

WAIVER OF CONSTITUTIONAL RIGHT TO AN APPEAL

Case Name

1. I am the defendant in the above-captioned case. I pleaded guilty and was sentenced on _____.
2. My lawyer has explained to me that even though my appellate rights are limited because I knowingly and voluntarily pleaded guilty, I may still pursue my right to appeal my guilty plea. I understand the only issue I can pursue on an appeal after pleading guilty is that my sentence is illegal. Any other challenges to my guilty plea can only be pursued by filing a motion to withdraw (if before sentencing) or through the Post-Conviction Remedies Act (if after sentencing), where I am not guaranteed the assistance of counsel.
3. If I pursue an appeal to challenge the legality of my sentence, I have the constitutional right to effective assistance of counsel. I understand that I can be appointed counsel free of charge to represent me on my appeal if I am indigent.
4. I understand that I have 30 days from the date of the final decision (most likely sentencing) to file a notice of appeal. The notice will only preserve my right to pursue an appeal; it can be withdrawn if I later change my mind. I also understand that if the notice is not filed within the time limit, it will become almost impossible to be able to appeal the legality of my sentence at a later time.
5. My lawyer has also explained to me the function of an appeal and what is meant by a sentence being illegal. My lawyer has explained to me whether or not in the lawyer's opinion my sentence is illegal.
6. My lawyer has discussed with me what could happen if my appeal were successful and what other methods may be available to challenge an adverse ruling.
7. My lawyer has discussed with me what if any negative consequences could occur if I were to pursue my appeal.
8. My lawyer has explained to me the repercussions of waiving an appeal and not filing a notice of appeal.
9. After considering my lawyer's advice, I have made up my own mind that I do not wish to continue my appeal/do not wish for a notice of appeal to be filed (circle one)
10. No one has threatened me or promised me anything in return for giving up my right to appeal. I understand that if I voluntarily give up my right to appeal, I cannot change my mind later and get back my appellate rights.
11. I understand that I may, but I do not have to, state my reasons for requesting that my appeal be dismissed.
12. I have read this statement and I understand what it says.

Defendant's Name

Date

Attorney's Name

Date

My reasons for waiving the right to appeal below (optional):