

statements against him personally, but that J.W.'s purported statements could be admissible in other litigation — such as the defendants' petitions for post-conviction relief — to which J.W. is not a party.

We do not necessarily endorse all aspects of the superior court's ruling. Nor do we endorse the superior court's ruling as a general principle of law that would apply in all cases where the attorney-client privilege is breached.

However, we agree with the superior court that under the facts of this case — where J.W.'s statements have already been disclosed, and where these statements are asserted to be evidence tending to prove another person's factual innocence of a crime — J.W.'s attorney-client privilege does not prevent the four defendants from using these statements in support of their petitions for post-conviction relief.

We therefore DENY the petition for review — thus letting stand the superior court's rulings (1) that J.W. has not waived his attorney-client privilege, and that he remains entitled to assert that privilege to prevent his statements from being used against him; (2) that J.W.'s attorney-client privilege does not bar the four defendants from relying on J.W.'s purported statements in support of their petitions for post-conviction relief; and (3) that J.W.'s attorney-client privilege does not bar the superior court from revealing these statements to the State of Alaska for the purpose of allowing the State to respond to the four defendants' petitions for post-conviction relief.

We caution the parties that our decision is limited to the issue of how J.W.'s attorney-client privilege applies to the facts of this case. We express no opinion as to whether other legal rules (such as the hearsay rule) may bar the admission of testimony

J.W. v. State

Court of Appeals No. A-12128

Order of 7/28/15

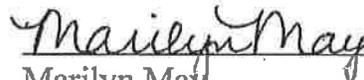
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or other forms of evidence describing the content or nature of J.W.'s purported statements.

This order constitutes this Court's final order for purposes of Appellate Rule 303(a)(1) (petition for hearing to the supreme court) with respect to J.W.'s right to protest the use of his statements in the four defendants' post-conviction relief litigation.

Entered at the direction of the Court.

Clerk of the Appellate Courts


Marilyn May

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