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| 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****Manual Guidance:** See chapter 1 of the [ADI Appellate Practice Manual](http://www.adi-sandiego.com/panel/manual.asp) at § 1.33A and § II.B.4. of [ADI’s Guide to Motion Practice](http://www.adi-sandiego.com/practice/pract_articles.asp), found under APPELLATE PRACTICE<Nuts and Bolts of Panel Practice. |

*[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. *[Defendant’s name]*,Defendant and Appellant. | Court of AppealNo. *[number]*Superior CourtNos. *[number]* |

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

Honorable*[name]*, Judge

**DEFENDANT’S MOTION TO STAY APPEAL IN CASE NUMBER *[NUMBER]*, PENDING** ***[PROCEEDING]***

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]*:

 Defendant *[name]* respectfully requests that the appeal from the judgment rendered in *[name]* County Superior Court, Court of Appeal case number *[number]*, be stayed pending the *[proceeding]*. *[Identify and describe other proceeding, with details such as case number, court, judge, etc.]*

 *[In summary form: Identify what considerations militate in favor of deciding the other proceeding first.]*

 *[In juvenile cases, explain why the stay is consistent with the high priority given such appeals and why it will not prejudice the child or any other party.]*

 This motion is made under California Rules of Court, rule 8.54 and is based on the attached memorandum of points and authorities and exhibits.

Dated:  *[date]* Respectfully submitted,

  *[Attorney’s name]*

State Bar No. *[number]*

 Attorney for Defendant *[name]*

**MEMORANDUM OF POINTS AND AUTHORITIES**

 *[Provide adequate procedural and factual background to understand the motion. Describe the issues in both the appeal and the other proceeding.]*

 *[If applicable, explain how resolution of the other proceeding could make resolution of the appeal unnecessary. E.g.: The resolution of the other proceeding may render the issues in this appeal moot in that . . . .]*

 In order to conserve judicial resources and avoid piecemeal or duplicate briefing, counsel requests that the appeal be stayed until the *[other proceeding]* has been resolved.

 For the foregoing reasons, defendant requests the appeal be stayed pending the outcome of the *[other proceeding]*.

Dated: *[date]* Respectfully submitted,

  *[Attorney’s name]*

State Bar No. *[number]*

 Attorney for Defendant *[name]*

**PROOF OF SERVICE**