

THE STATE OF NEW HAMPSHIRE
SUPREME COURT OF NEW HAMPSHIRE

O R D E R

Pursuant to Part II, Article 73-a of the New Hampshire Constitution and Supreme Court Rule 51, the Supreme Court of New Hampshire adopts the following technical amendments to the supreme court rules. These amendments shall be made to the supreme court rules and forms as set forth in this court's order dated May 11, 2006.

1. Amendments to Supreme Court Rule 7, regarding appeal from trial court decision on the merits, as set forth in Appendix A.
2. Amendments to Supreme Court Rule 32, regarding counsel in criminal cases, as set forth in Appendix B.
3. Amendments to Supreme Court Rule 32-A, regarding counsel in guardianship and other cases, as set forth in Appendix C.
4. Amendments to the Rule 7 Notice of Discretionary Appeal form as set forth in Appendix D.
5. Amendments to the Rule 7 Notice of Mandatory Appeal form as set forth in Appendix E.

These amendments shall take effect on July 1, 2006.

Date: June 21, 2006

ATTEST: _____
Eileen Fox, Clerk of Court
Supreme Court of New Hampshire

APPENDIX A

Amend the title of Supreme Court Rule 7 as follows:

RULE 7. APPEAL FROM TRIAL COURT DECISION ON THE MERITS

APPENDIX B

Amend Supreme Court Rule 32(2) and 32(4), by correcting references to the relevant forms, so that said paragraphs as amended shall state as follows:

(2) A motion to withdraw as counsel on appeal in a criminal case must state reasons that would warrant the grant of leave to withdraw. Unless prior approval has been obtained from the court for good cause shown upon exceptional circumstances, the motion must be accompanied by either:

(a) A showing that new counsel has been appointed or retained to represent the defendant; or

(b) The defendant's completed "Financial Affidavit & Application For Court Appointed Counsel" (OCC Form 4) or a showing that a completed "Financial Affidavit & Application For Court Appointed Counsel" (OCC Form 4) has been filed.

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(4) Indigent defense cases appealed to the supreme court must be accompanied by a current "Financial Affidavit & Application For Court Appointed Counsel" (OCC Form 4).

Except in exceptional circumstances, the clerk's office will process the "Financial Affidavit & Application For Court Appointed Counsel" (OCC Form 4) within 30 days of the receipt of the notice of appeal and said affidavit.

APPENDIX C

Amend Supreme Court Rule 32-A(4), by correcting references to the relevant forms, so that said paragraph as amended shall state as follows:

(4) Indigent defense cases appealed to the supreme court must be accompanied by a current "Financial Affidavit & Application For Court Appointed Counsel" (OCC Form 4).

APPENDIX D

Amend the first paragraph of the Rule 7 Notice of Discretionary Appeal form, as well as section 8 of said form, as follows:

**NEW HAMPSHIRE SUPREME COURT
RULE 7 NOTICE OF DISCRETIONARY APPEAL**

This form should be used only for an appeal from a final decision on the merits issued by a superior court, district court, probate court or family division court in: (1) a post-conviction review proceeding; (2) a proceeding involving the collateral challenge to a conviction or sentence; (3) a sentence modification or suspension proceeding; (4) an imposition of sentence proceeding; (5) a parole revocation proceeding; (6) a probation revocation proceeding; (7) a landlord/tenant or a possessory action filed under RSA chapter 540; or (8) from an order denying a motion to intervene.

....

8. APPELLATE DEFENDER REQUESTED?

IF YOUR ANSWER IS YES, YOU MUST CITE STATUTE OR OTHER LEGAL AUTHORITY UPON WHICH CRIMINAL LIABILITY WAS BASED AND ATTACH FINANCIAL AFFIDAVIT (OCC FORM 4)

APPENDIX E

Amend the first paragraph of the Rule 7 Notice of Mandatory form, as well as section 8 of said form, as follows:

NEW HAMPSHIRE SUPREME COURT RULE 7 NOTICE OF MANDATORY APPEAL

This form should be used for an appeal from a final decision on the merits issued by a superior court, district court, probate court or family division court except for a decision from: (1) a post-conviction review proceeding; (2) a proceeding involving the collateral challenge to a conviction or sentence; (3) a sentence modification or suspension proceeding; (4) an imposition of sentence proceeding; (5) a parole revocation proceeding; (6) a probation revocation proceeding; (7) a landlord/tenant action or a possessory action filed under RSA chapter 540; or (8) from an order denying a motion to intervene.

....

8. APPELLATE DEFENDER REQUESTED?

IF YOUR ANSWER IS YES, YOU MUST CITE STATUTE OR OTHER LEGAL AUTHORITY UPON WHICH CRIMINAL LIABILITY WAS BASED AND ATTACH FINANCIAL AFFIDAVIT (OCC FORM 4)