|  |
| --- |
| 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***  For structure of the brief, see [ADI Manual, chapter 5, section 5.2, et seq. and California Rules of Court, rules 8.204 and 8.360.](http://www.adi-sandiego.com/panel/manual.asp)  For tips on professional presentation of briefs, see ADI’s [Going in Style](https://www.adi-sandiego.com/legal-resources/) Articles.  For a juvenile delinquency appeal, a sample case caption is available in the juvenile delinquency article, [Representing a Minor on Appeal in a Juvenile Delinquency Case](http://www.adi-sandiego.com/delinq_depend/delinquency/index.asp) at section IV. |

**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]* |

**APPEAL FROM THE SUPERIOR COURT OF**

*[NAME]***COUNTY**

Honorable *[name]*, Judge

**APPELLANT’S OPENING BRIEF**

*[Attorney’s name, bar number]*

*[Address and telephone number]*

*[Email address and fax number if available]*

Attorney for Defendant and Appellant *[name]*

By Appointment of the Court of

Appeal Under the Appellate

Defenders, Inc. Program

**TABLE OF CONTENTS**

**PAGE(S)**

*[See California Rules of Court, rule 8.204(a)(1)(A) and ADI Manual, chapter 5, §5.2.3.1.]*

INTRODUCTION……………………………………………………[page]

STATEMENT OF APPEALABILITY [page]

STATEMENT OF THE CASE [page]

STATEMENT OF FACTS [page]

ARGUMENT [page]

I. *[Argument heading - set forth the contention]*. [page]

A. *[Introduction, stating what happened in trial court]* [page]

B. *[If applicable, address any potential question*

*of waiver or forfeiture, here or in part D]*. [page]

C. *[Standard of review]*. [page]

D. *[Argument]*.. [page]

1. *[Legal analysis establishing the error]* [page]

2. *[Prejudice analysis]* [page]

CONCLUSION [page]

ATTACHMENT [page]

CERTIFICATION OF WORD COUNT... .[page]

**TABLE OF AUTHORITIES**

**PAGE(S)**

*[See California Rules of Court, rule 8.204(a)(1)(A) and ADI Manual, chapter 5, §5.2.3.2.]*

**CASES**

*[Case – cite]* [page]

**CONSTITUTIONS**

United States Constitution

*[Section or amendment]* [page]

**STATUTES**

Penal Code

*[Section number]* [page]

**COURT RULES**

California Rules of Court

*[Rule number]* [page]

**OTHER AUTHORITIES**

*[Citations]* [page]

**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]* |

**APPEAL FROM THE SUPERIOR COURT OF**

*[NAME]***COUNTY**

Honorable *[name]*, Judge

**APPELLANT'S OPENING BRIEF**

**INTRODUCTION**

*[See ADI Manual, chapter 5, §5.2.4.]*

**STATEMENT OF APPEALABILITY**

*[See California Rules of Court, rule 8.204(a)(2)(b) and ADI Manual, chapter 5, §5.2.5.]*

**STATEMENT OF THE CASE**

*[See California Rules of Court, rule 8.204(a)(1)(C) and ADI Manual, chapter 5, §5.2.6.]*

**STATEMENT OF FACTS**

*[See California Rules of Court, rule 8.204(a)(1)(C) and ADI Manual, chapter 5, §5.2.7.]*

**ARGUMENT**

*[See California Rules of Court, rule 8.204(a)(1)(B) & (C) and ADI Manual, chapter 5, §5.2.8.]*

**I.**

**[Argument Heading]**

*[California Rules of Court, rule 8.204(a)(1)(B) states that a brief must “[s]tate each point under a separate heading or subheading summarizing the point. . . .”; see ADI Manual, chapter 5, §5.2.8.2.]*

**A. Introduction.**

*[Summarize contention and state what happened in trial court. See ADI Manual, chapter 5, §5.2.83: “The appellate court wants to know up front what the trial court allegedly did wrong, what legal theory supports that allegation, and what conclusion to draw from the errors.”]*

**B. If applicable, address any potential question of waiver or forfeiture, here or in part D.**

*[See ADI Manual, chapter 5, §5.2.8.5.]*

**C. Standard of review.**

*[See ADI Manual, chapter 5, §5.2.8.6.]*

**D. Argument.**

*[See California Rules of Court, rule 8.204(a)(1)(B) & (C) and ADI Manual, chapter 5, §5.2.9.]*

**1. Legal analysis establishing the error.**

*[See ADI Manual, chapter 5, §§5.2.9.1-5.2.9.5; see also §5.2.11 (federalization of the issue).]*

**2. Prejudice.**

*[See ADI Manual, chapter 5, §5.2.10.]*

**CONCLUSION**

*[See ADI Manual, chapter 5, §5.2.14.]*

Dated: *[date]* Respectfully submitted,

*[Attorney’s name]*

State Bar No. *[number]*

Attorney for Defendant and Appellant

*[name]*

**ATTACHMENT [if any]**

*[See California Rules of Court, rule 8.204(d) and ADI Manual, chapter 5, §5.2.15.]*

**CERTIFICATION OF WORD COUNT**

*[See California Rules of Court, rule 8.360(b)(1) (briefs may not exceed 25,500 words) and ADI Manual, chapter 5, §5.6.1.9.]*

I, *[appellate counsel’s name]*, hereby certify in accordance with California Rules of Court, rule 8.360(b)(1), that this brief contains *[number]* words as calculated by the *[name of program]* software in which it was written.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Dated: *[date]* Respectfully submitted,

*[Attorney’s name]*

State Bar No. *[number]*

**PROOF OF SERVICE**