

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
Nos. *[numbers]*

Superior Court
Nos. *[numbers]*

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

Honorable *[name]*, Judge

**APPELLANT'S REQUEST FOR
CONSOLIDATION OF APPEALS**

TO THE HONORABLE *[NAME]*, PRESIDING JUSTICE, AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE COURT OF APPEAL OF THE STATE OF CALIFORNIA, FOURTH APPELLATE DISTRICT, DIVISION *[NUMBER]*:

Appellant, *[name]*, respectfully requests that this court consolidate the following appeals, now pending before this court: *[numbers]*.

This request is based upon the present moving papers, the supporting memorandum of points and authorities, and a declaration from appellant's appointed counsel, *[name]*. (Exhibit A.)

Dated: *[date]*

Respectfully submitted,

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

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF CONSOLIDATION

I. STATEMENT OF CASE AND FACTS SUPPORTING CONSOLIDATION

[Set forth relevant procedure and facts with citations to the record and to the declaration of appellate counsel, below.]

II. THE REVIEWING COURT HAS INHERENT POWER AND BROAD DISCRETION TO CONSOLIDATE APPEALS INVOLVING COMMON ISSUES OF FACT OR LAW.

There is no express rule of court governing applications to consolidate appeals.

However, California Rules of Court, rule [8.147(a) / 8.408] provides that only one record need be prepared where multiple cases are resolved in a single judgment. Also, rule 8.147(b) refers to use of records from prior appeals on subsequent appeals in the same case and has been interpreted in a manner that promotes consolidation of appeals, unless it can be shown that a party would be prejudiced by consolidation. (*General Elec. Co. v. Fed. Emp. Distributing Co.* (1954) 122 Cal.App.2d 509, 511.) Witkin is in agreement:

Where separate actions, related in subject matter and issues, are consolidated for trial (see 4 Cal. Proc. (5th), *Pleading*, §341), or where actions separately tried are nevertheless so related, they may often profitably be considered together on appeal. So far as the reviewing court is concerned, it may without order place them on the calendar together, make use of briefs and arguments interchangeably, and write only one detailed opinion, deciding the other cases on the authority of the first. (See *infra*, §788.) An order of consolidation, however, goes further: It allows the parties to all the appeals to prepare a single record and set of briefs.

(9 Witkin, Cal. Procedure (5th ed. 2008) Appeal, § 765, p. 838.)

Here, all *[number of cases at issue]* cases were handled together at the trial level, and now all issues can adequately be addressed in a single appeal. Having only one

version of each brief will promote judicial economy and reduce the public expense of appointed counsel's fees and the respondent governmental agency.

III. CONCLUSION

For the foregoing reasons, appellant requests that the two appeals, case numbers *[numbers]*, be consolidated into a single case number for briefing and decision.

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. *[Provide factual background needed to understand motion. Describe issues raised in each proceeding and demonstrate how they are related and how consolidation may further judicial economy.]*

I declare under penalty of perjury of 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