

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

INFORMATION CONCERNING APPEAL FROM CONVICTION BY MAGISTRATE JUDGE

- (a) Notice of Appeal. An appeal from a judgment of conviction by a magistrate judge to a district judge must be taken within fourteen (14) days after entry of the judgment. An appeal shall be taken by filing with the Clerk, United States District Court, U.S. Courthouse Building, 2400 West Avenue, Suite 100, Newport News, Virginia 23607, stating that the defendant appeals from the judgment and by paying a filing fee. Visit <https://www.uscourts.gov/services-forms/fees/district-court-miscellaneous-fee-schedule> for fee schedule.
- (b) Record. The original papers and exhibits in the case, together with a transcript of the trial proceedings and a certified copy of the docket entries, shall constitute the record on appeal. Visit <https://www.uscourts.gov/services-forms/federal-court-reporting-program#rates> for transcript cost. The cost of preparing the transcript is not affected by an affirmance or reversal of the conviction and must be paid to the Clerk.
- (c) Rule of Execution; Release Pending Appeal. The provisions of Rule 38(a) of the Federal Rules of Criminal Procedure relating to a stay of execution shall be applicable to a judgment of conviction entered by a magistrate judge. The defendant may be released pending appeal by a magistrate judge or a district judge in accordance with the provisions of law relating to release pending appeal from any other conviction of a district court.
- (d) Scope of Appeal. The defendant shall not be entitled to a trial *de novo* by a district judge. The scope of appeal shall be the same as on a criminal appeal from a judgment of a district court to a court of appeals.
- (e) Indigent Defendant. If the defendant is unable to pay the cost of an appeal, he may apply for leave to appeal *in forma pauperis*.

Clerk
United States District Court
U.S. Courthouse Building
2400 West Avenue, Suite 100
Newport News, Virginia 23607

NOTE: Sentence not stayed by noting appeal. Defendant must pay fine at time of sentence.