

INSTRUCTIONS FOR FILLING OUT A NOTICE OF APPEAL

Please follow these instructions carefully. If you have any questions, ask your trial attorney for help.

The notice of appeal form is designed to be easily completed by filling in the blanks with your case information. Wherever you see a line like this, _____, fill the blank in with the appropriate information. Please note: **A notice of appeal must be filed within 60 days of the date of judgment or sentencing with the county superior court where the sentence or judgment was imposed.** If you have not yet been sentenced, wait until the sentencing hearing takes place before submitting the appeal for filing to ensure you have the correct sentencing date and other information.

The numbers below correspond with the numbers on the notice of appeal form:

1. **Name and address:** If you are in county jail but will be transferred to state prison, put your county jail address on the notice of appeal form. You will be located in state prison later.
2. **County name:** The county where your case took place and you were sentenced.
3. **Superior Court number:** It is important to have the correct case number(s) on the notice of appeal form. Ask your attorney if you do not know your superior court number(s). If you were sentenced on more than one case at the same time, include all of the case numbers you want to appeal.
4. **Your name:** Print your full name.
5. **Date of sentencing:** The date you were sentenced. If you are not absolutely sure, check with your attorney or write, "On or about ____" and the closest date that you can recall.
6. **Type of proceeding:** *One of these boxes must be checked.*
 - ' **JURY OR COURT TRIAL:** Check this box if you had a jury trial or a court trial (a trial before a judge).
 - ' **A CONTESTED PROBATION REVOCATION:** Check this box if your probation was revoked at a hearing and you did not admit violating your probation. This box applies even if you were placed on probation previously after a jury trial or a guilty plea, and the court has recently revoked your probation.
 - ' **A PLEA OF GUILTY OR NOLO CONTENDERE, OR ADMITTED PROBATION VIOLATION:**
If you check this box, **complete section number 7.**
7. **Grounds for appeal:** If you pleaded guilty or admitted your probation violation, you **must** check at least one box in section (7). Otherwise, the court can dismiss the appeal for not complying with California Rules of Court, rule 31(d).
 - ' **Box #1 Sentence**
Applies if you do not agree with your sentence (including the term, credits, restitution, fines, probation conditions, etc.) or any other order the judge made after you entered into the plea agreement or admitted a probation violation.
 - ' **Box #2 Denial of a motion to suppress evidence**
This box can only be checked if, in fact, a motion to suppress evidence because of an illegal search and seizure was denied by the judge.
 - ' **Box #3 Challenge to the plea**
Requires a "Request for Certificate of Probable Cause." Check this box if you believe there is a valid basis for trying to withdraw your plea or you admitted being in violation of probation.
8. **Motion for Appointment of Counsel:** You are entitled to court-appointed counsel on appeal if you do not have the funds to retain an attorney.

REMEMBER:

Mail the Notice of Appeal to the **superior court of the county where your case took place. If possible, obtain and keep for your records some proof of mailing.*

Notices of Appeal must be filed with the superior court **no later than 60 days from the date of judgment or sentencing.*

**Be sure to complete all sections of the notice of appeal and background form.*

REQUEST FOR CERTIFICATE OF PROBABLE CAUSE

(This request must be completed, signed, and filed with the notice of appeal only if you pleaded guilty AND box number 3 under section (7) is checked.)

I request a certificate of probable cause. The plea of guilty or nolo contendere, or the admission of a probation violation, was illegal because:

I declare under penalty of perjury under the laws of the State of California that this statement is true.

Signature: _____ Date _____
Defendant or Trial Counsel

POINTS AND AUTHORITIES

A certificate of probable cause is a document issued by the trial court which certifies that at least one contention challenging the plea is not totally frivolous. (Penal Code section 1237.5; People v. Ribero (1971) 4 Cal.3d 55.) A common example of a contention which challenges the plea is that the trial court improperly denied the defendant's motion to withdraw the plea. The trial judge should issue the certificate wherever there is an honest difference of opinion about the issue. (People v. Ribero, supra, p. 63, fn. 4.) Signing the certificate does not mean the trial court believes the contention is "probably" meritorious. (People v. Ribero, supra.)

The request for certificate of probable cause is (check one) _____ granted
_____ denied.

Honorable _____, Judge Date _____

BACKGROUND INFORMATION

THE INFORMATION ON THIS FORM WILL BE A PART OF THE PUBLIC RECORD
AND IS NOT CONFIDENTIAL.

Name: _____ Date of Birth: _____

List any A.K.A.'s needed to contact appellant: _____

Jail Booking No. or State Prison Inmate (CDC) No. _____

Current Address: _____

Family member or friend who will always know defendant's address:

Name: _____ Phone: _____

Address: _____

Trial Attorney:

Name: _____ Phone: _____

Address: _____

Proceeding:

" Jury Trial " Court Trial " Guilty Plea " Other (explain):

Crime(s) convicted of: _____

Sentence: _____

Names of co-defendants and their counsel (whether joint or separate proceedings):

Are there now, or have there ever been, any related appeals, writs or other proceedings before this or any other California Appellate Court? Yes No.

If yes: Appellate case number: _____ Title: _____

Possible Issues on Appeal (These are only suggestions. The attorney on appeal will make the final decision on which issues to raise.):

ARRANGEMENTS FOR COUNSEL ON APPEAL

Have you hired an attorney? " Yes " No. If you have hired an appellate attorney, please provide:

Name: _____ Phone: _____

If you cannot afford to hire an attorney, you have the right to have one appointed and paid for by the court. Fill out and sign the "Motion for Appointment of Counsel" on the bottom of the Notice of Appeal (page 1).

NOTIFICATION OF CHANGE OF ADDRESS

Once a notice of appeal is filed, it is important the Court of Appeal and Appellate Defenders know your current address at all times while the appeal is pending. You do not have to use the forms below, but it will make it easier to get the information to Appellate Defenders quickly. Appellate Defenders administers appeals for the Fourth Appellate District which includes all counties south of, but not, Los Angeles. The notice of appeal form may be used for a felony conviction in any county within the State of California, but it will not be necessary to notify Appellate Defenders of your address change if your case took place in a county outside of the Fourth Appellate District.

It is your responsibility to see that we have your correct address at all times. If you fail to tell us, it may delay your case. If the Court of Appeal cannot locate you, your case may be dismissed.

CHANGE OF ADDRESS

Case Number (if known): _____ Date: _____
Your Name: _____ Prison I.D. #: _____
New Address: _____

Mail to: Appellate Defenders, Inc.
555 West Beech Street, Ste. 300
San Diego, CA 92101

Be sure to send your attorney a form, too, if an attorney has been appointed to your case.

(DETACH HERE)

CHANGE OF ADDRESS

Case Number (if known): _____ Date: _____
Your Name: _____ Prison I.D. #: _____
New Address: _____

Mail to: Appellate Defenders, Inc.
555 West Beech Street, Ste. 300
San Diego, CA 92101-4010

Be sure to send your attorney a form, too, if an attorney has been appointed to your case.

(Revised 4/02.)

DETACH FROM NOTICE OF APPEAL AND USE AS NEEDED.