

**MODEL LETTER TO CLIENT FROM APPOINTED COUNSEL
WITHDRAWING FROM REPRESENTATION AT CERTIORARI STAGE**

Dear [Client Name]:

I am sorry to tell you that the court of appeals has affirmed your conviction and/or sentence. A copy of the decision is enclosed. Unfortunately, there is nothing further I can do for you in this case. Every possible issue was raised in the brief I filed with the court of appeals. After having reviewed the opinion of the court of appeals, it is my professional judgment that seeking further review from the Supreme Court of the United States is not appropriate.

As you may know, there is no right to appeal to the Supreme Court in a case like yours. Rather, a document called a "Petition for a Writ of Certiorari" can be filed. The Supreme Court then decides whether or not to hear the case. That Court grants very few petitions in criminal cases and thus hears only a small number of such cases a year. Under the Supreme Court's rules, a serious certiorari petition should be based on either a conflict between the ruling of the court of appeals and another court of appeals, a state supreme court, or the Supreme Court, or on an important question of federal law that should be settled by the Supreme Court. Very few cases meet these standards, and I do not believe that this case does. For that reason, I will not be filing a petition seeking discretionary review by the Supreme Court.

Despite my conclusions, you may file your own certiorari petition with the Supreme Court. Such a petition is due within 90 days after the decision of the court of appeals, which means it is due in the Supreme Court by [insert date]. If you are planning to file your own petition, you ought to consult the Supreme Court rules to determine the proper way to do so. You also may request in writing that the court of appeals appoint new counsel for you to file a certiorari petition. Your request should contain an explanation of why you think Supreme Court review is warranted in this case. Please understand, however, it is highly unlikely the court of appeals will appoint new counsel. Therefore, even if you have requested new counsel, you must be prepared to file a certiorari petition in a timely way on your own, if you wish to do so. If the court does appoint new counsel, it will notify you.

If you have any questions, please do not hesitate to contact me. Good luck and best wishes.

Sincerely,

[Attorney Name]

Enclosure