**Section 400.1040 Withdrawal of Appeal**

a) The accused has a right to appeal. This right to appeal is permissive and not automatic. There are no exceptions to the right to appeal.

b) *In each case subject to appellate review under* *the* *Code, the accused may file with the convening authority a statement expressly withdrawing the right of the accused to appeal. The withdrawal shall be signed by both the accused and his or her defense counsel and must be filed in accordance with appellate procedures as provided by* Article VI of the Illinois Supreme Court Rules (Appeals in Criminal Cases, Post-Conviction Cases and Juvenile Court Proceedings).

c) *The accused may withdraw an appeal at any time in accordance with appellate procedures as provided by* Supreme Court Rules, Article VI. The withdrawal must be in writing. (Code Section 61)