

## CPCS Checklist for Direct Appeals

Please obtain and review the items on this checklist when conducting case investigation for your direct appeal. Please return this checklist to Maudelcia Tuitt ([MTuitt@publiccounsel.net](mailto:MTuitt@publiccounsel.net)) with a copy of your appellate brief. Resources for appellate attorneys, including how to investigate for a new trial motion are on My Gideon (please email [kmunichiello@publiccounsel.net](mailto:kmunichiello@publiccounsel.net) for a user name and password for access).

This document is not intended to be all-inclusive. It is intended to provide appellate attorneys with the minimum areas for investigation.

Please remember, you must obtain authorization prior to filing a new trial motion or litigating a motion under G.L. ch. 278A for forensic testing.

## Documents Checklist

### Trial Court Materials:

The following materials are commonly found in the trial file. If these materials are not located in the trial file, or in materials obtained in your screening, you must either locate them using alternative means or confirm that they never existed.

- Pre-trial discovery materials:**
  - Police reports, interrogation and interviews notes, identification procedures
  - Complaint/indictment
  - Video or audio recordings (911 calls, bodycam, surveillance, interrogations)
  - Telephone information (such as Cellbrite reports)
  - Search warrant applications and returns
  - Crime lab reports and crime lab file
  - Witness statements
  - Discovery notices
- Defense Investigation and work product materials:**
  - Defense investigator reports
  - Expert resumes and reports
  - Defendant's mental health and/or medical records
  - Internal memos
  - Defense counsel's running sheet

- Trial court materials:**
  - All material pleadings including motions for funds and motions to suppress
  - Rule 17 Motions and material (that may be stored separately and under protective order)
  - Complete trial court docket
  - Grand jury minutes
  - Transcripts of arraignment, dangerousness hearing, competency hearing, motion to suppress and dismiss, Daubert-Lanigan hearings
  - Trial Transcripts
  - Competency evaluations
  - Exhibit lists and all items and documents marked as exhibits
  - Items and documents marked for ID
  - Immunity/cooperation agreements for any witnesses
  - Co-defendant's case file

### **Information from Individuals**

- The client
- Trial counsel  
Name(s)
- prior post-conviction counsel  
Name(s)
- co-counsel  
Name(s)
- witnesses  
Name(s)
- investigators  
Name(s)
- experts  
Name(s)

Please indicate here the reason any of the boxes above are unchecked:

## **The Case Running Log**

Please document your work. A case running log should record the progress of the case. It should include the dates and substance of all communications with the client and other relevant individuals, including trial counsel, prior attorneys, client's family members and friends, witnesses, investigators, experts, and the prosecutor. It should record specifically each and every document provided to the client, the means by which they were provided and the date on which they were provided.

The case running log should keep track of court dates and court outcomes, and notes on all documents reviewed. A more detailed research log or case organizing tool may be maintained separately but the running log should make reference to the organizing tool and to all legal issues considered.