

Analysis of ORS chapters 19 and 138

ORS Chapter 19 Statutes that Explicitly Apply to Criminal Cases

19.005	Definitions	Per ORS 138.005(1)
19.250	Contents of notice of appeal	Per ORS 138.015
19.260	Filing by mail or delivery	Per ORS 138.015
19.270	Appellate jurisdiction of Supreme Court and Court of Appeals; trial court jurisdiction to enter appealable judgment or order	Per ORS 138.015
19.365	Preparation and transmission of record generally	Per ORS 138.015
19.370	Certification and service of transcript; correction of errors; settlement of transcript	Per ORS 138.015
19.380	Agreed narrative statement	Per ORS 138.015
19.385	Audio records	Per ORS 138.015
19.390	Bill of exceptions not required	Per ORS 138.015
19.395	Time extensions for preparation of record	Per ORS 138.015
19.420(3)	Reversal upon loss or destruction of reporter's notes or audio records	Per ORS 138.015
19.435	Memorandum decisions	Per ORS 138.015
19.450	Appellate judgment; when effective; effect of entry in trial court register	Per ORS 138.015
19.510	Powers of successor trial judge with respect to appeals	Per ORS 138.015

Equivalent Provisions in ORS chapter 138

19.240	How appeal to Court of Appeals taken	See ORS 138.081
19.255	Time for service and filing of notice of appeal	See ORS 138.071
19.405	Certification of appeal to Supreme Court	See ORS 138.255
19.410	Stipulated dismissals; settlement; effect of Settlement on pending appeal	See ORS 138.227
19.425(1)	Review of intermediate orders; directing restitution	See ORS 138.105(3) and ORS 138.115(3)

Statutes Not Applicable to Criminal/Violation Cases

19.205 Appealable judgments and orders

- 19.215 Determining amount in controversy in class action for purposes of appeal
- 19.225 Appealability of certain orders in class actions
- 19.245 Who may appeal; appeal of default judgments and judgments taken by confession; appeal of stipulated judgments
- 19.275 Continuing jurisdiction of trial court in certain domestic relations cases
- 19.300 Undertakings on appeal generally; filing and service
- 19.305 Qualifications of sureties; objections
- 19.310 Waiver, reduction or limitation of undertaking
- 19.312 Supersedeas undertaking in certain actions against tobacco product manufacturer
- 19.315 Requirements for use of letter of credit
- 19.320 Expiration and renewal of letter of credit
- 19.325 Payment on letter of credit
- 19.330 Stays generally¹
- 19.335 Stay by filing of supersedeas undertaking
- 19.340 Waiver of supersedeas undertaking; sale of perishables
- 19.345 Enforcement of judgment in contract action notwithstanding appeal
- 19.350 Discretionary stay by court
- 19.355 Stay of domestic relations judgment
- 19.360 Appellate review of trial court orders relating to undertakings and stays
- 19.375 Allocating cost of transcript
- 19.415 Scope of appellate review*
- 19.420 Action by appellate court on appeal; review of order granting new trial (1), (2) or judgment notwithstanding verdict*
- 19.425(2) Directing restitution in civil cases
- 19.430 Review of trial court order granting a new trial on court's own initiative
- 19.440 Award of attorney fees authorized by statute
- 19.445 Damages upon affirmance of judgment

Statutes that Should Apply to Violation Cases

- 19.235 Jurisdiction for determining whether decision is appealable
- 19.265 Payment of filing fee
- 19.400 Where appeals heard
- 19.500 Service of documents under provisions of chapter

* These statutes, defining the Court of Appeals scope of review on appeal in civil cases, are rendered inapplicable by the provisions of ORS 138.057 and other statutes providing that the scope of review applicable to misdemeanor and felony cases apply to violation cases.

Applicability of Chapter 138 Statutes to Violation Cases

Statutes that by Their Terms Already Apply to Violation Cases

- 138.057 Appeal from judgment involving violations
- 138.285 Order staying execution of sentence
- 138.295 Stay of judgment or order on appeal by state; release

Statutes that Should Apply to Violation Cases

- 138.005 Definitions for ORS 138.010 to 138.310
- 138.010 Mode of review; abolition of writs of error and certiorari
- 138.015 Statutes applicable to appeals
- 138.020 Who may appeal
- 138.030 Parties designated “appellant” and “respondent”; title of action
- 138.035 Appeal by defendant
- 138.045 Appeal by state [*should be amended to refer to appeals by private parties and appeals from “other political subdivisions”*]
- 138.065 Appeal from judgment or order deciding special statutory proceeding
- 138.071 Time within which appeal must be taken
- 138.081 Service and filing of notice of appeal [*should be amended to conform to amendments to ORS 138.045*]
- 138.085 Content requirements for certain notices of appeal
- 138.090 Signature to notice of appeal
- 138.105 Appeal by defendant [*should be amended to allow appeals from denials of motions for relief from default in violation cases*]
- 138.115 Appeal by state [*should be amended to allow appeals from grants of motions for relief from default in violation cases*]
- 138.210 Failure to file brief by appellant; appearance by defendant
- 138.225 Summary affirmation
- 138.227 Joint motion to vacate and remand
- 138.255 Court of Appeals certification of appeal to Supreme Court in lieu of disposition; party request for Supreme Court review
- 138.257 Determination on appeal
- 138.275 Notice to parties concerning modified judgment or order or supplemental judgment

Statutes that Do Not Apply to Violation Cases

- 138.052 Appeal from judgment of conviction and sentence of death
- 138.261 Time within which certain appeals [*death penalty, etc.*] must be decided
- 138.305 Delivery of defendant under sentence of imprisonment to intake center
- 138.310 Notice to court below when executive director of Oregon Public Defense Commission certifies costs, expenses or compensation