

STATE OF MINNESOTA  
IN SUPREME COURT

In re Sentencing Guidelines--No. 51095

O R D E R

IT IS HEREBY ORDERED that, effective May 1, 1980, the following procedures shall apply to the appeal, pursuant to Minn. Stat. § 244.11 (1980), of any sentence imposed or stayed by the district court according to the Rules of Criminal Procedure:

1. Any party appealing a sentence shall file with the clerk of the district court, within 90 days after entry of judgment, (a) a notice of appeal, (b) 12 copies of an informal letter brief setting forth the arguments concerning the illegality or inappropriateness of the sentence, and (c) an affidavit of service of the notice and a copy of the brief upon opposing counsel and upon the Attorney General. (A defendant appealing the sentence and the judgment of conviction has the option of combining the two appeals into a single appeal; when this option is selected the procedures established by R. 29.02, Rules of Criminal Procedure, shall continue to apply.)

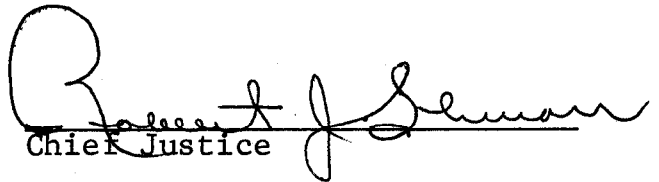
2. The clerk of the district court shall not accept a notice of appeal from sentence unless accompanied by the requisite briefs and affidavit of service. Upon the filing of the requisite papers, the clerk shall immediately forward to the clerk of the Supreme Court (a) a certified copy of the notice of appeal along with the briefs and affidavit filed by the appellant, (b) a transcript of the sentencing hearing and any written explanation of sentence by the trial court which is not already included in the transcript, and (c) the presentence investigation report.

3. Within 10 days of service upon it of the copy of the notice of appeal and appellant's brief, respondent, if it wishes to

respond, shall serve its brief upon appellant and file with the clerk of the Supreme Court 12 copies of its brief.

Dated: 2/28/80

BY THE COURT:

  
Chief Justice

SUPREME COURT  
**FILED**

FEB 28 1980

JOHN McCARTHY,  
CLERK