

TRANSCRIPTS IN CJA CASES

I. Criminal Appeals (From Judgment and Conviction)

A. Duties of Trial Counsel on Appeal

Section II of the Eighth Circuit Plan to Implement the Criminal Justice Act (CJA) provides: that where the defendant was represented in the district court by court-appointed counsel, counsel shall continue to represent the defendant until relieved by this court, shall advise the client of the right to appeal, and, if requested to do so, shall file the notice of appeal.

The Eighth Circuit Plan to Expedite Criminal Appeals further provides that defendant's trial counsel, whether retained or appointed, shall represent the defendant on appeal.

Counsel seeking to withdraw must file a motion to withdraw in the Court of Appeals. Until such motion is ruled, counsel must take all steps necessary to proceed with the appeal, including ordering the transcript and, if necessary, ensuring that an indigent defendant completes the pauper certification process in the district court.

B. Transcript Ordering

Eighth Circuit Criminal Plan, IIIA(A)(a) requires the district court clerk to order the transcript within two working days after the notice of appeal is filed. Section IIIA(2) requires counsel for an in forma pauperis appellant to file a completed CJA 24 Form, which authorizes government payment of transcript costs, with the district court clerk when the notice of appeal is filed. If the transcript has not yet been ordered, please make the necessary arrangements immediately.

C. Multi-defendant Cases Involving CJA Defendants

In multi-defendant cases, the court will pay for one copy of the transcript for defense counsel. Counsel may make additional copies, but the court will only reimburse commercially competitive copy costs. The court has established \$.15 per page as the maximum rate which will be reimbursed; if counsel cannot obtain copies at this rate, they should contact the clerk before incurring higher charges. This policy does not preclude the court reporter from providing copies at a commercially competitive rate.

II. Transcripts in § 2254 and § 2255 Cases

When a certificate of appealability is granted on appeal in an in forma pauperis state habeas corpus case or a federal motion to vacate the sentence and this court appoints counsel, such counsel should promptly file a CJA 24 with the district court clerk for payment of transcript costs, if there is a transcript and it is necessary for the appeal. The CJA 24 should be processed in the district court.