

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

- (1) It shall be the duty of the attorney employed by the Department of Public Advocacy representing a client at trial to file a notice of appeal if his or her client requests an appeal.
- (2) After the trial attorney employed by the Department of Public Advocacy has filed a notice of appeal as required by the Rules of Criminal Procedure, he or she shall forward to the Appeals Branch of 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) Any attorney employed by the Department of Public Advocacy who is representing a client on appeal and 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 or she chooses to raise.

**Effective:** July 1, 2024

**History:** Amended 2023 Ky. Acts ch. 144, sec. 4, effective July 1, 2024. -- Amended 2014 Ky. Acts ch. 87, sec. 6, effective July 15, 2014. -- Repealed, reenacted, and renumbered 2002 Ky.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.