

**STATE OF NORTH CAROLINA**

\_\_\_\_\_ County

File No.

Additional File Nos.

In The General Court Of Justice  
Superior Court Division

Name Of Defendant

**NOTICE AND DETERMINATION  
OF COUNSEL IN CAPITAL CASES AT  
THE POST-CONVICTION LEVEL**

G.S. 7A-451(c), (d); 7A-452

**INSTRUCTIONS:** *The Court completes this form if the defendant has been sentenced to death, the conviction and sentence have been affirmed on direct appeal by the Supreme Court of North Carolina or the defendant is filing a post-conviction motion pending resolution of his or her direct appeal, and the defendant was not previously adjudicated indigent for purposes of trial or direct appeal. Do not use this form to appoint counsel for direct appeal of a sentence of death; use AOC-CR-350 to appoint the Office of Appellate Defender in such a case. Mail the completed form to: Office of Indigent Defense Services, 123 West Main Street, Suite 400, Durham, NC 27701.*

**POST-CONVICTION PROCEEDINGS**

**NOTE:** *If the court finds the defendant indigent, upon receiving this form, the Office of Indigent Defense Services uses AOC-CR-625 to appoint two counsel to represent the defendant in post-conviction proceedings. See IDS Rules for Providing Legal Representation in Capital Cases, Part 2C, Rule 2C.2 (2015).*

Upon the defendant's application requesting counsel, supported by the defendant's affidavit and the inquiry made by the Court, the Court finds as follows:

- 1. The defendant is under a sentence of death.
- 2. The defendant is not financially able to provide the necessary expenses of legal representation and, therefore, is indigent and entitled to the services of counsel as contemplated by law. The Office of Indigent Defense Services shall appoint post-conviction counsel.
- 3. The defendant is financially able to provide the necessary expenses of legal representation and, therefore, is not presently considered to be indigent.

Date

Name Of Judge (type or print)

Signature Of Judge