

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: Petitions for review are covered in chapter 7, § 7.46 et seq. of the [ADI Manual](#).

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff and Respondent,

v.

[Defendant's name],
Defendant and Appellant.

Supreme Court
No. *[number]*

Court of Appeal
No. *[number]*

Superior Court
No. *[number]*

Appeal from the Superior Court of *[name of county]* County

Honorable *[name of trial judge]*, Judge

**DEFENDANT'S MOTION UNDER RULE 8.500(e)(2)
REQUESTING PERMISSION
TO FILE UNTIMELY PETITION FOR REVIEW**

[Attorney's Name]

State Bar No. *[number]*

[Address]

[Phone number]

*[Email address and fax number if
available]*

Attorney for Defendant *[name]*

People v. [name]
Supreme Ct. no. *[number]*
Court of Appeal no. *[number]*
Superior Court no. *[number]*

**DEFENDANT’S MOTION UNDER RULE 8.500(e)(2)
REQUESTING PERMISSION
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TO THE HONORABLE TANI G. CANTIL-SAKAUYE, CHIEF JUSTICE
OF THE STATE OF CALIFORNIA:

Defendant *[name]* respectfully requests, under California Rules of Court, rule 8.500(e)(2), the permission of the Chief Justice to file an untimely petition for review. The unpublished opinion by the Fourth District, Division *[number]*, in *[case name]*, was filed on *[date]* (per *[authoring justice’s last name]*, J.).

The Court of Appeal’s opinion was filed on *[date]*, thus becoming final as to the Court of Appeal on *[date]*. California Rules of Court, rule 8.500(e)(2) gives the Chief Justice the authority to grant relief from a failure to timely file a petition for review before the time expires for the court to order review on its own motion. In addition, under rules 8.500 and 8.512(c), this court can, on its own motion, order review of the Court of

Appeal opinion within 30 days of the opinion's becoming final. Thus, this court has the authority to grant review on its own motion or to grant relief from failure to timely file a petition for review until *[date]*. (Cal. Rules of Court, rules 8.500, 8.512(c).)

Good cause for granting relief exists in the present case. *[Set forth the procedural events in this case and the circumstances that establish good cause – for example, intervening law; counsel did not receive the opinion in the mail and did not receive email notification before the date for filing the petition expired; personal medical emergency; etc.]*

For the reasons given, good cause exists for the Chief Justice to grant this motion. In the alternative, defendant requests the court grant review on its own motion.

I declare under penalty of perjury that this statement, including any attached pages, is true. Executed on *[date]*.

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

IT IS SO ORDERED:

Chief Justice

PROOF OF SERVICE