

Parts in blue print are instructions to user, not to be included in filed document unless so noted. [Parts and references in green font, if any, refer to juvenile proceedings. See Practice Note, this web page, for guidance in adapting forms to juvenile cases.]

PRACTICE TIP:

There is no specific rule setting forth a deadline in which to file a motion to expand the issues on review. But it is important to act quickly because the California Supreme Court will be deciding whether to transfer your matter to the Court of Appeal for consideration in light of the lead case or dismiss it. (See Cal. Rules of Court, rule 8.528.)

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

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

v.

[Defendant's name],
Defendant and Appellant.

Supreme Court
No. *[number]*

Court of Appeal
No. *[number]*

Superior Court
No. *[number]*

Appeal from the Superior Court of *[Name of county]* County

Honorable *[Name of trial judge]*, Judge

**DEFENDANT'S MOTION UNDER RULES 8.512(D)(2) & 8.516(A)
TO EXPAND ISSUES ON REVIEW BASED ON
ISSUE[S] UNRESOLVED BY LEAD CASE**

[Attorney's Name]
State Bar No. *[number]*
[Address]
[Phone number]
[Email address and fax number if available]

Attorney for Defendant *[Name]*

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

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

Supreme Court
No. *[number]*

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[Defendant's Name],
Defendant and Appellant.

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Honorable *[Name of trial judge]*, Judge

**DEFENDANT'S MOTION UNDER RULES 8.512(D)(2) & 8.516(A)
TO EXPAND ISSUES ON REVIEW BASED ON
ISSUES UNRESOLVED BY LEAD CASE**

TO THE HONORABLE CHIEF JUSTICE, *[NAME]*, AND TO THE
HONORABLE ASSOCIATE JUSTICES OF THE SUPREME COURT OF
THE STATE OF CALIFORNIA:

Defendant *[Name]* respectfully requests, under California Rules of
Court (rule or rules), rules 8.512(d)(2) and 8.516(a), permission of this
court to expand the issues on review based on issues presented in
defendant's petition for review, which have not been resolved by this
court's decision in *[citation]*.

MEMORANDUM OF POINTS AND AUTHORITIES

On *[date]*, this court granted defendant's petition for review with further action deferred pending consideration and decision in *[citation]*. The issue for consideration by this court in *[citation]* was *[set forth the issue]*. This court's decision in *[citation]* concluded that *[set forth the holding]*. The decision was filed on *[date]*, and the remittitur issued on *[date]*.

Under the provisions of rule 8.512(d)(2), this court has the authority to order the matter deferred until it disposes of another matter, as it did so in this case, or "pending further order of the court." Under rule 8.516(a)(1), this court has the authority to "specify the issues to be briefed and argued," and may do so "[o]n or after ordering review. . . ."

In defendant's case the issue presented for review is somewhat analogous but different, because *[explain the differences, why the lead case did not resolve the specific issue in defendant's case, and why it is vital that the court address defendant's issue]*.

Based on the above, defendant asks that the motion to expand issues be granted.

Dated: *[date]*

Respectfully submitted,

[Attorney's signature]
[Attorney's Name]
State Bar No. *[number]*

Attorney for Defendant

IT IS SO ORDERED:

Chief Justice

PROOF OF SERVICE