

[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. _____)

**MOTION FOR EXPEDITED APPEAL AND
CALENDAR PREFERENCE AND
OPPOSITION TO EXTENSIONS OF TIME;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT**

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

Appellant, by and through counsel, hereby moves this court for an order expediting the resolution of [his/her] appeal, granting him calendar preference [and denying any extensions of time for the opposing party to file his brief] on the grounds that [appellant is statutorily entitled to preference, OR appellant's case was entitled to calendar preference in the trial court, OR absent such an order, appellant's claim[s] may become moot, depriving [him/her] of the prospect of meaningful relief, (OR opposing counsel concedes the error and remedy or appellant may suffer some other non-statutory hardship, see Advisory Cttee com to rule 8.240)].

This motion is based on this notice, the attached memorandum of points and authorities and on the court's file in this matter.

DATED: _____

Respectfully submitted,

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

MEMORANDUM OF POINTS AND AUTHORITIES

On _____, [appellant was sentenced to . . .]. On appeal, appellant challenges [concise statement of order challenged and grounds if appropriate].

“A party claiming calendar preference must promptly serve and file a motion for preference in the reviewing court.” (Cal. Rules of Court, rule 8.240.) The term “‘calendar preference’ means an expedited appeal schedule, which may include expedited briefing and preference in setting the date of oral argument.” (Cal. Rules of Court, rule 8.240.) The rule is “broad in scope” and reviewing courts have discretion to grant calendar preference even when no statutory ground exists. (Advisory Com. com, 23, pt.3 West’s Ann. Codes, Rules (2006 ed.) foll. rule 8.240, p. 69.)

[Describe facts demonstrating potential for mootness or irreparable harm to appellant in the ordinary course of appellate review or other grounds for motion.] Therefore, appellant respectfully requests that his case be processed as an expedited appeal and that he be granted calendar preference pursuant to California Rules of Court, rule 8.240.

[If filed prior to filing of Respondent’s Brief: The record in appellant’s case contains _____ pages of clerk’s and reporter’s transcripts. Appellant did not request any extensions of time and has filed his opening brief without using any of the additional time provided for by California Rules of Court, rule 8.220(a). Accordingly, in order to further the goals served by an expedited appellate review, any request for an extension of time to file opposing party’s brief should be denied.]

Dated: _____

Respectfully submitted,

By: _____
[attorney’s signature]

Attorney for appellant