

[Attorney name
Attorney address
Attorney phone number]

January 4, 2023

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 thoroughly reviewed your case and researched the relevant legal authorities. Unfortunately, I was unable to find any way to challenge the superior court's denial of [identify type of post-conviction relief] on appeal. *[Include more detail as applicable. Identify issues appellate counsel researched (if any) and why they were rejected, especially any issues the client flagged.]*

Because my research indicates there are no arguable issues in your appeal, I must file a no-issues brief pursuant to *People v. Delgadillo*, S266305 (December 19, 2022). Your copy of the brief I filed today is enclosed.

A no-issues brief does not contain any legal arguments seeking reversal or modification of the judgment. Instead, the brief sets forth the relevant procedural and factual history of the case. The brief also asks the Court of Appeal to conduct a full, independent review of the record to look for arguable issues. However, under the recent *Delgadillo* decision, **the Court of Appeal**

* **Practice Note:** The procedures outlined in this letter apply to no-issues briefs filed in appeals of section 1172.6 resentencing petitions and other post-conviction motions or petitions that do not involve the client's first appeal of right. For a sample letter when counsel files a no-issues brief in an a client's first appeal of right, see the sample [Wende Letter to Client](#).

is not required to review the record (although it has discretion to review the record if it wishes). There is no reason to assume that the court will conduct its own record review.

The only way to ensure that the Court of Appeal reviews any possible issues is for you to bring those issues to the court's attention yourself. 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, in your own words, the issues you want to appeal. Your brief does not need to be as formal as the one I filed today. You can simply write a letter explaining any errors you believe were made in your case. 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.† **If you decide to file a supplemental brief or letter, it must be filed within 30 days from today, on [due date].**

You are not required to file a supplemental brief. **However, if you do not file one, the Court of Appeal will likely dismiss the appeal as abandoned.** On the other hand, if you do file a supplemental brief, the court will consider your arguments and will issue a written opinion addressing them. If, after reviewing your brief, the Court of Appeal 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.

You also have the right to ask the court to remove me as your attorney. To do this, write to the Court of Appeal 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

† **Practice note:** If counsel sends the paper copy of the transcripts to the client at the time the no-issues brief is filed, counsel should retain a copy in the event the Court of Appeal requests supplemental briefing

350 McAllister Street
San Francisco, CA 94102

Please contact me if you have any questions about how to submit a letter or brief to the Court of Appeal. I will continue to update you regarding the status of the appeal.

Sincerely,

[Attorney name]

Encl.