

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:** Various California laws and policies protect certain information from public disclosure in court records. Some are described on ADI's web pages on confidential records. Be sure to familiarize yourself with these provisions and the precautions that need to be taken. See also chapter 3, § 3.7 et seq. of the ADI Manual.

**Practice Tip:** Counsel should be aware that the confidential information may be revealed in audio portions of the record, as well as written transcripts.

**Practice Tip:** Identity may be compromised in other ways than disclosure of an individual's name. If the full name of a family member with the same last name is given, for example, or other identifying information is provided, some members of the public may be able to identify the protected person.

Even if the information cannot be redacted from the entirety of the record, it should be minimized. (See Cal. Rules of Court, rule 8.401(a)(3).)

*[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. [defendant's name] / In re [defendant's first name, last initial]*

Superior Court No.: *[case number]*

Court of Appeal No.: *[case number]*

Penal Code, § 293.5; California Rules of Court, rules 8.155(c)(1), 8.340(c)

Redaction of Protected Information *[specify: victim/other protected person identity or other information]*

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

As counsel for defendant in this case, I am calling to the court's attention violations of California's Nondisclosure of Identity policy in the appellate transcript. (Cal. Style Manual (4th ed. 2000) § 5.9 et seq.) That policy protects against disclosure of personal identifying information of certain persons, such as living victims of sex crimes,

minors innocently involved in court proceedings, LPS conservatees, trial jurors and sworn alternate jurors, and some victims and witnesses in criminal matters. (*Ibid.*; see also Pen. Code, § 293.5.)

*[Describe type of violation. E.g.: identity of victim, minors, LPS conservatee, etc. Provide citations to pages of record where violations occur. Indicate where, if applicable, multiple violations occur on the same page. If other than disclosure of a name, describe how the transcript contents can compromise anonymity.]*

Counsel seeks the court's guidance as to how the present record is to be redacted so as to eliminate references to the *[identifying information]*. (See Cal. Rules of Court, rules 8.155(c)(1), 8.340(c).)

Respectfully submitted,

*[Attorney's name]*

State Bar No. *[number]*

Attorney for Defendant *[name]*

## **PROOF OF SERVICE**