

CHECKLIST FOR JOINT APPENDIX

CONTENTS: For appeals from District Court or Tax Court, Local Rule 30.
Items listed in order of appearance in the Joint Appendix.

- ___ Index to Joint Appendix: Three columns to index **(see examples)**
 - 1) Description of Item. If exhibits are attached to a pleading, a description of each exhibit must be included.
 - 2) Record entry numbers as assigned on the lower court docket sheet
 - 3) Joint appendix page number where the document can be located
- ___ Separate Index for transcripts: Three columns to index **(see examples)**
 - 1) Name of witnesses alphabetically arranged and hearings chronologically arranged.
 - 2) Page where testimony begins in transcript
 - 3) Page where testimony begins in joint appendix
- ___ Separate Index for depositions: Three columns to index **(see examples)**
 - 1) Name of deponents alphabetically arranged
 - 2) Page where testimony begins in deposition
 - 3) Page where testimony begins in joint appendix
- ___ Current copy of district court/tax court docket sheet
- ___ Complaint or indictment and any other pleadings or motions relevant to the arguments presented on appeal, and all pleadings listed on the designation of appendix contents.
- ___ Judgment from which the appeal is taken and any memorandum opinion or findings of fact and conclusions of law including any report and recommendation of a Magistrate **and** any objections to the report
- ___ Notice of Appeal
- ___ Other parts of the record including all or part of any exhibits, depositions, or transcript pages, that are referred to in the parties' briefs and listed on the designation of appendix contents.
 - ___ Transcripts. **The witness' name should be listed in the top left hand margin on the first page of transcript for each witness (see enclosed example)**
 - ___ Depositions. **The witness' name should be listed in the top left hand margin on the first page of deposition for each witness**
 - ___ Exhibits. **Must be made a part of the district court or tax court record.**
- ___ Presentence investigation report for criminal appeals. To be placed in a separate volume of the appendix as labeled "Confidential".
- ___ Sealed Records. To be placed in a separate volume of the appendix.
- ___ Certification of Counsel. Counsel's certification that all documents included in the joint appendix are copies of documents properly made a part of the record.
- ___ Certificate of Service

OTHER REQUIREMENTS:

- 5 copies**
- Index: If the joint appendix is divided into more than one volume, each volume shall contain the complete index.
- Consecutively paginated: If joint appendix is divided into more than one volume, each volume shall be consecutively paginated. (Example: if volume I ends at page 91, volume II should start at page 92).
- Secure binding on left hand side. (DO NOT use Acco fasteners).

COVER OF APPENDICES: FRAP 32(a)

- White cover
- Sixth Circuit case number
- Heading: **United States Court of Appeals for the Sixth Circuit**
- Title of case
- Nature of proceedings & name of court, agency or board below
- Title of document (e.g. Joint Appendix)
- Name/s and address/es of counsel representing the party for whom the appendix is filed

(over)

SAMPLE

APPELLANT'S/APPELLEE'S DESIGNATION
OF APPENDIX CONTENTS

Appellant/appellee, pursuant to Sixth Circuit Rule 28(d), hereby designates the following filings in the district's record as items to be included in the joint appendix:

Description of Item	Date Filed in District Court	Record Entry Number
Indictment	12/14/94	1
Arraignment minutes	8/15/95	3
Motion to Suppress with exhibits 1-13 exhibit 1 (description) exhibit 2 (description) etc.... ¹	9/5/95	11
Deposition of Maurice Beel pp. 23-36, 40, 42, 45 exhibit 1 (description)	10/3/95	22
Deposition of Robert Atkins pp. 10, 13-16, 22, 24, 49	10/5/95	24
Deposition of Allen Smith pp. 2-10, 12-18, 33	10/8/95	27
Exhibit & Witness List defendant's exhibit 2 (description) plaintiff's exhibit 10 (description)	1/7/96	40
Trial Minutes	1/7/96	47
Pre-Sentence Report	5/28/96	49
Objections to Pre-Sentence Report	6/13/96	50
Judgment	7/13/96	52
Notice of Appeal	7/20/96	53

Note to counsel: be specific in designating attachments or exhibits to motions and depositions if you expect them to be included in the Joint Appendix. Do not assume that attachments/exhibits will be included automatically.

Description of Proceeding or Testimony	Date Filed in District Court	Transcript Page Numbers
Suppression Hearing held 7/20/95.	9/20/95	4-11, 13, 16
In Chambers Conference held 12/20/95. ²	1/2/96	9-20
Trial held 12/20 thru 12/27/95. Opening Arguments Dana Evans Juan Garcia Donna Holt Bobby Kramer Jury Instructions Closing arguments of plaintiff	1/2/96	Vol. I, 2,3 Vol. II, 139, 140, 147-153, 166, 168, 171 Vol. III, 240-246, 258 Vol. I, 23-28, 45, 47, 50, 53 Vol. III, 224-26, 253-260, 277, 279, 281-283 Vol. II, 113, 114 Vol. I, 83, 87-97 Vol. II, 154-157 Vol. IV, 303-310 Vol. IV, 320, 322-324
Excerpt of Trial Proceedings held 12/20/95 thru 12/27/95. Keith Hodges Bobby Kramer		22-24, 28, 29 30, 33-40
Sentencing hearing held 1/20/96	2/10/96	1-5, 6, 8, 12-14, 22
TRIAL EXHIBITS Admittance of plaintiff's exhibit 1 plaintiff's exhibit 1 (description)	1/02/96	Vol. II, 146 ³

²If this transcript is sealed, it will remain sealed in a separate volume of the joint appendix.

³The page number for the exhibit/s can be obtained from the transcript page that reflects where the exhibit/s were admitted into evidence.

1 Q. And you did find people living there at that address?

2 A. Yes, sir, we found a person.

3 Q. And that person signed for that package?

4 A. Yes, sir.

5 MR. HOLTON: Thank you.

6 THE COURT: Thank you. You may step down.

7 MR. DISCENZA: I call Detective Harbin.

8 CLYDE A. HARBIN,

9 having been first duly sworn, was examined and testified as
10 follows:

11 DIRECT EXAMINATION

12 BY MR. DISCENZA:

13 Q. Sir, would you please state your full name.

14 A. Clyde A. Harbin, H-A-R-B-I-N.

15 Q. Mr. Harbin, what is your occupation?

16 A. I'm a deputy sheriff with the Shelby County Sheriff's
17 Department here in Memphis.

18 Q. And to what unit are you assigned?

19 A. I'm assigned to the narcotic division K-9 unit.

20 Q. Detective Harbin, I'd like to direct your attention back
21 to May the 3rd of this year and ask if you had occasion to
22 assist Officer McCoy and others in the controlled delivery
23 of a package that had been found to contain crack cocaine?

24 A. Yes, sir.

25 Q. Basically what was your role in this controlled