

# **Filing a Postconviction Appeal at the Minnesota Court of Appeals Kev Zwm Ntawv Thov Txiaiv Txim Dua Tom Qab Rau Txim Tag hauv Minnesota Tsev Hais Cov Plaub Txiaiv Txim Dua**

Revised March 8, 2024/Hloov kho Lub Peb Hlis Ntuj Tim 8, 2024

This packet is provided as a general guide to the process of appealing from a district court order denying a postconviction petition. These instructions explain the steps to start an appeal and answer common questions, but are not a full guide to the law.

Pob ntawv no yog ua qauv qhia cov txheej txheem thov kev txiaiv txim dua ntawm cheeb tsam tsev hais plaub txoj kev txib tsis kam ua raws li txoj kev thov txo txim nyhav tom qab rau txim tag Cov lus no yuav qhia txog cov kauj ruam pib thov kev txiaiv txim dua thiab teb cov lus nquag nug, tiam sis tsistsis yog cov lus cob qhia txhij txhua ntawm txoj cai.

Please read this entire packet carefully. If you do not understand any of the steps or do not know if these forms are right for your situation, you should speak with an attorney for legal advice.

Thov ua tib zoo nyeem pob ntawv no txhij txhua tag nrho. Yog koj tsis nkag siab txog tej kauj ruam twg los yog tsis paub tias cov ntawv no puas haum rau koj qhov xwm txheej, koj tham tau nrog ib tug kws lij choj kom muab tswv yim kev cai lij choj pab.

*This packet only covers postconviction appeals to the Minnesota Court of Appeals. If you were convicted of first-degree murder, your postconviction appeal must be filed with the Minnesota Supreme Court. If you are filing a type of criminal appeal other than from a decision on a postconviction petition, consult the Minnesota Rules of Criminal Procedure and the online materials for criminal appeals.*

*Pob ntawv no tsuas qhia txog cov kev txiaiv txim dua tom qab rau txim tag hauv Minnesota Tsev Hais Cov Plaub Txiaiv Txim Dua xwb. Yog koj raug lub txim qib ib rau kev tua neeg, yuav tsum zwm koj tsab ntawv thov kev txiaiv txim dua tom qab raug txim mus rau hauv Minnesota Qib Tsev Hais Plaub Loj. Yog koj zwm kev txiaiv txim dua rau ib hom kev ua txhaum cai dua li ib txoj kev txiaiv txim los ntawm kev thov tom qab rau txim tag, mus xyuas Minnesota Cov Cai Hais Txheej Txheem Kev Ua Txhaum Cai (Minnesota Rules of Criminal Procedure) thiab cov ntaub ntawv saum huab cua txog cov kev txiaiv txim dua rau kev ua txhaum cai.*

**This packet includes/Pob ntawv no muaj xws li:**

- Step-by-Step Instructions for Filing a Postconviction Appeal  
Cov Kauj Ruam Qhia Kev Zwm Ntawv Thov Txiaiv Txim Dua Tom Qab Raug Txim Tag
- Form: Notice of Appeal  
Tsab ntawv: Ntawv Faj Seeb Txog Kev Txiaiv Txim Dua
- Form: Statement of the Case of Appellant  
Tsab ntawv: Nqe Lus Teev Rooj Plaub ntawm Neeg Thov Kev Txiaiv Txim Dua
- Form: Appellant's Certificate of Service by Mail of Notice of Appeal and Statement of the Case  
Tsab ntawv: Neeg Thov Kev Txiaiv Txim Dua Tsab Ntawv Pov Thawj Xa Hauv Chaw Xa Ntawv Faj Seeb Txog Kev Txiaiv Txim Dua thiab Nqe Lus Teev Rooj Plaub
- Form: Appellant's Certificate of Service by Mail of Brief  
Tsab ntawv: Neeg Thov Kev Txiaiv Txim Dua Tsab Ntawv Pov Thawj Kev Xa hauv Chaw Xa Qhov Lus Meej

**For Additional Assistance/Lwm cov kev pab txhawb ntxiv:**

Additional helpful materials, including example briefs, can be found on the Minnesota State Law Library website (<https://mncourts.libguides.com/appeals>).

Muaj lwm cov ntaub ntawv pab txhawb xws li cov qauv lus meej, nyob rau ntawm Xeev Minnesota Lub Tsev Qiv Ntawv Lij Choj qhov vas sab (<https://mncourts.libguides.com/appeals>).

Questions can be directed to the State Law Library at (651) 297-7651, or the Office of the Clerk of the Appellate Courts at:

Muaj cov lus nug, muab mus rau Xeev Lub Tsev Qiv Ntawv ntawm (651) 297-7651, los yog lub Chaw Ua Hauj Lwm ntawm Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiaiv Txim Dua ntawm:

Clerk of the Appellate Courts  
305 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155  
(651) 291-5297

Please note that court employees can give general information about court rules and procedures, but they cannot give legal advice.

Thov faj seeb tias cov neeg ua hauj lwm hauv tsev hais plaub qhia tau tej ncauj lus dog dig txog tsev hais plaub cov cai thiab cov txheej txheem, tiam sis lawv muab tsis tau tswv yim kev cai lij choj.

**Important Information about Postconviction Appeals  
Ncauj Lus Tseem Ceeb txog Cov Kev Txiav Txim Dua Tom  
Qab Raug Txim Tag**

**Eligibility for Public Defender**

**Kev Tsim Nyog Tau Kws Lij Choj Tiv Thaiv Pej Xeem Huab Hwm**

If this is your first appeal on this conviction, and you meet certain financial eligibility requirements, you may be entitled to a public defender for your appeal. Contact the Office of the Minnesota Appellate Public Defender for application forms and instructions:

Yog tias zaum no yog koj thawj zaug thov kev txiav txim dua ntawm txoj kev rau txim no, thiab koj yeej muaj nyiaj txiag raws li cov kev txwv, tej zaum koj yuav tsim nyog tau ib tug kws lij choj tiv thaiv laj mej pej xeem rau txoj kev txiav txim dua rau koj. Mus cuag lub Chaw Ua Hauj Lwm ntawm Minnesota Kws Lij Choj Tiv Thaiv Laj Mej Pej Xeem Kev Txiav Txim Dua kom tau cov ntawv thiab cov lus qhia:

Office of the Minnesota Appellate Public Defender  
540 Fairview Avenue North, Suite 300  
St. Paul, MN 55104  
(651) 219-4444

You might *not* be entitled to a public defender if you had a previous appeal involving the same conviction, and you were represented by an attorney from the Office of the Minnesota Appellate Public Defender in that appeal. See [Minn.Stat. § 611.25, subd.1\(a\)\(2\)](#); [Minn. R. Crim. P. 28.02, subd. 5](#).

Tej zaum koj yuav *tsis* tsim nyog tau tus kws lij choj tiv thaiv laj mej pej xeem yog tias koj twb muaj kev thov txiav txim dua dhau los uas txuam nrog tib txoj kev raug txim, thiab koj yeej muaj tus kws lij choj sawv cev tam koj los ntawm Minnesota Kws Lij Choj Tiv Thaiv Laj Mej Pej Xeem Kev Txiav Txim Dua rau txoj kev txiav txim dua ntawd lawm. *Xyuas* [Minn. Stat. § 611.25, subd. 1\(a\)\(2\)](#); [Minn. R. Crim. P. 28.02, subd. 5](#).

**Court of Appeals Opinions are Available to the Public**

**Muaj Cov Tswv Yim Kev Xav Qhia Rau Pej Xeem Huab Hwm Txog Lub  
Tsev Hais Cov Plaub Cov Kev Txiav Txim Dua**

Once your appeal is decided, the Court of Appeals will issue a written decision, called an “opinion,” which will describe your case and the reasons for the court’s decision. **The opinion will be available to the public on the Minnesota Judicial Branch’s website.** After an opinion is filed, it cannot be removed from the Internet. This means that anyone who searches for your name on the Internet may be able to find and read the opinion.

Thaum twg txiav txim dua tiav rau koj, Lub Tsev Hais Plaub Cov Kev Txiaiv Txim Dua yuav suav ib tsab ntawv teev kev txiav txim, hu ua “tswv yim kev xav,” uas yog yuav piav qhia txog koj rooj plaub thiab cov laj thawj rau lub tsev hais plaub txoj kev txiav txim. **Yuav muab lub tswv yim kev xav qhia rau pej xeem huab hwm ntawm Minnesota Judicial Branch qhov vas sab.** Tom qab zwm tiav ib lub tswv yim kev xav, yuav tshem tsis tau nws tawm saum Huab Cua. Qhov no txhais tau tias yog leej twg tshawb koj lub npe saum huab cua nws yuav pom thiab nyeem tau lub tswv yim kev xav.

### **Laws that Apply to your Appeal**

#### **Cov Kev Cai Uas Muaj Feem Xyuam rau koj Txoj Kev Txiaiv Txim Dua**

Your appeal is governed by the Minnesota Rules of Criminal Procedure ([particularly Minn. R. Crim. P. 28.02, subs. 2 and 4](#)), the Minnesota Rules of Civil Appellate Procedure, the Special Rules of Practice for the Minnesota Court of Appeals, and the Minnesota Statutes, as well as case law (cases previously decided and published by the Minnesota Supreme Court and Minnesota Court of Appeals).

Txoj kev txiav txim dua rau koj yog kav los ntawm Minnesota Cov Cai Hais Txheej Txheem Kev Ua Txhaum Cai ([tshwj xeeb yog Minn. R. Crim. P. 28.02, subs. 2 thiab 4](#)), Minnesota Cov Cai Hais Txheej Txheem Kev Txiaiv Txim Dua rau Laj Mej Pej Xeem, Minnesota Cov Cai Hais Txheej Txheem Kev Txiaiv Txim Dua, thiab Minnesota Cov Cai Lij Choj, nrog rau txoj cai kav rooj plaub (cov rooj plaub uas txiav txim rau dhau los thiab muab tshaj tawm losntawm Minnesota Qib Tsev Hais Plaub Loj thiab Minnesota Tsev Hais Cov Plaub Txiaiv Txim Dua).

This packet includes simplified instructions, but you should read the rules and statutes yourself for more information. **If you are representing yourself, you are responsible for researching court rules, caselaw, and statutes that govern your case.**

Pob ntawv no muaj cov lus qhia yooj yim, tiam sis koj yuav tsum tau nyeem cov kev cai thiab cov cai koj tus khej kom paub meej ntxiv. **Yog koj sawv cev tam koj tus kheej, koj muaj tes dej num yuav tau tshawb fawb txog tsev hais plaub cov kev cai, rooj plaub txoj cai, thiab cov cai uas kav koj rooj plaub.**

You can find the rules and statutes at the Minnesota State Law Library (Room G25, Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155, or call 651-297-7651), and at public libraries. You can also find the rules at the Minnesota Judicial Branch’s website: <http://www.mncourts.gov/About-The-Courts/SupremeCourt/CourtRules.aspx>.

Koj yuav nrhiav tau cov kev cai thiab cov cai lij choj hauv Xeev Minnesota Tsev Qiv Ntawv Lij Choj (Room G25, Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155, los yog hu rau 651-297-7651), thiab hauv cov tsev qiv ntawv dawb rau laj mej pej xeem. Koj yuav puav leej nrhiav tau cov kev cai nyob rau ntawm Minnesota Judicial Branch qhov vas sab: <http://www.mncourts.gov/About-The-Courts/SupremeCourt/CourtRules.aspx>.

#### **No Filing Fees/Tsis Muaj Cov Nqi Zwm Ntawv**

No filing fees are required to file a postconviction appeal. [Minn. Stat. § 590.06](#).

Tsis muaj cov nqi zwm ntawv rau kev zwm tsab ntawv thov kev txiav txim dua tom qab rau txim tag. [Minn. Stat. § 590.06](#).

**Important Information about your Appeal**  
**Ncauj Lus Tseem Ceeb txog Txoj Kev Txiaiv Txim Dua rau koj**

**Your Forms Must be Filled Out in English**  
**Yuav Tsum Teb Koj Cov Ntawv Ua Lus Askiv**

The forms in the attached packet are worded in both English and the translated language. But your answers on the form must be provided in English. If you are unable to fill out your forms in English yourself, you will need to arrange for someone to assist you to word your answers in English.

Cov ntawv rhais nrog pob ntawv no yog sau ua Lus Askiv thiab hom lus txhais tib si. Tiam sis koj cov lus teb rau tsab ntawv yuav tsum yog teb ua Lus Askiv. Yog koj teb tsis tau koj cov Ntawv ua Lus Askiv koj tus kheej, koj yuav tau npaj kom muaj leej twg pab koj sau koj cov lus teb ua Lus Askiv.

**Your Brief Must be Written in English**  
**Koj Qhov Lus Meej Yuav Tsum Sau Ua Lus Askiv**

A major part of your appeal is your *brief*, which is where you will make your legal arguments supporting the outcome you are seeking in your appeal. Your brief will likely require some legal research into the statutes and case law that apply to your appeal. The brief must be written in English. If you are unable to write your brief in English yourself, you will need to arrange for someone to assist you researching and writing your brief in English.

Ib feem loj ntawm koj txoj kev thov txiaiv txim dua yog koj *qhov lus meej*, uas yog koj cov lus txhawb rau txoj kev txiaiv txim uas koj xav kom tshwm sim muaj los ntawm txoj kev txiaiv txim dua. Yuav tsim nyog tshawb fawb txog cov cai thiab txoj cai rau rooj plaub rau koj qhov lus meej. Qhov lus meej yuav tsum yog sau ua Lus Askiv. Yog koj sau tsis tau koj qhov lus meej ua Lus Askiv koj tus kheej, koj yuav tau npaj kom muaj leej twg pab koj sau koj cov lus teb ua Lus Askiv.

# Step-by-Step Instructions for Filing a Postconviction Appeal

## Cov Kauj Ruam Qhia rau Kev Zwm Ntawv Thov Txiaiv Txim Dua Tom Qab Raug Txim Tag

### Step 1: Calculate Your Appeal Deadline

#### Kauj Ruam 1: Ntsuas Hnub Kawg Rau Koj Thov Kev Txiaiv Txim Dua

After the district court files an order denying part or all of your petition for postconviction relief, you have 60 days to appeal to the Court of Appeals. See [Minn. R. Crim. P. 28.02, subd. 2](#); [Minn. R. Crim. P. 28.02, subd. 4\(3\)\(c\)](#).

Tom qab lub cheeb tsam tsev hais plaub zwm cov lus txib tsis kam ua raws ib feem los yog tag nrho ntawm txoj kev thov txo txim nyhav tom qab rau txim tag, koj muaj 60 hnub thov kev txiaiv txim dua ntawm Lub Tsev Hais Cov Plaub Txiaiv Txim Dua. Xyuas [Minn. R. Crim. P. 28.02, subd. 2](#); [Minn. R. Crim. P. 28.02, subd. 4\(3\)\(c\)](#).

Note: Other types of criminal appeals, such as direct appeals of felony or misdemeanor convictions, have very different filing deadlines. Read [Minn. R. Crim. P. 28.02, subd. 4\(3\)](#) to confirm the deadline that applies to your appeal.

Faj seeb: Lwm cov hom kev txiaiv txim dua txog kev txhaum cai, xws li yog cov kev txiaiv txim dua txog cov kev txhaum cai qib siab felony los yog qib nrab misdemeanor, yuav muaj cov hnub kawg zwm ntawv sib txawv heev. Mus nyeem [Minn. R. Crim. P. 28.02, subd. 4\(3\)](#) kom paub tseeb hnub kawr uas txuam rau txoj kev txiaiv txim dua rau koj.

Your appeal time begins to run on the date that the district court administrator files the order; not when you receive a copy of the order. See [Minn.R.Crim.P.33.03](#). The Court of Appeals can extend the appeal deadline for up to 30 additional days, but you must file a motion for an extension, and your motion must show “good cause” to get an extension. See [Minn. R. Crim. P. 28.02, subd. 4\(3\)\(g\)](#). For instructions about motions, see page 29.

Koj lub sij hawm thov kev txiaiv txim dua pib hnub uas lub cheeb tsam tsev hais plaub tus neeg lis ntaub ntawv zwm daim lus txib; tsis yog thaum koj txais tau daim lus txib. Xyuas [Minn. R. Crim. P. 33.03](#). Lub Tsev Hais Cov Plaub Txiaiv Txim Dua yuav ncu tau lub sij hawm thov kev txiaiv txim dua mus txog 30 hnub ntxiv, tiam sis koj yuav tsum zwm tsab ntawv thov ncu sij hawm, thiab koj tsab ntawv thov ncu sij hawm yuav tsum qhia muaj "laj thawj zoo" thov kev ncu sij hawm. Xyuas [Minn. R. Crim. P. 28.02, subd. 4\(3\)\(g\)](#). Xav tau cov lus qhia txog cov ntawv thov, xyuas nplooj 29.

**General Instructions for Calculating Court of Appeals Deadlines**  
**Cov Lus Qhia Dog Dig rau Kev Ntsuas Cov Hnub Kawg Rau**  
**Lub Tsev Hais Cov Plaub Txiaiv Txim Dua**

- Do not count the day of the event that starts the time period (for example, the date the district court administrator files the order). Instead, start counting the next day.

[Minn. R. Crim. P. 34.01.](#)

Tsis txhob suav hnub uas qhov xwm txheej pib ua hnub pib rau lub sij hawm (piv txwv, hnub uas cheeb tsam tsev hais plaub tus neeg lis ntaub ntawv zwm daim lus txib). Pib suav hnub tom qab. [Minn. R. Crim. P. 34.01.](#)

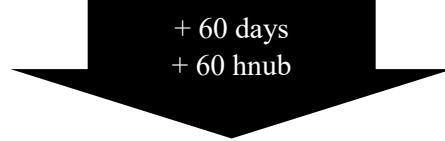
- Continue counting calendar days. Do not skip weekends or legal holidays. Suav cov hnub mus. Tsis txhob hla cov hnub kawg hauv lim tiam los yog cov hnub caiv raws kev cai lij choj.

- If the last day of the period falls on a Saturday, Sunday, or legal holiday, then the deadline is the next business day. For the purpose of calculating deadlines, legal holidays for the appellate courts are:

Yog hnub kawg ntawm lub sij hawm no poob rau hnub Saturday, Sunday, los yog hnub caiv raws kev cai lij choj, ces hnub kawg yuav yog hnub qhib lag luam tom ntej. Rau qhov laj thawj kev ntsuas cov hnub kawg, cov hnub caiv raws kev cai lij choj rau cov tsev hais plaub txiaiv txim dua yuav yog:

- New Year's Day (January 1);  
Hnub Xyoo Tshiab (Ib Hlis Tim 1);
- Martin Luther King, Jr.'s birthday (the third Monday in January);  
Hnub Yug Martin Luther King, Jr. (Hnub Monday thib peb hauv lub Hlis Ntuj);
- Presidents' Day (the third Monday in February);  
Hau Teb Chaws Hnub (Hnub Monday thib peb hauv lub Ob Hlis Ntuj);
- Memorial Day (the last Monday in May);  
Hnub Nco Txog Cov Tuag (Hnub Monday kawg hauv lub Tsib Hlis Ntuj);
- Juneteenth (June 19)/Lub Hli Thib Rau (Lub Rau Hlis Ntuj Tim 19)
- Independence Day (July 4);  
Hnub Ywj Pheej (Xya Hli Tim 4);
- Labor Day (the first Monday in September);  
Hnub Khwv (Thawj Hnub Monday hauv lub Cuaj Hli Ntuj);
- Columbus Day (the second Monday in October), even though the appellate courts are open on Columbus Day;  
Columbus Hnub (Hnub Monday thib ob hauv lub Kaum Hli Ntuj), txawm tias cov tsev hais plaub txiaiv txim dua yeej qhib rau Columbus Hnub;
- Veterans' Day (November 11);  
Qub Tub Rog Hnub (Kaum Ib Hlis Tim 11);
- Thanksgiving Day (the fourth Thursday in November);  
Hnub Ua Tsaug (Hnub Thursday thib plaub hauv Kaum Ib Hlis Ntuj);
- The Friday after Thanksgiving; and  
Hnub Friday tom qab Hnub Ua Tsaug; thiab
- Christmas Day (December 25).  
Hnub Yug Yesxus (Kaum Ob Hlis Tim 25).

- The date the district court administrator filed the order was \_\_\_\_\_.  
Hnub uas tus neeg lis ntaub ntawv hauv tsev hais plaub sau tseg kev phua txim yog



- The deadline for my appeal is \_\_\_\_\_.  
Hnub kawg pib txoj kev txiav txim dua rau kuv yog

**Note:** Before the deadline for your appeal (on the line above), the *Notice of Appeal* must be **filed** with the Clerk of the Appellate Courts and **served** on all respondents (steps 2-5 provide instructions for filing and serving documents).

**Faj seeb:** Ua ntej los yog hnub kawg rau txoj kev txiav txim dua rau koj (ntawm kab saum no), **yuav tsum** zwm *Tsab Ntawv Faj Seeb Txog Kev Txiav Txim Dua* nrog Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiav Txim Dua thiab muab **xa** rau tag nrho cov neeg teb plaub foob (cov kauj ruam 2-5 muaj cov lus qhia zwm thiab xa cov ntaub ntawv).

**If you do not file and serve the *Notice of Appeal* by the deadline, your appeal will be dismissed. Yog koj tsis zwm thiab xa *Tsab Ntawv Faj Seeb Txog Kev Txiav Txim Dua* thaum txog hnub kawg ces yuav muab koj txoj kev thov txiav txim dua tshem tawm.**

**Step 2: Fill out the *Notice of Appeal* and *Statement of the Case***  
**Kauj Ruam 2: Teb raul *Tsab Ntawv Faj Seeb Txog Kev Txiav Txim Dual***  
**thiab *Nqe Lus Teev Rooj Plaub***

- Fill out the *Notice of Appeal*, which tells the court that you want to appeal. A *Notice of Appeal* form is attached to this packet.  
Teb rau *Tsab Ntawv Thov Kev Txiav Txim Dua*, uas qhia rau lub tsev hais plaub tias koj xav kom muaj kev txiav txim dua. Muaj *Tsab Ntawv Faj Seeb Txog Kev Txiav Txim Dua* rhais nrog pob ntawv no.
- Fill out the *Statement of the Case*, which should *briefly summarize* the reasons you think the district court's decision was incorrect. You do not need to make detailed arguments in the *Statement of the Case*, because you will make detailed arguments later in your *Brief*. A *Statement of the Case* form is attached to this packet. You may attach a copy of the district court's order denying your petition for postconviction relief, but do not attach any other documents to your *Statement of the Case*.



Teb rau ***Nqe Lus Teev Rooj Plaub***, uas *nthuav qhia me ntsis txog* cov laj thawj uas koj xav tias cheeb tsam tsev hais plaub txoj kev txiav txim dhau los thiaj li tsis yog. Koj tsis tag teev cov ntsiab lus sib cam ntxaws rau hauv ***Nqe Lus Teev Rooj Plaub***, vim tias koj yuav teev cov lus sib cam kom ntxaws rau hauv koj ***Qhov Lus Meej***. Muaj ***Nqe Lus Teev Rooj Plaub*** rhais nrog pob ntawv no. Koj luam rhais tau lub cheeb tsam tsev hais plaub qhov lus txib tsis kam ua raws tsab ntawv thov txo txim nyhav tom qab rau txim tag, tiam sis tsis txhob rhais ntxiv lwm cov ntaub ntawv nrog koj ***Nqe Lus Teev Rooj Plaub***.

Some questions on the ***Statement of the Case*** may require you to complete some basic legal research about your appeal before you can complete them. Detailed instructions for completing this form are available at <https://mncourts.gov/Clerk-of-Appellate-Courts.aspx#tab04Forms>.

Tej zaum koj yuav tau tshawb fawb txog kev cai rau koj txoj kev thov txiav txim dua ntawm ***Nqe Lus Teev Rooj Plaub*** ua ntej koj yuav teb tau qee cov nqe lus nug kom tiav. Muaj cov lus qhia teb tsab ntawv no kom ntxaws ntawm <https://mncourts.gov/Clerk-of-Appellate-Courts.aspx#tab04Forms>.

The party who files the appeal is called the “appellant.” In a postconviction appeal, the other party is the State of Minnesota and is called the “respondent.” The State of Minnesota is represented by the county attorney and the Minnesota Attorney General. The title of a postconviction appeal is: “(Your name), petitioner, Appellant, vs. State of Minnesota, Respondent.”

Tog neeg uas zwm ntawv thov kev txiav txim dua yog hu ua “tus neeg thov kev txiav txim dua.” Nyob rau hauv txoj kev txiav txim dua tom qab rau txim tag, lwm tog neeg yog lub Xeev Minnesota thiab yog hu ua “neeg teb plaub foob.” Lub Xeev Minnesota yog sawv cev tam los ntawm cheeb koog tus kws lij choj thiab Minnesota Attorney General. Lub npe ntawm txoj kev thov txiav txim dua tom qab txiav rau txim tag yog hu ua: “(Koj lub npe), neeg foob plaub ntug, Neeg Thov Txiaiv Txim Dua, thiab Xeev Minnesota, Neeg Teb Plaub Foob.”

The ***Statement of the Case*** asks whether you are requesting oral argument, but oral argument will not be allowed if any party does not have an attorney. The ***Statement of the Case*** asks you to indicate which format you will use when you file your ***brief***: formal, informal, or previously submitted memorandum of law with a short letter argument. Refer to Step 9 on page 25 for information about the different format options for your ***brief***.

Nqe ***Lus Teev Rooj Plaub*** nug seb koj puas thov muaj hais lus sib cam rau txoj kev txiav txim dua rau koj, tiam sis yuav tsis kheev muaj hais lus sib cam yog tias ib tog neeg twg tsis muaj tus kws lij choj. Nqe ***Lus Teev Rooj Plaub*** yuav nug seb koj yuav siv hom twg thaum koj zwm koj qhov ***lus meej***: hom raws kev raws cai, tsis raws kev raws cai, los yog lus txhawb cai nrog ib tsab ntawv sau sib cam luv luv. Xyuas Kauj Ruam 9 ntawm nplooj 25 kom paub txog cov homlus meej ***sib txawv***.

Fill in all of the blanks on the forms. If you do not fill out all of the blanks, the Clerk of the Appellate Courts may have to return the forms to you, and it may cause you to miss your deadline to appeal.

Teb rau tag nrho cov kab tsis muaj dab tsi hauv cov ntawv. Yog koj tsis teb rau tag nrho cov kab tsis sau dab tsi rau, tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiaiv Txim Dua yuav muab cov ntawv xa rov rau koj thiab nws yuav ua rau koj thov kev txiav txim dua tsis raws hnub kawg.

**Step 3: File the *Notice of Appeal* and *Statement of the Case***  
**Kauj Ruam 3: Teb rau *Tsab Ntawv Faj Seeb Txog Kev Txiav Txim Dua* thiab**  
***Nqe Lus Teev Rooj Plaub***

“Filing” means submitting or delivering documents to the Office of the Clerk of the Appellate Courts. Filing the *Notice of Appeal* is how you tell the Court of Appeals that you are starting an appeal.

“Kev zwm” txhais tau tias muab cov ntaub ntawv xa los yog nqa mus rau lub Chaw Ua Hauj Lwm ntawm Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiav Txim Dua. Kev zwm ***Tsab Ntawv Faj Seeb Txog Kev Txiav Txim Duayog*** txoj kev koj qhia rau Lub Tsev Hais Cov Plaub Txiav Txim Dua paub tias koj pib txoj kev thov txiav txim dua.

Choose your method of filing (see instructions below):

Xaiv koj txoj kev zwm (xyuas cov lus qhia nram no):

**General Instructions for “Filing”**  
**Cov Lus Qhia Dog Dig Txog “Kev Zwm” Xaiv koj txoj kev zwm**  
**xyuas cov lus qhia nram no**

Parties **without an attorney** may file documents by **mailing** the documents to the Clerk of the Appellate Courts, addressed to:

Cov tog neeg **tsis muaj kws lij choj** zwm tau cov ntaub ntawv raws kev xa hauv Teb Chaws Asmeskas Chaw Xa Ntawv mus rau **tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiav Txim Dua**, sau rau:

Clerk of the Appellate Courts  
305 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

For filing by postal mail, a document will be considered filed “on time” if it is deposited in the U.S. Mail by the deadline with correct postage and the correct address, even though the Clerk of the Appellate Courts will not receive the document on the day you deposit it in the mail.

Rau txoj zwm raws chaw xa ntawv, yuav xam tias zwm tsab ntawv “raws sij hawm” yog tias muab nws xa ntawm Teb Chaws Asmeskas Chaw Xa Ntawv rau hnuv kawg nrog qhov nqi xa yog thiab rau qhov chaw nyob yog, txawm tias Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiav Txim Dua tsis tau txais tsab ntawv rau hnuv uas koj muab xa kiag.

**For simplicity, this packet only includes forms and instructions for filing by mail. This packet assumes that you are filing by mail.** However, there are two other options for filing:

**Rau kom yooj yim, pob ntawv no tsuas muaj tsab ntawv thiab cov lus qhia kev zwm hauv chaw xa ntawv. Pob ntawv no xam tias koj yuav zwm raws chaw xa ntawv.** Tiam sis, muaj ob hom kev zwm ntawv:

- 1) **Hand-delivering** them to the Clerk of the Appellate Courts during business hours (8:00 a.m. to 4:30 p.m. weekdays), or

**Kev nqa kias mus cev** rau Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiaiv Txim Dua thaum cov sij hawm lag luam qhib (8:00 teev sawv ntxov txog 4:30 tav su, cov hnuv ua hauj lwm), los yog,

- 2) **Submitting them electronically** through the appellate courts' e-filing system, E-MACS. Once you start to e-file in an appellate case, you must continue to e-file throughout the case – you cannot choose later to file in person or by mail. (**Note: All attorneys are required to use E-MACS and cannot file documents by mail or by hand-delivery to the Clerk of the Appellate Courts.**)

**Raws kev xa hauv tshuab hluav taws xob** hauv cov tsev hais plaub txiaiv txim dua txoj kev zwm ntaub ntawv saum huab cua, E-MACS. Thaum twg koj pib zwm ntaub ntawv thov kev txiaiv txim dua rau ib rooj plaub hauv tshuab hluav taws xob, koj yuav tsum zwm hauv tshuab hlawv taws xob mus thawj rooj plaub – koj hloov tsis tau yav tom ntej mus zwm tim ntsej tim muag los yog zwm hauv chaw xa ntawv. (**Faj seeb: Tag nrho cov kws lij choj yuav tsum tau siv E-MACS thiab zwm tsis tau ntaub ntawv raws kev xa hauv ntawv los yog raws kev nqa mus cev rau Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiaiv Txim Dua.**)

For information about electronic filing and to submit documents electronically, go to the Clerk of the Appellate Courts' webpage ([www.mncourts.gov/Clerk-of-Appellate-Courts.aspx#tab05AppellateFiling](http://www.mncourts.gov/Clerk-of-Appellate-Courts.aspx#tab05AppellateFiling)). For additional instructions on filing, see [Minn. R. Civ. App. P. 125.01](#). **The Clerk's Office cannot accept filings by fax or email.**

Xav paub txog kev zwm thiab xa ntawv hauv tshuab hluav taws xob, mus rau Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiaiv Txim Dua qhov vas sab ([www.mncourts.gov/Clerk-of-Appellate-Courts.aspx#tab05AppellateFiling](http://www.mncourts.gov/Clerk-of-Appellate-Courts.aspx#tab05AppellateFiling)). Xav paub ntxiv txog kev zwm ntawv, xyuas, [Minn. R. Civ. App. P. 125.01](#). **Tus Kws Lis Ntaub Ntawv Lub Chaw Hauj Lwm txais tsis tau cov ntawv uas zwm hauv xov tooj los yog hauv chaw sau ntawv email.**

- Make four copies of each of the *Notice of Appeal* and *Statement of the Case*. Keep one copy of each document for your records.  
Luam plaub daim ntawm ***Tsab Ntawv Faj Seeb Txog Kev Txiaiv Txim Dua*** thiab ***Nqe Lus Teev Rooj Plaub***. Khaws cia ib tsab ntawv lus meej rau koj cov ntaub ntawv teev cia.
- File the original of the *Notice of Appeal* and *Statement of the Case* with the Clerk of the Appellate Courts by mailing it to the address above.  
Zwm tsab tseem ***Tsab Ntawv Faj Seeb Txog Kev Txiaiv Txim Du*** thiab ***Nqe Lus Teev Rooj Plaub*** mus rau Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiaiv Txim Dua raws kev xa mus rau qhov chaw nyob saum no.
- File one copy of the *Notice of Appeal* and *Statement of the Case* with the district court of the county where the order you are appealing was filed, by mailing it to that court's address.

File one copy of the *Tsab Ntawv Faj Seeb Txog Kev Txiav Txim Dua* thiab *Nqe Lus Teev Rooj Plaub* nrog lub cheeb tsam tsev hais plaub ntawm lub cheeb koog uas koj thov txiav txim dua txog qhov lus txib uas muab zwm tseg, raws kev xa hauv chaw xa ntawv msu rau lub tsev hais plaub qhov chaw nyob.

**Step 4: Serve the documents on the other parties**  
**Kauj Ruam 4: Xa cov ntaub ntawv mus rau lwm cov tog neeg**

Any time you submit a document to the Clerk of the Appellate Courts for filing, a copy must also be provided to all other parties at or before the time of filing. This is called “service.”

Txhua lub sij hawm uas koj xa ib tsab ntawv mus rau Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiav Txim Dua kom zwm, yuav tsum luam ib tsab xa mus rau tag nrho lwm cov tog neeg thaum lub sij hawm los yog ua ntej lub sij hawm zwm. Qhov no yog hu ua “kev xa.”

**Reminder: You must file the *Notice of Appeal* and serve it on the other parties by the deadline you calculated in Step 1, or your appeal will be dismissed.**

**Qhia kom nco txog: Koj yuav tsum zwm *Tsab Ntawv Faj Seeb Txog Kev Txiav Txim Dua* thiab muab nws xa rau tus (cov) neeg teb plaub foob ua ntej hnuv kawg uas koj ntsuas muaj ntawm Kauj Ruam 1, tsis li ces koj txoj kev thov txiav txim dua yuav raug muab tshem tawm.**

**General Instructions for “Service”/Cov Lus Qhia Dog Dig Txog “Kev Xa”**

If a party has an attorney, you must serve the attorney rather than the party. If a party does not have an attorney, you may serve that party directly.

Yog ib tog neeg muaj tus kws lij choj, koj yuav tsum xa mus rau tus kws lij choj, tsis yog tog neeg ntawd. Yog tias ib tog neeg tsis muaj tus kws lij choj, yuav tsum xa ncaj qha rau tog neeg ntawd.

You can serve **by mail** by depositing the documents, correctly addressed, in the U.S. Mail, with adequate first-class postage. You can serve documents by mail yourself.

**For simplicity, this packet only includes forms and instructions for service by mail. This packet assumes that you are serving the other parties by mail.**

Koj xa tau **hauv chaw xa ntawv** los ntawm txoj kev muab cov ntawv xa rau qhov chaw nyob yog, nrog Teb Chaws Asmeskas Chaw Xa Ntawv, nrog qhov nqi xa yog rau thawj qib. Koj mus xa tau cov ntawv koj tus kheej.

**Rau kom yooj yim, pob ntawv no tsuas muaj cov ntawv thiab cov lus qhia kev zwm hauv chaw xa ntawv. Pob ntawv no xam tias koj yuav xa raws chaw xa ntawv rau lwm cov tog neeg.**

However, there are other methods of service:

Tiam sis, muaj lwm cov hom kev xa:

**(1) In person** (“personal service”): Have another person hand-deliver the document. The person who hand-delivers the document must be 18 years or older and not a party to the appeal. You cannot serve a party in person yourself.

**Raws tim ntsej tim muag** (“nqa mus cev”): Muaj lwm tus neeg nqa tsab ntawv mus cev. Tus neeg uas nqa daim ntawv mus cev kiag yuav tsum muaj hnub nyoog 18 xyoo los yog laus dua thiab tsis yog tog neeg thov kev txiav txim dua. Koj nqa tsis tau mus cev rau tog neeg ntawd koj tus kheej.

**(2) Electronically**: If you filed electronically using the appellate courts’ e-filing system, E-MACS, you can serve the respondents electronically as well, if the respondents are registered in E-MACS.

**Raws tshuab hluav taws xob**: Yog tias koj zwm raws tshuab hluav taws xob uas yog siv cov tsev hais plaub txiav txim dua txoj kev xa hauv tshuab hluav taws xob E-MACS, koj xa tau hauv tshuab hluav taws xob mus rau cov neeg teb plaub foob thiab, yog tias cov neeg teb plaub foob rau muaj npe hauv E-MACS.

**(3)** If the recipient consents to another method of delivery, such as email or fax, you could also use that method for service.

Yog tus neeg txais tso cai rau lwm hom kev xa, xws li xa hauv email los yog hauv xov tooj, koj siv tau hom kev xa ntawv.

For additional instructions on service, see [Minn. R. Civ. App. P. 125.02 and 125.03](#).

Xav paub ntxiv txog cov kev xa ntawv, xyuas [Minn. R. Civ. App. P. 125.02 thiab 125.03](#).

- Mail a copy of the *Notice of Appeal* and *Statement of the Case* to the prosecutor (county attorney).

Luam xa ib *Tsab Ntawv Faj Seeb Txog Kev Txiaiv Txim Dua* thiab *Nqe Lus Teev Rooj Plaub* mus rau tus kws tsub plaub ntug (cheeb koog tus kws lij choj).

- Mail a copy of the *Notice of Appeal* and *Statement of the Case* to the Minnesota Attorney General by mail, by addressing your documents to:

Luam xa ib tsab *Tsab Ntawv Faj Seeb Txog Kev Txiaiv Txim Dua* thiab *Nqe Lus Teev Rooj Plaub* mus rau Minnesota Attorney General hauv chaw xa ntawv, los ntawm kev xa koj cov ntaub ntawv mus rau:

Minnesota Attorney General  
1800 Bremer Tower  
445 Minnesota Street  
St. Paul, MN 55101

## Step 5: File proof of service Kauj Ruam 5: Zwm ntawv pov thawj kev xa

Every document submitted to the Clerk of the Appellate Courts for filing must be accompanied by a form stating that the document was served on the other parties to the appeal. This is called “proof of service.”

Txhua tsab ntawv uas xa mus rau Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiaiv Txim Dua yuav tsum muaj pov thawj tias yeej tau muab tsab ntawv ntawd xa mus rau lwm cov tog neeg txog kev txiaiv txim dua. Qhov no yog hu ua “pov thawj kev xa.”

### General Instructions for “Proof of Service” Cov Lus Qhia Dog Dig Txog “Pov Thawj Kev Xa”

If you serve papers by mail, in person, or by another delivery method (with the consent of the recipient), “proof of service” is required along with any document you file.

Yog koj xa ntaub ntawv raws kev nqa mus cev, xa hauv chaw xa ntawv los yog siv lwm txoj kev xa ntawv (nrog rau tus neeg txais txoj kev tso cai), koj yuav tsum tau zwm ib “tsab ntawv pov thawj kev xa” nrog tej ntaub ntawv koj zwm.

Usually, “proof of service” is (1) a notarized *Affidavit of Service* or (2) a *Certificate of Service*. The difference between an *Affidavit of Service* and a *Certificate of Service* is that a *Certificate of Service* does not need to be signed in front of a notary.

Feem ntau, pov thawj kev xa (1) yog *Tsab Ntawv Tim Khawv Kev Xa Ntawv* los yog (2) ib *Tsab Ntawv Pov Thawj Kev Xa Ntawv* uas tim khawv kos npe lees pom. Qhov sib txawv ntawm *Tsab Ntawv Tim Khawv Kev Xa Ntawv* thiab *Tsab Ntawv Pov Thawj Kev Xa Ntawv* yog tias *Tsab Ntawv Pov Thawj Kev Xa Ntawv* tsis tag yuav tau muab kos npe rau ntawm tus tim khawv saib.

You may file one *Affidavit of Service* or *Certificate of Service* listing multiple documents, but only if you serve those documents on the same date and on the same parties.

Koj zwm tau ib *Tsab Ntawv Pov Thawj Kev Xa Ntawv* (los yog *Tsab Ntawv Tim Khawv Kev Xa Ntawv*) sau qhia ntau tsab ntawv yog koj xa cov ntawv ntawd mus tib hnub thiab xa rau tib co tog neeg.

For additional instructions on proof of service, see [Minn. R. Civ. App. P. 125.04](#).

Xav paub ntxiv txog pov thawj kev xa, xyuas [Minn. R. Civ. App. P. 125.04](#).

**For simplicity, this packet assumes that you are serving the other parties by mail.**

This packet includes a *Certificate of Service By Mail* for each of the documents you need to file to start an appeal. The *Certificate of Service By Mail* must include, from top to bottom:

**Txoj txoj kev yooj yim pob ntawv no xam tias koj yuav xa raws chaw xa ntawv rau lwm cov tog neeg.**

Pob ntawv no muaj *Ntawv Pov Thawj Kev Xa hauv Chaw Xa* rau ib tsab ntawv twg uas koj yuav tau zwm kom pib tau txoj kev txiaiv txim dua. *Tsab Ntawv Pov Thawj Kev Xa hauv Chaw Xa* yuav tsum muaj, saum toj rau nram hav:

- The parties' names and case file number;  
Cov tog neeg cov npe thiab tus zauv cim rooj plaub;
- County where the form was signed;  
Lub cheeb koog uas kos npe rau tsab ntawv;
- The name of the person who served the documents;  
Tus neeg uas xa cov ntawv lub npe;
- The titles of the documents that were served (on the *Certificate of Service* forms included with this packet, the titles of the documents are already filled in);  
Cov ntawv npe uas muab xa (ntawm cov *Tsab Ntawv Pov Thawj Kev Xa* nyob rau hauv pob ntawv no, cov ntawv npe uas twb teb rau tag lawm);
- The date the documents were served;  
Hnub uas xa cov ntawv;
- The names of the parties who were served and the addresses to which the documents were mailed to those parties;  
Cov tog neeg uas yuav txais cov ntawv cov npe thiab cov chaw nyob uas yuav muab cov ntawv xa rau cov tog neeg ntawd;
- The signature of the person who served the documents, the date the form was signed, and the county and state where the form was signed.  
Tus neeg xa cov ntawv lub npe kos, hnub kos npe rau tsab ntawv thiab lub cheeb koog thiab lub xeev uas tsab ntawv kos npe nyob rau.

- The person who served the documents by putting them in the mail must complete and sign the form titled *Appellant's Certificate of Service by Mail of the Notice of Appeal and Statement of the Case*.

Tus neeg uas xa cov ntawv hauv chaw xa ntawv yuav tsum teb tiav thiab kos npe rau tsab ntawv muaj npe hu ua *Tus Kws Foob Plaub Ntug Tsab Ntawv Pov Thawj Kev Xa Ntawv hauv Chaw Xa Tsab Ntawv Faj Seeb Txog Kev Txiav Txim Dua thiab Nqe Lus Teev Rooj Plaub*.

- File the *Appellant's Certificate of Service by Mail of the Notice of Appeal and Statement of the Case* by mailing it to the Clerk of the Appellate Courts (see Step 3 above for instructions on how to file documents).

Zwm tus *Neeg Thov Kev Txiav Txim Dua Tsab Ntawv Pov Thawj Kev Xa hauv Chaw Xa Tsab Ntawv Faj Seeb Txog Kev Txiav Txim Dua thiab Nqe Lus Teev Rooj Plaub* hauv chaw xa ntawv mus rau Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiav Txim Dua (xyuas Kauj Ruam 3 saum no kom paub cov lus qhia zwm ntaub ntawv).

**Step 6: Receive the *Notice of Case Filing*  
and correct any deficiencies**

**Kauj Ruam 6: Txais tau *Tsab Ntawv Faj Seeb Txog Kev Zwm Rooj  
Plaub* thiab kho tej tsis zoo**

After you file your *Notice of Appeal* and *Statement of the Case*, the Office of the Clerk of the Appellate Courts will assign your appeal an appellate court file number and will send you a *Notice of Case Filing*. If you did not provide the court with an email address in your contact information, the *Notice of Case Filing* will be mailed to you. If you provided the court with your email address, the *Notice of Case Filing* and all other correspondence from the court will be distributed to your email address. The *Notice of Case Filing* will list any problems (“deficiencies”) with your appeal paperwork that need to be corrected before your appeal can move forward.

Tom qab koj zwm koj *Tsab Ntawv Faj Seeb Txog Kev Txiaiv Txim Dua* thiab *Nqe Lus Teev Rooj Plaub*, Lub Chaw Ua Hauj Lwm ntawm Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiaiv Txim Dua yuav rau ib tug zauv cim koj rooj plaub thiab yuav muab *Tsab Ntawv Faj Seeb Txog Kev Zwm Rooj Plaub* xa rau koj. Yog tias koj tsis qhia qhov chaw sau ntawv email rau lub tsev hais plaub, yuav muab *Tsab Ntawv Faj Seeb Txog Kev Zwm Rooj Plaub* xa hauv chaw xa ntawv tuaj rau koj. Yog tias koj qhia qhov chaw sau ntawv email rau koj, yuav muab *Tsab Ntawv Faj Seeb Txog Kev Zwm Rooj Plaub* thiab tag nrho lwm cov ntaub ntawv hauv tsev hais plaub yuav muab xa raws koj qhov chaw sau ntawv email. *Tsab Ntawv Faj Seeb Txog Kev Zwm Rooj Plaub* yuav teev qhia tej teeb meem (“cov tsis zoo”) hauv koj cov ntaub ntawv uas yuav tau muab kho ua ntej yuav lis tau kev txiaiv txim dua rau koj.

- Receive the *Notice of Case Filing* from the Clerk of the Appellate Courts.

Txais tau *Tsab Ntawv Faj Seeb Txog Kev Zwm Rooj Plaub* los ntawm Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiaiv Txim Dua.

My appellate case file number is A \_\_\_\_\_ - \_\_\_\_\_ .

Kuv rooj plaub txiaiv txim dua tus zauv cim yog

- Review your *Notice of Case Filing* to see if there are any deficiencies. If there are deficiencies, you will have ten days to correct them.

Tshab xyuas koj *Tsab Ntawv Faj Seeb Txog Kev Zwm Rooj Plaub* seb puas muaj tej tsis zoo. Yog tias muaj tej tsis zoo, koj muaj kaum hnuv kho lawv kom yog.

- Correct all deficiencies listed. If you do not correct the deficiencies that are listed in your *Notice of Case Filing*, the Court of Appeals may dismiss your appeal.

Kho tag nrho cov tsis zoo teev muaj no. Yog tias koj tsis kho cov tsis zoo uas teev muaj nyob rau hauv koj *Tsab Ntawv Faj Seeb Txog Kev Zwm Rooj Plaub*, lub Tsev Hais Cov Plaub Txiaiv Txim Dua yuav muab koj txoj kev thov txiaiv txim dua tshem tawm.



**Step 7: Order your *Transcript* (if applicable)**  
**Kauj Ruam 7: Yuav koj *Tsab ntwav teev rooj sib hais* (nyob ntawm siab yeem)**

In addition to the parties' briefs, the "district court record" is the only information that the Court of Appeals considers in an appeal. The district court record includes documents filed in the district court and evidence used in the hearings before the district court judge or housing court referee.

Ntxiv rau cov tog neeg'cov lus meej, lub "cheeb tsam tsev hais plaub cov ntaub ntawv" tsuas yog tib co ncauj lus uas Lub Tsev Hais Cov Plaub Txiaiv Txim Dua (Court of Appeals) muab los xam hauv txoj kev txiaiv txim dua. Lub cheeb tsam tsev hais plaub cov ntaub ntawv yuav muaj xws li cov zwm rau hauv cheeb tsam tsev hais plaub thiab cov pov thawj uas siv rau hauv cov rooj sib hais ntawm cheeb tsam tsev hais plaub tus kws phua txim los yog tus neeg hais txim hauv tsev hais plaub.

The district court record might also include a *transcript* of the hearing(s) before the district court judge. A *transcript* is a typed copy of what all of the witnesses, parties, and the judge said at your hearing. You should order a transcript of each hearing that you wish the Court of Appeals to consider as part of your postconviction appeal. The deadline for ordering your *transcript* is 30 days after you filed your *Notice of Appeal*. [Minn. R. Crim. P. 28.02, subd. 9.](#)

Lub cheeb tsam tsev hais plaub cov ntaub ntawv yuav puav leej muaj *ntawv teev rooj sib hais* rau (cov) rooj sib hais ntawm cheeb tsam tsev hais plaub tus kws phua txim. Daim *ntawv teev rooj sib hais* yog muab tag nrho cov neeg tim khawv, cov tog neeg, thiab tus kws phua txim cov ncauj lus sib hais hauv koj lub rooj sib hais sau rau hauv ntawv. Koj yuav tau muas daim ntawv teev rooj sib hais rau ib lub rooj sib hais twg uas koj xav kom lub Tsev Hais Cov Plaub Txiaiv Txim Dua muab los xam ua ib feem ntawm koj txoj kev thov txiaiv txiam dua tom qab rau txim tag. Hnub kawg rau koj muas koj *daim ntawv teev rooj sib hais* yog 30 hnub tom qab koj zwm tag koj *Tsab Ntwav Faj Seeb Txog Kev Txiaiv Txim Dua*. [Minn. R. Crim. P. 28.02, subd. 9.](#)

- Answer each of the questions below to decide whether you need to request a transcript of a district court hearing. If you do NOT need to request a transcript, skip to Step 8. If you DO need to request a transcript, follow the instructions on the next page.

Teb txhua nqe lus nug hauv qab no los txiaiv txim seb koj puas yuav tau thov rau daim ntawv teev rooj plaub ntawm lub tsev hais plaub hauv cheeb tsam. Yog tias koj TSIS thov rau daim ntawv teev rooj plaub, hla mus rau Kauj Ruam 8. Yog koj YUAV tau thov rau daim ntawv teev rooj plaub, ua raws cov lus qhia nyob rau phab ntawv tom ntej.

If transcripts were already prepared and filed for a direct appeal of your conviction, you will NOT need to order a transcript of hearings that took place before your postconviction petition. Those transcripts are already part of the record and will be available to the appellate courts. SKIP to Step 8.

Yog tias daim ntawv teev rooj plaub twb tau muab npaj lawm thiab tau muab xa ncaj nraim rau qhov rov txiaiv txim dua ntawm koj qhov kev txiaiv txim plaub ntug, koj TSIS tas txib thov yuav daim ntawv teev rooj plaub ntawm qhov kev sib hais plaub uas siv ua ntej koj daim ntawv foob muaj kev txiaiv txim. Cov ntawv teev rooj ib hais ntawd twb yeej yog ib feem ntawm cov ntaub ntawv teev cia thiab yuav muaj rau cov tsev hais plaub txiaiv txim dua. HLA Kauj Ruam 8.

If any of the following three situations is true, you WILL need to request a transcript for your postconviction appeal:

Yog tias peb cov xwm txheej hauv qab no muaj tseeb, koj YUAV tau thov rau daim ntawv teev rooj plaub rau koj qhov thov kom rov qab txiav txim dua tom qab txiav txim lawm:

- 1) If an evidentiary hearing was held on your petition for postconviction relief, then **you WILL need to order a transcript of the hearing on your petition for postconviction relief.**

Yog tias muaj pov thawj ntawm qhov kev sib hais plaub thaum sib hais rau tom qab txiav txim lawm daws tej kev txom nyem, ces **koj YUAV tau txib thov daim ntawv teev rooj plaub txog ntawm qhov kev sib hais nyob rau qhov kev sib hais plaub rau tom qab txiav txim dua tom qab txiav txim lawm.**

- 2) If you had a direct appeal of your conviction but no transcripts were prepared for the direct appeal, AND some of the hearings before your postconviction petition are relevant to your postconviction appeal, then **you WILL need to order a transcript of any relevant hearings that took place before your postconviction petition.**

Yog tias koj muaj qhov thov kom rov qab txiav txim dua ncaj nraim tab sis tsis muaj cov ntawv teev rooj plaub tau npaj rau qhov thov kom rov qab txiav txim dua ncaj nraim, THIAB qee cov kev sib hais plaub ua ntej koj qhov txiav txim rooj plaub cuam tshuam koj qhov thov kom rov qab txiav txim dua qhov kev txiav txim, ces **koj YUAV tau txib thov daim ntawv teev rooj plabu ntawm cov kev sib hais plaub uas cuam tshuam tau ua-ua ntej koj qhov kev txiav txim rooj plaub.**

- 3) If you did **not** have a direct appeal of your conviction and some of the hearings that took place before your postconviction petition are relevant to your postconviction appeal, then **you WILL need to order a transcript of any relevant hearings that took place before your postconviction petition.**

Yog tias koj **tsis** muaj qhov thov kom rov qab txiav txim dua ncaj nraim tab sis tsis muaj cov ntawv teev rooj plaub tau npaj rau qhov thov kom rov qab txiav txim dua ncaj nraim thiab qee cov kev sib hais plaub ua ntej koj qhov txiav txim rooj plaub cuam tshuam koj qhov thov kom rov qab txiav txim dua qhov kev txiav txim, ces **koj YUAV tau thov daim ntawv teev rooj plabu ntawm cov kev sib hais plaub uas cuam tshuam tau ua-ua ntej koj qhov kev txiav txim rooj plaub.**

If you **DO** need to request one or more transcripts, follow the instructions below for each transcript you need to request:

Yog tias koj YUAV TAU thov kom tau ib los yog ntau dua daim ntawv teev rooj sib hais, ua raws cov lus qhia nram no rau ib daim ntawv teev rooj sib hais twg uas koj thov:

- For each hearing you are requesting a transcript of, gather this information:

Rau ib lub rooj sib hais twg uas koj thov tsab ntawv teev rooj sib hais rau, sau ua ke cov ncauj lus no:

- (1) District court case file number for your case/Cheeb tsam tsev hais plaub tus zauv cim rau koj rooj plaub: \_\_\_\_\_
- (2) Date of the hearing(s)/(Cov) Hnub teem rooj sib hais: \_\_\_\_\_

(3) Name of the judge at the hearing(s)/Kws phua txim ntawm lub (cov) rooj sib hais lub npe: \_\_\_\_\_

You will need to provide this information when you request the transcript.  
Koj yuav tau qhia cov ncauj lus no thaum koj thov tsab ntawv teev rooj sib hais.

- Call court administration at the district court where your hearing took place for instructions on how to request a transcript. You can find contact information for the district court at <http://www.mncourts.gov/Find-Courts.aspx>.

Hu rau chaw lis taub ntawv hauv lub cheeb tsam tsev hais plaub uas koj lub rooj sib hais tshwm sim rau kom tau cov lus qhia thov tsab ntawv teev rooj sib hais. Koj yuav nrhiav tau cov ncauj lus sib cuag tau nrog lub cheeb tsam tsev hais plaub ntawm <http://www.mncourts.gov/Find-Courts.aspx>.

- Follow court administration's instructions to request a transcript. To request a transcript, court administration should provide you with the following information:

Ua raws chaw lis ntaub ntawv rau tsev hais plaub cov lus qhia thov tsab ntawv teev rooj sib hais. Xav thov daim ntawv teev rooj sib hais, chaw lis ntaub ntawv hauv tsev hais plaub yuav tau muab cov ncauj lus nram no rau koj:

(1) Court reporter's name/Tus neeg teev rooj sib hais plaub lub npe: \_\_\_\_\_

(2) Court reporter's contact/Kev sib cuag tau nrog tus neeg teev rooj sib hais plaub: \_\_\_\_\_

- Pay the fee for the transcript. After you submit your transcript request, the court reporter will contact you and will provide you with an estimated cost to prepare the transcript and the estimated date when the transcript will be complete. Payment must be made before the transcript is prepared.

Them qhov nqi rau tsab ntawv teev rooj sib hais. Tom qab koj xa tsab ntawv thov tsab ntawv teev rooj sib hais tag, tus neeg teev rooj sib hais plaub yuav hu cuag koj thiab qhia qhov nqi kwv yees tsub rau txoj kev npaj tsab ntawv teev rooj sib hais thiab hnuv uas kwv yees yuav npaj tsab ntawv teev rooj sib hais tiav. Yuav tsum them nyiaj ua ntejyuav npaj tsab ntawv teev rooj sib hais.

What if I cannot afford the transcript fee?

Yuav ua li cas yog kuv them tsis taus tus nqi ntawv teev rooj sib hais?

- If you qualify for representation by the Office of the Minnesota Appellate Public Defender, that office can assist with requesting a transcript without requiring a fee. Call (651) 201-6700 to determine whether you qualify for representation and to request assistance with your transcript request.

Yog tias koj tsim nyog tau kws lij choj sawv cev pab los ntawm lub Chaw Ua Hauj Lwm ntawm Minnesota Kws Lij Choj Tiv Thav Laj Mej Pej Xeem Kev Txia Txim Dua, lub chaw ua hauj lwm ntawd yuav pab thov daim ntawv teev rooj sib hais uas tsis tag them nqi. Hu rau (651) 201-6700 kom paub seb koj puas tsim nyog tau kws lij choj sawv cev pab thiab thov kev pab rau koj txoj kev thov daim ntawv teev rooj sib hais.

- Even if you don't qualify for representation by the appellate public defender, you can request that the district court waive your transcript fees. Instructions and forms for making this request are available at <http://mncourts.gov/GetForms.aspx?c=19&p=70>. These forms must be filed in the district court where your case was decided.

Txawm tias koj tsis tsim nyog tau kws lij choj sawv cev pab los ntawm kws lij choj tiv thav laj mej pej xeem kev txia txim dua, koj thov tau lub cheeb tsam tsev hais plaub kom zwm koj qhov nqi ntawv teev rooj sib hais. Muaj cov lus qhia thiab cov ntawv thov no ntawm <http://mncourts.gov/GetForms.aspx?c=19&p=70>.

Yuav tsum muab cov ntawv no zwm rau hauv cheeb tsam tsev kawm ntawv uas koj rooj plaub mus txia txim nyob rau.

- Provide the court reporter with the names and contact information for the other parties involved with the appeal, so that the court reporter can provide them with copies of the transcript. **It is the appellant's responsibility to order copies of any transcript being prepared for appeal for all the other parties to the appeal.**

Qhia rau tus neeg teev rooj sib hais plaub cov npe thiab kev sib cuag ntawm lwm cov tog neeg txuam rau txoj kev txia txim dua kom tus neeg teev rooj sib hais plaub npaj daim ntawv teev rooj sib hais luam tau daim ntawv teev rooj sib hais xa mus rau lawv. **Nws yog txoj luag num ntawm tus neeg thov kev txia txim dua kom luam yuav cov ntawv teev rooj sib hais uas npaj tau rau tag nrho lwm cov tog neeg hauv txoj kev txia txim dua.**

- Work with the court reporter to fill out a *Transcript Certificate*. This form tells the Court of Appeals that you have requested the transcript and will pay the court reporter. See [Minn. R. Civ. App. P. 110.02](#). The court reporter will have this form, or it is available online at <http://www.mncourts.gov/SupremeCourt/Court-Rules/Forms-Appendix-for-the-Rules-of-Civil-Appellate-Pr.aspx>. The *Transcript Certificate* must include:

Ua hauj lwm nrog tus neeg teev rooj sib hais plaub kom teb tau **Tsab Ntawv Pov Thawj Tam Ntawv Teev Rooj Sib Hais**. Tsab ntawv no qhia rau lub Tsev Hais Cov Plaub Txia Txim Dua tias koj tau hais kom muab tsab ntawv teev rooj sib hais thiab koj yuav them nyiaj rau tus neeg teev rooj sib hais plaub. Xyuas [Minn. R. Civ. App. P. 110.02](#). Tus neeg teev rooj sib hais plaub yuav muaj tsab ntawv no, los yog muaj nyob saum huab cua ntawm

<http://www.mncourts.gov/SupremeCourt/Court-Rules/Forms-Appendix-for-the-Rules-of-Civil-Appellate-Pr.aspx>. Tsab *Ntawv Pov Thawj Tam Ntawv Teev Rooj Sib Hais* yuav tsum muaj:

- (1) The date you requested the transcript from the court reporter;  
Hnub uas koj hais kom tau tsab ntawv teev rooj sib hais ntawm tus neeg teev rooj sib hais plaub;
- (2) An estimated date that the court reporter will complete the transcript, deliver it to the parties, and file it with the district court;  
Hnub uas kwv yees rau tus neeg teev rooj sib hais plaub yuav sau tiav daim ntawv teev rooj sib hais, xa mus rau cov tog neeg thiab muab zwm nrog lub cheeb tsam tsev hais plaub;
- (3) Your signature (if you are acting as your own attorney); and  
oj lub npe kos (yog koj sawv cev tom koj tus kheej); thiab
- (4) The signature of the court reporter.  
Lub npe kos ntawm tus neeg teev rooj sib hais plaub.

The court reporter will file the completed *Transcript Certificate* electronically.

Tus neeg sau lus rooj sib hais yuav zwm *Tsab Ntawv Pov Thawj Teev Rooj Sib Hais* hauv tshuab hluav taws xob.

After the court reporter receives payment, the court reporter will prepare the transcript and provide it to you and the other parties electronically or by mail. The court reporter will also file a copy of the transcript in the district court and verify with the Clerk of the Appellate Courts that this was done.

Tom qab sau lus rooj sib hais, tus neeg teev rooj sib hais plaub yuav npaj tsab ntawv teev rooj sib hais thiab muab rau koj thiab lwm cov tog neeg raws tshuab hluav taws xob los yog raws kev xa hauv chaw xa ntawv. Tus neeg teev rooj sib hais plaub yuav puav leej zwm tsab ntawv teev rooj sib hais rau hauv cheeb tsam tsev hais plaub thiab txheeb nrog Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiaiv Txim Dua kom qhia tseeb tias yeej lis qhov no tiav.

### **Step 8: Calculate the Deadline for your *Brief*** **Kauj Ruam 8: Ntsuas Hnub Kawg rau koj *Qhov Lus Meej***

Your written argument on appeal is called a “brief.” As the appellant (appealing party), **you must file a *brief*, or your appeal will be dismissed.** See [Minn. R. Civ. App. P. 142.02](#). You are responsible for calculating and keeping track of your own deadlines – appellate court staff cannot do it for you.

Koj cov lus sib cam kom txiaiv txim dua yog hu ua “qhov lus meej.” Tam tus kws foob plaub ntug (tog neeg thov kev txiaiv txim dua), **koj yuav tsum zwm muaj *qhov lus meej*, tsis li ces koj txoj kev thov txiaiv txim dua yuav raug muab tshem tawm.** Xyuas [Minn. R. Civ. App. P. 142.02](#). Koj muaj tes luag num ntsuas thiab cwj tseg koj cov hnub kawg – tus neeg ua hauv lwm lis kev txiaiv txim dua hauv tsev hais plaub yuav ua tsis tau rau koj

The deadline for your *brief* depends on whether you requested a transcript and whether the transcript was sent electronically or mailed to you (See [Minn. R. Crim. P. 28.02, subd. 10](#); [Minn. R. Crim. P. 34.04](#)):

Hnub kawg rau koj *qhov lus meej* yog nyob ntawm seb koj puas thov tsab ntawv teev rooj sib hais thiab seb yuav muab tsab ntawv teev rooj sib hais xa hauv tshuab hluav taws xob los yog hauv chaw xa ntawv rau koj (Xyuas [Minn. R. Crim. P. 28.02, subd. 10](#); [Minn. R. Crim. P. 34.04](#)):

**Did you request a transcript for your appeal?  
Koj puas tau thov tsab ntawv teev rooj sib  
hais rau koj txoj kev thov txiav txim dua?**

If you answered **NO**, then the deadline for filing and serving your *brief* is **60 calendar days** from the date you filed the *Notice of Appeal*.

Yog koj teb tias **TSIS YOG**, ces hnuv kawg rau kev xa thiab kev pab cuam koj qhov *lus piav qhia* yog **60 hnuv raws daim zwj qhia hnuv** txij hnuv tim koj tau xa *Daim Ntawv Ceeb Toom Thov Kom Rov Qab Txiav Txim Dua*.

Date you filed the *Notice of Appeal*: \_\_\_\_\_.

Hnuv koj zwm *Daim Ntawv Ceeb Toom Thov Kom Rov Qab Txiav Txim Dua*

**ADD 60 days  
NTXIV 60 hnuv**

The deadline for my brief is \_\_\_\_\_.

Hnuv kawg rau kuv qhov lus meej yog.

**Did you request a transcript for your appeal?  
Koj puas tau thov tsab ntawv teev rooj sib  
hais rau koj txoj kev thov txiav txim dua?**

If you answered **YES**, was the transcript provided to you **electronically** or **by mail**?

Yog tias koj teb tias **YOG**, puas yog daim ntawv teev rooj plaub tau muab rau koj **hauv es lev taus niv** los sis **los ntawm kev xa ntawv**?

If you received the transcript **ELECTRONICALLY**, then the deadline for filing and serving your *brief* is **60 calendar days** from when you received the transcript, or **60 calendar days + 1 business day** if you received the transcript after 5:00 p.m.

Yog tias koj tau txais daim ntawv teev rooj plaub **HAUV ES LEV TAUS NIV**, ces hnuv kawg rau kev xa thiab kev pab cuam koj qhov *lus piav qhia* yog **60 hnuv raws daim zwj qhia hnuv** txij thaum koj tau txais daim ntawv teev rooj plaub, los sis **60 hnuv raws daim zwj qhia hnuv + 1 hnuv ua hauj lwm** yog tias koj tau txais daim ntawv teev rooj plaub tom qab 5:00 teev tsaus ntuj.

Date and time you received the transcript: \_\_\_\_\_

Hnuv thiab sij hawm koj txais tau tsab ntawv teev rooj sib hais

If you received the transcript **BY MAIL**, then the deadline for filing and serving your *brief* is **60 calendar days + 3 business days** from when the court reporter mailed the transcript to you.

Yog tias koj tau txais daim ntawv teev rooj plaub **LOS NTAWM KEV XA NTAWV**, ces hnuv kawg rau kev xa thiab kev pab cuam koj qhov *lus piav qhia* yog **60 hnuv raws daim zwj qhia hnuv + 3 hnuv ua hauj lwm** txij thaum lub tsev hais plaub tshaj tawm xa raws kev xa ntawv daim teev rooj plaub rau koj.

Date the transcript was mailed to you (postmark date): \_\_\_\_\_

Hnuv uas muab tsab ntawv teev rooj sib hais xa tauj rau koj (hnuv ntaus thwj xa)

The deadline for my brief is/Hnuv kawg rau kuv qhov lus meej yog \_\_\_\_\_.



## Step 9: Prepare your *Brief/Kauj Ruam 9: Kev npaj koj Qhov Lus Meej*

Your *brief* is your opportunity to tell the Court of Appeals why you believe the district court's decision was wrong. Your *brief* must include legal authorities (case citations, statutes, or court rules). All statements of fact must be supported by references to the transcript or other evidence in your district court record.

Koj *qhov lus meej* yog lub caij rau koj qhia lub Tsev Hais Cov Plaub Txiaiv Txim Dua tias vim li cas koj thiaj ntseeg tias lub cheeb tsam tsev hais plaub txoj kev txiaiv txim thiaj li tsis yog. Koj *qhov lus meej* yuav tsum muaj cov kev tso cai lij choj (cov teev cim rooj plaub, cov cai lij choj, cov kev cai hauv tsev hais plaub). Tag nrho cov nqe lus tseeb yuav tsum muaj kev txhawb los ntawm cov chiv keeb rau daim ntawv teev rooj sib hais los yog lwm cov ntawv pov thawj hauv cheeb tsam tsev hais plaub cov ntaub ntawv teev cia txog koj.

You have three options for the format of your *brief*:

Koj muaj peb txoj kev taug rau kev sau koj *qhov lus meej*:

- (1) **Formal Brief:** A formal brief includes a table of contents, a statement of the legal issues, a statement of the case and the facts, an argument, a conclusion, and an addendum. See [Minn. R. Civ. App. P. 128.02](#).

**Qhov Lus Meej Raws Kev Raws Cai:** Qhov lus meej raws kev raws cai muaj cov sob teem, nqe lus teev cov teeb meem raws kev cai lij choj, nqe lus teev rooj plaub thiab cov ntsiab lus tseeb, nqe lus sib cam, nqe lus xaus thiab ntaub ntawv rhais txhawb nrog. Mus saib [Minn. R. Civ. App. P. 128.02](#).

- (2) **Informal Brief:** If the court gives permission to file an informal brief, it must include a written argument and addendum. See [Minn. R. Civ. App. P. 128.01, subd. 1](#). To receive permission to file an informal brief, you would need to file a motion requesting permission. See page 36 for more information about motions.

**Qhov Lus Meej Tsis Raws Kev Raws Cai:** Yog tias lub tsev hais plaub muab kev tso cai los xa qhov lus piav qhia raws cai, nws yuav tsum sau muaj cov ntaub ntawv sib cav thiab daim ntawv txhab ntiv tom kawg. Mus saib [Minn. R. Civ. App. P. 128.01, subd. 1](#). Kom tau txais kev tso cai xa qhov qhia txog tus kheej raws cai, koj yuav tau xa ntawv thov kev tso cai txav mus los. Saib nplooj thib 36 rau lus qhia ntiv txog ntawm cov txav mus los.

- (3) **Memorandum of Law and Short Letter Argument:** If you gave a written argument to the district court in support of your postconviction petition, you may file that *Memorandum of Law* as your brief, along with a short letter argument that addresses the district court judge's denial of your postconviction petition. See [Minn. R. Civ. App. P. 128.01, subd. 2](#). If this is the type of brief you wish to file, you must have selected this option on the *Statement of the Case*.

**Lus Txhawb Cai thiab Tsab Ntawv Sib Cam Luv:** Yog koj muab tsab ntawv sib cav rau lub cheeb tsam tsev hais plaub txhawb rau koj tsab ntawv thov txiaiv txim dua tom qab rau txim tag, koj yuav zwm tau qhov *Lus Txhawb Cai* ntawd tam koj qhov lus meej, nrog tsab ntawv sib cam luv uas teev qhia txog cheeb tsam tsev hais plaub tus kws phua txim txoj kev tsis yam ua raws koj txoj kev thov kev txiaiv txim dua tom rau txim tag. Mus saib

[Minn. R. Civ. App. P. 128.01, subd. 2.](#) Yog tias hom lus piav qhia meej no yog hom koj xav zwm, koj yuav tsum tau xaiv qhov no ntawm ***Lus Qhia Txog Rooj Plaub***.

- Choose the format for your ***brief*** (formal, informal with permission from the court, or short letter argument). Note: This should match the option you marked in your ***Statement of the Case***.

Xaiv koj hom ***lus meej*** (raws kev raws cai, tsis raws kev raws cai los yog tsab ntawv sib cam luv). Faj seeb: Qhov no yuav tsum phim li hom koj kos rau ntawm ***Nqe Lus Teev Rooj Plaub***.

- Write your ***brief***. The Minnesota State Law Library website has helpful information about writing briefs and example briefs you can read (<http://mncourts.libguides.com/appeals/briefs>). Sau koj ***qhov lus meej***. Xeev Minnesota Tsev Qiv Ntawv Lij Choj qhov vas sab muaj cov ncauj lus pab qhia sau cov lus meej thiab cov qauv lus meej uas koj nyeem tau (<http://mncourts.libguides.com/appeals/briefs>).

- Prepare the addendum to your ***brief***. No matter what type of brief you file, the appellant’s brief **must** include an addendum (respondents **may** include an addendum with their brief, but the addendum is required for appellant’s brief). The requirements for your addendum are listed in [Minn. R. Civ. App. P. 130.02](#).

Kev npaj cov ntawv rhais txhawb nrog koj ***qhov lus meej***. Tsis hais koj zwm hom lus meej twg, tus neeg thov kev txiav txim dua qhov lus meej **yuav tsum** muaj cov ntaub ntawv rhais txhawb nrog (tus neeg teb plaub foob **yeej** muaj tau ntaub ntawv rhais txhawb nrog lawv qhov lus meej, tiam sis tus neeg thov kev txiav txim dua yuav tsum muaj ntaub ntawv rhais txhawb nrog nws qhov lus meej). Cov yuav tsum muaj nyob rau hauv koj cov ntaub ntawv rhais txhawb nrog teev muaj rau ntawm [Minn. R. Civ. App. P. 130.02](#).

- One required part of your addendum is a copy of the decision you are appealing, even if you submitted a copy of the decision in the beginning of the appeal. If the addendum to your brief does not include a copy of the decision, the Clerk’s Office will reject the entire brief.

Ib feem ntaub ntawv rhais txhawb nrog yuav tau muaj yog luam tsab ntawv txiav txim uas koj thov kev txiav txim dua rau, txawm tias koj twb luam ib tsab ntawv txiav txim xa thaum pib thov kev txiav txim dua lawm. Yog tias cov ntaub ntawv rhais txhawb nrog koj cov lus meej tsis muaj tsab ntawv txiav txim, Lub Chaw Khiav Dej Num rau Neeg Lis Ntaub Ntawv yuav tsis kam txais tag nrho cov lus meej.

- Your addendum may also contain up to 50 additional pages of documents from the record or statutes, rules, cases or other authorities that would be helpful to the court when reading your brief. However, **you cannot include any new evidence that was not presented to the district court judge.**

Koj cov ntaub ntawv rhais txhawb nrog puav leej muaj tau txog 50 nplooj ntawv ntxiv los ntawm cov ntaub ntawv teev cia los yog cov cai lij choj, cov kev cai, los yog lwm cov kws muaj cai uas yuav pab tau lub tsev hais plaub thaum lawv nyeem koj cov lus meej. Tiam sis, **koj muab ntxiv tsis tau cov ntaub ntawv rhais txhawb nrog uas muaj cov pov thawj tshiab uas tsis tau muab nthuav qhia rau cheeb tsam tsev hais plaub tus kws phua txim.**

## Step 10: File and Serve your *Brief*

### Kauj Ruam 10: Xa thiab Ua koj qhov *Lus Piav Qhia*

- File your brief with the Clerk of the Appellate Courts (see Step 3 above for instructions on how to file documents).

Xa koj qhov lus piav qhia nrog rau Tus Lis Ntaub Ntawv ntawm Cov Tsev Hais Plaub Txiaiv Txim Dua (saib Kauj Ruam 3 saum toj no rau cov lus qhia hais txog kev xa daim ntawv).

If you have already **e-filed** documents using the appellate courts' E-MACS system, you will e-file your brief, too. During the e-filing process you should e-serve your brief on any parties to your case who have registered for e-filing.

Yog tias koj yeej tau xa cov ntawv **hauv es lev taus niv** lawm mus rau cov tsev hais plaub txiaiv txim dua qhov txheej teg ua hauj lwm E-MACS, ces koj xa tau koj cov lus piav qhia hauv es lev taus niv ib yam thiab. Ncuaj sij hawm lis hauj lwm xa hauv es lev taus niv koj tsim nyog muab kev pab cuam piav hauv es lev taus niv nyob rau cov tog neeg uas cuam tshuam koj rooj plaub kom rau npe hauv es lev taus niv.

If you are filing **in person or by mail** (instead of using the appellate courts' E-MACS system), you will need to file a printed hard copy of your brief.

Yog tias koj tab tom xa **kiag ntawm tus kheej los sis los ntawm kev xa ntawv** (dhau ntawm kev siv cov tsev hais plaub txiaiv txim dua qhov txheej teg ua hauj lwm E-MACS), koj yuav tau xa cov ntawv luam tawm ntawm koj cov lus piav qhia.

- If needed, serve paper hard copies of your brief on other parties to your case. There are two situations where you would need to print hard copies of your brief to serve on parties to your case:

Yog tias yuav tau siv, luam tawm cov ntawv ntawm koj qhov lus piav qhia nyob rau lwm tog neeg cuam tshuam koj rooj plaub. Nws muaj ob qho xwm txheej uas koj yuav tau los luam tawm cov ntawv ntawm koj rooj plaub mus rau cov tog neeg cuam tshuam koj rooj plaub:

- 1) If you filed your brief in person or by mail (instead of using the appellate courts' E-MACS system), you will need to serve a hard copy of your brief on all of the other parties to the case. Make enough hard copies of your briefs for all respondents on the case.  
Yog tias koj tab tom xa qhov lus piav qhia kiag ntawm tus kheej los sis los ntawm kev xa ntawv (dhau ntawm kev siv cov tsev hais plaub txiaiv txim dua qhov txheej teg ua hauj lwm E-MACS), koj yuav tau xa cov ntawv luam tawm ntawm koj cov lus piav qhia. Ua kom ntseeg tias koj muaj cov ntawv luam tawm txaus txog ntawm cov lus piav qhia rau txhua cov neeg raug foob ntawm rooj plaub.
- 2) If you e-filed your brief using the appellate courts' E-MACS system, but there were any parties who you could not e-serve through E-MACS and they have not agreed to some other form of e-service (such as email), you will need to serve those parties with a hard copy of your brief. Make enough hard copies of your brief for all parties who

could not be e-served.

Yog koj xa koj cov lus piav qhia raws hauv es lev taus niv uas siv cov tsev hais plaub txiav txim dua txheej teg ua hauj lwm E-MACS, tab sis nws muaj cov tog neeg uas koj tsim nyog tsis txhob pab cuam hauv es lev taus niv los ntawm kev siv E-MACS thiab lawv tsis pom zoo rau cov tog neeg muaj daim ntawv luam tawm ntawm koj cov lus piav qhia. Ua kom ntseeg tias muaj cov ntawv luam tawm txaus ntawm koj cov lus piav qhia rau txhua neeg tus uas tsis tuaj yeem ua tau hauv es lev taus niv.

- If you needed to serve any hard copies of your brief, the person who served the hard copies of the brief must fill out and sign the form titled *Certificate of Service by Mail of Brief* (see Steps 4 & 5 above for instructions about service and proof of service).

Yog tias koj xav tau kev pab cuam ua cov ntawv luam tawm, tus neeg tau txais kev pab cuam yuav luam cov ntawv txog ntawm qhov lus piav qhia tsim nyog sau thiab kos npe rau daim foos muaj npe *Pov Thawj ntawm Kev Pab Cuam los ntawm Xa Raws Kev Xa Ntawv ntawm Cov Lus Piav Qhia* (saib Kauj Rum 4 thiab 5 saum toj no txog ntawm cov lus piav qhia txog ntawm kev pab cuam thiab pov thawj ntawm kev pab cuam).

- If you needed to serve any hard copies of your brief, file the *Certificate of Service by Mail of Brief* with the Clerk of the Appellate Courts (see Step 3 above for instructions on how to file documents).

Yog tias xav tau kev pab cuam luam cov ntawv ntawm koj li lus piav qhia, xa *Pov Thawj ntawm Kev Pab Cuam los ntawm Xa Raws Kev Xa Ntawv ntawm Cov Lus Piav Qhia* nrog rau Tus Lis Ntaub Ntawv ntawm Cov Tsev Hais Plaub Txiaiv Txim Dua (saib Kauj Ruam 3 saum toj no rau cov lus qhia hais txog txoj hauv kev xa cov ntawv).

### **General Information about “Motions”/Ncauj Lus Dog Dig Txog “Cov Kev Thov”**

If you cannot serve and file your brief by the deadline you calculated and you need more time, or if you want to make any other request of the court, you must serve and file a signed, written request asking the court for the relief you need. This formal request is called a “motion.”

Yog koj xa thiab zwm tsis tau koj qhov lus meej ua ntej hnuv kawg uas koj ntsuas thiab koj xav tau sij hawm ntxiv, los yog koj xav thov dua lwm yam hauv tsev hais plaub, koj yuav tsum muaj ib tsab ntawv uas koj xa thiab kos npe rau mus thov lub tsev hais plaub txog qhov kev tso pa uas koj xav tau. Txoj kev thov raws kev raws cai no yog hu ua “kev thov”.

The motion must state (1) what you are requesting and (2) the reason(s) for that request. The requirements for a motion are found in [Minn. R. Civ. App. P. 127](#) and specific instructions for requesting a briefing extension are found in [Minn. R. Civ. App. P. 131.02](#).

Cov lus thov yuav tsum teev txog (1) yam koj xav thov thiab (2) qhov (cov) laj thawj thov txog. Cov kev ceev ntawm txoj kev thov muaj nyob rau ntawm [Minn. R. Civ. App. P. 127](#) thiab cov lus qhia meej txog kev thov ncau sij hawm me ntsis muaj nyob rau ntawm [Minn. R. Civ. App. P. 131.02](#).

You must serve the written motion on the respondents. When you file your motion with the Clerk of the Appellate Courts, you must also file proof of service (such as a *Certificate of Service*). See Steps 4 & 5 for more instructions about service and proof of service.

Koj yuav tsum xa tsab ntawv sau thov mus rau cov neeg teb plaub foob. Thaum koj zwm koj tsab ntawv thov mus rau Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiaj Txim Dua, koj yuav tsum zwm pov thawj kev xa (xws li *Ntawv Pov Thawj Kev Xa*). Xyuas Kauj Ruam 4 & 5 kom tau cov lus qhia ntxiv txog kev xa thiab ntawv pov thawj kev xa.

If you are requesting an extension of a deadline, your motion should be served and filed before the deadline you wish to extend.

Yog koj thov ncau sij hawm rau hnuv kawg, koj cov lus thov yuav tsum muab xa thiab zwm ua ntej hnuv kawg uas koj xav ncau mus txog.

**Step 11: Prepare, file, and serve a *Reply Brief* (optional)**  
**Kauj Ruam 11: Npaj, zwm thiab xa *Qhov Lus Meej Teb***  
**(nyob ntawm siab yeem)**

After you file your brief, the respondent has 45 days to serve and file the *respondent's brief*. If the *respondent's brief* raises new issues that are not addressed in your brief, you may wish to file a *reply brief* responding to those new issues (but you do not have to file a *reply brief*). Your reply brief cannot raise new grounds for reversal or issues that were not raised in your brief or the *respondent's brief*.

Tom qab koj zwm koj qhov lus meej, tus neeg teb plaub foob muaj 45 hnuv rau kev xa thiab zwm tus *neeg teb plaub foob qhov lus meej*. Yog tias tus *neeg teb plaub foob qhov lus meej* hais txog tej teeb meem uas tsis tau hais nyob rau hauv koj qhov lus meej, koj thov zwm tau *qhov lus meej teb* kom teb tau cov teeb meem tshiab (tiam sis koj tsis tag yuav zwm muaj *qhov lus meej teb*). Koj qhov lus meej teb teev tsis tau cov lus pib tshiab rau txoj kev thim lus los yog cov teeb meem uas tsis xub teev hauv koj qhov lus meej los yog *tus neeg teb plaub foob qhov lus meej thaum chiv thawj*.

If you choose to file a *reply brief*, the deadline is 15 days after the date you were served with the *respondent's brief*. [Minn. R. Crim. P. 28.02, subd. 10](#). If the respondent's brief was served on you by mail, you may add three days from the date respondent put the brief in the mail. [Minn. R. Civ. App. P. 125.03](#). See Step 1 for specific instructions on calculating deadlines.

Yog koj zwm *qhov lus meej teb*, hnuv kawg yog 15 hnuv tom qab hnuv uas xa tus *neeg teb plaub foob qhov lus meej* tuaj rau koj. [Minn. R. Crim. P. 28.02, subd. 10](#). Yog tias xa tus neeg teb plaub foob qhov lus meej tuaj rau koj hauv chaw xa ntawv, koj ntxiv tau peb hnuv txij li hnuv tus neeg teb plaub foob muab nws qhov lus meej xa hauv chaw xa ntawv. [Minn. R. Civ. App. P. 125.03](#). Xyuas Kauj Ruaj 1 kom paub cov lus qhia txog kev ntsuas cov hnuv kawg.

The date I was served with the *respondent's brief* was \_\_\_\_\_.  
 Hnuv xa tus *neeg teb plaub foob qhov lus meej* rau kuv yog

+ 15 calendar days,  
 or +15 calendar days + 3  
 business days if respondent's  
 brief was served by mail  
 + 15 hnuv (calendar),  
 los yog +15 hnuv (calendar) + 3  
 hnuv cov hnuv ua hauj lwm yog  
 tias tus neeg teb plaub foob qhov  
 lus meej xa hauv chaw xa ntawv

The deadline for my *reply brief* is \_\_\_\_\_.  
 Hnuv kawg rau kuv *qhov lus meej tebyog*

## **What Happens Next?/Dab Tsi Yuav Tshwm Sim Tom Ntej?**

### **Court of Appeals Receives the Evidentiary Record and Briefs** **Lub Tsev Hais Cov Plaub Txiaiv Txim Dua Txais Tau Cov Ntaub Ntawv Pov** **Thawj Tseeb Teev Cia thiab Cov Lus Meej**

If you requested a transcript of a hearing in your postconviction appeal (or the underlying criminal case), the court reporter will file that transcript with the district court. The district court sends the record from your case, including the transcript(s), to the Court of Appeals.

Yog tias koj thov daim ntawv teev rooj sib hais ntawm lub rooj sib hais hauv koj txoj kev thov txiaiv txim dua tom qab rau txim tag (los yog lub rooj plaub kev txhaum cai thaum chiv thawj), tus neeg teev rooj sib hais plaub yuav zwm tau daim ntawv teev rooj sib hais nrog lub cheeb tsam tsev hais plaub. Lub cheeb tsam tsev hais plaub xa cov ntaub ntawv teev cia ntawm koj rooj plaub, nrog rau daim ntawv teev rooj sib hais, mus rau lub Tsev Hais Cov Plaub Txiaiv Txim Dua.

As described in Step 11, the respondent has an opportunity to submit a brief to the Court of Appeals, and you may (but do not have to) file a reply brief after you receive the respondent's brief.

Raws li piav qhia rau Kauj Ruam 11, tus neeg teb plaub foob muaj lub caij xa qhov lus meej mus rua lub Lub Tsev Hais Cov Plaub Txiaiv Txim Dua, thia bkoj yeej zwm tau qhov lus meej teb (tiam sis koj tsis tag zwm) tom qab koj txais tau tus neeg teb plaub foob qhov lus meej.

### **Oral Argument or Non-Oral Consideration** **Hais Lus Sib Cam los yog Kev Xav Tsis Ua Lus Hais**

After the parties have filed their briefs, your appeal will be scheduled for consideration by a panel of three Court of Appeals judges. You will receive a *Notice* of the date of oral argument or non-oral consideration by the panel. This notice will also include the names of the judges assigned to decide your case.

Tom qab cov tog neeg zwm lawv cov lus meej tag, yuav teem sij hawm rau koj cov lus thov kev txiaiv txim ntawm ib pab kws phua txim muaj peb tug hauv lub Tsev Hais Cov Plaub Txiaiv Txim Dua. Koj yuav tau txais *Tsab ntawv faj seeb* txog hnuv uas pab kws phua txim yuav muaj hais lus sib am los yog kev xav tsis ua lus hais. Tsab ntawv faj seeb no yuav puav leej qhia cov npe ntawm peb tug kws phua txim cov uas raug txib los txiaiv txim txog koj rooj plaub.

If you are not represented by an attorney, the Court of Appeals will not allow oral argument by any party. See [Minn. R. Civ. App. P. 134.01](#).

Yog tias koj tsis muaj tus kws lij choj sawv cev tam koj, Lub Tsev Hais Cov Plaub Txiaiv Txim Dua yuav tsis kheev muaj hais lus sib cam los ntawm ib tog neeg twg. Xyuas [Minn. R. Civ. App. P. 134.01](#).

In deciding your appeal, the Court of Appeals looks at the evidence used in the hearing(s) before the district court judge. You may not give new evidence on appeal without first getting permission from the Court of Appeals. The Court of Appeals generally does not accept new evidence.

Thaum txiav txim dua rau koj, Lub Tsev Hais Cov Plaub Txiaiv Txim Dua yuav xyuas cov lus tseeb uas siv ntawm cheeb tsam tsev hais plaub. Koj yuav muab tsis tau pov thawj tshiab ntxiv rau txoj kev txiav txim dua tshwj tsis yog koj tau kev tso cai los ntawm Lub Tsev Hais Cov Plaub Txiaiv Txim Dua. Feem ntau Lub Tsev Hais Cov Plaub Txiaiv Txim Dua yuav tsis kam txais cov pov thawj tshiab.

### **Opinion is Issued/Tso Tawm Tswv Yim Kev Xav**

The Court of Appeals will issue a written decision, called an “opinion,” within 90 days after the appeal is scheduled for oral argument or non-oral consideration.

Lub Tsev Hais Cov Plaub Txiaiv Txim Dua yuav tso tawm txoj kev txiav txim rau hauv ntawv, hu ua “tswv yim kev xav,” ua ntej 90 hnub tom qab teem sij hawm hais lus sib cam los yog sau ntawv sib hais.

If you wish to appeal the Court of Appeals decision, you have 30 days after the opinion is issued to file a *petition for further review (PFR)*, which is a request for the Minnesota Supreme Court to review the Court of Appeals decision. See [Minn. R. Crim. P. 29.04, subd. 2.](#)

Yog koj xav thov kev txiav txim dua rau Lub Tsev Hais Cov Plaub Txiaiv Txim Dua txoj kev txiav txim, koj muaj 30 hnub tom qab tso tawm tag txoj kev xav kom zwm *tsab ntawv thov kev tshab xyuas mus ntxiv (petition for further review) (PFR)*, uas yog thov Minnesota Qib Tsev Hais Plaub Loj nrog tshab xyuas txog Lub Tsev Hais Cov Plaub Txiaiv Txim Dua txoj kev txiav txim. Xyuas [Minn. R. Crim. P. 29.04, subd. 2.](#)



**NOTICE OF APPEAL BY DEFENDANT TO COURT OF APPEALS  
TSAB NTAWV FAJ SEEB TXOG KEV TXIAV TXIM DUA LOS NTAWM NEEG  
RAUG FOOB RAU TSEV HAIS COV PLAUB TXIAV TXIM DUA**

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_  
XEEV MINNESOTA  
CHEEB KOOG NTAWM

DISTRICT COURT  
\_\_\_\_\_ JUDICIAL DISTRICT  
CHEEB TSAM TSEV HAIS PLAUB  
FAB JUDICIAL

\_\_\_\_\_,  
Plaintiff/Tus Xyuam Phaj,

vs./thiab

\_\_\_\_\_,  
Defendant/Neeg Raug Foob.

TO/XA RAU:

Clerk of the Appellate Courts  
305 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

**NOTICE OF APPEAL BY  
DEFENDANT TO COURT  
OF APPEALS  
NTAWV FAJ SEEB TXOG KEV  
TXIAV TXIM DUA LOS  
NTAWM NEEG RAUG FOOB  
RAU TSEV HAIS PLAUB TXIAV  
TXIM DUA**

District Court File No.  
Cheeb Tsam Tsev Hais Plaub Tus  
Zauv Cim Ntawv \_\_\_\_\_

Date Judgment, Sentence or  
Order Entered:  
Hnub Phua Txim, Teem Txim  
los yog Lus Txib Sau Tseg:  
\_\_\_\_\_

Minnesota Attorney General  
1800 Bremer Tower  
445 Minnesota Street  
St. Paul, MN 55101  
Telephone/Xov tooj:  
\_\_\_\_\_

PLEASE TAKE NOTICE that the above-named Defendant hereby appeals to the Court of Appeals of the State of Minnesota from the following judgment or orders of the above-named District Court:

THOV FAJ SEEB tias tus Neeg Raug Foob muaj npe saum no yuav raws li Lub Tsev Hais Cov Plaub Txiaiv Txim Dua hauv Xeev Minnesota txoj kev phua txim los yog cov lub txib ntawm lub Cheeb Tsam Tsev Hais Plaub muaj npe saum no:

Order denying in whole or in part a petition for postconviction relief under Minnesota Statutes, Chapter 590, entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_/Lus txib tsis kam ua raws tag nrho los yog ib feem ntawm txoj kev thov txo txim nyhav tom qab rau txim tag raws Minnesota Cov Cai Lij Choj, Tshooj 590, sau tseg thaum hnub tim \_\_\_\_\_ hauv \_\_\_\_\_, 20\_\_\_\_.

Dated/Hnub tim: \_\_\_\_\_

\_\_\_\_\_  
(signature/kos npe)

Name/Npe: \_\_\_\_\_

Address/Chaw nyob: \_\_\_\_\_

Telephone No./Xov tooj: \_\_\_\_\_

(Effective for criminal actions commenced or arrests made after 12 o'clock midnight January 1, 1990.)

(Siv tau rau cov yam ntxwv txhaum cai uas pib los yog raug ntes tom qab 12 teev ib tag hmo thaum lub Ib Hlis 1, 1990.)

STATE OF MINNESOTA  
IN THE COURT OF APPEALS  
XEEV MINNESOTA  
HAUV TSEV HAIS COV PLAUB TXIAV TXIM DUA

CASE TITLE/NPE ROOJ PLAUB:

(The lines below should match the names in the case title on your district court paperwork.)

(Cov kab nram no yuav tsum phim cov npe ntawm rooj plaub hauv koj lub cheeb tsam tsev hais plaub cov ntaub ntauv.)

\_\_\_\_\_ ,

COURT OF APPEALS CASE #  
TSEV HAIS COV PLAUB TXIAV TXIM  
DUA ZAUV # \_\_\_\_\_

vs./thiab

STATEMENT OF THE CASE  
OF APPELLANT  
NQE LUS TEEV ROOJ PLAUB NTAWM  
NEEG THOV KEV TXIAV TXIM DUA

\_\_\_\_\_

*Additional instructions for completing this form are available at/  
Muaj cov lus qhia ntxiv teb tsab ntauv no nyob ntaim  
<https://www.mncourts.gov/Clerk-of-Appellate-Courts.aspx#tab04Forms>.*

1. **District court where case originated/Lub tsev hais plaub uas rooj plaub tshwm sim rau:**  
\_\_\_\_\_ County District Court/Cheeb Koog Lub Cheeb Tsam Tsev Hais Plaub  
(county name/cheeb koog npe)

Name of presiding judge/Kws phua txim lub npe: \_\_\_\_\_

2. **Jurisdictional Statement:** Appeal from district court order denying a petition for postconviction relief.  
**Nqe Lus Teev Hom Plaub Ntug:** Txiav txim dua los ntawm cheeb tsam tsev hais plaub txoj kev txib tsis kam uas raws tsab ntauv thov txo txim nyhav tom qab rau txim dua.

- a. Statute, rule, or other authority authorizing appeal: [Minn. R. Crim. P. 28.02, subd. 2:](#)  
[Minn. R. Crim. P. 28.02, subd. 2.](#)  
Txoj cai lij choj, kev cai, los yog lwm txoj cai tso kev thov txiav txim dua: [Minn. R. Crim. P. 28.02, subd. 2:](#) [Minn. R. Crim. P. 28.02, subd. 2.](#)
- b. Date of service of notice of filing of order from which appeal is taken: \_\_\_\_\_  
Hnub xa tsab ntauv faj seeb kev zwm lus txib los ntawm txoj kev txiav txim dua:
- c. Authority fixing time limit for filing notice of appeal (specify applicable rule or statute):  
[Minn. Stat. § 590.06.](#)  
Kev cai kho kev txwv sij hawm rau kev zwm ntauv faj seeb txog kev txiav txim dua (qhia tseeb kiag txoj kev cai los yog cai lij choj uas muaj feem xyuam):  
[Minn. Stat. § 590.06.](#)

- d. Date of filing any motion that tolls appeal time: \_\_\_\_\_  
Hnub zwm tej ntawv thov ncuaj sij hawm kev txiav txim dua:
- e. Date of filing of order deciding tolling motion: \_\_\_\_\_  
Hnub zwm tsab ntawv teev lus txiav txim txib txog kev ncuaj sij hawm:
- f. Date of service of notice of filing of order deciding tolling motion: \_\_\_\_\_  
Hnub xa tsab ntawv faj seeb txog kev zwm lus txiav txim txib txog kev ncuaj sij hawm:

**3. State type of litigation and designate any statutes at issue:**

**Hom kev hais plaub ntug thiab tej txoj cai lij choj ntawm qhov teeb meem:**

- a. Type of litigation: Criminal; postconviction  
Home kev hais plaub ntug: Neeg Txhaum ai; tom qab rau txim tag
- b. Statute(s) at issue/Txoj (Cov) Cai Lij Choj ntawm teeb meem: \_\_\_\_\_

**4. Short description of issues that were raised in the district court, and how the district court judge decided those issues:**

**Sau qhia me ntsis txog cov teeb meem uas hais hauv cheeb tsam tsev hais plaub, thiab seb cheeb tsam tsev hais plaub tus kws phua txim txiav txim li cas txog cov teeb meem ntawd:**

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**5. Short description of the issues you are raising in this appeal** (Summarize why you are appealing, by describing what you think the district court judge did wrong in 1-2 sentences. You can make a detailed argument in the brief that you will be filing later):

**Sau qhia me ntsis txog cov teeb meem uas koj xav hais hauv txoj kev txiav txim dua no** (Qhia seb vim li cas koj thiaj li thov kev txiav txim dua, sau ib los yog ob nqe lus piav qhia qhov koj xav tias tus kws phua txim hauv cheeb tsam tsev hais plaub ua tsis yog. Koj yuav teev tau cov lus sib cam kom ntxaws dua rau hauv qhov lus meej uas koj yeej yuav tau ua tom qab):

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**6. Related appeals/Cov kev txiav txim dua uas zoo xws li:**

- a. List any prior or pending appeals arising from the same district court case as this appeal (write appeal numbers, or write “none”):  
Teev qhia cov kev txiav txim dua dhau los, los sis cov yuav txiav txim dua tom ntej uas tshwm sim los ntawm tib rooj hauv lub cheeb tsam tsev hais plaub li txoj kev txiav txim dua no (sau cov zauv cim, los yog sau “none”):

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- b. List any pending appeals arising from different district court cases that raise similar issues to this appeal (write appeal numbers, or write “none known”):  
Teev qhia cov yuav txiav txim dua tom ntej uas tshwm sim los ntawm cov rooj plaub sib txawv hauv cheeb tsam tsev hais plaub uas tsim muaj cov teeb meem zoo sib xws hauv cheeb tsam tsev hais plaub uas tsim muaj cov teeb meem zoo sib xws li txoj kev txiav txim dua no (sau zov zauv cim, los yog sau “none known”):
- 

**7. Contents of record/Cov ntaub ntawv khaws cia:**

- a. Is a transcript necessary to review the issues on appeal?  
Puas tsim nyog muaj daim ntawv teev rooj sib hais rau kev tshab xyuas cov teeb meem ntawm txoj kev txiav txim dua?  
 Yes/Tsim nyog       No/Tsis tsim nyog
- b. If yes, is it a full transcript of the hearing(s) before the district court judge or housing court referee, or a partial transcript?  
Yog tias tsim nyog, ua daim ntawv teev (cov) rooj sib hais puas txhij txhua los yog ib feem xwb rau cheeb tsam tsev hais plaub tus kws phua txim los yog tsev hais plaub tus neeg hais txim?  
 Full transcript/Daim ntawv teev rooj sib hais txhij txhua  
 Partial transcript/Ib feem ntawv teev rooj sib hais
- c. Has the transcript already been delivered to the parties and filed with the district court administrator?  
Puas tau muab daim ntawv teev rooj sib hais xa rau cov tog neeg thiab xa rau hauv cheeb tsam tsev hais plaub tus neeg lis ntaub ntawv?  
 Yes/Tau       No/Tsis Tau
- d. If not, has it been ordered from the court reporter?  
Yog tsis tau, puas tau hais mus rau tus neeg teev rooj sib hais plaub hauv tsev hais plaub kom nws muab xa tuaj?  
 Yes/Tau       No/Tsis Tau
- e. If a transcript is unavailable, is a statement of the proceedings under [Minn. R. Civ. App. P. 110.03](#) necessary?  
Yog tsis muaj daim ntawv teev rooj sib hais, puas tsim nyog muaj nqe lus teev txog cov txheej txheem sib hais raws li [Minn. R. Civ. App. P. 110.03](#)?  
 Yes/Tsim nyog       No/Tsis tsim nyog
- f. In lieu of the record as defined in [Minn. R. Civ. App. P. 110.01](#), have the parties agreed to prepare a statement of the record pursuant to [Minn. R. Civ. App. P. 110.04](#)?  
Kom hloov chaw rau ntaub ntawv teev raws li txhais los ntawm [Minn. R. Civ. App. P. 110.01](#), cov tog neeg puas pom zoo los npaj nqe lus teev ntaub ntawv raws li [Minn. R. Civ. App. P. 110.04](#)?  
 Yes/Pom zoo       No/Tsis pom zoo

8. **Oral argument** (Only attorneys can make oral argument. If you do not have an attorney, neither you nor respondents will have oral argument):

**Hais lus sib cam** (Tsuas yog cov kws lij choj thiaj li hais lus sib cam tau. Yog koj tsis muaj ib tug kws loj choj, koj los sis cov neeg teb plaub foob yuav muaj tsis tau kev hais lus sib cam):

a. If you have an attorney, is oral argument requested?

Yog tias koj muaj ib tug kws lij choj, puas tau thov kev hais lus sib cam?

Yes/Tau  No/Tsis tau

I do not have an attorney

Kuv tsis muaj ib tug kws lij choj

b. If yes, where is oral argument requested/Yog tias tau, thov kev hais lus sib cam qhov twg:

Minnesota Judicial Center in St. Paul/Minnesota Judicial Center hauv St. Paul

Other/Lwm qhov chaw: \_\_\_\_\_

9. **Type of brief to be filed** (choose one, the type that you plan to file):

**Hom lus meej xav zwm** (xaiv ib hom, hom uas koj npaj xav zwm):

Formal brief under [Minn. R. Civ. App. P.128.02](#)

Lus meej raws kev raws cai xyuas [Minn. R. Civ. App. P.128.02](#)

*(A formal brief includes a table of contents, a statement of the legal issues, a statement of the case and the facts, an argument, a conclusion, and an addendum. \*)*

*Qhov lus meej raws kev raws cai muaj cov sob teem, nqe lus teev cov teeb meem raws kev cai lij choj, nqe lus teev rooj plaub thiab cov ntsiab lus tseeb, nqe lus sib cam, nqe lus xaus thiab ntaub ntawv rhais txhawb nrog. \*)*

Informal brief under [Minn. R. Civ. App. P. 128.01, subd. 1.](#)

Lus meej tsis raws kev raws cai li [Minn. R. Civ. App. P. 128.01, subd. 1.](#)

*(Before filing an informal brief, you must file a motion requesting permission to do so. An informal brief contains a concise statement of your argument and an addendum. \*)*

*(Ua ntej zwm qhov lus meej tsis raws kev raws cai, koj yuav tsum ua tsab ntawv thov kev tso cai zwm. Qhov lus meej tsis raws kev raws cai muaj koj nqe lus sib cam tshab thiab ntaub ntawv rhais txhawb nrog. \*)*

Trial memoranda, supplemented by a short letter argument under [Minn. R. Civ. App. P. 128.01, subd. 2](#), and an addendum.

Lus txhawb kev sib foob, txhawb nrog ib tsab ntawv sau sib cam luv luv raws li [Minn. R. Civ. App. P. 128.01, subd. 2](#), thiab ntaub ntawv rhais txhawb nrog.

*(If you filed a written Memorandum of Law in the district court, you may file that Memorandum as your brief, along with a short argument in letter format that addresses the district court judge's decision. This must include an addendum. \*)*

*(Yog tias koj zwm muaj Lus Txhawb Cai (Memorandum of Law) hauv cheeb tsam tsev hais plaub, koj zwm tau Lus Txhawb uas koj qhov lus meej, nrog rau ib tsab ntawv sau sib cam luv luv uas hais txog cheeb tsam tus kws phua txim txoj kev txiav txim. Cov no yuav tsum muaj ntaub ntawv rhais txhawb nrog. \*)*

\* No matter what type of brief you file, your brief must include an addendum. See [Minn. R. Civ. App. P. 128.02 and 130.02](#). Your addendum may also contain up to 50 additional pages of documents from the record or statutes, rules, cases or other authorities that would be helpful to the court when reading your brief. However, **you cannot include any new evidence that was not presented to the district court judge.**

\* Tsis hais hom lus meej twg uas tus neeg thov kev txiav txim yuav zwm, koj qhov lus meej yuav tsum muaj ntaub ntawv rhais txhawb nrog. Xyuas [Minn. R. Civ. App. P. 128.02 thiab 130.02](#). Koj cov ntaub ntawv

*rhais txhawb nrog puav leej muaj tau txog 50 nplooj ntawv ntxiv los ntawm cov ntaub ntawv teev cia los yog cov cai lij choj, cov kev cai, los yog lwm cov kws muaj cai uas yuav pab tau lub tsev hais plaub thaum lawv nyeem koj cov lus meej. Tiam sis, **koj muab ntxiv tsis tau tej pov thawj tshiab uas tsis tau muab nthuav qhia rau cheev tsam tsev hais plaub tus kws phua txim.***

**10. Names, addresses, and telephone numbers of appellant and respondent**

**(or attorneys, if any):**

**Cov npe, chaw nyob, thiab xov tooj rau tus neeg thov kev txiav txim dua thiab tus neeg teb plaub foob (los yog cov kws lij choj, yog muaj):**

Appellant or appellant's attorney:

Neeg thov kev txiav txim dua los yog neeg thov kev txiav txim dua tus kws lij choj:

Print name/Sau lub npe: \_\_\_\_\_

Address/Chaw nyob: \_\_\_\_\_

Email address/Chaw sau ntawv Email: \_\_\_\_\_

Telephone/Xov tooj: \_\_\_\_\_

Signature/Kos npe: \_\_\_\_\_

Respondent or respondent's attorney:

Neeg teb plaub foob los yog neeg teb plaub foob tus kws lij choj:

Print name/Sau lub npe: \_\_\_\_\_

Address/Chaw nyob: \_\_\_\_\_

Email address/Chaw sau ntawv Email: \_\_\_\_\_

Telephone/Xov tooj: \_\_\_\_\_

(The Statement of Case is not a jurisdictional document, but it is important to the proper and efficient processing of the appeal by the appellate courts. The “jurisdictional statement” section is intended to provide sufficient information for the appellate court to easily determine whether the order or judgment is appealable and if the appeal is timely. The nature of the proceedings below and the notice of appeal determine the jurisdiction of the appellate court. The sections requesting information about the issues litigated in the lower court or tribunal, and the issues proposed to be raised on appeal are for the court’s information, and do not expand or limit the issues that might be addressed on appeal. Likewise, the section asking counsel to identify and prior or pending appeals from the same case, and any separate appeals that raise similar issues is intended to provide more information about the procedural history of the case and to ensure that the court has early notice of other pending related matters in case consolidation is appropriate.)

(Nqe Lus Teev Rooj Plaub tsis yog ib tsab ntawv teev hom plaub ntug, tiam sis nws tseem ceeb rau cov txheej txheem txiav txim dua hauv cov tsev hais plaub txiav txim dua kom nws sau yog thiab siv tau. Ntu “nqe lus teev hom plaub ntug” yog kom qhia ncauj lus txaus rau lub tsev hais plaub txiav txim dua ntsuas tau yooj yim tias koj cov lus txib los yog kev phua txim yeej rov txiav txim dua tau thiab seb puas txiav txim dua raws sij hawm. Cov hom txheej txheem nram no thiab tsab ntawv faj seeb txog kev txiav txim dua yuav ntsuas tau hom plaub ntug ntawm lub tsev hais plaub txiav txim dua. Cov ntu thov ncauj lus txog cov teeb meem sib hais hauv qib tsev hais plaub qis los yog hais hauv tsev hais kev vaj huam sib luag, thiab cov teeb meem yuav hais hauv kev txiav txim dua yog rau lub tsev hais plaub kom paub, thiab tsis nthuav ntxiv los yog txwv tsawg cov teeb meem uas tej zaum yuav muab txiav txim dua txog. Zoo sib xws li no, ntu no yog nug tus kws lij choj kom taw qhia txog thiab cov kev txiav txim dua yav dhau los los sis cov yuav los tom ntej ntawm tib rooj plaub, thiab cov kev txiav txim dua uas tsim muaj cov teeb meem zoo sib xws kom paub ntxiv txog cov keeb kwm txheej txheem ntawm rooj plaub no thiab kom meej tias lub tsev hais plaub paub ua ntej txog lwm cov xwm txheej muaj feem xyuam rau, nyab tsam ho muab sib sau los hais ua ke tau.)



THIS FORM MUST BE COMPLETED IN ENGLISH  
DAIM NTAWV NO YUAV TSUM TEB UA LUS ASKIV

STATE OF MINNESOTA  
IN THE COURT OF APPEALS  
XEEV MINNESOTA  
HAUV TSEV HAIS COV PLAUB TXIAV TXIM DUA

CASE TITLE/NPE ROOJ PLAUB:

(The lines below should match the names in the case title on your district court paperwork.)  
(Cov kab nram no yuav tsum phim cov npe ntawm rooj plaub hauv koj lub cheeb tsam tsev hais plaub cov ntaub ntawv.)

\_\_\_\_\_

vs./thiab

\_\_\_\_\_

COURT OF APPEALS CASE #  
TSEV HAIS COV PLAUB TXIAV TXIM  
DUA ZAUV # \_\_\_\_\_

APPELLANT’S CERTIFICATE OF  
SERVICE BY MAIL OF  
NOTICE OF APPEAL AND  
STATEMENT OF THE CASE  
NEEG THOV KEV TXIAV TXIM DUA  
TSAB NTAWV POV THAWJ XA HAUV  
CHAW XA NTAWV FAJ SEEB TXOG  
KEV TXIAV TXIM DUA THIAB  
NQE LUS TEEV ROOJ PLAUB

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_  
XEEV MINNESOTA  
CHEEB KOOG NTAWM

I/Kuv, \_\_\_\_\_ (Name/Npe), certify that on/lees meej tias thaum \_\_\_\_\_ (Date/Hnub tim), I served the attached **Notice of Appeal, Statement of the Case, and Judgment** on the following parties by mailing to each of them a copy thereof, enclosed in an envelope, postage pre-paid, and by depositing the same in the United States Mail, directed to each party as follows (**List the name and address of each party to whom the documents were mailed**):/kuv tau xa **Tsab Ntawv Faj Seeb Txog Kev Txiav Txim Dua, Nqe Lus Teev Rooj Plaub**, thiab **Kev Phua Txim** rau cov tog neeg nram no raws kev luam xa mus rau ib tug zus, ntim rau hauv lub hnab ntawv, xub them nqi xa thawj qib, thiab muab tso rau hauv Teb Chaws Asmeskas Chaw Xa Ntawv, xa ncaj qha mus rau ib tog neeg twg uas teev raws li nram no (**Sau lub npe thiab chaw nyob ntawm ib tog neeg twg uas tau xa cov ntawv mus rau**):

- 1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Kuv plov lus meej raws txoj cai raug lub txim dag tias txhua yam kuv tau teev hauv tsab ntawv no yeej muaj tseeb thiab yog.

\_\_\_\_\_  
(Signature/Kos npe)

\_\_\_\_\_  
(County where certificate was signed/  
Cheeb koog uas kos npe rau tsab ntawv pov thawj)

\_\_\_\_\_  
(Date of signature/Hnub kos npe)

\_\_\_\_\_  
(State where certificate was signed/  
Lub xeev uas kos npe rau tsab ntawv pov thawj)

THIS FORM MUST BE COMPLETED IN ENGLISH  
DAIM NTAWV NO YUAV TSUM TEB UA LUS ASKIV

STATE OF MINNESOTA  
IN THE COURT OF APPEALS  
XEEV MINNESOTA  
HAUV TSEV HAIS COV PLAUB TXIAV TXIM DUA

CASE TITLE/NPE ROOJ PLAUB:

(The lines below should match the names in the case title on your district court paperwork.)  
(Cov kab nram no yuav tsum phim cov npe ntawm rooj plaub hauv koj lub cheeb tsam tsev hais plaub cov ntaub ntawv.)

\_\_\_\_\_

COURT OF APPEALS CASE #  
TSEV HAIS COV PLAUB TXIAV TXIM  
DUA ZAUV # \_\_\_\_\_

vs./thiab

\_\_\_\_\_

APPELLANT'S CERTIFICATE OF  
SERVICE BY MAIL OF BRIEF  
NEEG THOV KEV TXIAV TXIM DUA  
TSAB NTAWV POV THAWJ XA HAUV  
CHAW XA QHOV LUS MEEJ

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_  
XEEV MINNESOTA  
CHEEB KOOG NTAWM

I/Kuv, \_\_\_\_\_ (Name/Npe), certify that on/lees meej tias thaum \_\_\_\_\_ (Date/Hnub tim), I served the attached **Brief** on the following parties by mailing to each of them a copy thereof, enclosed in an envelope, postage pre-paid, and by depositing the same in the United States Mail, directed to each party as follows (**List the name and address of each party to whom the brief was mailed**):/kuv tau xa **Qhov Lus Meej** rau cov tog neeg nram no raws kev laum xa mus rau ib tug zus, ntim rau hauv lub hnab ntawv, xub them nqi xa thawj qib, thiab muab tso rau hauv Teb Chaws Asmeskas Chaw Xa Ntawv, xa ncaj qha mus rau ib tog neeg raws li nram no (**Sau lub npe thiab chaw nyob ntawm ib tog neeg twg uas tau xa qhov lus meej mus rau**):

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Kuv plov lus meej raws txoj cai raug lub txim dag tias txhua yam kuv tau teev hauv tsab ntawv no yeej muaj tseeb thiab yog.

\_\_\_\_\_  
(Signature/Kos npe)

\_\_\_\_\_  
(County where certificate was signed/  
Cheeb koog uas kos npe rau tsab ntawv pov thawj)

\_\_\_\_\_  
(Date of signature/Hnub kos npe)

\_\_\_\_\_  
(State where certificate was signed/  
Lub xeev uas kos npe rau tsab ntawv pov thawj)