

## 6 Cir. R. 101 Appeals in Criminal Cases

- (a) **Continued Representation on Appeal.** Trial counsel in criminal cases, whether retained or appointed by the district court, is responsible for the continued representation of the client on appeal until specifically relieved by this Court.
- (b) **Appointment of Trial Counsel as Appellate Counsel.** If trial counsel was appointed by the district court and a notice of appeal has been filed, trial counsel will be appointed as appellate counsel without further proof of the defendant's indigency.
- (c) **Appearance of Counsel.** See 6 Cir. R. 12.
- (d) **Application for Pauper Status on Appeal.** See 6 Cir. R. 24.
- (e) **Presentence Investigation Report.** See 6 Cir. I.O.P. 11(b).
- (f) **Withdrawal of Appellate Counsel.** A motion to withdraw as counsel on appeal in a criminal case must state the reasons for such relief and be accompanied by one of the following:
  - (1) a showing that new counsel has been retained to represent defendant, together with a signed appearance by new counsel; or,
  - (2) an affidavit or signed statement from the defendant showing that the defendant has been advised of the defendant's rights with regard to the appeal and expressly stating that the defendant elected to withdraw the appeal; or,
  - (3) a brief following the procedure described in *Anders v. California*, 386 U.S. 738 (1967). In addition to the service otherwise required, counsel shall serve a copy of the brief and motion on the defendant and advise the defendant that the defendant has 21 days from the date of service in which to file a brief in support of reversal of the conviction. Such a motion must be accompanied by proof of service on the defendant; or,
  - (4) a detailed statement setting forth reasons why it would be unethical, unfair or unreasonable to require counsel to continue to represent defendant. In addition to the service otherwise required, counsel shall serve a copy of the motion, including this statement, on the defendant and advise the defendant that the defendant has ten days from the service of the motion to file a response with this Court. Such a motion must be accompanied by proof of service on the defendant.
- (g) **Petition for Writ of Certiorari.** Counsel appointed by the Court is obligated to file a petition for a writ of certiorari in the Supreme Court of the United States if the client requests that such a review be sought and, in counsel's considered judgment, there are grounds for seeking Supreme Court review.

(h) **Direct Appeals of Federal Convictions in Which the Sentence Is Death.** The page limitations and time requirements of 6 Cir. R. 22(c)(5), (7), (8), (9), and (10) are also applicable to direct appeals of federal convictions which result in a sentence of death.

(i) **Motions for Extension of Time.** See 6 Cir. R. 26(b).

COMMITTEE NOTE: (a),(b), (d), (e) and (g) - former 6th Cir. R. 12 (a), (b), (c), (d), (e), and (f); (c) - former I.O.P. Chapter 3; (f) - except for (f)(4), former 6th Cir. R. 12(e); (f)(4) - new; (h) - new; (i) - former I.O.P. 17.10.