*[Letterhead]*

*[Date]*

**ATTORNEY-CLIENT CONFIDENTIAL COMMUNICATION**

*[Name of Client]*

*[Address]*

 *Re: People v. [Name of Client, Court of Appeal Case No.]*

Dear *[Name of Client]*:

I have completed my review of the record in your case and have examined the applicable law. Unfortunately, the record did not disclose any arguable issues. The following explains my analysis of your case.

**Analysis**

*[Insert analysis: include relevant procedural background and facts, address issue(s) examined, including any desired by the client, and include legal authorities for the client's understanding.]*

**Consult with other attorney(s)**

 *[Practice Tip: Because a review of the record will be necessary by an ADI staff attorney to be followed by this letter with enough time for appellant to reply, counsel must be diligent and request a Delgadillo review after thorough examination of the record with sufficient time before the Delgadillo due date to send the letter and await a reasonable time for appellant to respond.]*

*[Set forth communication with trial attorney for his/her input on issues.]* In addition, in cases where a court-appointed appellate attorney concludes the record does not present an arguable issue, court policy requires a second attorney to review and analyze the record to determine if there are any issues to raise on your behalf. Another experienced appellate attorney, a staff attorney from Appellate Defenders, Inc., reviewed your case and the case law and concluded there are no potentially arguable issues to raise on appeal.

**My brief**

I am happy to answer any questions you have regarding the above assessment and to consider any issues you bring to my attention. I have enclosed your transcripts to help you: *[Describe transcripts. If the client has requested that transcripts not be sent, then this will need to be tailored.]*

My brief is currently due for filing in the Court of Appeal on *[date]. [If applicable, add: I can request an extension of time to provide you time to review your record and to permit further communications between us.]* Unless I change my assessment, I will file a *Delgadillo* brief, prepared in accordance with the case of *People v. Delgadillo* (2022) 14 Cal.5th 216. It will set forth the background of the case, facts, and list the issues I examined. It requests the Court of Appeal to independently review the record to determine whether there are any potential issues to raise on your behalf. I will send you a copy of the brief.

 **Your brief, if you wish to file one**

When counsel files a *Delgadillo* brief, the court permits you, by court order, to file within 30 days of the court order your own supplemental brief in which you can raise the claims of error you want the court to consider. If you need additional time, you may ask the court, but any additional time is up to the court.

**If you do not send a supplemental brief to the Court of Appeal, your appeal will likely be dismissed.** I emphasize that if you file a supplemental brief, the court is required to examine the record independently to determine if an issue has possibly been missed. If the court has any doubt in that regard, it will ask for briefing from me. But if you do not file a supplemental brief, while a court may review the record, it is not required to do so and is likely to dismiss the appeal without reviewing the record at all.

Your claims must be based on the record. The claims cannot be based on anything that is not contained in the record and are limited to the basis of the appeal, as set forth in your notice of appeal. *[Describe any limitations.]* It is important for you to state clearly to the Court of Appeal your reason or reasons for seeking *[set forth the remedy requested]*.

Your supplemental brief need not be formally prepared, as the court understands you have limited resources. You can write a letter to the court and describe it at the beginning as your “Supplemental Delgadillo Brief” and include your Court of Appeal number at the top of your brief.

You also can make a request to the court to have me relieved as your attorney if that is what you want. By no means am I suggesting that I do not want to continue working on your case, but I have a duty to inform you that you do have that right.

The supplemental brief is filed in the Court of Appeal at the below address. It is important to deliver the mail to the prison official no later than the due date and ensure that the official **signs and dates** the back of the envelope confirming receipt. Although the law recognizes timely filing upon receipt by the prison official, it is highly recommended that the brief be mailed to the Court of Appeal sufficiently in advance of the due date to avoid any problems. The address is:

California Court of Appeal Fourth Appellate District, Division *[number]* *[address]*

Copies of the supplemental brief should be mailed to me at the above address and to the Attorney General. The Attorney General’s address is:

Attorney General 600 W. Broadway St., Suite 1800 P.O. Box 85266 San Diego, CA 92101

If you file a supplemental *Delgadillo* brief, the Court of Appeal will review the record. If it finds you have raised a potential issue, it will let me know and direct me to brief it. If the court does not find any arguable issue, then it will affirm your conviction and sentence. Again, if you do not file a supplemental brief, the Court of Appeal will likely dismiss the appeal without having reviewed the record. When I receive the Court of Appeal’s decision in the form of an opinion or a dismissal, I will forward it to you.

Please let me know if you have any questions or wish for me to consider other issues for the appeal. Please respond by *[date]*. If I do not hear from you by that date, I will proceed with filing the *Delgadilo* brief.

 Sincerely,

*[Name of Attorney]*