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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 FILE AN OPENING BRIEF
IN EXCESS OF 25,500 WORDS
(Cal. Rules of Court, Rule 8.360(b)(5))***

* **[Practice Note:** According to rule 8.412(a)(3), rule 8.360(b) also governs the length of briefs filed in juvenile delinquency and dependency appeals. Similarly, rule 8.360(b) applies to LPS conservatorship and civil commitment appeals pursuant to rules 8.480(a) and 8.483(a).]

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

Appellant [Name], through appointed counsel, respectfully requests leave to file an opening brief in excess of 25,500 words, the word limit stated in California Rules of Court, rule 8.360(b)(1). Under Rule 8.360(b)(5), a longer brief may be permitted upon a showing of good cause.

The opening brief contains [#####] words. The appellate record consists of [#####] pages of transcript for a trial that lasted [##] days. Appellant was convicted of [describe offenses] and was sentenced to [describe sentence.] The brief raises [##] issues, including [describe and list the issues raised; e.g., sufficiency of evidence, instructional error, cumulative error, challenges to the sentence, etc.]

[Explain necessity of exceeding 25,500 words, e.g., Claims 1 and 5 in the opening brief present issues subject to an existing split in authority. Claims 6 and 7 raise novel issues of application of new sentencing laws, with an in-depth discussion set out over [##] pages, covering complex issues of retroactivity and statutory construction. The brief includes a [##] page cumulative error analysis, discussing the due process violation from the related trial errors set out in claims 1-7.] †

† [**Practice Note:** It may be helpful to submit a copy of the table of contents along with the application.]

All reasonable efforts were made to limit the length of the brief by avoiding repetition of standards of review, procedural history, and facts. [If applicable, describe with specificity efforts made to reduce the size of the brief.]

Good cause exists to grant this request based on the necessity for a full and fair presentation of claims on appeal. The application is made in order to substantially address and preserve issues for state and federal review. Issues must be raised and substantially addressed to preserve them for any subsequent federal review. (*O'Sullivan v. Boerckel* (1999) U.S. 838, 845.)

For these reasons, appellant request this Court grant this application for leave to file an opening brief in excess of 25,500 words.

Dated: [Month Day, Year]

Respectfully submitted,

/s/ Attorney Name
[ATTORNEY NAME]
Attorney for Appellant