

STATE OF NORTH CAROLINA

_____ County

File No.(s)

Additional File No.(s)

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

APPELLATE ENTRIES

Rules 7, 9, 11, and 27 of the N.C. Rules of Appellate Procedure

Name Of Defendant

Date(s) Of Trial (list all dates, from start to end)

Codefendant(s) If Tried Jointly

Name And Address Of Trial Prosecutor

Name And Address Of Defendant's Trial Counsel

Telephone No. Email Address

Telephone No. Email Address

Name And Address Of Defendant's Trial Counsel

Name And Address Of Trial Transcriptionist

Telephone No. Email Address

Telephone No. Email Address

Name And Address Of Defendant's Appellate Counsel

**The Appellate Defender T: (919) 354-7210 F: (919) 354-7211
123 W. Main Street, Suite 500, Durham, NC 27701**

NOTE: All indigent appeals are assigned to the Appellate Defender.

Retained Appellate Counsel

Name And Address Of Trial Transcriptionist

Telephone No. Email Address

Telephone No. Email Address

Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s)

Name And Address Of Transcriptionist Of Other Proceedings On The Following Date(s)

Date(s) Telephone No. Date(s) Telephone No.

Email Address Email Address

(Attach additional sheet(s) if necessary)

JUDGE'S INITIAL APPEAL ENTRIES

1. a. The defendant has given Notice of Appeal to the N.C. Court of Appeals, or
 b. This is a capital case appealable as of right to the N.C. Supreme Court.
2. Release of the defendant pursuant to G.S. 15A-536 is denied. allowed upon execution of a secured bond in the amount of \$ _____ and compliance with the following additional conditions: _____
3. If not found indigent in No. 4, below, the defendant shall be responsible for ordering a transcript of any proceeding that the defendant considers necessary for the appeal, as provided in Rule 7(b) of the N.C. Rules of Appellate Procedure.
4. **(NOTE: Check in all cases where defendant is indigent.)** The defendant is indigent and has requested a transcript and the appointment of counsel. It is ORDERED that the defendant is allowed to appeal as an indigent and:
 - a. The Office of Indigent Defense Services shall pay the costs of producing a transcript, and of reproducing the record and the defendant's brief.

Original-File Copy-Transcriptionist(s) Copy-Defendant's Trial Counsel Copy-Defendant's Appellate Counsel (or Defendant if unrepresented)
Copy-Appellate Defender's Office (if Office is not appointed as defendant's appellate counsel) Copy-District Attorney
Material opposite unmarked squares is to be disregarded as surplusage.
(Over)

JUDGE'S INITIAL APPEAL ENTRIES (continued)

- b. The Appellate Defender is appointed to perfect the defendant's appeal or assign other appellate counsel pursuant to rules issued by the Office of Indigent Defense Services.
- c. Upon request, the Clerk shall furnish to the Appellate Defender, or to alternate counsel designated by the Appellate Defender, a copy of the complete trial division file in the case and, upon request, any documentary exhibits.
- 5. If a transcript has been ordered, the defendant in a non-capitally tried case shall serve a proposed record on appeal on the State within 45 days after all of the transcripts that have been ordered are delivered. If a transcript has been ordered, the defendant in a capitally tried case shall serve a proposed record on appeal on the State within 70 days after all of the transcripts that have been ordered are delivered. If no transcript has been ordered, the defendant shall serve a proposed record on appeal on the State within 45 days after the last notice of appeal is filed or given.
- 6. The State shall serve its amendments, objections or proposed alternative record on appeal on the defendant within 30 days if this is a non-capital case or 35 days if this is a capital case, after service upon it of the defendant's proposed record on appeal.
- 7. The indigent defendant does not read or speak the English language, but reads and/or speaks his or her native language of _____. The Court therefore authorizes the services of a language translator or interpreter during the pendency of the appeal for the purposes of (1) written translation of attorney-client correspondence, proposed issues in the settled record on appeal, appellate briefs filed by the defendant and the State, and appellate opinion(s), and/or (2) verbal interpretation of attorney-client communication at each critical stage of the appellate proceedings.
The Court further Orders that a language translator or interpreter with the necessary knowledge, skill, experience, training and education to perform the above services shall be selected and paid by the Administrative Office of the Courts.
- 8. If the defendant has been found indigent in No. 4, above, the Clerk shall serve a copy of these Appellate Entries on counsel for all parties, or the defendant if not represented by counsel, and on each transcriptionist, no later than 14 days after the date of the judge's signature immediately below.
- 9. In all cases, a copy of these Appellate Entries should be delivered to the Appellate Defender's Office.

<i>Date</i>	<i>Name Of Judge (type or print)</i>	<i>Signature Of Judge</i>
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CLERK'S TRANSCRIPT ORDER AND CERTIFICATE

- 1. (if defendant is found indigent in No. 4) The undersigned Orders that the transcriptionist(s) named on Side One shall prepare and deliver to the parties a transcript of all portions of the proceedings in the above-captioned case, within the deadline set out in Rule 7(e)(1) of the N.C. Rules of Appellate Procedure. The undersigned certifies that a copy of these Appellate Entries was served on counsel for all parties, or the defendant if not represented by counsel, and on each transcriptionist, and that a copy was delivered to the Appellate Defender's Office, if the Office has not been appointed as the defendant's appellate counsel, on the date(s) shown below:
 personally. by mail to the listed recipients at the addresses shown on Side One.
- 2. (if defendant is not found indigent in No. 4) The undersigned certifies that a copy of these Appellate Entries was delivered to the Appellate Defender's Office on the date shown below.

<i>Date Clerk's Transcript Order Entered And Filed</i>	<i>Date Order Served, If Different</i>	<i>Date Order Delivered, If Different</i>
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<i>Name Of Clerk (type or print)</i>	<i>Signature Of Clerk</i>	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
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EXTENSION OF TIME TO DELIVER TRANSCRIPT OR SERVE RECORD

- 1. **Extension of time to deliver transcript:** Pursuant to Rule 27(c)(1), N.C. Rules of Appellate Procedure, upon motion of the appellant and for good cause shown, it is ORDERED that the time for delivery of the transcript is extended for 30 days.
 - 2. **Extension of time to serve proposed record on appeal:** Pursuant to Rules 11 and 27, N.C. Rules of Appellate Procedure, upon motion of the appellant and for good cause shown, it is ORDERED that the time for service of the proposed record on appeal is extended for 30 days.
- NOTE:** Pursuant to Rule 27(c)(1), N.C. Rules of Appellate Procedure, the trial court may grant only one extension each of the deadline for delivery of a transcript and the deadline for service of the proposed record on appeal. Any motion for an additional extension of either deadline must be made to the appellate court to which appeal has been taken.

<i>Date</i>	<i>Name Of Judge (type or print)</i>	<i>Signature Of Judge</i>
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TRANSCRIPTIONIST'S CERTIFICATE OF DELIVERY

I delivered the transcript, made up of _____ pages in _____ volumes, electronically to all of the parties described above
 except as to the following party(ies) who are not able to receive electronic delivery, where I have instead delivered the transcript
 personally by mail: _____ (name party(ies) not receiving transcript electronically).

<i>Date Transcript Delivered To Parties</i>	<i>Name Of Transcriptionist</i>	<i>Signature Of Transcriptionist</i>
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CLERK'S CERTIFICATION

I certify this Appellate Entries form is a true and complete copy of the original on file in this case.

<i>Date</i>	<i>Signature And Seal</i>	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
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Material opposite unmarked squares is to be disregarded as surplusage.