

CLARK COUNTY DISTRICT COURT

APPEAL INSTRUCTIONS
For 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 Law Library on the first floor of the Clark County Courthouse.

I. WHAT YOU MAY APPEAL: (RALJ 2.2)

The final decision of a District/Municipal Court Judge may be appealed in the following types of cases: Civil Matters; Criminal Traffic or Criminal Non-Traffic; 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 in the District Court within 30 days after the decision of that 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 **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 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.

IV. ORDER OF INDIGENCY AND APPOINTMENT OF ATTORNEY: (RALJ 2.6)

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

This information is available from the District Court.

IV. FILING AN APPEAL: (RALJ 2.4)

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

- ◆ File the original Notice of Appeal and one (1) copy with the District/Municipal Court.
- ◆ Take the second copy 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 court filing fee

There is a filing fee of \$280.00 for appeals of infractions and civil cases. This fee is payable to the District Court in cash or by cashier's 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. Please note that for small claims cases, the appellant must post a bond (cash or surety) in a sum equal to twice the amount of the judgment with costs, or twice the amount in controversy, whichever is greater, in District Court.

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

V. GETTING THE APPEAL RECORD TO THE SUPERIOR COURT: (RALJ 6.2(a), 6.3, 6.3A)

No later than 14 days after filing the Notice of Appeal, you must complete **Designation of the Record on Appeal** form. This form tells the District Court which portions of the record you want to send to Superior Court. You must be specific in your designation: you are encouraged to designate only documents and exhibits needed to review the issues you are presenting to Superior Court. Make three (3) copies of the completed Designation form.

- ◆ Take the original and one (1) copy of the Designation of the Record on Appeal to the District Court.

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- ◆ 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 appeal preparation fee at that time, or within 10 days after the Court tells you the record is ready to send to Superior Court.

Fees & Costs: The preparation fee is \$40.00 which covers the costs of preparing and transmitting the Court record. In addition, you are responsible for transcribing those portions of the electronic recording of the court proceedings necessary to present the issues raised on appeal (RALJ 6.3A). Copies of audio recordings of the court proceedings are available for an additional fee of \$20 each. You may also request copies of any documents in the District Court for a fee of \$0.50 per page.

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

A cash bail or bond may also be required in a criminal case if you want to prevent enforcement of the judgment 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 Superior Court. Include this number on all documents you file in the Clerk's Office. A hearing of your appeal will be scheduled before a Superior Court Judge. The purpose of this first hearing is to set the dates for the briefs to be filed, and the oral arguments to be heard. **It is mandatory that you attend this hearing.**

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 place in the transcript 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. You should make two copies of your brief. Submit the original to the Superior Court Clerk's Office. One copy must be served on the prosecutor and/or your opponent's attorney who will stamp "Received" on your copy. The other copy should be kept for your records.

VIII. STAY OF ENFORCEMENT OF JUDGMENT: (RALJ 4.3)

Once a final decision has been made in the District or Municipal 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/Municipal 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.

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