

State	Statewide Criminal Procedure Rules?	Criminal Procedure Statutes?	District/Courty/Circuit/Supplementary Rules?	How were the rules created? <sup>1</sup>	Jury Instructions?	Jury Instructions Created By: <sup>2</sup>	National Center for State Courts - Case Processing Standards - FELONY CASES <sup>3</sup>	Source of Right to Appeal	Notice – Days to File
Alabama	Yes <sup>4</sup>	Yes <sup>5</sup>	No	Promulgated	Yes <sup>6</sup>	Alabama Law institute	90% within 9 months 100% within 12 months (filing to disposition)	Statute <sup>7</sup>	42 days <sup>8</sup>
Alaska	Yes <sup>9</sup>	Yes <sup>10</sup>	No	Promulgated	Yes <sup>11</sup>	Alaska Court System's Criminal Pattern Jury Instructions Committee (pattern)	75% within 120 days 98% within 270 days (arrest to trial)	Statute <sup>12</sup>	60 days <sup>13</sup>
Arizona	Yes <sup>14</sup>	No <sup>15</sup>	Yes <sup>16</sup>	Promulgated	Yes <sup>17</sup>	State Bar of Arizona Criminal Jury Instruction Committee (revised) <sup>18</sup>	90% within 100 days 99% within 180 days (filing to sentencing)	State Constitution <sup>19</sup>	20 days <sup>20</sup>
Arkansas	Yes <sup>21</sup>	Yes <sup>22</sup>	No	Promulgated	Yes <sup>23</sup>	Arkansas Supreme Court Committee on Criminal Jury Instructions (model)	N/A	Court Rule <sup>24</sup>	30 Days <sup>25</sup>
California	Yes <sup>26</sup>	Yes <sup>27</sup>	Yes <sup>28</sup>	Adopted by Judicial Council <sup>29</sup>	Yes <sup>30</sup>	Judicial Council of California Criminal Jury Instructions	100% within 1 year (arraignment to disposition)	Statute <sup>31</sup>	60 Days <sup>32</sup>
Colorado	Yes <sup>33</sup>	Yes <sup>34</sup>	Yes <sup>35</sup>	Promulgated	Yes <sup>36</sup>	Colorado Supreme Court Committee on Criminal Jury Instructions (model)	95% within 1 year (arraignment to disposition)	Statute <sup>37</sup>	49 days <sup>38</sup>
Connecticut	Yes <sup>39</sup>	Yes <sup>40</sup>	No	Adopted by statute	Yes <sup>41</sup>	Criminal Jury Instruction Committee	100% within 18 months (Class A, arrest to disposition)	Statute <sup>42</sup>	20 days <sup>43</sup>
Delaware	By court <sup>44</sup>	Yes <sup>45</sup>	No	Promulgated	Yes <sup>46</sup>	Delaware Superior Court (pattern)	90% within 120 days 100% within 1 year (indictment to	Constitution <sup>47</sup>	30 days <sup>48</sup>

							adjudication)		
Florida	Yes <sup>49</sup>	Yes <sup>50</sup>	Yes <sup>51</sup>	Promulgated	Yes <sup>52</sup>	Florida Supreme Court Standard Jury Instructions Committee (standard)	100% within 180 days (arrest to final disposition)	Statute <sup>53</sup>	30 days <sup>54</sup>
Georgia	By court <sup>55</sup>	Yes <sup>56</sup>	No	Promulgated	Yes <sup>57</sup>	Council of Superior Court Judges (suggested) \$	95% within 420 days 98% within 540 days (indictment to disposition)	Statute <sup>58</sup>	30 days <sup>59</sup>
Hawaii	Yes <sup>60</sup>	Yes <sup>61</sup>	No	Promulgated	Yes <sup>62</sup>	Hawaii Supreme Court (standard)	100% within 180 days (filing to termination)	Statute <sup>63</sup>	30 days <sup>64</sup>
Idaho	Yes <sup>65</sup>	Yes <sup>66</sup>	Yes <sup>67</sup>	Promulgated	Yes <sup>68</sup>	Criminal Jury Instructions Committee appointed by the Idaho Supreme Court	100% within 150 days (first appearance to disposition)	Rule (code) <sup>69</sup>	42 days <sup>70</sup>
Illinois	By court <sup>71</sup>	Yes <sup>72</sup>	Yes <sup>73</sup>	Legislature	Yes <sup>74</sup>	Illinois Criminal Jury Instructions as provided by the Administrative Office of the Illinois Courts (pattern)	100% within 120 days (date of detention to trial)	State Constitution <sup>75</sup>	30 days <sup>76</sup>
Indiana	Yes <sup>77</sup>	Yes <sup>78</sup>	Yes <sup>79</sup>	Adopted by Statute	Yes <sup>80</sup>	Criminal Instructions Committee on behalf of the Indiana Judges Association (pattern) \$	N/A	State Constitution <sup>81</sup>	30 days <sup>82</sup>
Iowa	Yes <sup>83</sup>	Yes <sup>84</sup>	Yes <sup>85</sup>	Legislature	Yes <sup>86</sup>	Iowa State Bar Jury Instructions Committee \$	90% within 6 months (filing to disposition)	Statute <sup>87</sup>	30 days <sup>88</sup>
Kansas	Code	Yes <sup>89</sup>	Yes <sup>90</sup>	Legislature	Yes <sup>91</sup>	Kansas Judicial Council (pattern) \$	100% within 120 days (first appearance to trial/plea)	Statute <sup>92</sup>	14 days <sup>93</sup>

Kentucky	Yes <sup>94</sup>	Limited <sup>95</sup>	Yes <sup>96</sup>	Adopted by Statute	Yes <sup>97</sup>	Associate Justice of the Kentucky Supreme Court §	N/A	State Constitution <sup>98</sup>	30 days <sup>99</sup>
Louisiana	Yes <sup>100</sup>	Yes <sup>101</sup>	Yes <sup>102</sup>	Adopted by Statute	Yes <sup>103</sup>	Louisiana Practice Series, Louisiana State University §	N/A	State Constitution <sup>104</sup>	30 days <sup>105</sup>
Maine	Yes <sup>106</sup>	Yes <sup>107</sup>	No	Adopted by Supreme Court	Yes <sup>108</sup>	Supreme Judicial Court (samples) §	50% within 9 months 99% within 18 months (filing to disposition with jury request)	Statute <sup>109</sup>	21 days <sup>110</sup>
Maryland	Yes <sup>111</sup>	Yes <sup>112</sup>	No	Promulgated	Yes <sup>113</sup>	Maryland State Bar Standing Committee on Pattern Jury Instructions (pattern) §	98% in 6 months (first appearance to disposition - circuit criminal cases)	Statute <sup>114</sup>	30 days <sup>115</sup>
Massachusetts	Yes <sup>116</sup>	Yes <sup>117</sup>	Yes <sup>118</sup>	Promulgated	Yes <sup>119</sup>	Massachusetts Continuing Legal Education, Inc. (model)	Motion to Trial date not more than 45 days (track A) 90 days (track B)	Statute <sup>120</sup>	30 days <sup>121</sup>
Michigan	Yes <sup>122</sup>	Yes <sup>123</sup>	No	Promulgated	Yes <sup>124</sup>	Michigan State Bar Criminal Jury Instruction Committee (model)	90% within 91 days 100% within 301 days (bind over to circuit court adjudication)	State Constitution <sup>125</sup>	42 days <sup>126</sup>
Minnesota	Yes <sup>127</sup>	Yes <sup>128</sup>	Yes <sup>129</sup>	Promulgated	Yes <sup>130</sup>	Minnesota District Court Judges Association Committee on Criminal Jury Instructions Guides (pattern) §	90% within 4 months 99% within 12 months (filing to disposition)	Statute <sup>131</sup>	90 days <sup>132</sup>
Mississippi	Yes <sup>133</sup>	Yes <sup>134</sup>	Yes <sup>135</sup>	Promulgated	Yes <sup>136</sup>	Mississippi Model Jury Instructions	100% within 270 days (arraignment to conclusion)	Statute <sup>137</sup>	30 days <sup>138</sup>

						Commission (model)			
Missouri	Yes <sup>139</sup>	Yes <sup>140</sup>	Yes <sup>141</sup>	Adopted by Supreme Court	Yes <sup>142</sup>	Missouri State Bar (Model) \$	50% within 4 months 98% within 14 months (indictment to disposition)	Statute <sup>143</sup>	10 days <sup>144</sup>
Montana	Code <sup>145</sup>	Yes <sup>146</sup>	Yes <sup>147</sup>	Legislature	Yes <sup>148</sup>	Montana Criminal Jury Instruction Commission	N/A	Statute <sup>149</sup>	20 days <sup>150</sup>
Nebraska	Code	Yes <sup>151</sup>	Yes <sup>152</sup>	Legislature	Yes <sup>153</sup>	Nebraska Supreme Court Committees on Civil and Criminal Procedure \$	100% within 6 months (filing to trial)	State Constitution <sup>154</sup>	30 days <sup>155</sup>
Nevada	No	Yes <sup>156</sup>	Yes <sup>157</sup>	Legislature	No	N/A	N/A	Statute <sup>158</sup>	30 days <sup>159</sup>
New Hampshire	By court <sup>160</sup>	Yes <sup>161</sup>	No	Promulgated	Yes <sup>162</sup>	Drafting Committee of the New Hampshire State Bar Task Force on Criminal Jury Instructions	N/A	Statute <sup>163</sup>	30 days <sup>164</sup>
New Jersey	Yes <sup>165</sup>	Yes <sup>166</sup>	No	Adopted by Supreme Court	Yes <sup>167</sup>	New Jersey Courts (model)	100% within 2 months (complaint to pre-indictment disposition) 70% within 4 months (indictment to post-indictment disposition)	Statute <sup>168</sup>	45 days <sup>169</sup>
New Mexico	By court <sup>170</sup>	Yes <sup>171</sup>	No	Legislature	Yes <sup>172</sup>	Uniform Jury Instructions Criminal Committee by the New Mexico Supreme Court	100% within 120 days (filing of complaint to pretrial order) 100% within 18 months (filing of scheduling order to trial)	State Constitution <sup>173</sup>	30 days <sup>174</sup>
New York	Yes <sup>175</sup>	Yes <sup>176</sup>	No	?	Yes <sup>177</sup>	New York Unified Court	100% within 180 days (indictment to	Statute <sup>178</sup>	30 days <sup>179</sup>

						System Criminal Jury Instructions and Model Colloquies Committee	disposition)		
North Carolina	No	Yes <sup>180</sup>	Yes <sup>181</sup>	Legislature	Yes <sup>182</sup>	North Carolina Conference of Superior Court Judges Committee on Pattern Jury Instructions (pattern)	100% within 90 days (filing to disposition - District) 100% within 545 days (filing to disposition - Superior - non-capital felonies)	Statute <sup>183</sup>	14 days <sup>184</sup>
North Dakota	Yes <sup>185</sup>	Yes <sup>186</sup>	No	Promulgated	Yes <sup>187</sup>	State Bar Association of North Dakota in conjunction with the North Dakota Pattern Jury Instruction Commission (pattern)	100% within 180 days (filing of charging to judgment)	Statute <sup>188</sup>	30 days <sup>189</sup>
Ohio	Yes <sup>190</sup>	Yes <sup>191</sup>	Yes <sup>192</sup>	Promulgated	Yes <sup>193</sup>	Ohio Jury Instruction Committee of the Ohio Judicial Conference \$	100% within 6 months (arraignment to termination)	Statute <sup>194</sup>	30 days <sup>195</sup>
Oklahoma	Code	Yes <sup>196</sup>	Yes <sup>197</sup>	Legislature	Yes <sup>198</sup>	Oklahoma State Courts	N/A	Statute <sup>199</sup>	10 days <sup>200</sup>
Oregon	Yes <sup>201</sup>	Yes <sup>202</sup>	Limited <sup>203</sup>	Adopted by Supreme Court	Yes <sup>204</sup>	State Bar of Oregon Uniform Criminal Jury Instructions Committee (uniform) \$	90% within 120 days 100% within 1 year (arraignment to adjudication)	Statute <sup>205</sup>	30 days <sup>206</sup>
Pennsylvania	Yes <sup>207</sup>	No <sup>208</sup>	Yes <sup>209</sup>	Adopted by Supreme Court	Yes <sup>210</sup>	Pennsylvania Bar Institute (suggested standard) \$	N/A	Statute <sup>211</sup>	10, then 30 days <sup>212</sup>

Rhode Island	By court <sup>213</sup>	Yes <sup>214</sup>	Yes <sup>215</sup>	Promulgated	No	N/A	75% within 180 days (arraignment to disposition)	Statute <sup>216</sup>	5 days <sup>217</sup>
South Carolina	Yes <sup>218</sup>	Yes <sup>219</sup>	No	Promulgated	Yes <sup>220</sup>	South Carolina Bar (suggestions) \$	100% within 180 days (arrest to final disposition)	Statute <sup>221</sup>	10 days <sup>222</sup>
South Dakota	Code	Yes <sup>223</sup>	No	Legislature	Yes <sup>224</sup>	South Dakota State Bar (pattern) \$	N/A	Statute <sup>225</sup>	30 days <sup>226</sup>
Tennessee	Yes <sup>227</sup>	Yes <sup>228</sup>	Yes <sup>229</sup>	Governor approved joint resolution adopting rules	Yes <sup>230</sup>	Tennessee State Courts Criminal Committee of the Tennessee Judicial Conference (pattern)	N/A	Statute <sup>231</sup>	30 days <sup>232</sup>
Texas	Code <sup>233</sup>	Yes <sup>234</sup>	Limited <sup>235</sup>	Legislature	Yes <sup>236</sup>	State Bar of Texas (pattern) \$	N/A	Statute <sup>237</sup>	30 days <sup>238</sup>
Utah	Yes <sup>239</sup>	Yes <sup>240</sup>	No	Promulgated	Yes <sup>241</sup>	Utah Supreme Court Advisory Committee on Plain English Criminal Jury Instructions (model)	NA	State Constitution <sup>242</sup>	30 days <sup>243</sup>
Vermont	Yes <sup>244</sup>	Yes <sup>245</sup>	No	Promulgated with the assent of the General Assembly	Yes <sup>246</sup>	Vermont Bar Association Criminal Jury Instruction Committee (model)	70% within 18 weeks 100% within 12 months (arraignment to disposition)	Statute <sup>247</sup>	30 days <sup>248</sup>
Virginia	Yes <sup>249</sup>	Yes <sup>250</sup>	Yes <sup>251</sup>	Promulgated	Yes <sup>252</sup>	Supreme Court of Virginia's Model Jury Instruction Committee (model) \$	90% within 120 days 100% within 1 year (arrest to conclusion)	Court Rule <sup>253</sup>	30 days <sup>254</sup>
Washington	By court <sup>255</sup>	Yes <sup>256</sup>	Yes <sup>257</sup>	Promulgated	Yes <sup>258</sup>	Washington Supreme Court Committee on Jury	90% within 4 months 100% within 9 months (filing to resolution)	State Constitution <sup>259</sup>	30 days <sup>260</sup>

						Instructions			
West Virginia	Yes <sup>261</sup>	Yes <sup>262</sup>	Yes <sup>263</sup>	Promulgated	No <sup>264</sup>	N/A	80% within 8 months (indictment to sentencing order)	State Constitution/ Court <sup>265</sup>	30 days <sup>266</sup>
Wisconsin	Code	Yes <sup>267</sup>	Yes <sup>268</sup>	Legislature	Yes <sup>269</sup>	Wisconsin State Bar \$	90% within 180 days (first appearance to adjudication)	State Statute <sup>270</sup>	20 days <sup>271</sup>
Wyoming	Yes <sup>272</sup>	Yes <sup>273</sup>	No	Adopted	Yes <sup>274</sup>	Wyoming State Bar (pattern) \$	100% within 180 days (filing of information to trial - unless waived)	State Statute <sup>275</sup>	30 days <sup>276</sup>

<sup>1</sup> Conclusions in this report are based primarily on the text of the state's statute, rule, or code section governing criminal procedures. The authors acknowledge that some information may be incomplete despite the authors' best efforts given the complex nature of each state's court structures, judicial decisions, statutes, and rules regarding criminal procedure. This report seeks to provide an insight on the breadth, variations, and structures of each state's criminal procedure rules. Please be advised that some states' supreme courts promulgated or adopted the state rules, while some legislatures enacted the state's criminal procedure rules, and some states' courts and legislatures worked together to adopt rules. This research was completed thoughtfully and thoroughly, but the compiled information should always be separately verified.

<sup>2</sup> The \$ signifies that jury instructions are available for purchase or requires state bar membership to access.

<sup>3</sup> *Case Processing Standards: Felony Cases*, NAT'L CTR. ST. CTS., <http://www.ncsc.org/cpts/> (last visited Mar. 16, 2017).

<sup>4</sup> *Alabama Rules of Criminal Procedures*, SUP. CT. & ST. LAW LIBR., [http://judicial.alabama.gov/library/rules\\_crim\\_procedure.cfm](http://judicial.alabama.gov/library/rules_crim_procedure.cfm) (last visited Mar. 16, 2017).

<sup>5</sup> ALA. CODE tit. 15. "Any provisions of this title regulating procedure shall apply only if the procedural subject matter is not governed by rules of practice and procedure adopted by the Supreme Court of Alabama. ALA. CODE § 15-1-1.

<sup>6</sup> *Alabama Pattern Jury Instructions: Criminal Proceedings*, SUP. CT. & STATE L. LIBRARY, [http://judicial.alabama.gov/library/jury\\_instructions\\_cr.cfm](http://judicial.alabama.gov/library/jury_instructions_cr.cfm) (last visited Mar. 16, 2017).

<sup>7</sup> ALA. CODE § 12-22-130; *see also* State v. Carruth, 21 So. 3d 764 (Ala. 2008).

<sup>8</sup> ALA. R. APP. P. 4(b)(1).

<sup>9</sup> *Rules of Criminal Procedure*, ALASKA R. CT. 2016–2017 EDITION, <http://www.courtrecords.alaska.gov/webdocs/rules/docs/crpro.pdf> (last visited Mar. 16, 2017).

<sup>10</sup> ALASKA STAT. tit. 12. *See Criminal Procedure*, ALA. LEGAL RESOURCES CTR., <http://www.touchngo.com/lglcntr/akstats/Statutes/Title12.htm> (last visited Mar. 16, 2017). "The provisions of this title apply to all criminal actions and proceedings in all courts except where specific provision is otherwise made or where the Rules of Criminal Procedure adopted by the supreme court under its constitutional authority apply." ALASKA STAT. § 12.85.010.

<sup>11</sup> *Criminal Pattern Jury Instructions*, ALASKA CT. SYS., <http://www.courts.alaska.gov/rules/crimins.htm> (last visited Mar. 16, 2017). These instructions have not been approved or promulgated by any court or the Alaska Bar Association. *Id.*

<sup>12</sup> ALASKA STAT. § 12.55.120; *see also* McLaughlin v. State, 214 P.3d 386 (Alaska 2009).

<sup>13</sup> ALASKA R. APP. P. 521.

<sup>14</sup> *See* ARIZ. R. CRIM. P. 1–41. *See Rules of Criminal Procedure*, ARIZ. CT. RULES, [https://govt.westlaw.com/azrules/Browse/Home/Arizona/ArizonaCourtRules/ArizonaStatutesCourtRules?guid=NCB1EB43070CB11DA016E8D4AC7636430&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhpc=1](https://govt.westlaw.com/azrules/Browse/Home/Arizona/ArizonaCourtRules/ArizonaStatutesCourtRules?guid=NCB1EB43070CB11DA016E8D4AC7636430&transitionType=CategoryPageItem&contextData=(sc.Default)&bhpc=1) (last visited Mar. 16, 2017).

<sup>15</sup> ARIZ. REV. STAT. tit. 13 is entitled, "Criminal Code," and while there may be scattered procedural statutes throughout, for the purpose of this research, Arizona does not have criminal procedure statutes.

<sup>16</sup> *See, e.g.*, ARIZ. PHX. CITY CT. R. 1.1–1.13; ARIZ. SUPER. CT. PIMA CTY. R. 1.1–1.7; ARIZ. YUMA MUN. R. PROC. R. 1.1–1.9. Arizona's Supreme Court allows local rules. ARIZ. SUP. CT. R. 28.1.

<sup>17</sup> *Revised Criminal Jury Instructions Committee RAJI (Criminal) 4th*, ST. BAR ARIZ. CONTINUING LEGAL ED., <http://www.azbar.org/media/1179884/rajicriminal-4thed2016-final.pdf> (last visited Mar. 16, 2017).

<sup>18</sup> Arizona's criminal jury instructions are referred to as the "Revised Arizona Jury Instructions–Criminal (RAJI-CRIMINAL)" and are published on the Arizona State Bar Website. *Criminal Jury Instructions Committee*, ST. BAR ARIZ., <http://www.azbar.org/sectionsandcommittees/committees/criminaljuryinstructions/> (last visited Mar. 16, 2017). In the past, the Arizona Supreme Court has expressed qualified approval of previous publications of the pattern jury instructions. *Id.* However, "the Arizona Supreme Court decided not to issue or qualify approvals for any jury instructions. Due to the action by the Court, members of the Board of Governors established guidelines for future RAJIs and decided that this disclaimer should be included for all RAJIs." *Id.*

<sup>19</sup> ARIZ. CONST. art. II, § 24.

<sup>20</sup> ARIZ. R. CRIM. P. 31.3.

- <sup>21</sup> AR. CR. P. *See Rules of Criminal Procedure*, ARK. JUDICIARY, <https://courts.arkansas.gov/rules-and-administrative-orders/rules-of-criminal-procedure> (last visited Mar. 16, 2017).
- <sup>22</sup> ARK. CODE tit. 16, chs. 80–104.
- <sup>23</sup> *Arkansas Model Jury Instructions – Criminal*, LEXISNEXIS, <http://www.lexisnexis.com/hottopics/arcrimji/> (last visited Mar. 16, 2017). The instructions include the text of the instructions, notes on use, and comments. *Id.* The instructions are available for free through LexisNexis.
- <sup>24</sup> ARK. RAP-CRIM. 1.
- <sup>25</sup> ARK. RAP-CRIM. 2(a); AR. CR. P. 36(b) (appeals from District to Circuit court).
- <sup>26</sup> CAL. R. CT. tit. 4. *See Criminal Rules*, CAL. CTS., [http://www.courts.ca.gov/documents/title\\_4.pdf](http://www.courts.ca.gov/documents/title_4.pdf). (last visited Mar. 16, 2017). “The Criminal Rules apply to all criminal cases in the superior courts unless otherwise provided by a statute or rule in the California Rules of Court.” CAL. R. CT. 4.2.
- <sup>27</sup> CAL. PENAL CODE §§ 681–1620.
- <sup>28</sup> *See, e.g., Local Rules Chpt. 8*, SUPER. CT. CAL. CTY. L.A., <http://www.lacourt.org/courtrules/ui/?ch=Chap8&tab=2> (last visited Mar. 16, 2017). “The procedures contained in this Chapter are intended to supplement the procedural provisions of the Penal Code and Criminal Rules, California Rules of Court, rule 4.1 *et seq.*” *Id.* at Preamble.
- <sup>29</sup> CAL. R. CT. 1.3. “The rules in the California Rules of Court are adopted by the Judicial Council of California under the authority of article VI, section 6, of the Constitution of the State of California, unless otherwise indicated. The rules in division 5 of title 8 and in title 9 were adopted by the Supreme Court.” *Id.*
- <sup>30</sup> Sandy Kriegler, *Judicial Council of California Criminal Jury Instructions (2016)*, CAL. CTS., [http://www.courts.ca.gov/partners/documents/calcrim\\_2016\\_edition.pdf](http://www.courts.ca.gov/partners/documents/calcrim_2016_edition.pdf) (last visited Mar. 16, 2017). “The instructions are approved by the Judicial Council as the state’s official instructions pursuant to the California Rules of Court []. The Rules of Court strongly encourage their use.” *Id.* at xi.
- <sup>31</sup> CAL. PENAL CODE § 1237.
- <sup>32</sup> CAL. CT. APP. R. 8.308(a).
- <sup>33</sup> COLO. CRIM. P. *See Court Rules*, COLO. LEGAL RESOURCES, LEXISNEXIS, <http://www.lexisnexis.com/hottopics/Colorado/> (last visited Mar. 16, 2017).
- <sup>34</sup> COLO. REV. STAT. §§ 16-1-101 to 16-13-1002.
- <sup>35</sup> *See, e.g., EL PASO COUNTY LOCAL RULES, PART 5*, <http://www.epcounty.com/councilofjudges/epclocalrules.htm> (last visited Mar. 16, 2017); LOCAL RULES OF THE FIRST JUDICIAL DISTRICT, GILPIN AND JEFFERSON COUNTIES, PART 3, [https://www.courts.state.co.us/userfiles/File/Court\\_Probation/01st\\_Judicial\\_District/localrules.pdf](https://www.courts.state.co.us/userfiles/File/Court_Probation/01st_Judicial_District/localrules.pdf) (last visited Mar. 17, 2017).
- <sup>36</sup> *Model Jury Instructions Committee: Colorado Jury Instructions—Criminal (2016)*, COLO. JUD. BRANCH, [https://www.courts.state.co.us/Courts/Supreme\\_Court/Committees/Committee.cfm?Committee\\_ID=9](https://www.courts.state.co.us/Courts/Supreme_Court/Committees/Committee.cfm?Committee_ID=9) (last visited Mar. 16, 2017).
- <sup>37</sup> COLO. REV. STAT. § 16-12-101; *Wend v. People*, 235 P.3d 1089 (Colo. 2010).
- <sup>38</sup> COLO. APP. R. 4.
- <sup>39</sup> CONN. SUPER. CT. P. CRIM. MATTERS § 1. *See 2017 Practice Book, Rules for the Superior Court*, Chpt. 36–44, ST. CONN. JUDICIAL BRANCH, <https://www.jud.ct.gov/Publications/PracticeBook/PB.pdf> (last visited Mar. 16, 2017).
- <sup>40</sup> CONN. GEN. STAT. tit. 54.
- <sup>41</sup> *Criminal Jury Instructions*, CONN. JUDICIAL BRANCH, <http://www.jud.state.ct.us/JI/Criminal/Criminal.pdf> (last visited Mar. 16, 2017). “This collection of jury instructions was compiled by the Criminal Jury Instruction Committee and is intended as a guide for judges and attorneys in constructing charges and requests to charge and as a general reference to criminal offenses and their elements. The use of these instructions is entirely discretionary and their publication by the Judicial Branch is not a guarantee of their legal sufficiency.” *Id.*
- <sup>42</sup> CONN. GEN. STAT. § 54-95; *see also* *Gaines v. Manson*, 481 A.2d 1084 (Conn. 1984).
- <sup>43</sup> CONN. R. APP. P. § 63-1.
- <sup>44</sup> Delaware Superior Court Criminal Procedure Rules. DEL. SUPER. CT. CRIM. R. 1. *See Rules of Criminal Procedure for the Superior Court of the State of Delaware*, DEL. CTS., [http://courts.delaware.gov/Superior/pdf/criminal\\_rules\\_2013.pdf](http://courts.delaware.gov/Superior/pdf/criminal_rules_2013.pdf) (last visited Mar. 16, 2017). Delaware Supreme Court Rules. DEL. SUP. CT. CRIM. R. *See* RULES OF THE SUPREME COURT OF DELAWARE, <http://courts.delaware.gov/rules/pdf/SupremeCourtRules.pdf> (last visited Mar. 16, 2017). Delaware Court of Common Pleas Criminal Procedure Rules. DEL. CRIM. R. GOV’G C.P. *See Delaware Criminal Rules Governing the Court of Common Pleas*, DELAWARE COURTS, <http://courts.delaware.gov/forms/download.aspx?id=39298> (last visited Mar. 17, 2017). DEL. J. P. CT. CRIM. R. *See* DELAWARE COURTS, <http://courts.delaware.gov/forms/download.aspx?id=39338> (last visited Mar. 16, 2017). Justice of the Peace Criminal Procedure Rules. DEL. J. P. CT. CRIM. R. *See Del. Crim. R. Justice of the Peace*, DEL. CTS., <http://courts.delaware.gov/forms/download.aspx?id=39338> (last visited Mar. 17, 2017).
- <sup>45</sup> DEL. CODE ANN. tit. 11, §§ 101–9703; § 9902 (state’s absolute right to appeal).
- <sup>46</sup> *Criminal Pattern Jury Instructions*, DEL. CTS., [http://courts.delaware.gov/superior/pattern/pattern\\_criminal.aspx](http://courts.delaware.gov/superior/pattern/pattern_criminal.aspx) (last visited Mar. 16, 2017).
- <sup>47</sup> DEL. CONST. art. 4, § 11; *Braxton v. State*, 479 A.2d 831 (Del. 1984) “The Delaware Constitution specifically grants one convicted of a felony and sentenced to imprisonment exceeding one month a right to appeal.” *Id.* at 834.
- <sup>48</sup> DEL. CODE tit. 11, § 4502; *see also* DEL. SUP. CT. R. 6(a)(3).
- <sup>49</sup> FLA. R. CRIM. P. 3.010. *See Florida Rules of Criminal Procedure*, FLA. BAR, [https://www.floridabar.org/TFB/TFBResources.nsf/0/BDFE1551AD291A3F85256B29004BF892/\\$FILE/Criminal.pdf](https://www.floridabar.org/TFB/TFBResources.nsf/0/BDFE1551AD291A3F85256B29004BF892/$FILE/Criminal.pdf) (last visited Mar. 20, 2017).



- <sup>50</sup> FLA. STAT. §§ 900–985. *See The 2010 Florida Statutes (including Special Session A)*, FLA. SEN. WEBSITE ARCHIVE, [http://archive.flsenate.gov/Statutes/Index.cfm?App\\_mode=Display\\_Index&Title\\_Request=XLVII](http://archive.flsenate.gov/Statutes/Index.cfm?App_mode=Display_Index&Title_Request=XLVII) (last visited Mar. 16, 2017).
- <sup>51</sup> *See, e.g., Series 4 – Criminal*, 15TH JUDICIAL CIRCUIT OF FLORIDA, <http://15thcircuit.co.palm-beach.fl.us/series4> (last visited Mar. 17, 2017).
- <sup>52</sup> *Standard Jury Instructions Criminal Cases*, FLA. SUP. CT., [http://www.floridasupremecourt.org/jury\\_instructions/instructions.shtml](http://www.floridasupremecourt.org/jury_instructions/instructions.shtml) (last visited Mar. 16, 2017).
- <sup>53</sup> FLA. STAT. § 924.05. “Direct appeals provided for in this chapter [Criminal Appeals and Collateral Review] are a matter of right.” *Id.* The defendant or the state may appeal in criminal cases. *Id.* § 924.02.
- <sup>54</sup> FLA. R. APP. P. 9.140.
- <sup>55</sup> Uniform Rules Superior Courts of the State of Georgia. UNIF. R. GA. SUPER. CT. 26–42. *See Uniform Rules Superior Courts of the State of Georgia*, SUP. CT. GA., [http://www.gasupreme.us/wp-content/uploads/2016/09/UNIFORM\\_SUPERIOR\\_COURT\\_RULES\\_Updated\\_09\\_22\\_16\\_.pdf](http://www.gasupreme.us/wp-content/uploads/2016/09/UNIFORM_SUPERIOR_COURT_RULES_Updated_09_22_16_.pdf) (last visited Mar. 16, 2017). Uniform Rules Supreme Courts of the State of Georgia. UNIF. R. GA. SUP. CT. *See Uniform Rules Supreme Courts of the State of Georgia*, SUP. CT. GA., [http://www.gasupreme.us/wp-content/uploads/2015/09/UNIFORM-STATE-COURT-RULES-12\\_10\\_15.pdf](http://www.gasupreme.us/wp-content/uploads/2015/09/UNIFORM-STATE-COURT-RULES-12_10_15.pdf) (last visited Mar. 17, 2017). Uniform Rules Magistrate Courts of the State of Georgia. UNIF. R. GA. MAG. CT. *See Uniform Rules Magistrate Courts of the State of Georgia*, SUP. CT. GA., [http://www.gasupreme.us/wp-content/uploads/2016/03/UNIFORM\\_MAGISTRATE\\_COURT\\_RULES-03\\_03\\_16\\_.pdf](http://www.gasupreme.us/wp-content/uploads/2016/03/UNIFORM_MAGISTRATE_COURT_RULES-03_03_16_.pdf) (last visited Mar. 17, 2017). Uniform Rules Municipal Courts of the State of Georgia. UNIF. R. GA. MUN. CTS. *See Uniform Rules Municipal Courts of the State of Georgia*, SUP. CT. GA., [http://www.gasupreme.us/wp-content/uploads/2015/02/UNIFORM\\_MUNICIPAL\\_COURT\\_RULES\\_Updated\\_1\\_25\\_13.pdf](http://www.gasupreme.us/wp-content/uploads/2015/02/UNIFORM_MUNICIPAL_COURT_RULES_Updated_1_25_13.pdf) (last visited Mar. 17, 2017).
- <sup>56</sup> GA. CODE ANN. §§ 17-1-1 through 17–20-3.
- <sup>57</sup> *Pattern Jury Instructions Volume II – Criminal*, GA. SUPER. CT., <https://georgiasuperiorcourts.org/pattern-jury-instructions/> (last visited Mar. 16, 2017) (requires paid subscription or purchase of book). The instructions are available on Westlaw and through the Georgia State University Library website. *Georgia Legal Research – Pattern Jury Instructions*, GA. ST. U. L. LIB., <http://libguides.law.gsu.edu/c.php?g=253377&p=2088705> (last visited Mar. 16, 2017).
- <sup>58</sup> GA. CODE § 5-6-33. “[T]he defendant in any criminal proceeding in the superior, state, or city courts may appeal from any sentence, judgment, decision, or decree of the court, or of the judge thereof in any matter heard at chambers.” *Id.*
- <sup>59</sup> GA. CODE § 5-6-38(a).
- <sup>60</sup> H. R.P.P. 1. *See Hawaii’s Rules of Penal Procedure*, HAW. ST. JUDICIARY, [http://www.courts.state.hi.us/docs/court\\_rules/rules/hrpp.htm#Rule%201](http://www.courts.state.hi.us/docs/court_rules/rules/hrpp.htm#Rule%201) (last visited Mar. 16, 2017).
- <sup>61</sup> HAW. REV. STAT. §§ 801–853.
- <sup>62</sup> *Circuit Court Standard Jury Instructions*, HAW. ST. JUDICIARY, [http://www.courts.state.hi.us/legal\\_references/circuit\\_court\\_standard\\_jury\\_instructions](http://www.courts.state.hi.us/legal_references/circuit_court_standard_jury_instructions) (last visited Mar. 16, 2017). The instructions are divided into two volumes—Volume I for procedural instructions and Volume 2 for offense instructions—are regularly amended and updated on the state’s judiciary website. *Id.*
- <sup>63</sup> HAW. REV. STAT. § 641-16. “The supreme court, or the intermediate appellate court, as the case may be, may affirm, reverse, or modify the order, judgment, or sentence of the trial court in a criminal matter.” *Id.*
- <sup>64</sup> H.R. APP. P. 4(b).
- <sup>65</sup> *Idaho Criminal Rules*, ST. IDAHO JUD. BRANCH, <https://isc.idaho.gov/icr> (last visited Mar. 16, 2017).
- <sup>66</sup> IDAHO CODE §§ 19-101 to 19-5804.
- <sup>67</sup> *See, e.g., Local Rules of the District Court and Magistrate Division for the Fourth Judicial District*, IDAHO FOURTH JUD. DISTRICT CT., [https://fourthjudicialcourt.idaho.gov/pdf/2017fourth\\_judicial\\_district\\_rules.pdf](https://fourthjudicialcourt.idaho.gov/pdf/2017fourth_judicial_district_rules.pdf) (last visited Mar. 17, 2017); *Seventh Judicial District Rules*, ST. IDAHO JUDICIAL BRANCH SUP. CT., [https://isc.idaho.gov/files/CourtRules\\_Seventh\\_Judicial\\_District.pdf](https://isc.idaho.gov/files/CourtRules_Seventh_Judicial_District.pdf) (last visited Mar. 17, 2017).
- <sup>68</sup> *Criminal Jury Instructions*, ST. IDAHO JUD. BRANCH SUP. CT., <https://isc.idaho.gov/main/criminal-jury-instructions> (last visited Mar. 16, 2017). An order issued by the Idaho Supreme Court on August 26, 2010 implemented statewide criminal jury instructions. *Id.*
- <sup>69</sup> I.C.R. APP. 11. “An appeal as a matter of right may be taken to the Supreme Court from the following judgments and orders ... (c) criminal proceedings.”
- <sup>70</sup> I.C.R. 54(b) (effective July 1, 2017); *see* IDAHO COURT ORDER 0003 (C.O. 0003); *see also* I.C.R. APP. 14. “Any appeal as a matter of right from the district court may be made only by physically filing a notice of appeal with the clerk of the district court within 42 days from the date evidenced by the filing stamp of the clerk of the court on any judgment or order of the district court appealable as a matter of right in any civil or criminal action.” *Id.*
- <sup>71</sup> ILL. SUP. CT. R. 401–500. *See Article IV - Rules on Criminal Proceedings in the Trial Court*, ILL. CTS., [http://www.illinoiscourts.gov/SupremeCourt/Rules/Art\\_IV/default.asp](http://www.illinoiscourts.gov/SupremeCourt/Rules/Art_IV/default.asp) (last accessed Mar. 16, 2017) (applies to trial courts). ILLINOIS COOK COUNTY CIRCUIT COURT RULE PART 14, ST. CT. ILL. CIR. CT. COOK CTY., <http://www.cookcountycourt.org/FORATTORNEYSLITIGANTS/RulesoftheCourt/RulesoftheCourtList/tabid/1160/cid/21/smld/3566/tmid/453/Default.aspx> (last visited Mar. 17, 2017) (additional rules for circuit court located in Cook County).
- <sup>72</sup> 725 ILL. COMP. STAT. §§ 5–245.
- <sup>73</sup> *See, e.g., Rules of the Court*, ST. ILL. CIR. CT. COOK CTY., <http://www.cookcountycourt.org/FORATTORNEYSLITIGANTS/RulesoftheCourt.aspx> (last visited Mar. 17, 2017). Additionally, each judicial circuit has additional local rules that contain criminal procedure rules. *See, e.g., ILL. 2ND JUD. CIR. R.*
- <sup>74</sup> *Illinois Pattern Jury Instructions–Criminal*, ILLINOIS COURTS, <http://www.illinoiscourts.gov/CircuitCourt/CriminalJuryInstructions/default.asp> (last visited Mar. 16, 2017). “The following volumes of Illinois pattern jury instructions for criminal cases represent the cumulative effort of many dedicated past and present members of the Special Supreme Court Committee on Pattern

Jury Instructions-Criminal. The committee takes great effort in drafting clear and concise instructions for use by judges and practitioners, insuring that each instruction complies with all due process requirements, accurately states current statutory and case law, is grammatically correct, and is presented in a clear and uniform manner. Most importantly, the committee strives to provide jurors with easy to understand definitions and issues instructions to help guide their deliberations in reaching an accurate verdict.” *Introduction to IPI Criminal*, ILL. CTS., [http://www.illinois.gov/CircuitCourt/CriminalJuryInstructions/Criminal\\_Jury\\_Instructions.pdf](http://www.illinois.gov/CircuitCourt/CriminalJuryInstructions/Criminal_Jury_Instructions.pdf) (last visited Mar. 16, 2017).

<sup>75</sup> ILL. CONST. art. VI, § 6. “Appeals from final judgments of a Circuit Court are a matter of right to the Appellate Court in the Judicial District in which the Circuit Court is located except in cases appealable directly to the Supreme Court and except that after a trial on the merits in a criminal case, there shall be no appeal from a judgment of acquittal.” *Id.*

<sup>76</sup> ILL. SUP. CT. R. 606(b).

<sup>77</sup> IND. CRIM. RULE. *See Indiana Rules of Court Rules of Criminal Procedure*, JUDICIAL BRANCH OF INDIANA, <http://www.in.gov/judiciary/rules/criminal/> (last visited Mar. 16, 2017).

<sup>78</sup> IND. CODE. § 35-31.5-1 to 35-50-10.

<sup>79</sup> *See, e.g.*, IND. HAMILTON CTY. LCR R. 301; IND. MARION CIR. & SUPER. CIV. R. 100–116.

<sup>80</sup> *Criminal Instructions*, IND. JUDICIAL BRANCH, <http://www.in.gov/judiciary/center/2392.htm> (last visited Mar. 16, 2017). The instructions are available for purchase in book format. *See Indiana Pattern Jury Instructions – Criminal, Third and Fourth Editions*, LEXISNEXIS STORE, <https://store.lexisnexis.com/categories/area-of-practice/criminal-law-procedure-161/indiana-pattern-jury-instructions-criminal-third-and-fourth-editions-skuusSku7119> (last visited Mar. 16, 2017).

<sup>81</sup> IND. CONST. art. VII, § 6; The court of appeals shall “provide in all cases an absolute right to one appeal and to the extent provided by rule, review and revision of sentences for defendants in all criminal cases.” *Id.* Blackmon v. State, 450 N.E.2d 104 (Ind. Ct. App. 1983) (“Any person convicted of a criminal offense in Indiana may, as a matter of statutory and constitutional right, appeal the judgment against him.”).

<sup>82</sup> IND. CRIM. RULE 19. “The Notice of Appeal designating what is to be included in the record on appeal must be filed within thirty (30) days after the date of sentencing . . . .”

<sup>83</sup> IOWA R. CRIM. P. 2.1–2.76. *See Chapter 2: Rules of Criminal Procedure*, IOWA LEGISLATURE, <https://www.legis.iowa.gov/docs/ACO/CR/LINC/01-31-2017.chapter.2.pdf>.

<sup>84</sup> IOWA CODE §§ 748–823.

<sup>85</sup> *See, e.g.*, *The District Court of Iowa Fifth Judicial District Rules of Practice and Administration*, Rule 131–37, IOWA JUDICIAL BRANCH, [http://www.iowacourts.gov/About\\_the\\_Courts/District\\_Courts/District\\_Five/Local\\_Rules/](http://www.iowacourts.gov/About_the_Courts/District_Courts/District_Five/Local_Rules/) (last visited Mar. 18, 2017).

<sup>86</sup> *Criminal Jury Instructions*, IOWA ST. BAR, <https://iowabar.site-ym.com/Login.aspx?returnurl=%2fgeneral%2fcustom.asp%3fpage%3dCrimJuryInstructions> (last visited Mar. 16, 2017) (scroll over “Practice Tools,” then “Jury Instructions,” select “Criminal Jury Instructions”). A log in is required to access the jury instructions on the Iowa State Bar website.

<sup>87</sup> IOWA CODE § 814.6; State v. Hernandez-Galarza, 864 N.W.2d 122 (Iowa 2015). “In Iowa, there are three avenues for challenging a criminal conviction: direct appeal, *see* IOWA CODE § 814.6(1)(a); postconviction relief, *see id.* ch. 822; and habeas corpus, *see id.* ch. 663.” *Id.* at 126. For information on the State’s right to appeal, *see* IOWA CODE § 814.5.

<sup>88</sup> IOWA R. APP. P. 6.101(1)(b). “A notice of appeal must be filed within 30 days after the filing of the final order or judgment.” *Id.*

<sup>89</sup> 2016 KANSAS STATUTES CH. 22, KAN. OFFICE OF REVISOR OF STATUTES, [http://www.ksrevisor.org/statutes/ksa\\_ch22.html](http://www.ksrevisor.org/statutes/ksa_ch22.html) (last visited Mar. 20, 2017).

<sup>90</sup> *See, e.g.*, *Local Court Rules of the 17th Judicial District, VII*, KAN. JUDICIAL BRANCH, <http://www.kscourts.org/kansas-courts/District-Courts/17thJDLocalRules.pdf> (last visited Mar. 17, 2017). Local court rules must be adopted pursuant to Supreme Court Rule No. 105.

<sup>91</sup> *Pattern Instructions for Kansas – Fourth Edition*, KAN. JUDICIAL COUNCIL, [http://www.kansasjudicialcouncil.org/publications/archived\\_PIKriminal.shtml](http://www.kansasjudicialcouncil.org/publications/archived_PIKriminal.shtml) (last visited Mar. 16, 2017). The physical print version of the jury instructions can be purchased on the Kansas Judicial Council website. Previous editions from 1971–2010 are available online for free. *Pattern Instructions for Kansas – Criminal*, KAN. JUDICIAL COUNCIL, [http://www.kansasjudicialcouncil.org/publications/archived\\_PIKriminal.shtml](http://www.kansasjudicialcouncil.org/publications/archived_PIKriminal.shtml) (last visited Mar. 16, 2017).

<sup>92</sup> KAN. STAT. ANN. § 22-3602. “[A]n appeal to the appellate court having jurisdiction of the appeal may be taken by the defendant as a matter of right from any judgment against the defendant in the district court and upon appeal any decision of the district court or intermediate order made in the progress of the case may be reviewed.” *Id.* State v. Legero, 91 P.3d 1216 (Kan. 2004) “The right to appeal is entirely statutory and is not contained in either the United States or Kansas Constitutions.” *Id.* at 1217.

<sup>93</sup> KAN. STAT. § 22-3608(c).

<sup>94</sup> K. R. CR. *See* KENTUCKY COURT RULES, WESTLAW, [https://govt.westlaw.com/kyrules/Browse/Home/Kentucky/KentuckyCourtRules/KentuckyStatutesCourtRules?guid=N5D4D9400A79211DAAB1DC31F8EB14563&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/kyrules/Browse/Home/Kentucky/KentuckyCourtRules/KentuckyStatutesCourtRules?guid=N5D4D9400A79211DAAB1DC31F8EB14563&transitionType=CategoryPageItem&contextData=(sc.Default)) (last visited Mar. 20, 2017).

<sup>95</sup> KY. REV. STAT. ANN. tit. 42, ch. 455; *id.* tit. 40, ch. 431.

<sup>96</sup> Some district courts in Kentucky have local rules relating to criminal procedure. Most rules are devoted to special court proceedings, such as Pretrial Diversion Programs and Domestic Violence Protocols. *See Local Rules of Practice*, KEN. CTS. JUST., <http://courts.ky.gov/Pages/localrules.aspx> (last visited Mar. 17, 2017).

<sup>97</sup> *Kentucky Instructions to Juries (Set), Sixth Edition*, LEXIS NEXIS, <https://store.lexisnexis.com/products/kentucky-instructions-to-juries-set-sixth-edition-skuusSku45103> (last visited Mar. 16, 2017). A print version of the jury instructions is available for purchase through LexisNexis. *Id.* The instructions are written by William S. Cooper, Associate Justice of the Supreme Court of Kentucky and revised by Donald P. Cetrulo, Former Director of the Administrative Office of the Court.

<sup>98</sup> KY. CONST. § 115. “In all cases, civil and criminal, there shall be allowed as a matter of right at least one appeal to another court . . . .” *Id.*

<sup>99</sup> K. R. CR. 12.04. “The time within which an appeal may be taken shall be thirty (30) days after the date of entry of the judgment or order from which it is taken . . . .” *Id.*

<sup>100</sup> LA. CODE CRIM. PROC. ART. *See Code of Criminal Procedure*, LA. ST. LEGISLATURE, [https://legis.la.gov/legis/Laws\\_Toc.aspx?folder=69&level=Parent](https://legis.la.gov/legis/Laws_Toc.aspx?folder=69&level=Parent) (Mar. 20, 2017).

<sup>101</sup> See LA. STAT. ANN. §§ 15.

<sup>102</sup> *Louisiana District Court Rules of Criminal Procedure*, LA. DIST. CT. R., <https://www.lasc.org/rules/dist.ct/TitleIII.asp> (last visited Mar. 20, 2017). Louisiana Supreme Court Rules of Procedure. LA. SUP. CT. R. XXV–XXVIII.

<sup>103</sup> *Criminal Jury Instructions and Procedures, 3d (Vol. 17, Louisiana Civil Law Treatise Series)*, THOMSON REUTERS, <http://legalsolutions.thomsonreuters.com/law-products/Treatises/Criminal-Jury-Instructions-and-Procedures-3d-Vol-17-Louisiana-Civil-Law-Treatise-Series/p/100085121> (last visited Mar. 16, 2017). The instructions are available for purchase in print through Thomson Reuters, and the book is categorized as a Treatise.

<sup>104</sup> LA. CONST. art. I, § 19. “No person shall be subjected to imprisonment or forfeiture of rights or property without the right of judicial review based upon a complete record of all evidence upon which the judgment is based. This right may be intelligently waived. The cost of transcribing the record shall be paid as provided by law.” *Id.*

<sup>105</sup> LA. CODE CRIM. PROC. ART. 914.

<sup>106</sup> *Main Rules of Unified Criminal Procedure*, ST. ME. JUDICIAL BRANCH, [http://www.courts.maine.gov/rules\\_adminorders/rules/text/mru\\_crim\\_p\\_plus\\_2016-11-17.pdf](http://www.courts.maine.gov/rules_adminorders/rules/text/mru_crim_p_plus_2016-11-17.pdf) (last visited Mar. 17, 2017).

<sup>107</sup> ME. STAT. tit. 15.

<sup>108</sup> *Maine Jury Instruction Manual (2016 Edition)*, LEXISNEXIS STORE, <https://store.lexisnexis.com/products/maine-jury-instruction-manual-skuusSku7266> (last visited Mar. 16, 2017). “Annually updated and revised by Hon. Donald G. Alexander of the Maine Supreme Judicial Court, *Maine Jury Instruction Manual* includes a wide array of civil and criminal jury instructions accompanied by commentary and discussion of practice points for closing arguments.” The instructions are available for purchase at the LexisNexis store.

<sup>109</sup> ME. REV. STAT. tit. 15, § 2111. “Except as otherwise specifically provided, in any criminal proceeding in the District Court, a defendant aggrieved by a judgment of conviction, ruling or order may appeal to the Supreme Judicial Court sitting as the Law Court.” *Id.* Interestingly, in Maine, defendants who are sentenced for more than one (1) year has a right to appeal. M.R. APP. P. 2(a)(3) (“In a criminal case, when a court imposes any sentence on a defendant after trial, or after a plea to murder or a Class A, B, or C crime, with a sentence of one year or more that is not agreed to [ ] the defendant shall be advised of the right to appeal.”). However, the court has included additional instances where defendants can appeal sentences less than a year. M.R. APP. P. 19.

<sup>110</sup> M.R. APP. P. 2(b)(2)(A).

<sup>111</sup> MD. RULE tit. 4. “The rules in this Title govern procedure in all criminal matters, post conviction procedures, and expungement of records in both the circuit courts and the District Court, except as otherwise specifically provided.”

<sup>112</sup> MD. CODE ANN., CRIM. PROC. § 1-101.

<sup>113</sup> *Criminal Pattern Jury Instructions, Maryland, 2nd Edition*, MD. ST. BAR ASSOC., <https://msba.inreachce.com/Details/Information/33a2f588-7b22-4aea-a641-d588172962c9> (last visited Mar. 16, 2017). The print version of the instructions is available for purchase Maryland State Bar Association website.

<sup>114</sup> MD. CODE ANN., CRIM. PROC. § 7-102.

<sup>115</sup> *Id.* § 7-109. “Within 30 days after the court passes an order in accordance with this subtitle, a person aggrieved by the [final] order, including the Attorney General and a State’s Attorney, may apply to the Court of Special Appeals for leave to appeal the order.” *Id.*

<sup>116</sup> MASS. R. CRIM. P. See *Rules of Criminal Procedure*, MASS. CT. SYS., <http://www.mass.gov/courts/case-legal-res/rules-of-court/criminal-procedure/> (last visited Mar. 17, 2017).

<sup>117</sup> MASS. GEN. LAWS chs. 275–80.

<sup>118</sup> Massachusetts has supplemental criminal procedure rules for the District/Municipal courts. *District/Municipal Courts Supplemental Rules of Criminal Procedure*, MASS. CT. SYS., <http://www.mass.gov/courts/case-legal-res/rules-of-court/district-muni/supp-crim/> (last visited Mar. 17, 2017). Additionally, there are several criminal procedure rules for Superior courts. *Superior Court Rules, Rules 53–72*, MASS. CT. SYS., <http://www.mass.gov/courts/case-legal-res/rules-of-court/superior/> (last visited Mar. 17, 2017).

<sup>119</sup> *Criminal Model Instructions*, MASS. CT. SYS., <http://www.mass.gov/courts/court-info/trial-court/dc/dc-crim-model-jury-inst-gen.html> (last visited Mar. 16, 2017).

<sup>120</sup> MASS. GEN. LAWS CH. 278, § 28; see also MASS. R. CRIM. P. 28.; Com. v. Bruneau, 36 N.E.3d 3, 6 (Mass. 2015) (“There is no constitutional right to appeal from a criminal conviction.”).

<sup>121</sup> MASS. R. APP. P. 4(b).

<sup>122</sup> *Michigan Court Rules Ch. 6*, MICH. CTS., [http://courts.mi.gov/Courts/MichiganSupremeCourt/rules/Documents/HTML/CRs/Ch%206/Court%20Rules%20Book%20Ch%206-Responsive%20HTML5/index.html#t=Court\\_Rules\\_Book\\_Ch\\_6%2FCourt\\_Rules\\_Chapter\\_6%2FCourt\\_Rules\\_Chapter\\_6.htm](http://courts.mi.gov/Courts/MichiganSupremeCourt/rules/Documents/HTML/CRs/Ch%206/Court%20Rules%20Book%20Ch%206-Responsive%20HTML5/index.html#t=Court_Rules_Book_Ch_6%2FCourt_Rules_Chapter_6%2FCourt_Rules_Chapter_6.htm) (last visited Mar. 17, 2017).

<sup>123</sup> MICH. COMP. LAWS chs. 760–77, art. 175. Additionally, there are individual acts codified on specific procedures for criminal acts, such as the Uniform Criminal Extradition Act. Mich. Comp. Laws Serv. § 780, act. 144.

<sup>124</sup> *Model Criminal Jury Instructions*, MICH. CTS., <http://courts.mi.gov/courts/michigansupremecourt/criminal-jury-instructions/pages/default.aspx> (last visited Mar. 16, 2017).

<sup>125</sup> MICH. CONST. art. I, § 20 (“In every criminal prosecution, the accused shall have the right . . . to have an appeal as a matter of right, except as provided by law an appeal by an accused who pleads guilty or nolo contendere shall be by leave of the court . . .”).

<sup>126</sup> M.C.R. 7.204(A)(2).

<sup>127</sup> MINN. R. CRIM. P. See *Criminal Procedure*, OFF. REVISOR STATUTES, [https://www.revisor.mn.gov/court\\_rules/rule.php?name=cr-toh](https://www.revisor.mn.gov/court_rules/rule.php?name=cr-toh) (last visited Mar. 26, 2017).

<sup>128</sup> MINN. STAT. chs. 625–34.

- <sup>129</sup> MINN. R. CRIM. P. 1.03. “A court may recommend local rules governing its practice if they do not conflict with these rules or with the General Rules of Practice for the District Courts. Local rules become effective only if ordered by the Supreme Court.” *Minnesota General Rules of Practice for the District Courts*, tit. 8, MINN. JUDICIAL BRANCH, <http://www.mncourts.gov/mncourts.gov/media/Appellate/Supreme%20Court/Court%20Rules/Gen-R-Prac-Tit-VIII-effective-07012015.pdf> (last visited Mar. 17, 2017).
- <sup>130</sup> *Jury Instruction Guides – Criminal, 6th (Vol. 10 & 10A, Minnesota Practice Series)*, THOMSON REUTERS, <http://legalsolutions.thomsonreuters.com/law-products/Practice-Materials/Jury-Instruction-Guides---Criminal-6th-Vol-10--10A-Minnesota-Practice-Series/p/101383752> (last visited Mar. 16, 2017). A print version of the jury instructions is available for purchase by Thomson Reuters.
- <sup>131</sup> MINN. STAT. § 244.11; *see also* MINN. R. CRIM. P. 28.02, subd. 2; *Spann v. State*, 704 N.W.2d 486, 491 (Minn. 2005) (“Although a convicted defendant does not have a constitutional right to appeal under either the United States Constitution or the Minnesota Constitution, we have determined in Minnesota that “a convicted defendant is entitled to at least one right of review by an appellate or postconviction court.” (quotations omitted)).
- <sup>132</sup> MINN. R. CRIM. P. 28.02, subd. 4(3)(a) (“In felony and gross misdemeanor cases, an appeal by the defendant must be filed within 90 days after final judgment or entry of the order being appealed.”).
- <sup>133</sup> *Mississippi Rules of Criminal Procedure*, ST. MISS. JUDICIARY, <https://courts.ms.gov/rules/msrulesofcourt/2017-Final%20Version%20of%20Rules%20-%20Clean%20Copy%20121316.pdf> (last visited Mar. 17, 2017). These rules are forthcoming, and will be effective July 2017.
- <sup>134</sup> MISS. CODE ANN. tit. 99.
- <sup>135</sup> *Uniform Rules of Circuit and County Court Practice, Rules 6-12*, ST. MISS. JUDICIARY, <https://courts.ms.gov/rules/msrulesofcourt/urccc.pdf> (last visited Mar. 17, 2017); *Uniform Rules of Procedure for Justice Court*, ST. MISS. JUDICIARY, [https://courts.ms.gov/rules/msrulesofcourt/rules\\_procedure\\_justicecourt.pdf](https://courts.ms.gov/rules/msrulesofcourt/rules_procedure_justicecourt.pdf) (last visited Mar. 17, 2017). Some counties have local rules that have limited criminal procedure rules, mostly for scheduling rules. *See, e.g., Local Rules for First Circuit Court District of Mississippi*, ST. MISS. JUDICIARY <https://courts.ms.gov/rules/circuit/rules/1stCirRecodification.pdf> (last visited Mar. 17, 2017).
- <sup>136</sup> *Mississippi Model Jury Instructions (2012)*, ST. MISS. JUDICIARY, <https://courts.ms.gov/mmji/mmji.html> (last visited Mar. 16, 2017). “In 2012 the Mississippi Model Jury Instructions Commission submitted its Mississippi Model Jury Instructions to the Supreme Court of Mississippi. . . . However, these model jury instructions have not been adopted or approved by the Supreme Court of Mississippi.” *Id.*
- <sup>137</sup> MISS. CODE § 99–35–101 (“Any person convicted of an offense in a circuit court may appeal to the Supreme Court. However, where the defendant enters a plea of guilty and is sentenced, then no appeal from the circuit court to the Supreme Court shall be allowed.”).
- <sup>138</sup> M.R.A.P. 4.
- <sup>139</sup> MO. R. CRIM. P. 19–36.
- <sup>140</sup> MO. REV. STAT. tit. 37.
- <sup>141</sup> *See, e.g., Local Court Rules of the 29th Judicial District*, MO. CTS., <https://www.courts.mo.gov/file.jsp?id=29627> (last visited Mar. 17, 2017); *Local Court Rules 26th Judicial Circuit of Missouri*, MO. CTS., <https://www.courts.mo.gov/file.jsp?id=50573> (last visited Mar. 17, 2017).
- <sup>142</sup> *On the Ninth Day of Benefits: The Missouri Approved Criminal Jury Instructions Are Here!*, MO. BAR: NEWS BLOG (Dec. 22, 2015), <http://www.mobar.org/Media-Center/News-Blog/On-the-Ninth-Day-of-Benefits--The-Missouri-Approved-Criminal-Jury-Instructions-Are-Here!-The-Missouri-Approved-Criminal-Charges-Are-Here!/>. The Missouri State Bar Association published criminal jury instructions that is available to bar members with log-ins.
- <sup>143</sup> MO. REV. STAT. § 547.070. “In all cases of final judgment rendered upon any indictment or information, an appeal to the proper appellate court shall be allowed to the defendant, provided, defendant or his attorney of record shall during the term at which the judgment is rendered file his written application for such appeal.” *Id.*; *see also State v. Williams*, 871 S.W.2d 450, 452 (Mo. 1994).
- <sup>144</sup> MO. R. CRIM. P. 30.01.
- <sup>145</sup> Montana considers its criminal procedure statutes as their statewide criminal procedure rules.
- <sup>146</sup> MONT. CODE ANN. tit. 46, [http://leg.mt.gov/bills/mca\\_toc/46.htm](http://leg.mt.gov/bills/mca_toc/46.htm) (last visited Mar. 17, 2017).
- <sup>147</sup> Montana has twenty-two judicial districts, and some local rules contain criminal procedure rules. *See, e.g., Montana Eleventh Judicial District Court Rules*, MONT. CTS., [http://courts.mt.gov/portals/113/dcourt/dc\\_rules/rules/11th.pdf](http://courts.mt.gov/portals/113/dcourt/dc_rules/rules/11th.pdf) (last visited Mar. 17, 2017).
- <sup>148</sup> *Criminal Jury Instructions*, ATT’Y GEN.’S OFF. & LEGAL SERVS. DIVISION, <https://dojmt.gov/agooffice/criminal-jury-instructions/> (last visited Mar. 16, 2017).
- <sup>149</sup> MONT. CODE ANN. § 46-20-104. “An appeal may be taken by the defendant only from a final judgment of conviction and orders after judgment which affect the substantial rights of the defendant.” *Id.*
- <sup>150</sup> M. R. APP. P. 4.
- <sup>151</sup> NEB. REV. STAT. ch. 29.
- <sup>152</sup> Nebraska district courts have limited local criminal procedure rules. *See, e.g., NEB. 12TH. JUD. CIR. R. 4; NEB. 10TH. JUD. CIR. R. 6.* Additionally, there are some criminal procedure rules found in Nebraska’s Uniform County Court Rules of Practice and Procedure. NEB. CT. R. art. 14.

- <sup>153</sup> *Nebraska Jury Instructions—Civil & Criminal 2d, 2016-2017 ed. (Vol. 1, Nebraska Practice Series)*, THOMSON REUTERS, <http://legalsolutions.thomsonreuters.com/law-products/Jury-Instructions/Nebraska-Jury-InstructionsmdashCivil--Criminal-2d-2016-2017-ed-Vol-1-Nebraska-Practice-Series/p/103664055> (last visited Mar. 16, 2017). The physical copy of the jury instructions is available for purchase by Thomson Reuters.
- <sup>154</sup> NEB. CONST. art. I, § 23 (“In all other cases, criminal or civil, an aggrieved party shall be entitled to one appeal to the appellate court created pursuant to Article V, section 1, of this Constitution or to the Supreme Court as may be provided by law.”); *see also* State v. Hess, 622 N.W.2d 891, 899 (Neb. 2001) (“NEB. CONST. art. I, § 23, guarantees the right to appeal in all felony cases.”).
- <sup>155</sup> NEB. REV. STAT. § 25-1912.
- <sup>156</sup> NEV. REV. STAT. tit. 14.
- <sup>157</sup> *See, e.g., Criminal Rules of Practice for the Second Judicial District Court of the State of Nevada, L.C.R.*, NEV. LEGISLATURE, [http://www.leg.state.nv.us/courtrules/SecondDCR\\_Crim.html](http://www.leg.state.nv.us/courtrules/SecondDCR_Crim.html) (last visited Mar. 17, 2017); *Rules of Practice for the Eighth Judicial District Court of the State of Nevada, EDCR, Rule 3*, NEV. LEGISLATURE <http://www.leg.state.nv.us/courtrules/EighthDCR.html> (last visited Mar. 17, 2017).
- <sup>158</sup> NEV. REV. STAT. § 177.015.
- <sup>159</sup> NEV. R. APP. P. 4(b)(1) (notice for appeal by both state and defendant).
- <sup>160</sup> New Hampshire has criminal procedure rules by groups of counties. New Hampshire Rules of Criminal Procedure, N.H. JUDICIAL BRANCH, <http://www.courts.state.nh.us/rules/crimpro-interim/index.htm> (last visited Mar. 17, 2017). “These rules govern the procedure in circuit court-district division and superior courts in all counties other than Strafford, Cheshire, Belknap and Merrimack counties when a person is charged as an adult with a crime or violation.” *Strafford, Cheshire, Belknap, and Merrimack County Rules of Criminal Procedure*, N.H. JUDICIAL BRANCH, <http://www.courts.state.nh.us/rules/crimpro/index.htm> (last visited Mar. 17, 2017). New Hampshire’s Supreme Court rules also contain some criminal procedure rules. N.H. SUP. CT. R.
- <sup>161</sup> N.H. REV. STAT. tit. LIX.
- <sup>162</sup> *Criminal Jury Instructions*, N.H. BAR ASS’N, <https://www.nhbar.org/legal-links/criminaljuryinstructions.asp> (last visited Mar. 16, 2017).
- <sup>163</sup> N.H. REV. STAT. § 651:58 (“Any person sentenced to a term of one year or more in the state prison, except in any case in which a different sentence could not have been imposed, or the state of New Hampshire, may file with the clerk of the superior court for the county in which the judgment was rendered an application for review of the sentence by the review division.”). New Hampshire previously relied on a court rule until this legislation was enacted. *See* N.H. SUP. CT. R. 3.
- <sup>164</sup> N.H. SUP. CT. R. 7(1)(A).
- <sup>165</sup> *N.J. Court Rules, Part 3*, N.J. CTS., <https://www.judiciary.state.nj.us/rules/part3toc.html> (last visited Mar. 17, 2017). New Jersey also has criminal procedure rules for municipal courts for non-indictable offenses. N.J. COURT RULES, Part 7.
- <sup>166</sup> N.J. STAT. tit. 2A, subtit. 11.
- <sup>167</sup> *Criminal Model Charges (2017)*, NEW JERSEY COURTS, <http://www.judiciary.state.nj.us/criminal/juryindx.pdf> (last visited Mar. 16, 2017).
- <sup>168</sup> N.J. Ct. R. 2:3-2. “In any criminal action, any defendant, the defendant’s legal representative, or other person aggrieved by the final judgment of conviction entered by the Superior Court, including a judgment imposing a suspended sentence, or by an adverse judgment in a post-conviction proceeding attacking a conviction or sentence or by an interlocutory order or judgment of the trial court, may appeal or, where appropriate, seek leave to appeal, to the appropriate appellate court.” *Id.* The New Jersey Constitution details a right to appeal to the supreme court for capital offenses. N.J. CONST. art. 6, § 5, ¶ 1.
- <sup>169</sup> N.J. Ct. R. 2:4-1.
- <sup>170</sup> New Mexico has separate criminal procedure rules for each level of court. *Rules of Criminal Procedure for District Courts, NMRA 5*, N.M. COMPILATION COMMISSION, <http://www.nmcompcomm.us/nmrules/nmruleset.aspx?rs=5> (last visited Mar. 17, 2017); *Rules of Criminal Procedure for Magistrate Courts, NMRA 6*, N.M. COMPILATION COMMISSION, <http://www.nmcompcomm.us/nmrules/nmruleset.aspx?rs=6> (last visited Mar. 17, 2017); *Rules of Criminal Procedure for Metropolitan Courts, NMRA 7*, N.M. COMPILATION COMMISSION, <http://www.nmcompcomm.us/nmrules/nmruleset.aspx?rs=7> (last visited Mar. 17, 2017).
- <sup>171</sup> N.M. STAT. ANN. ch. 31.
- <sup>172</sup> *Rule Set 14 – Uniform Jury Instructions – Criminal*, N.M. COMPILATION COMMISSION, <http://www.nmcompcomm.us/nmrules/nmruleset.aspx?rs=14> (last visited Mar. 16, 2017).
- <sup>173</sup> N.M. CONST. art. VI, § 2 (“Appeals from a judgment of the district court imposing a sentence of death or life imprisonment shall be taken directly to the supreme court. In all other cases, criminal and civil, the supreme court shall exercise appellate jurisdiction as may be provided by law; provided that an aggrieved party shall have an absolute right to one appeal.”); *see also* NMRA RULE 5-702; State v. Carroll, 346 P.3d 372 (2013).
- <sup>174</sup> N.M. R. APP. 12-201 (“for all other appeals, within thirty (30) days after the judgment or order appealed from is filed in the district court clerk’s office”).
- <sup>175</sup> *PART 200. Uniform Rules for Courts Exercising Criminal Jurisdiction Rules Applicable to All Courts*, N.Y. ST. UNIFIED CT. SYS., <http://www.nycourts.gov/rules/trialcourts/200.shtml#01> (last visited Mar. 17, 2017).
- <sup>176</sup> N.Y. C.P.L. § 1.00.
- <sup>177</sup> *Criminal Jury Instructions & Model Colloquies*, N.Y. ST. UNIFIED COURT SYSTEM, <http://www.nycourts.gov/judges/cji/index.shtml> (last visited Mar. 16, 2017).
- <sup>178</sup> N.Y. C.P.L. § 450.10.

<sup>179</sup> *Id.* § 460.10.

<sup>180</sup> N.C. GEN. STAT. chs. 15–15A. *See North Carolina General Statutes*, N.C. GEN. ASSEMBLY, <http://www.ncga.state.nc.us/gascripts/Statutes/StatutesTOC.pl?Chapter=0015A> (last visited Mar. 20, 2017).

<sup>181</sup> *See, e.g., Robeson County Local Rules of Criminal Procedure for the Superior Courts and for Cases Within the Original Jurisdiction of the Superior Courts of Judicial District 16b*, N.C. CT. SYS., <http://www.nccourts.org/Courts/CRS/Policies/LocalRules/Documents/157.pdf> (last visited Mar. 17, 2017).

<sup>182</sup> *North Carolina Pattern Jury Instructions*, U. N.C. SCH. GOV'T, <https://www.sog.unc.edu/resources/microsites/north-carolina-pattern-jury-instructions/north-carolina-pattern-jury-instructions-criminal-cases> (last visited Mar. 16, 2017). Instructions are available online on the University of North Carolina School of Government's website.

<sup>183</sup> N.C. GEN. STAT. § 15A–1444.

<sup>184</sup> N.C. R. APP. P. 4.

<sup>185</sup> N.D. R. CRIM. P. 1. *SEE North Dakota Rules of Criminal Procedure*, N.D. SUP. CT., <https://www.ndcourts.gov/rules/criminal/frameset.htm> (last visited Mar. 20, 2017). “These rules govern the practice and procedure in all criminal proceedings in the district courts and, so far as applicable, in all other courts, including prosecutions for violations of municipal ordinances and prosecutions for contempt when punitive sanctions are sought in a nonsummary proceeding.” *Id.*

<sup>186</sup> N.D. CENT. CODE tit. 29.

<sup>187</sup> *North Dakota Criminal Jury Instructions*, CASEMAKERS LIBRA, <https://sband.org/Resources%20for%20Lawyers/PJI.aspx> (last visited Mar. 16, 2017).

<sup>188</sup> N.D. CENT. CODE §§ 29-28-03; 29-28-03; *see also* State v. Causer, 678 N.W.2d 552, 560 (N.D. 2004) (“A defendant has a statutory right to appeal.”).

<sup>189</sup> N.D. R. CRIM. P. 37(b)(1).

<sup>190</sup> *Ohio Rules of Criminal Procedure*, SUP. CT. OHIO, <http://www.supremecourt.ohio.gov/LegalResources/Rules/criminal/CriminalProcedure.pdf> (last visited Mar. 17, 2017). “These rules prescribe the procedure to be followed in all courts of this state in the exercise of criminal jurisdiction, with the exceptions stated in division (C) of this rule.” *Id.*

<sup>191</sup> OHIO REV. CODE ANN. tit. 29. Criminal procedure statutes are under the same title as general criminal statutes.

<sup>192</sup> *See, e.g., Mahoning County Criminal Local Rules of Court*, MAHONING CTY. COMMUNICATOR, <http://www.mahoningcountyoh.gov/DocumentCenter/Home/View/124> (last visited Mar. 17, 2017).

<sup>193</sup> *Ohio Criminal Jury Instructions*, LEXISNEXIS STORE, <https://store.lexisnexis.com/categories/shop-by-jurisdiction/ohio-160/ohio-criminal-jury-instructions-skusku30024/details> (last visited Mar. 16, 2017). Physical copies of the instructions are available for purchase at the Lexis Nexis Store.

<sup>194</sup> OHIO REV. CODE ANN. § 2505.03.

<sup>195</sup> OHIO APP. R. 4(A)(1).

<sup>196</sup> CODE OF CRIM. PRO. OKLA. STAT. tit. 22.

<sup>197</sup> *See, e.g., Chapter IV of 2007 Revised Court Rules*, OKLA. ST. CTS. NETWORK, [http://www.oscn.net/OSCN/courtrules/NorthEast/NE\\_Admin\\_Dist\\_Court\\_Rules.pdf](http://www.oscn.net/OSCN/courtrules/NorthEast/NE_Admin_Dist_Court_Rules.pdf) (last visited Mar. 17, 2017); *Local District Court Rules*, OKLA. ST. CTS. NETWORK, <http://www.oscn.net/applications/oscn/Index.asp?ftdb=STOKRUCPLR&level=1> (last visited Mar. 17, 2017).

<sup>198</sup> *Oklahoma Uniform Jury Instructions – Criminal*, OKLA. ST. CTS. NETWORK, <http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=80985> (last visited Mar. 16, 2017).

<sup>199</sup> OKL. STAT. tit. 22, § 1051.

<sup>200</sup> OKLA. R. APP. 2.5(A).

<sup>201</sup> *Uniform Trial Court Rules*, OR. CTS., [http://www.courts.oregon.gov/OJD/docs/programs/utcr/2016\\_UTCR.pdf](http://www.courts.oregon.gov/OJD/docs/programs/utcr/2016_UTCR.pdf) (last visited Mar. 17, 2017). The uniform trial rules for criminal procedure are very limited. The uniform state rules generally apply to “all Oregon circuit courts. Former Chief Justice Edwin J. Peterson directed the court system to develop these rules in 1983, when the state unified its courts into a state-funded system. The rules promote just, speedy, and inexpensive case resolution; efficient use of court time and resources; and uniform, consistent practice in every judicial district. The rules must be consistent with state law and with the Oregon Rules of Civil Procedure.” *UTCR Committee*, OR. CTS., <http://www.courts.oregon.gov/OJD/programs/utcr/pages/index.aspx> (last visited Mar. 17, 2017).

<sup>202</sup> OR. REV. STAT. tit. 14–15. Title 14 is titled Procedure in Criminal Matters Generally and Title 15 is titled Procedure in Criminal Actions in Justice Courts.

<sup>203</sup> Several counties in Pennsylvania have local rules with limited references to criminal procedure, mostly in the context of scheduling and motion practice. “Circuit courts may adopt local rules that govern local practice. These local rules, called supplementary local rules or SLR, must be consistent with the UTCR, the Oregon Rules of Civil Procedure, and state law.” *UTCR Committee*, OR. CTS., <http://www.courts.oregon.gov/OJD/programs/utcr/pages/index.aspx> (last visited Mar. 17, 2017). *See, e.g.,* OR. CLACKAMAS CIR. SLR 4; OR. CLATSOP CIR. SLR 4; *Supplementary Local Rules*, OR. CTS., <https://www.ojd.state.or.us/Web/OJDPublications.nsf/SLR?OpenView&count=1000> (last visited Mar. 17, 2017).

<sup>204</sup> *Uniform Criminal Jury Instructions*, OR. ST. BAR, <http://www.osbar.org/store/pub/pubcat.asp?action=view&cat=Trial+Practice+%26+Litigation> (last visited Mar. 16, 2017). Versions of the instructions are available for purchase on the state bar's website.

<sup>205</sup> OR. REV. STAT. § 138.040.

<sup>206</sup> OR. REV. STAT. § 138.650(1).

<sup>207</sup> PA. R. CRIM. P. 100. “These rules shall govern criminal proceedings in all courts including courts not of record.” *Id.*

<sup>208</sup> Some procedural rules may be found in Pennsylvania's “Crimes Code” statutes, but most are not applicable to this reports discussion. 18 PA. CONS. STAT.

- <sup>209</sup> PA. R. CRIM. P. 100. “Each of the courts exercising criminal jurisdiction may adopt local rules of procedure in accordance with Rule 105.” *Id. See, e.g., First Judicial District of Pennsylvania Court of Common Pleas of Philadelphia County Trial Division – Criminal*, PHILA. CTS., <http://www.courts.phila.gov/pdf/rules/CP-Criminal-Division-Compiled-Rules.pdf> (last visited Mar. 17, 2017).
- <sup>210</sup> *Pennsylvania Suggested Standard Criminal Jury Instructions, Third Edition*, PENN. BAR INST., <http://catalog.pbi.org/store/seminar/seminar.php?seminar=76088> (last visited Mar. 16, 2017). Copies of the instructions are available for purchase on the state bar’s website.
- <sup>211</sup> 42 PA. CONS. STAT. § 5105.
- <sup>212</sup> PA. R. CRIM. P. 720. In Pennsylvania, the defendant must file a post-sentence motion within ten days, and then defendant will have thirty days to file a notice of appeal. *Id.*
- <sup>213</sup> Rhode Island Superior Court Criminal Procedure Rules. R.I. SUPER. R. CRIM. P. 1. “These rules govern the procedure (a) in all criminal proceedings in the Superior Court, including appeals from sentences imposed by the District Court or other lower courts, petitions for the writ of habeas corpus and other post-conviction remedy proceedings, extradition and rendition of witnesses and fugitives from justice, and actions to recover fines, penalties, or forfeitures; and (b) in all proceedings in the District Court or before justices of the peace or before bail commissioners involving offenses within the original jurisdiction of the Superior Court.” *Id.* Rhode Island District Court Criminal Procedure Rules. R.I. DIST. R. CRIM. P.
- <sup>214</sup> R.I. GEN. LAWS tit. 12.
- <sup>215</sup> R.I. DIST. R. CRIM. P. 1. “Except for Rules 3, 4 and 5, which apply exclusively in felony proceedings, these rules govern the procedure in the District Court or before justices of the peace or before bail commissioners in all misdemeanor criminal proceedings.” *Id.*
- <sup>216</sup> 12 R.I. GEN. LAWS § 12-22-1. “Every person aggrieved by the sentence of the district court for any offense other than a violation may, within five (5) days after the sentence, appeal from the district court to the superior court for the county in which the division of the district court is situated, by claiming an appeal in the court or in the office of the clerk of the court appealed from or at any of the penal institutions of the state, before any justice of the supreme or superior court, or before a justice or clerk of the court appealed from, or before any of the persons authorized to take bail at the penal institutions.” *Id.*
- <sup>217</sup> *Id.* § 12-22-1.
- <sup>218</sup> S.C. R. CRIM. P. “All other existing Criminal Practice Rules heretofore adopted are repealed as of the effective date of these South Carolina Rules of Criminal Procedure.” S.C. R. CRIM. P. 39.
- <sup>219</sup> S.C. CODE ANN. tit. 17.
- <sup>220</sup> *Suggested Jury Instructions in Civil and Criminal Cases Available on Website*, S.C. JUD. DEP’T, <http://www.sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=896> (last visited Mar. 16, 2017). The South Carolina Judicial Department previously offered suggested jury instructions; the instructions were removed at the request of the state Supreme Court. *Id.* The instructions are available online through LexisNexis.
- <sup>221</sup> S.C. CODE ANN. §§ 18-9-10; 17-27-70.
- <sup>222</sup> S.C. APP. CT. R. 203 (“After a plea or trial resulting in conviction or a proceeding resulting in revocation of probation, a notice of appeal shall be served on all respondents within ten (10) days after the sentence is imposed. In all other cases, a notice of appeal shall be served on all respondents within ten (10) days after receipt of written notice of entry of the order or judgment.”).
- <sup>223</sup> S.D. CODIFIED LAWS tit. 23A. “This title shall govern the procedure to be used in the courts of this state in all criminal proceedings and in all proceedings for violations of ordinances and bylaws of units of local government of this state.” *Id.* § 23A-1-1.
- <sup>224</sup> *South Dakota Pattern Jury Instructions*, OCLC WOLRDCAT, <http://www.worldcat.org/title/south-dakota-pattern-jury-instructions/oclc/58656168> (last visited Mar. 16, 2017). The jury instructions are available in physical book format.
- <sup>225</sup> S.D. CODIFIED LAWS § 23A-32-2 (“An appeal to the Supreme Court may be taken by the defendant from final judgment of conviction.”).
- <sup>226</sup> *Id.* § 23A-32-15.
- <sup>227</sup> *Rules of Criminal Procedure*, TENN. ST. CTS., <https://www.tncourts.gov/courts/court-rules/rules-criminal-procedure> (last visited Apr. 16, 2017). “These rules govern the procedure in all criminal proceedings conducted in all Tennessee courts of record.” TENN. R. CRIM. P. 1(a).
- <sup>228</sup> TENN. CODE ANN. tit. 40.
- <sup>229</sup> *See, e.g.,* TENN. DAVIDSON CTY. LOCAL §§ 9-17; TENN. DAVIDSON CR. R. P. §§ 9–15.
- <sup>230</sup> *Tennessee Pattern Jury Instructions – Criminal*, TENN. CTS., <http://www.tncourts.gov/administration/judicial-resources/pattern-jury-instructions> (last visited Mar. 16, 2017).
- <sup>231</sup> TENN. CODE ANN. § 40-4-100. “The proceedings under this chapter [Criminal Procedure – Proceedings Before General Sessions Court] may be superseded and removed, by certiorari, to the circuit court of the county, upon good cause shown by petition of any person aggrieved, verified by affidavit, upon the order of any district or criminal judge to whom the petition is presented.” *Id.*
- <sup>232</sup> TENN. R. APP. P. 4(a).
- <sup>233</sup> Texas recently created statewide procedure for electronic filing in criminal cases. *See Final Approval of Rules Governing Electronic Filing in Criminal Cases*, TEX. JUD. BRANCH, <http://www.txcourts.gov/media/1104788/159205.pdf> (last visited Mar. 18, 2017).
- <sup>234</sup> TEX. CODE CRIM. PROC., tit. 1. *See Code of Criminal Procedure*, TEX. CONST. & STATUTES, <http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.1.htm#1.02> (last visited Mar. 20, 2017). “The procedure herein prescribed shall govern all criminal proceedings instituted after the effective date of this Act and all proceedings pending upon the effective date hereof insofar as are applicable.” *Id.*

- <sup>235</sup> Most local rules are focused on time standards and scheduling. *See, e.g., Rules of Administration, Third Administrative Judicial Region*, TEX. JUD. BRANCH, <http://www.txcourts.gov/media/589351/Local-Rules-3rdAJR.pdf> (last visited Mar. 18, 2017).
- <sup>236</sup> *Texas Pattern Jury Charges*, TEX. BAR BOOKS, <http://texasbarbooks.net/texas-pattern-jury-charges/> (last visited Mar. 16, 2017). Jury instructions are available for purchase through the State Bar of Texas Bar Books website.
- <sup>237</sup> TEX. CODE CRIM. PROC. § 44.02 (“A defendant in any criminal action has the right of appeal under the rules hereinafter prescribed . . .”).
- <sup>238</sup> TEX. R. APP. P. 26.2. “(a) By the Defendant. The notice of appeal must be filed: (1) within 30 days after the day sentence is imposed or suspended in open court, or after the day the trial court enters an appealable order; or (2) within 90 days after the day sentence is imposed or suspended in open court if the defendant timely files a motion for new trial. (b) By the State. The notice of appeal must be filed within 20 days after the day the trial court enters the order, ruling, or sentence to be appealed.” *Id.*
- <sup>239</sup> *Utah Rules of Criminal Procedure*, UTAH CTS., <https://www.utcourts.gov/resources/rules/urcrp/> (last visited Mar. 18, 2017). “Thereafter, they shall govern all criminal proceedings commenced and, so far as just and practicable, all proceedings then pending. All statutes and rules in conflict therewith are repealed.” UTAH R. CRIM. PRO. 1.
- <sup>240</sup> UT. CODE. tit. 77. *See Utah Code of Criminal Procedure*, UTAH ST. LEGISLATURE, [https://le.utah.gov/xcode/Title77/77.html?v=C77\\_1800010118000101](https://le.utah.gov/xcode/Title77/77.html?v=C77_1800010118000101). “The procedure in criminal cases shall be as prescribed in this title, the Rules of Criminal Procedure, and such further rules as may be adopted by the Supreme Court of Utah.” UT. CODE. § 77-1-2.
- <sup>241</sup> *Model Utah Jury Instructions, Second Edition*, UTAH CTS., <https://www.utcourts.gov/resources/muji/> (last visited Mar. 16, 2017).
- <sup>242</sup> UTAH CONST. art. I, § 12.
- <sup>243</sup> UTAH R. CRIM. P. 38.
- <sup>244</sup> VT. R. CRIM. P. “These rules govern the procedure in the Criminal Division of the Superior Court in all criminal proceedings . . .” *Id.* Additionally, the Reporter’s Notes in Rule 1 states: “The rules are based in part on the Federal Rules of Criminal Procedure, but there are significant departures from the Federal Rules in areas where those rules are unsuitable for Vermont practice. In many of these areas, the rules are drawn from the American Bar Association’s Minimum Standards for Criminal Justice.” *Id.*
- <sup>245</sup> VT. CODE ANN. tit. 13, pt. 2–5. *See The Vermont Statutes Online*, VT. GEN. ASSEMBLY, <http://legislature.vermont.gov/statutes/title/13> (last visited Mar. 20, 2017).
- <sup>246</sup> *Model Instructions from the Vermont Criminal Jury Instruction Committee*, VT. BAR ASS’N, <http://www.vtbar.org/UserFiles/Files/WebPages/Attorney%20Resources/juryinstructions/criminaljuryinstructions/index.htm> (last visited Mar. 16, 2017). “They have not been adopted or approved by the Vermont Supreme Court, and there is no requirement that they be used as drafted. Judges and attorneys are encouraged to tailor their instructions to fit the circumstances of each trial.” *Id.*
- <sup>247</sup> VT. STAT. tit. 13, § 7401. “In criminal actions or proceedings, the defendant may appeal to the Supreme Court as of right all questions of law involved in any judgment of conviction and in any other order or judgment as to which the State has appealed, provided that if the State fails to perfect or prosecute such appeal, the appeal of the defendant shall not be heard.” *Id.*
- <sup>248</sup> VT. R. APP. P. 4.
- <sup>249</sup> Virginia Supreme Court drafted criminal procedure rules, divided into rules applying to proceedings before magistrates and proceedings before general district courts. VA. SUP. CT. R. 3A., available at *Rules of Supreme Court of Virginia*, VA. JUD. SYS., <http://www.courts.state.va.us/courts/scv/rulesofcourt.pdf> (last visited Mar. 20, 2017). “These Rules govern criminal proceedings in circuit courts and juvenile and domestic relations district courts (except proceedings concerning a child in a juvenile and domestic relations district court) and before the magistrates defined in Rule 3A:2 except for cases which have been returned to the general district court.” *Id.* VA. SUP. CT. R. 7C. “These rules shall apply to all criminal and traffic cases [infractions and others] in the General District Courts.” *Id.*
- <sup>250</sup> VA. CODE ANN. tit. 19.2.
- <sup>251</sup> *See, e.g., Administrative Procedures of the Fairfax County General District Court R.3*, FAIRFAX CTY. VA., <http://www.fairfaxcounty.gov/courts/gdc/policiesandprocedures030117.pdf> (last visited March 18, 2017); *Prince William County Circuit Court Timesaver*, PRINCE WILLIAM CTY. BAR ASS’N, [http://www.pwcgov.org/government/courts/circuit/Documents/cc\\_timesavers.pdf](http://www.pwcgov.org/government/courts/circuit/Documents/cc_timesavers.pdf) (last visited March 18, 2017) (prepared by the county’s local bar association).
- <sup>252</sup> *Virginia Model Jury Instructions – Criminal, Supreme Court of Virginia Model Jury Instruction Committee*, LEXISNEXIS STORE, <https://store.lexisnexis.com/categories/area-of-practice/criminal-law-procedure-161/virginia-model-jury-instructions-criminal-skuusSku6572> (last visited Mar. 16, 2017). Model instructions are available for purchase in physical form at the LexisNexis store.
- <sup>253</sup> VA. SUP. CT. R. 5:8; *see also* VA. CODE ANN. § 16.1-132. “Any person convicted in a district court of an offense not felonious shall have the right, at any time within ten days from such conviction, and whether or not such conviction was upon a plea of guilty, to appeal to the circuit court. There shall also be an appeal of right from any order or judgment of a district court forfeiting any recognizance or revoking any suspension of sentence.” *Id.*
- <sup>254</sup> VA. SUP. CT. R. 5:8.
- <sup>255</sup> WASH. S. CT. CR. R. 1.1. “These rules govern the procedure in the courts of general jurisdiction of the State of Washington in all criminal proceedings and supersede all procedural statutes and rules that may be in conflict and shall be interpreted and supplemented in light of the common law and the decisional law of this state.” *Id.*; *see also* WASH. CR. R. L.J. 1.1.
- <sup>256</sup> WASH. REV. CODE tit. 10.
- <sup>257</sup> *See, e.g., WASH. ADAMS SUPER. CT. RULE 6; WASH. RITZVILLE DIST. CT. LCR. R.L.J. 3.2.*
- <sup>258</sup> *Washington Criminal Jury Instructions*, WESTLAW, [https://govt.westlaw.com/wcrji/Index?transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/wcrji/Index?transitionType=Default&contextData=(sc.Default)) (last visited Mar. 16, 2017). Instructions are available to the public for free through WestLaw.



<sup>259</sup> WASH. CONST. art. I, § 22.

<sup>260</sup> WASH. R. APP. P. 5.2.

<sup>261</sup> W. VA. R. CRIM. P. “These rules govern the procedure in all criminal proceedings in the circuit courts of West Virginia, as defined in Rule 54(c); and whenever specifically provided in one of the rules, to criminal proceedings before West Virginia magistrates.” *Id.*

<sup>262</sup> W. VA. CODE ch. 62.

<sup>263</sup> West Virginia Trial Court has additional criminal procedure rules. *See* W. VA. T.C.R. ch. 3. Magistrate courts of the State of West Virginia also have criminal procedure rules that are designed to “supplement, and in designated instances supersede, the statutory procedures set forth in Chapter 50 and Chapter 62 of the West Virginia Code.” W. VA. MAGIS. CT. R. CRIM. P.

<sup>264</sup> Criminal Jury Instructions in West Virginia have been previously written by the Criminal Law Research Center, West Virginia Public Defender Services. *See* WEST VIRGINIA CRIMINAL JURY INSTRUCTIONS, CRIM. LAW RESEARCH CENTER, WEST VIRGINIA PUBLIC DEFENDER SERVICES (2003). However, there do not appear to be any “pattern” jury instructions utilized regularly and with any notoriety at this time.

<sup>265</sup> The West Virginia Supreme Court has derived a state constitutional right to appeal from its state constitution’s due process clause. W. VA. CONST. art. III, § 10; *see, e.g.*, Rhodes v. Leverette, 239 S.E.2d 136, 139 (W. Va. 1977).

<sup>266</sup> W. VA. R. CRIM. P. 37.

<sup>267</sup> WIS. STAT. §§ 967–80. “Chapters 967 to 979 may be referred to as the criminal procedure code and shall be interpreted as a unit. Chapters 967 to 979 shall govern all criminal proceedings and is effective on July 1, 1970.” *Id.* § 967.01.

<sup>268</sup> *See, e.g., Ashland County Circuit Court Rules, Part 4*, ST. BAR WIS., <http://www.wisbar.org/Directories/CourtRules/Wisconsin%20Circuit%20Court%20Rules/Ashland%20County%20Circuit%20Court%20Rules.pdf>; *Barron County Circuit Court Rules 401–411*, ST. BAR WIS., <http://www.wisbar.org/Directories/CourtRules/Wisconsin%20Circuit%20Court%20Rules/Barron%20County%20Circuit%20Court%20Rules.pdf>.

<sup>269</sup> *Locating Wisconsin Jury Instructions: Turn to Fastcase for New Electronic Edition*, ST. BAR WIS., <http://www.wisbar.org/NewsPublications/InsideTrack/Pages/Article.aspx?Volume=8&Issue=3&ArticleID=24598> (last visited Mar. 16, 2017). The State Bar of Wisconsin provides free access to criminal jury instructions through Fastcase as a benefit for being a member of the state bar.

<sup>270</sup> WIS. STAT. § 973.18. Wisconsin recognized a constitutional right to appeal in criminal cases through the process of judicial interpretation of less explicit clauses of its state constitution. WIS. CONST. art. I, § 21.

<sup>271</sup> WIS. STAT. § 973.18.

<sup>272</sup> *Wyoming Rules of Criminal Procedure*, WYO. JUD. BRANCH, <http://www.courts.state.wy.us/Supreme/CourtRule?CourtRuleCategoryID=16> (last visited Mar. 18, 2017).

<sup>273</sup> WYO. STAT. tit. 7.

<sup>274</sup> *Bookstore*, WYO. STATE BAR, <https://www.wyomingbar.org/for-the-public/bookstore/> (last visited Mar. 16, 2017). Criminal pattern jury instructions are available for purchase online at the Wyoming State Bar website.

<sup>275</sup> WYO. STAT. § 7-12-101.

<sup>276</sup> WYO. R. APP. P. 2.01(a).