

ANNOTATED CHECKLIST  
 Petitions for Writs of Certiorari  
 Rule 39

Certiorari petitions are usually only considered if there are important reasons for certiorari review and the petition demonstrates the issue falls into one of the categories enumerated in Rule 39(a). Petitions should clearly state which category their petition concerns: the validity of an ordinance or statute, a constitutional issue, an issue of first impression, a conflict with existing precedent, or to overrule controlling Supreme Court caselaw. This checklist **excludes** Death Penalty petitions (special rules apply).

| Requirement  | ✓ |
|--|---|
| Filed within fourteen (14) days of lower appellate court's decision or order overruling application for rehearing. Rule 39(b)(3) - civil; Rule 39(c)(2) - criminal   |   |
| White cover. Rule 32(a)(3)   |   |
| Statement of issue(s). Rule 39(a)(1)(A)-(E)  |   |
| Statement as to why the writ should issue. Rule 39(a) & (d)(6)   |   |
| Petition limited to 15 pages. Rule 32(b)(2)  |   |
| Attach copies of the opinion or unpublished memorandum being challenged and a copy of the order overruling the application for rehearing, if one was filed the court of appeals. Rule 39(d)(4)   |   |
| OPTIONAL: Attach a verified statement of facts. Rule 39(d)(5)  |   |
| Two signatures (one for Petition & one for certificate of service). Rule 25A & Rule 25(d)  |   |
| Serve all parties, including lower appellate court who issued order. Rule 39(e) & Rule 25(b) & (d)   |   |
| Authorized manner of service (not ACIS or Alafile). Rule 25(c)   |   |
| Hard copies. Rule 39(e)  |   |
| Docket fee of \$150 (except criminal matters). Rule 39(b)(2) & Rule 35A.   |   |
| No responsive briefs unless ordered by Supreme Court. Rule 39(b)(4) - civil; Rule 39(c)(3) - criminal.   |   |
| If writ issues: Petitioner's brief within 14 days. Rule 39(g)(1). Response within 14 days of Petitioner's brief. Rule 39(g)(2). Petitioner's reply within 14 days of Response. Rule 39(g)(3). Colors of brief covers and page limits. Rule 32(b)(3). |   |