

TRIAL

APPEAL RIGHTS

By Judge Bob Miller

You have a right to
appeal.

Your right to appeal the judgment of conviction, excluding the sentence imposed, will be preserved only if a notice of appeal is filed in this court within thirty (30) days from the date on which sentence is imposed.

Prior to taking an appeal, if you seek to challenge the correctness of the sentence, or any aspect of the sentencing hearing, you must file in the trial court within 30 days of the date on which sentence is imposed - a written motion.

The written motion should ask to have the trial court reconsider the sentence imposed, - or consider any challenges to the sentencing hearing, - setting forth in the motion all issues or claims of error regarding the sentence imposed or the sentencing hearing.

Any issue or claim of error regarding the sentence imposed or any aspect of the sentencing hearing not raised in the written motion shall be deemed waived.

In order to preserve the right to appeal following the disposition of the motion to reconsider sentence, - or any challenges regarding the sentencing hearing, - you must file a notice of appeal in the trial court within 30 days from the entry of the order disposing of your motion to reconsider sentence or order disposing of any challenges to the sentencing hearing.

You have the right to request the clerk to prepare and file a notice of appeal, and the right, if indigent, to be furnished without cost, with a transcript of the proceedings at the trial or hearing. You also have the right to have counsel appointed on appeal.

Do you understand
these rights?