

Representing Yourself: Appealing a Civil Traffic Case to the Superior Court

A GUIDE ON HOW TO APPEAL A CIVIL TRAFFIC CASE
FROM A JUSTICE COURT OR MUNICIPAL COURT
TO THE SUPERIOR COURT

JULY 2008

If you were convicted of a criminal charge and found responsible of a civil traffic charge in the same case, follow the steps found in the Guide called: “Representing Yourself: Appealing a Criminal Case to the Superior Court.”

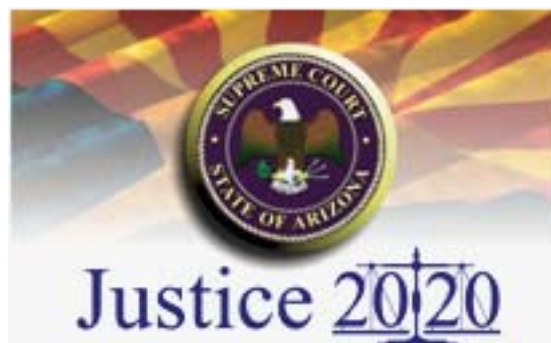


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Introduction

This guide describes in simple terms the process for pursuing appeals in civil traffic cases to the Superior Court. This guide applies to appeals that involve only civil traffic charges. **If you were convicted of a criminal charge and found responsible of a civil traffic charge in the same case, follow the steps found in the Guide called: “Representing Yourself: Appealing a Criminal Case to the Superior Court.”**

This Guide does not address civil, juvenile, or industrial commission cases. This Guide also does not discuss appeals from Superior Courts to the Arizona Court of Appeals.

The information presented here is intended to guide you through the Superior Court civil traffic appeals process. It will not address your specific legal issue. It is not legal advice and may not be used as legal authority.

This Guide is an overview of the *Rules of Procedure in Civil Traffic Violation Cases*. It does not replace those rules. You should also check your county’s Local Rules because they may be different. You can find a copy of the rules at your local law library or at <http://azrules.westgroup.com/home/azrules/default.wl>. Another helpful resource is the State Bar of Arizona’s three-volume treatise on appellate practice entitled the *Arizona Appellate Handbook* which should be available at any law library. You can review the Arizona statutes at www.azleg.state.az.us/arizonarevisedstatutes.asp#.

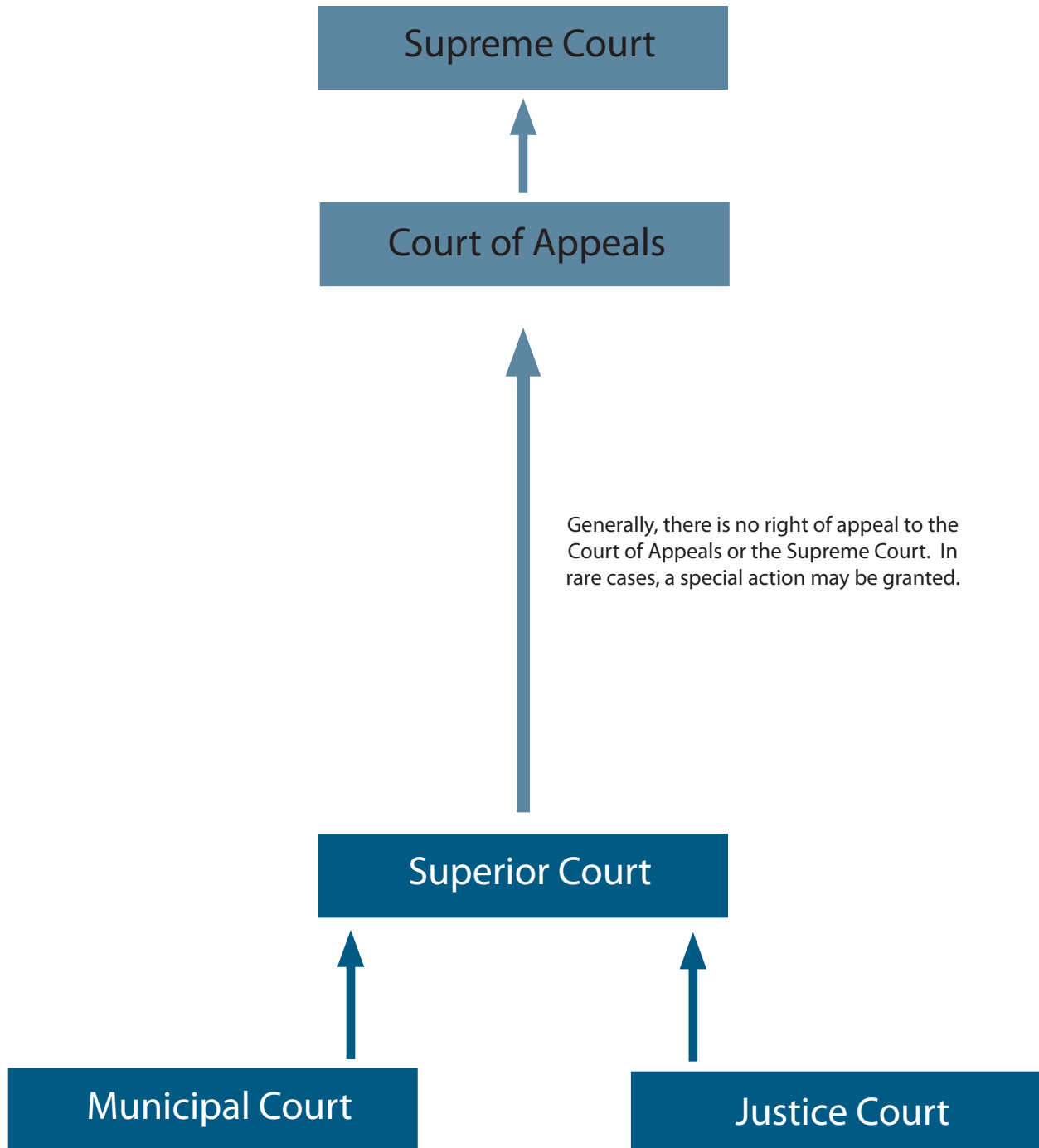
The Superior Court will not retry your case on appeal. In other words, it will not accept or review new evidence and will not decide which witnesses were telling the truth. The Superior Court only reviews the evidence and arguments that were presented to the traffic court (the municipal court or justice of the peace court). The Superior Court will only reverse the traffic court if it finds an error of law that was so important that it likely affected the outcome of the case.

You will not be allowed to talk with or otherwise communicate with the judge about your case outside of scheduled court hearings. Many legal terms are used in this Guide. These terms are defined and explained in **Section VII**, “Important Terms.” Some helpful information is also provided in **Section VI**.

WARNING: It is very important that you follow court procedures and meet the deadlines explained here. If you fail to do so, it is very likely that your appeal will be dismissed.

For information about free or low-cost legal assistance, you may go to the Arizona Bar Association’s website at www.azbar.org. To reach the Maricopa County Bar Association’s Lawyer Referral Service, call (602) 257-4434. In Pima County call (520) 623-4625.

Arizona's Traffic Court Appeals Process



Basic Steps of a Civil Traffic Appeal

STEP ONE

Receipt of traffic court final order or judgment and notice of right to appeal

STEP TWO

Possible appeal bond

STEP THREE

Appellant files Notice of Appeal

STEP FOUR

Appellant pays record fee

STEP FIVE

Appellant files Memorandum

STEP SIX

Appellee files Memorandum (optional)

STEP SEVEN

Appellant pays the appeal fee

STEP EIGHT

Oral Argument (if permitted)



SUPERIOR COURT DECISION

Filing a Civil Traffic Appeal: Step-By-Step

The following pages describe the most important steps to properly file or defend a civil traffic appeal. This section applies to appeals that involve only civil traffic charges. **If you were convicted of a criminal charge and found responsible of a civil traffic charge in the same case, follow the steps found in the Guide called: "Representing Yourself: Appealing a Criminal Case to the Superior Court."** The legal terms referred to in this Guide are defined in **Section VII**.

The party who seeks to have the Superior Court review the traffic court's order, ruling, judgment, or sentence entered in a civil traffic case is called the "Appellant." The party who opposes the appeal is called the "Appellee."

NOTE: The term "traffic court" is often used to refer to a lower court that hears civil traffic cases.

Step 1: Receipt of traffic court final order or judgment and notice of right to appeal

Before you can appeal your civil traffic case, you must first receive a final order or judgment from the traffic court.

The traffic court is required to give you a written notice of the right to appeal. This notice will contain the time limit for the appeal, instructions for filing the Notice of Appeal, and the location where you can find the rules that govern the appeal.

You may not appeal if you entered an admission of 'responsible.' (That is, if you formally acknowledged to the judge that you violated a civil traffic law.)

Step 2: Possible appeal bond

You are not required to post an appeal bond. If you do not, however, the judgment against you will be enforced. This means that unless you post an appeal bond, you will be required to pay your fines.

If you cannot afford the appeal bond you may ask the traffic court to waive or reduce the bond amount. The traffic court clerk may have a form that you can use for your request. If not, forms are included in this Guide (**Forms 1 and 2**).

Unless the traffic court reduces or waives the amount required, the bond amount will be the total amount of the fines and fees ordered in your final judgment. The bond is paid in cash unless the traffic court allows another means of payment.

Step 3: Appellant files Notice of Appeal

- A. You must file a paper called a "Notice of Appeal" with the clerk of the court in which your case was heard. **Do not file this Notice at the Superior Court.**

- B.** The Notice of Appeal must be filed no later than fourteen (14) days after the final judgment or order that you are appealing. **You must file your Notice of Appeal before the deadline.** If you fail to file your Notice of Appeal on time, the court will dismiss your appeal.

Weekends and holidays are NOT excluded from the deadline. Fourteen (14) days means fourteen (14) days, including Saturday, Sunday, and holidays. If, however, your deadline falls on a Saturday, Sunday, or day when the court is closed, the Notice of Appeal is due on the next day the court is open.

- C.** The traffic court clerk may have a form that you can use for your Notice of Appeal. If not, a Notice of Appeal form for civil traffic appeals is attached as **Form 3**.
- D.** You must include your current mailing address and phone number in the Notice of Appeal.
- E. Change of Address:** If either your address or phone number changes while your appeal is pending, you must notify the court in writing. A change of address form is attached as **Form 4**.
- F.** You must identify the order or judgment you want the Superior Court to review.
- G.** You should sign the Notice of Appeal.

Keep a copy of your Notice of Appeal: Make sure the court clerk gives you a date-stamped copy of your Notice of Appeal. Keep it for your records. The court clerk is responsible for sending a copy of your Notice to the other party.

Step 4: Appellant pays record fee

Within fourteen (14) days of the final judgment or order that you are appealing you must also pay the record fee. The traffic court will then prepare the record and provide a copy to you, the state, and the Superior Court.

If you cannot afford the record fee, you may ask the traffic court to waive or reduce it. The traffic court clerk may have a form that you can use for your request. If not, Forms 1 and 2 are attached. . You must pay the record fee or get a waiver within fourteen (14) days of the final judgment or order that you are appealing.

Note: Any time you make a payment to the court, make sure the court clerk gives you a receipt. Keep it for your records.

Step 5: Appellant files Memorandum

Appellant:

In an appeal, you must present your side of the case in writing. You do this by filing a Memorandum with the traffic court.

You must file your Memorandum (**Form 5**) within sixty (60) days of the date your Notice of Appeal was due

(this is seventy-four (74) days after the ruling you are appealing). You must file the original and one extra copy for the other party. **If you do not file your Memorandum on time, your appeal will be dismissed.**

You should make at least one copy for your records. Have the court clerk date-stamp it so you have proof that you filed it on time.

MEMORANDUM FORMAT

°15 pages or less, not including any certified exhibits from the court file you may want to attach. (The Superior Court will have the records from the trial court proceedings.)

° Typed or printed (one side of the page only)

° White paper (8.5 by 11 inches)

° If you are typing your Memorandum, double space

° If you are handwriting your Memorandum, please keep in mind that the Court has the right to disregard it if it cannot read your handwriting

What your Memorandum Must Include:

- 1) **The Facts:** a short statement of the facts of your case. You should support your factual statements with references to the Record on Appeal.

For example: If you want the Superior Court to consider the testimony of a particular witness, you should identify the page and line of the transcript where the testimony appears.

If you are allowed to submit a copy of the CD or audio-tape instead of a transcript, you should identify where the testimony appears in the records.

- 2) **Your Argument:** a short statement explaining the reasons you believe the traffic court's decision is incorrect. This is where you should include references to the applicable statutes, court rules, and case law.
- 3) **Your Conclusion:** a statement explaining exactly what you are asking the Superior Court to do.

You cannot attach evidence ("exhibits") to the Memorandum if you did not already present this evidence to the traffic court.

Step 6: Appellee files Memorandum (optional)

Appellee:

After the Appellant files the Appellant's Memorandum, the Appellee has the right to file one responding to the Appellant's arguments and explaining why he or she believes the traffic court made the right decision (**Form 5**). If the Appellee chooses not to file a Memorandum, the Superior Court will decide the matter based only on the traffic court record and the Appellant's Memorandum. In Gila County, however, if the Appellee fails to file a Memorandum the court may automatically rule in favor of the Appellant.

If you decide to file a Memorandum, do so within thirty (30) calendar days of the filing date of the Appellant's

Memorandum. Use the same Memorandum format discussed in **Step 5** above. You must file the original and one copy for the other party. You should make at least one other copy for yourself. Have the court clerk date-stamp it for your records so you have proof that you filed it on time.

THE APPELLANT DOES NOT HAVE THE RIGHT TO REPLY. An Appellant does not have the right to reply to the Appellee's Memorandum. If an Appellant believes there is a need to respond to issues raised by the Appellee, the Appellant must file a motion requesting the Superior Court's permission to file a reply.

Step 7: Appellant pays the appeal fee

Once the traffic court sends the Notice of Appeal to the Superior Court, the Superior Court will notify you of the appeal fee. You will have thirty (30) days to pay the fee after you get the notice. **If you do not pay the fee, your appeal will be dismissed.** The appeal fee for civil traffic appeals generally ranges from \$33 to \$130 depending on the county.

Step 8: Oral Argument — if permitted

If you want the Superior Court to allow you to present an oral argument for your civil traffic appeal, you must request it in writing (**Form 6**). The original copy of your motion should be filed at the same time you file your Memorandum. You will need to mail a copy of your motion to the opposing side.

You may or may not be allowed to present oral argument. In a civil traffic appeal, the Superior Court usually makes its decision by reviewing the traffic court's record and reading the parties' memoranda. At times, the court will allow the parties to present their side of the story in person at oral argument. The parties will not be allowed to call witnesses or otherwise present new evidence during the oral argument. The parties' presentations may be limited to five (5) or ten (10) minutes.

If oral argument is granted:

- 1) The Superior Court Clerk will notify the parties when and where the oral argument will be heard.
- 2) The oral argument will be held at the Superior Court located in the county where your trial took place. **Section VIII** contains a list of the Superior Courts and their locations.
- 3) Be on time for oral argument.

Superior Court Decision

When the Superior Court issues its decision resolving the appeal, the Superior Court Clerk will send a copy of the ruling to each party and to the traffic court. Many Superior Courts also post their decisions online. **Section VIII** contains a list of the fifteen (15) Superior Courts and their website addresses.

Limitation on Further Review

After your appeal to the Superior Court, you cannot further appeal your case unless it involves the validity of a tax, impost, assessment, toll, municipal fine, or statute. A.R.S. § 22-375. Appeals from the Superior Court to the Court of Appeals are addressed in a separate guide.

The rules also provide a means to request that the Superior Court reconsider its ruling. To do so, you must file a “Motion for Rehearing” in the Superior Court within fourteen (14) calendar days of the date you receive the decision or order. You must include a Memorandum that specifically explains why you believe the court misapplied the law or facts. You should not merely restate the same argument you made in your original Memorandum. The other party will have fourteen (14) calendar days to file a response. You will not be permitted to present an oral argument unless the Superior Court requests it.

Note: A motion for reconsideration does not extend any deadlines for filing an appeal.

In other cases, special action relief may be appropriate. Chapter 7 of the *Arizona Appellate Handbook* is a good source for information on how to prepare a special action.

Trial De Novo (New Trial)

The court may determine that the record of the traffic court proceeding is not sufficient to decide the case on appeal. (This could be due to such things as equipment malfunction when the recording of the trial was made.) In such cases, the parties will be notified and a “trial de novo” will be ordered.

If a trial de novo is ordered, a new trial will be held instead of a traditional appeal. Generally, the trial de novo will be held at the Superior Court. In Maricopa County, however, it is most often held in the traffic court.

STEPS FOR A TRIAL DE NOVO

Step 1: Trial de novo is ordered

This process most commonly occurs when the Superior Court determines that the record is insufficient and orders a trial de novo. (Occasionally the traffic court may determine that the record is insufficient.) The court will notify you that a trial de novo has been ordered and where the trial de novo will occur.

The court will also give you instructions as to further proceedings. Be sure to follow the court’s instructions.

Step 2: Appellant ensures case is set for trial

The court should notify you of the trial date. If, however, you get notice that a trial de novo has been ordered and do not get notice of a trial date, contact the court clerk where the trial will occur and ask if a trial date has been set. If it has not, file a motion requesting that your case be set for trial (**Form 7**).

Step 3: Prepare your case for trial

If the court has ordered a trial de novo, a new trial will be held in your case. This means you start over. Accordingly, you need to prepare your case for trial by reviewing the evidence, subpoenaing your witnesses, filing any pre-trial motions you want heard, etc. If you want a court reporter to record the proceedings in your case, you should order one no later than five (5) days before your trial.

Step 4: Trial is held

The court will give you written notice of the date, time, and location of the trial. Most often it will be held in the Superior Court in the county where your original trial was held. In Maricopa County, however, the new trial is usually held before the traffic court. **Section VIII** contains a list of the fifteen (15) Superior Courts in Arizona and their addresses.

Step 5: Judgment

After your trial de novo, the court will either find you responsible or not responsible. If you are found responsible, a civil sanction will be imposed by the judge or commissioner who presided over the trial de novo. **Note** - the court is not required to impose the same civil sanction that was ordered after your first trial.

Frequently Asked Questions

Question: **What are the Rules of Procedure in Civil Traffic Violation Cases and where can I find them?**

The Rules of Procedure in Civil Traffic Violation Cases explain the procedure to follow when appealing a civil traffic case from a traffic court to the Superior Court. They are in the *Arizona Rules of Court* book located at any law library and at <http://azrules.westgroup.com/home/azrules/default.wl>.

Question: **Where can I find my county's Local Rules?**

The Local Rules for each county are in the *Arizona Rules of Court* book located at any law library and at <http://azrules.westgroup.com/home/azrules/default.wl>.

Question: **Where can I find the statutes that apply to my case?**

You can review Arizona laws that apply to your case by going to www.azleg.state.az.us/arizonarevisedstatutes.asp. For general information about Arizona's court system, go to www.supreme.state.az.us.

Question: **Where can I look up legal words I do not understand?**

In the "Important Terms" section included as Appendix 2 of this Guide; in *Black's Law Dictionary*, available at any law library; or online at <http://dictionary.law.com>.

Question: **What is an appeal?**

An appeal is a court action in which a higher court, such as the Superior Court, reviews a decision made by a traffic court, such as a justice court or municipal court.

Question: **Where do I file my appeal?**

You will file your Notice of Appeal and your Appellant's or Appellee's Memorandum at the court where the proceeding under appeal was held.

Question: **Is there a filing fee for my civil traffic appeal to Superior Court?**

Yes. Once the traffic court sends the Notice of Appeal to the Superior Court, the Superior Court will notify you of the appeal fee. You will have thirty (30) days to pay the fee after you get notice. If you do not pay the fee, your appeal will be dismissed. The appeal fee for civil traffic appeals generally ranges from \$33 to \$130. You will also have to pay to have the record prepared. Depending on the court, you may also have to pay a "minimum clerk's fee" and/or "record research fee."

Question: **Will I have to pay an appeal bond in my civil traffic appeal?**

No. But if you do not pay an appeal bond, you will have to pay the fines and fees that the traffic court ordered.

Question: How long do I have to file my appeal?

You must file your Notice of Appeal no later than fourteen (14) days after the final order or judgment that you are appealing. The court will dismiss the appeal if it is not timely filed.

Question: What is the “record on appeal”?

The “record on appeal” consists of all of the papers filed in the traffic court and either the CD record, audio-tape record, or transcripts of hearings. The appellate courts will only consider the record on appeal and the law. Neither party can submit additional papers to the Superior Court that were not part of the record in the traffic court.

Question: Do I have to type the papers I file with the court?

No, but if you can, do. If the judge cannot read your handwriting, your Memorandum may be rejected by the court.

Question: Can I get an extension to file my Memorandum over the phone?

No. In order to get more time to file your Memorandum, you must file a written request (**Form 8**). File the original copy with the clerk of the traffic court and mail a copy of your motion to the opposing side.

Question: How long will it take for the Superior Court to make its decision?

The time period can vary depending on the nature of the case. Because of the time needed for all the tasks involved in the appeal such as completing the record and transmitting it to the Superior Court, preparing and filing the Appellate Memoranda, etc. it can take many months or perhaps more than one year.

Question: Can I present new evidence during my appeal?

No. An appeal is based only on the record of the traffic court proceedings and the memoranda that the parties file. Even if the Superior Court sets oral argument, you will only be allowed to argue why the traffic court erred in its ruling; you will not be allowed to present new evidence.

Question: Who can I call to get legal advice?

A list of organizations offering free or low-cost legal assistance is posted on the Arizona Bar Association’s website at www.azbar.org. To reach the Maricopa County Bar’s referral service call (602) 257-4434. In Pima County call (520) 623-4625.

Question: Can the court appoint an attorney to represent me?

Not in civil traffic cases.

APPROPRIATE QUESTIONS FOR THE CLERKS OF THE TRAFFIC COURT OR THE SUPERIOR COURT

This is a list of some things that court personnel can and cannot do for you:

- We can explain and answer general questions about how the court works.
- We can give you general information about court rules, procedures, and practices.
- We can provide you with the telephone number for local lawyer referral services, legal aid programs, and other services where you can get legal information.
- We can provide court schedules and information on how to get a case scheduled.
- We can give you information from your case file that is not restricted.
- We can provide you with court forms and instructions that are available.
- We can usually answer questions about court filing deadlines.

- We cannot give you an extension of time to file your pleadings over the phone. You can only get an extension of time if you file a motion in the trial court and the judge grants it (**Form 8**).
- We cannot tell you whether you should bring your case to court.
- We cannot tell you what words to use in your court papers or whether they are correct.
- We cannot tell you what to say in court.
- We cannot give you an opinion about what will happen if you bring your case to court.
- We cannot conduct legal research for you.
- We cannot talk to the judge for you or let you talk to the judge outside of court.
- We cannot alter court documents.

Important Terms

Admission of Responsible – To formally take responsibility for violating a civil traffic law before a judge. A defendant may not appeal an admission of responsible to a civil traffic charge.

Affirm – A ruling that the Superior Court agrees with the traffic court's decision.

Appeal – A court action brought by a person asking a higher court to review the decision of a lower court.

Appeal Fee – One of the fees an Appellant in a civil traffic case has to pay or have waived so the case may be reviewed by a higher court.

Appellant – The party who brings the appeal.

Appellant's Memorandum – The paper filed by the party pursuing the appeal (the Appellant). The Appellant's Memorandum should contain a statement of facts, arguments supporting reversal of the traffic court, and a conclusion.

Appellee – The party opposing the appeal.

Appellee's Memorandum – The paper filed by the party opposing the appeal (the Appellee), in response to the Appellant's Memorandum. The Appellee's Memorandum should contain a statement of facts, arguments supporting the traffic court's judgment, and a conclusion.

Arizona Supreme Court – The highest state appellate court in Arizona. The Court is located in Phoenix and has discretion to review decisions from the Arizona Court of Appeals.

Caption – The caption is the heading on the first page of any paper filed with the court. It should include: (1) the name of court in which the paper is being filed; (2) the name of the Appellant and Appellee [or Plaintiff and Defendant at the trial stage]; (3) the Traffic Court case number; (4) the Superior Court case number once it has been assigned; and (5) the name of the document that is being filed (i.e. "Notice of Appeal").

Civil Traffic Case – A case that involves only alleged civil violations of the traffic code; that is, no criminal charges or criminal statutes in the traffic code are associated with the case.

Court Clerk – The clerk is a public official responsible for filing papers and keeping records of court proceedings.

Court of Appeals – The second highest court in Arizona. A case originating in the traffic court will rarely be considered by the Court of Appeals.

Criminal Case – A case involving alleged violations of the criminal code and criminal violations of the traffic code.

Date-Stamp – A stamp that the court clerk puts on your document to record the time and date a document is filed. (Keep copies of all date-stamped documents for your file.)

Defendant – The party who is charged with a civil traffic violation.

Evidence – Evidence consists of the testimony of witnesses, documents or items admitted by the court as exhibits, and facts agreed to by the parties. The Superior Court will only review evidence and arguments presented to the traffic court. It will not accept new evidence.

File – To “file” a paper is to give it to the clerk’s office at the court where the case is pending. The paper will then become part of the case record.

Judgment – The court’s order or ruling.

Justice Court – A lower, limited jurisdiction court. Judges in justice courts are elected officials called Justices of the Peace.

Traffic Court – The court in which your case was originally heard. This court hears civil traffic cases. This is also the court whose action you are appealing. The Notice of Appeal, Appellant’s and Appellee’s memoranda, and motions for extension of time to file memoranda must all be filed in this court.

Memorandum – A document written by a party and submitted to the traffic court for the purpose of appellate review. A Memorandum affords the parties an opportunity to explain to the Superior Court why the traffic court’s decision should be overturned or affirmed.

Motion – A motion is a paper filed with the traffic court or the Superior Court asking the court to grant a request. For example, a motion is filed in the traffic court for an extension of time to file your Memorandum.

Municipal Court – A lower, limited jurisdiction court.

Notice of Appeal – A paper that informs the lower court and other parties that one party to a lower court action is appealing the court’s final order or judgment. It must be filed in the Traffic Court within fourteen (14) days after the date of the order, ruling, judgment, or sentence appealed. If the Notice of Appeal is not timely filed, the court will dismiss the appeal.

Oral Argument – An opportunity for the parties to appear in person at a time set by the Superior Court to personally explain why the Traffic Court’s decision should be overturned or allowed to stand. In civil traffic cases, it must be requested in writing (**Form 6**) and may not be allowed.

Order – An order is a written direction or command delivered by a court or judge.

Party – A party in a civil traffic case is a person that either brings or defends against the charges. It is either the state or the defendant.

Plea of Guilty, No Contest, or Responsible – These pleas are admissions to the charges by the defendant. A defendant may not appeal any of these pleas.

“Pro Se” or “Pro Per” Litigants – These are persons who represent themselves in a court of law without the assistance of an attorney.

Record on Appeal – The record on appeal consists of: (1) all papers filed in a case with the clerk of the traffic court; (2) all exhibits admitted by the traffic court judge; and (3) all transcripts, CD records, or audio-tapes

of any and all proceedings for that case. The parties must take steps to ensure that the Record on Appeal includes all necessary portions of the CD record, audio-tapes, or transcripts of proceedings that took place in the traffic court.

Remand – An action whereby the Superior Court returns the case to the traffic court for further action.

Reply Memorandum – This is a paper that the Appellant may file in response to the Appellee’s Memorandum only if the court gives permission. The Reply Memorandum should respond to the arguments in the Appellee’s Memorandum and should not re-urge the same arguments that were made in the Appellant’s Opening Memorandum.

Reversal – A ruling in which the Superior Court finds the trial court committed an error that was so important it likely affected at least part of the outcome of the case.

Submittal – A submittal occurs when the parties in a case let the trial judge decide the matter based upon the police reports and any other agreed upon evidence that is given to the judge. A submittal is a process used instead of a trial. Unlike a guilty plea or admission of responsible, a defendant may appeal from the ruling entered after a submittal.

Superior Court – In civil traffic appeals, this is the court that will decide your appeal. There is one Superior Court in each of Arizona’s fifteen (15) counties.

Transcripts – These are scripts prepared by a court reporter or from a CD or audio-tape recording. They contain an exact record of what was said and done in proceedings that took place in the traffic court. The Superior Court generally uses a CD or audio-tape record when deciding appeals; however, depending upon the length of the record for your appeal, a transcript may be required.

Trial De Novo – A new trial in which the entire case is retried as if no trial had been held in the first instance. The court will order a trial de novo when the Record on Appeal is damaged or otherwise inadequate to decide the appeal.

SUPERIOR COURT CONTACT INFORMATION

Each court is open Monday through Friday from 8:00 a.m. – 5:00 p.m.
Closed on official state holidays

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| <p><u>Apache County</u> 70 W. 3rd, South Saint Johns, AZ 85936 T: (928) 337-7555 F: (928) 337-7586 www.co.apache.az.us</p> | <p><u>LaPaz County</u> 1316 Kofa Ave. Suite 607 Parker, AZ 85344 T: (928) 669-6134 T: (928) 669-6134 www.co.la-paz.az.us</p> | <p><u>Pima County</u> 110 W. Congress St. Tucson, AZ 85701 T: (520) 740-3210 www.sc.co.pima.az.us</p> |
| <p><u>Cochise County</u> PO Box CK 100 Quality Hill Bisbee, AZ 85603 T: (520) 432-4850 www.co.cochise.az.us</p> | <p><u>Maricopa County</u> Phoenix Court 201 W. Jefferson Phoenix, AZ 85003 Southeast Court 222 E. Javelina Mesa, AZ 85210 Northeast Court 18380 N. 40th St. Phoenix, AZ 85030 Northwest Court 14264 W. Tierra Buena Ln. Surprise, AZ 85374 T: (602) 506-6157 www.superiorcourt.maricopa.gov</p> | <p><u>Pinal County</u> 971 N. Jason Lopez Circle Florence, AZ 85232 T: (520) 866-5319 F: (520) 866-5401 http://co.pinal.az.us</p> |
| <p><u>Coconino County</u> 200 N. San Francisco St. Flagstaff, AZ 86001 T: (928) 779-6535 www.coconino.az.gov</p> | <p><u>Mohave County</u> Kingman Courthouse 401 E. Spring St. Kingman, AZ 86401 T: (928) 753-0713 Lake Havasu Courthouse 2001 College Dr. Lake Havasu City, AZ 86403 Bullhead City Courthouse 2225 Trane Rd. Bullhead City, AZ 86442 www.mohavecourts.com</p> | <p><u>Santa Cruz County</u> 2150 Congress Dr. Suite 215 Nogales, AZ 85621 T: (520) 375-7730 F: (520) 375-7733 www.co.santa-cruz.az.us</p> |
| <p><u>Gila County</u> Globe Courthouse 1400 E. Ash St. Globe, AZ 85501 T: (928) 402-8564 Payson Courthouse 714 S. Beeline HWY Suite #104 Payson, AZ 85501 www.gila.az.us</p> | <p><u>Mohave County</u> Kingman Courthouse 401 E. Spring St. Kingman, AZ 86401 T: (928) 753-0713 Lake Havasu Courthouse 2001 College Dr. Lake Havasu City, AZ 86403 Bullhead City Courthouse 2225 Trane Rd. Bullhead City, AZ 86442 www.mohavecourts.com</p> | <p><u>Yavapai County</u> 120 S. Cortez St. Prescott, AZ 86303 T: (928) 771-3483 F: (928) 771-3389 www.co.yavapai.az.us</p> |
| <p><u>Graham County</u> 800 W. Main St. Safford, AZ 85546 T: (928) 482-3310 www.graham.az.gov</p> | <p><u>Navajo County</u> 100 E. Carter Dr. Holbrook, AZ 86025 T: (928) 524-4188 www.co.navajo.az.us</p> | <p><u>Yuma County</u> 250 W. 2nd St., Suite B Yuma, AZ 85364 T: (928) 817-4240 F: (928) 817-4014 www.co.yuma.az.us</p> |
| <p><u>Greenlee County</u> 223 5th St Clifton, AZ 85533 T: (928) 865-3872 F: (928) 865-5358 www.co.greenlee.az.us</p> | | |

FORMS

Motion to Waive or Reduce Bond and/or Record Fee / Form 1

(Appropriate Court)

| | | |
|-------------------|---|---------------------------------------|
| STATE OF ARIZONA, |) | |
| |) | |
| Plaintiff, |) | No. _____ |
| |) | |
| vs. |) | |
| |) | DEFENDANT'S MOTION TO WAIVE OR REDUCE |
| _____ , |) | BOND AND/OR RECORD FEE |
| |) | |
| Defendant. |) | |
| _____) |) | |

I, the undersigned defendant, move this court in the above cause, to waive, or, in the alternative, to reduce the:

- Appeal bond. The current appeal bond amount is \$ _____.
- Record fee. Estimated fee is \$ _____.
- Minimum clerk fee and document research fee.

Check one of the following boxes:

- Attached is the completed financial form containing a sworn statement of financial resources.
- I have already set up a payment contract on this case and have supplied my financial information.

This request is made for the following reasons:

Dated: _____

Defendant: _____

(Appropriate Court)

STATE OF ARIZONA,)
)
 Plaintiff,)
)
 vs.)
)
 _____,)
)
 Defendant.)
 _____)

No. _____

DEFENDANT'S FINANCIAL STATEMENT

I. Financial Statement.

1. What is your monthly income? _____.
2. Do you own a home? ___ If so, give its value _____.
3. Do you have any savings? ___ If so, how much? _____.
4. Do you have any outstanding loans? ___ If so, how much? _____.
5. Do you have any other property which is not needed by your family for day-to-day living which you could use to pay for an attorney? _____
 Describe _____
 Approximate value _____

Under the penalties of perjury, I declare that I have examined the above statements made by me and to the best of my knowledge and belief each and all are true and correct.

Signed _____

Dated _____

(Appropriate Court)

STATE OF ARIZONA,)
)
 Plaintiff,)
)
 vs.)
)
 _____,)
)
 Defendant.)
 _____)

No. _____

DEFENDANT'S NOTICE OF APPEAL
(CIVIL TRAFFIC)

The undersigned appeals from the final order of final judgment in the above case entered in this court on _____. Appellant understands: (1) the instructions set forth in the "Notice of Right to Appeal" including payment for a copy of the record or transcript, the right to post bond to stay enforcement of the judgment, filing an appellate memorandum with the trial court, and paying a filing fee to the superior court; and (2) failure to complete all stages in the appeal may result in the dismissal of the appeal and reinstatement of the trial court judgment.

The following address may be used for all court notices. The court will be notified IN WRITING of any change of address.

Defendant's current mailing address must be PRINTED here, even if defendant is represented by counsel:

Street _____ Apt./Unit No. _____

City, State _____ ZIP _____

(Daytime Phone) () _____

Dated: _____

Defendant: _____

(Appropriate Lower Court)

STATE OF ARIZONA,)
)
 Appellee,)
)
 vs.)
)
 _____,)
)
 Appellant.)
 _____)

__ (Lower Court No. __) or
(__ County No. __)

NOTICE OF CHANGE OF ADDRESS OR
PHONE NUMBER

I am the Appellant in this case and my [] address [] phone number has changed

My old address was:

Street _____ Apt./Unit No. _____

City, State _____ ZIP _____

My new address is:

Street _____ Apt./Unit No. _____

City, State _____ ZIP _____

My old phone number was:

(Daytime Phone) _____

My new phone number is:

(Daytime Phone) _____

Dated: _____

Defendant: _____

Sample Memorandum / Form 5 - Page 1 of 3
(for use with Appellants or Appellees)

(TRIAL COURT)

STATE OF ARIZONA,

Appellee,

vs.

Appellant.

)
)
)
)
)
)
)
)
)
)
)

No. _____

(APPELLANT'S MEMORANDUM)
(APPELLEE'S MEMORANDUM)

(Name and address)

(Appellant) (Appellee)

Continued

STATEMENT OF FACTS

(Facts and procedural history, with references to the record, double spaced.)

ARGUMENT

I. ALL CAPITAL LETTERS. NOT UNDERLINED.

A. Initial Caps and Underlined.

1. Lower case and underlined. (If there is a heading.)

XXXXXX DOUBLE SPACED WITH CITIATION TO AUTHORITY XXXXXXXXXXXX
XX.

II. ALL CAPITAL LETTERS. NOT UNDERLINED.

A. Initial Caps and Underlined.

1. Lower case and underlined. (If there is a heading.)

XXXXXX DOUBLE SPACED WITH CITIATION TO AUTHORITY XXXXXXXXXXXX
XX.

CONCLUSION

XXXXXXXXXXXXXXXXXX DOUBLED SPACED XXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX STATE REMEDY SOUGHT ON APPEAL XXXXXXXXXXXXXXXXXXXX.

Respectfully submitted,

By _____
Name and address)
(Appellant) (Appellee)

Continued

APPENDIX

(Name and address)
(Appellant) (Appellee)

SUPERIOR COURT OF ARIZONA
_____ COUNTY

STATE OF ARIZONA,)
)
 Appellee,)
)
 vs.)
)
 _____,)
)
 Appellant.)
 _____)

Superior Court No. _____

REQUEST FOR ORAL ARGUMENT

_____, moves this court to allow the parties in the above-entitled cause to present oral argument for the following reasons: [List reasons for oral argument.] _____

(Date)

(Name and Address)
(Appellant) (Appellee)

Copy of the foregoing
(mailed) (delivered) this
____ day of _____,
20__, to:

(Opposing Counsel)

By _____

SUPERIOR COURT OF ARIZONA
_____ COUNTY

STATE OF ARIZONA,)
)
 Appellee,)
)
 vs.)
)
 _____,)
)
 Appellant.)
 _____)

Superior Court No. _____

MOTION TO SET TRIAL

Appellant moves this court to set the appeal in the above-entitled cause for a trial *de novo*.

(Date)

(Name and address)(Appellant)

Copy of the foregoing
(mailed) (delivered) this
____ day of _____,
20____, to:

(Opposing Counsel)

By _____

Motion for Extension of Time for Filing Memorandum / Form 8

(Appropriate Court)

STATE OF ARIZONA,)
)
 Appellee,)
)
 vs.)
)
 _____,)
)
 Appellant.)
 _____)

No. _____

MOTION FOR EXTENSION
OF TIME FOR
FILING MEMORANDUM

(Appellant) (Appellee), moves this court to extend the
time for filing the (Opening) (Answering) Memorandum to _____ (date) because of the
following exceptional circumstances: [List exceptional circumstances justifying delay and date upon
which work can be completed.] _____

(Date)

(Name and address)
(Appellant or Appellee)

Copy of the foregoing
(mailed) (delivered) this
_____ day of _____,
20____, to:

(Opposing Counsel)

By _____