

# **FORMS NEEDED TO BEGIN AN APPEAL** **(Criminal Cases)**

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## **Notice of Appeal**

An appeal as of right shall be taken by filing a notice of appeal with the clerk of the trial court within the time allowed by Rule 4. (30 days) **This is a required form.** You must serve a copy on the prosecutor's office and complete the certificate of service at the bottom of the form.

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## **Criminal Docket Statement and Instructions**

The purpose of the docket statement is to assist the court in issuing a scheduling order. **This is a required form.** You must serve a copy on the prosecutor's office and complete the certificate of service at the bottom of the form.

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## **Affidavit of Indigency**

This form is **ONLY** required if you are unable to pay the court costs for an appeal, if you are requesting the court to appoint counsel, or if you are requesting a transcript at State expense. This form must be notarized.

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## **Motion to Appoint Counsel**

This form is **ONLY** used if you are indigent and unable to employ counsel. You must serve a copy on the prosecutor's office and complete the certificate of service at the bottom of the form. Note: generally speaking, you are only entitled to court-appointed counsel in a criminal case if you are facing jail time.

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## **Motion to Prepare Transcripts of Proceedings at State Expense**

This form is **ONLY** used if you are indigent and unable to pay the costs of the preparation of the transcripts. You must serve a copy on the prosecutor's office and complete the certificate of service at the bottom of the form. Note: generally speaking, you are only entitled to a transcript at State expense in a criminal case if you are facing jail time.

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## **Motion for Delayed Appeal**

This form is **ONLY** used if you are past your 30 day time limit for filing your notice of appeal. You must serve a copy on the prosecutor's office and complete the certificate of service at the bottom of the form.

Please read over the forms, instructions and frequently asked questions. This will help you with filing your notice of appeal. If you should have questions about the forms, please feel free to contact the court at (513) 946-3500 or go to the "**PROCESS**" page on this website for additional information. The Courts and its clerks are precluded by law from giving legal advice. If you are uncertain as to your legal rights, contact a lawyer. You may be eligible for assistance from the Hamilton County Public Defenders office at (513) 946-3700. You may also contact the Cincinnati Bar Association, Lawyer Referral Service at (513) 381-8359.

## **Notice of Appeal**

1. Must be filed within thirty (30) days of the judge's decision date
2. Requires a filing fee of \$38.00 or motion to waive filing fee or poverty affidavit.
3. Documents required include Notice of Appeal, and Service Request. Other documents such as a copy of the entry, or civil docket statement can be included.
4. Basic copies needed by the Court include the original and four (4) copies.

(Trial Court Name)

HAMILTON COUNTY, OHIO

STATE OF OHIO

Plaintiff

Case No. (Trial Court Case Number)

NOTICE OF APPEAL

-vs-

(Appellant Full Name)

Defendant

The defendant, (Appellant Full Name) hereby gives notice of appeal to the  
First District Court of Appeals from the (Trial Court Name),  
entered by said trial court on (Date Of Final Judgment From the Trial Court).

(Full Name)

(Street Address)

(City/State/Zip)

(Phone)

(Signature)

CERTIFICATE OF SERVICE

I certify that a copy of this Notice of appeal was served by regular mail upon

(Name And Address Of Opposing Counsel) on (Date mailed)

(Signature)

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**HAMILTON COUNTY, OHIO**

**STATE OF OHIO**

Case No. \_\_\_\_\_

Plaintiff - Appellee

**NOTICE OF APPEAL**

-vs-

\_\_\_\_\_  
Defendant - Appellant

The defendant, \_\_\_\_\_ hereby gives notice of appeal to the  
First District Court of Appeals from the \_\_\_\_\_,  
entered by said trial court on \_\_\_\_\_.

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**CERTIFICATE OF SERVICE**

I certify that a copy of this Notice of appeal was served by regular mail upon

\_\_\_\_\_ on \_\_\_\_\_.

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## 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.



**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

APPEAL NO. \_\_\_\_\_

**STATE OF OHIO**

Plaintiff

vs

**AFFIDAVIT OF INDIGENCY**

\_\_\_\_\_  
Defendant

\_\_\_\_\_, the undersigned, being first duly sworn and cautioned, deposes and states

1. That he is the defendant in the above styled case;
2. That he is a citizen of the State of Ohio;
3. That he is indigent and unable to pay the costs and charges involved in the within matter,
4. That he is entitled to the redress that is sought in the above styled action to the best of his knowledge and belief.

FURTHER AFFIANT SAYETH NAUGHT.

\_\_\_\_\_  
Defendant/Appellant-Indigent

SWORN TO AND SUBSCRIBED BEFORE ME, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC



**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

**STATE OF OHIO**

APPEAL NO. \_\_\_\_\_

TRIAL NO. \_\_\_\_\_

vs.

**MOTION TO APPOINT COUNSEL**

\_\_\_\_\_

Now comes the appellant and requests the appointment of counsel. The appellant states that he/she is indigent as evidenced by the attached affidavit of indigency and unable to employ counsel. Further, the appellant states that he/she has a right to the appointment of counsel because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this motion was served by regular mail upon,

\_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

**STATE OF OHIO**

APPEAL NO. \_\_\_\_\_

TRIAL NO. \_\_\_\_\_

vs.

**MOTION FOR DELAYED APPEAL**

\_\_\_\_\_  
Appellant

**MOTION FOR DELAYED APPEAL**

The Appellant respectfully moves this court for an order allowing the filing of the Notice of Appeal in this case out of time.

The reason(s) that the Notice of Appeal is being filed later than 30 days after the judgment is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Nevertheless, Appellant requests this court for an order permitting the filing of this delayed appeal.

\_\_\_\_\_  
Signature

**CERTIFICATE OF SERVICE**

I certify that a copy of this Notice of appeal was served by regular mail upon

\_\_\_\_\_ on \_\_\_\_\_.

\_\_\_\_\_  
Signature

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

**STATE OF OHIO** \_\_\_\_\_

APPEAL NO. \_\_\_\_\_

TRIAL NO. \_\_\_\_\_

vs.

**MOTION TO PREPARE  
TRANSCRIPTS OF PROCEEDINGS  
AT STATES EXPENSE**

\_\_\_\_\_

Defendant-Appellant, \_\_\_\_\_, respectfully moves  
this Court to order the official court reporter to prepare a complete transcript of all the  
proceedings had in the trial court in the above-styled case.

Defendant-Appellant is indigent and unable to pay the costs of the preparation of  
the transcript.

\_\_\_\_\_  
(Signature)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Notice of appeal was served by regular mail upon

\_\_\_\_\_ on \_\_\_\_\_.

\_\_\_\_\_  
(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.)*

<b><u>Type of Form</u></b>	<b><u>Type of Service</u></b>	<b><u>Name and Complete Address and Zip Code</u></b>
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: \_\_\_\_\_