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Attorney for Appellant

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT, DIVISION [NUMBER]

**THE PEOPLE OF THE STATE OF
CALIFORNIA,**

Plaintiff and Respondent,

v.

[CLIENT NAME],

Defendant and Appellant.

A#####

([County] County
Superior Court
No. #####)

**APPLICATION TO VIEW CONFIDENTIAL
TRANSCRIPT OF *MARSDEN* HEARING**

To the Honorable Presiding Justice and Associate Justices of the
California Court of Appeal, First Appellate District, Division
[Number]:

Pursuant to California Rules of Court, rule 8.45(d), and First District Local Rule 3(d), appellant respectfully requests this Court transmit to counsel for appellant the following sealed transcript[s]:

[Describe transcript[s] to be obtained with citations to the record. For example:

A copy of Volume 6A, pages 129-142, of the reporter's transcript on appeal, which is a transcript of the court's in camera hearing on appellant's motion pursuant to *People v. Marsden* (1970) 2 Cal.3d 118, held on August 2, 2020. (See 6RT 128; CT 70.)]

Rule 8.45(d)(2) of the California Rules of Court provides that, unless otherwise provided by law or court order, a sealed or confidential record that is part of the record on appeal shall be transmitted to, and may be examined by, only the reviewing court and the party or parties who had access to it in the trial court. In addition, pursuant to First District Local Rule 3(d), the transcript of a hearing held in camera or under seal, including a *Marsden* hearing, shall not be provided to counsel for either party except on application to, and approval by, this Court.

Because appellant and defense counsel were present at the hearing on appellant's *Marsden* motion, appellate counsel is entitled to a copy of the transcript[s] of the hearing under rule 8.45(d)(2). Further, because respondent did not have access to the sealed material in the trial court, unless and until appellant

makes use of the *Marsden* transcript[s] by referring to their contents on appeal, the sealed transcript[s] should not be sent to respondent. (*Ibid.*)

Appellant thus requests that a copy of the *Marsden* transcript[s] be transmitted to appellate counsel only.

Dated: [Month, Day, Year]

Respectfully submitted,

[Attorney signature]

[Attorney name]

Attorney for Appellant