Parts in blue print are instructions to user, not to be included in filed document except as noted. References to rules are to the California Rules of Court.

***PRACTICE TIPS***

Motions filed in superior court must conform to California Rules of Court, rule 2.100 et seq. Motions filed in superior court should be printed on pleading paper.

See [ADI’s Exhibit Review Procedures](https://www.adi-sandiego.com/legal-resources/) article.

*[Attorney name, bar number*

*Attorney’s address*

*Attorney’s telephone number*

*Attorney’s email and fax number, if available]*

Attorney for Defendant and Appellant *[Name]*

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF *[Name]*

|  |  |
| --- | --- |
| THE PEOPLE OF THE STATE OF CALIFORNIA,  Plaintiff and Respondent,  v.  *[NAME]*,  Defendant and Appellant. | Superior Court No. *[number]*  (Related Court of Appeal No. *[number]*)  MOTION FOR ORDER PERMITTING A COPY SERVICE TO MAKE COPIES OF EXHIBITS AT THE SUPERIOR COURT |

TO THE HONORABLE *[name]*, PRESIDING JUDGE OF THE SUPERIOR COURT, IN AND FOR THE COUNTY OF *[name]*:

Defendant, *[name]*, through appointed appellate counsel *[name]*, respectfully requests a certified order authorizing *[name of copy service]*, a licensed and bonded copy service, to scan and copy the below listed exhibit*[s]* at the *[name of the superior court exhibit room or other court location]*. The exhibits include:

*[List each exhibit by number and description, include the number of pages of each exhibit and/or its size if the size is too large for the superior court to copy, etc.]*

This request is based on the accompanying memorandum of points and authorities, the declaration of appointed appellate counsel attached as Exhibit A, the Court of Appeal appointment of counsel order, attached as Exhibit B, and the Exhibit List, attached as Exhibit C.

Dated: *[date]* Respectfully submitted,

*[Attorney’s name]*

State Bar No. *[Number]*

Attorney for Defendant and

Appellant *[Name]*

**MEMORANDUM OF POINTS AND AUTHORITIES**

Defendant *[name]* was convicted of *[describe the convictions]* in this court. He was sentenced on *[date]*. His case is currently on appeal in Court of Appeal case number *[number]*. The Court of Appeal appointed me, *[name]*, to represent him. (See Exhibit B [Court of Appeal appointment order].)

The record on appeal discloses that exhibits were admitted into evidence at *[describe the hearing or trial]*. (See Exhibit C [Exhibit List].) Appointed counsel’s responsibilities in representing defendant include review of the entire record. (*People v. Barton* (1978) 21 Cal.3d 513, 518-520; *People v. Gaston* (1978) 20 Cal.3d 476; see also *Entsminger v. Iowa* (1967) 386 U.S. 748, 752 [an indigent defendant is constitutionally entitled to “a complete and effective appellate review of his conviction . . . .”].) Exhibits are deemed part of the record on appeal. (Cal. Rules of Court, rule 8.320(e).) In order for appointed counsel to gain a full understanding of possible issues in preparation for appeal, review of the entire record is necessary.

*[Explain why it would be impractical for counsel to travel to view the exhibits in person – e.g., expense, potential need to consult the exhibits repeatedly during briefing process, etc.]*

Because of the *[quantity, size, nature, etc.]* of the needed exhibit[s], the exhibit custodian *[name]* is unable to provide counsel with a copy and has informed counsel that a court order would be necessary to permit an outside copy service to come to the exhibit room and make copies for counsel. Counsel has arranged for the *[name of copy service]* to go to the superior court to scan and make copies of the exhibits. Counsel, thus, seeks an order from the superior court permitting the *[name of copy service]* to scan and make copies of the exhibits. Counsel will schedule a date with the exhibit room custodian once this court approves this request.

**CONCLUSION**

For the reasons presented above and in the attached declaration of counsel, it is respectfully requested that the court issue an order permitting the *[name of copy service]* to scan and make copies of the exhibits at the court.

Dated: *[date]* Respectfully submitted,

*[Attorney’s name]*

State Bar No. *[Number]*

Attorney for Defendant and

Appellant *[Name]*

EXHIBIT A

DECLARATION OF

*[Appellate counsel’s name]*

**DECLARATION OF** *[APPELLATE COUNSEL’S NAME]*

I, *[appellate counsel’s name]*, declare as follows:

1. I am an attorney licensed to practice in the courts of the State of California.

I am appointed appellate counsel for *[defendant's name]* in the Fourth District Court of Appeal, Division *[number]*, Case No. *[number]*.

1. In order to gain a full understanding of all possible issues for appeal, it is

necessary for me to review and evaluate the following exhibits: *[set forth the exhibits]*. Because the exhibits are *[voluminous, etc.]*, it is not practical for me to view them in the superior court. A copy is therefore necessary.

3. On *[date]*, I spoke with the exhibit custodian *[or clerk]*, *[name]*, and requested a copy of the exhibits. The custodian *[or clerk]* informed me that due to the *[quantity, size, etc. of the exhibits or the lack of equipment by the superior court to make a copy for counsel]*, a copy could not be provided and that a superior court order would be necessary to permit an outside copy service to make copies for counsel at the courthouse.

4. On *[date]* I spoke with *[name],* a representative of *[name of copy service]*, a licensed *[license number]* and bonded legal scanning and copy service, located at *[address]*. I have made arrangements with the copy service to go to the court to make copies of the exhibits once an order by the superior court is obtained. *[If applicable, add detail on whether this service has scanned and copied documents at the courthouse before and is familiar with the court procedure for such service]*

I declare under penalty of perjury of the laws of California that the foregoing is

true.

Dated: *[date]*

*[Attorney’s name]*

State Bar No. *[Number]*

Attorney for Defendant and

Appellant *[Name]*

EXHIBIT B

COURT OF APPEAL

APPOINTMENT ORDER

EXHIBIT C

SUPERIOR COURT

EXHIBIT LIST

**PROOF OF SERVICE**