

## U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT

### NOTICE TO COUNSEL CONCERNING PROCEDURES FOR APPEALS FROM CRIMINAL CONVICTIONS

Pursuant to the legislation authorizing and giving effect to federal sentencing guidelines (see 18 U.S.C. Section 3742), grounds for appellate review have been expanded to include a challenge to the legality of a sentence imposed thereunder. The appeal may challenge the conviction or sentence only or both. A single Notice of Appeal will be sufficient to raise issues pertaining to both merits and sentencing. The Court disfavors bifurcation of the issues relating to the sentence from those relating to the merits of the conviction.

If the appeal is from a criminal conviction in which the sentence of confinement is one (1) year or less and the appellant is not released on bail pending appeal, a motion to expedite the appeal may be filed in accordance with Third Circuit LAR 4.1. A response to any such motion to expedite must be received in the Court of Appeals within seven (7) days of service of the motion.

The attached Criminal Appeal Information Statement must be completed and filed in the district court with the Notice of Appeal in all criminal appeals.

Criminal appeals will be governed by the Court's current rules and procedures. The **appellant** in all cases in which a **criminal sentence is challenged is responsible for submitting four (4) copies of the presentence report in a sealed envelope at the time the appendix is due to be filed. LAR 30.3(c). This impounded document should not be included in the appendix which is normally not filed under seal.**

In all direct criminal cases trial counsel, whether retained or appointed, will be required to continue on appeal until relieved by order of this Court. Third Circuit LAR Misc. 109.1. If counsel is not a member of this Court's bar, counsel is required to apply for admission promptly. Third Circuit LAR Misc. 109.1.

Parts I and II of the Criminal Appeal Information Statement must be completed and filed at the time the Notice of Appeal is filed, as well as the certification of service at the end of Part II.

Questions concerning appeals procedures should be directed to Third Circuit Clerk's office at 215-597-2995.

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

**CRIMINAL APPEAL INFORMATION STATEMENT**

**PART I -** Please type. Attach additional pages if necessary.

**SHORT CAPTION WITH IDENTITY OF APPELLANT - APPEAL FROM DISTRICT COURT**

U.S.C.A. Caption: \_\_\_\_\_

U.S.C.A. No. \_\_\_\_\_

District: \_\_\_\_\_

D.C. Docket No.: \_\_\_\_\_

Date Judgment: \_\_\_\_\_

Filed Date in D.C. \_\_\_\_\_

Date NOA filed: \_\_\_\_\_

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Is this a Cross-Appeal?    Yes { }    No { }

Was there a previous appeal in case? Yes { }    No { }

If yes, Short Title: \_\_\_\_\_

Docket No.: \_\_\_\_\_

Citation, if reported: \_\_\_\_\_

State any other related proceedings in this Court or District Court.

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**PART II**

Please indicate basis of appeal:

\_\_\_\_\_ Bail (appeal from order granting, denying, modifying terms and conditions of bail on release on bond pending appeal).

\_\_\_\_\_ Judgment of Conviction/Commitment.

\_\_\_\_\_ (A) Sentence    \_\_\_\_\_ (B) Conviction    \_\_\_\_\_ (C) Both

\_\_\_\_\_ Appeal will challenge only the merits of the underlying conviction.

\_\_\_\_\_ Appeal will challenge both the merits of the underlying conviction and the validity of the sentence imposed in accordance with Sentencing Guidelines.

**PART II (cont'd.)**

\_\_\_\_\_ Appeal will challenge only the validity of the sentence imposed in accordance with the Sentencing Guidelines.

**NOTE:** This statement will assist the Court in case management. It is not intended to preclude presentation of issues on appeal.

This is to certify that a copy of this criminal appeal information statement was served on each party or their counsel of record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Signature of Counsel for Appellant)

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

\_\_\_\_\_  
\_\_\_\_\_  
(Address, City, State & Zip Code)

\_\_\_\_\_  
( )  
(Area Code & Telephone No.)