*[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 attorneys(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 Wende reviews after thorough examination of the record with sufficient time before the Wende 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 *Wende* brief, prepared in accordance with the case of *People v. Wende* (1979) 25 Cal.3d 436. It sets forth the background of the case, facts, and lists the issues I examined for the Court of Appeal to consider. It requests the court to undertake its duty to independently review the record to determine whether there are any potential issues to raise on your behalf. This essentially provides you with a third review of the record and a third opinion.

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

When counsel files a *Wende* brief, the court permits you, by court order, to file in a specified period 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.

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 Wende Brief” and include your Court of Appeal No. *[number]*.

You also can make a request to the court to have me relieved as your attorney if that is what you want. It is up to the court whether to relieve me.

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

After a supplemental *Wende* brief is filed in the Court of Appeal or the time period has passed, the Court of Appeal will review the record. If it finds 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.

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 *Wende* brief.

Sincerely,

*[Name of Attorney]*