

APPELLANT'S VERIFIED MOTION FOR PERMISSION TO FILE NON-
CONFORMING APPENDIX

Comes now the Appellant, [name], by his attorney, Steven Knecht, and pursuant to Appellate Rule 34(C), files his Motion for Permission to File a Non-Conforming Appendix herein as follows:

1. On [date], [name] was convicted by a jury trial of Class B felony Robbery. On November 25, 2014, the trial court sentenced [name] to twenty (20) years fully executed.

2. The jury trial that resulted in [name]'s conviction was the third jury trial in the trial court in this proceeding. The two previous jury trials on September 24, 2013 and on December 10 through December 13, 2013 resulted in mistrials.

3. Appellate Rule 49 (B) (1) (a) states that the Appellant's appendix in a criminal appeal shall contain copies of the Clerk's Record.

4. Because of the two prior mistrials, the Clerk's record in this matter is voluminous and is estimated to be over 1000 pages. The Chronological Case Summary attached to the trial clerk's Notice of Completion of Clerk's Record is twenty (20) pages in length. If all these documents were included in the Appellant's Appendix, the Appendix would consist of multiple volumes and contain numerous documents that would be irrelevant to the issues to be presented on appeal.

5. The best interests of justice and of judicial economy

would be served by expediting this appeal by granting a variance to the requirement that all documents contained in the Clerk's record be included in the Appellant's Appendix by requiring the Appellant's Appendix to include only the relevant documents necessary for the resolution of the issues raised in the appeal.

6. Pursuant to Appellate Rule 50(B)(2), the State may file an Appellee's Appendix containing any additional documents from the Clerk's record that it perceives to be vital to ensure the preservation of the appellate record for any future proceedings that may challenge the convictions herein, such as a federal habeas proceeding.

THEREFORE, [name] respectfully requests this Court to grant a variance to the requirement that all documents contained in the Clerk's record be included in the Appellant's Appendix by requiring the Appellant's Appendix to include only the relevant documents necessary for the resolution of the issues raised in the appeal.

I hereby affirm under the penalties for perjury that the foregoing representations are true to the best of my knowledge.

Respectfully submitted,