

****Strongly Encouraged****

ANDERS CHECKLIST — CRIMINAL CASES

You are *strongly encouraged* to complete and include with your *Anders* brief the Court's *Anders* checklist, as applicable, to ensure compliance with *Anders* and to assist the Court in conducting its examination of the record. Provide checkmarks in the righthand column to demonstrate your review of the corresponding topic.

GUILTY PLEA — TEX. CODE CRIM. PROC. ANN. ART. 26.13	
I. Admonishments	
(1) range of punishment	
(2) recommendation of the prosecuting attorney as to punishment is not binding on the court	
(3) in plea agreement, the trial court must give its permission to the defendant before the defendant may prosecute an appeal on any matter in the case, except for those matters raised by written motions filed prior to trial	
(4) consequences of non-citizenship, <i>see Padilla v. Kentucky</i> , 559 U.S. 356 (2010)	
(5) sex offender registration requirements	
II. Pretrial	
(1) sufficiency of the indictment	
(2) any adverse pretrial rulings	
III. Acceptance of plea defendant was mentally competent and the plea was freely and voluntarily made	
IV. Punishment (1) adverse rulings regarding evidence or other issues (2) calculation and reasonableness of sentence	
V. Miscellaneous	
(1) any errors in the judgment	
(2) any adverse rulings on post-judgment motions	
(3) effective assistance of counsel	
JURY OR BENCH TRIAL ON PLEA OF NOT GUILTY	
I. Pretrial	
(1) sufficiency of the indictment	
(2) any adverse pretrial rulings	
II. Trial	
(1) jury selection, if applicable	

(2) any adverse rulings during trial on objections or motions (for both guilt-innocence phase and punishment phase)	
(3) sufficiency of the evidence, which would include recitation of elements and evidence adduced at trial	
(4) jury instructions, if applicable	
(5) any error not objected to that may rise to the level of fundamental error	
III. Post-trial	
(1) any errors in the judgment	
(2) any adverse rulings on post-trial motions	
(3) calculation and reasonableness of sentence	
(4) effective assistance of counsel	