

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.]

Practice tip: Remedies in the trial court pending appeal are discussed in the [ADI Manual](#) in chapter 1, § 1.11.

[Letterhead]

[Date]

Honorable *[Name of judge]*
Superior Court of *[name]* County
[Address]

Re: *People v. [client's name]* / *In re [client's first name, last initial]*
Superior Court No.: *[number]*
Court of Appeal No.: *[number]*
Request for Correction of Clerical Error re: *[describe nature of error – e.g., restitution, credits, details of sentence, etc.]*

Dear Judge *[name]*:

I have been appointed by the Court of Appeal to represent [Mr./Ms.] *[client's name]* on appeal. In my review of the appellate record, I have found an error in the *[minute order and/or abstract of judgment]*. This letter is addressed to you because the error is apparently due to simple inadvertence and should be corrected by the trial court even though an appeal of the judgment is currently pending before the Court of Appeal. (See *People v. Fares* (1993) 16 Cal.App.4th 954; see also *People v. Robinson* (1994) 25 Cal.App.4th 1256; *People v. Culpepper* (1994) 24 Cal.App.4th 1134.)

The error is as follows. The sentence took place on *[date]*. This court orally ordered *[describe oral order]*. See Reporter's Transcript, page[s], which [is/are] enclosed as Exhibit A. The [minute order / abstract of judgment] erroneously indicates that the *[quote how the order is described in the document]*. See *[minute order / abstract of judgment]*, which is attached as Exhibit B.

Counsel requests that this clerical error be corrected to reflect the court's oral pronouncement. Counsel further requests that the corrected *[minute order / abstract of*

Request for Correction of Clerical Error

People v. [client's name] / In re [client's first name, last initial]

Superior Court No.: *[number]*

Court of Appeal No.: *[number]*

judgment be forwarded to *[him / her]* and the appropriate parties under California Rules of Court, [rule 8.340(a)(1) / 8.410(b)(2)]. Counsel also requests that the clerk forward a copy of the corrected documents to *[the custodial facility to which [client's name] was remanded / the probation department]*.

In order that this issue be resolved at the trial court level and not be raised with the appellate court, counsel respectfully requests this court handle the matter by *[date]*.

Respectfully submitted,

[Attorney's name]

State Bar No. *[number]*

Attorney for Defendant *[name]*

PROOF OF SERVICE