

ATTORNEY INSTRUCTIONS

You have notified this Court that you have been retained to represent the defendant or you have been placed upon this Court's list of attorneys eligible for appointment to represent indigent criminal defendants charged with felony offenses in Ellis County.

The following duties and responsibilities of attorney representation are in place:

1. Attorneys are expected to meet all time requirements set out in any notice of settings and in the Standing Pretrial Order or to obtain an extension. Attorneys are expected to be on time for all Court appearances or notify the Court, Court Coordinator, Court Reporter or leave messages regarding delays. Resets should be requested prior to the time designated for appearance. Resets will not be granted without obtaining a date certain for a rescheduled appearance.
2. Attorneys are required to comply with all appellate court time limits or to obtain appropriate extensions prior to the expiration of those time limits.
3. In the event Waiver of Appeal is not filed, retained attorney remains as defendant's counsel for all criminal case purposes including any appeal to the Court of Appeals until expressly permitted to withdraw and substitute counsel is either retained or appointed. *Bonner v. State* 29 S.W.3d 360 (Tex. App. Waco 2000).
4. Attorneys are required to appeal a conviction to the Court of Appeals or file a Waiver of Right of Appeal with the Court or receive express permission from the Court to withdraw. *Ex Parte Axel* 757 S.W.2d 369 (Tex. Cr. App. 1988). No additional appointment or notice from this Court to do so is required or necessary. *Ward v. State* 740 S.W.2d 794 (Tex. Cr. App. 1987). Unless a defendant objects, the Court reserves discretion to replace appointed trial counsel with a different appointed appellate counsel.
5. Appointed attorneys are required to obtain trial court authorization in order to file a Petition for Discretionary Review with the Court of Criminal Appeals, unless appointed attorney desires to do so pro bono. Authorization will be granted in only the most unusual circumstances. (*Polk v. State* 676 S.W.2d 408 (Tex. Cr. App. 1984)). The attorney appointment is automatically continued for the purpose of response to any State PDR or State motions for rehearing.
6. In the event the Court of Appeals affirms a conviction, attorneys are required to inform the defendant of the result of the appeal and of the availability of discretionary review and that defendant has no constitutional right to the appointment of an attorney for that purpose and that the Court has not appointed an attorney for that purpose. *Ex Parte Wilson* 956 S.W.2d 25 (Tex. Cr. App. 1997)
7. Appointed attorneys who file an appellate brief of the type set forth in *Anders v. California* 386 U.S. 738 must comply with the requirements enunciated in *Stafford v. State* 813 S.W.2d 503 (Tex. Cr. App. 1991). Any appellate brief, whether "Anders" or not, ordered to be re-briefed by the Court of Appeals because of inadequacy will not be compensated.
8. Appointed attorneys are required to inform and remind their clients of the requirements of Accused's Instructions Regarding Court-Appointment of Attorney which is attached.
9. Failure to comply with these requirements may result in remedial measures to include removal from the appointment list or suspension from criminal defendant representation in this Court as determined by the Court on an individual basis.