

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: This form is to be used *after* the record on appeal has been filed. *Before* the record is filed, file an abandonment in the trial court. (Cal. Rules of Court, rule 8.316(b)/8.411(b).)

Practice Tip: Rule 8.316(a) requires an abandonment after the record is filed be “signed” by appellant “or” appellant’s attorney in a criminal case. Rule 8.411(a) requires it be “signed” by the appellant “or” the appellate attorney or, in a dependency appeal by a minor, by the minor’s CAPTA guardian ad litem.

Practice Tip: The rules do not require that an abandonment be signed under penalty of perjury. Rule 8.75(b) states that “[i]f a document does not require a signature under penalty of perjury, the document is deemed signed by the party if the document is electronically filed.” Thus electronically filing the abandonment without a physical signature satisfies rule 8.316(a)/8.411(a).

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

Attorney for Appellant *[Name]*

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION *[Number]*

THE PEOPLE OF THE STATE OF CALIFORNIA,) Court of Appeal
Plaintiff and Respondent,) No. <i>[Number]</i>
)
v.) Superior Court
) No. <i>[Number]</i>
<i>[Name],</i>)
Defendant and Appellant.) Abandonment of Appeal;
) Motion To Dismiss

TO THE COURT OF APPEAL AND ALL PARTIES OF RECORD:

Pursuant to California Rules of Court, rule [8.316 /8.411], and after consultation with counsel, appellant, *[name], [through appellant's CAPTA guardian ad litem]* abandons the appeal in the above case. Appellant respectfully requests this court to dismiss the appeal.

[Optional: State reasons for abandoning. The decision to dismiss is discretionary with the court. If circumstances suggest the court may be disinclined to dismiss – as when the motion comes very late in the appeal – it may be necessary to offer reasons for the decision to dismiss. Counsel of course must take care not to disclose any confidential client information and to avoid reference to adverse consequences. If such matters are central to the decision, counsel may disclose them confidentially to ADI and tell the court counsel has done so, without revealing their content.]

Dated: _____

[Defendant and] [Appellant/Appellant Minor
through the CAPTA Guardian ad Litem]

[or]

Dated: _____

Attorney at Law

State Bar No. *[number]*

Attorney for Appellant

Signed with Consent of [Appellant/Appellant
Minor's CAPTA Guardian ad Litem]

PROOF OF SERVICE