

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION _____

THE PEOPLE OF THE STATE OF
CALIFORNIA,
Plaintiff and Respondent,

vs.

_____,
Defendant and Appellant.

Court of Appeal
No.

Superior Court
No.

APPEAL FROM THE SUPERIOR COURT OF _____ COUNTY

Honorable _____, Judge

**APPELLANT'S REQUEST FOR
EXPEDITED APPEAL, SHORTENING OF
TIME, AND CALENDAR PREFERENCE**

Attorney Name
State Bar No.
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phone number

Attorney for Defendant and Appellant

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TO THE HONORABLE _____, PRESIDING JUSTICE,
AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE COURT
OF APPEAL OF THE STATE OF CALIFORNIA, FOURTH
APPELLATE DISTRICT, DIVISION _____:

Appellant, _____, respectfully requests that this court issue an order to expedite the appeal, to shorten the time for appeal, and, if necessary, to obtain calendar preference pursuant to California Rules of Court, rules 8.240, 8.50, 8.54, and 8.68.

Appellant submits there exists good cause for granting the motion. This motion is made on the grounds that an expedited timetable will enable this appeal to be resolved before appellant is required to serve any additional part of a potentially invalid sentence, without significantly impairing the court's customary procedures and without prejudice to any party to this appeal. The motion is based upon this notice and the accompanying points and authorities.

Dated: _____

Respectfully submitted,

Attorney for Appellant and Defendant

**POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR
EXPEDITED APPEAL, SHORTENING OF TIME, AND
CALENDAR PREFERENCE**

California Rules of Court, rule 8.240 allows a party to bring a motion for calendar preference, which means expediting the appeal schedule, which may include expedited briefing and calendar preference in setting the date for oral argument. California Rules of Court, rule 8.68 allows the Chief Justice or presiding justice, upon a showing of good cause, to shorten the time to do an act required or permitted under the rules.

INTRODUCTION

The issues raised on appeal are whether _____ .

Appellant's release date is _____. Were this court to reverse both convictions, appellant would be entitled to immediate release. If the court were to reverse only the first conviction but not the second, appellant would possibly be entitled to probation and, even if probation were not granted, he would still have completed the stayed sentence of two years on the second conviction. To avoid serving time in prison longer than legally required, appellant seeks an expedited appeal and shortening of time. In a letter filed concurrently with this motion, appellant has waived oral argument, but, were respondent to request oral argument, appellant also asks that this court give calendar preference.

PROCEDURAL BACKGROUND

The notice of appeal was filed on _____. The opening brief was filed on _____. Respondent's brief was filed on _____. Appellant's reply brief was filed on _____. _____ extensions of time at ___ days each were requested by appellant, and _____ extensions of time at ___ days each were requested by respondent. Briefing is complete.

ARGUMENT

In the opening brief, appellant has raised issues relating to _____. Based on appellant's current sentence of ___ years and his credits, his earliest possible release date from state prison is projected as _____.

Appellant believes the grounds for the convictions as to both counts to be especially strong. If this court reverses one or both convictions, appellant will already have served time he is not legally obligated to serve. California Rules of Court, rule 8.240 permits such motions for preference on the grounds "that the reviewing court should exercise its discretion to grant preference on a nonstatutory ground (e.g., economic hardship)." (Cal. Rules of Court, rule 8.240, Advisory Committee Comment.) Here, this court should exercise its discretion to grant preference on the grounds that

appellant will be irreparably harmed by serving a longer state prison sentence than may be legally required.

Granting appellant's request to shorten the time for the appeal, to expedite the appeal, and, if necessary, to grant calendar preference will not prejudice any party to this appeal, because the matter is fully briefed.

Dated: _____

Respectfully submitted,

Attorney for Appellant and Defendant

INSERT PROOF OF SERVICE