

[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. [#####]
Court of Appeal No. [#####]

Dear Appeals Clerk:

I represent [Client Name] on appeal. I am writing to request several items that appear 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 descriptions are provided as examples of items frequently omitted from the record.]

- The reporter's transcript of the hearing on appellant's motion for [xxx], heard and denied on [xx] by the Hon. [xxx], court reporter [xxx]. (See CT [xxx]; see 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[.]"]);

* **Practice Note:** Rules 8.407 and 8.410 apply to correction of the record on appeal in juvenile delinquency and dependency cases. In LPS conservatorship and civil commitment appeals, rules 8.480 and 8.483 specify what must be included in the record; however, the procedure for correcting the record in LPS conservatorship and civil commitment appeals is governed by rule 8.340.

- The transcript of the DVD of appellant’s statement to police, introduced into evidence on [xxx] at the pretrial motion to exclude appellant’s statements as involuntary under *Miranda*. (See CT [xxx]; RT [xxx]; see Cal. Rules of Court, rule 8.320(b)(11) [normal record includes “Any transcript of a sound or sound-and-video recording to the jury or tendered to the court under rule 2.1040”];)
- The reporter’s transcript of jury trial proceedings on [date]. (See CT [xxx]; see Cal. Rules of Court, rule 8.320(c)(3) [normal record includes “[t]he oral proceedings at trial”]);
- People’s Exhibits 1-4, introduced into evidence to prove appellant’s prior convictions. (CT [xx]; see Cal. Rules of Court, rule 8.320(b)(13)(C) [normal record includes “any document admitted in evidence to prove a prior juvenile adjudication, criminal conviction, or prison term”].)

Pursuant to rule 8.340(b) of the California Rules of Court, please send one copy of the missing items to the Court of Appeal with copies to appellate counsel and any other parties required under the rule. 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