

Retention and Classification Report



Agency: Attorney General's Office. Appellate Division (1950)

, UT

Records Officer: Lee Nakamura
Analyst: Susan Mumford

06847 Criminal appeals case files
06400 Death penalty case files
06410 Post conviction/habeas corpus case files

AGENCY: Attorney General's Office. Appellate Division

SERIES: 6847

3

TITLE: Criminal appeals case files

VARIANT: District court criminal appeals

DATES: 1896-

ARRANGEMENT: Alphabetical by surname, thereunder chronological by year

ANNUAL ACCUMULATION: 20.00 cubic feet.

DESCRIPTION:

These files document criminal appeals in which the Attorney General's Office represents the State of Utah. The Attorney General's office is responsible for representing the state when a district court decision involving a felony charge or any juvenile court adjudication of delinquency is appealed to the State Supreme Court, Court of Appeals, or any federal court. These files contain a complete record of the case on appeal.

RETENTION:

Retain 26 years.

DISPOSITION:

Transfer to the State Archives permanently.

STATE RECORDS COMMITTEE STATUS:

This retention was approved by the State Records Committee on 06/01/1997.

FORMAT MANAGEMENT:

Paper: Retain in Office for 1 year after case closes and then transfer to State Records Center. Retain in State Records Center for 25 years and then transfer to State Archives.

APPRAISAL:

Administrative Historical

This disposition is based on the Utah State Courts records retention schedule which mandates that appellate records be retained permanently. Capital case files have a secondary historical value and are retained permanently for appellate and research purposes.

AGENCY: Attorney General's Office. Appellate Division

SERIES: 6847

TITLE: Criminal appeals case files

(continued)

PRIMARY CLASSIFICATION:

Private UCA 63G-2-301

SECONDARY CLASSIFICATION(S):

Controlled. UCA 63G-2-304 (2008)

AGENCY: Attorney General's Office. Appellate Division

SERIES: 6400

3

TITLE: Death penalty case files

DATES: 1896-

ARRANGEMENT: Alphabetical by surname, thereunder numerical by case number

ANNUAL ACCUMULATION: 1.00 cubic foot.

DESCRIPTION:

These files document automatic appeals to the Supreme Court by defendants convicted of capital offenses. The Attorney General's Office is responsible for representing the State of Utah in these proceedings. Information includes defendant's name, court case number, nature of the crime, facts of the case, degree of the crime, duration of the sentence imposed, claims of error on appeal, legal arguments, and correspondence.

RETENTION:

Retain 26 years.

DISPOSITION:

Transfer to the State Archives permanently.

STATE RECORDS COMMITTEE STATUS:

This retention was approved by the State Records Committee on 10/01/2000.

FORMAT MANAGEMENT:

Paper: Retain in Office for 1 year after case closes and then transfer to State Records Center. Retain in State Records Center for 25 years and then transfer to State Archives provided no pending action or litigation.

APPRAISAL:

Administrative Historical

This disposition is based on the historical value to researchers interested in the criminal justice system and capital punishment issues in the State of Utah.

AGENCY: Attorney General's Office. Appellate Division

SERIES: 6400

TITLE: Death penalty case files

(continued)

PRIMARY CLASSIFICATION:

Protected UCA 63G-2-305 (10),(12), (13), (16), (17), (22), (23), (34),
(51)

SECONDARY CLASSIFICATION(S):

Public. UCA 63G-2-301 (2008)

AGENCY: Attorney General's Office. Appellate Division

SERIES: 6410

3

TITLE: Post conviction/habeas corpus case files

VARIANT: File 3552

DATES: 1896-

ARRANGEMENT: Alphabetical by surname, thereunder chronological by year

ANNUAL ACCUMULATION: 10.00 cubic feet.

DESCRIPTION:

These files document cases where civil petitions for post-conviction relief and/or writs of habeas corpus have been filed in a state or federal district court by a convicted felon. Such petitions challenge the legality of the petitioner's imprisonment and/or conviction. The Attorney General's Office is responsible for representing the State when a response to a post-conviction/habeas corpus petition is required by the court. These files contain a complete record of the post-conviction or habeas corpus case.

RETENTION:

Retain 26 years.

DISPOSITION:

Destroy.

STATE RECORDS COMMITTEE STATUS:

This retention was approved by the State Records Committee on 12/01/1992.

FORMAT MANAGEMENT:

Paper: Retain in Office for 1 year after case is closed and then transfer to State Records Center. Retain in State Records Center for 25 years and then destroy provided no pending action or litigation.

APPRAISAL:

Administrative Legal

This disposition is based on Utah State General Records Retention Schedule, Schedule 1, Item 33.

This disposition is based on the maximum period of incarceration during which a complainant with good cause may petition the court of jurisdiction for a Writ of Habeas Corpus (RCP 65B (i)(4) (1988)), and the Utah State Courts records retention schedule.

AGENCY: Attorney General's Office. Appellate Division

SERIES: 6410

TITLE: Post conviction/habeas corpus case files

(continued)

PRIMARY CLASSIFICATION:

Private UCA 63G-2-301

SECONDARY CLASSIFICATION(S):

Public. UCA 63G-2-301(f) (2008)

Controlled. UCA 63G-2-304 (2008)