

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Representing [] Self or [] Lawyer for _____
Lawyer's Bar Number: _____

For Clerk's Use Only

_____ **COURT OF ARIZONA**
IN _____ **COUNTY**

STATE OF ARIZONA

Case Number: _____

-vs-

**DEFENDANT'S NOTICE OF RIGHT
TO APPEAL
(CIVIL TRAFFIC / CIVIL BOATING /
CIVIL MARIJUANA / PARKING OR
STANDING)**

Defendant

A party may appeal a final order or final judgment entered in a civil traffic, civil boating, civil marijuana, or parking or standing case. This notice explains your rights and responsibilities to file an appeal from such an order or judgment.

There are two separate stages to the appeal process. The first stage begins in this court; the second stage takes place in the county superior court. Remember, you must complete all steps at both stages, or you run the risk of having your appeal dismissed. This notice does not set forth all the rules on appeals. To read them entirely, you may review at the library the Arizona statutes and rules of court procedure for civil traffic, civil boating, civil marijuana, and parking or standing violations. It is recommended that you keep a copy of all your documents and receipts during the appeal.

STAGE ONE—TRIAL COURT

(A) **THE NOTICE OF APPEAL.** To appeal, you must file a "Notice of Appeal" with the trial court clerk within 14 calendar days from the date of the final order or final judgment. If you do not file a "Notice of Appeal" within these 14 days, you lose the right to appeal.

(B) **THE RECORD.** On or before the 14-day deadline to appeal, you must also pay for a copy of the proceedings at the hearing. The copy may be a recording or a transcript. The clerk will explain

which type of record is required. Payment must be in cash or other method explained by the clerk. If you cannot afford to pay for the record, ask the clerk for information about a waiver or extension (“deferral”) to make payment later. If you fail to pay for the record or transcript, your appeal may be dismissed. Additional copies of the hearing may be obtained for an additional charge.

- (C) **POSTING A BOND ON APPEAL TO STAY JUDGMENT.** You cannot be forced to post a bond in order to exercise your right to appeal. However, the civil judgment normally includes a monetary sanction or penalty and, for moving traffic violations, points on your license. In some traffic cases, the court may have suspended your license or registration as part of its decision. These penalties are NOT stopped just because you have filed a timely notice of appeal. In order to stop these penalties from being imposed while your appeal is pending, you must “post bond” with the trial court. The amount of the bond is the total amount of the sanction or penalty ordered by the court unless the trial court orders that the bond be reduced or waived. If you do not post bond to stay enforcement, then the order to pay is still in force and must be complied with.
- (D) **THE WRITTEN APPELLATE MEMORANDUM.** Within a few days after you have paid for the record to be prepared, the court will contact you to pick up your record. You will need the record for this next step—the “Appellate Memorandum.” The appellate memorandum is your written “brief” or explanation why the trial court ruling was legally wrong. Normally, the memorandum will refer to specific portions of the record of the hearing to point out where there was error by the court. (That is why a party who appeals pays for a copy of the record.) The memorandum should be typed or printed on letter-sized white paper, double spaced, and not exceed 15 pages in length, plus any exhibits from your hearing you want to attach to the memorandum.
- (E) **FILING THE APPELLATE MEMORANDUM WITHIN 60 DAYS.** The appellate memorandum must be filed with the court within 60 calendar days of the deadline to file the notice of appeal. You must file the original and 1 copy of the memorandum with the court. (The other side then has 30 days to file an “Appellee’s Memorandum.”)
- (F) **WAIT FOR FURTHER INSTRUCTIONS.** Once the memorandum has been filed, you should await further instructions from the superior court as outlined in the next stage. To keep you informed, remember that the trial court must have your current mailing address at all times. Even if you hire an attorney, your address is still required for legal notifications.

STAGE 2—THE SUPERIOR COURT

- (G) **PAYING THE SUPERIOR COURT FILING FEE.** If you have completed all of the first stage, your case moves to the superior court where an appeals judge will look at the case. About 60 days after you file your memorandum, you will receive a notice from the superior court. This notice will (1) assign a superior court case number to use in all further correspondence, and (2) instruct you to pay the superior court appeal filing fee. You must pay this filing fee or your appeal may be dismissed and your case sent back to the trial court. Again, if you cannot afford to pay the filing fee, contact

the superior court clerk for information about a waiver or extension (“deferral”) to make payment later.

(H) SUPERIOR COURT ACTION ON THE APPEAL. If you have now completed all these steps, you will receive a ruling from the superior court. The superior court can affirm the trial court, overrule the trial court, modify some of the trial court decision, or, if record is not clear, order a new trial in the superior court. If the final outcome of your case is that the ruling stands, or if your appeal is dismissed for any other reason, remember that the court may apply any bond, deposit, or payments already made and that you may have to return to the trial court to be given other instructions in person.

I acknowledge receipt of a copy of this Notice.

Dated: _____

Defendant’s signature