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Practice tip: For structure of the brief, see section 1.26 of chapter 1, section 4.77, et. seq. of chapter 4, and section 5.2, et seq. of chapter 5 of the ADI Appellate Practice Manual and rules 8.204 and 8.360 of the California Rules of Court.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION *[NUMBER]*

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

v.

[Appellant's name],
Defendant and Appellant.

Court of Appeal
No. *[number]*

Superior Court
No. *[number]*

**APPEAL FROM THE SUPERIOR COURT OF
[NAME], COUNTY**

**Brief submitted on behalf of appellant in accordance
with the procedures outlined in *PEOPLE v. WENDE*
(1979) 25 Cal.3d 436 and *ANDERS v. CALIFORNIA*
(1967) 386 U.S. 738**

[Attorney's name, bar number]
[Address and telephone number]
[Email address and fax number if available]
Attorney for Defendant and Appellant *[name]*
By Appointment of the Court of Appeal
Under the Appellate Defenders, Inc.
[Designate Independent or Assisted Program]

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

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**APPEAL FROM THE SUPERIOR COURT OF
[NAME], COUNTY**

Honorable *[Name]*, Judge

**Brief submitted on behalf of appellant in accordance with
the procedures outlined in PEOPLE V. WENDE (1979) 25
Cal.3d 436 and ANDERS V. CALIFORNIA (1967) 386 U.S. 738**

STATEMENT OF APPEALABILITY

*[See rule 8.204(a)(2)(B) of the California Rules of Court and chapter 5,
§5.8, et. seq. of the ADI Appellate Practice Manual.]*

STATEMENT OF THE CASE

*[See rule 8.204(a)(2)(A) of the California Rules of Court and chapter 5,
§5.15 of the ADI Appellate Practice Manual. Include references to the
appellate record for asserted facts.]*

STATEMENT OF FACTS

[See rule 8.204(a)(2)(C) of the California Rules of Court and chapter 5, §5.16, et. seq. of the ADI Appellate Practice Manual. Include references to the appellate record for asserted facts.]

ARGUMENT

I.

The applicable law in this case is *PEOPLE v. WENDE* (1979) 25 Cal.3d 436 and *ANDERS v. CALIFORNIA* (1967) 386 U.S. 738

Counsel has thoroughly reviewed the record in this case and consulted with Appellate Defenders, Inc. This brief summarizes the proceedings and facts with citation to the transcript and outlines the issues counsel considered, but urges no specific contentions as grounds for relief. (*Anders v. California* (1967) 386 U.S. 738.) Counsel also has advised the client of this filing and the right to file a pro per brief and has complied with the other procedures laid out in *People v. Wende* (1979) 25 Cal.3d 436. (See attached declaration of counsel.)

When counsel files a brief that sets forth a summary of the proceedings and facts with citations to the transcript, but raises no specific challenges to the judgment, the Court of Appeal must conduct a review of the entire record to determine whether the record reveals any issues that would, if resolved favorably to the appellant, result in reversal or modification of the judgment. (*Anders v. California, supra*, 386 U.S. 738;

People v. Wende, supra, 25 Cal.3d 436; *People v. Feggans* (1967) 67 Cal.2d 444; see also *People v. Johnson* (1981) 123 Cal.App.3d 106.) It must also afford the client a chance personally to file a supplemental brief. (*Wende*, at p. 439.)

The following information about possible issues appearing in the record is provided to assist the court in conducting its independent review of the record. (*Anders v. California, supra*, 386 U.S. 738, 744, 745 [brief must refer to “anything in the record that might arguably support the appeal”; such a brief allows the court to “pursue all the more vigorously its own review because of the ready references not only to the record, but also to the legal authorities as furnished it by counsel”]; *In re Phoenix H.* (2009) 47 Cal.4th 835, 843 [counsel must “file a brief setting out the applicable facts and the law”].)

Counsel acknowledges that some justices may at times find such issues distracting. (E.g., *People v. Garcia* (2018) 24 Cal.App.5th 314; cf. *People v. Kent* (2014) 229 Cal.App.4th 293.) Counsel assures the court that, by listing them, counsel is not urging them as grounds for relief or suggesting the court must address them in its opinion. The court has plenary discretion to discuss them, order further briefing on them, or ignore them, as it deems appropriate.

[See chapter 1, §1.26, and chapter 4, §§4.77, 4.79 of the ADI Appellate Practice Manual. In listing the issues, counsel must not argue the merit or

lack of merit of any issue listed, but must neutrally describe the issues considered and any relevant authority, without urging any conclusions.]

- A.** *[Identify the first Anders issue. Describe related facts, with citations to the appellate record, and authorities considered. Do not use long string citations.]*
- B.** *[Identify the next Anders issue. Describe related facts, with citations to the appellate record, and authorities considered. Do not use long string citations.]*

If the court, in reviewing this brief, the record, or any supplemental briefing, finds good cause to believe that an arguable issue might exist, the court must order counsel to brief the issue. (*Penson v. Ohio* (1988) 488 U.S. 75, 88 [court-sanctioned withdrawal of counsel before court identified arguable issues “left petitioner completely without representation during the appellate court’s actual decisional process”].)

Dated: *[date]*

Respectfully submitted,

[Attorney’s name]

State Bar No. *[number]*

Attorney for Defendant and Appellant *[name]*

DECLARATION OF [APPELLATE COUNSEL'S NAME]

[See chapter 4, §§4.82 of the ADI Appellate Practice Manual.]

I, *[appellate counsel's name]*, declare:

1. I am an attorney duly licensed to practice before all the courts in the State of California and the appointed attorney of record for appellant

[name] in his appeal.

2. I have thoroughly reviewed the record in this case. An attorney at Appellate Defenders, Inc., has also reviewed this case.

3. I have advised appellant that a brief on his behalf is being filed in accordance with the procedures outlined in *Anders v. California* (1967) 386 U.S. 738 and *People v. Wende* (1979) 25 Cal.3d 436, and a copy of this brief is being provided to him/her.

4. I have further advised appellant that he may personally file a supplemental brief in this case raising any issues he chooses to call to the court's attention and that he may request that I withdraw as counsel. I have sent a copy of the appellate record to appellant to assist him in filing supplemental briefing.

5. I hereby move to be relieved as appointed counsel, if appellant requests it.

I declare under penalty of perjury under the laws of California that
the foregoing is true and correct.

Dated: *[date]*

Respectfully submitted,

[Attorney's name]

State Bar No. *[number]*

Attorney for Defendant and Appellant *[name]*

CERTIFICATION OF WORD COUNT

[See rule 8.204(c)(1) of the California Rules of Court and chapter 5.]

I, *[appellate counsel's name]*, hereby certify in accordance with California Rules of Court, rule 8.360(b)(1), that this brief contains *[number]* words as calculated by the *[name of program]* software in which it was written.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Dated: *[date]*

Respectfully submitted,

[Attorney's name]

State Bar No. *[number]*

PROOF OF SERVICE