

WAIVER OF CONSTITUTIONAL RIGHT TO AN APPEAL

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Case Name

1. I am the defendant in the above-captioned case
2. My lawyer has explained to me that I have the constitutional right to an appeal and that includes the constitutional right to the effective assistance of appellate counsel. I understand that I can be appointed counsel free of charge to represent me on my appeal if I am indigent.
3. I understand that I have an absolute right to appeal my case, and that I am the only person who can decide to withdraw the appeal.
4. I understand that I have 30 days from the date of the final decision in my case (most likely sentencing) to file a notice of appeal. The notice of appeal will only preserve my right to pursue an appeal; it can be withdrawn if I later change my mind.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 of appeal is not filed within the time limit, it will become almost impossible to be able to appeal my conviction at a later time.
5. My lawyer has also explained to me the function of an appeal and the types of relief an appellate court can give.
6. I believe my lawyer is familiar with my case and has had the opportunity to review the record from my trial.
7. My lawyer has/has not [circle one] obtained the transcripts from my trial and reviewed them.
8. My lawyer has discussed with me the possible appellate issues in my case and the strength of those issues, what could happen if my appeal were successful, and what other methods may be available to challenge an adverse ruling.
9. My lawyer has also discussed with me what if any negative consequences could occur to me if I were to pursue my appeal and allowed me to weigh the pros and cons of pursuing an appeal.
10. My lawyer has also explained to me the repercussions of waiving an appeal.
11. 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 (pick one)
12. 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.
13. I understand that I may, but I do not have to, state my reasons for requesting that my appeal be dismissed.
14. I have read this statement and I understand what it says.

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Defendant's Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney's Name

\_\_\_\_\_  
Date

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