

United States Court of Appeals For the Eighth Circuit Criminal Briefing Checklist

BEFORE FILING A BRIEF IN THIS COURT, please ensure compliance with all provisions of FRAP 28, 29, 31, & 32, as well as Eighth Circuit Rules 28A and 32A and the Plan to Expedite Criminal Appeals. **Particularly, check for:**

- 1. Timeliness:** See Criminal Plan and briefing schedule.
- 2. Page Limitations:** Main briefs: 30 pages **or** 14,000 words using proportional spacing and 14-pt. type **or** 1,300 lines using monospaced face and 10½ characters per inch. See FRAP 32(a)(7). Reply briefs: One-half the length of main briefs using page limit or type/volume limitations. See FRAP 32(a)(7). Amicus briefs: One-half the maximum length of the principal brief. See FRAP 29(d).
- 3. Color of cover:** See FRAP 32(a)(2). Appellant/petitioner--blue; appellee/respondent--red; reply--gray; intervenor/amicus--green. Any supplemental brief - tan.
- 4. Cross-appeals:** See 8th Cir. R. 28A(e). Appellant's principal brief (blue cover) and Appellee/Cross-Appellant's principal brief (red cover) are governed by the length provisions of FRAP 32(a)(7)(A) and (B). The reply/cross-appellee brief (grey cover) may not exceed 25 pages or 10,000 words or 1000 lines. The reply cross-appellant brief (white cover) may not exceed 15 pages or 7,000 words or 750 lines. See FRAP 32(a)(7)(A) & (B).
- 5. Number of Copies:** Ten copies in attorney-handled cases; five copies in pro se appeals. See 8th Cir. R. 28A(a). BRIEFS AND APPENDICES SHOULD BE SENT TO THE ST. LOUIS CLERK'S OFFICE.
- 6. Footnotes:** Same size as text of brief; may be single spaced. FRAP 32(a)(4).
- 7. Unpublished opinions:** Cite pursuant to provisions of 8th Cir. R. 28A(i) and include a copy of the opinion in the addendum.
- 8. Digital Version of Brief.** Provide a diskette or CD-ROM of the text of the brief. See 8th Cir.R.28A(d). The digital version of the brief is used to verify compliance with the word and line limits and is uploaded to the court's CM/ECF system. All unsealed briefs are posted on the the court's docket. Counsel should also submit a diskette or CD-rom containing the full text of any corrected brief.

ORDER OF CONTENTS OF OPENING BRIEF. See FRAP 28(a); 8th Cir. R. 28A(f).

- 1. Summary of the case and request of oral argument or waiver.** See 8th Cir. R. 28A(f)(1).
 - 2. Corporate Disclosure Statement.** See FRAP 26.1.
 - 3. Table of Contents.** See FRAP 28(a)(2).
 - 4. Table of Authorities.** See FRAP 28(a)(3).
 - 5. Jurisdictional Statement.** See FRAP 28(a)(4).
 - 6. Statement of the issues:** no more than four most apposite cases. See FRAP 28(a)(5); 8th Cir. R.. 28A(f)(2).
 - 7. Statement of the case.** See FRAP 28(a)(6).
 - 8. Statement of the facts.** See FRAP 28(a)(7).
 - 9. Summary of the argument.** See FRAP 28(a)(8).
 - 10. Argument and applicable standard of review.** See FRAP 28(a)(9).
 - 11. Conclusion.** See FRAP 28(a)(10).
 - 12. Certificate of Compliance.** See FRAP 32(a)(7).
 - 13. District court opinion/administrative agency decision on review.** See 8th Cir. R. 28A(b)(1) (appellant/petitioner's brief only).
 - 14. Addendum.** 15-page limit. See 8th Cir. R. 28A(b)(2).
- SEE FRAP 28(b) FOR EXCLUSIONS ALLOWED IN APPELLEE'S BRIEF.**

The clerk's office screens all briefs for strict compliance with the rules. We will reject untimely or overlength briefs. Pursuant to 8th Cir. R. 28A(h), leave to file an overlength brief must be sought at least seven days in advance of the due date. Overlength briefs are strongly discouraged.

Your cooperation in meeting the specified requirements is appreciated.