

GREEN VALLEY JUSTICE COURT
601 N. LA CANADA DRIVE, GREEN VALLEY, AZ 85614



CIVIL TRAFFIC APPEAL PACKET

In this Packet you will find the forms necessary to appeal a Civil Traffic disposition to a ‘higher’ court (Superior Court).

The following forms are approved for use in civil traffic proceedings:

1. **Notice of Rights to Appeal** (Civil Traffic) – **JP 318**
2. **Defendant’s Notice of Appeal** (Civil Traffic) – **JP 317A**

You should have already reviewed and signed the **Notice of Rights to Appeal** (Civil Traffic) – **JP 318** as presented to you at trial. If not, the form is supplied for your review and signature.

The following fees apply in civil traffic appeals:

1. Post bond in the amount of fine on the date of judgment. A twenty dollar (\$20) JCEF fee (ARS12-116(A)) will apply if bond is posted after the judgment date.
2. Audio Recording of Civil Traffic Hearing - \$25.00

STATE OF ARIZONA
VSDEFENDANT'S NOTICE OF
RIGHT TO APPEAL
(CIVIL TRAFFIC)

CASE NO.

A party may appeal a final order or final judgment entered in a civil traffic case. This notice explains your rights and responsibilities to file an appeal from such an order or judgment.

There are two separate stages to the appeal process. The first stage begins in this court; the second stage takes place in the county Superior Court. Remember, you must complete all steps at both stages or you run the risk of having your appeal dismissed. This notice does not set forth all the rules on traffic appeals. To read them entirely, you may review the Arizona statutes and rules of traffic court procedure at the library. It is recommended that you keep a copy of all your documents and receipts during the appeal.

STAGE ONE - THE TRIAL COURT

- (A) **THE NOTICE OF APPEAL.** To appeal, you must file a "Notice of Appeal" with the trial court clerk within 14 calendar days from the date of the final order or final judgment. If you do not file a "Notice of Appeal" within these 14 days, you lose the right to appeal. In your Notice of Appeal, be sure to specify which actual charge or violation you are appealing.
- (B) **THE RECORD.** On or before the 14-day deadline to appeal, you must obtain a transcript or audio recording of the hearing. The court clerk will explain which type of record is required. Payment must be in cash or other method explained by the clerk. If you cannot afford to pay for the record, you may request a waiver or deferral.
- (C) **POSTING A BOND ON APPEAL TO STAY JUDGMENT.** You cannot be forced to post a bond in order to exercise your right to appeal. However, the civil traffic judgment normally includes a sanction (monetary fine) and, for moving violations, points on your license. In some cases, the court may have suspended your license or registration as part of its decision. These penalties are NOT stopped just because you have filed a timely notice of appeal unless you post bond with the trial court. The amount of the bond is the total amount of the sanction ordered by the court. If you do not post bond to stay enforcement, then you must pay your fine. Failure to post bond or pay the fine imposed by the court could result in suspension of your driver license without further notice.
- (D) **THE WRITTEN APPEAL MEMORANDUM.** Once you have a copy of your audio recording or written transcript the next step will be to prepare your written memorandum. The appellant's memorandum is your written "brief" or explanation why the trial court ruling was legally wrong. Normally, the memorandum will refer to specific portions of the record of the hearing to point out where there was error by the court. (That is why a party who appeals pays for a copy of the record.) The memorandum should be typed or printed on letter-sized white paper, double spaced, and not exceed 15 pages in length, not counting any exhibits from your hearing you want to attach to the memorandum.
- (E) **FILING THE APPELLANT'S MEMORANDUM WITHIN 60 DAYS.** If you file an appeal, you are the "appellant." The appellant's memorandum must be filed with the court within 60 calendar days of the deadline to file the notice of appeal. Put the caption of the case and your case number at the top of your memorandum. Print the title "APPELLANT'S MEMORANDUM" below the caption so the court can identify it when it is filed. You must file the original and 1 copy of the memorandum with the court. (The other side then has 30 days to file an "Appellee's Memorandum.")

(F) WAIT FOR FURTHER INSTRUCTIONS. Once the memorandum has been filed, you should await further instructions from the Superior Court as outlined in the next stage. Legal notifications will be mailed to you so keep the court informed of your current address. Even if you hire an attorney, your address is still required for legal notifications.

STAGE TWO - THE SUPERIOR COURT

- (G) PAYING THE SUPERIOR COURT FILING FEE. Approximately 60 days after you file your memorandum, you will receive a notice from the Superior Court. This notice will (1) assign a Superior Court case number to use in all further correspondence, and (2) instruct you to pay the Superior Court appeal filing fee. You must pay this filing fee or your appeal may be dismissed and your case sent back to the trial court. Again, if you cannot afford to pay the filing fee, contact the Superior Court clerk for information about a possible waiver or deferral.
- (H) SUPERIOR COURT ACTION ON THE APPEAL. Upon review of your case you will receive a ruling from the Superior Court judge. The judge may affirm the decision of the trial court, overrule the trial court, modify the trial court's ruling, or, if record is not clear, order a new trial.

If the judge affirms the decision of the trial court, or if your appeal is dismissed, the court may apply any bond, deposit, or payments already made.

Dated: _____

I acknowledge receipt of a copy of this Notice

Defendant

STATE OF ARIZONA
VS

DEFENDANT'S NOTICE OF
APPEAL
(CIVIL TRAFFIC)

CASE NO.

The undersigned appeals from the final order or final judgment in the above case:

Signature of Defendant

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 appellant's 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 or message phone – including area code) _____

Defendant's Birth Date _____

Defendant's or Attorney's Signature _____ Bar No. _____

Dated: _____