

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: Petitions for rehearing are covered in chapter 7, § 7.33 et seq. of the [ADI Manual](#).

[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]*

Request to Permit Late Filing of Petition for Rehearing

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

Enclosed is defendant's petition for rehearing. It was due on *[date]*, 15 days after this court filed its opinion on *[date]*. This letter requests the permission of the presiding justice to file a late petition under California Rules of Court, rule 8.268(b)(4).

Rule 8.268(b)(4) provides: "Before the decision is final and for good cause, the presiding justice may relieve a party from a failure to file a timely petition or answer." An opinion becomes final 30 days after it is filed, absent exceptions not applicable here. (Rules 8.264(b)(1), 8.366(a) & (b) / 8.470.) The opinion will not be final as to the Court of Appeal until *[date of finality as to Court of Appeal under rule 8.366(b)]*.

Good cause justifying relief exists here. *[Explain good cause.]*

Defendant asks permission to file his petition. If the presiding justice denies this request, defendant then asks the court to grant rehearing on its own motion for the reasons outlined in the attached petition (rule 8.268(a)(1)).

Respectfully submitted,

[Attorney's name]

State Bar Number *[number]*
Attorney for Defendant *[name]*

PROOF OF SERVICE