

**77-32-304 Duties of assigned counsel -- Compensation.**

- (1) When representing an indigent, the assigned counsel shall:
  - (a) counsel and defend the indigent at every stage of the proceeding following assignment; and
  - (b) file any first appeal of right or other remedy before or after conviction that the assigned counsel considers to be in the interest of justice, except for other and subsequent discretionary appeals or discretionary writ proceedings.
- (2) An assigned counsel may not represent an indigent in any discretionary appeal or action for a discretionary writ, other than in a meaningful first appeal of right to assure the indigent an adequate opportunity to present the indigent's claims fairly in the context of the appellate process of this state.
- (3) An assigned counsel for an indigent shall be entitled to compensation upon:
  - (a) approval of the district court where the original trial was held;
  - (b) a showing that:
    - (i) the indigent has been denied a constitutional right; or
    - (ii) there was newly discovered evidence that would show the indigent's innocence; and
  - (c) a clear showing that the legal services rendered by counsel were:
    - (i) other than that required under this chapter or under a separate fee arrangement; and
    - (ii) necessary for the adequate defense of the indigent and not for the purpose of delaying the judgment of the original trier of fact.

Amended by Chapter 180, 2012 General Session