

[Attorney's name, bar number
address and telephone number]

Attorney for Appellant

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION _____

PEOPLE OF THE STATE
OF CALIFORNIA,

Plaintiff and Respondent,

v.

_____,

Defendant and Appellant.

A _____

(_____ County Superior Court

No. _____)

**APPLICATION FOR ABATEMENT OF ACTION
DUE TO DEATH OF APPELLANT;
DECLARATION OF COUNSEL IN SUPPORT**

TO THE PRESIDING JUSTICE OF THE DIVISION _____ OF THE FIRST
DISTRICT COURT OF APPEAL:

Appellant, _____, as reflected in the attached copy of his/her Death Certificate,
has died during the pendency of this appeal. Counsel requests that the court dismiss the appeal
and direct the superior court to enter an order vacating the judgment and relieving him/her of any
disability arising from it. (*In re Jackson* (1985) 39 Cal.3d 464, 480; *People v. St Maurice* (1913)
166 Cal. 201, 202.)

[Counsel is in the process of obtaining a certified copy of the Death Certificate, and he

will forward it to the court if necessary. (*In re Jackson, supra*, 39 Cal.3d at p. 480 [certified copy of the death certificate was filed]; *People v. St Maurice, supra*, 166 Cal. at p. 202 [defendant's death pending appeal was "suggested" to the court]; *Rogers v. Manhattan Life Ins. Co.* (1903) 138 Cal. 285, 294-295 [circumstances surrounding disappearance sufficient to prove death].) However, in the interest of time, counsel requests this court to consider this Request based on the attached authenticated documents. (See, attached declaration.)]

DATED: _____

Respectfully submitted,

By: _____
[attorney's signature]
Attorney for Appellant

DECLARATION OF []

I, _____, declare the following under penalty of perjury:

1. I am the attorney of record for appellant, _____ in Appeal Number A _____ from his/her [date] judgment of conviction in _____ County Superior Court Case Number _____;
2. On _____ [you may describe the circumstances under which you learned of your client's death and the efforts you took to obtain the attached death certificate; if it is not certified, authenticate it as best you can].

I declare under penalty of perjury that the foregoing is true and correct. Executed _____ at _____, California.

[signature of declarant]