

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
CRIMINAL APPELLATE DOCKETING STATEMENT**

UNITED STATES OF AMERICA

D.C. No. _____

v.

United States District Court for the

_____ District of _____

1. This appeal is taken from¹: Conviction Sentence Conviction and Sentence

Order(s) _____

Specify date(s) and briefly describe order(s)

2. Date sentence imposed: _____ Is sentence execution stayed pending appeal? Yes No

3. Indicate sentence²: Imprisonment Fine Probation

4. For an appeal from the Sentence or Conviction and Sentence:

a. YES NO The District Court's findings of relevant fact are clearly erroneous and the Court consequently incorrectly applied the guidelines.

b. YES NO The District Court's findings of relevant fact are not clearly erroneous, but the Court nevertheless incorrectly applied the guidelines.

c. The guideline that the Court applied prescribes the following sentencing range (Specify offense level, category and sentencing range from the sentencing table):

The guideline which the appellant contends the Court should have applied prescribes the following sentencing range (Specify offense level, category and sentencing range from the sentencing table):

d. Appellant contends that the Court should have imposed the following sentence (State sentence):

e. The sentence³: (1) was imposed for an offense for which no guideline has been issued by the Sentencing Commission and is (greater than)(lesser than) the sentence specified in a plea agreement under Fed.R.Crim.P. 11(e)(1)(B) or (e)(1)(C); OR
(2) is/are (greater than the maximum)(lesser than the minimum) prescribed by the applicable guidelines and is/are unreasonable; and/or
(3) YES NO is (greater than)(lesser than) the sentence specified in a plea agreement under Fed.R.Crim.P. 11(e)(1)(B) or (e)(1)(C).

f. The sentence is illegal for the following reason(s) not indicated above:

5. For any appeal from the Conviction **and** Sentence briefly recite other grounds for this appeal not specified above on the reverse side (double spaced, Pica type is preferred).

Signature of Appellant or Counsel (_____) Phone Number _____ Date

Serve one copy on the U.S. Attorney and on all Co-defendants. File 4 copies with U.S.C.A. in Atlanta.

¹ For appeals involving no sentencing issue(s), complete #1, skip to signature and serve completed form.

² Attach Judgment and Commitment Order

³ In this section strike out inapplicable parenthesized phrases.

NOTICE CONCERNING APPEALS FROM CRIMINAL CONVICTIONS

Pursuant to legislation authorizing and effecting federal sentencing guidelines, the United States Court of Appeals for the Eleventh Circuit has adopted the attached "Criminal Appellate Docketing Statement." This docketing statement is required to be completed and filed in the Eleventh Circuit Clerk's Office by appellants or their counsel for all appeals in criminal cases, irrespective of whether the sentence has been imposed under the guidelines and irrespective of whether the sentence is challenged on appeal. THIS COMPLETED FORM SHALL BE SERVED AND FILED IN THIS OFFICE AT THE SAME TIME THAT THE NOTICE OF APPEAL IS FILED IN THE DISTRICT COURT OR WITHIN THREE DAYS THEREAFTER.

Appeals from sentences or from convictions and sentences pursuant to 18 U.S.C. § 3742 will generally proceed in the same manner as other appeals and will not automatically be expedited or given preference on the docket except upon motion of the parties and for good cause shown. When the appeal is only from the sentence imposed, the court will consider imposition by the lower court of a "short" sentence of incarceration or probation (under six months in duration) as a basis for expedited consideration provided that appellant otherwise demonstrates that he will be injured if the appeal is not expedited (Cf. 11th Cir. R. 27-1(b).) If expedited consideration is deemed to be required, then the appellant(s) should seek such relief by motion after filing the notice of appeal. Parties are cautioned that the court disfavors bifurcation of issues concerning sentencing from those concerning conviction and generally will consider all issues on appeal together.

Consistent with Fed.R.App.P. 10, 11, and 27, and the corresponding provisions of the Rules of the United States Court of Appeals for the Eleventh Circuit counsel are expected to arrange for timely certification to the Eleventh Circuit of all portions of the record of proceedings below required to understand and resolve the issues on appeal. In any appeal raising issues concerning the sentence, this will generally require counsel to arrange for timely transcription of the sentencing proceeding and transmittal of any other portion of the record relied upon by the trial court in imposing the sentence before review can occur. It will also require counsel to request the district court clerk to transmit the presentence investigation report to the Eleventh Circuit as part of the record. In the event that bail pending appeal is sought, counsel are reminded of the provisions of Fed.R.App.P. 9 and 27 and of Eleventh Circuit Rules 9-1 and 27-1.

Persons having questions concerning appeals taken under the statute should call the Eleventh Circuit Clerk's Office at (404)335-6100.

Thomas K. Kahn
Clerk