

## **INSTRUCTIONS FOR FILING A CRIMINAL NOTICE OF APPEAL FORM**

**NOTE:** YOU DO NOT FILE THE NOTICE OF APPEAL WITH THE APPELLATE TERM.

- 1- Fill out all the required information on the front of the notice of appeal, which includes:
- a) the caption of the case: the caption will remain the same as it is in the original court;
  - b) the location of the original court;
  - c) the name of the judge that rendered the decision;
  - d) the date of the judgment of conviction you are appealing from (not the date you are filling out the Notice of Appeal);
  - e) what you were convicted of;
  - f) what you were sentenced to;
  - g) the date of sentence;
  - h) the date of the order you are appealing (if not appealing a judgment of conviction);
  - i) the date of filing of this Notice of Appeal.
  - j) In the space indicating YOURS, write your name and address. If you are represented by an attorney, write his/her information.
  - k) In the space indicating TO, write the name and address of the prosecutor and the Trial Court. A copy of the Notice of Appeal must be sent to them in the manner explained below.

2- Once the front of the Notice of Appeal has been completely filled out, make a least two (2) copies. One copy should be kept for your records. The other copy must be served upon the prosecutor by a third party, who is not a party to the action and is 18 years of age or older. After serving a copy of the Notice of Appeal by mail, they are required to fill out an Affidavit of Service (sometimes located on the back of the Notice of Appeal). When filling out the Affidavit of Service, the server must include:

- a) the county within which the Affidavit of Service is sworn to;
- b) the server's name and address;
- c) check (A) for service on the prosecutor and must indicate the date when the Notice of Appeal was served and the address it was mailed to;
- d) the Affidavit of Service must then be signed and sworn to before a Notary Public.

**NOTE:** If the Affidavit of Service is not completely filled out the court may not accept it for filing.

3- After the Notice of Appeal and Affidavit of Service have been completely filled out, you are required to take it to the court where the case is originally from.

**NOTE:** Please be advised that filing the Notice of Appeal does not stay any proceedings. A separate motion must be made for a stay.