

January 27, 2011

HOW TO FILE A *CRIMINAL* NOTICE OF APPEAL

Prepare the *Notice of Appeal* in word processing format and convert to *PDF/OCR* format

To file the Notice of Appeal:

- Choose *Criminal* on the blue bar in CM/ECF
- Choose *Appeal Documents* found under “*Other Filings*”
- Choose the *Notice of Appeal-Final Judgment* or the *Notice of Appeal - Interlocutory* event, as appropriate. Most appeals will originate from the Final Judgment
- Enter the *case number* - you will see the following message:
If this is an INTERLOCUTORY Appeal, choose Notice of Appeal - Interlocutory instead of this event
- If there are multiple defendants, choose the appropriate defendant for your appeal
- Attach the Notice of Appeal in PDF/OCR
- Select the filer of the appeal - either the USA or the defendant
- Make sure to link the Notice of Appeal to the Order/Judgment being appealed from. In a Criminal case, it is usually the Final Judgment
- Procedural Intervals - *Move ONLY APPEALED COUNTS to P7*. These will be the counts that the defendant plead guilty to or was found guilty by a jury. You will know which counts to move as they will be in P6 (this code is found at the end of each Count on the Procedural Intervals screen). NOTE: DO NOT move count(s) in P9 - this indicates that they have been dismissed, acquitted, etc. Counts in P9 remain in P9.
- PAYMENT*: if you are filing a Notice of Appeal and you are a Federal Public Defender, CJA Counsel or the United States of America, you would answer Yes to at least one of the following questions:
 - Do you have in forma pauperis status for this appeal?
 - Are you requesting in forma pauperis status for this appeal?
 - Are you filing this appeal on behalf of the USA?
- If you paid the appeal fee via check at the clerk’s office, enter the receipt number. If you leave the receipt field blank, you will be directed to Pay.gov. If you have questions regarding Pay.gov, please consult the instructions on that process at:
www.utd.uscourts.gov/cmecf/documents/pay_gov_instructions.pdf
- When you see the final docket text box, check to make sure the information is accurate, and if so, press Next.
- The NEF (Notice of Electronic Filing) will be electronically mailed to all registered efilers for the case. If there are manual recipients (non-efilers), counsel are responsible for noticing them with the Notice of Appeal

- *QUALITY CONTROL*: The Appeals Clerk at the United States District Court for the District of Utah will quality check the appeal. Then the clerk will send the *Transmission of Preliminary Record Letter* and packet to the appellant's attorney as well as the other attorneys electronically unless they are not registered e-filers, then it will be mailed
- There are two versions of this letter:
 - Retained Counsel version
 - FPD or CJA Counsel version
- The Transcript Order Form, Letter from the Clerk of the Tenth Circuit, Docketing Statement Form and United States Court of Appeals Answers to Frequently Asked Questions may be obtained from the Tenth Circuit website at:
www.ca10.uscourts.gov
- For further questions, please call the Appeals Clerk at 801-524-6124 or the Tenth Circuit Team at 303-335-2728