

M.R. 3140

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered December 12, 2012.

(Deleted material is struck through and new material is underscored.)

Effective January 1, 2013, Supreme Court Rules 312 and 606 are amended, as follows.

Amended Rule 312

Rule 312. Docketing Statement

(a) Appellant's Docketing Statement. All appellants, including cross-appellants and separate appellants, whether as a matter of right or as a matter of the court's discretion, shall file a docketing statement with the clerk of the reviewing court. In the case of an appeal as of right, the appellant shall file the statement within 14 days after filing the notice of appeal or petition for review of an administrative order or the date upon which a motion to file late notice of appeal is allowed. In the case of a discretionary appeal pursuant to Rule 306 or Rule 308, the statement shall be due at the time that the appellant files his or her Rule 306 petition or Rule 308 application. In cases of appeal pursuant to Rule 307(a), the docketing statement shall be filed within 7 days from the filing of the notice of appeal. The docketing statement shall be accompanied by the required reviewing court filing fee if it has not been previously paid. The docketing statement shall be accompanied by any written requests to the circuit clerk or court reporting personnel as defined in Rule 46 for preparation of their respective portions of the record on appeal and be served on all parties to the case with proof of service attached. Within 7 days thereafter, appellee, if it is deemed necessary, may file a short responsive statement with the clerk of the reviewing court with proof of service on all parties.

The form and contents of the docketing statement shall be as follows:

Docket Number in the Reviewing Court

Case Title (Complete)) Appeal from _____ County
) Circuit Number _____
) Trial Judge _____
) Date of Notice of Appeal _____
) Date of Judgment _____
) Date of Postjudgment Motion Order _____
) Supreme court rule which confers jurisdiction upon the reviewing court _____

DOCKETING STATEMENT
(Civil)

1. Is this a cross-appeal, separate appeal, joining in a prior appeal, or related to another appeal which is currently pending or which has been disposed of by this court? _____

If so, state the docket number(s) of the other appeal(s):

2. If any party is a corporation or association, identify any affiliate, subsidiary, or parent group:

3. Full name and complete address of appellant(s) filing this statement:

Name: _____

Address: _____

Telephone: _____ Email address: _____

*use additional page if multiple appellants.

Counsel on Appeal for appellant(s) filing this statement:

Name: _____ ARDC # _____

Address: _____

Telephone: _____ Email address: _____

Fax: _____

~~Trial counsel, if different~~

~~Name:~~

~~Address:~~

~~Telephone:~~

4. Full name and complete address of appellee(s): (Use additional page for multiple appellees.)

Name: _____
Address: _____ Telephone: _____
ARDC # if known: _____ Email address: _____

Counsel on Appeal for appellee(s): (if there are multiple appellees represented by different counsel, identify separately)(Use additional page for multiple appellees.)

Name: _____
Address: _____
Telephone: _____ Email address: _____
Fax: _____

Trial counsel, if different

Name: _____
Address: _____
Telephone: _____

5. Court reporting personnel (if more space is needed, use other side)

Name: _____
Address: _____
Telephone: _____ Email address: _____

~~Approximate Duration of trial court proceedings to be transcribed?~~

~~Can this appeal be accelerated?~~

~~6. Briefly state the supreme court rule, or other law, which confers jurisdiction upon the reviewing court, the facts of the case which bring it within this rule or other law; and the date that the order being appealed was entered and any other facts which are necessary to demonstrate that the appeal is timely:~~

6. Is this appeal from a final order in a matter involving child custody pursuant to Illinois Supreme Court Rule 311(a) which requires **Mandatory Accelerated Disposition of Child Custody Appeals?**

Yes: _____ No: _____

*If yes, this docketing statement, briefs and all other notices, motions and pleadings filed by any party shall include the following statement in bold type on the top of the front page:

THIS APPEAL INVOLVES A QUESTION OF CHILD CUSTODY, ADOPTION, TERMINATION OF PARENTAL RIGHTS OR OTHER MATTER AFFECTING THE BEST INTERESTS OF A CHILD.

7. Nature of case:

Administrative Review	Domestic Relations
Contract	Child Custody or Support
Estates	Product Liability
Personal Injury	Forecible Detainer
Tort	Other
Juvenile	

~~8. Briefly describe the nature of the case and the result in the trial court, and set forth any reasons for an expedited schedule:~~

9. State the general issues proposed to be raised (failure to include an issue in this statement will not result in the waiver of the issue on appeal):

I, as _____ attorney for the appellant _____ *Pro Se* appellant, I hereby certify that on the _____ day of _____, 20____, I (asked / made a written request to) the clerk of the circuit court to prepare the record on appeal, and on the _____ day of _____, 20____, I made a written request to the court reporting personnel to prepare the transcript(s).

Date

Appellant's Attorney

Pro Se Appellant

In lieu of court reporting personnel's signature I have attached the written request to the court reporting personnel to prepare the transcript(s).

Date

Appellant's Attorney

Pro Se Appellant

I hereby acknowledge receipt of an order for the preparation of a report of proceedings.

Date

Court Reporting Personnel
or Supervisor

Adopted December 17, 1993, effective February 1, 1994; amended December 13, 2005, effective immediately; corrected February 10, 2006, effective immediately; amended Dec. 12, 2012, eff. Jan. 1, 2013.

Amended Rule 606

Rule 606. Perfection of Appeal

(a) How Perfected. In cases in which a death sentence is imposed, an appeal is automatically perfected without any action by the defendant or his counsel. In other cases appeals shall be perfected by filing a notice of appeal with the clerk of the trial court. The notice may be signed by the appellant or his attorney. If the defendant so requests in open court at the time he is advised of his right to appeal or subsequently in writing, the clerk of the trial court shall prepare, sign, and file forthwith a notice of appeal for the defendant. No step in the perfection of the appeal other than the filing of the notice of appeal is jurisdictional.

(b) Time. Except as provided in Rule 604(d), the notice of appeal must be filed with the clerk of the circuit court within 30 days after the entry of the final judgment appealed from or if a motion directed against the judgment is timely filed, within 30 days after the entry of the order disposing of the motion. When a timely posttrial or postsentencing motion directed against the judgment has been filed by counsel or by defendant, if not represented by counsel, any notice of appeal filed before the entry of the order disposing of all pending postjudgment motions shall have no effect and shall be stricken by the trial court. Upon striking the notice of appeal, the trial court shall forward to the appellate court within 5 days a copy of the order striking the notice of appeal, showing by whom it was filed and the date on which it was filed. This rule applies whether the timely postjudgment motion was filed before or after the date on which the notice of appeal was filed. A new notice of appeal must be filed within 30 days following the entry of the order disposing of all timely postjudgment motions. Within 5 days of its being so filed a copy of the notice of appeal or an amendment of the notice of appeal shall be transmitted by the clerk of the circuit court to the clerk of the court to which the appeal is taken. Except as provided in paragraph (c) below, and in Rule 604(d), no appeal may be taken from a trial court to a reviewing court after the expiration of 30 days from the entry of the order or judgment from which the appeal is taken. The clerk of the appellate court shall notify

any party whose appeal has been dismissed under this rule.

(c) Extension of Time in Certain Circumstances. On motion supported by a showing of reasonable excuse for failing to file a notice of appeal on time filed in the reviewing court within 30 days of the expiration of the time for filing the notice of appeal, or on motion supported by a showing by affidavit that there is merit to the appeal and that the failure to file a notice of appeal on time was not due to appellant's culpable negligence, filed in the reviewing court within six months of the expiration of the time for filing the notice of appeal, in either case accompanied by the proposed notice of appeal, the reviewing court may grant leave to appeal and order the clerk to transmit the notice of appeal to the trial court for filing.

(d) Form of Notice of Appeal. The notice of appeal shall be substantially in the following form:

In the Circuit Court of the _____ Judicial Circuit,
_____ County, Illinois
(Or, In the Circuit Court of Cook County, Illinois)

THE PEOPLE OF THE STATE OF ILLINOIS,

v.

No. _____

Notice of Appeal
Joining Prior Appeal / Separate Appeal / Cross Appeal
(circle one)

An appeal is taken from the order or judgment described below.

(1) Court to which appeal is taken: _____

(2) Name of appellant and address to which notices shall be sent.

Name: _____

Address: _____ Email: _____

(3) Name and address of appellant's attorney on appeal.

Name: _____

Address: _____ Email: _____

If appellant is indigent and has no attorney, does he want one appointed?

(4) Date of judgment or order: _____

(5) Offense of which convicted _____

(6) Sentence: _____

(7) If appeal is not from a conviction, nature of order appealed from:

(8) If the appeal is from a judgment of a circuit court holding unconstitutional a statute of the United States or of this state, a copy of the court's findings made in compliance with Rule 18 shall be appended to the notice of appeal.

(Signed) _____
(May be signed by appellant, attorney for appellant,
or clerk of circuit court.)

The notice of appeal may be amended as provided in Rule 303(b)(5).

(e) Copies of Notice of Appeal to be Sent by Clerk.

(1) *When Defendant Is Appellant and Action Is Prosecuted by the State.* When the defendant is the appellant and the action was prosecuted by the State, the clerk shall send a copy of the notice of appeal to the State's Attorney of the county in which the judgment was entered and a copy to the Attorney General at his Springfield, Illinois, office.

(2) *When Defendant Is Appellant and the Action Is Prosecuted by a Governmental Entity Other Than the State.* If the defendant is the appellant and the action was prosecuted by a governmental entity other than the State for the violation of an ordinance, the copy of the notice of appeal shall be sent to the chief legal officer of the entity (e.g., corporation counsel, city attorney), or if his name and address do not appear of record, then to the chief administrative officer of the entity at his official address.

(3) *When the Prosecuting Entity Is the Appellant.* When the State or other prosecuting entity is the appellant a copy of the notice of appeal shall be sent to the defendant and a copy to his counsel.

(f) Docketing. Upon receipt of the copy of the notice of appeal transmitted to the reviewing court pursuant to paragraph (a) of this rule, or the entry of an order granting a motion for leave to appeal under paragraph (c) of this rule, the clerk of the reviewing court shall enter the appeal upon the docket.

(g) Docketing Statement; Filing Fee. Within 14 days after the filing of the notice of appeal and pursuant to notice to the appellee's attorney, the party filing the notice of appeal shall file with the clerk of the reviewing court a docketing statement, together with proof of service thereof, and the required filing fee of \$25. The form and contents of the docketing statement shall be as follows:

Docket Number in the Reviewing Court

Case Title (Complete)) Appeal From _____ County
) Circuit Court No. _____
) Trial Judge _____
) Date of Judgment _____
) Date of Posttrial Motion _____
) Date of Notice of Appeal _____
) Felony () Misdemeanor ()
) In Custody () Out on Bond ()

DOCKETING STATEMENT
(Criminal)

1. Full name and complete address of appellant(s) filing this statement:

Name: _____

Address: _____

Telephone: _____ Email address: _____

Counsel On Appeal for Appellant(s) filing this docketing statement:

Name: _____ ARDC # _____

Address: _____

Telephone: _____ Email address: _____

~~Trial Counsel;~~

~~If Different~~

~~Name:~~

~~Address:~~

~~Telephone:~~

2. Full name and complete address of appellee(s):

Name: _____

Address: _____

Telephone: _____ Email address: _____

Counsel On Appeal for Appellee(s):

Name: _____

Address: _____

Telephone: _____

ARDC # if known: _____ Email address: _____

Court Reporting Personnel

(If more space is needed, use other side.)

Name: _____

Address: _____

Telephone: _____ Email address: _____

Approximate Duration of Trial Court Proceedings to be Transcribed

Nature of Case:

- Appeal from conviction after trial
- Jury trial Bench trial
- Plea of guilty Postconviction proceeding
- Sentence only Revocation of probation
- Appeal by State
- Other (Explain)

General statement of issues proposed to be raised: (Failure to include an issue in this statement will not result in the waiver of the issue on appeal.)

I, as _____ attorney for the appellant _____ *Pro Se* appellant, I hereby certify that on the _____ day of _____, 20____, I asked / made a written request to the clerk of the circuit court to prepare the record on appeal, and on the _____ day of _____, 20____, I made a written request to the court reporting personnel to prepare the transcript(s).

_____ _____ _____

Date Appellant's Attorney Pro Se Appellant

In lieu of court reporting personnel's signature, I have attached the written request to the court reporting personnel to prepare the transcript(s).

Date

Appellant's Attorney

Pro Se Appellant

I hereby acknowledge receipt of an order for the preparation of a report of proceedings.

Date

Court Reporting Personnel
or Supervisor

~~Within 7 days thereafter, appellee's attorney, if it is deemed necessary, may file a short responsive statement with the clerk of the reviewing court.~~

Amended October 21, 1969, effective January 1, 1970; amended effective July 1, 1971, July 1, 1975, and February 17, 1977; amended July 15, 1979, effective October 15, 1979; amended April 27, 1984, effective July 1, 1984; amended August 27, 1999, effective immediately; amended October 22, 1999, effective December 1, 1999; amended December 13, 2005, effective immediately; amended July 27, 2006, effective September 1, 2006; amended March 20, 2009, effective immediately; amended Dec. 12, 2012, eff. Jan. 1, 2013.