

# **HOW TO APPEAL A DECISION OR ORDER TO THE DC COURT OF APPEALS\***

An appeal to the DC Court of Appeals (DCCA) is a new step in your case. The DCCA reviews what the trial court or agency decided to determine whether the trial court or agency made a mistake. Generally, the DCCA focuses on whether the trial judge or agency correctly applied the law. The DCCA usually accepts the trial court's or agency's findings of fact and determinations about who to believe. The DCCA does not accept evidence or documents that were not put into the record at the trial or agency proceedings.

## **Types of Orders That Can Be Appealed**

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**Not All Superior Court Orders Or Decisions Can Be Appealed, And Some Agency Orders Or Decisions Are Reviewed First By Another Agency Or The Superior Court.**

### **Appealable Superior Court Orders or Decisions**

- You have a right to appeal any Superior Court order or decision that is final and closes the case. Exception: If you are seeking review of a final order or decision in a small claims case or a criminal case with no jail time and a penalty of less than \$50, you must file an Application for an Allowance to Appeal and show that your case presents a question of law that has not been but should be decided by the DC Court of Appeals.
- You may also appeal certain types of orders or decisions that are not final (do not end the case). Here is an incomplete list of some specific examples:
  1. Civil protection orders;
  2. Orders that grant, refuse, continue, end, modify, or refuse to modify an injunction;
  3. Orders granting judicial foreclosure; and
  4. Orders establishing protective orders in landlord and tenant cases.

# How to Start Your Appeal

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## Appeals from DC Superior Court

If you are appealing a DC Superior Court decision or order, you must first file a Notice of Appeal (NOA, for short) in Superior Court. A sample of a Notice of Appeal form is included below.

### *Exceptions:*

- *If your decision or order was made by a magistrate judge, you must ask a DC Superior Court Associate Judge to review it before you start your appeal in the Court of Appeals.*
- *If you filed an **Application for an Allowance of Appeal***

## Deadline to Start an Appeal

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In most cases, you have **30 days** after the date on the decision or order you are appealing to file your **Notice of Appeal or Petition for Review**.

**IMPORTANT!** If you want to appeal a small claims case or a criminal case with no jail time and a penalty of less than \$50, you must file an **Application for an Allowance of Appeal** within **3 days** of the date of the court's decision. But if the court's decision was sent by mail, you have **8 days** to file. When you file, include a copy of the certificate of service. Day 1 is the date on the certificate of service.

**If you need more time, you may** ask the Superior Court by filing a Motion for an Extension of Time.

## How Much It Costs to Appeal

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***Your appeal may cost nothing:*** If you did not have to pay court fees in Superior Court because you had a fee waiver (you were given in forma pauperis or IFP status), you will not have to pay fees on appeal.

If you cannot afford to pay the fees, you may ask the court for a fee waiver. Unless the court gives you a waiver, you will have to pay court filing fees, as well as any transcript fees, and copying fees. Copying fees will probably be your biggest expense.

## **FILING FEES**

*The court charges these fees for filing documents:*

- ***Notice of Appeal: \$100.***
- ***Application for Allowance of Appeal: \$10.*** If approved, you pay an additional **\$40** for the docketing fee.
- ***Petition for Review: \$100***

**Transcript fees:** You will have to order transcripts of your DC Superior Court or agency proceedings. DC Superior Court or agency transcripts cost about **\$4 per page** (*Note: One full day of court proceedings may be hundreds of pages*).

\*Information for this handout is from the District of Columbia Court of Appeal's website at <https://www.dccourts.gov/court-of-appeals/how-to-appeal>.

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
NOTICE OF APPEAL  
CRIMINAL DIVISION, FAMILY COURT - (ONLY JUVENILE CASES) AND  
DOMESTIC VIOLENCE UNIT**

Superior Court Case Caption: \_\_\_\_\_

Superior Court Case No.: \_\_\_\_\_

**Appoint new counsel:** \_\_\_\_\_ **Yes** (If trial counsel seeks appointment for the appeal, counsel must be on the Court of Appeals CJA list and file the required certification.)

**A.** Notice is given that (person appealing) \_\_\_\_\_ is appealing an order/judgment from the

Criminal Division     Family Court - Juvenile Branch     Domestic Violence Unit

Please check one:     Juvenile     Felony     Misdemeanor  
 Traffic     D.C. Case     Special Proceedings  
 Drug Court     Domestic Violence

1. Date of entry of judgment or order appealed from (if more than one judgment or order is being appealed, list all): \_\_\_\_\_

2. Superior Court Judge: \_\_\_\_\_

3. Description of judgment or order: \_\_\_\_\_

4. Most serious offense at conviction: \_\_\_\_\_

5. Has there been any other Notice of Appeal filed in this case?     YES     NO

If so, list the other appeal numbers: \_\_\_\_\_

6. List any co-defendants and their Superior Court case number(s): \_\_\_\_\_  
\_\_\_\_\_

**B.**     Jury trial     Bench trial     Other \_\_\_\_\_

**C.** Is the defendant currently confined?     YES     NO    Defendant's DCDC # \_\_\_\_\_  
or Fed# \_\_\_\_\_

Defendant's current address: \_\_\_\_\_

Was the defendant determined eligible for court-appointed (*i.e.* CJA) counsel?  
 YES     NO

**(COMPLETE REVERSE SIDE)**

