

DISTRICT COURT APPEALS 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 Court of Limited Jurisdiction (RALJ). These govern the appeal process and can be found in the Ferry County Law Library on the first floor of the county courthouse in Republic.

I. 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 Matters, 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.*

II. STARTING AN APPEAL (RALJ 2.4-5)

A Notice of Appeal must be filed with the District Court within 30 days after the final decision (sentence date) 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.

III. 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, the name of the court 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 number 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.*

IV. FILING AN APPEAL (RALJ 2.4)

When you filled out the Notice of Appeal form, take the original and three (3) copies to the District Court where your case took place and do the following:

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

There is a filing fee of **\$230.00** for appeals of infractions and civil cases. A **\$100.00** appeal bond must be posted as well. These fees are payable to the District Court in cash, cashiers check or money order. **NO PERSONAL CHECKS ARE 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 fees, the District Court will send a copy of the Notice to the Clerk of the Superior Court.

V. 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 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, especially in noting the tape numbers where your case can be found. Make three copies of the completed Designation form.

- Take the original and one copy of the Designation of the Record on Appeal to the District Court.
- Take a second 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 third copy for your records.

□ Pay the District Court the **\$40.00** appeal-processing fee at that time or within 10 days after the court tells you the record is ready to send. The processing fee covers the cost of preparing and transmitting the court record and up to two CD discs to the Superior Court. If additional CD's are required or if you want copies of CD's for yourself, they are available for a fee of **\$20.00** each.

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

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

VI. NOTICES

At the address you have provided the District Court, you will receive notification of your hearing dates from the Clerk of the Superior Court. This notice will include the number given your appeal by the Superior Court. Include this number on all documents you file in the Clerk's Office. This first hearing is held approximately 12 weeks after the Clerk of Superior Court receives your Notice of Appeal. The hearing is held in the Presiding Department of the Superior Court (Room 1). The purpose of the hearing is to make sure that all the briefs have been filed and the appeal is ready to be heard by a Superior Court Judge. If everything is ready, you will receive a letter telling you when the oral argument will be heard.

VII. BRIEFS (RALJ 7.2)

You must file a brief with Superior Court within 45 days of filing your Notice of Appeal. This is a written document explaining to the Superior Court what happened in the District Court and what decisions you want reviewed. You will need to indicate the CD number and counter numbers where these decisions can be found. You will be expected to point out legal authority supporting your position. Your brief should include the Superior Court case number. Your original brief and two copies should be taken to the Ferry County

Clerk's Office, Third Floor, Ferry County Courthouse, Republic. The Clerk will keep the original and stamp the other two. One copy must be served on the Prosecutor and/or your opponent's attorney who will stamp "received" on your copy. The third should be kept for your records.

VIII. STAY OF ENFORCEMENT OF JUDGEMENT (RALJ 4.3)

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

In a criminal case, you must request a stay of judgement 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 judgement.

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 in Republic.

I acknowledge receipt of a copy of these instructions and appeal form.

Dated _____

Case No. _____

Appellant

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF FERRY

_____,) No. _____
Plaintiff,)
vs) Notice of Appeal
_____,)
Defendant.)

The Appellant (print your name) _____ seeks review by the
Ferry County Superior Court of the decision reached in Ferry County District Court
under cause number _____ entered on _____ in the above
named Court. Defendants Date of Birth: _____ Copies of Notice of
Appeal have been served on all parties.
Specific errors of law claimed are: _____

Criminal (RALJ) _____

(include charge description)

Civil (RALJ) _____

Infraction (RALJ) _____

Small Claims (De Novo) _____

Other _____

Appellant or Attorney for Appellant:

Name _____

Address _____

Telephone _____

Respondent or Attorney for Respondent

Name _____

Address _____

Telephone _____

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF FERRY

_____,)
Plaintiff,)
vs)
_____,)
Defendant.)

No. _____
Designation of Record to be Transmitted
to Superior Court

TO CLERK OF COURT:

Please prepare the following documents, exhibits, and tapes for transmittal to the Superior Court.

<u>Date</u>	<u>Document Name or Tape Number</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Copies of this notice have been served on all other parties.

Dated this _____ day of _____, 200_____.

Appellant's Lawyer

Appellant's Signature

Print / Type Lawyer's Name / Bar #

Address

City, State, Zip

Print / Type Appellant's Name

Address

City, State, Zip

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF FERRY

_____,)
Plaintiff,)
vs)
_____,)
Defendant.)

No. _____
Transmittal of Record on Appeal to
Superior Court

TO THE CLERK OF SUPERIOR COURT, the record as designated by the appellant is hereby transmitted to the Superior Court.

The designation of record is attached.

Copies of this notice have been served on all other parties.

Dated this _____ day of _____, 200_____.

District Court Clerk

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF FERRY

_____,) No. _____
Plaintiff,)
vs) Notice to Clerk of Superior Court
_____,)
Defendant.)

TO THE CLERK OF SUPERIOR COURT,

Date appeal file _____

The appellant has not responded as the rules require to the following:

- _____ 1. Filing of the designation of the record as required in RALJ 6.23(a).
- _____ 2. Payment of the costs for record preparation has not been excused.
RALJ6.2(a)

The Superior Court Clerk is notified that appeal in the District Court is hereby closed.

Copies of this notice have been served on all other parties.

Dated this _____ day of _____, 200_____.

District Court Clerk

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF FERRY

_____,) No. _____
Plaintiff,)
vs) Motion, Affidavit and Order
) In Forma Pauperis
_____,)
Defendant.)

I. MOTION

- 1.1 I, _____, Petitioner herein, move the Court for an Order authorizing me to proceed In Forma Pauperis (at public expense) and direct the Clerk of the court to file my () Small Claims Action, () Civil Action, () Name Change, () Appeal from Court of Limited Jurisdiction, without payment of a filing fee.
- 1.2 The following affidavit, together with files, and records herein, is made in support of this motion.
- 1.3 I understand that any statement that I make in the following affidavit may be used against me.

Date

Signature

II. AFFIDAVIT

- 2.1 I, _____, am Petitioner / Appellant herein
- 2.2 () Small Claims Action, () Civil Action, () Name Change, () Appeal from Court of Limited Jurisdiction.
- 2.3 I am financially unable to pay a filing fee without causing substantial hardship to myself or family.
- 2.4 I declare under penalty of perjury that the following information is true and is intended to be relied upon by the court in determining my eligibility for filing at public expense.

III. FINANCIAL STATEMENT

3.1 General Information:

Name: _____

Address: _____

Social Security # _____ Date of Birth _____

Telephone Number: _____

Name and Address of your employer: _____

Occupation: _____ Length of Employment _____

Name and Address of Spouse's Employer: _____

Occupation: _____ Length of Employment: _____

(3.2) Income and Assets

Personal Gross Monthly Income _____

Spouse's Gross Monthly Income _____

Other Income _____

Cash on Hand _____

Home (cash value less amt owing) _____

Auto (cash value less amt owing) _____

Furniture (approx value) _____

Notes, Mortgages _____

Trusts, Deeds _____

Stocks, Bonds (approx value) _____

Other assets & Property _____

Persons whom you financially support:

Spouse ()

Children () Ages _____

Total _____

(3.3) Expenses and Debts

(A) Monthly Living Expense (itemize):

Rent or Mortgage _____

Food _____

Utilities _____

Transportation _____

Installment Payments _____

Medical/Dental _____

Insurance _____

Other _____

(B) Debts

Name of Creditor	Amt Owed
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Total _____

I certify under penalty of perjury under the Laws of the State of Washington that I have read the foregoing statements in the Affidavit, know the contents thereof, and believe them to be true and correct.

Dated at Republic, Washington on _____, 200_____.

Signature

IV. ORDER

It is hereby ORDERED that:

- () The petitioner is permitted to proceed without payment of the filing fee.
- () The petition is denied.

Dated _____ day of _____, 200_____.

Judge / Court Commissioner