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Attorney for Defendant and Appellant

COURT OF APPEAL FOR THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION [NUMBER]

In re [CHILD'S INITIALS],) Court of Appeal
) No.: [CASE #]
A Person[s] Coming Under The)
Juvenile Court Law.)
) Superior Court
_____) No.: [CASE #]
[SPECIFIC COUNTY & AGENCY)
TITLE],)
)
Plaintiff and Respondent,) **APPELLANT'S REQUEST FOR**
v.) **RELIEF FROM DEFAULT,**
) **MOTION TO CORRECT/**
[PARENT'S INITIALS] (mother/father),) **AUGMENT THE RECORD,**
) **AND APPLICATION FOR**
Defendant and Appellant.) **EXTENSION OF TIME**
_____)

APPELLANT-[mother/father][PARENT'S NAME & LAST INITIAL] DEBRA

W. respectfully submits this request for relief from default pursuant to California Rules of Court,¹ rule 8.416(d), and further asks this Court to augment the record on appeal, pursuant to rules 8.340(a), (b) and 8.408(e) with the following item:

1) Court Exhibit #2: Audio Cassette

¹All citations to rules are to the California Rules of Court unless otherwise indicated.

The requested audio recording is a taped telephone conversation between appellant, her dependent children, and the children's relative caretaker. The recording was played to all parties at trial, off the record, was subsequently the subject of extensive examination, and cross-examination, of multiple witnesses, and was integral to closing arguments. (4 R.T. pp. 2-3, 14, 17, 36-37; 5 R.T. pp. 2-7, 9-11, 13-16, 25-31; 6 R.T. pp. 2-8, 18, 21, 25-26, 30-32.) Moreover, the juvenile court cited the contents of the recording in its ruling. (6 R.T. pp. 32-41.)

**REQUEST FOR RELIEF FROM DEFAULT
FOR LATE AUGMENT REQUEST**

Appellant further respectfully requests relief from rule 8.416(d)(2), which under normal circumstances requires appellant to “serve and file any request for augmentation or correction within 15 days after receiving the record.” These are not normal circumstances. The record on appeal, not including the requested exhibit, is long for a dependency case, consisting of 1,447 pages. The need for the requested exhibit was not apparent from a cursory review, and only became apparent following a detailed review of the record.

Appellant is aware of the need to expedite juvenile matters, and does not believe that any party will be prejudiced by the requested augmentation. Indeed, all parties will benefit from having the requested cassette and any available transcripts.

REQUEST FOR AN EXTENSION OF TIME

Finally, appellant respectfully asks for a 14-day extension of time to file the appellant’s opening brief from the date the augmented/corrected record is filed with this Court. This extension is necessary given that counsel’s review of the extensive record is stalled pending review of the requested recording. Again, appellant is aware of the need to expedite juvenile matters, and does not believe that any party will be prejudiced by the requested extension.

DATED: _____

[ATTORNEY NAME]
COUNSEL FOR APPELLANT