

Basic Steps of a Civil Traffic Appeal

Step One

Receipt of Traffic Court Final Order or Judgment and Notice of Right to Appeal

Step Two

Appellant Files a Notice of Appeal

Step Three

Appellant Pays Record Fee

Step Four

Appellant Files Memorandum

Step Five

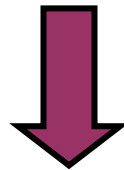
Appellee Files Memorandum (optional)

Step Six

Appellant Pays the Appeal Fee

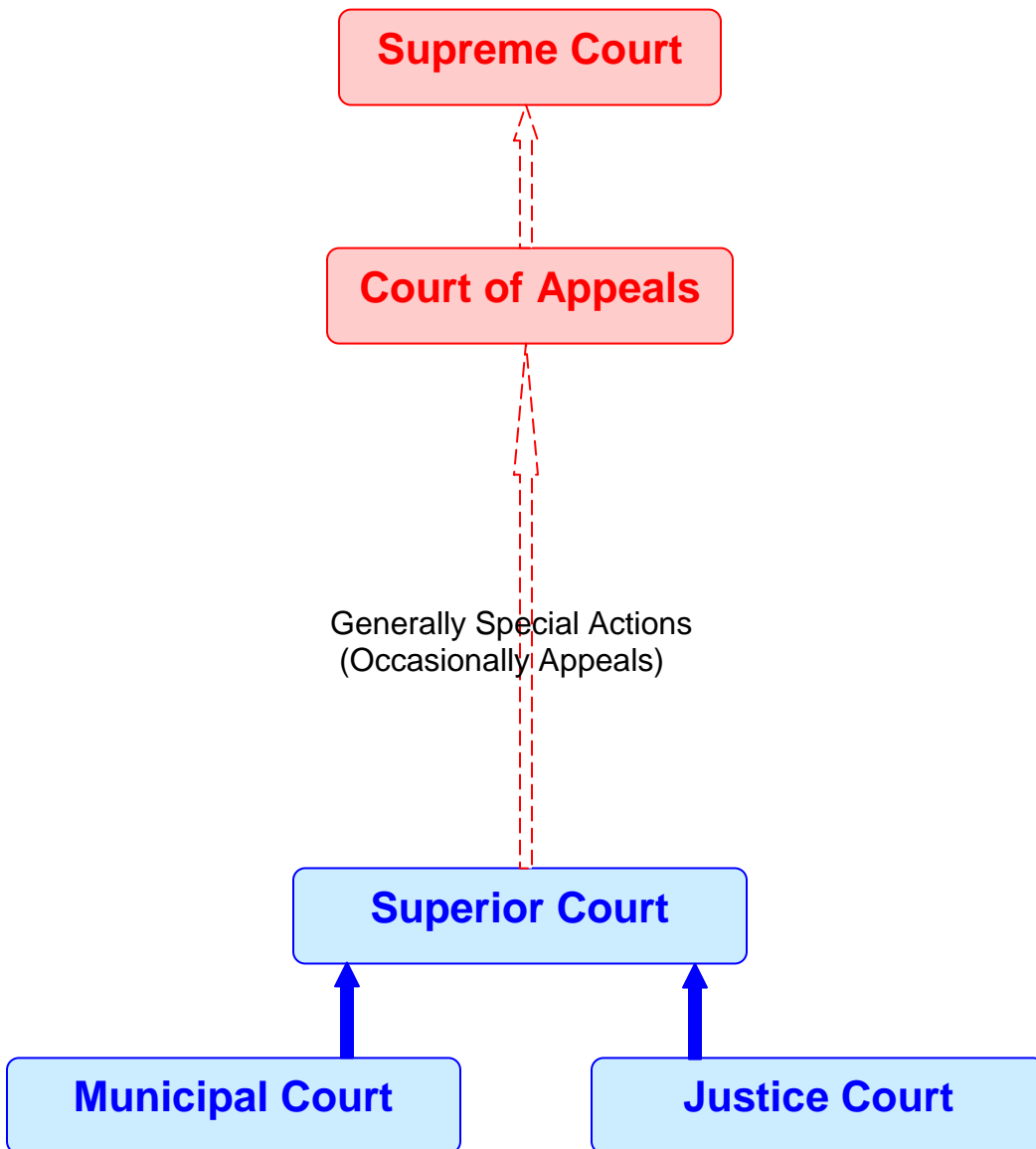
Step Seven

Oral Argument (optional)



SUPERIOR COURT DECISION

Arizona's Lower Court Appeals Process



The Steps to Filing a Civil Traffic Appeal

This section applies to appeals which involve only civil traffic charges. **If you were convicted of both a criminal and civil traffic charge in the same case, follow “[The Steps to Filing a Criminal Appeal](#)” located earlier in this guide.**

Step 1: RECEIPT OF TRAFFIC COURT FINAL ORDER OR JUDGMENT AND NOTICE OF RIGHT TO APPEAL

Before you can appeal your civil traffic case, you must first receive a final order or judgment from the Traffic Court.

The Traffic Court is required to give you a written notice of the right to appeal. This notice will contain the time limit for the appeal, instruction for filing the Notice of Appeal, and the location where you can find the rules that govern the appeal.

You may not appeal if you entered an admission of ‘responsible.’ (That is, if you formally acknowledged to the judge that you violated a civil traffic law.)

Step 2: APPELLANT FILES NOTICE OF APPEAL

- A. You must file a paper called a “Notice of Appeal” with the clerk of the court in which your case was heard. **Do not file this at the Superior Court.**
- B. The Notice of Appeal must be filed no later than fourteen (14) days after the final judgment or order that you are appealing. **You must file your Notice of Appeal before the deadline.** The court will dismiss the appeal if it is not timely filed. Weekends and holidays are NOT excluded from the deadline.
- C. The Traffic Court clerk may have a form that you can use for your Notice of Appeal. If not, a Notice of Appeal form for civil traffic appeals is included in this guide (**Form 5**).
- D. The Notice of Appeal must include your current mailing address and phone number. If either your address or phone number changes during your appeal, you must notify the Traffic Court.
- E. You must identify the order or judgment you want the Superior Court to review.

Step 3: APPELLANT PAYS RECORD FEE

Within fourteen (14) days you must also pay the record fee. The Traffic Court will then prepare the record and provide a copy to you, the state, and the Superior Court.

Step 4: APPELLANT FILES MEMORANDUM

You must file the original and one extra copy of your memorandum (**Form 4**) within sixty (60) days of the date your Notice of Appeal was due (this is seventy-four (74) days after the ruling you are appealing). **If you fail to file your memorandum on time, your appeal will be dismissed.**

You should make at least one copy for your records. Have the court clerk date-stamp it so you have proof that you filed it on time.

Memorandum Format:

- 15 pages or less, not including any exhibits you may want to attach. (The Superior Court will have the records from the trial court proceedings. Do not attach anything that was included in the record below.)
- Typed or printed (one side of the page only)
- White paper (8.5 by 11 inches)
- If you are typing your memo, double space
- If you are hand-writing your memo, please keep in mind that the court has the right to disregard it if it cannot read your handwriting

What your Memorandum Must Include:

- 1) The Facts: a short statement of the facts of your case. You should support your factual statements with references to the Record on Appeal.
- 2) Your Argument: a short statement explaining the reasons you believe the Lower Court's decision is incorrect.
- 3) Your Conclusion: a statement explaining exactly what you are asking the Superior Court to do.

Step 5: APPELLEE FILES MEMORANDUM – Optional

After the Appellant files the Appellant's Memorandum, you may file a memorandum (**Form 4**). This is your opportunity to respond to the arguments made in the Appellant's Memorandum and explain why the Lower Court judgment was correct. If the Appellee chooses not to file a memorandum, the Superior Court will decide the matter based only on the Lower Court record and the Appellant's Memorandum. In **Gila County**,

however, if the Appellee fails to file a memorandum the court may automatically rule in favor of the Appellant.

If you decide to file a memorandum, use the same memorandum format discussed in **Step 4** above. You must file the original and one copy for the other party. You should make at least one other copy for yourself. Have the court clerk date-stamp it for your records so you have proof that you filed it on time.

THE APPELLANT DOES NOT HAVE THE RIGHT TO REPLY. An Appellant does not have the right to reply to the Appellee's Memorandum. If an Appellant believes there is a need to respond to issues raised by the Appellee, the Appellant must file a motion requesting the Superior Court's permission to file a reply.

Step 6: APPELLANT PAYS THE APPEAL FEE

Once the Traffic Court sends the Notice of Appeal to the Superior Court, the Superior Court will notify you of the appeal fee. You will have thirty (30) days to pay the fee after you get notice. **If you do not pay the fee, your appeal will be dismissed.** The appeal fee for civil traffic appeals generally ranges from \$33 to \$130 depending on the county.

Step 7: ORAL ARGUMENT - Optional

If you want the Superior Court to allow you to present an oral argument for your civil traffic appeal, you must request it in writing (**Form 6**). The original copy of your motion should be filed at the same time you file your memorandum.

You will need to mail a copy of your motion to the opposing side.

You may or may not be allowed to present oral argument. In an appeal, the Superior Court usually makes its decision by reviewing the Lower Court's record and reading the parties' memoranda. At times, the court will allow the parties to present their side of the story in person at oral argument.

If oral argument is granted:

- 1) The Superior Court Clerk will notify the parties when and where the oral argument will be heard.
- 2) The oral argument will be held at the Superior Court located in the county where your trial took place.
- 3) Be on time for oral argument.

SUPERIOR COURT DECISION

When the Superior Court issues its decision resolving the appeal, the Superior Court Clerk will send a copy of the ruling to each party and to the Lower Court. Many Superior Courts also post their decisions online.