

[CAPTION]

MOTION FOR APPEAL AND APPOINTMENT OF PAUPER APPELLATE COUNSEL

The Defendant, [CHOOSE: by trial counsel or pro se], respectfully requests the court (1) to find the Defendant indigent for the purposes of perfecting an appeal in this cause, (2) to appoint an appellate attorney to represent the Defendant in perfecting a direct appeal of his conviction and sentence or violation of probation. In support of the Motion, the Defendant states the following:

1. The Defendant has been found indigent, and was appointed a public defender at the trial level.
2. [Insert date], the Defendant was convicted of [insert offense(s)], and on [insert date], the Defendant was sentenced to [insert sentence].
3. The Defendant intends to appeal his convictions and sentences.
4. [IF FILED BY TRIAL COUNSEL: Trial counsel would request leave to file his/ her Motion to Withdraw.]
5. The right to an appeal is guaranteed by Indiana Code 35-38-4-1 and Indiana Constitution, Article VII, Section 6. Indigent criminal defendants are entitled to court-appointed counsel. Gideon v. Wainwright, 372 U.S. 335, 83 S.Ct. 792, 9 L.Ed.2d 799 (1963); see also State ex rel. Grecco v. Allen Circuit Ct., 153 N.E.2d 914 (Ind. 1958) (Writ of Mandamus ordering trial court to appoint appellate attorney for pauper Defendant).

WHEREFORE, the Defendant, [CHOOSE: by trial counsel or pro se], respectfully requests the court (1) to find the Defendant indigent for the purposes of perfecting an appeal in this cause, (2) to appoint an appellate attorney to represent the defendant in perfecting a direct appeal of his conviction and sentence or violation of probation, and for all other relief just and proper in the premises.

(Signature)