

[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

* **[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]

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