

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**

**Manual Guidance:** See chapter 1 of the [ADI Appellate Practice Manual](#) at § 1.33A and § II.B.4. of [ADI's Guide to Motion Practice](#), found under APPELLATE PRACTICE<Nuts and Bolts of Panel Practice.

*[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  
Nos. *[number]*

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

Honorable *[name]*, Judge

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**DEFENDANT'S MOTION TO STAY  
APPEAL IN CASE NUMBER *[NUMBER]*,  
PENDING *[PROCEEDING]***

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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]*:

Defendant *[name]* respectfully requests that the appeal from the  
judgment rendered in *[name]* County Superior Court, Court of Appeal case

number *[number]*, be stayed pending the *[proceeding]*. *[Identify and describe other proceeding, with details such as case number, court, judge, etc.]*

*[In summary form: Identify what considerations militate in favor of deciding the other proceeding first.]*

*[In juvenile cases, explain why the stay is consistent with the high priority given such appeals and why it will not prejudice the child or any other party.]*

This motion is made under California Rules of Court, rule 8.54 and is based on the attached memorandum of points and authorities and exhibits.

Dated: *[date]*

Respectfully submitted,

*[Attorney's name]*

State Bar No. *[number]*

Attorney for Defendant *[name]*

## MEMORANDUM OF POINTS AND AUTHORITIES

*[Provide adequate procedural and factual background to understand the motion. Describe the issues in both the appeal and the other proceeding.]*

*[If applicable, explain how resolution of the other proceeding could make resolution of the appeal unnecessary. E.g.: The resolution of the other proceeding may render the issues in this appeal moot in that . . . ]*

In order to conserve judicial resources and avoid piecemeal or duplicate briefing, counsel requests that the appeal be stayed until the *[other proceeding]* has been resolved.

For the foregoing reasons, defendant requests the appeal be stayed pending the outcome of the *[other proceeding]*.

Dated: *[date]*

Respectfully submitted,

*[Attorney's name]*

State Bar No. *[number]*

Attorney for Defendant *[name]*

## **PROOF OF SERVICE**