

where someone is complaining, gee, I didn't get my share of the property, and those things are plain from the record. I looked at a case the other day as where a prisoner was claiming that he didn't get a day of credit on a sentence.

SENATOR ASHFORD: All right, and then the doctrinal case would be a case that deals more specifically with substantive issues of law that are being...have been applied and are being appealed from?

SENATOR KRISTENSEN: That is correct. For example, yesterday the Supreme Court heard I believe the Gas 'N Shop cases with the constitutionality of maybe some of our liquor statutes that we've passed, or it could be interpreting the constitutionality of our telephone deregulation bills, or it could be the Kearney State issue, or any of those things.

SENATOR ASHFORD: All right, now, specifically now what we are asking for is now another change or a change to create a permanent appellate court, correct?

SENATOR KRISTENSEN: That is right.

SENATOR ASHFORD: And that would be made up of how many additional judges?

SENATOR KRISTENSEN: Well, that is where we are starting to get the cart before the horse because this body probably late this year, more likely next year, we'll determine what that court is going to look like. You know, it is not set in stone.

SENATOR ASHFORD: So once it is authorized, then we would determine?

SENATOR KRISTENSEN: That is right. All LR 8 is is an enabling constitutional amendment to allow an appellate court to be created. We create the court in terms of who is on it, how it works, what cases, and if Senator Chambers wants to come in and make all homicide cases go to the Supreme Court, we could still do that by statute.

SENATOR ASHFORD: Could we effect a certiorari criteria in this body, is that your understanding? We could adopt guidelines that we would put into statute that we could give the court to utilize?