

[Attorney name
Attorney address
Attorney phone number]

[Date]

Appeals Clerk
[County] County Superior Court
[Address]

Re: Request for Items Omitted from the Record on Appeal
(Cal. Rules of Court, Rule 8.340(b); First District Court of Appeal Local
Rule 4(b))

People v. [Case Name]
[County] County Superior Court No. [XXX]
Court of Appeal No. [XXX]

Dear Appeals Clerk:

I represent [Client name] on appeal. I am writing to request an item that appears to have been omitted from the record on appeal:

[List the items missing from the record and include citations to the record and specific Rules of Court. The following description is provided as an example of a confidential item frequently omitted from the record. Confidential and nonconfidential items may be requested in the same letter; FDAP has provided separate samples for requesting confidential and nonconfidential items only to highlight the different procedure that must be followed in the case of confidential items.]

- Reporter's transcripts of the closed *Marsden* hearings held on [xx] and on [xx]. (See CT [xx]; Cal. Rules of Court, rule 8.320(c)(9)(A) [normal record includes "The oral proceedings on any defense motion denied in whole or in part[.]".])

Pursuant to rules 8.45(d)(2) and 8.340(b) of the California Rules of Court and First District Court of Appeal Local Rule 3(a), **these items are confidential** and should be transmitted only to the First District Court of Appeal, which will provide a copy to counsel for appellant.

Thank you in advance for your assistance in this matter.

Sincerely,

[Attorney name]

cc: Court of Appeal, First District
Office of the Attorney General
First District Appellate Project