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CONFIDENTIAL LEGAL MAIL BETWEEN ATTORNEY & CLIENT

Re: People v. [Client Name]; Case No. [Case No.]

Dear [Salutation]:

I have carefully reviewed the transcripts in your appeal and I am sorry to inform you that I have found no issues that offer any hope of success on appeal.

[Describe specific issues rejected or problems.]

At this point, my plan is to file what is known as a "*Wende*" brief. *People v. Wende* (1979) 25 Cal.3d 436 is a California Supreme Court case which says that the appellate court must review everything in all the transcripts and any other material in the appellate record to see if there is anything there that I have missed. You will receive a copy of this brief when it is filed.

In the *Wende* brief I will set out a summary of what happened in the trial court, and I will ask the appellate court to review the entire record on its own. Although the Court of Appeal will carefully review the record for arguable issues, based on my research and careful review of the record, I do not believe there is any reason to think the court will find an issue.

However, you do have some rights in connection with a *Wende* brief. Please read these carefully:

- 1. You have the right to file a supplemental brief of your own directly with the court.** If you have anything you would particularly like the court to look for, you may raise that issue in your brief. Your brief does not have to be as formal as the opening brief that I file. The court will understand that you cannot get brief covers and other material in prison. The

brief should have at least the name of the case and the court's case number on it. Since the court will review the entire record, you do not have to do much more than let it know what issues you think I should have raised on your behalf. If the court agrees with you, it will order me to brief the issues more fully for you. Your brief must be filed within 30 days of the date that mine is filed.

Send your signed brief to the Court of Appeal at: _____[insert court address]_____

Send a copy of your brief to the following: _____[insert list of parties and addresses, or provide a separate attached list] _____

2. The court only provides one set of transcripts to you during the appeal and that copy was sent to me. You have the right to have your copy of the transcripts in order to help you prepare your own brief, which includes citations to the record. If you ask me to do so, I will send you this copy of the record. However, whether or not you file your own brief, the court may find some issues that it wants me to address in another brief. For that reason, I am going to hold on to the transcripts for now, and I will only send them to you if you ask me to do so.

3. You have the right to ask the court to relieve me as your attorney. The court may or may not do so, and if you feel that there is a good reason why it should, you should tell the court those reasons when you ask for a new attorney. I want you to know that I am very willing to continue working for you on this case, but you do have the right to ask the court to relieve me if you feel that it is in your best interests.

4. After the court receives the brief, it will wait for the Attorney General to file anything he feels is needed and for you to file a supplemental brief, should you opt to do so. The court will then review the case on its own. If it identifies an issue, it will either tell me to file another brief discussing the question it has, or it will decide the case and notify us. If it does not find anything, it will decide the case and notify us. I will review whatever it does, if I have not been relieved, and write you again at that time. When the case is over, I will send the transcripts to you.

I hope you understand that whether we agree with what happened in the trial court or not, this means of reviewing the case is what the law provides. If you have any questions, please contact me as soon as possible.

Very truly yours,

[Attorney Name]
Attorney at Law