

SENATOR CHAMBERS: That is the point. Okay, now, taking one of those issues which would not be constitutional or capital, would it have to go through the appellate system first?

SENATOR KRISTENSEN: Well, by first...

SENATOR CHAMBERS: The appellate court that they are talking about.

SENATOR KRISTENSEN: That is where it would go would be to the appeals court.

SENATOR CHAMBERS: Right, and if the person wanted to go to the Supreme Court, the person would then file an appeal to the Supreme Court, is that correct? They would file for cert. or whatever the document or procedure would be that the Supreme Court would set out for an appeal from the appellate court to the Supreme Court.

SENATOR KRISTENSEN: What that would be is that once they are in the appellate court, that is their court of last resort. They could always petition, I suppose, to the Supreme Court to rehear their case, to bring it up, but as a practical matter, that would be decided by the Supreme Court whether they wanted to hear that case or not, and...

SPEAKER BARRETT: One minute.

SENATOR KRISTENSEN: ...most of the time that would be an error of court or it would not be a major new doctrine of some kind.

SENATOR CHAMBERS: Maybe, maybe you are presuming a lot. I am trying to get clearly on the record what the procedure would be. Even if you did not have a capital case or one involving the constitutionality of a statute, you could, even after an appellate court decision, petition the Supreme Court to rehear the matter?

SENATOR KRISTENSEN: That is true. You can also...

SENATOR CHAMBERS: Let's take it a step at a time, and if the court agreed to take that case, what would happen then?

SENATOR KRISTENSEN: Well, I think they have the opportunity to