

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

**NOTICE TO PARTIES IN CASES SEEKING REVIEW
OF STATE COURT SENTENCES OF DEATH**

In aid of its potential jurisdiction, and in cooperation with the District Court, the United States Court of Appeals for the Third Circuit has promulgated rules and procedures governing cases in which the death penalty may be imposed. These rules are binding on the parties, counsel, and all court personnel, including court-reporters. Your attention is directed to the following attachments:

- 1) Clerk's Office and Filing Information
- 2) Certificate of Death Penalty Case
- 3) Court Rules and Internal Operating Procedures

Certificate of Death Penalty Case:

Counsel, or a pro se litigant, are required to file in the district court a certificate of death penalty case. Specific information including home and emergency telephone numbers is required.

Counsel are under an affirmative obligation to update information and to promptly respond to any request for information by the Court. See 3rd Cir. LAR Misc. 111.2.

Monitoring Cases

The Court has directed that whenever an execution has been scheduled, Court Staff will initiate contact with all counsel involved in order to monitor the status of the case. It is imperative that lines of communication between the Court and counsel remain open because of the difficulties--inherent in the appellate process--in responding to emergency situations. Counsel is under an affirmative duty to respond promptly to all Court communications.

Local Appellate Rules and Internal Operating Procedures:

These supplement the Federal Rules of Appellate Procedure. Counsel are under an affirmative duty to read and comply with these rules and procedures. Counsel should pay particular attention to the following Local Appellate Rules and Internal Operating Procedures (IOP's):

Local Appellate Rules:

3rd Cir. LAR 46.2

Appearance of Counsel--Governing admission to the Bar, entry of appearance, etc. **N.B., The Court requires that pleadings, motions, and briefs be submitted only by members of the Bar of the Court. If you are not already a member, the Court, in aid of its appellate jurisdiction, directs that you take steps, forthwith, to become a member of the Bar of this Court.**

3rd Cir. LAR 8.2 & 3rd
Cir. LAR Misc. 111.0

Stay Requirements.

3rd Cir. LAR 22.2 & 3rd Cir. LAR Misc. 111	Habeas Corpus Proceedings Death Penalty Cases.
3rd Cir. LAR 27.0	Motions.
3rd Cir. LAR 28.0	Briefs.
3rd Cir. LAR 30.0	Appendix to Briefs.
3rd Cir. LAR 31.0	Filing and Service of Briefs.
3rd Cir. LAR 32.0	Form of Briefs, the Appendix and Other Papers, Briefs.
3rd Cir. LAR Misc. 111.0	Death Penalty Cases.

Internal Operating Procedures:

8	Panel Rehearing
9	In banc consideration
10	Motions practice
15	Death Penalty Cases.

Appointment of Counsel

There are special statutory provisions concerning the appointment of counsel in cases seeking review of state sentences of death. Those provision appear at 21 U.S.C. § 848(q)(4)(B)-(q)(10).

Clerk's Office and Filing Information:

This will advise you of the Clerk's Office hours, location, and emergency procedures.

