

pursuant to G.S. 15A-141(3) was obligated to represent the defendant at all subsequent stages of the case through entry of final judgment where motion to withdraw because of nonpayment was denied).

- B. Withdrawal.** The trial court may allow an attorney to withdraw from a criminal proceeding upon a showing of good cause. G.S. 15A-144. The North Carolina Supreme Court has said that whether good cause exists for withdrawal depends on the circumstances of a given case and has declined to set forth any “all-embracing rule” regarding withdrawal. *Smith v. Bryant*, 264 N.C. 208, 211 (1965). However, as discussed above, an attorney may not continue to represent a defendant where a conflict of interest renders his or her representation ineffective. See [Ineffective Assistance of Counsel](#), in this Benchbook. Other than situations where continued representation would result in ineffective assistance of counsel, whether to allow an attorney to withdraw from a case is a matter in the trial court’s discretion. *State v. Warren*, 244 N.C. App. 134, 143 (2015) (denial of motion to withdraw is prejudicial error only where defendant receives ineffective assistance of counsel); *State v. Curry*, 256 N.C. App. 86, 95-96 (2017) (trial court did not err by denying defense counsel’s mid-trial motion to withdraw based upon counsel’s contention that he was unable to trust the defendant); *State v. Bridges*, 290 N.C. App. 81, 84-90 (2023) (trial court did not err by denying defense counsel’s motion to withdraw on basis of asserted conflict of interest arising from state’s allegation that counsel had improper contact with state’s witness; trial court made sufficient inquiry into issue and defendant validly waived any potential conflict).

An attorney who appears for a limited purpose pursuant to G.S. 15A-141(3) “is deemed to have withdrawn from the proceedings, without the need for permission of the court, when that purpose is fulfilled.” G.S. 15A-143.

An attorney who contravenes G.S. 15A-143 by making a general appearance and then willfully refusing to appear without first perfecting a withdrawal violates the Rules of Professional Conduct. *North Carolina State Bar v. Key*, 189 N.C. App. 80, 92 (2008). Such behavior may be grounds for criminal contempt. *State v. Key*, 182 N.C. App. 624, 629-31 (2007); see also [Contempt](#), in this Benchbook. Note that Rule 1.16 of the North Carolina Rules of Professional Conduct describes certain situations where an attorney must withdraw from representation. Comment 3 to Rule 1.16 regarding mandatory withdrawal states that a “lawyer’s statement that professional considerations require termination of the representation ordinarily should be accepted as sufficient” to permit withdrawal. The North Carolina Court of Appeals has held a trial court does not abuse its discretion by allowing counsel to withdraw on the basis of such a statement. *State v. Smith*, 241 N.C. App. 619, 627 (2015).

- IX. Fees for Appointed Counsel.** Under G.S. 7A-455, a trial court must direct that a civil judgment for the money value of services rendered be appointed counsel be entered against defendants who are convicted, whether at trial or by guilty plea. The value of services must be determined in accordance with IDS Rules and certain factors described by the statute. G.S. 7A-455(b). In addition to the value of services rendered, G.S. 7A-455.1 requires convicted defendants to pay an appointment fee of seventy-five dollars. Before imposing attorney’s fees, the trial court must give the defendant notice of the total amount of fees to be imposed and ask the defendant personally whether he or she wishes to be heard on the issue. *State v. Friend*, 257 N.C. App. 516, 523 (2018) (“Absent a colloquy directly with the defendant on this issue, the requirements of notice

and opportunity to be heard will be satisfied only if there is other evidence in the record demonstrating that the defendant received notice, was aware of the opportunity to be heard on the issue, and chose not to be heard.”); *State v. Harris*, 255 N.C. App. 653, 664 (2017) (defendant must be given notice of the total amount of fees to be imposed; imposition of fees vacated where appointed counsel had not calculated hours worked at the time judgment was entered). For a fuller discussion of attorney’s fees for appointed counsel, including requiring the payment of attorney’s fees as a condition of probation under G.S. 15A-1343, see [DEFENDER MANUAL](#) at 12.9.