

**AMENDMENTS TO THE RULES OF PRACTICE OF
THE SUPREME COURT OF OHIO**

The following amendments to the Rules of Practice of the Supreme Court of Ohio (S.Ct.Prac.R. 5.01, 6.01, and 16.02 through 16.05) were adopted by the Supreme Court of Ohio. The history of these amendments is as follows:

May 2, 2017	Final adoption by conference
June 1, 2017	Effective date of amendments

Key to Adopted Amendments:

1. Unaltered language appears in regular type. Example: text
2. Language that has been deleted appears in strikethrough. Example: ~~text~~
3. New language that has been added appears in underline. Example: text

RULES OF PRACTICE OF THE SUPREME COURT OF OHIO

S.Ct.Prac.R. 5.01. Appeals of Right.

(A) Definition

As used in these rules, an “appeal of right” is one of the following:

- (1) An appeal from a decision of a court of appeals in a case in which the death penalty has been affirmed for an offense committed prior to January 1, 1995;
- (2) An appeal from the decision of a court of appeals under App.R. 26(B) in a capital case;
- (3) An appeal from a decision of a court of appeals in a case that originated in the court of appeals and that invokes the appellate jurisdiction of the Supreme Court;
- (4) An appeal from a decision of a court of common pleas in a case in which the death penalty has been imposed for an offense committed on or after January 1, 1995;
- (5) An appeal from a decision of a court of common pleas in a case contesting an election under R.C. 3515.15;
- (6) An appeal from a decision of a court of common pleas that denies an application for DNA testing pursuant to R.C. 2953.73 for a person who has been sentenced to death.

(B) Instituting a case

- (1) An appeal of right as designated in S.Ct.Prac.R. 5.01(A)(1), (2), and (4) shall be filed as provided for in S.Ct.Prac.R. 11.01.
- (2) An appeal of right as designated in S.Ct.Prac.R. 5.01(A)(3) ~~and~~ (5), and (6) shall be filed as provided for in S.Ct.Prac.R. 6.01.

Effective Date: June 1, 1994

Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; August 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; June 1, 2017

S.Ct.Prac.R. 6.01. Institution of an Appeal of Right.

(A) Perfection of appeal

(1) To perfect an appeal of right as defined by S.Ct.Prac.R. 5.01(A)(3) or (6), the appellant shall file a notice of appeal in the Supreme Court within forty-five days from the entry of the judgment being appealed.

(2) To perfect an appeal of right as defined by S.Ct.Prac.R. 5.01(A)(5), the appellant shall file a notice of appeal in the Supreme Court within twenty days from the entry of the judgment being appealed.

(3) The time period designated in this rule for filing a notice of appeal is mandatory, and the appellant's failure to file within this time period shall divest the Supreme Court of jurisdiction to hear the appeal. The Clerk of the Supreme Court shall refuse to file a notice of appeal that is received for filing after this time period has passed.

(B) Notice of appeal

(1) The notice of appeal for an appeal of right shall state all of the following:

(a) The name of the court whose judgment is being appealed;

(b) The case name and number assigned to the case by the court;

(c) The date of the entry of the judgment being appealed;

(d) That ~~either~~ one of the following is applicable:

(i) The case originated in the court of appeals;

(ii) The case originated in the court of common pleas and is an appeal of a contest of an election under R.C. 3515.15;

(iii) The decision being appealed is from the denial of an application for DNA testing pursuant to R.C. 2953.73 by a person who has been sentenced to death.

(2) (a) A date-stamped copy of the court's judgment entry that is being appealed shall accompany the notice of appeal. For purposes of this rule, a date-stamped copy of the court's judgment entry shall mean a copy bearing the file stamp of the clerk of the court and reflecting the date the court filed its judgment entry for journalization with its clerk.

(b) In an appeal from a case that originated in the court of appeals, if the opinion of the court of appeals serves as its judgment entry, a date-stamped copy of the opinion shall be attached.

(C) Subsequent notices of appeal and cross-appeal

(1) If a party timely files a notice of appeal in the Supreme Court, any other party may file a notice of appeal or cross-appeal in the Supreme Court within the time prescribed by division (A)(1) or (2) of this rule or ten days after the first notice of appeal was filed, whichever is later.

(2) A notice of appeal shall be designated and treated as a notice of cross-appeal if both of the following requirements are met:

- (i) It is filed after the original notice of appeal was filed in the case;
- (ii) It is filed by a party against whom the original notice of appeal was filed.

Effective Date: January 1, 2013

Amended: January 1, 2015; June 1, 2017

S.Ct.Prac.R. 16.02. Appellant's Brief.

[Existing language unaffected by the amendments is omitted to conserve space]

(C) Page limit

(1) Except in death-penalty appeals of right, the appellant's brief shall not exceed fifty numbered pages, exclusive of the table of contents, the table of authorities cited, the certificate of service, and the appendix.

(2) In a death penalty appeal of right filed pursuant to S.Ct.Prac.R. 5.01(A)(1), (2), ~~or (4)~~, or (6), the appellant's brief has no page limitation.

Effective Date: June 1, 1994

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S.Ct.Prac.R. 16.03. Appellee’s Brief.

[Existing language unaffected by the amendments is omitted to conserve space]

(C) Page limit

(1) Except in death penalty appeals of right, the appellee’s brief shall not exceed fifty numbered pages, exclusive of the table of contents, the table of authorities cited, the certificate of service, and the appendix.

(2) In a death-penalty appeal of right filed pursuant to S.Ct.Prac.R. 5.01(A)(1), (2), ~~or (4)~~, or (6), the appellee’s brief shall not have a page limitation.

Effective Date: June 1, 1994

Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; June 1, 2017

S.Ct.Prac.R. 16.04. Appellant’s Reply Brief.

[Existing language unaffected by the amendments is omitted to conserve space]

(B) Page limit

(1) Except in death penalty appeals of right, the reply brief shall not exceed twenty numbered pages, exclusive of the table of contents, the table of authorities cited, the certificate of service, and any appendix.

(2) In a death-penalty appeal of right filed pursuant to S.Ct.Prac.R. 5.01(A)(1), (2), ~~or (4)~~, or (6), the reply brief has no page limitation.

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Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; June 1, 2017

S.Ct.Prac.R. 16.05. Merit Briefs in Case Involving Cross-Appeal.

(A) Requirements

In a case involving a cross-appeal, each of the parties shall be permitted to file two briefs, and each brief shall conform to the requirements of S.Ct.Prac.R. 16.02(B).

(B) First brief

- (1) (a) In every appeal involving termination of parental rights or adoption of a minor child, or both, the appellant/cross-appellee shall file the first merit brief within twenty days from the date the clerk files the record from the court of appeals.
- (b) In every other appeal, the appellant/cross-appellee shall file the first merit brief within forty days from the date the clerk files the record from the court of appeals or the administrative agency.
- (2) (a) Except in death-penalty appeals of right filed pursuant to S.Ct.Prac.R. 5.01(A)(1), (2), ~~or (4)~~, or (6), this first brief shall not exceed fifty numbered pages, exclusive of the table of contents, the table of authorities cited, the certificate of service, and the appendix.
- (b) In a death-penalty appeal of right filed pursuant to S.Ct.Prac.R. 5.01(A)(1), (2), ~~or (4)~~, or (6), the first brief has no page limitation.

(C) Second brief

- (1) (a) In every appeal involving termination of parental rights or adoption of a minor child, or both, the appellee/cross-appellant shall file the second merit brief within twenty days after the filing of the first brief.
- (b) In every other appeal, the appellee/cross-appellant shall file the second merit brief within thirty days after the filing of the first brief. The second brief shall be a combined brief containing both a response to the appellant/cross-appellee's brief and the propositions of law and arguments in support of the cross-appeal.
- (2) (a) Except in death-penalty appeals of right filed pursuant to S.Ct.Prac.R. 5.01(A)(1), (2), ~~or (4)~~, or (6), the second brief shall not exceed fifty numbered pages, exclusive of the table of contents, the table of authorities cited, the certificate of service, and the appendix.
- (b) In a death-penalty appeal of right filed pursuant to S.Ct.Prac.R. 5.01(A)(1), (2), ~~or (4)~~, or (6), the second brief has no page limitation.

(D) Third brief

- (1) (a) In every appeal involving termination of parental rights or adoption of a minor child, or both, the appellant/cross-appellee shall file the third merit brief within twenty days after the filing of the second brief.

(b) In every other appeal, the appellant/cross-appellee shall file the third merit brief within thirty days after the filing of the second brief. If the appellant/cross-appellee elects to file a reply brief in that party's appeal, the third brief shall be a combined brief containing both a reply and a response to the arguments in the cross-appeal. Otherwise, the third brief shall include only a response in opposition to the cross-appeal.

(2) (a) Except in death-penalty appeals of right filed pursuant to S.Ct.Prac.R. 5.01(A)(1), (2), ~~or (4)~~, or (6), the third brief shall not exceed fifty numbered pages, exclusive of the table of contents, the table of authorities cited, the certificate of service, and any appendix.

(b) In a death-penalty appeal of right filed pursuant to S.Ct.Prac.R. 5.01(A)(1), (2), ~~or (4)~~, or (6), the third brief has no page limitation.

(E) Fourth brief

(1) The fourth brief may be filed by the appellee/cross-appellant only as a reply brief in the cross-appeal.

(a) In every appeal involving termination of parental rights or adoption of a minor child, or both, if a fourth brief is filed, it shall be filed within fifteen days after the filing of the third brief.

(b) In every other appeal, if a fourth brief is filed, it shall be filed within twenty days after the filing of the third brief.

(2) (a) Except in death-penalty appeals of right filed pursuant to S.Ct.Prac.R. 5.01(A)(1), (2), ~~or (4)~~, or (6), a fourth brief shall not exceed twenty numbered pages, exclusive of the table of contents, the table of authorities cited, the certificate of service, and any appendix.

(b) In a death-penalty appeal of right filed pursuant to S.Ct.Prac.R. 5.01(A)(1), (2), ~~or (4)~~, or (6), the fourth brief has no page limitation.

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Amended: April 1, 1996; April 1, 2000; June 1, 2000; July 1, 2004; January 1, 2008; January 1, 2010; January 1, 2013; June 1, 2017