

SAC Rules of Appellate Procedure

Recommended Changes to Mass. R. App. P. 4(b)

Redlined Version

Rule 4: Appeal - When Taken

...

(b) Appeals in criminal cases

(1) In a criminal case, unless otherwise provided by statute or court rule, the notice of appeal required by Rule 3 shall be filed with the clerk of the lower court within 30 days after entry of the judgment, appealable order, or adjudication appealed from, or entry of a notice of appeal by the Commonwealth, or the imposition of sentence, whichever comes last.

(2) ~~The running of the time for filing a notice of appeal shall be terminated as to the moving party by a motion for a new trial pursuant to Massachusetts Rules of Criminal Procedure 25(b)(2) and 30 filed in the lower court within 30 days after the verdict or finding of guilt or within 30 days after imposition of sentence, and the full time fixed by this rule shall commence to run and shall be computed from the date of entry of an order denying such motion. If a motion for a new trial is filed under Massachusetts Rules of Criminal Procedure 25(b)(2) or 30 within 30 days of the verdict, finding of guilt, judgment, adjudication, or imposition of sentence, the period to appeal shall not terminate until 30 days from entry of the order disposing of the motion. If a motion is filed for reconsideration within 30 days of entry of the order disposing of the motion, the period to appeal shall not terminate until 30 days from entry of the order disposing of the motion for reconsideration.~~

(3) If a motion is filed for reconsideration within 30 days of an appealable order, judgment, or adjudication, the period to appeal from the decision for which reconsideration was sought shall not terminate until 30 days from entry of the order disposing of the motion for reconsideration.

...