

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 tips:

See the ADI February 4, 2011, Panel News Alert at http://www.adi-sandiego.com/news_alerts.html for timing of augment requests in criminal, delinquency, and dependency appeals. See also “Extensions, Augmentations, and Corrections” on the Fourth Appellate District Practice page and chapter 3 of the ADI Appellate Practice Manual.

If the request is beyond the specified time limit, an explanation for the late augment request should be included.

The [Fourth Appellate District electronic filing guidelines](https://www.courts.ca.gov/documents/4DCA-eFiling-additional-eFiling-guidelines.pdf) require any attachments that the party seeks to become part of the appellate record to be electronically submitted as a “separate” pdf. (See <https://www.courts.ca.gov/documents/4DCA-eFiling-additional-eFiling-guidelines.pdf>.)

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

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]*

**APPELLANT’S REQUEST FOR [MISSING PARTS OF
NORMAL RECORD / AUGMENTATION OF THE
RECORD / EXTENSION OF TIME TO FILE
APPELLANT’S OPENING BRIEF].**

Include only applicable matters

I.

REQUEST FOR MISSING PARTS OF THE RECORD

As required by California Rules of Court, rules [8.320 and 8.340(b) / 8.410 / 8.416(d)], appellant requests the following items be transmitted to the Court of Appeal with copies to appellate counsel. These items are part of the normal appellate record under rule [8.320 / 8.407]. They must be included to permit a thorough appellate review for possible issues. The Supreme Court has identified at least two “basic tools” constitutionally necessary for a “complete and adequate” appeal by an indigent: (1) a competent attorney on appeal, acting as an advocate on behalf of the indigent and (2) an appellate record that will permit a meaningful, effective presentation of the indigent’s claims. (*People v. Barton* (1978) 21 Cal.3d 513, 518.)

A. Clerk's transcript

[Enumerate missing parts, with citations to record as needed.]

California Rules of Court, rule [8.320(b) / 8.407(a)], provides that the normal clerk’s transcript on appeal must contain these matters. *[Specify appropriate rule subdivisions. Provide all known details, including filing date, title and description of document, etc.]*

[If feasible:] The requested document is attached to this motion, as provided by rule 8.155(a)(2).

This record is important to appellate counsel's identification of issues on appeal. *[Briefly explain relevance to appeal.]*

B. Reporter's transcript

California Rules of Court, rule [8.320(c) / 8.407(b)], provides that the normal reporter's transcript on appeal must contain *[specify missing parts listed in the applicable rule, with citations to record and appropriate rule subdivision]*.

This record is important to appellate counsel's identification of issues on appeal. *[Briefly explain relevance to appeal.]*

II.

REQUEST TO AUGMENT RECORD ON APPEAL

Under rules 8.155(a) and [8.340(c) / 8.410 / 8.416(d)] of the California Rules of Court, appellant requests an order augmenting the record on appeal as specified below. Appellate counsel must exercise diligence in investigating all potential arguably meritorious issues suggested by the record on appeal and to augment that record based on suggestions of appellant and inferences contained in the appellate record. This request is necessary to discharge that duty. (See *People v. Johnson* (1981) 123 Cal.App.3d 106, 109.)

A. Clerk's transcript

[Enumerate documents requested, with citations to record as needed. Provide all known details, including filing date, title and description of document, etc.]

[Explain relevance to appeal.]

B. Reporter's transcript

[Enumerate proceedings for which a reporter's transcript is requested, with citations to record and applicable rules as needed. Provide all known details – dates and times, judge's name and department, reporter's name and CSR number, etc., to help identify exact proceeding.]

[Explain relevance to appeal.]

III.

LIST OF REQUESTED ADDITIONS TO THE RECORD

1. *[Enumerate, with identifying details.]*

2. * * *

IV

APPLICATION FOR EXTENSION OF TIME TO FILE
APPELLANT'S OPENING BRIEF

I request that the time to file appellant's opening brief be extended by thirty days after the filing of the augmented record.

Present Due Date:	Notice Under Rule 8.360(c)(5):
Date Appointed:	Record filed:
Record Length:	Sentence:

I need more time for the following reasons:

Appellate counsel has completed a review of the record and made every effort to expedite the filing of this augmentation request. Granting an extension of time to file appellant's opening brief following the augmentation of the record will create no harm and permit appellate counsel time to adequately represent appellant's interests by raising all arguably meritorious issues before this court. (*In re Smith* (1970) 3 Cal.3d 192, 202-203; *People v. Barton* (1978) 21 Cal.3d 513, 518-520.)

I declare under penalty of perjury under the laws of the state of California that this statement and the attached pages are true and correct.

Dated: *[date]*

Respectfully submitted,

[Attorney's name]
State Bar No. *[number]*
Attorney for Defendant *[name]*

PROOF OF SERVICE