

April 4, 2007

H 1305. COMPENSATE ATTORNEYS FOR CERTAIN FILINGS. Filed 4/4/07. *TO AUTHORIZE THE OFFICE OF INDIGENT DEFENSE SERVICES TO COMPENSATE ATTORNEYS FOR FILING CERTIORARI PETITIONS AND OPPOSITIONS IN THE UNITED STATES SUPREME COURT IN CAPITAL CASES AND WHEN IMPORTANT FEDERAL ISSUES ARISE IN NONCAPITAL CASES.*

Amends GS 7A-451 to provide that an indigent person's entitlement to services continues in (1) capital cases in which the defendant is under a death sentence, during the review of any judgment rendered on direct appeal by the North Carolina Supreme Court, pursuant to the US Supreme Court's certiorari jurisdiction, and (2) noncapital cases during the review of any judgment rendered on direct appeal by a North Carolina appellate court pursuant to the US Supreme Court certiorari judgment when the judgment decides an important question of federal law in a way that conflicts with another relevant decision, decides an important question of federal law that has not been settled by the US Supreme Court, or decides a question of federal law in the indigent's favor and the judgment is challenged through an attempt to invoke the US Supreme Court's certiorari jurisdiction. Amends GS 7A-498.8 to add to the appellate defender's duties, at the appellate defender's discretion, representing an indigent defendant in the US Supreme Court pursuant to a petition for writ of certiorari of a decision of a North Carolina appellate court.

Effective July 1, 2007.

Intro. by Glazier.

GS 7A