

## ANDERS BRIEFS IN CRIMINAL AND DELINQUENCY APPEALS

### IDS Policy:

If appointed appellate counsel in a criminal or juvenile delinquency case concludes that there are no meritorious issues to be raised on appeal, counsel must notify the Appellate Defender of this conclusion and afford the Appellate Defender a reasonable opportunity to review the appellate record for the existence of an appealable issue before filing a brief in the Appellate Division pursuant to *Anders v. California*, 386 U.S. 738 (1967). In all cases submitted for *Anders* review, counsel must provide the Appellate Defender with a detailed procedural history of the case, a detailed summary of the facts of the case, and a list of the potential issues that counsel considered briefing and the reasons counsel concluded they had no merit. The procedural history, summary of facts, and list of issues do not need to be polished or filing-ready text and can be in outline format, but must accurately convey the history, facts, and counsel's issue analysis.

If appointed appellate counsel fails to follow this procedure, he or she will not be compensated for work on the appeal. Appointed appellate counsel who files an *Anders* brief must note in the fee application that he or she has done so and has complied with this procedure.

Policy effective September 1, 2004; amended May 12, 2006, January 12, 2009, and June 11, 2014.

### Authority:

G.S. 7A-498.3(c); IDS Rules 3.3(a), 3.4(f).