

Parts in blue print are instructions to user, not to be included in filed document unless so noted. [Parts and references in green font, if any, refer to juvenile proceedings. See Practice Note, this web page, for guidance in adapting forms to juvenile cases.]

*[Attorney's name, bar number]*  
*[Address and telephone number]*  
*[Email address and fax number if available]*  
Attorney for Defendant *[name]*

**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]*

**APPLICATION FOR RELIEF FROM DEFAULT FOR  
FAILURE TO TIMELY FILE [APPELLANT'S  
OPENING BRIEF / OTHER BRIEF]**

Appellant *[name]*, through *[her / his]* appointed counsel requests relief from default for failure to timely file the [appellant's opening brief / other brief] under rule [8.360(c) / 8.412(b) / 8.416(e)].

*[[For criminal or delinquency or **non**-fast-track dependency case:]*

Good cause is shown because *[specify].*

*[[For fast-track dependency case under rule 8.416:]* An exceptional showing of good cause exists because *[specify].*

Accompanying this application is the [appellant's opening brief / other brief]. This request is made under the authority of California Rules of Court, rule 8.50 [applications] and rule 8.60(d) [relief from default]. California Rules of Court, rule 8.50(b) requires [a showing of good cause / **an exceptional showing of good cause**], and rule 8.60(d) permits the reviewing court to relieve a party from default for any failure to comply with the rules for good cause. The application is based on the attached declaration of counsel.

Dated: *[date]*

Respectfully submitted,

*[Attorney's name]*

State Bar No. *[number]*

Attorney for Defendant *[name]*

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

I, *[appellate counsel's name]*, hereby 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 *[appellant's name]* in [his / her] appeal. My state bar number is *[insert number]*.
2. *[Set forth relevant procedural posture of the case, e.g., number of prior extensions, the reasons for the extensions, etc. This description may take more than one numbered paragraph.]*
3. I was unable to file the brief on time because *[summarize above showing of good cause for delay / for a dependency fast-track case, summarize above exceptional showing of good cause]*. I therefore am requesting that I be allowed to file [appellant's opening brief / other brief], which is being submitted concurrently with this application.

I declare under penalty of perjury under the laws of California that the foregoing and all attachments are true and correct.

Dated: *[date]*

*[Attorney's signature]*

*[Attorney's name]*

State Bar No. *[number]*

Attorney for Defendant *[name]*

## **PROOF OF SERVICE**