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| Parts in blue print are instructions to user, not to be included in filed document unless so noted. **Practice tip**: For structure of the brief, see 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](http://www.adi-sandiego.com/panel/manual.asp). |

**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 AppealNo. *[number]*Superior CourtNo. *[number]* |

**APPEAL FROM THE SUPERIOR COURT OF**

*[NAME],***COUNTY**

Honorable *[name]*, Judge

 **APPELLANT’S OPENING BRIEF**

 *[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. Independent/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

**APPELLANT’S OPENING BRIEF**

**APPELLANT'S OPENING BRIEF**

**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)(1)(C) & (a)(2)(A) of the California Rules of Court and chapter 5, §5.15 of the ADI Appellate Practice Manual.]*

**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.]*

**ARGUMENT***[See rule 8.204(a)(1)(B)&(C) of the California Rules of Court and chapter 5, §§5.24 - 5.46 of the ADI Appellate Practice Manual.]*

**I.**

**[Argument Heading]**

*[Rule 8.204(a)(1)(B) of the California Rules of Court states that a brief must “[s]tate each point under a separate heading or subheading summarizing the point. . . .”; see chapter 5, §5.24 of the ADI Appellate Practice Manual.]*

**A. Introduction.**

*[Summarize contention and state what happened in trial court. See chapter 5, §5.24 of the ADI Appellate Practice Manual: “The appellate court wants to know up front what the trial court allegedly did wrong, what legal theory supports that allegation, and what conclusion to draw from the errors.”]*

**B. If applicable, address any potential question of waiver or forfeiture, here or in part D.**

*[See chapter 5, §5.24 of the ADI Appellate Practice Manual.]*

**C. Standard of review.**

*[See chapter 5, §5.28, et. seq., of the ADI Appellate Practice Manual.]*

**D. Argument.**

*[See rule 8.204(a)(1)(B)&(C) of the California Rules of Court and chapter 5, and §5.22, et. seq., of the ADI Appellate Practice Manual.]*

 **1. Legal analysis establishing the error.**

*[See chapter 5, §5.33, et. seq., of the ADI Appellate Practice Manual.]*

 **2. Prejudice.**

*[See chapter 5, §5.39, et. seq., of the ADI Appellate Practice Manual.]*

**CONCLUSION**

*[See chapter 5, §5.46 of the ADI Appellate Practice Manual.]*

Dated: *[date]*  Respectfully submitted,

*[Attorney’s name]*

State Bar No. *[number]*

 Attorney for Defendant and Appellant *[name]*

**ATTACHMENT [if any]**

*[See rule 8.204(d) of the California Rules of Court and chapter 5, §5.47 of the ADI Appellate Practice Manual.]*

**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**