



**IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR CLATSOP COUNTY**



STATE OF OREGON

) Case No.: _____

) Plaintiff)

vs

)

NOTICE AND ADVICE OF RIGHT TO APPEAL

)

) Defendant)

As required by ORS 137.020 (5), the trial court is advising you of your right to appeal this court's judgment and of the procedure for protecting such right.

Your right to appeal is limited as follows:

1. If you entered a plea of guilty or no contest to any felony offense committed before November 1, 1989, or to any misdemeanor offense, then you may appeal the judgment only if you make a colorable claim showing that the disposition exceeds the maximum allowed by law or is unconstitutionally cruel and unusual. ORS 138.050. If you entered a plea of guilty or no contest to any felony offense committed on or after November 1, 1989, then you may appeal the judgment only upon showing a colorable claim of error in the proceeding. ORS 138.222. A colorable showing or claim is one that is apparently valid or plausible.
2. If you were sentenced on a revocation of a probation or sentence suspension or were re-sentenced after an order by an appellate court or a post-conviction court, then you may appeal the judgment only upon showing a colorable claim of error in the proceeding. ORS 138.053 and 138.222.
3. Your right to appeal a felony conviction is limited if the sentence is within the presumptive sentence on the guidelines grid block or the sentence is probation when the guidelines prescribe a presumptive sentence of imprisonment but allow a probation sentence without departure or the sentence is imprisonment when the guidelines prescribe a presumptive sentence of imprisonment but allow a sentence of probation without departure or the sentence results from a stipulated sentencing agreement between the state and defendant which the sentencing court has approved on the record. ORS 138.222.
4. If you were found guilty after a jury trial, a trial to the judge, or a stipulated facts trial, you may appeal legal errors in the decisions, orders and proceedings of the court.

PROCEDURES FOR PROTECTING YOUR RIGHT TO APPEAL

The Oregon Revised Statutes and Oregon Rules of Appellate Procedure control your appeal. You could lose your right to appeal by not following them. These authorities and forms for appeal may be accessed at <http://www.ojd.state.or.us/>.

Within **30 DAYS** from the entry date of this court's judgment in the court register, you must:

1. Prepare a written and signed Notice of Appeal.
2. Serve copies of your Notice of Appeal on all parties, including the District Attorney. You also must serve the clerk of the trial court. If you want the Court of Appeals to consider a transcript, you must serve the trial court administrator, "Attention: Transcript Coordinator." Even if an audio or video record was made of the proceeding rather than a stenographic record, serve the transcript coordinator.
3. File the signed original Notice of Appeal and the proofs of service with the Court of Appeals, State Court Administrator, Records Section, 1163 State Street, Salem, Oregon 97310. You may wish to contact the Court of Appeals to determine the current filing fee for the type of offense you are appealing. The phone number is (503) 986-5555.

If you are without funds for an attorney and transcript on appeal, you may ask the trial court to appoint a lawyer to represent you and to provide a transcript for the purposes of appeal. The court will decide whether you qualify for this help. To request the court to review your eligibility for an appointed attorney on appeal, contact the Indigent Defense Verifier in the Clatsop County Circuit Court. The phone number is (503) 325-8555. If you qualify, an attorney will be appointed.

While your case is on appeal, the trial court, if you ask, may release you from jail or stay your financial obligations.

Signature acknowledges receipt of form:

Defendant

Date

Defendant's Attorney

Date