

STEPS IN HANDLING APPEAL CASES

Upon losing a case after trial, the **trial attorney**¹ shall:

1. Complete the initial report² of new appeal form and forward it to the Regional Supervisor of the Louisiana Appellate Project.
2. File the appropriate post trial motions, Motion for New Trial and Motion for Post Verdict Judgment of Acquittal.

After sentencing, the **trial attorney** shall:

1. File a Motion for Appeal. Samples are enclosed. In some districts, the record is designated in the motion, a practice which should be continued.
2. File any appropriate post sentencing motions, including when appropriate, a Motion to Reconsider Sentence. These could also include appropriate motions for discovery and the like, if a habitual offender proceeding is instituted. Any hearing which may be required on the motions are the responsibility of the trial attorney.
3. Send a letter to the Court of Appeal, pursuant to C.Cr.P., Art. 915, notifying them of the new appeal. This must be done within seven (7) days. A sample is enclosed.
4. Complete the second report of new appeal and forward it to the Regional Supervisor of the Louisiana Appellate Project.
5. Designate the transcript to be prepared for the appeal, if not in the motion for appeal.

If there is a second sentencing proceeding, the trial attorney should repeat the steps above as they may be appropriate, but always to include completion of a multiple offender report to be sent to the Regional Supervisor.

If the matter is resolved by a plea, rather than a trial, such as a **Crosby** plea or the sentence was to a PSI and the imposed sentence is felt to be excessive, then both the initial and second report should be completed and sent at the same time.

¹The references herein are to the trial attorney. The district may, if desired, substitute someone else to handle some or all of these steps. The practice varies from district to district and the intent is not to insist on a particular allotment of responsibilities within the district office.

²All forms mentioned herein are meant to be brief. They may be handwritten, if legible, typewritten or put into your computer. Additional sheets may be attached if necessary.

After sentencing, the **district office** shall refer any inquiries regarding the appeal to the Louisiana Appellate Project. If the district office has been informed of the specific attorney who is assigned the case, the referral should be to that person. If the request is made before that time, the referral should be to the Regional Supervisor.

As soon as it is received, the **district office** shall forward the transcript to the assigned attorney. Assignments will be made geographically when possible, so that it may be easiest to simply call the attorney and let that person know that the transcript is available.

The **district office** will also make available to the appellate attorney the trial file (or a full copy thereof in the discretion of the district office) upon request of the appellate attorney.

The **Appellate Project**, through its Regional Supervisor, will notify both your office and the local Clerk's Office of the attorney assigned as soon after the appeal motion is filed, so that the notices can be sent to the appropriate attorney.

The **appellate attorney** will promptly notify the client of the representation. Thereafter the attorney will use his/her best efforts to produce the appropriate brief and to communicate with the client. The **appellate attorney** will be responsible for sending a copy of the brief and the transcript to the client. Once rendered, the **appellate attorney** will furnish a copy of the decision to the client, together with information as to whether or not the work of the appellate attorney is completed. The **appellate attorney** will return the trial (if it was requested from the district office) and appellate files to the **district office** at the completion of the work. The **appellate attorney** will notify the **trial attorney** if there is any further hearings ordered by the Court of Appeal so that the trial attorney will be fully informed of what is expected by the appellate decision.

Both the **trial attorney** and **appellate attorney** will communicate with each other, upon request, as to matters dealing with the client and the appellate issues.

The **Regional Supervisor** in the Fifth Circuit is:

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