

PIMA COUNTY CONSOLIDATED JUSTICE COURT
240 NORTH STONE AVENUE TUCSON, AZ 85701-1130



CRIMINAL APPEALS PACKET

This packet contains information and a form required to appeal a ruling on a criminal case.

Justice Court employees are not allowed to give legal advice. If you are not being represented by an attorney you have the responsibility to properly complete all stages in the appeal process. If you require legal assistance, the clerk can provide you with the contact information for Lawyer Referral Service, the local State Bar Association, or Southern Arizona Legal Aid.

NOTICE OF RIGHT TO APPEAL
(CRIMINAL)

This notice explains your rights and responsibilities to file an appeal to Superior Court from an order or final judgment and your right to an attorney to represent you. A defendant may appeal a final order or final judgment entered in a criminal case. If you file an appeal, you are the appellant. The State is the appellee.

Your Right To An Attorney During The Appeal Stage.

You have a constitutional right to an attorney to represent you during the appeal stage of your case.

This means:

- You have the right to hire a private attorney, and
- In certain situations, you may be eligible for a court appointed attorney to represent you.

Generally, if you had a court appointed attorney for the trial, you will continue to have a court appointed attorney for the appeal.

If the sentence you are appealing includes jail time or probation and you cannot afford to hire a private attorney, you may complete a financial statement and request a court appointed attorney. Depending upon your income and financial situation, an attorney may be appointed; your request may be denied; or you may have an attorney appointed with the requirement that you pay some amount in contribution toward the cost of the attorney's services. The procedure to apply for a court appointed attorney is set forth in Rules of Criminal Procedure, Rule 6. If you wish to consider this process, ask the clerk for further instructions.

The Appeal Process

There are two separate stages to the appeal process. The first stage begins in this court; the second stage takes place in the Pima County Superior Court. You must complete all steps at both stages, or your appeal may be dismissed. This notice does not set forth all the rules on criminal appeals. To read them entirely, you may review Title 13 of the [Arizona Revised Statutes](#), and the [Superior Court Rules of Appellate Procedure - Criminal](#) online or at the library. It is recommended that you keep a copy of all your documents and receipts during the appeal.

STAGE ONE - THE TRIAL COURT

STEP 1) File the Notice of Appeal

To appeal, you must file a “Defendant’s Notice of Appeal” with the Justice Court within 14 calendar days from the date the appealable order or final judgment is entered. If you do not file a “Defendant’s Notice of Appeal” within the time period you lose the right to appeal.

STEP 2) The Record

Within the time to Appeal you must file an original and one copy of the Designation of Record. A designation of the record is a formal list of the items in the court record that you want to include in the appeal. Pursuant to Rule 7 of the [Superior Court Rules of Appellate Procedure - Criminal](#), if you are not proceeding as an indigent you must arrange with authorized transcribers to pay any record or transcript preparation fees. In the alternative, a joint statement of the record on appeal may be prepared and signed by both the appellant and the appellee.

STEP 3) Post a Bond

THE CONDITIONS OF RELEASE PENDING APPEAL. You cannot be forced to post an appeal bond in order to exercise your right to appeal. If you have been released on your own recognizance during the trial stage of your case, this will be your status during the appeal. If the trial court required a bond during the trial stage, however, you may still be required to post this bond during the appeal to ensure your appearance at further court proceedings and to make sure you prosecute the appeal diligently.

STEP 4) File The Written Appellate Memoranda

The Appellant Memorandum is your written explanation as to why the trial court ruling was legally in error. The memorandum must be filed with the court within 60 calendar days of the deadline to file the Notice of Appeal. The memorandum should be typed or printed on letter-sized white paper, double spaced, and not to exceed 15 pages, excluding exhibits. In order to prepare your memorandum you may request the audio recording of the court proceedings by CD or downloadable link, a \$33.00 fee will be imposed. If you cannot afford to pay, ask the clerk for information about a fee waiver or deferral. You must file the original and 1 copy of the memorandum with the court. The Appellee will have 30 days to file an Appellee’s Memorandum in response.

STAGE TWO - THE SUPERIOR COURT

Step 1. Pay The Superior Court Filing Fee

Upon receipt of the Notice of Appeal from the Justice Court, Superior Court will send you a notice with their assigned case number and instructions to pay the Superior Court fee. You must pay their filing fee or your appeal may be dismissed and your case will be sent back to the Justice Court. If you cannot afford to pay the filing fee, you may contact the Superior Court for information about a possible fee waiver or deferral.

Step 2. Justice Court Submits Case To Superior Court

Upon receipt of the filing fee, the Superior Court will send a notice to the Justice Court that the appeal as been “perfected”. The Justice Court will then forward a certified copy of the case file to the Superior Court.

Step 3. Superior Court Ruling

The Superior Court has the right to affirm, dismiss or overrule the justice court’s decision, modify some of their decision or order a new trial. The Superior Court will provide copies of its ruling to all parties.

STATE OF ARIZONA
VS

**DEFENDANT'S NOTICE OF
APPEAL**

(CRIMINAL)

CASE NO.

The undersigned appeals from the final order or final judgment in the above case as follows:

Appellant understands: (1) the instructions set forth in the "Notice of Right to Appeal," including payment for a copy of the record or transcript; (2) the need to post bond to stay enforcement of the judgment unless released on "own recognizance; (3) filing an original and copy of the Appellant's Memorandum with the trial court; and (4) that failure to complete all stages in the appeal may result in the dismissal of the appeal and reinstatement of the trial court judgment.

The following address may be used for all court notices. The court will be notified in writing of any change of address. Defendant's current mailing address must be printed here, even if defendant is represented by counsel:

Street _____ Apt./Unit No. _____

City, State _____ ZIP _____

Daytime Phone () _____

Date Defendant or Attorney's Signature Bar No.

Defendant's Birth Date: _____