

FORMS NEEDED TO BEGIN AN APPEAL (Criminal Cases)

Required Forms

_____ **Notice of Appeal (Form 3.1NCR)**

An appeal begins by filing a notice of appeal with the clerk of the trial court within the time allowed by Appellate Rule 4 (usually 30 days). For information as to *where* to file the notice of appeal, review Chart 1. **This is a required form.**

_____ **Docket Statement (Form 3.1DCR)**

The purpose of the docket statement is to assist the Court in issuing a scheduling order. It must be completely filled out. The failure to file a completed docket statement may result in the dismissal of the appeal. You must serve a copy of this document on the opposing party. **This is a required form.**

Optional Forms

_____ **Affidavit of Indigency (Form 3.1)**

If you are unable to pay for an appeal and can prove this fact (or were found to be indigent by the trial court), you may file this form. It must be notarized.

_____ **Motion to Appoint Counsel (Form 3.4)**

You may fill out this form if you are indigent and unable to employ counsel. You must serve a copy of this motion on the prosecutor's office.

_____ **Motion to Prepare Transcripts of Proceedings at State's Expense (Form 9)**

This form is to be used if you are indigent and unable to pay the costs of the preparation of transcripts. There is a right to transcripts at State's expenses only in certain cases.

_____ **Motion for Delayed Appeal (Form 5)**

This form is to be used only if you are past your 30 day time limit to file your notice of appeal. You must serve a copy on the prosecutor's office.

HAMILTON COUNTY, OHIO

STATE OF OHIO

Appeal Case No. _____

Plaintiff

Trial Case No. _____

NOTICE OF APPEAL

-vs-

Defendant

Now comes the Appellant, _____ and hereby gives
notice of appeal to the First District Court of Appeals from the final judgement entry from the
_____, entered in on _____.

(First and Last Name)

(Address)

(City, State, Zip Code)

(Email Address and Telephone No.)

Signature

CERTIFICATE OF SERVICE

I certify that a copy of this notice of appeal was served upon _____
on _____ in the following manner: _____.

Signature

INSTRUCTIONS FOR COMPLETING

DOCKET STATEMENT

Below are instructions for completing either the civil or criminal docket statement. The docket statement must be typed and filed in duplicate and served upon opposing counsel with the Notice of Appeal or Notice of Cross-Appeal. Post-conviction and juvenile (unless termination of parental rights) cases should use the criminal docket statement. Failure to timely file the docket statement may result in a dismissal of the appeal. Note: A Practitioner's Handbook for the Court is available from the Cincinnati Bar Association.

Complete the entire form by matching the numbered instruction with the appropriate area or blank and serve (send) to opposing counsel.

1. Case Caption: The name of the case. In criminal cases it is generally, State of Ohio v. _____. In completing the case caption, list only those parties that will be participating in the appeal. If there are multiple plaintiffs or defendants, please list only those participating in the appeal and use "et al." for any others. The caption provided would be the caption used by the Court in tracking the appeal. If counsel is to be listed in items 8 or 9, then the parties they represent must be included in the caption. If sufficient space is not provided, please attach separate sheet.
2. Appeal Number(s): Indicate the appeal number(s) in which the docket statement is being filed. The letter "C" precedes the appeal number.
3. Trial Number(s): Indicate the trial court number(s) in which the Notice of Appeal was filed.
4. Trial Judge: Indicate the trial judge who entered the Judgment/Order from which the appeal is taken and any other trial judge who participated in the case.
5. Related Appeal(s): Provide the appeal number(s) for any pending appeal(s) which have arisen from the trial court in this case.
6. Date of Judgment, Etc.: Provide the date of the Judgment or Order from which the appeal is taken.
7. Date of Notice of Appeal: Provide the date on which the Notice of Appeal was filed.
8. Counsel for the Appellant: Provide the attorney name, registration number, address, phone number, and fax number and e-mail address for counsel for the appellant(s) or the appellant(s) if pro se (representing oneself). Note: No registration number is needed if the appellant is pro se. Please be sure to designate the party or parties that counsel is representing, i.e., plaintiff-appellant or defendant-appellant and include the party's or parties' name(s). This is necessary to ensure that each attorney is properly designated as representing a particular party. If sufficient space is not provided please attach separate sheet.
9. Counsel for the Appellee: Same as 8 but for the opposing party.
10. A. Civil Rule 54(B): Review Civil Rule 54(B) and circle the appropriate response.
Note: This does not apply to criminal cases.

B. Criminal Status: Review the statements; circle the appropriate response(s) and complete length of sentence.
Note: This does not apply to civil cases.
11. Record (circle the appropriate response): Prior to filing this form, counsel or pro se must determine what type of record is to be filed. If that type of record is not timely filed, the appeal will be dismissed. Remember, we are talking about the transcript of proceedings from the trial court relative to the matter that is on review, i.e., appeal; the reference is to the transcript of the trial court proceedings to be reviewed, i.e., appealed, and not a transcript of proceedings that may have been previously filed in an earlier appeal or even filed in the trial court as in an administrative appeal. Before checking the box for either App.R. 9(C) or 9(D), counsel are cautioned to review those rules.

Note: If the appeal is from the granting of Summary Judgment, in all likelihood there is no transcript of proceedings to be filed. Review Civil Rule 56 before completing this form.

The docket and journal which includes all documents (pleadings) filed in the trial court will, in most instances, be transmitted and certified to the Court of Appeals no matter which box is checked. The clerk will send a notice (postcard) to all counsel of record that the docket and journal has been filed. This notice will indicate whether the transcript of proceedings is included or excluded in the record that the clerk has filed. Counsel is cautioned to review the record once this notice is received to determine whether the record is complete as filed. If the clerk's notice indicates excluding transcript of proceedings and counsel has ordered a transcript from the court reporter, counsel should maintain contact with the court reporter to make sure that the transcript will be timely prepared and/or filed. Remember, it is counsel's duty to make sure the record is complete and timely filed.

12. Court Reporters Certification: If a partial transcript or complete transcript of proceedings is to be filed, make sure the court reporter has completed this certification. If the particular court reporter is not available, contact the chief court reporter to complete the certification. See App.R. 9(B) for duties of the appellant when ordering the transcript. Remember, it is the appellant's and/or counsel's duty to make sure the record is timely filed.

13. Brief: Provide the number of days the appellant needs to file its brief after the complete record is filed. Note: If counsel finds it necessary to seek an extension of time to file the record, there is no automatic extension for filing briefs. The Court anticipates the briefs being filed within the time set forth in the Scheduling Order.

14. Nature of the Appeal:

Note: See App.R. 11.2 regarding Adoption and Parental Rights Appeals and be sure to check the appropriate space.

A. (Civil): Check the appropriate box(es) that best describes the nature of the action from which the appeal is taken, and provide specific information when space is provided.

B. (Criminal): Check the appropriate box(es) that best describes the nature of the case and the crime(s) involved.

15. Probable issues for Review:

A. (Civil): Fill in the probable issues involved in the appeal in the space provided.

B. (Criminal): If appellate counsel was not trial counsel and is as yet unable to identify probable issues for review, check the box provided. Otherwise, if counsel is able to identify probable issues, check all the appropriate boxes that apply and provide specific information when space is provided.

16. Case(s), Statute(s), and/or Rules: Indicate the case(s), Statute(s), and/or Rules to be discussed.

17. Certificate of Service: Date, sign, and serve (send) to all other counsel.

**FIRST DISTRICT COURT OF APPEALS
CRIMINAL DOCKET STATEMENT**

Notice: Pursuant to Loc.R. 3.1(A)(2)(C), failure to file a completed docket statement may result in the dismissal of the appeal.

<p>Name of Trial Court: _____</p> <p>Caption: _____</p> <p align="center">Plaintiff-Appellant <u>or</u> Appellee</p> <p align="center">vs.</p> <p align="center">_____</p> <p align="center">Defendant-Appellant <u>or</u> Appellee</p>	<p>Appeal No. _____</p> <p>Trial No. _____</p> <p>Trial Judge _____</p> <p>Date of Judgment Appealed _____</p> <p>Notice of appeal was filed in compliance with: _____ App.R. 4(A) (within 30 days); or _____ App.R. 4(B) (time extended); or _____ App.R. 5 (delayed appeal)</p> <p>Related or Prior Appeals _____</p> <p>_____</p>
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General

Have you attached to, the notice of appeal, a copy of the final judgment being appealed? Yes No

Is this an appeal from a juvenile delinquency proceeding? Yes No

Is this an appeal from a ruling on a post-conviction petition? Yes No

If direct appeal, does the sentencing order contain the following four requirements: Yes No

1. Fact of conviction for each count;
2. Separate sentence for each count;
3. Signature of trial court judge; and
4. File stamp of the clerk of court?

Specify the type of action in the trial court: Traffic Misdemeanor Felony

Resolution Type: Trial Plea

Probable issues for review: _____

Type of Appeal: _____ Defendant's appeal as of right _____ State's appeal as of right
 _____ Defendant's appeal by leave of Court _____ State's appeal by leave of Court

Parties

Party's name _____	Party's name _____
Party's designation _____	Party's designation _____
Attorney's name _____	Attorney's name _____
Attorney's registration number _____	Attorney's registration number _____
Address of counsel or party _____ _____	Address of counsel or party _____ _____
Phone _____	Phone _____
Email _____	Email _____

Record

Will there be a transcript of proceedings filed? Yes No

If yes, will the transcript be (check one and attach a copy of the transcript order form):

- Complete transcript of proceedings [App.R. 9(B)]
- Partial transcript of proceedings [App.R. 9(B)]

***If either box above is checked, please have the court reporter complete *Court Reporter's Certification* below and comply with Loc. R. 9(B)(1).**

If No, please select **one** of the following:

- Statement under App.R. 9(C) will be filed
- Agreed Statement pursuant to App.R 9(D) will be filed
- No transcript or proceedings, no App.R. 9(C) Statement, no App.R. 9(D) Agreed Statement will be filed

*Choosing any of the above will be deemed sufficient compliance with App.R. 9(C) and Loc.R.9(A).

COURT REPORTER'S CERTIFICATION (must be signed by the court reporter)

The Court Reporter will complete and file the requested transcript of proceedings within 40 days of the filing of the notice of appeal (20 days if on the accelerated calendar)

- Yes
- No

If No, please explain why the transcript of proceedings will not be ready for filing within 40 days from the notice of appeal (or 20 days for the accelerated calendar):

Estimated Date of Filing _____

Signature of Court Reporter: _____ Date: _____

Calendar Designation

Please choose the appropriate calendar designation for this case.

Regular Calendar: Pursuant to Loc.R. 11.1(A), all appeals proceed by default on the regular calendar unless the Court places an appeal on the accelerated calendar or the appellant requests the accelerated calendar.

Accelerated Calendar Do you wish to have your appeal assigned to the accelerated calendar?

- Yes
- No

If Yes, please identify the applicable factor(s) under Loc.R. 11.1(B) which supports the assignment of the case on the accelerated calendar: _____

Expedited Calendar: Must this case be expedited as being one of the following types of cases?

Yes No

- Prosecutorial Appeals under Crim.R. 12(K) and Juv.R. 22 (App.R. 11.2(D))
- Appeals Concerning Delinquent Children (App.R. 11.2(D))
- Denial of bail bond (R.C. 2937.222(D))

Certificate of Service

I certify that a copy of this docket statement was served upon _____ on
____/____/20__ by the following method: _____.

Signature

HAMILTON COUNTY JUVENILE COURT
SERVICE REQUEST

- WRITTEN REQUEST FOR SERVICE** (Civil)
 PRAECIPE (Delinquent/Criminal)

IN RE: _____ CASE NUMBER: _____

Case Type: _____ Reason for Hearing: _____

Charges: _____

A hearing is scheduled on the _____ day of _____, 20____, at _____ : _____ AM / PM.

Judge / Magistrate: _____ Case Manager: _____

Type of Form: (Summons) (Subpoena) or (Notice) *(List one of these selections for each address listed below.)*
(Parties) (Witnesses) (Attorney/Parties)

Type of Service: (Regular Mail) (Certified Mail) (Personal Service)
(Usual Service)
(Residential Service) or (Publication) *(List one of these selections for each address listed below.)*

<u>Type of Form</u>	<u>Type of Service</u>	<u>Name and Complete Address and Zip Code</u>
1. _____	_____	_____ _____ _____ _____
2. _____	_____	_____ _____ _____ _____
3. _____	_____	_____ _____ _____ _____

If I have requested certified mail service, and the service is returned by the U.S. Post Office as Refused or Unclaimed, I request ordinary mail service in accordance with Civ.R. 4.6(C), (D), and (E).

Requested by: _____ Phone: (____) _____

Address: _____
City State Zip