

## GUIDE TO TRANSMITTING RECORDS TO THE COURT OF APPEALS FOR TRIAL COURT CLERKS

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### PREPARING THE RECORD FOR TRANSMISSION

- 1) Create an Index with page numbers.
- 2) The Notice of Appeal should be in 8 ½ x 11 inch paper, signed by the attorney or pro se party and include their name (typed or printed legibly) and address.
- 3) If there are any pro se parties, either appellant or appellees, the full name and address of the pro se parties should be on the Notice of Appeal and/or the Certificate of Service.

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- 4) In addition to the Notice of Appeal, all orders, motions and sentences MUST have a legible stamped filed date.
- 5) The record MUST include the order or orders being appealed.
- 6) The judge's signature on all documents must be legible.
- 7) Again, make sure the stamped filed date is legible on all documents.

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8) All records must be attached to a record back and contain a Clerk's certificate. Each individual Notice of Appeal must be in its own back. An amended Notice of Appeal should precede the original Notice of Appeal. If there are companion or cross appeals, these must each be attached to a separate record back.

9) If a Notice of Appeal is being transmitted pursuant to an order of the Court of Appeals granting either an application for discretionary or interlocutory appeal, a copy of this Court's order granting the right to appeal MUST be included in the record.

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10) In cases in which a party is indigent (or pauper), please include the Pauper's Affidavit, Affidavit of Indigency or the order appointing counsel and include this document on the Index.

11) If any of the following motions are pending after filing of the Notice of Appeal, the record should be held in the trial court clerk's office until an order thereon has been entered.

- Motion to Dismiss
- Motion for Judgment Notwithstanding the Verdict
- Motion for New Trial
- Motion for Appointment of Counsel
- Motion in Arrest of Judgment

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12) Records being transmitted to the Court of Appeals MUST be bound at the top.

13) If records or transcripts are more than three inches thick they should be arranged in volumes so that no section will exceed three inches.

14) If video or audiotapes are requested to be transmitted in the Notice of Appeal, it is preferable to send copies rather than the original.

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- 15) Do not transmit any physical evidence that is of a dangerous nature, i.e., guns, knives, alcoholic beverages, etc.
- 16) Be sure before sending the record that it is being sent or delivered to the appropriate appellate court, the Court of Appeals or the Supreme Court.
- 17) Pages of the record should be numbered in the center bottom of record pages.

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### PREFERRED ORDER OF DOCUMENTS AND INDEX

The Index showing each and every document contained in the record with page numbers should include:

- 1) Notice of Appeal
- 2) Certificate of Service for the Notice or Appeal
- 3) Order(s) granting, denying or dismissing any Applications for Discretionary or Interlocutory Appeals.
- 4) Pauper's Affidavit, Affidavit of Indigency or Order Appointing Counsel.
- 5) Complaint, answer and other items in the record arranged in chronological order and pages numbered.

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- 6) Clerk's Certificate signed, dated and sealed.
- 7) Transcript(s), if requested, in the Notice of Appeal.
- 8) Depositions that are requested but not in the record.
- 9) Audio or videotapes which have been requested in the Notice of Appeal.

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