



UNITED STATES DISTRICT COURT

District of Minnesota

Richard D. Sletten, Clerk
Wendy S. Osterberg, Chief Deputy Clerk

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316 North Robert Street
St. Paul, MN 55101
(651) 848-1100

202 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415
(612) 664-5000

417 Federal Building
515 West. First Street
Duluth, MN 55802
(218) 529-3500

212 U.S. Courthouse
118 South Mill Street
Fergus Falls, MN 56537
(218) 739-5758

CRIMINAL NOTICE

The purpose of this notice is to summarize the time limits for filing with the District Court Clerk's Office a Notice of Appeal to the Eighth Circuit Court of Appeals from a final decision of the District Court in a criminal case.

This is a summary only. For specific information on the time limits for filing a Notice of Appeal, consult with your attorney and review the applicable federal criminal and appellate procedure rules and statutes.

Rule 4(b) of the Federal Rules of Appellate Procedure (Fed. R. App. P.) requires that a Notice of Appeal by a defendant be filed within ten days after the entry of:

1. "the judgment or order appealed from;" or
2. a Notice of Appeal by the government; or
3. an order denying a timely motion in arrest of judgment, a timely motion for a new trial on a ground other than newly discovered evidence, or a motion for a new trial based on the ground of newly discovered evidence if the motion is made within ten days after the entry of judgment.

Rule 4(b) of the Federal Rules of Appellate Procedure requires that a Notice of Appeal by the government be filed within 30 days after the entry of:

1. "the judgment or order appealed from;" or
2. A Notice of Appeal by any defendant.

If a Notice of Appeal is not timely filed, a party in a criminal case can move the District Court pursuant to Fed. R. App. P. 4(b) to extend the time for filing a Notice of Appeal. This motion must be filed as soon as possible, since the District Court can only extend the time for filing a Notice of Appeal for 30 days from the time limits outlined above for filing a Notice of Appeal. The District Court may grant the motion, but only if excusable neglect is shown for failing to file a timely Notice of Appeal.