

1       **Rule 12. Transmission of the record.**

2       (a) Duty of reporter to prepare and file transcript; request for enlargement of time;  
3 notice to appellate court.

4       (a)(1) Upon receipt of a request for a transcript, the court executive shall file with the  
5 clerk of the appellate court an acknowledgment that the request has been received and  
6 the date of its receipt. The court executive shall assign the preparation of the transcript  
7 to an official court reporter or, if recorded on video or audio equipment, to an official  
8 court transcriber in accordance with CJA 3-305. By stipulation of the parties approved  
9 by the appellate court, a person other than an official court transcriber may transcribe a  
10 recorded hearing. The transcript shall be completed and filed within 30 days of the  
11 assignment.

12       (a)(2) The reporter may request from the clerk of the appellate court an enlargement  
13 of time in which to file the transcript. The request for enlargement of time shall be in  
14 writing and shall contain the elements stated in CJA 5-201(1). If filed prior to the  
15 expiration of the transcript preparation period, the request shall make a showing of good  
16 cause. If filed after the expiration of the period, the request shall make a showing of  
17 extraordinary circumstances beyond the control of the reporter. The reporter shall  
18 provide a copy of the request to the parties. The clerk of the appellate court shall  
19 provide written notice of the disposition of the request for enlargement of time to the  
20 court reporter, the parties, and the court executive. If the reporter fails to file the  
21 transcript within the original or extended period of time, the clerk of the appellate court  
22 shall notify the court executive.

23       (a)(3) Upon completion of the transcript, if prepared by a certified court reporter, the  
24 reporter shall prepare an index of its contents and file the transcript and index with the  
25 clerk of the trial court and notify the clerk of the appellate court that the transcript has  
26 been filed. ~~At the request of the person ordering the transcript or at the request of the~~  
27 ~~appellate court, the court reporter shall file the transcript in a compressed format that~~  
28 ~~places multiple complete pages of the original transcript upon each page of compressed~~  
29 ~~transcript. The compressed transcript shall retain the page and line numbers of the~~

30 original transcript. ~~A compressed transcript may be certified as a correct copy of the~~  
31 ~~original.~~ The transcript may not be filed in a compressed format.

32 (b) Transmittal of record on appeal to appellate court; duty of trial court clerk or  
33 agency clerk.

34 (b)(1) Duty of trial court clerk in criminal and postconviction cases. In criminal and  
35 postconviction cases, unless otherwise ordered by the appellate court the record will be  
36 transmitted by the clerk of the trial court to the clerk of the appellate court upon  
37 completion of the transcript under paragraph (a) above or, if there is no transcript, within  
38 20 days of the filing of the notice of appeal. In cases where a party or a party=s counsel  
39 notifies the court clerk in writing that the presentence investigation report is relevant to  
40 an issue on appeal, the clerk shall include the sealed presentence investigation report  
41 as part of the record.

42 (b)(2) Duty of trial court clerk in civil cases. In civil cases other than postconviction  
43 cases, unless otherwise ordered by the appellate court, the record shall remain in the  
44 custody of the trial court clerk during the preparation and filing of briefs.

45 (b)(2)(A) Transmit index. When the transcript is completed pursuant to paragraph (a)  
46 above, the clerk of the trial court shall immediately transmit a certified copy of the index  
47 prepared pursuant to Rule 11(b) to the clerk of the appellate court. If there is no  
48 transcript requested, the clerk of the trial court shall transmit the index of the record to  
49 the clerk of the appellate court within 20 days, but not sooner than 14 days, after the  
50 filing of the notice of appeal.

51 (b)(2)(B) Transmit record. Within 10 days from the date of notice from the clerk of  
52 the appellate court that briefing is complete the clerk of the trial court shall transmit the  
53 papers, transcript and exhibits in the appeal to the appellate court.

54 (b)(3) Duty of court clerk in juvenile court cases. In juvenile court cases, the record  
55 will be transmitted by the juvenile court clerk to the clerk of the appellate court upon  
56 completion of the transcript under paragraph (a) above or, if there is no transcript, within  
57 20 days of the filing of the notice of appeal.

58 (b)(4) Duty of clerk in agency cases. In agency cases, unless otherwise ordered by  
59 the appellate court, the record shall remain in the custody of the agency during the  
60 preparation and filing of briefs.

61 (b)(4)(A) Transmit index. When the transcript is completed pursuant to paragraph (a)  
62 above, the clerk shall immediately transmit a certified copy of the index prepared  
63 pursuant to Rule 11(b) to the clerk of the appellate court. If there is no transcript  
64 requested, the clerk shall transmit the index of the record to the clerk of the appellate  
65 court within 20 days, but not sooner than 14 days, after the filing of the petition for  
66 review.

67 (b)(4)(B) Transmit record. Within 10 days from the date of notice from the clerk of  
68 the appellate court that briefing is complete, the clerk shall transmit the papers,  
69 transcript and exhibits in the appeal to the appellate court.

70 (b)(5) Transmission of exhibits. Documents of unusual bulk or weight, and physical  
71 exhibits other than documents shall not be transmitted by the clerk of the trial court  
72 unless directed to do so by a party or by the clerk of the appellate court. A party must  
73 make advance arrangements with the clerks for the transportation and receipt of  
74 exhibits of unusual bulk or weight.

75 (c) Retention of the record in the trial court. If the record or any part of it is required  
76 in the trial court beyond the time set forth in paragraph (b) of this rule, the trial court on  
77 its own motion or after motion of a party may order the clerk of the trial court to retain  
78 the record or parts thereof subject to the request of the appellate court. The clerk of the  
79 trial court shall transmit a copy of the order and of the index and the portion of the  
80 record not retained by the trial court to the clerk of the appellate court.

81 (d) ~~Record for preliminary hearing in appellate court~~ Expedited transmittal of parts of  
82 the record. If prior to the time the record is transmitted the record is required in the  
83 appellate court, the clerk of the trial court at the request of any party or of the appellate  
84 court shall transmit to the appellate court such parts of the original record as  
85 designated.

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