



## Pro Se Packet

### *Filing an appeal in the Sixth District Court of Appeals Erie, Fulton, Huron, Lucas, Ottawa, Sandusky, Williams, and Wood Counties*

To properly file a timely appeal to the Sixth District Court of Appeals, you must file certain documents in the court of common pleas of the county where you were convicted, within **30 DAYS** of the date that your sentencing entry was time-stamped. This means **the court must receive the documents within 30 days**. Those documents are listed on pages 2-3 below.

If you are past the 30-day deadline, you must file a Motion for Leave to File a Delayed Appeal in the Sixth District Court of Appeals, at the same time that you file the documents listed on pages 2-3 below in the Court of Common Pleas.

Each of the documents required for a timely appeal is included in this packet. If you need to file a delayed appeal, we have a separate pro se packet that contains the necessary documents for that filing. You should fill in the forms neatly, and in pen. Each appellate court also has its own rules called Local Rules. Parts of the local appellate rules for the Sixth District are also included at the end of the packet.

#### **What is an appeal?**

An appeal is a request for review made to a higher court. Appeals are filed by a party that lost in the trial court on one or more issues. To make such a request is “to appeal” or “to take an appeal.” The person who requests the appeal is called the “appellant;” the person responding to the appeal is the “appellee.” Both the prosecutor and the defendant can appeal, although the prosecutor’s ability to appeal is limited to specific circumstances. Appeals can be made for a variety of reasons including the use of improper procedure or a court incorrectly interpreting the law. An “appellate attorney” is an attorney who works entirely, or almost entirely, on appeals.

Appeals are handled by a completely different court from the trial court that originally heard your case. While you file the paperwork to start an appeal in the trial court, this is only because the Clerk of Courts for the trial court acts as the Clerk for the appellate court as well. Your appeal will be heard by different judges in a different court – NOT your trial judge.

#### **Can I appeal my conviction?**

If you are within 30 days of the date stamped on your sentencing entry, then you may appeal “as of right.” This means that the appellate court must accept your appeal, review your issues, and write out a decision in your case. If you are past the 30-day mark, you may still be able to appeal your conviction. However, you will need to file all the necessary documents for a regular appeal *in addition to* extra documents needed to file a “delayed appeal.” A delayed appeal is more difficult than a regular, or “timely,” appeal because the appellate court is not required to accept your appeal. This means your issues might not get reviewed on appeal.



### **How do I file an appeal?**

Below you will find a list of documents. You must complete each and every one of these documents and send all of them in one package to the Clerk of Courts for the Court of Common Pleas in the county where you were convicted. Your filing package should include the original and four copies. If you cannot make the required number of copies, *send in what you have*. The 30-day deadline is more important than the number of copies requested by the appellate court. If you are able to include a postage-paid envelope addressed to you, the clerk will send a time-stamped copy of your Notice of Appeal back to you.

### **What is a Certificate of Service?**

There is a “Certificate of Service” page for almost all of the included documents. These certificates are proof to the court that you sent a copy of your documents to the prosecutor. You should send a copy of every document in your completed appeal packet to the Office of the Prosecuting Attorney in the county where you were convicted. If you cannot afford the copies and postage to send the prosecutor a copy of your notice of appeal, DO NOT fill out the certificates of service.

**The NOTICE OF APPEAL is the most important document to file within your 30-day deadline. If you are unable to obtain the required number of copies, or complete some of the documents, file the notice of appeal and what you have. It may be possible to correct those problems later.**

**On all the forms, you must write NEATLY and IN PEN.**

**If you can't fill in some of the blanks on the forms, fill out as much as you are able.**

- **Notice of appeal**

- A time-stamped copy of your sentencing entry **MUST** be attached to your notice of appeal. You may write to the clerk of courts, enclose a self-addressed, postage-paid envelope, and ask that the clerk send you a copy, or you may contact a family member or friend to obtain a copy from the clerk's office in your county.
- Fill in the blanks on the forms.
- Fill in the “Case No. \_\_\_\_\_” with your trial court number. If you have more than one case number, include each, but only if the cases are from the same county. If you have more than one sentencing entry you must file a separate notice of appeal for each entry. If you have cases in different counties, you must file an appeal in each county.

- **Affidavit of Indigency**

- You must fill in the blanks on the affidavit, and sign it in the presence of a notary public. Ask your unit staff how to access a notary.

- **Motion for Appointment of Counsel**

- Fill in the blanks with as much information as you know. Write neatly in pen. Fill out the top part only of the Journal Entry (everything above the heading that reads “Journal Entry”). Do not sign. This is only for the Judge to sign.

- **Motion for Preparation of Complete Transcript of Proceedings at State Expense**
  - Fill in the blanks with as much information as you know. Write neatly in pen. Fill out the top part only of the Journal Entry (everything above the heading that reads “Journal Entry”). Do not sign. This is only for the Judge to sign.
  
- **Statement, Praecipe and Notice to Court Reporter**
  - Fill in the blanks with as much information as you know.
  
- **Praecipe**
  - Fill in the blanks with as much information as you know. Write neatly in pen.
  
- **Docketing Statement**
  - Fill in the blanks with as much information as you know. Depending on your case, fill out Sections 1-3 if Criminal and Sections 4-7 if Civil. Write neatly in pen.

Once each of these documents and their corresponding certificates of service are completed and signed, you will need to make copies. You must send the original documents, plus four copies of each, to the Clerk of Courts in the county where you were convicted. If you include a postage-paid envelope addressed to you, the clerk will return time-stamped copies of each document back to you.

You **MUST** send a copy of every document to the Office of the Prosecuting Attorney in the county where you were convicted. There is a “Certificate of Service” page after each document, which confirms that you sent a copy of the document to the prosecutor. On the Certificate of Service page, fill in the date that you mail the document.

Revised 4/24/2024

IN THE COURT OF COMMON PLEAS  
\_\_\_\_\_ COUNTY, OHIO

STATE OF OHIO, :  
 :  
 Plaintiff-Appellee, : Case No. \_\_\_\_\_  
 :  
 vs. :  
 :  
 \_\_\_\_\_, : JUDGE \_\_\_\_\_  
 :  
 Defendant-Appellant. :

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**NOTICE OF APPEAL**

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\_\_\_\_\_ hereby gives notice of an appeal to the Sixth District Court  
of Appeals, \_\_\_\_\_ County, Ohio, from the judgment entry of conviction, entered in this  
court on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

Respectfully submitted,

\_\_\_\_\_  
DEFENDANT-APPELLANT, PRO SE

\_\_\_\_\_  
Inmate Number/Institution

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, and Zip Code

**CERTIFICATE OF SERVICE**

I certify a copy of the foregoing NOTICE OF APPEAL has been sent by regular U.S. mail to the office of the \_\_\_\_\_ County Prosecutor this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mailed to:

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT-APPELLANT, PRO SE

IN THE COURT OF COMMON PLEAS  
\_\_\_\_\_ COUNTY, OHIO

STATE OF OHIO, :  
 :  
 Plaintiff-Appellee, : Case No. \_\_\_\_\_  
 :  
 vs. :  
 :  
 \_\_\_\_\_, : JUDGE \_\_\_\_\_  
 :  
 Defendant-Appellant. :

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**AFFIDAVIT OF INDIGENCY**

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I, \_\_\_\_\_, do hereby solemnly swear that I have presently this  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_, no means of financial support and no assets of any value and,  
therefore, cannot secure costs to pay for any legal services, fees or costs in the above-styled case.

\_\_\_\_\_  
DEFENDANT-APPELLANT, PRO SE

Sworn to and subscribed in my presence this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

IN THE COURT OF COMMON PLEAS  
\_\_\_\_\_ COUNTY, OHIO

STATE OF OHIO, :  
 :  
 Plaintiff-Appellee, : Case No. \_\_\_\_\_  
 :  
 vs. :  
 :  
 \_\_\_\_\_, : JUDGE \_\_\_\_\_  
 :  
 Defendant-Appellant. :

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**MOTION FOR APPOINTMENT OF COUNSEL**

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\_\_\_\_\_ moves this court to appoint appellate counsel in the above-captioned case. The Federal Constitution does not obligate states to provide an opportunity to appeal in criminal cases. *McKane v. Durston*, 153 U.S. 684, 687 (1894). If a state chooses to create such a right to review, however, it must employ procedures that satisfy due process and equal protection. *Evitts v. Lucey*, 469 U.S. 387, 393 (1985). If the state provides the right to appellate review, it may not “bolt the door to equal justice.” *Halbert v. Michigan*, 545 U.S. 605, 610 (2005) quoting *Griffin v. Illinois*, 351 U.S. 12, 24 (1956) (Frankfurter, J., concurring in judgment). When a state provides a first appeal as of right, it must also provide counsel. *Douglas v. California*, 372 U.S. 353 (1963).

Ohio has undertaken to provide a process of appellate review through its constitution, statutes, and rules. Although the Ohio Constitution does not expressly provide for a “right” to appeal, Ohio Const., art. IV, § 3(B)(1)(f) provides for the establishment of an appellate court system with jurisdiction “[i]n any cause on review as may be necessary to its complete determination.” Moreover, § (3)(B)(2) provides that “[c]ourts of appeals shall have such

jurisdiction as may be provided by law to review and affirm, modify, or reverse judgments or final orders of the courts of record inferior to the court of appeals...”

Ohio has also established a statutory right to appeal. R.C. 2505.03 provides that every final order, judgment, or decree of a court and, when provided by law, the final order of any administrative officer, agency, board, department, tribunal, commission, or other instrumentality, may be reviewed unless otherwise provided by law. R.C. 2953.02 authorizes appellate courts to review, in criminal cases, the “judgment or final order” of an inferior court. Finally, R.C. 2953.08 provides that “[i]n addition to any other right to appeal[,]” a person who is convicted of or pleads guilty to a felony may appeal as a matter of right the sentence imposed under listed circumstances.

App.R. 3(A) makes every litigant entitled to an appeal as of right by filing a notice of appeal within the time allowed by App.R. 4. Crim.R. 32 specifically provides the court must notify a person convicted of an offense of the right to appeal (1) a conviction after imposition of sentence in a serious offense that has gone to trial or, (2) the sentence imposed, under certain circumstances, and in both instances the right to counsel and transcript at state expense. And in conjunction, Crim.R. 44 provides for the appointment of counsel on an appeal of right unless waived.

Having so established a framework establishing the right to appeal a criminal conviction, Ohio is subject to the constitutional requirements of *Griffin* and its progeny, including the right to counsel set forth in *Douglas*. As attested by the accompanying Affidavit of Indigency, I am unable to retain counsel and requests the services of counsel at state expense.



Respectfully submitted,

\_\_\_\_\_  
DEFENDANT-APPELLANT, PRO SE

\_\_\_\_\_  
Inmate Number/Institution

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, and Zip Code

**CERTIFICATE OF SERVICE**

I certify a copy of the foregoing MOTION FOR APPOINTMENT OF COUNSEL has been sent by regular U.S. mail to the office of the \_\_\_\_\_ County Prosecutor this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mailed to:

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT-APPELLANT, PRO SE

IN THE COURT OF COMMON PLEAS  
\_\_\_\_\_ COUNTY, OHIO

STATE OF OHIO, :  
 :  
 Plaintiff-Appellee, : Case No. \_\_\_\_\_  
 :  
 vs. :  
 :  
 \_\_\_\_\_, : JUDGE \_\_\_\_\_  
 :  
 Defendant-Appellant. :

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**JOURNAL ENTRY**

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On motion of the Defendant-Appellant and for good cause shown, it is hereby ORDERED that the motion for appointment of counsel is granted and \_\_\_\_\_ is hereby appointed for purposes of appeal.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE

IN THE COURT OF COMMON PLEAS  
\_\_\_\_\_ COUNTY, OHIO

STATE OF OHIO, :  
 :  
 Plaintiff-Appellee, : Case No. \_\_\_\_\_  
 :  
 vs. :  
 :  
 \_\_\_\_\_, : JUDGE \_\_\_\_\_  
 :  
 Defendant-Appellant. :

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**MOTION FOR PREPARATION OF COMPLETE TRANSCRIPT  
OF PROCEEDINGS AT STATE EXPENSE**

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\_\_\_\_\_ moves this court for an order directing the official court reporter, at state expense, to prepare and file a **complete** transcript of the proceedings in the above-styled case and to furnish a copy thereof to counsel. The transcript shall include: all plea and pretrial proceedings; all trial proceedings, including voir dire, opening statements, bench conferences, jury instructions, and closing arguments; and all post-trial and sentencing proceedings.

This transcript is necessary to the effective pursuit of this appeal as of right to the court of appeals. I am indigent and lack the resources to pay the cost of preparing the transcript, and therefore am entitled to a complete transcript of proceedings at state expense. *Griffin v. Illinois*, 351 U.S. 12 (1956).

Indigent defendants in the State of Ohio are constitutionally entitled to adequate and effective appellate review. *Id.* at 19; *Mayer v. Chicago*, 404 U.S. 189, 194 (1971). This review is “impossible without a trial transcript or adequate substitute.” *Bounds v. Smith*, 430 U.S. 817, 822 (1977). Thus, “there can be no doubt that the state must provide an indigent defendant with a

transcript of prior proceedings when that transcript is needed for an effective defense or appeal.” *Britt v. North Carolina*, 404 U.S. 226, 227 (1971). *Accord, State v. Arrington*, 42 Ohio St.2d 114 (1975), paragraph one of the syllabus. In addition, the Supreme Court of Ohio has determined that art. I, § 16 of the Ohio Const. ensures a criminal defendant-appellant the availability of an unabridged transcript of proceedings. *State ex rel. Spirko v. Court of Appeals*, 27 Ohio St.3d 13, 17 (1986).

I am without resources and am unable to pay the cost of preparing a transcript and am entitled to the preparation of a complete transcript at state expense. I move this court for an order directing the court reporter to provide a copy of that transcript to appointed counsel at state expense.

Respectfully submitted,

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DEFENDANT-APPELLANT, PRO SE

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Inmate Number/Institution

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Address

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City, State, and Zip Code

**CERTIFICATE OF SERVICE**

I certify a copy of the foregoing MOTION FOR PREPARATION OF COMPLETE TRANSCRIPT OF PROCEEDINGS AT STATE EXPENSE has been sent by regular U.S. mail to the office of the \_\_\_\_\_ County Prosecutor this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mailed to:

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT-APPELLANT, PRO SE

IN THE COURT OF COMMON PLEAS  
\_\_\_\_\_ COUNTY, OHIO

STATE OF OHIO, :  
 :  
 Plaintiff-Appellee, : Case No. \_\_\_\_\_  
 :  
 vs. :  
 :  
 \_\_\_\_\_, : JUDGE \_\_\_\_\_  
 :  
 Defendant-Appellant. :

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**JOURNAL ENTRY**

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On motion of the Defendant-Appellant and for good cause shown, it is hereby ordered that the motion for preparation of complete transcript of proceedings at state expense is granted.

The court hereby orders the court reporter to prepare, at state expense, the transcript of the above-captioned case, and to provide a copy to appointed counsel at state expense, within 40 days of the date on which the notice of appeal was filed. The original should be filed with the clerk and a copy forwarded to appointed counsel.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE

IN THE COURT OF COMMON PLEAS  
\_\_\_\_\_ COUNTY, OHIO

STATE OF OHIO, :  
 :  
 Plaintiff-Appellee, : Case No. \_\_\_\_\_  
 :  
 vs. :  
 :  
 \_\_\_\_\_, : JUDGE \_\_\_\_\_  
 :  
 Defendant-Appellant. :

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**STATEMENT, PRAECIPE AND NOTICE TO COURT REPORTER**

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**TO THE APPELLEE:**

\_\_\_\_\_ hereby states an intention to include in the record a complete transcript of the trial proceedings, including opening statements, evidence, and final arguments, **including voir dire**.

**TO THE CLERK:**

Immediately prepare and assemble the original papers and exhibits filed in the court and a certified copy of the docket and journal entries. As a complete transcript of proceedings will be included by the Defendant-Appellant as part of the record to portray the assignment of error, do not transmit these documents to the clerk of the court of appeals of this county for filing in that court until the complete transcript of proceedings has been delivered to you by the court reporter. At that time you will transmit the documents prepared and assembled by you and the complete transcript of proceedings delivered to you by the undersigned to the clerk of the court of appeals for filing as the record on appeal. In the event that the undersigned does not furnish you with the complete transcript of proceedings within forty days after the filing of the notice of appeal, or within any proper extension of the time for transmission of the record, as prescribed by the

Appellate Rules or the Local Appellate Rules, then upon such fortieth day or upon the last day of any proper extension of the time for transmission of the record, you shall transmit the documents prepared and assembled by you to the clerk of the court of appeals, without such transcript of proceedings, for filing as the record on appeal.

**TO THE COURT REPORTER:**

Please prepare a transcript of the proceedings that were heard on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Judge \_\_\_\_\_ in this case. **Also, in the event there are prior or subsequent hearings related to the above listed hearings, please prepare a transcript of those proceedings as well.** Notify appellate counsel when completed.

Respectfully submitted,

\_\_\_\_\_  
DEFENDANT-APPELLANT, PRO SE

\_\_\_\_\_  
Inmate Number/Institution

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, and Zip Code



**CERTIFICATE OF SERVICE**

I certify a copy of the foregoing STATEMENT, PRAECIPE AND NOTICE TO COURT REPORTER has been sent by regular U.S. mail to the office of the \_\_\_\_\_ County Prosecutor this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mailed to:

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT-APPELLANT, PRO SE

IN THE COURT OF COMMON PLEAS  
\_\_\_\_\_ COUNTY, OHIO

\_\_\_\_\_

Trial Court Case No. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Appell\_\_\_\_\_

Court of Appeals Case No. \_\_\_\_\_

v.

\_\_\_\_\_

**PRAECIPE**

Pursuant to 6th Dist. Loc.App.R. 3(B)

\_\_\_\_\_  
Defendant/Appell\_\_

**TO THE CLERK OF THE TRIAL COURT:**

Please prepare and assemble all of the original papers and exhibits thereto filed in the trial court in this case and a certified copy of the docket and journal entries, pursuant to App.R. 9(A).

YES  NO  This is a criminal appeal of a sentence.

YES  NO  A presentence, psychiatric, or other investigative report was submitted to the court in writing before the sentence was imposed.

If yes to both, pursuant to R.C. 2953.08(F)(1), the clerk is instructed to include in the record of this case **under seal** any presentence, psychiatric, or other investigative report that was submitted to the court in writing before the sentence was imposed.

In addition, the record in this appeal will:

1. Include, in a juvenile bindover case, the trial court record, including the transcript of \_\_\_\_\_ in case Number \_\_\_\_\_.  
(date)

2. Include a complete transcript pursuant to App.R. 9(B).\*

A. List here the dates of all hearings and/or trials to be transcribed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Include partial transcript pursuant to App.R. 9(B).\*

a. Enumerate here the segments of the trial and/or hearings to be transcribed pursuant to 6th Dist.Loc.App.R. 3(B). State specifically the trial or hearing dates, the type of hearing and the segments you want transcribed.

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4. Include a statement of evidence or proceedings pursuant to App.R. 9(C) (no report (i.e., record of testimony) made or no transcript available).
5. Include an agreed statement pursuant to App.R. 9(D).
6. Not include a transcript, or other substitute for a transcript.

\_\_\_\_\_  
Name of Attorney or Pro Se Party

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Attorney for \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Ohio Supreme Court Registration Number

\*If a transcript is to be prepared and included in the record on appeal, counsel for appellant must have the court reporter complete the certification below before filing this praecipe. If the court reporter indicates that it will take longer than 20/40 days to prepare the transcript, you are not relieved of the obligation to file a motion for extension of time to file the record. If the transcript has already been prepared and filed, appellant shall sign the statement under the court reporter's certification.

**TO THE COURT REPORTER**

Please complete this certification with your best estimates of the length of the transcript and time you will need to prepare it. If the transcript is not prepared within the time limit for filing the record on appeal, the record will be filed without the transcript unless an extension of time is obtained by the party. Your statement that it will take longer than 20/40 days to prepare the transcript does not relieve you of the obligation to contact the party to file a motion for an extension of time to file the record.

**COURT REPORTER’S CERTIFICATION**

The transcript as ordered consists of approximately \_\_\_\_\_ pages. I estimate that \_\_\_\_\_ days will be needed to prepare the transcript for filing.

Date \_\_\_\_\_

\_\_\_\_\_  
Court Reporter’s Name (Please Print Name)

\_\_\_\_\_  
Court Reporter’s Signature – date signed

\_\_\_\_\_  
(Agency)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Phone Number)

\_\_\_\_\_  
Court Reporter’s email address

**FOR THE ATTORNEY**

The transcript has already been prepared and filed.

\_\_\_\_\_  
Signature of appellant’s attorney  
(or pro se appellant)

IN THE COURT OF COMMON PLEAS  
\_\_\_\_\_ COUNTY, OHIO

\_\_\_\_\_

Trial Court Case No. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Appell\_\_

Court of Appeals Case No. \_\_\_\_\_

v.

Date Trial Court's Judgment Entry being  
appealed was entered on the journal:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Defendant/Appell\_\_

**DOCKETING STATEMENT**  
Pursuant to App.R. 3(F), 6th Dist. Loc.  
App.R. 3(C) and 12(A)

1. This appeal should be assigned to:

The expedited calendar for the reason checked:

(See App.R. 11.2/R.C. 3109.04(H))

- A. Abortion related appeal.
- B. Appeal from order granting or denying adoption of minor or granting or denying termination of parental rights.
- C. Appeal concerning dependent, abused, neglected, unruly, delinquent child.
- D. Prosecutorial appeal from suppression order.

The accelerated calendar for the reason checked:

(See App.R. 11.1 and 3(G) as well as 6th Dist. Loc.App.R. 12)

- A. No transcript is required.
- B. The transcript is such length that its preparation time will not be a source of delay. (The transcript in an accelerated appeal is to be filed withing 20 days of filing the notice of appeal. See App.R. 10(A).)
- C. An agreed statement will be submitted within 20 days.
- D. The record was made in an administrative hearing and was filed with the trial court.
- E. All parties to the appeal (as shown by the attached statement) agree to an assignment to the accelerated calendar.

The regular calendar for reason(s) checked:

- A. The transcript is of such length that its preparation time will take more than 20 days from the date the notice of appeal is filed.
- B. A brief in excess of 15 pages is necessary to adequately argue the issues.
- C. The appeal concerns unique issues of law which will be of substantial precedential value in the determination of similar cases.
- D. Other: \_\_\_\_\_

\_\_\_\_\_

2. Probable issues for review:

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3. Has a notice of appeal been previously filed in this court concerning this case or a related case?

Yes       No

If so, what was the previous appellate case number? \_\_\_\_\_

(QUESTIONS 4 THROUGH 8 APPLY TO CIVIL AND ADMINISTRATIVE APPEALS ONLY)

4. Nature of Case: (for example: Personal injury (slip and fall); administrative appeal (zoning); termination of parental rights; probate (will contest); breach of contract; malpractice (legal); etc.)

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5. Does the appeal depend on an interpretation or application of a particular case(s) or statute(s)

Yes       No      If yes, please cite case(s) or statute(s) \_\_\_\_\_

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6. How would you characterize the extent of your settlement discussions prior to judgment in the trial court?

None       Minimal       Moderate       Extensive

7. Have post-judgment settlement discussions taken place?

Yes       No

8. Would a mediation pursuant to 6th Dist.Loc.App.R., 13 be of any assistance in the resolution of this matter?\*\*\*

Yes       No       Maybe      Please explain (optional). \_\_\_\_\_

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\_\_\_\_\_  
(Name)

Attorney for \_\_\_\_\_

\_\_\_\_\_  
(Address, telephone number)

\_\_\_\_\_  
(Supreme Court Registration Number)

\*THE PRIMARY PURPOSE OF A MEDIATION IS TO HELP THE PARTIES EXPLORE POSSIBILITIES FOR SETTLEMENT OF THE CASE BEFORE INCURRING ADDITIONAL EXPENSES.

## *Selected Local Rules of the Sixth District Court of Appeals*

*Annotations current through April 26, 2023*

**The Ohio Rules of Appellate Procedure (available in the library) govern the process of a direct appeal from a trial court entry to the court of appeals. In addition to those rules, the following are a selection of *local rules specific to your appellate district.***

### **RULE 2. EXTENSION OF TIME FOR TRANSMITTING RECORD**

Prior to the date that the record is originally due to be filed, a motion for extension of time to transmit the record must be filed in the court of appeals. See App.R. 10(C). The time for transmitting the record shall not be extended for any period of time by this court in appeals involving adoption of a minor child; termination of parental rights; dependent, neglected, unruly or delinquent children; those assigned to the accelerated calendar; and any criminal appeal by the state, except in extraordinary circumstances.

### **RULE 3. NOTICE OF APPEAL, PRAECIPE AND DOCKETING STATEMENT**

#### (A) Notice of Appeal.

The notice of appeal shall have attached to it a copy of the judgment or order from which the appeal is taken, signed by the trial court judge and indicating the date the judgment or order was entered on the journal. Failure to attach the final judgment entry or order may be grounds for dismissal.

#### (1) Consolidated Appeals.

If appealing from a judgment that has more than one trial court case number and the cases were not consolidated by the trial court, a party must file a separate notice of appeal for each trial court case number. A party is required to file only one notice of appeal from a judgment entered in cases which were consolidated in the trial court. The notice of appeal must list all consolidated trial court case numbers.

#### (2) Amending the Notice of Appeal.

Where leave of court is required under Ohio App.R. 3(F), an Amended Notice of Appeal shall accompany a motion for leave to file an Amended Notice of Appeal. Any party may file a response in opposition to the motion within three days after service of the motion.

#### (B) Praecipe.

A party shall file, with the notice of appeal, a fully completed praecipe, directing the clerk of the trial court to prepare a record of the original papers and exhibits thereto, and a certified copy of the docket and journal entries as specified in App.R. 9(A). The praecipe shall state whether the record will contain a transcript of proceedings pursuant to App.R. 9(B), or a statement pursuant to

App.R. 9(C) or (D). If a party has filed a praecipe, a subsequent party filing an appeal need not file a praecipe unless the party requests additional parts of the record. If the record will contain a transcript of proceedings, the party shall take the praecipe to the court reporter who shall complete and sign the “court reporter’s certification” at the end of the praecipe. A court reporter’s certification that it will take longer than 40 days to prepare a transcript does not relieve the party of the obligation to get an extension of time to file the record. The court reporter who completes and signs the certification shall be the same individual who prepares the transcript of proceedings. The clerk of the trial court will provide the praecipe form required by this court. This form is also available in pdf format on the Ohio Sixth District Court of Appeals webpage at the “Forms” tab. If a party designates in the praecipe that the record will include a transcript of proceedings, the party shall specify and enumerate with particularity those segments of the trial or hearing (i.e., voir dire, opening statements, testimony, closing arguments, charge of court, etc.), to be transcribed. If a transcript of proceedings is to be filed in accordance with App.R. 9(B), a copy of the notice of appeal with the praecipe shall be served by the clerk of the trial court upon the court reporter. The party requesting a transcript of proceedings is responsible for contacting the court reporter to order the transcript of proceedings. The court reporter shall prepare only those portions of the transcript enumerated in the praecipe, subject to being made secure in the payment of his or her fees. If a praecipe is required and is not filed with the notice of appeal in the trial court, it may be grounds for dismissal of the appeal.

(C) Docketing Statement.

A party shall file a docketing statement with the notice of appeal or cross-appeal. The purpose of the docketing statement is to determine whether an appeal will be assigned to the accelerated or regular calendar and the suitability of the appeal for a mediation. The clerk of the trial court will provide the docketing statement form required by this court. This form is also available in pdf format on the Ohio Sixth District Court of Appeals webpage at the “Forms” tab. If a party fails to file a docketing statement with the notice of appeal in the trial court, it may be grounds for dismissal of the appeal.

(D) Number and Transmittal of Copies.

A party shall file with the trial court clerk an original and a sufficient number of copies of the notice of appeal (with a copy of the judgment entry from which the appeal is taken attached), praecipe and docketing statement to enable the clerk to transmit them as follows. Immediately upon receipt and in no event later than the next business day, the trial court clerk shall: (1) place the original documents in the case jacket and keep one copy for his or her discretionary use; (2) transmit 2 copies to the clerk of the court of appeals, along with the costs deposit and 2 copies of the trial court’s appearance docket; (3) transmit one copy to the court reporter if a transcript of proceedings has been ordered; and (4) serve one copy on each counsel of record and each unrepresented party.

**RULE 5. TIME FOR FILING BRIEFS**

(A) Extensions.

The time for filing briefs as provided by App.R. 11.1(C), 11.2(B)(3)(c) and 18; and 6th Dist.Loc.App.R. 11 and 12(B) is mandatory. In appeals involving adoption of a minor child;



termination of parental rights; dependent, neglected, unruly or delinquent children; those assigned to the accelerated calendar; and any criminal appeal by the state, the time for filing briefs shall not be extended for any period of time except in extraordinary circumstances. In all other appeals, either party, upon timely motion, may be granted one automatic extension not to exceed 10 days (or an extension of more than 10 days for good cause shown) for filing any brief. Extensions to file briefs subsequent to the first extension will only be granted for good cause shown.

(B) Effect of Failure to File Briefs Timely.

If the appellant/cross-appellant fails to timely file the assignments of error and brief, the court may dismiss the appeal/cross-appeal without prior notice. If an appellee files a brief late, the brief may be stricken. If appellee's brief is stricken or not filed, appellee will not be allowed to participate in oral argument on the merits.

**RULE 10. BRIEFS**

(A) Filing, Number and Length of Briefs.

All parties shall file an original and 4 copies of their briefs.

Initial briefs of appellant and appellee, and reply briefs shall not exceed the limitations in App.R. 19(A). Reply briefs are not permitted in accelerated calendar appeals except with leave of court. All page limits are exclusive of the table of contents, lists of authorities, and appendix. For good cause shown, the court may grant a party's motion for leave to file a brief in excess of the page limitation. The motion shall specify the number of extra pages requested and the reasons extra pages are required.

(B) General Requirements.

The body text of a brief must be set in a plain legible typeface of at least 12 points, such as Times New Roman or Arial. Footnotes are discouraged but when necessary must be set in the same typeface as the body text of no less than 12 points. The body of the text of a brief and footnotes must be double-spaced, but quotations of fifty words or more may be single spaced and blocked. The excessive use of single spaced block quotations to meet page limitations for briefs, i.e., reduced font size or condensed type style, shall result in a brief being stricken sua sponte.

(C) Citations.

Reference to the record must include reference to the volumes and page number of transcript. Juveniles shall be referred to by means of the juvenile's initials, or a generic term or abbreviation such as "child," however, this does not apply to juveniles who have been bound over to the court of common pleas and convicted of criminal charges. Victims of criminal offenses shall be referred to by the victim's initials or a generic term or abbreviation such as "Victim 1" or V1. Case citations and other legal authorities must appear in the text of the argument after the point of law for which the case or legal authority is cited, NOT in a footnote, and must include the volume and page number of the case, and the particular page or paragraph number where the point of law is found. Citations shall conform to the Writing Manual A Guide to Citations, Style, and Judicial Opinion Writing issued by the Supreme Court of Ohio (2013).

(D) Contents of Briefs.

Reply briefs shall be restricted to matters in rebuttal of appellee's brief. It is not necessary to include copies of any cases cited in the briefs. An official citation shall be used in the table of cases. In addition to the requirements of App.R. 16, the appendix of appellant's brief shall contain a copy of the judgment entry from which the appeal is taken. If the parties to the appeal base their arguments for or against reversal of the trial court judgment on a contract in a civil or administrative action, the parties shall include a copy of that contract in their appendix. If the contract is voluminous, the parties may file a motion with the court seeking to waive this requirement. The motion shall state the length of the contract and/or any other ground for which the party seeks waiver.

(E) Appendix.

When the appendix to a brief contains three or more items, each item must be separately identified by consecutive numbers or letters or by name of the document and referred to in the brief by the corresponding number, letter or name.

(F) Non-conforming Briefs.

A brief not prepared in accordance with this rule, as well as App.Rs. 16 and 19, may be stricken. The court may permit a party to file a revised brief which conforms to the rules.

**RULE 14. APPOINTMENT OF COUNSEL**

(A) Request for counsel.

Except in appeals filed pursuant to App.R. 5(A) Delayed Appeals, requests for appointment of counsel and a transcript of proceedings at state expense shall be made in the first instance in the trial court. If the request is denied by the trial court, a subsequent motion may be filed in the court of appeals.

(B) Selection of counsel.

The court shall maintain a list of qualified attorneys who have notified the court of their interest in serving as appointed counsel. Counsel shall be selected in a continual rotation from a list maintained by the court, except that the court may consider the experience and expertise of counsel in making an appointment.

The court shall keep a record of all counsel appointments made in each calendar year and shall annually review that record to assure that appointments are equitably distributed among counsel on the appointment list.