

## **Rule 8.03B**

### **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.

**[History:** New rule effective July 1, 2018.]