

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: This topic is covered in chapter 1, § 1.32 of the ADI Appellate Practice Manual.

[Attorney's name, bar number]

[Address and telephone number]

[Email address and fax number if available]

Attorney for Defendant *[name]*

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

Honorable *[name]*, Judge

APPELLANT'S REQUEST FOR EXPEDITED APPEAL

TO THE HONORABLE *[name]*, PRESIDING JUSTICE, AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE COURT OF APPEAL OF THE STATE OF CALIFORNIA, FOURTH APPELLATE DISTRICT, DIVISION *[number]*:

Appellant, *[name]*, requests an order to expedite the appeal, shorten the time for briefing, and otherwise obtain calendar preference, under California Rules of Court, rules 8.240, 8.50, 8.54, and 8.68.

Good cause for granting the motion exists. *[Specify briefly. For example: This appeal needs to be resolved before appellant is required to serve any additional part of a potentially invalid sentence.]* Granting the motion will not significantly impair the court's customary procedures and will not prejudice any party to this appeal. The motion is based upon this notice and the accompanying points and authorities.

Dated: *[date]*

Respectfully submitted,

[Attorney's name]
State Bar No. *[number]*
Attorney for Defendant *[name]*

POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR EXPEDITED APPEAL

California Rules of Court, rule 8.240 allows a party to bring a motion for calendar preference, which means expediting the appeal schedule and may include expedited briefing and preference in setting the date for oral argument.

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.

1. Procedural Background

[Insert relevant information]

2. Argument

In the opening brief, appellant has raised issues relating to *[describe relevant issues]*.

Good cause for an expedited appeal exists. *[Specify – for example: Explain how the appellant could end up serving “dead time” if the appeal were to take more than a certain amount of time. Give date and length of sentence, credits, and projected release date. Explain the results of a successful or partially successful appeal.]*

The Advisory Committee Comment to rule 8.240 states: “The rule is broad in scope: it includes motions for preference on [various] grounds, including . . . that the reviewing court should exercise its discretion to grant preference on a nonstatutory ground (e.g., economic hardship).” Here, this court should exercise its discretion and grant appellant’s request to shorten the time, because *[add if applicable or modify: Appellant’s need for an expedited process is even more compelling than the “economic*

hardship” specified in that comment. His liberty is at stake. He will be irreparably harmed by an unduly extended appellate process in that he will end up serving a longer state prison sentence than the law allows.]

Expediting the appeal will not prejudice any party to this appeal, because *[explain]*.

Appellant requests the appeal be expedited by *[examples: no extensions for briefing on either side, preference for date of oral argument, etc., depending on time of motion, length of record, etc.]*.

Dated: *[date]*

Respectfully submitted,

[Attorney's name]
State Bar No. *[number]*
Attorney for Defendant *[name]*

PROOF OF SERVICE