

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 motion pertains to San Bernardino County Superior Court cases in which out-of-county counsel seeks a copy of electronic media exhibits (DVDs, CDs, etc.). The Court of Appeal will make the copy for counsel, because the superior court is unable to do so. The motion also pertains to cases arising in three of the four San Diego County Superior Courts -- north county (SCN), east county (SCE), and south county (SCS) -- in which out of county counsel seeks a copy of exhibits, because ADI personnel cannot travel to those outlying courts to make a copy for counsel. The motion should not be used for San Diego County Superior Court cases that are in the downtown courthouse (SCD), because ADI can go to the courthouse and make a copy. Before preparing the motion, contact the ADI staff attorney and the exhibit review practice article for further guidance: [http://www.adi-sandiego.com/news\\_alerts/pdfs/2010/exhibit-review-updated-2010.pdf](http://www.adi-sandiego.com/news_alerts/pdfs/2010/exhibit-review-updated-2010.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.

*[Defendant'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

**MOTION TO TRANSMIT EXHIBITS FOR COPYING  
(Cal. Rules of Court, rule 8.224(a))**

TO THE HONORABLE *[NAME]*, PRESIDING JUSTICE, AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE COURT OF APPEAL OF THE STATE OF CALIFORNIA, FOURTH APPELLATE DISTRICT, DIVISION *[NUMBER]*:

*[For San Bernardino cases use the following introduction:* Defendant *[name]* requests this court order the superior court to transmit the following media exhibit(s) to the Court of Appeal to copy for appellate counsel.]

*[For San Diego cases use the following introduction:* Defendant *[name]* requests this court order the superior court to transmit the following photographic exhibit(s) to the Court of Appeal to facilitate copying by Appellate Defenders, Inc. (ADI).]

*[List each exhibit by number and description.]*

The motion is based on the accompanying points and authorities.

Dated: *[date]*

Respectfully submitted,

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

**POINTS AND AUTHORITIES IN SUPPORT  
OF MOTION FOR TRANSMISSION OF EXHIBITS**

Under California Rules of Court, rule 8.320(e), all exhibits admitted in evidence in criminal cases are deemed a part of the record on appeal. Although rule 8.224 [8.407(e)] does not directly apply to transmission of exhibits for the purpose of copying for counsel, it provides useful guidance. Rule 8.224(c) permits a party to “apply to the reviewing court for permission to send an exhibit to that court” outside the usual time frame.

This appeal involves *[briefly set forth the nature of the convictions and sentence]*.

Potential issue[s] on appeal include *[briefly describe]*.

The evidence consisted of *[briefly set forth the evidence and the relevance of the exhibits]*.

The exhibit[s] [was/were] not included with the record provided to appointed counsel. To assess and gain a full understanding of the issue[s] under consideration before briefing, appellate counsel must obtain a copy of the exhibit[s].

*[For San Bernardino County cases:* San Bernardino County does not have the ability to copy media exhibits for counsel. Counsel understands that this court has offered to make copies for counsel if the relevant exhibit[s] [is/are] transferred to the Court of Appeal.]

*[For San Diego County cases in branch courts:* Counsel is out of San Diego County, and ADI is not able to travel to the superior courts beyond downtown San Diego to make a copy for counsel. ADI can make a copy of the exhibit[s] at the Court of Appeal.]

Defendant requests this court order that the above-designated exhibit[s] be transmitted to the Court of Appeal for copying for counsel.

Dated: *[date]*

Respectfully submitted,

*[Attorney's name]*

State Bar No. *[number]*

Attorney for Defendant *[name]*

**PROOF OF SERVICE**