

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.]

[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.

[Name],
Defendant and Appellant.

Court of Appeal
No. *[number]*

Superior Court
No. *[number]*

APPEAL FROM THE SUPERIOR COURT OF *[NAME]* COUNTY

Honorable *[name]*, Judge

DEFENDANT'S REQUEST FOR JUDICIAL NOTICE

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]*:

Under rules 8.252 and *[8.366(a) / 8.470]* of the California Rules of
Court, defendant, *[name]*, respectfully requests that this court take judicial
notice of the following record: *[specify]*. (Evid. Code, §§ 452, subd.
(d)(1), 453, and 459, subd. (a).)

This request is based upon the present moving papers, the supporting
memorandum of points and authorities, and the opening brief filed in this
appeal.

Dated: *[date]*

Respectfully submitted,

[Attorney's name]

State Bar No. *[number]*

Attorney for Defendant *[name]*

**MEMORANDUM OF POINTS AND AUTHORITIES IN
SUPPORT OF JUDICIAL NOTICE**

I. STATEMENT OF FACTS SUPPORTING JUDICIAL NOTICE

[Set forth relevant facts with citations to the record.]

II. DISCUSSION

Evidence Code section 459, subdivision (a), specifies that a reviewing court shall take judicial notice of each matter properly noticed by the trial court and each matter that the trial court was required to notice under Evidence Code section 451 or 453. It further provides that a reviewing court may take judicial notice of any matter specified in Evidence Code section 452. Section 452, subdivision (d)(1), permits judicial notice of the records of any court of this state.

Judicial notice should be taken of the requested document. Its inclusion in the record on appeal is necessary to the issue raised on appeal, which concerns *[describe issue]*.

The document is relevant to the argument, in that *[explain relevance]*. The discussion of the document is at pages *[pages]* of the opening brief.

The matter to be noticed *[was / was not]* presented to the trial court. *[Cite to record, if available.]* That court *[took / did not take]* judicial notice of it. *[Cite to record, if available.]*

[Explain further as necessary.]

The matter to be noticed *[relates /does not relate]* to proceedings that occurred after the *[judgment /order]* that is the subject of this appeal.

[Explain further as necessary.]

III. CONCLUSION

For the foregoing reasons, defendant requests that [his / her] request for judicial notice be granted.

Dated: *[date]*

Respectfully submitted,

[Attorney's name]

State Bar No. *[number]*

Attorney for Defendant *[name]*

PROOF OF SERVICE