

Parts in blue print are instructions to user, not to be included in filed document unless so noted.

**Practice tip:** For structure of the brief, see section 1.26 of chapter 1, section 4.77, et. seq. of chapter 4, and section 5.2, et. seq. of chapter 5 of the [ADI Appellate Practice Manual](#) and rules 8.204 and 8.360 of the California Rules of Court.

**Practice tip:** For an LPS conservatorship appeal, substitute *In re Conservatorship of Ben C.* (2007) 40 Cal.4th 529 for *Wende-Anders*.

**Practice tip:** A sample *Sade C.-Phoenix H.* filing is provided on the [dependency forms and samples page](#).

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION *[NUMBER]***

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff and Respondent,

v.

*[Appellant's name]*,  
Defendant and Appellant.

Court of Appeal  
No. *[number]*

Superior Court  
No. *[number]*

**APPEAL FROM THE SUPERIOR COURT OF  
*[NAME]*, COUNTY**

**BRIEF SUBMITTED ON BEHALF OF APPELLANT IN  
ACCORDANCE WITH THE PROCEDURES OUTLINED IN  
*PEOPLE v. WENDE* (1979) 25 Cal.3d 436 AND *ANDERS v.  
CALIFORNIA* (1967) 386 U.S. 738**

*[Attorney's name, bar number]*

*[Address and telephone number]*

*[Email address and fax number if available]*

Attorney for Defendant and Appellant *[name]*

By Appointment of the Court of Appeal

Under the Appellate Defenders, Inc.,

Independent / Assisted Program

**TABLE OF CONTENTS**

**PAGE(S)**

*[See rule 8.204(a)(1)(A) of the California Rules of Court and chapter 5, §§ 5.4 - 5.5 of the ADI Appellate Practice Manual.]*

STATEMENT OF APPEALABILITY.....	[page]
STATEMENT OF THE CASE.....	[page]
STATEMENT OF FACTS.....	[page]
ARGUMENT.....	[page]
I.    THE APPLICABLE LAW IN THIS CASE IS <i>PEOPLE v. WENDE</i> (1979) 25 Cal.3d 436 AND <i>ANDERS v. CALIFORNIA</i> (1967) 386 U.S. 738.....	[page]
A. <i>[Identify Anders issue]</i> .....	[page]
B. <i>[Identify next Anders issue]</i> .....	[page]
DECLARATION OF <i>[attorney's name]</i> .....	[page]
CERTIFICATION OF WORD COUNT.....	[page]

**TABLE OF AUTHORITIES**

**PAGE(S)**

*[See rule 8.204(a)(1)(A) of the California Rules of Court and chapter 5, §§5.4, 5.6 of the ADI Appellate Practice Manual.]*

**CASES**

*[Case citations]*..... [page]

**CONSTITUTIONS**

United States Constitution  
*[Section or amendment]*..... [page]

**STATUTES**

Penal Code  
*[Section number]*..... [page]

**COURT RULES**

California Rules of Court  
*[Rule number]*..... [page]

**OTHER AUTHORITIES**

*[Citations]*..... [page]

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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*[NAME]*, COUNTY  
Honorable *[name]*, Judge**

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*PEOPLE v. WENDE* (1979) 25 Cal.3d 436 AND *ANDERS v.  
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**STATEMENT OF APPEALABILITY**

*[See rule 8.204(a)(2)(B) of the California Rules of Court and chapter 5,  
§5.8, et. seq. of the ADI Appellate Practice Manual.]*

**STATEMENT OF THE CASE**

*[See rule 8.204(a)(2)(A) of the California Rules of Court and chapter 5,  
§5.15 of the ADI Appellate Practice Manual.]*

**STATEMENT OF FACTS**

*[See rule 8.204(a)(2)(C) of the California Rules of Court and chapter 5,  
§5.16, et. seq. of the ADI Appellate Practice Manual.]*

## ARGUMENT

### I.

**THE APPLICABLE LAW IN THIS CASE IS *PEOPLE v. WENDE* (1979) 25 Cal.3d 436, AND *ANDERS v. CALIFORNIA* (1967) 386 U.S. 738.**

Counsel has thoroughly reviewed the record in this case and consulted with Appellate Defenders, Inc. This brief summarizes the proceedings and facts with citation to the transcript and outlines the issues counsel considered, but urges no specific contentions as grounds for relief. (*Anders v. California* (1967) 386 U.S. 738 [87 S.Ct. 1396, 18 L.Ed.2d 493]; *People v. Wende* (1979) 25 Cal.3d 436.) Counsel also has advised the client of this filing and the right to file a pro per brief and has complied with the other procedures laid out in *Wende*. (See attached declaration of counsel.)

After such a brief is filed, the Court of Appeal must conduct a review of the entire record to determine whether the record reveals any issues that would, if resolved favorably to the appellant, result in reversal or modification of the judgment. (*People v. Wende, supra*, 25 Cal.3d at pp. 440-442.) It must also afford the client a chance personally to file a supplemental brief. (*Id.* at p. 439.)

The following information about issues that counsel considered is provided to assist the court in conducting its independent review of the record. (*Anders v. California, supra*, 386 U.S. 738, 744, 745 [brief must

refer to “anything in the record that might arguably support the appeal”; such a brief allows the court to “pursue all the more vigorously its own review because of the ready references not only to the record, but also to the legal authorities as furnished it by counsel”]; *In re Phoenix H.* (2009) 47 Cal.4th 835, 843 [counsel must “file a brief setting out the applicable facts and the law”].) By listing these unbriefed issues, counsel is not suggesting the court must address them in its opinion, although it has plenary discretion to do so.

*[See chapter 1, §1.26, and chapter 4, §§4.77, 4.79 of the ADI Appellate Practice Manual.]*

A. *[Identify the first Anders issue.]*

B. *[Identify the next Anders issue.]*

*[Etc.]*

If the court, in reviewing this brief, the record, or any supplemental briefing finds good cause to conclude that an arguable issue exists, the court must order counsel to brief the issue. (*Penson v. Ohio* (1988) 488 U.S. 75, 88 [court-sanctioned withdrawal of counsel before court identified arguable issues “left petitioner completely without representation during the appellate court’s actual decisional process”].)

Dated: *[date]*

Respectfully submitted,

*[Attorney’s name]*

State Bar No. *[number]*

Attorney for Defendant and Appellant *[name]*

**DECLARATION OF [APPELLATE COUNSEL'S NAME]**

*[See chapter 4, §§4.82 of the ADI Appellate Practice Manual.]*

I, *[appellate counsel's name]*, declare:

1. I am an attorney duly licensed to practice before all the courts in the State of California and the appointed attorney of record for appellant *[name]* in *[his/her]* appeal.
2. I have thoroughly reviewed the record in this case. An attorney at Appellate Defenders, Inc., has also reviewed this case.
3. I have advised appellant that a brief on *[his/her]* behalf is being filed in accordance with the procedures outlined in *Anders v. California* (1967) 386 U.S. 738 and *People v. Wende* (1979) 25 Cal.3d 436, and provided a copy of this brief.
4. I have further advised appellant that *[he/she]* may personally file a supplemental brief in this case raising issues to the court's attention and that *[he/she]* may request that I withdraw as counsel. I am making the appellate record available to appellant.
5. I hereby move to be relieved as appointed counsel, if appellant so requests.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Dated: *[date]*

Respectfully submitted,

*[Attorney's name]*

State Bar No. *[number]*

Attorney for Defendant *[name]*



## CERTIFICATION OF WORD COUNT

*[See rule 8.204(c)(1) of the California Rules of Court and chapter 5.]*

I, *[appellate counsel's name]*, hereby certify in accordance with California Rules of Court, rule 8.360(b)(1), that this brief contains *[number]* words as calculated by the *[name of program]* software in which it was written.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Dated: *[date]*

Respectfully submitted,

*[Attorney's name]*  
State Bar No. *[number]*

## **PROOF OF SERVICE**