
LAW OFFICE OF

HAYDEN GLASS SIZEMORE

EFFECTIVE 01/01/2026

Appellate Representation: What to Expect

Nature of an Appeal

An appeal is **not a new trial**. Appellate courts do not hear witnesses, consider new evidence, or reweigh facts. Review is limited to the written record from the trial court and the legal issues preserved for appeal.

Many issues cannot be raised on appeal, including matters that were not properly preserved or objected to in the trial court.

Limited Issues on Appeal

The issues that may be raised on appeal are controlled by:

- The trial record
- Applicable law
- Preservation requirements

A client's disagreement with the verdict or sentence does **not**, by itself, create an appealable issue.

Timelines & Delays

Appellate proceedings involve **long periods of inactivity**. Months may pass with no filings, orders, or updates. This is normal and does not indicate neglect or inaction by counsel.

The appellate court — not the attorney — controls briefing schedules, submission, and decision timelines.

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No Routine Status Updates

Because appellate cases often have no developments for extended periods, the firm does **not** provide routine or periodic status updates. Counsel will notify the client when a material event occurs, such as:

- Filing of a brief or motion
- An order from the appellate court
- A decision or mandate

Lack of communication generally means that no action is required at that time.

Possible Outcomes

Possible appellate outcomes include, but are not limited to:

- Affirmance of the conviction or judgment
- Dismissal of the appeal
- Reversal or remand
- Partial relief

No outcome is guaranteed.

Withdrawal or No-Merit Filings

If, after review of the record and law, counsel determines that no meritorious appellate issues exist, counsel may file a motion to withdraw or a no-merit brief as permitted by law (including Anders or Williams procedures).

Such filings are a recognized and ethical part of appellate practice and do not reflect abandonment or lack of diligence.

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Client Expectations

Clients should understand that appellate counsel:

- Cannot raise issues that lack legal merit
- Cannot create issues not supported by the record
- Cannot accelerate appellate timelines
- Cannot guarantee results

Disagreement with counsel's legal assessment does not obligate counsel to pursue frivolous claims.

Relationship to Post-Conviction Relief

An appeal is distinct from post-conviction proceedings (such as Rule 32 petitions). Representation on appeal does **not** include post-conviction relief unless separately appointed or retained.

Final Notice

Appellate representation is governed by strict legal standards, ethical obligations, and court-controlled timelines. Patience is required. Counsel will initiate contact when legally necessary. Appellate delay does not indicate ineffective assistance or lack of action by counsel.

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