

**Rule 24. Petty Misdemeanor Appeals From Referees**

In petty misdemeanor trials heard by a referee, except Housing Court matters, the referee shall either (1) announce the recommended findings, conclusions and order orally, on the record, at the conclusion of the trial or (2) take the matter under advisement and issue written recommended findings, conclusions and order within seven days after the trial.

The referee's recommendation shall be deemed adopted when a judge reviews and countersigns the referee's sentence report calendar or written findings, conclusions and order. It shall be the duty of the criminal chambers judge to review and, if appropriate, countersign the referee's recommendation.

A defendant may appeal from the referee's order by filing with the clerk of district court a notice of appeal. The notice of appeal must be filed within ten days after the oral announcement of the referee's recommended order or within 13 days after service by mail of the adopted written order. Service of the written order shall be deemed complete and effective upon the mailing of a copy of the order to the defendant's last known address.

Upon the timely filing of a notice of appeal, the order shall be stayed pending the determination of the appeal.

Within 15 days after filing a notice of appeal the defendant shall, at the defendant's sole expense, purchase a transcript of the trial before the referee. The transcript shall be available within 45 days after its purchase.

The appeal shall be assigned to be heard by a judge on the criminal court calendar and shall be confined to the trial record before the referee.

The parties may, but shall not be required to, present oral or written arguments or both. Written arguments shall be filed at least one day before the hearing date.

(Adopted April 11, 1990, effective April 11, 1990; amended effective February 13, 1991.)