

*What's going on
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FILED

2008 SC 15

2008 MAR 25 A 10: IN THE SUPREME COURT OF THE STATE OF KANSAS

CAROL G. GREENE RELATING TO SUPREME COURT, COURT OF APPEALS,
CLERK APPELLATE COURTS AND APPELLATE PRACTICE

RULE 4.02

INTERLOCUTORY APPEALS BY THE PROSECUTION

Supreme Court Rule 4.02 is hereby amended, effective the date of this order:

(a) When an appeal is taken to the Court of Appeals under the provisions of K.S.A. 22-3601(a) and K.S.A. 22-3603, the notice of appeal shall be filed with the clerk of the district court within ten (10) days after the entry of the order from which the appeal is taken. A copy of the notice of appeal shall be served upon defense counsel or upon defendant if the defendant has no counsel. Within twenty-one (21) days after the filing of the notice of appeal the prosecution shall forward to the clerk of the appellate courts:

1. A file-stamped certified copy of the notice of appeal.
2. An original and one copy of the docketing statement required by Rule 2.041.
3. A file-stamped certified copy of the order appealed from, or if the order is not in writing a transcript of the court's announcement of its order, together with any written opinion or memorandum of the trial court relating thereto.
4. A request for transcript filed pursuant to Rule 3.03 or a written statement indicating no transcript is necessary.

The appeal shall thereupon be deemed docketed.

(b) The record on appeal shall consist of the following documents and such other portion of the record as may be required by the appellate court:

1. A copy of the warrant, search warrant, confession, or other written evidence quashed or suppressed, and a description of any physical evidence or a summary of any oral admission or testimony suppressed.
2. Copies of any affidavits and the transcript of any testimony which provided the basis for the issuance of a warrant or search warrant which has been quashed or which served as the basis for the seizure of evidence which has been suppressed.
3. If testimony was taken on the motion to quash or suppress, a copy of the transcript, or in lieu thereof, by agreement, a narrative statement of the testimony.

The clerk of the district court shall prepare the record pursuant to Rule 3.02.

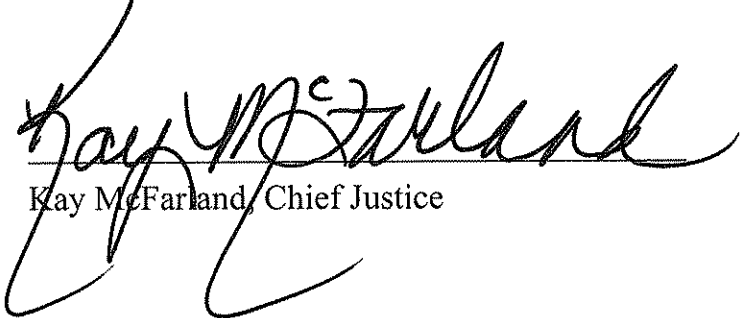
(c) Within thirty (30) days after service of the certificate of filing of the transcript in accordance with Rule 3.03, the prosecution shall serve and file its brief. Within thirty (30) days after service of the prosecution's brief, the defense may serve and file its brief.

(d) Further proceedings in the district court shall be stayed pending determination of the appeal.

(e) Upon receipt of the mandate and on motion of the prosecution, the trial court shall issue either an order for the defendant to appear or an alias warrant for the defendant's arrest.

By order of the Court, this 21st day of March, 2008.

FOR THE COURT



Kay McFarland, Chief Justice