In the Supreme Court of the State of Alaska

Christopher Panamarioff, Petitioner,	Supreme Court No. **S-17844**
v.	**Order** Petition for Hearing
State of Alaska, Respondent.	Date of Order: **11/19/2020**

Court of Appeals No. **A-12503**

Trial Court Case No. **3KO-12-00002CR**

Before: Bolger, Chief Justice, Winfree, Maassen, Carney, and Borghesan, Justices

Christopher Panamarioff petitions for hearing from a court of appeals memorandum opinion affirming his conviction of first-degree sexual assault. One section of the memorandum opinion concludes that the superior court did not err in denying Panamarioff's motion for a new trial based on a juror's knowledge of one of the witnesses.[1] The petition argues that the court of appeals erred by failing to address his argument that he was entitled to a new trial under federal law on this issue.

The failure to address a briefed issue is not one of the listed grounds for granting a petition for *hearing* under Appellate Rule 304. But an appellate court may grant a petition for *rehearing* under Appellate Rule 506(3) if it has "overlooked or misconceived a material question in the case." So it appears that Panamarioff should have addressed his argument on this issue to the court of appeals in a petition for rehearing. Under AS 22.05.015(a), we may transfer a case to the court of appeals if the case is within the jurisdiction of that court.

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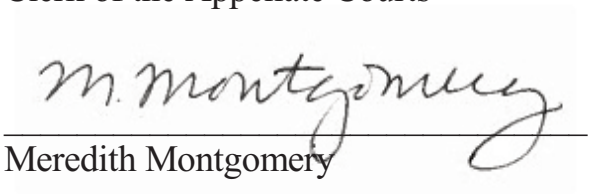
[1] *Panamarioff v. State*, 2020 WL 3445389, at *2-5 (Alaska App. June 24, 2020).

IT IS THEREFORE ORDERED:

1. We TRANSFER to the court of appeals Panamarioff's argument that the court failed to address whether he was entitled to a new trial under federal law.

2. We DENY the petition on all remaining issues.

Clerk of the Appellate Courts



Meredith Montgomery

cc: Court of Appeals Judges
Trial Court Clerk - Kodiak
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