

# DISTRICT COURT APPEALS INSTRUCTIONS

## 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 Court of Limited Jurisdiction (RALJ). These govern the appeal process and can be found in the Jefferson County Law Library on the second floor of the county courthouse in Port Townsend.

### I. What you may Appeal (RALJ2.2)

The final decision of a District Court Judge may be appealed in the following types of cases: Civil Matters, Criminal Traffic or Criminal Non-Traffic Matters, and Contested Hearings on an infraction.

### II. Starting an Appeal (RALJ 2.4-5)

A notice of Appeal must be filed with the District Court within 30 days after the decision of District 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)

Used the attached 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 and the name of the court and date of decision that 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 number, the name, address, and telephone number of your attorney (if you have one), your opponent, or the attorney for your opponent, or the prosecuting attorney involved in your case. *This information is available from the court where your case was decided).*

### IV. Filing an Appeal (RALJ 2.4)

When you complete the Notice of Appeal form, take the original and three (3) copies to the District Court where your case took place and do the following:

File the original Notice of Appeal and one (1) copy with the District Court (DC will stamp your other copies)

Take the second copy to your opponent's attorney or to the prosecutor's office (have them stamp your copy received)

Keep the third copy for your records

Pay the court fees as listed below-

\$230.00 Superior Court Filing Fee for infractions and civil cases (there is not a fee for criminal cases, but one may be assess at a later date).

\$20.00 transcript of Judgment Fee for civil cases

\$40.00 District Court Processing Fee (this fee covers the cost of preparing and transmitting the court record and up to two (2) CD discs to Superior Court. If additional CD's are required, or you want copies of CD's for yourself, they are available for a fee of \$25.00 each.

Small Claims appeals must accompany a bond equal or twice the amount of the judgment or twice the amount in controversy whichever is greater and must accompany the filing fee.

### V. Getting the Appeal record to Superior Court (RALJ 2.4, 6.2(a))

No later than fourteen (14) days after you file the Notice of Appeal, you must complete the attached Designation of Record on Appeal form. This form tells the District Court which portions of the record you want sent to Superior Court. *You MUST be specific in your designation*, especially in noting the number where your case can be found on the CD.

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

Take a second copy of the Designation to your opponent's attorney or the Prosecutors office

Keep the third copy for your records.

***NOTE: If you do not complete the Designation of Record on Appeal, and pay the necessary fees, your appeal transcript will not be sent to Superior Court, and is dismissed.***

### VI. Notices

At the address you have provided District Court, you will receive notification of your hearing dates from the Clerk of the Superior Court. This notice will include the number given your appeal by Superior Court. Include this number on all documents you file in the Clerk's Office. This first hearing is held approximately 12 weeks after the Clerk of Superior Court receives your Notice of Appeal. The hearing is held in Superior Court. The purpose of the hearing is to make sure that all the briefs have been filed and the appeal is ready to be heard by a Superior Court Judge. If everything is ready, you will receive a letter telling you when the oral argument will be heard.

## **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 Superior Court what happened in District Court and what decisions you want to be reviewed. You will need to indicate the CD number and counter numbers 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. Your original brief and two copies should be taken to the Jefferson County Clerk's office, located on the second floor of the Jefferson County Courthouse 1820 Jefferson Street, Port Townsend and the Clerk will keep the original and stamp the other two copies. Once copy must be served on your opponent's attorney and/or the prosecutor. The third 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 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 Court may set bail or bond at a reasonable sum, or the Court may determine that the enforcement of the sentence should be stayed without 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.**

**These instructions are intended to provide you with an overview of the procedures for the appeal process. You should also consult the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ), which governs the appeal process. The RALJ rules are found in the law library in Jefferson County Superior Court.**

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF JEFFERSON

\_\_\_\_\_, ) No. \_\_\_\_\_  
Plaintiff, )  
vs ) Notice of Appeal  
\_\_\_\_\_, )  
Defendant. )

The Appellant (print your name) \_\_\_\_\_ seeks review by the Jefferson County Superior Court of the decision reached in Jefferson County District Court under cause number \_\_\_\_\_ entered on \_\_\_\_\_ in the above named Court. Defendants Date of Birth: \_\_\_\_\_ Copies of Notice of Appeal have been served on all parties.

Trial Court Judge \_\_\_\_\_

Specific errors of law claimed are: \_\_\_\_\_

- Criminal (RALJ) \_\_\_\_\_  
(Include charge description)
- Civil (RALJ) \_\_\_\_\_
- Infraction (RALJ) \_\_\_\_\_
- Small Claims (De Novo) \_\_\_\_\_
- Other \_\_\_\_\_

Appellant or Attorney for Appellant:

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Respondent or Attorney for Respondent

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF JEFFERSON

\_\_\_\_\_, ) No. \_\_\_\_\_  
Plaintiff, )  
vs ) Motion, Affidavit and Order  
 ) In Forma Pauperis  
\_\_\_\_\_, )  
Defendant. )

I. MOTION

1.1 I, \_\_\_\_\_, Petitioner herein, move the Court for an Order authorizing me to proceed In Forma Pauperis (at public expense) and direct the Clerk of the court to file my ( ) Small Claims Action, ( ) Civil Action, ( ) Name Change, ( ) Appeal from Court of Limited Jurisdiction, without payment of a filing fee.

1.2 The following affidavit, together with files, and records herein, is made in support of this motion.

1.3 I understand that any statement that I make in the following affidavit may be used against me.

\_\_\_\_\_  
Date Signature

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF JEFFERSON

\_\_\_\_\_, ) No. \_\_\_\_\_  
Plaintiff, )  
vs ) Transmittal of Record on Appeal to  
\_\_\_\_\_) Superior Court  
Defendant. )

TO THE CLERK OF SUPERIOR COURT, the record as designated by the appellant is hereby transmitted to the Superior Court.

The designation of record is attached.

Copies of this notice have been served on all other parties.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

\_\_\_\_\_  
District Court Clerk

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF JEFFERSON

\_\_\_\_\_, )  
Plaintiff, )  
vs )  
\_\_\_\_\_, )  
Defendant. )

No. \_\_\_\_\_  
Designation of Record to be Transmitted  
to Superior Court

TO CLERK OF COURT:

Please prepare the following documents, exhibits, and tapes for transmittal to the Superior Court.

<u>Date</u>	<u>Document Name or Tape Number</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Copies of this notice have been served on all other parties.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

\_\_\_\_\_  
Appellant's Lawyer

\_\_\_\_\_  
Appellant's Signature

\_\_\_\_\_  
Print / Type Lawyer's Name / Bar #

\_\_\_\_\_  
Print / Type Appellant's Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
City, State, Zip



**II. AFFIDAVIT**

- 2.1 I, \_\_\_\_\_, am Petitioner / Appellant herein
- 2.2 ( ) Small Claims Action, ( ) Civil Action, ( ) Name Change, ( ) Appeal from Court of Limited Jurisdiction.
- 2.3 I am financially unable to pay a filing fee without causing substantial hardship to myself or family.
- 2.4 I declare under penalty of perjury that the following information is true and is intended to be relied upon by the court in determining my eligibility for filing at public expense.

**III. FINANCIAL STATEMENT**

3.1 General Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Social Security # \_\_\_\_\_ Date of Birth \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Name and Address of your employer: \_\_\_\_\_

Occupation: \_\_\_\_\_ Length of Employment \_\_\_\_\_

Name and Address of Spouse's Employer: \_\_\_\_\_

Occupation: \_\_\_\_\_ Length of Employment: \_\_\_\_\_

**(3.2) Income and Assets**

Personal Gross Monthly Income \_\_\_\_\_

Spouse's Gross Monthly Income \_\_\_\_\_

Other Income \_\_\_\_\_

Cash on Hand \_\_\_\_\_

Home (cash value less amt owing) \_\_\_\_\_

Auto (cash value less amt owing) \_\_\_\_\_

Furniture (approx value) \_\_\_\_\_

Notes, Mortgages \_\_\_\_\_

Trusts, Deeds \_\_\_\_\_

Stocks, Bonds (approx value) \_\_\_\_\_

Other assets & Property \_\_\_\_\_

Persons whom you financially support:

Spouse ( ) \_\_\_\_\_

Children ( ) Ages \_\_\_\_\_

Total \_\_\_\_\_

**(3.3) Expenses and Debts**

(A) Monthly Living Expense (itemize):

Rent or Mortgage \_\_\_\_\_

Food \_\_\_\_\_

Utilities \_\_\_\_\_

Transportation \_\_\_\_\_

Installment Payments \_\_\_\_\_

Medical/Dental \_\_\_\_\_

Insurance \_\_\_\_\_

Other \_\_\_\_\_

**(B) Debts**

Name of Creditor	Amt Owed
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_____	_____
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_____	_____
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_____	_____
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_____	_____
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Total \_\_\_\_\_

I certify under penalty of perjury under the Laws of the State of Washington that I have read the foregoing statements in the Affidavit, know the contents thereof, and believe them to be true and correct.

Dated at Port Townsend, Washington on \_\_\_\_\_, 200\_\_\_\_.

\_\_\_\_\_  
Signature

**IV. ORDER**

It is hereby ORDERED that:

( ) The petitioner is permitted to proceed without payment of the filing fee.

( ) The petition is denied.

Dated \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

\_\_\_\_\_  
Judge / Judge Pro Tem