

**Proposed Amendment to
Superior Court Rule 64: Appellate Division. Procedure and Forms**
(Applicable to criminal cases)

Current version of Rule 64, with proposed amendment shown in **boldface**:

Appeals to the appellate division, under G.L. Chapter 278, as amended, shall be signed by the person sentenced, on forms herein established to be furnished by the clerk.

Upon the imposition of a sentence which may be reviewed, the clerk shall forthwith advise the person sentenced of his right, within ten days to appeal to the appellate division for a review of the sentence or sentences imposed, notwithstanding that the execution of such sentence or sentences is stayed pending appeal or suspended with a term of probation, and shall make an entry on the docket that the person has been so advised.

The clerk shall forthwith notify the justice who imposed the sentence, of any appeal, and likewise shall notify the appellate division of any appeal.

If new process issues as a result of action by the appellate division, it shall recite the original sentence, sentences or disposition and set forth any amendment thereof.

The clerk of the appellate division shall send notice of the final action by the appellate division to the appellant, the superintendent of the correctional institution in which the appellant is confined, the clerk of the court in which judgment was rendered, the justice who imposed the sentence appealed from and the chief justice.

The appellate division shall hear appeals for the review of sentences only in those cases in which a claim of appeal has been filed within ten days after the date of the imposition of sentence.

Notwithstanding withdrawal of counsel's appearance for other purposes, counsel representing a defendant at sentencing shall continue to do so in any appeal to the Appellate Division of the Superior Court, unless (a) specifically excused by the court, or (b) successor counsel enters an appearance with the Appellate Division.

The appellate division, upon its own motion, or on written motion of the prosecutor, filed within sixty days of a resentencing, may revise or revoke any resentencing if the appellate division determines that any part of the resentencing was illegal.

The forms for appeal under the provisions of G.L. Chapter 278, Section 28B, shall be as follows:

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