

Working with the Appellate Division

Should my client appeal?

You don't need to know:

- The precise issues for appeal
- The risks to the client for getting a new trial/ plea withdrawal/sentencing
- Is there merit to an appeal?

Things you do need to worry about:

- Timely file the notice of intent (usually 20 days); if untimely, then motion to extend
- See “Perfecting Appeals in WI Public Defender Cases” (wispd.org – Appellate Division)
- Sentence credit
- Restitution
- Bail/Stay pending appeal (§809.31 release pending appeal; §808.07 court may “stay execution or enforcement of a judgment or order”)
- Who is the assigned appellate attorney?

Working with successor counsel:

- Appellate Questionnaire (contact info; any guidance on client's objectives)
- Send the client file
- Talk; Answer questions about the case; successor counsel is looking for ways to help your client

Preserving Issues for Appeal

- Make a record
- Motions, objections, and rulings
- Pleas waive everything except for preserved suppression issues (971.31(10))
- Understanding Ineffective Assistance of Counsel claims
- Call if you have a question about whether an issue is preserved

Additional Considerations

- On Point
- Feel free to call a manager, but research your issue first

