

IN THE SUPREME COURT OF THE STATE OF KANSAS

ORDER

RULES RELATING TO SUPREME COURT, COURT OF APPEALS,
AND APPELLATE PRACTICE

FILED

Supreme Court Rule 8.03B is hereby adopted, effective July 1, 2018.

JUN 28 2018

Rule 8.03B

DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS

EXHAUSTION OF STATE REMEDIES IN CRIMINAL CASES

- (a) Exhaustion. In all appeals from criminal convictions or post-conviction relief on or after July 1, 2018, a party is not required to petition for Supreme Court review under Rule 8.03 from an adverse decision of the Court of Appeals to exhaust all available state remedies respecting a claim of error. Rather, when a claim has been presented to the Court of Appeals and relief has been denied, the party is deemed to have exhausted all available state remedies.
- (b) Savings Clause. If a party's petition for federal habeas corpus is dismissed or denied for failure to exhaust state remedies based on a decision that this rule is ineffective, the party will have 30 days from the date of such dismissal or denial to file in the state case:
- (1) a motion to recall the mandate that attaches a copy of the federal decision; and
 - (2) a petition for review in compliance with Rule 8.03 presenting any claim of error not previously presented in reliance on this rule.

BY ORDER OF THE COURT this 27 day of June 2018.

FOR THE COURT:



LAWTON R. NUSS
Chief Justice