

- 1 (8) In a noncapital case, subject to rules adopted by the Office of Indigent
2 Defense Services, review of any judgment or decree rendered on direct
3 appeal by court of the North Carolina Appellate Division pursuant to
4 the certiorari jurisdiction of the United States Supremes Court, when
5 the judgment or decree:
- 6 a. Decides an important question of federal law in a way that
7 conflicts with relevant decisions of the United States Supreme
8 Court, a federal Court of Appeals, or the court of last resort of
9 another state;
- 10 b. Decides an important question of federal law that has not been,
11 but should be, settled by the United States Supreme Court; or
12 c. Decides a question of federal law in the indigent's favor and the
13 judgment or decree is challenged by opposing counsel through
14 an attempt to invoke the certiorari jurisdiction of the United
15 States Supreme Court."

16 **SECTION 2.** G.S. 7A-498.8(b) reads as rewritten:

17 "(b) The appellate defender shall perform such duties as may be directed by the
18 Office of Indigent Defense Services, including:

- 19 (1) Representing indigent persons subsequent to conviction in trial courts.
20 The Office of Indigent Defense Services may, following consultation
21 with the appellate defender and consistent with the resources available
22 to the appellate defender to ensure quality criminal defense services by
23 the appellate defender's office, assign appeals, or authorize the
24 appellate defender to assign appeals, to a local public defender's office
25 or to private assigned counsel.
- 26 (2) Maintaining a clearinghouse of materials and a repository of briefs
27 prepared by the appellate defender to be made available to private
28 counsel representing indigents in criminal cases.
- 29 (3) Providing continuing legal education training to assistant appellate
30 defenders and to private counsel representing indigents in criminal
31 cases, including capital cases, as resources are available.
- 32 (4) Providing consulting services to attorneys representing defendants in
33 capital cases.
- 34 (5) Recruiting qualified members of the private bar who are willing to
35 provide representation in State and federal death penalty
36 postconviction proceedings.
- 37 (6) In the appellate defender's discretion, serving as counsel of record for
38 indigent defendants in capital cases in State court.
- 39 (6a) In the appellate defender's discretion, serving as counsel of record for
40 indigent defendants in the United States Supreme Court pursuant to a
41 petition for writ of certiorari of the decision on direct appeal by a court
42 of the North Carolina Appellate Division.

1 (7) Undertaking other direct representation and consultation in capital
2 cases pending in federal court only to the extent that such work is fully
3 federally funded."

4 **SECTION 3.** This act becomes effective July 1, 2007.