

[Attorney name
Attorney address
Attorney phone number]

February 18, 2021

Confidential Attorney-Client Communication

[Client name
CDCR #, if applicable
Client address]

Re: [Case name and Court of Appeal case number]

Dear [Client name]:

I am writing to you about your appeal from [identify case type]. I have read the transcripts, completed the necessary legal research, and thoroughly reviewed all parts of your case. Unfortunately, I was unable to find any way to challenge [your conviction and/or sentence] on appeal. [More detail as applicable. Identify issues appellate counsel researched (if any) and why they were rejected, especially any issues the client flagged; in a guilty plea case, explain the limited scope of appellate review.]

Because my research indicates there are no arguable issues in your appeal, I must file a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436. [As I mentioned in my previous letter,]¹ a *Wende* brief does not contain any legal arguments seeking reversal or modification of the judgment. Instead, a *Wende* brief sets forth the relevant procedural and factual history of the case and then asks the appellate court to conduct a full, independent review of the record. If, after conducting an independent review of the record, the court believes there may have been an error made in your case, it will instruct me to review, research and discuss that error in a supplemental brief. Your copy

¹ Practice note: It is generally advisable for counsel to inform the client a *Wende* brief will be filed well in advance of the filing date so as to afford the client an opportunity to communicate with counsel about any issues s/he might think should be raised and any questions s/he may have about the *Wende* review process.

of the *Wende* brief I filed today in the Court of Appeal is enclosed with this letter.

You have the right to file a supplemental brief by yourself if you feel there are legal arguments that should be made. This is your opportunity to explain to the court the issues you want to appeal. Your brief (a letter is fine) does not need to be as formal as the one I have filed today with the court. Your letter or brief can just discuss any errors you believe were made in your case. The court will consider your submission along with the *Wende* brief that I have filed. If you would like me to send you the transcripts of your case so that you can use them to write a supplemental brief, please let me know as soon as possible.² If you decide to file a supplemental brief or letter, it must be filed within 30 days from today, on [due date].

You may also ask the court to remove me as your attorney. To do this, you need to write to the court and explain why you want me removed. I am advising you of this right because you need to be informed of your rights, not because I want to be removed.

If you decide to file a supplemental letter brief and/or a request to remove me as your attorney, you should include the case name and appeal number [Case name and Court of Appeal number] on those documents. You can send the documents directly to the court at the following address:

California Court of Appeal
First Appellate District, Div. [Number]
Attn: Court Clerk
350 McAllister Street
San Francisco, CA 94102

I have reviewed everything carefully, and my research indicates there are no meritorious legal claims to be made. But if the Court of Appeal believes there were any possible errors made in your case, it will ask me to do further research. Should that happen, I will gladly conduct additional research and file supplemental briefing on your behalf. Please let me know your current address, and write or call collect if you have any questions. I will let you

² Practice note: If counsel sends the paper copy of the transcripts to the client at the time the *Wende* brief is filed, counsel should retain a copy in the event the Court of Appeal requests supplemental briefing

know as soon as I receive any rulings or the decision from the Court of Appeal.

Sincerely,

[Attorney name]

Encl.