

Cover Colors, Length Limits & Copies Required by Court for Computer-Generated Briefs Filed in Criminal Cases in the California Court of Appeal and California Supreme Court

Brief	Cover <i>Rule 8.40(b)</i>	Length Limit for Computers	Copies & Service <i>Rule 8.44</i>	Due Date
COURT OF APPEAL				
AOB & Supplemental AOB	Green	25,500 words (<i>Rule 8.360(b)</i>)	Total: Orig. + 10 Court = orig + 4 AG = 1 DA = 1 Sup.Ct. judge = 1 Client = 1 CCAP = 1 File = 1 [+1 for ea. co-appellant counsel]	See appointment order (<i>Rule 8.360(c)(1)</i>)
Respondent's Brief	Yellow	25,500 words (<i>Rule 8.360(b)</i>)	See AOB	30 days after AOB (<i>Rule 8.360(c)(2)</i>)
Reply Brief	Tan	25,500 words (<i>Rule 8.360(b)</i>)	See AOB	20 days after RB (<i>Rule 8.360(c)(3)</i>)
Petition for Rehearing	Orange	25,500 words (<i>Rule 8.360(b)</i>)	See AOB	15 days after decision or publication order or modification order changing the judgment (<i>Rule 8.268(b)(1)</i>)
Answer to Petn. for Rehearing	Blue	25,500 words (<i>Rule 8.360(b)</i>)	See AOB	8 days after court order (<i>Rule 8.268(b)(2)</i>)
Original Writ (or answer)	Red	14,000 words (<i>Rules 8.204(c)(1); 8.490(b)(6) excluding verification, supporting docs & pro per filings</i>)	See AOB	n/a
CALIF. SUPREME COURT				
Petition for Review AFTER: 1. an opinion issued on direct appeal; or 2. denial of habeas corpus that is filed on the same day as the decision in a related direct appeal	White TIP: The petn must say "Petition for Review to Exhaust State Remedies" on the cover if it applies. (<i>Rule 8.508(b)(1).</i>)	8,400 words (<i>Rule 8.504(d)(1)</i>)	Total: Orig. + 19 Court = Orig. + 13 AG = 1 COA = 1 Sup.Ct. judge = 1 Client = 1 CCAP = 1 File = 1 [+1 for ea. co-appellant counsel] IF EXHAUSTION: Total: Orig. + 13 Court = Orig. + 8 AG = 1 COA = 1 Client = 1 CCAP = 1 File = 1	10 days after decision final as to Ct. of Appeal. This means within 40 days after the issuance of the opinion. (<i>Rule 8.500(e)(1); see rule 8.264(b) [finality]</i>) Other considerations: The time for filing may not be extended; but the court may relieve a party from default under rule 8.500(e)(2) (<i>rarely granted</i>), and the remedy exists only for so long as the court has jurisdiction

			[+1 for ea. co-appellant counsel]	– usually 60 days from opinion). The date of finality is not extended if it falls on a day on which the clerk's office is closed. If a petition is sent early, the clerk will hold it until the 31st day and then file it. If a direct appeal and related habeas have not been formally consolidated, counsel must file a separate petition for review in each proceeding. (Rule 8.500(d).)
Petition for Review AFTER: 1. denial of an extraordinary writ; or 2. habeas without an order to show cause	White	8,400 words (Rule 8.504(d)(1))	Same as above	For summary denials, petition must be filed within 10 days. (<i>Hogan v. Superior Court</i> (1962) 57 Cal.2d 767; rule 8.264(b)(2)(A).)
Answer to Pet. For Review	Blue	8,400 words (Rule 8.504(d)(1))	See Petn. Review	20 days after petition (Rule 8.500(e)(4))
Reply to Answer to Pet. for Rev.	White	4,200 words (Rule 8.504(d)(1))	See Petn. Review	10 days after answer (Rule 8.500(e)(5))
Opening Brief on Merits	White	14,000 words (Rule 8.520(c)(1))	See Petn. Review	30 days after rev. granted (Rule 8.520(a)(1))
Answering Brief on Merits	Blue	14,000 words (Rule 8.520(c)(1))	See Petn. Review	30 days after Opening Brief (Rule 8.520(a)(2))
Reply Brief on Merits	White	4,200 words (Rule 8.520(c)(1))	See Petn. Review	20 days after answering brief (Rule 8.520(a)(3))
Suppl. Brief on new authorities or legis. not available for brief on merits	not stated in rules	2,800 words (Rule 8.520(d)(2))	See Petn. Review	10 days before oral argument (Rule 8.520(d)(2))
Petition for Rehearing	Orange	14,000 words (Rule 8.520(c)(1))	See Petn. Review	15 days after opinion (Rules 8.268(b)(1); 8.536(b))
Answer to Pet. for Rehearing	Blue	14,000 words (Rule 8.520(c)(1))	See Petn. Review	8 days after petition (Rule 8.536(b))
Original Writ (or Answer)	Red	14,000 words (Rule 8.204(c)(1);	Total: Orig. + 16 Court = Orig. + 10	In non-capital cases, should be filed at the

		<p>8.490(b)(6) excluding verification, supporting docs & pro per filings)</p>	<p>AG = 1 COA = 1 Sup.Ct. judge = 1 Client = 1 CCAP = 1 File = 1</p>	<p>earliest reasonable opportunity, without undue delay. (<i>In re Swain</i> (1949) 34 Cal.2d 300; <i>In re Harris</i> (1993) 5 Cal.4th 813, 828, fn.7.)</p> <p>In capital cases, 180 days after final due date for reply brief. (Cal. Supreme Court Policies 1-1.1; but see <i>Harris, supra</i>, which says 90 days after due date for reply brief.)</p> <p>Other considerations: A late petition may be accepted if petitioner demonstrates good cause for the delay.</p>
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U.S. SUPREME COURT

<p>Original Writ (or answer)</p>	<p style="text-align: center;">White</p>	<p>40 pages; 9,000 words (U.S. Supreme Court Rule 33(1)(g)) Double-sided</p>	<p>TOTAL: Orig. + 15 Court = Orig. + 10 AG = 1 COA = 1 Client = 1 CCAP = 1 File = 1</p>	<p>90 days after: 1) Cal. Supreme Court denial of review; or 2) dismissal of review; or 3) filing of opinion by Cal. Supreme Court if no rehearing is sought; or 4) denial of petition for rehearing by Cal. Supreme Court. (U.S. Supreme Court Rule 13.)</p> <p>EXTREME CAUTION: The 90-day period for filing is jurisdictional, mandatory, and very strictly enforced. Time for filing may be extended upon a showing of good cause; but the application must be filed at least 10 days before the petition is due. (U.S. Supreme Court Rule 13.5)</p>
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