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| Parts in blue print are instructions to user, not to be included in filed document unless so noted.  ***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)  A motion to file a supplemental opening brief following remand or transfer from the California Supreme Court is not required. Rule 8.200(b)(1) permits the filing of a supplemental brief in the Court of Appeal within 15 days of the Supreme Court order. But a motion to file a supplemental reply brief after the filing of a respondent’s supplemental brief would be required. Supplemental briefs are not permitted after a grant of review has been dismissed.  File an extension request if additional time is needed. |

**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 SUPPLEMENTAL BRIEF UNDER**

**CALIFORNIA RULES OF COURT, RULE 8.200(B)(1)**

*[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

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**APPEAL FROM THE SUPERIOR COURT OF**

***[NAME]* COUNTY**

Honorable *[Name]*, Judge

**APPELLANT’S SUPPLEMENTAL BRIEF UNDER**

**CALIFORNIA RULES OF COURT, RULE 8.200(B)(1)**

**INTRODUCTION**

*[State the brief is submitted under California Rules of Court, rule 8.200(b)(1), set forth the California Supreme Court’s order transferring the case to the Court of Appeal, and identify the issue for the Court of Appeal’s consideration.]*

**STATEMENT OF THE CASE**

*[See California Rules of Court, rule 8.204(a)(1)(C) and ADI Manual, chapter 5, §5.2.6. If necessary, include the pertinent events leading to the order transferring the case to the Court of Appeal.]*

**STATEMENT OF FACTS**

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

**ARGUMENT**

**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.**

*[State the brief is submitted under California Rules of Court, rule 8.200(b)(1), set forth the California Supreme Court’s order transferring the case to the Court of Appeal, and identify the issue for the Court of Appeal’s consideration.]*

**B. 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]*

**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]*

s**PROOF OF SERVICE**