

A Maryland Judiciary Production

My Laws, My Courts, My Maryland

Series: Appealing Your Case to the Appellate Court of Maryland

Title: Part 2: Filing Your Appeal

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CHAPTER HEADINGS

Prepare Your Notice of Appeal

Civil Appeal Information Report

When to File Your Notice of Appeal

Paying Court Costs

Next Steps

Let's Review

Hi. This video will cover how to appeal your circuit court case to the Appellate Court of Maryland. We will cover:

- The key documents you need to file,
- The cost of appealing a case, and
- The next steps after filing your appeal.

We will only cover direct appeals. In a direct appeal, it is your right to have your case reviewed by the Appellate Court. In some cases, you must get court permission to appeal by filing an Application for Leave to Appeal. To check if this applies to your case, visit

mdcourts.gov/appealsacm.

Please keep in mind, appeals can be very complicated. Whenever possible, hire a lawyer to represent you.

If you represent yourself, there are many things you need to understand. Let me explain how the process works. First, prepare your Notice of Appeal.

Chapter Heading: Prepare Your Notice of Appeal

You may use form CC-097, Notice of Appeal. Find it at mdcourts.gov/forms. Keep in mind, the court cannot accept your Notice of Appeal without a complete certificate of service. This is a statement that confirms that you provided a copy of the notice to all other parties. If they are represented, you must send the notice to their lawyer. The form already includes a certificate of service. Be sure to fill this out.

If you are appealing the decision in a civil case – that is, a non-criminal case – there is a second document you typically need to file when you submit your Notice of Appeal. It is called the Civil Appeal Information Report.

Chapter Heading: Civil Appeal Information Report

To file this, use form CSA-001. You can find the form by visiting mdcourts.gov/appealsacm or by asking the clerk in the circuit court.

When you fill out this form, you are called the “appellant.” The other side is called the “appellee.”

Please take note. There are a few non-criminal appeals that do not require this form:

- Appeals from juvenile cases,

- Terminations of parental rights,
- Writs of error coram nobis, and
- Some appeals by individuals who are incarcerated and seeking relief related to their confinement.

Now, Let's move on and talk about when to file your notice of appeal.

Chapter Heading: When to File Your Notice of Appeal

To start the process, file your Notice of Appeal and if you need one, the Civil Appeal Information Report. The forms should be submitted together. File them in the circuit court that heard your case, not at the Appellate Court.

In most cases you must file your notice within 30 days after the circuit court enters the final judgment or an appealable order. There are cases in which you must file your notice of appeal before 30 days from the judgment. Read the law or speak with a lawyer.

Next, I want to talk about paying court costs.

Chapter Heading: Paying Court Costs

When you file your Notice of Appeal you will pay court costs. There are two fees you must pay. The first is the cost for the circuit court to assemble, prepare, and transmit the record. If you cannot afford this fee, you may request a waiver. Use a form called Request for Waiver of Prepaid Costs for Assembling the Record for an Appeal. This is form CC-DC-091.

You must also pay a fee that the circuit court will send to the Appellate Court of Maryland. This is the court that will handle your appeal. If you cannot pay the fee, you may request a waiver.

Use form Request for Waiver of Prepaid Appellate Costs, CC-DC-092. These forms can be found online at mdcourts.gov/feewaiver.

Note that you will pay both of those fees in the circuit court when you file your Notice of Appeal.

For more information on requesting a waiver, watch the video *Can't Afford Appellate Costs?*

Now, let's talk about the next steps.

Chapter Heading: Next Steps

You will also need to order and pay for a transcript of the trial. It is your responsibility to make sure that the circuit court transmits the court record to the Appellate Court on time. For more on transcripts and the court record, watch Part 3 of this series, *Ordering the Transcripts and the Court Record*.

Finally, you will be required to submit a brief. This is a document that details how you believe the trial court made an error in applying the law in your case and what you want the Appellate Court to do. You may also need to prepare a copy of certain documents called a "record extract." We will discuss record extracts in Part 3 of this series.

For more information on preparing your brief, watch Part 4 of this series, *Preparing Your Brief*.

We have covered a lot of information. Let's review.

Chapter Heading: Let's Review

Once you have determined you can appeal, file a Notice of Appeal in the circuit court that heard your case. Be sure to provide a copy to the other side and include a Certificate of Service

with the notice. For most civil cases, include form CSA-001, the Civil Appeal Information Report. Typically, you must file your notice of appeal within 30 days after the circuit court enters the final judgment or an appealable order.

Be prepared to pay court fees when you file your notice. Remember, if you cannot afford these costs, you can ask the court to waive them. You must submit separate waiver requests – one that will go to the circuit court and one to the appellate court. The court cannot waive the cost of the transcript.

I hope you found this information helpful. Thanks for watching.