

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:** See chapter 3, § 3.8, of the [ADI Manual](#). See also the discussion of [Marsden records](#) on the ADI website.

[Letterhead]

[Date]

[Mr./Ms.] [Court of Appeal clerk's name]

Clerk of the Court/Chief Administrator

Court of Appeal, Fourth Appellate District, Division [One / Two / Three]

[Address]

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

Superior Court No.: [case number]

Court of Appeal No.: [case number]

**Opposition to Disclosure of Irrelevant Confidential Material in *Marsden* Transcript and Request To Transmit Only Relevant Pages of *Marsden* Transcript to Respondent (Cal. Rules of Court, Rule 8.47(b)(2)(C))**

Dear [Mr./Ms.] [clerk's name]:

On [insert date brief filed], I filed the appellant's opening brief in the above-referenced matter. The brief, at pages [numbers], raises an issue based on the denial of a motion under *People v. Marsden* (1970) 2 Cal.3d 118, on [date]. [See *In re A.H.* (2013) 218 Cal.App.4th 337, 342, fn. 5 [applicability of *Marsden* to juvenile cases].) The trial court exercised its discretion to exclude the prosecution from this hearing. [Citation to record.] The transcript of the hearing is confidential and has not yet been made available to respondent. (Cal. Rules of Court, rule 8.45(d)(1).) Respondent now seeks disclosure of the *Marsden* transcript under rule 8.47(b)(2)(B). Defendant opposes this request under rule 8.47(b)(2)(C).

The following parts of the *Marsden* transcript are not relevant to the issue raised in the brief relies on and contain confidential information revealing privileged attorney/client communications and defense strategy: [list pages and lines of *Marsden* transcript not relevant to the issue] of the confidential transcript. (See Cal. Rules of Prof. Conduct, rule 3-100; Bus. & Prof. Code, § 6068, subd. (e)(1); *People v. Dennis* (1986) 177 Cal.App.3d 863, 871.) Thus, those pages of the transcript should not be released to

respondent. The remainder of the transcript is relevant to the issues on appeal and may properly be released.

**Practice Tip:** In some cases it may be more convenient to list the relevant parts of the transcript than to follow the structure of the preceding paragraph, which lists the irrelevant parts. If so, counsel should adapt the language accordingly.

Respectfully submitted,

Dated: *[date]*

*[Attorney name]*

State Bar No. *[number]*

Attorney for Defendant *[name]*

## **PROOF OF SERVICE**