

THE COMANCHE NATION,
Plaintiff,

v.

_____,
Defendant.

) APPEAL CASE NO.
) _____
) DISTRICT COURT CASE NO.
) _____
) TYPE OF APPEAL
) () Direct Felony Appeal
) () Direct Misdemeanor Appeal
) () Certiorari
) () Revocation/Acceleration
) () Nation Appeal
) () Juvenile - Adjudication
) () Juvenile - (Certification)
) () Juvenile - (Reverse Certification)
) () Youthful Offender - (Sentencing as Adult)
) () Other (specify) _____

I. NOTICE OF INTENT TO APPEAL

If certiorari appeal, date of trial court's denial to withdraw plea

Sentence

The sentence(s) was/were ordered to run () concurrently () consecutively as follows:

The Defendant intends to appeal () all convictions arising from the trial had in the above captioned case, whether hereinabove specifically listed or not; or () only the following Counts _____ to the Appellate Court of the Comanche Nation

Tribal Court pursuant to _____ (cite specific code). This Notice of Intent to Appeal and the Designation of Record, attached as Exhibit "A", was filed with the clerk of the trial court within ten (10) days of the date of the pronouncement of the Judgment and Sentence in this case and constitutes a valid initiation of a direct. The Defendant further requests that the original record and transcripts be prepared in accordance with the completed Designation of Record, attached as Exhibit A. To assist in the expediting of the appeal, an advisory list of propositions of error, if any, deemed viable by trial counsel, signed by trial counsel (if trial counsel will not be attorney on appeal), is attached as Exhibit "B".

Trial Counsel or Defendant

- ☐ Defendant
- ☐ Retained
- ☐ Appointed
- ☐ Individual
- ☐ Indigent Defense

A true and correct certified copy of the Notice of Intent to Appeal and the Designation of Record with acknowledged receipt by the court reporter(s) were mailed this _____ day of _____, 20_____, to the Clerk of the Appellate Court of the Comanche Nation Tribal Court.

Defendant or Trial Counsel (Signature plus typed name)

OBA No. _____

Address _____

Telephone No. _____

II. APPLICATION FOR DETERMINATION OF INDIGENCE

The Defendant submits that he/she is indigent and cannot pay the costs of an appeal. Counsel states:

- ☐ Indigency has been previously determined by this Court or its designee, and a pauper's affidavit will be provided if this Court elects to review the Defendant's status.

- () Indigency has not been previously determined by this Court or its designee, and a pauper's affidavit is attached as Exhibit "C".

It is requested that appropriate counsel be appointed and transcripts be prepared at the expense of the State.

Trial Counsel

III. DETERMINATION OF INDIGENCE

This Court finds the Defendant () IS () IS NOT currently indigent.

THE COURT ORDERS:

A. Preparation of the Appeal Record:

1. A record of this case () IS () IS NOT to be prepared at public expense.
2. The return to the trial court clerk all transcripts prepared at state expense during the course of the trial proceedings. These transcripts shall be returned within ten (10) days from the date of sentencing.

B. IF INDIGENT:

1. _____, trial counsel for the Defendant, timely completed this Notice of Intent to Appeal and has timely filed a Designation of Record.

2. The court reporter(s) has been served with a copy of the Designation of Record.

3. Appropriate transcripts are ordered at public expense.

4. _____, (name)

() INDIGENT DEFENSE

() A PRIVATE ATTORNEY, _____

Address

Telephone

_____ is appointed to represent the Defendant on appeal.

5. Any Supplemental Designation of Record by appointed counsel must be filed and served upon the appropriate court reporter(s) within thirty (30) days from the date of appointment, and the reporter's acknowledgement of service shall be filed.

6. _____, trial counsel for the Defendant, is permitted to withdraw as counsel of record.

C. IF NOT INDIGENT:

1. _____, trial counsel for the Defendant, timely completed this Notice of Intent to Appeal and has timely filed a Designation of Record.

2. The court reporter(s) has been served with a copy of the Designation of Record.

3. _____ has entered his/her appearance and will represent the Defendant on appeal as retained counsel.

4. _____, trial counsel for the Defendant, has filed a Motion to Withdraw as Counsel. The Motion is granted and trial counsel is permitted to withdraw as counsel of record.

IT IS SO ORDERED.

This order signed this _____ day of _____, 20____.

Judge of the District Court

(Signature plus typed name and title)

NOTE: A NOTICE OF INTENT TO APPEAL AND DESIGNATION OF RECORD MUST BE FILED WITHIN TEN (10) DAYS FROM THE DATE THE SENTENCE IS PRONOUNCED IN OPEN COURT WITH THE CLERK OF THE TRIAL COURT. THIS NOTICE AND DESIGNATION IS JURISDICTIONAL AND FAILURE TO TIMELY FILE CONSTITUTES WAIVER OF THE RIGHT TO APPEAL. A CERTIFIED COPY OF THIS NOTICE AND DESIGNATION SHALL ALSO BE FILED BY TRIAL COUNSEL WITH THE CLERK OF THE COURT OF CRIMINAL APPEALS WITHIN TEN (10) DAYS FROM THE DATE THE NOTICE IS FILED IN THE TRIAL COURT. NO TRIAL ATTORNEY MAY BE GRANTED PERMISSION TO WITHDRAW, IF THE DEFENDANT DESIRES TO APPEAL, UNLESS THESE DOCUMENTS ARE FILED. IF THE DEFENDANT DOES NOT WISH TO APPEAL THIS CONVICTION, TRIAL COUNSEL MUST FILE AN AFFIDAVIT SIGNED BY TRIAL COUNSEL AND ACKNOWLEDGED BY THE TRIAL JUDGE WITH THE CLERK OF THE DISTRICT COURT, BEFORE TRIAL COUNSEL IS ALLOWED TO WITHDRAW, ASSERTING THAT THE DEFENDANT HAS BEEN FULLY ADVISED OF HIS/HER APPEAL RIGHTS AND DOES NOT WISH TO PURSUE AN APPEAL OF THE CONVICTION.

IV. COURT REPORTER'S ACKNOWLEDGEMENT

A. The Designation of Record, attached as "Exhibit A", was received on _____, 20_____.

B. IF NOT INDIGENT, satisfactory arrangements ()have ()have not been made for payment of the transcript cost. These financial arrangements were completed on, _____ 20_____. If payment has not been made/arranged, explain why:

C. Number of trial and/or hearing days: _____

D. Estimated number of transcript pages: _____

E. Estimated completion date: _____

F. I acknowledge receipt of this document and understand I must prepare the record within the time limits prescribed by the Comanche Nation Tribal Court.

DATE: _____
Signature - Official Court Reporter

Printed Signature

V. NOTIFICATION OF COUNSEL, IF APPOINTED

NOTE: No Designation of Record shall be accepted for filing by the trial court clerk unless it contains one of the following:

A. A signed acknowledgement from the court reporter(s) who reported proceedings in a case indicating receipt of the request for transcript(s), the date received, and completed financial arrangements, or an order of the trial court directing the case be prepared at public expense; or, [For Supplemental Designation of Record, a signed certified mail return receipt card acknowledged by the court reporter(s), together with the attorney's certificate of mailing attached is sufficient for compliance.] or,

B. A signed statement by the attorney preparing the designation of record stating that transcripts have not been ordered and a brief explanation why. (Example, I, _____, attorney for the Appellant, hereby state that I have not ordered a transcript because: (1.) A transcript is not necessary for this appeal; (2.) No stenographic reporting was made.)

A true and correct certified copy of this Notice and Order and the Designation of Record were mailed this _____ day of _____, 20____, to:

() _____, Court Appointed Counsel, address:

() _____, privately retained counsel. address:

Deputy Court Clerk