeals No. **A-12449** **Order** Affirming Clerk's Decision Date of Order: **8/20/19**

Trial Court Case No. **3AN-09-11007CI**

The Appellant, Patrick Leo Shorty, litigated a felony merit appeal in this Court. *See Shorty v. State*, Alaska App. Summary Disposition No. 0018 (Apr. 10, 2019). Mr. Shorty was represented at public expense by Attorney Carolyn Perkins, through a contract with the Office of Public Advocacy.

After the appeal was decided, and after the Alaska Supreme Court denied Mr. Shorty's petition for hearing (*see* Order dated 7/29/2019, Case No. S-17449), the Clerk of the Appellate Courts notified Mr. Shorty that she intended to enter judgment against him for attorney's fees in the amount of $1500. *See* Appellate Rule 209(b)(6). Mr. Shorty now seeks judicial review of the Clerk's decision.

Mr. Shorty asserts that the judgment should be stayed because he is filing a writ of habeas corpus in federal court. But even though a judgment for the costs of an appointed attorney will be stayed pending the resolution of a petition for hearing filed in the Alaska Supreme Court (as it was in this case), a judgment will not be stayed pending the resolution of litigation filed in another jurisdiction.

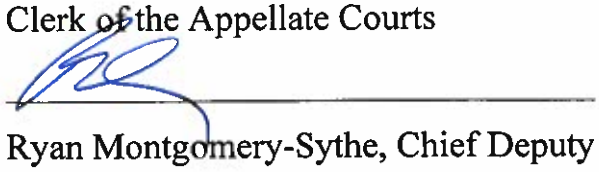
Appellate Rule 209(b)(6) requires indigent appellants whose convictions are affirmed on appeal to reimburse to the government some of the cost of the attorneys who represent them at public expense. Because this Court affirmed the superior court's

judgment on appeal, Mr. Shorty is required to reimburse the government some of the cost of the attorneys who represent them at public expense.

For this reason, the decision of the Clerk is AFFIRMED.

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts



Ryan Montgomery-Sythe, Chief Deputy Clerk

cc: Patrick Leo Shorty at Goose Creek Correctional Center

Distribution:

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