

NOTICE OF APPEAL PROCEDURES (HABEAS CORPUS)

JD-CR-84 Rev. 1-22
C.G.S. §§ 52-259, 52-259b, 52-470
P.B. §§ 43-30, 63-1, 63-6, 63-7, 63-8, 66-1, 80-1

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov



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contact a court clerk or go to: www.jud.ct.gov/ADA.

PART I - Notice of Appeal Procedures (Habeas Corpus)

1. Before you can appeal to the Connecticut Appellate Court from the decision on your habeas corpus petition, you must: **Within 10 days from the date of decision**, file a request with either the judge who tried the case, or if that judge is not available, to the judge of the Superior Court designated by the Chief Court Administrator, to certify that a question is involved in the decision which ought to be reviewed by the Appellate Court. If you want to appeal, you may use Part II of this form (*Petition for Certification (Habeas Corpus)*) to make your request. (Connecticut General Statutes, Section 52-470).
2. **Within 20 (twenty) days from the issuance of the notice to you** on the petition for certification ("date notice issued" on Part 2 of this form), you have a right to file an appeal with the clerk of this court. (Connecticut Practice Book Sections 63-1, 80-1). The court rule concerning extensions of this 20-day appeal period is printed below.
3. You must pay the entry fee of \$250.00 when you appeal; and the court may order that you give security for costs unless the court says that you do not have to under the next section. (Connecticut General Statutes Section 52-259).
4. If you want to appeal, but you cannot pay the fees, costs and expenses listed in item 3 or you cannot afford to pay for a lawyer, you have a right, **before the 20-day period for appeal stated in item 2 is over**, to ask the court to (1) appoint a lawyer for you and (2) allow you to appeal without paying the fees, costs and expenses. Your request must be under oath and state the basis on which you plan to appeal and the facts of your financial situation. If you plan to make this request, you must file an *Application for Waiver of Fees, Costs and Expenses and Appointment of Counsel On Appeal*, form JD-CR-73, and you should attach your completed form JD-CR-73 to your *Petition for Certification (Habeas Corpus)*. (Connecticut Practice Book, Sections 63-6 and 63-7, Connecticut General Statutes, Section 52-259b). If the court denies your request you must file your appeal and pay the expenses listed in item 3 within 20 days from the issuance of the notice of the denial (P.B. 63-1).
5. If the habeas court denies your petition for certification to appeal, you can appeal from that ruling. You must *expressly* claim in your appellate brief that the habeas court abused its discretion when it denied the petition for certification to appeal and explain how that discretion was abused. To establish that the habeas court abused its discretion, you must demonstrate that (1) the issues that you seek to raise on appeal are debatable among jurists of reason, (2) a court could resolve the issues in a different manner, or (3) the questions deserve encouragement to proceed further. See *Simms v. Warden*, 230 Conn. 608, 616, 646 A.2d 126 (1994). *If you do not expressly claim in your brief that the habeas court abused its discretion when it denied your petition for certification, your appeal will be dismissed.*

Sec. 66-1. Extension of Time

(a) Motions to extend the time limit for filing an appeal shall be filed with the clerk of the trial court. Except as otherwise provided in these rules, the judge who tried the case may, for good cause shown, extend the time limit provided for filing the appeal, except that such extension shall be of no effect if the time within which the appeal must be filed is set by statute and is a time limit that the legislature intended as a limit on the subject matter jurisdiction of the court in which the appeal is filed. In no event shall the trial judge extend the time for filing the appeal to a date which is more than twenty days from the expiration date of the appeal period. Where a motion for extension of the period of time within which to appeal has been filed at least ten days before expiration of the time limit sought to be extended, the party seeking to appeal shall have no less than ten days from issuance of notice of denial of the motion to file the appeal.

(b) Motions to extend the time limit for filing any appellate document, other than the appeal, shall be filed with the appellate clerk. The motion shall set forth the reason for the requested extension and shall be accompanied by a certification that complies with Section 62-7. An attorney filing such a motion on a client's behalf shall also indicate that a copy of the motion has been delivered to each of his or her clients who are parties to the appeal. The moving party shall also include a statement as to whether the other parties consent or object to the motion. A motion for extension of time to file a brief must specify the current status of the

brief or preparations therefor, indicate the estimated date of completion, and, in criminal cases, state whether the defendant is incarcerated as a result of the proceeding in which the appeal has been filed.

(c) The appellate clerk is authorized to grant or to deny motions for extension of time promptly upon their filing. Motions for extension of time to complete any step necessary to prosecute or to defend the appeal, to move for or to oppose a motion for reconsideration, or to petition for or to oppose a petition for certification will not be granted except for good cause. Claims of good cause shall be raised promptly after the cause arises.

(d) An opposing party who objects to a motion for extension of time filed pursuant to subsection (b) of this section shall file an objection with reasons in support thereof with the appellate clerk within five days from the filing of the motion.

(e) A motion for extension of time shall be filed at least ten days before the expiration of the time limit sought to be extended or, if the cause for such extension arises during the ten day period, as soon as reasonably possible after such cause has arisen. No motion under this rule shall be granted unless it is filed before the time limit sought to be extended by such motion has expired.

(f) Any action by the trial judge pursuant to subsection (a) of this section or the appellate clerk pursuant to subsection (c) of this section is reviewable pursuant to Section 66-6.

PART II - Petition for Certification (Habeas Corpus)

Judicial District of _____	Date of decision _____	Docket number _____
Name of petitioner _____	Name of respondent _____	

To:
*(fill in the name of
the trial Judge)*

Judge _____, who tried case or, if the judge is not available, to
the judge of the Superior Court designated by the Chief Court Administrator to certify this matter.

I request a certification that a question is involved in the decision on my habeas corpus petition which ought to be reviewed by the Connecticut Appellate Court. **A statement of grounds (the question(s) involved) for your request must written on this page, and any additional pages must be firmly attached to your petition. If you have completed an *Application for Waiver of Fees, Costs and Expenses and Appointment of Counsel On Appeal*, form JD-CR-73, you should attach a copy of that application to this petition.** The grounds for my request for certification are:

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NOTICE:
This petition must be filed within 10 days from the date of decision and sent to the clerk of the Superior Court for the Judicial District named above.

Signed _____
(Petitioner)

Certification and Notice (For Court Use Only)

- It is certified that a question is involved in the decision on the petition for habeas corpus which ought to be reviewed by the Appellate Court and the Petition for Certification is **granted** .
- The Petition for Certification is **denied**. You have the right to challenge this ruling by filing an appeal with the Appellate Court. Any such appeal must comply with the procedures set forth in Part I of this form for appealing from the denial of a petition for certification or it will be dismissed.

By the Court <i>(Print or type name of Judge)</i>	On <i>(Date)</i>	Signed <i>(Judge, Assistant Clerk)</i>	Date notice issued
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