

### **31.219 Appeal by public advocacy attorney.**

- (1) It shall be the duty of the attorney representing a client under any public advocacy plan to perfect an appeal if his client requests an appeal.
- (2) After the attorney has filed a notice of appeal as required by the Rules of Criminal Procedure, he shall forward to the Department of Public Advocacy a copy of the final judgment, the notice of appeal, a statement of any errors committed in the trial of the case which should be raised on appeal, and a designation of that part of the record that is essential to the appeal.
- (3) No attorney participating in any public advocacy plan shall be compensated for his services until he has perfected an appeal for a client who requests an appeal and has filed the information required in subsection (2) of this section.
- (4) Any public advocacy attorney who is representing a client on appeal who after a conscientious examination of said appeal believes the appeal to be wholly frivolous after careful examinations of the record may request the court to which the appeal has been taken for permission to withdraw from the case. The attorney must file with that request a brief which sets forth any arguments which might possibly be raised on appeal. A copy of the request for permission to withdraw and the brief must be served upon the client in sufficient time so that the client may raise any argument he chooses to raise.

**Effective:** July 15, 2002

**History:** Repealed, reenacted, and renumbered 2002 Ky. Acts ch. 283, sec. 16, effective July 15, 2002. -- Amended 1978 Ky. Acts ch. 155, sec. 28, effective June 17, 1978. -- Created 1976 (1st Extra. Sess.) Ky. Acts ch. 24, sec. 1.

**Formerly codified as** KRS 31.115.