

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 JUDICIAL
NOTICE**

Attorney Name
State Bar No.
address
phone number

Attorney for Defendant and
Appellant

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Honorable _____, Judge

APPELLANT'S REQUEST FOR JUDICIAL NOTICE

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 _____:

Pursuant to rules 8.252, 8.366(a), of the California Rules of Court,
appellant, _____, respectfully requests that this court take

judicial notice of the following document:

_____. (Evid. Code, §§ 452, subd. (d)(1), 453, and 459, subd. (a).)

This request is based upon the present moving papers, the supporting memorandum of points and authorities, and the opening brief filed in this appeal.

STATEMENT OF FACTS SUPPORTING JUDICIAL NOTICE

(set forth relevant facts with citations to the record)

**MEMORANDUM OF POINTS AND AUTHORITIES IN
SUPPORT OF JUDICIAL NOTICE**

Evidence Code section 459, subdivision (a)(1), specifies that a reviewing court shall take judicial notice of each matter properly noticed by the trial court and each matter that the trial court was required to notice under Evidence Code section 451 or 453. Section 459, subdivision (a)(2), provides that a reviewing court may take judicial notice of any matter specified in Evidence Code section 452. Section 452, subdivision (d)(1), permits judicial notice of the records of any court of this state.

Judicial notice should be taken of the requested document. Its inclusion in the record on appeal is necessary to the issue raised on appeal, which concerns _____. The document is relevant to the

argument, in that _____. The discussion of the document is at pages _____ of the opening brief.

The matter to be noticed (was/was not) presented to the trial court.
[(CT __; RT __.)] [That court (took/did not take) judicial notice of it. (CT __; RT __.)] [Explain further if necessary.]

The matter to be noticed (relates/does not relate) to proceedings that occurred after the (judgment/order) that is the subject of this appeal.
[Explain further if necessary.]

CONCLUSION

For the foregoing reasons, appellant requests that his/her request for judicial notice be granted.

Dated:

Respectfully submitted,

Attorney for Appellant and Defendant

INSERT PROOF OF SERVICE