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Practice tip: For structure of the brief, see section 5.2, et. seq. of chapter 5 of the [ADI Appellate Practice Manual](#) and rules 8.204 and 8.360 of the California Rules of Court.

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
No. *[number]*

Superior Court
No. *[number]*

APPEAL FROM THE SUPERIOR COURT OF

[NAME], COUNTY

Honorable *[name]*, Judge

APPELLANT'S OPENING BRIEF

[Attorney's name, bar number]
[Address and telephone number]
[Email address and fax number if available]

Attorney for Defendant and Appellant
[name]

By Appointment of the Court of
Appeal Under the Appellate
Defenders, Inc. Independent/Assisted
Program

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STATEMENT OF APPEALABILITY

[See rule 8.204(a)(2)(B) of the California Rules of Court and chapter 5, §5.8, et. seq. of the ADI Appellate Practice Manual.]

STATEMENT OF THE CASE

[See rule 8.204 (a)(1)(C) & (a)(2)(A) of the California Rules of Court and chapter 5, §5.15 of the ADI Appellate Practice Manual.]

STATEMENT OF FACTS

[See rule 8.204(a)(2)(C) of the California Rules of Court and chapter 5, §5.16, et. seq. of the ADI Appellate Practice Manual.]

ARGUMENT

[See rule 8.204(a)(1)(B)&(C) of the California Rules of Court and chapter 5, §§5.24 - 5.46 of the ADI Appellate Practice Manual.]

I.

[Argument Heading]

[Rule 8.204(a)(1)(B) of the California Rules of Court states that a brief must “[s]tate each point under a separate heading or subheading summarizing the point. . . .”; see chapter 5, §5.24 of the ADI Appellate Practice Manual.]

A. Introduction.

[Summarize contention and state what happened in trial court. See chapter 5, §5.24 of the ADI Appellate Practice Manual: “The appellate court wants to know up front what the trial court allegedly did wrong, what legal theory supports that allegation, and what conclusion to draw from the errors.”]

B. If applicable, address any potential question of waiver or forfeiture, here or in part D.

[See chapter 5, §5.24 of the ADI Appellate Practice Manual.]

C. Standard of review.

[See chapter 5, §5.28, et. seq., of the ADI Appellate Practice Manual.]

D. Argument.

[See rule 8.204(a)(1)(B)&(C) of the California Rules of Court and chapter 5, and §5.22, et. seq., of the ADI Appellate Practice Manual.]

1. Legal analysis establishing the error.

[See chapter 5, §5.33, et. seq., of the ADI Appellate Practice Manual.]

2. Prejudice.

[See chapter 5, §5.39, et. seq., of the ADI Appellate Practice Manual.]

CONCLUSION

[See chapter 5, §5.46 of the ADI Appellate Practice Manual.]

Dated: *[date]*

Respectfully submitted,

[Attorney's name]

State Bar No. *[number]*

Attorney for Defendant and Appellant

[name]

ATTACHMENT [if any]

[See rule 8.204(d) of the California Rules of Court and chapter 5, §5.47 of the ADI Appellate Practice Manual.]

CERTIFICATION OF WORD COUNT

[See rule 8.204(c)(1) of the California Rules of Court and chapter 5.]

I, *[appellate counsel's name]*, hereby certify in accordance with California Rules of Court, rule 8.360(b)(1), that this brief contains *[number]* words as calculated by the *[name of program]* software in which it was written.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Dated: *[date]*

Respectfully submitted,

[Attorney's name]

State Bar No. *[number]*

PROOF OF SERVICE