

Lewis County District Court Appeal Instructions

Civil and Criminal Cases

These instructions are intended to give you an overview of the procedures to follow to appeal your case. You should also consult the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ). These govern the appeal process and can be found in the Lewis County Law Library on the second floor of the Law and Justice Building.

The following steps must be taken within 30 calendar days after the decision of the District Court.

1. What you may appeal: (RALJ 2.2)

The final decision of a District Court Judge may be appealed in the following types of cases: Civil, Criminal Traffic or Criminal Non-Traffic Matters; and Contested Hearings on an Infraction. *The law does not provide for a right to appeal after a mitigation hearing on an infraction.*

2. Starting an Appeal: (RALJ 2.4-5)

A Notice of Appeal must be filed with the District Court within 30 days after the decision of the District Court. The purpose of the Notice of Appeal is to inform the Court, the prosecutor and/or your opponent that you are asking the Superior Court to review your case.

3. Notice of Appeal: (RALJ 2.6)

Use the attached Notice of Appeal form to start your appeal. You will need the following information to complete this form:

- a. The identity of the plaintiff and defendant in the case you are appealing.
- b. Your name (as appellant), the case number, and date of the decision you are appealing.
- c. The type of case you are appealing with a description of the charge, if appropriate.
- d. A description of each decision you want reviewed.
- e. Your address and telephone number and the name, address and telephone of your attorney (if you have one); your opponent, or the attorney for your opponent; or the prosecuting attorney involved in your case.

This information is available from the court where your case was decided.

4. Filing an Appeal: (RALJ 2.4)

When you have filled out the Notice of Appeal form, take the original and two (2) copies to the District Court.

- File the original Notice of Appeal with the District Court.
- Take one copy to your opponent's attorney or the prosecutor's office. (Have your copy stamped "received" while you are there.)
- Keep the second (stamped) copy for your records.
- Pay the court filing fee.

There is a Superior Court filing fee of \$280.00 for appeals of infractions and civil cases. This fee is payable to District Court in cash, money order or by cashier's check. **Personal checks are not accepted.** No filing fee is due when a criminal case is appealed, but the filing fee may be assessed later.

Once you have filed the Notice of Appeal and paid the Superior Court filing fee, the District Court will file a copy of the Notice with the Clerk of the Superior Court.

5. Getting the Appeal Record to the Superior Court: (RALJ 2.4, 6.2 (a))

No later than 14 days after you file the Notice of Appeal, you must complete the attached Designation of the Record on Appeal form. This form tells the District Court which portions of the record you want sent to the Superior Court. You must be specific in your designation. Make two (2) copies of the completed Designation form.

- Take the original of the Designation of the Record on Appeal to the District Court.
- Take a copy of the Designation to your opponent's attorney or the prosecutor's office. (Have your copy stamped "received" while you are there.)
- Keep the second (stamped) copy for your records.

Within 14 days after you have filed the designation with the District Court, the District Court clerk will prepare the record and notify you that the record is ready to transmit. At that time, unless the fee has been waived, you will need

to pay the appeal preparation fee of \$40.00 (**no fee necessary on criminal cases**) which covers the cost of preparing and transmitting the court record to the Superior Court. This fee also covers the cost of a CD recording of your case. Additional copies are available for \$10.00 each.

Once these costs are paid, the designated record will be taken to the Superior Court. You will receive a copy of the transmittal letter.

Once the designated record is filed with the Superior Court, all further proceedings will take place in the Superior Court.

Your case will **not** automatically be set for hearing in the Superior Court. You will need to initiate some type of action in the Superior Court. For further information, you should review RALJ 7.1 - 7.2 (c).

Please note: If you do not complete the Designation of the Record on Appeal and pay the necessary fees, your appeal transcript will not be sent to the Superior Court, and the Superior Court may dismiss your appeal.

A cash bail or bond may also be required if you want to prevent enforcement of the judgment in your case. **See Section 6.**

6. Stay of Enforcement of Judgment: (RALJ 4.3)

Once a final decision has been made in the District Court, the judgment will be carried out unless a stay of enforcement of judgment is entered.

In a criminal case, you must request a stay of judgment from the Court that entered the decision. The District Court may set bail or bond at a reasonable sum, or the Court may determine that enforcement of the sentence should be stayed without cash bail or bond.

In a civil case, you must file a motion in Superior Court to stay the enforcement of the District Court judgment.

IMPORTANT:

Be sure to read carefully any documents sent to you by the Court.

If you do not file your paperwork with the Court or the prosecutor on time, your appeal may be dismissed.

These instructions are intended to provide you with an overview of the procedures for the appeal process. You should also consult the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ) which govern the appeal process. The RALJ rules are found in the County Law Library.