

# **APPENDIX E**

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## APPENDIX E

### CERTIFICATES AND AFFIDAVITS

#### **EXPLANATORY NOTE**

Clerk's certifications are provided here for the purpose of avoiding potential delay. The court reporter does not prepare the clerk's certificate. Either the clerk or the appellant (or appellant's counsel) will prepare the clerk's certification.

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**NORMAL CERTIFICATION  
REPORTER'S CERTIFICATE**

STATE OF INDIANA            )                                    IN THE \_\_\_\_\_ COURT  
  ) SS:  
COUNTY OF                    )                                    CAUSE NO.

\_\_\_\_\_, )  
                                  Plaintiff, )  
                                  v.                                    )                                    FILE MARK  
\_\_\_\_\_, )  
                                  Defendant. )

REPORTER'S CERTIFICATE

I, \_\_\_\_\_, Reporter of the \_\_\_\_\_ Court, \_\_\_\_\_ County, State of Indiana, do hereby certify that I am the Official Court Reporter of said Court, duly appointed and sworn to report the evidence of causes tried therein.

That upon the trial (by jury) of this cause, beginning on the \_\_\_ day of \_\_\_\_\_, 20\_\_ , I recorded and transcribed all statements by counsel, the evidence given during the trial of this cause, the objections of counsel thereto, and the rulings of the Court upon such objections, the introduction of exhibits, the objections thereto, and the Court's rulings thereon.

I further certify that the foregoing transcript, as prepared, is full, true, correct and complete.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my Official Seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Official Court Reporter

SEAL

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Court  
\_\_\_\_\_ County, Indiana

Both T. R. 74 and Crim. R. 5 authorize a judge to use "other" persons to prepare a transcript from a trial or proceeding were the record was made by the electronic, mechanical or computer aided stenographic transcription devices. Other persons may be utilized to type a transcript from such recordings in compliance with orders from the Indiana Supreme Court and avoid a possible contempt sanction.

In the event that a person (other than the reporter who made the record of the trial or proceeding) types the transcript, the person who types the transcript signs a Reporter's Certificate that the transcript is complete and accurate with respect to all of the matters contained in the recording.

Examination of the **NORMAL CERTIFICATION REPORTER'S CERTIFICATE** form in the Appendix reveals that the word "true" is omitted from the **NORMAL CERTIFICATION REPORTER'S CERTIFICATE** in the event that a person other than the court reporter types the transcript from an audio tape(s). In other words, the assumption behind the **NORMAL CERTIFICATION REPORTER'S CERTIFICATE** is that the court reporter, who attended and witnessed the trial or proceeding and who made the record, prepared the transcript.

**REPORTER'S CERTIFICATE WITH TYPIST CERTIFICATION**

STATE OF INDIANA ) IN THE  
 COURT )  
 ) SS:  
 COUNTY OF ) CAUSE NO.

\_\_\_\_\_, )  
 Plaintiff, )  
 v. )  
 \_\_\_\_\_, )  
 Defendant. )

**FILE MARK**

REPORTER'S CERTIFICATE

I, \_\_\_\_\_, a Reporter of the \_\_\_\_\_ Court, \_\_\_\_\_ County, State of Indiana, do hereby certify that I am a Official Court Reporter of said Court, duly appointed and sworn to report the evidence of causes tried therein.

That upon the trial (by jury) of this cause, beginning on the \_\_\_ day of \_\_\_\_\_, 20 \_\_, I recorded all statements by counsel, the evidence given during the trial of this cause, the objections of counsel thereto, and the rulings of the Court upon such objections, the introduction of exhibits, the objections thereto, and the Court's rulings thereon. (INSERT NAME) transcribed all statements by counsel, the evidence given during the trial of this cause, the objections of counsel thereto, and the rulings of the Court upon such objections, the introduction of exhibits, the objections thereto, and the Court's rulings thereon. Further, I certify that I undertook and completed a review and comparison of the transcript prepared by (INSERT NAME) with my record of the trial.

I further certify that the foregoing transcript, as prepared, is [a] full, accurate, correct and complete [optional: transcription of all matters contained on the recorded proceedings].

IN WITNESS THEREOF, I have hereunto set my hand and affixed my Official Seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

SEAL

\_\_\_\_\_  
 Official Court Reporter  
 \_\_\_\_\_ Court  
 \_\_\_\_\_ County, Indiana



**SEPARATE CERTIFICATION OF EXHIBITS  
PERMITTED TO BE FILED BY COURT ON APPEAL**

STATE OF INDIANA ) ) COUNTY OF _____ ) _____ ) Plaintiff, ) v. ) _____ ) Defendant. )	) ) SS: ) ) ) ) )	IN THE _____ COURT CAUSE NO.  FILE MARK
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REPORTER'S CERTIFICATE

I, \_\_\_\_\_, Reporter of the \_\_\_\_\_ Court, \_\_\_\_\_ County, State of Indiana, do hereby certify that I am the Official Court Reporter of said Court, duly appointed and sworn to report the evidence of causes tried therein.

That upon the trial of this cause, beginning on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, the attached [Videotape], [State's] Exhibit No, \_\_\_, was offered into evidence.

I further certify that the attached Exhibit No. \_\_\_ is the full, true, correct and complete exhibit offered into evidence. I further certify that this separate certification was necessary due to the size of the exhibit.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my Official Seal, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_ .

\_\_\_\_\_  
Official Court Reporter

SEAL

\_\_\_\_\_ Court

\_\_\_\_\_ County, Indiana

**Motion for Extension to File Transcript  
Form App. R. 11-2**

IN THE  
INDIANA [SUPREME COURT OR COURT OF APPEALS]  
Case No.: \_\_\_\_\_

_____	)	Appeal from the _____
	)	Court
Appellant(s),	)	
vs.	)	Trial Court Case No:
_____	)	_____
	)	
Appellee(s).	)	The Honorable _____,
	)	Judge

**COURT REPORTER'S  
VERIFIED MOTION FOR EXTENSION OF TIME  
TO FILE TRANSCRIPT**

\_\_\_\_\_, the court reporter for \_\_\_\_\_ court, respectfully petitions the Court for an extension of time in which to file the transcript in this appeal. In support of this Motion, the court reporter shows the Court as follows:

1. The Appellant filed a Notice of Appeal on \_\_\_\_\_, 20\_\_\_. The notice of appeal requested the following transcript(s): \_\_\_\_\_.
2. Pursuant to Appellate Rule 11(B), the transcript is due ninety (90) days after the Notice of Appeal is filed. Unless this Motion is granted, the transcript is due to be filed with the trial court no later than \_\_\_\_\_, 20\_\_.
3. Arrangements have been made to pay for the preparation of the transcript.

OR

Satisfactory arrangements have not been made for the preparation of the transcript in that (explain).

4. I estimate the transcript will be \_\_\_\_\_ pages long and will take \_\_\_\_\_ hours to prepare.

5. I began work on the transcript on \_\_\_\_\_ and have completed \_\_\_\_\_ pages and spent \_\_\_\_\_ hours.

(OR)

I have not yet been able to begin work on the transcript because (state reasons specifically including case names and cause numbers and sizes of other transcripts, nature of case).

(OR)

I have not been able to complete the transcript because (state reasons specifically including case names and cause numbers and sizes of other transcripts, nature of the case)

6. I anticipate that I will complete the transcript on \_\_\_\_\_.

7. I request that the time within which to complete the transcript be extended to \_\_\_\_\_.

8. This is the (first/second/third) Verified Motion for Extension of Time to File Transcript.

WHEREFORE, \_\_\_\_\_, court reporter for \_\_\_\_\_ court respectfully requests an extension of time of \_\_\_\_\_ (\_\_\_\_\_) days within which to file the transcript to \_\_\_\_\_, 20\_\_.

I HEREBY AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

\_\_\_\_\_  
Court Reporter, \_\_\_\_\_  
\_\_\_\_\_ Court

**CERTIFICATE OF SERVICE**

I certify that on [insert date] I sent copies of this document to all parties of record and to the Clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court by United States Mail, postage pre-paid.

\_\_\_\_\_  
Court Reporter

**NOTICE OF FILING TRANSCRIPT**

**Form App. R. 11-1**

IN THE  
INDIANA [SUPREME COURT OR COURT OF APPEALS]

Case No.: \_\_\_\_\_  
[insert Supreme Court or Court of Appeals number]

_____,	)	Appeal from the _____
	)	Court
Appellant(s),	)	
	)	Trial Court Case No:
vs.	)	_____
	)	
_____,	)	
Appellee(s).	)	The Honorable _____,
	)	Judge

**NOTICE OF FILING OF TRANSCRIPT**

\_\_\_\_\_, the Court Reporter of \_\_\_\_\_ Court,  
hereby notifies the parties, pursuant to Appellate Rule 11(A), that the Transcript in this  
cause has been prepared and certified and is complete. This \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_, the Transcript was filed with the [clerk of the trial  
court/ Administrative Agency] in accordance with Appellate Rule[s] [28, 29 and/or 30].

\_\_\_\_\_  
Court Reporter

**CERTIFICATE OF SERVICE**

I certify that on [insert date] I sent copies of this document to all parties of record by United States Mail,  
postage pre-paid.

\_\_\_\_\_  
Court Reporter  
\_\_\_\_\_ Court