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| **Death Penalty Cases** |
| Rules of Criminal Procedure 31.2b - When a defendant has been sentenced to death, the clerk, pursuant to Rule 26.15, shall file a notice of appeal on his behalf at the time of entry of judgment and sentence. Such notice shall be sufficient as a notice of appeal by the defendant with respect to all judgments entered and sentences imposed in the case. Rules of Criminal Procedure 26.15 – After imposing a sentence of death, the Court shall order the Clerk to file a Notice of Appeal (NAP) from judgment and sentence.Pursuant to the Rules of Criminal Procedure listed above, a Notice of Appeal is filed on behalf of the defendant in all death penalty cases. This Notice is created and processed by the Appeals Section staff. **Initial Process of the Appeal:**1. The Courtroom Clerk shall hand-carry the original, signed sentencing minute entry, Presentence Investigation Report (PSR), if applicable, sentencing verdict, miscellaneous original documents, and the court file to Appeals. The sentencing minute entry, Presentence Investigation Report (PSR), if applicable, sentencing verdict and any other original documents will be hand-filed.**NOTE:** After the “Ring Decision” of 06/24/02, in capital cases, the defendant is entitled to a jury determination of aggravating factors at sentencing. The courtroom clerk will prepare a sentencing verdict at the direction of the Judicial Officer. Since it is now the responsibility of the jury to determine sentencing through testimony, a presentence report will not be prepared. If the defendant is found guilty on other counts, in addition to the capital offense, a Presentence Report is only prepared in conjunction with the other counts.2. The Courtroom Clerk waits while the Appeals Clerk makes copies of the original document and certifies the documents for the Courtroom Clerk. 3. The Appeals Clerk at CCB and SEA shall distribute the documents as follows: a. Six (6) copies of the sentencing minute entryi. Three (3) certified copies are returned to the courtroom clerkii. One (1) copy is faxed to the Certification Desk at (602) 506-7619.iii. One (1) copy is provided to Public Affairs.a. SEA only: Fax copy to (602) 506-7684; save the fax transmittal for record.b. CCB only: Hand-carry copy.iv. One (1) copy and a Temporary Receipt are hand-carried to Criminal Exhibits.b. Three (3) copies of the Presentence Investigation Report (PSR); if received.v. One (1) certified copy is returned to the courtroom clerk.vi. One (1) copy is provided to the Certification Desk.a. SEA only: Hand-carry copy.b. CCB only: Fax copy to (602) 506-7619; save the fax transmittal for record.vii. One (1) copy is provided to Public Affairs.a. SEA only: Fax copy to (602) 506-7684; save the fax transmittal for record.b. CCB only: Hand-carry copy.c. Three (3) copies of the sentencing verdict; if received.viii. One (1) certified copy is returned to the courtroom clerk.ix. One (1) copy is provided to the Certification Desk. a. SEA only: Hand-carry copy.b. CCB only: Fax copy to (602) 506-7619; save the fax transmittal for record.x. One (1) copy is provided to Public Affairs.a. SEA only: Fax copy to Public Affairs at (602) 506-7684; save the fax transmittal for record.b. CCB only: Hand-carry copy.**NOTE:** The Certification desk shall prepare and provide an additional set of documents to the Public Records, Support Services Supervisor.The Public Records Support Services Supervisor shall make copies of the documents available to the media.4. The Appeals Clerk shall stamp the case file with a red “DEATH PENALTY” stamp. Retain the case file.5. The Notice of Appeal is assigned to an Appeals Typist.**Processing the Notice of Appeal:**a. Prepare the Notice of Appeal:i. Using the online preprinted notice of Appeal, prepare the Notice of Appeal.a. Retrieve the document in Microsoft Word:1. Under File, press Open.2. Locate the directory S:\Cust\_Svc\APPEALS\templates folder.3. Locate the document “Death Penalty Form” andpress to open the document.b. Using the “tab” key, navigate through the form and complete the highlighted fields as follows: [See Attachment A]. 1. Enter the case number.2. Enter the defendant’s name in the caption. 3. Enter the defendant’s name in the sentence “Notice is hereby given…”4. Place an “X” before the statement that applies. 5. Enter the date of filing for the NAP.6. The Appeals Typist shall date, sign, and certify the original.7. Enter the defendant’s name.8. Enter the name and address of the attorney for the defendant.9. Press Print.10. Hand-file the NAP.11. Save a copy of the created NAP in a Share Folder.**NOTE:** Refer to the procedures for New Appeals Prep-Criminal Processing for initiating a case card, notification of the court reporters, indexing, packing, etc.b. Docket the NAP.c. Enter the case number on the Appeals calendar.d. Initiate a case card in ProdAppeals.**NOTE:** The “Death Penalty” field is check-marked on the Initial Entry Data screen and the Court Reporter Notification screen.**NOTE:** The parties notified are always the Supreme Court, Attorney General, and Grand Jury Exhibits.e. Send notification to all court reporters.f. Print the case card; attach to the front of the volume one case file.**NOTE:** From the notice of filing, there are 45 days to process the Appeal.g. Audit the case file and number the case.h. The Appeals clerk shall hand-carry a copy of sentencing minute entry and a Temporary Receipt to Criminal Exhibits.i. Processing the Temporary Receipt as follows:a. At the top of the form in red, large, bold font, stamp “Death Penalty.”b. Enter the cause number.c. Enter the case caption.d. Enter the “Purpose for removal/storage” as “case on appeal.e. Check the box “loan out from permanent storage.”f. Under the section “Item Numbers Removed or Loaned Out” first, enter the hearing date and secondly, enter the documents requested (i.e. numbered exhibits, transcripts, grand jury transcripts, sealed documents, sealed medical records, etc.)ii. Upon release of the documents, the Exhibits Clerk shall:a. Make one (1) copy of the form and hand-carry to Grand Jury Exhibits.b. Enter the “Date/Time” released to the requestor.c. Sign the form under “Personnel Releasing.”d. The Appeals Clerk retrieving the exhibits and documents must sign and enter their phone number under “Personnel removing” and “Extension.”e. The Temporary Receipt is filed with the packet.i. Type the Index; making special note of any unsealed medical record/report and psychological record/report within the case file.j. Copy the case file.k. Package the copied case and deliver to the supervisor for review.l. Upon the Supervisors approval, send the copied case to the Supreme Court.m. E-mail the Supreme Court liaison that the case has been sent and request verification of receipt.n. The case file is hand-carried to Criminal Exhibits for permanent storage in the Death Penalty Section of Area I.**Criminal Exhibits Processing:**a. Make one (1) copy of the Temporary Receipt and hand-carry to Grand Jury Exhibits. Grand Jury Exhibits uses the receipt to docket the transcript release.b. Pull the exhibit packet from the master file. If a packet is not on file, create a packet; regardless of the year.i. Stamp the front page of the packet with the red “DEATH PENALTY” stamp.ii. Attach a copy of the minute entry to the packet.**NOTE:** If a packet is not on file, create a packet. All death penalty cases,regardless of year, will have a packet.c. Pull any exhibits from Area I, prepare a container for all the exhibits, stamp the box/envelope with the red "DEATH PENALTY” stamp, and places the exhibits on the designated Death Penalty shelf in Area I. Area II vault exhibits should also be marked as “Death Penalty” and shall remain in Area II.d. Notify the Appeals Clerk when the exhibits are ready for transfer to the Supreme Court.e. Sign and date the release.f. Upon return of the exhibits from the Supreme Court refer to processes as defined in the “Permanent Appeals Return” procedures.**Grand Jury Exhibits Processing:**1. The Appeals Auditor shall complete a Temporary Receipt and hand-carry to Criminal Exhibits.2. The grand jury transcript is pulled and released to Appeals.3. A copy of the Temporary Receipt is placed in Grand Jury Exhibits’ in-basket for docketing in ICIS.4. To docket in ICIS:a. On the ICIS Main Page, press “CR COC Staff.”b. Enter the case number (defendant identifier is optional) and press Search.c. On the Main Page of ICIS, under Entry, press Case Notes.d. On Case Notes enter: i. Press Add1. Enter Case Note Date; which is the date the grand jury transcript was pulled.2. Enter Case Note Type as “case note.”3. In Note Content enter “grand jury transcript sent to Supreme Court.”4. Press Save**NOTE:** Grand jury transcripts are never returned to Maricopa County Superior from the Supreme Court. Upon inquiry, the case note will provide the information required.If the attorney files a second Notice of Appeal on remaining charges, process the Notice of Appeal as a supplemental. Send the NOA and all subsequent documents to the Supreme Court, refer to Criminal Rule 31.2 b.**ATTACHMENT A****IN THE SUPERIOR COURT OF THE STATE OF ARIZONAIN AND FOR THE COUNTY OF MARICOPA**THE STATE OF ARIZONA CASE NO. CR **(1)**VS.**(2)** NOTICE OF APPEAL FROM SUPERIORCOURTPursuant to Rule 31.2(b) Arizona Rules of Criminal Procedure:NOTICE IS HEREBY GIVEN THAT **(3)** APPEALS FROM THE**(4)** Following judgment of guilt in the above entitled case;**(4)** Following sentence imposed in the above entitled case;entered in the Superior Court, Maricopa County on (5).The defendant who appeals was represented by his counsel (6)at the determination of guilt or at sentencing.**(7)**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_DATE SUPERIOR COURTDEPUTY CLERKThe name and address of the defendant who appeals: **(8)**, Arizona Department of Corrections.The name and address of the attorney for the defendant: **(9)**NOTE: Appealing to the Supreme Court of the State of Arizona |

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