

§ 12.6 Docketing Statement—Criminal

IN THE (SUPREME COURT) (COURT OF APPEALS) OF THE STATE OF KANSAS

Case Caption: _____
 County Appealed From _____
 District Court Case No(s).: _____
 Proceeding Under Chapter: _____
 Party Filing Appeal: _____
 Party or Parties who will Appear as Appellees:

DOCKETING STATEMENT—CRIMINAL

The docketing statement is used by the court to determine jurisdiction and to make calendar assignments under Rules 7.01(c) and 7.02(c). This is not a brief and should not contain argument or procedural motions.

1. **Criminal Classification:**
 - a. Conviction of (offense[s], statute[s], and classification[s] of crime[s]):

 - b. Date of offense(s) committed: _____

2. **Proceedings in the District Court:**
 - a. Trial judge from whose decision this appeal is taken:
 - b. List any other judge who has signed orders or conducted hearings in this matter:

- c. Was this case disposed of in the district court by:
 - _____ Jury trial
 - _____ Bench trial
 - _____ Plea
 - _____ Dismissal
- d. Length of trial, measured in days (if applicable): _____
- e. State the name of each court reporter or transcriptionist who has reported or transcribed any or all of the record for the case on appeal. (This is not a substitute for a request for transcript served on the individual reporter or transcriptionist under Rule 3.03.)

- f. State the name, address, telephone number, fax number, and e-mail address of any attorney who represented a party in the district court if that attorney's name does NOT appear on the certificate of service attached to this docketing statement. Clearly identify each party represented.

3. **Jurisdiction:**

- a. Date sentence was pronounced from the bench: _____
- b. Date notice of appeal filed in district court: _____
- c. Custodial status:
 - (1) Is the defendant subject to appeal bond or incarcerated? _____
 - (2) Earliest possible release date, if incarcerated: If sentencing is challenged on appeal, it is the State's obligation to notify the clerk of the appellate courts in writing of any change in the custodial status of the defendant during the pendency of the appeal. See Rule 2.042. _____
- d. Statutory authority for appeal: _____
- e. Are there any co-defendants (yes or no): _____
If "yes," what are their names? _____

- f. Are there any proceedings in any other court or administrative agency, state or federal, which might impact this case or this court having jurisdiction (yes or no)? _____

If "yes," identify the court or agency in which the related proceeding is pending.

List the case captions and the case or docket numbers.

4. **Constitutional Challenges to Statutes or Ordinances:**

Was any statute or ordinance found to be unconstitutional by the district court (yes or no)? _____

If "yes," what statute or ordinance? _____

5. **Related Cases/Prior Appeals:**

- a. Is there any case now pending or about to be filed in the Kansas appellate courts which:

(1) Arises from substantially the same case as this appeal (yes or no)? _____

If "yes," give case caption and docket number.

(2) Involves an issue that is substantially the same as, similar to, or related to an issue in this appeal (yes or no)? _____

If "yes," give case caption and docket number.

- b. Has there been a prior appeal involving this case or controversy (yes or no)? _____

If "yes," give caption and docket number.

6. Brief statement (less than one page), without argument, of the material facts. This is not intended to be a substitute for the factual statement which will appear in the brief.

7. Concise statement of the issues proposed to be raised. You will not be bound by this statement but should include issues now contemplated. Avoid general statements such as "the judgment is not supported by the law."

Attorney's Signature

/s/ _____

Attorney's Name (typed or printed)

Kansas Attorney Registration Number

Address

Telephone Number

Fax Number

E-mail Address

Name of the Party Represented

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Docketing Statement was sent by [Insert Method] on [Insert Date] to:

[Insert names and addresses of all persons served and whom they represent.]

/s/ _____

Attorney's Name and Registration Number

PRACTICE NOTE: Docketing statement forms are available in a fillable pdf format in the online version of this handbook.

Remember that references to names of certain persons such as children and victims of sex crimes are subject to special rules. See Rule 7.043.

Although a docketing statement can be filed electronically, it cannot be served through the electronic filing system. Rather, it must be served by traditional means, including e-mail and fax. If the docketing statement is being served on someone only as a courtesy, that should be noted in the certificate of service.