

COURT OF APPEAL OF THE STATE OF CALIFORNIA
[Court #] APPELLATE DISTRICT

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff and Respondent,

v.

[Client Name],

Defendant and Appellant.

[Appeal No.]
[County] County
Superior Court
No. [County No]

APPEAL FROM THE JUDGMENT OF THE SUPERIOR COURT
OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF [COUNTY]

Hon. [Name], Judge

APPELLANT'S OPENING BRIEF

(People v. Wende (1979) 25 Cal.3d 436)

[Name of Attorney]
ATTORNEY AT LAW

State Bar No. [Bar Number]
[Street Address]
[City], [State] [Zip Code]
[area code] [phone number]

Attorney for Appellant
By appointment of the Court of Appeal
under the Central California Appellate
Program [INDEPN/ASSIST] case system

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STATEMENT OF APPEALABILITY

This appeal is from a judgment that finally disposes of the issues between the parties. (Cal. Rules of Court, rule 8.204(a)(2)(B).)

[NOTE: See California Rules of Court, rule 8.204(a)(2)(B). A Statement of Appealability is required for every brief and should contain language which conforms to the language of rule 8.204(a)(2)(B).]

STATEMENT OF THE CASE

[The proceedings should be summarized fully in this portion of the brief with page citations to the transcripts.]

STATEMENT OF FACTS

[The facts should be summarized fully in this portion of the brief with citations to the

transcripts.]

[Note: In regard to both the Statement of Case and the Statement of Facts, they should be sufficiently detailed to aid the court in its independent examination of the case, and particularly to induce the court to pursue all the more vigorously its own review because of the ready references to the record. Counsel must continue to act in the role of an active advocate on behalf of the appellant, and to support the appellant's appeal to the best of counsel's ability. Particular care should be taken to set out fully any matters which might arguably present an issue even though counsel has already rejected raising the issue because it was felt to be frivolous in light of the entire case or for other reasons which in counsel's judgment make the issue one which is not arguable in the case. Contact the CCAP buddy for advice on how to deal with statements that might highlight adverse consequences.]

ARGUMENT

I.

**PURSUANT TO *PEOPLE v. WENDE* (1979) 25 Cal.3d 436
APPELLANT REQUESTS THE COURT TO MAKE AN
INDEPENDENT REVIEW OF THE RECORD ON APPEAL**

Pursuant to the opinion of the California Supreme Court in *People v. Wende* (1979) 25 Cal.3d 436, counsel requests that this court independently review the entire record on appeal in this case. Appellant has been advised by present counsel of his right to file a supplemental brief in this court within 30 days of the date this brief is filed. Appellant has been advised that in the supplemental brief he may bring to the court's attention any issues he believes deserve review. Appellant has been further advised that he may ask the court to relieve present counsel, that upon his request present counsel will forward appellant's copy of the record on appeal for the purpose of preparing a supplemental opening brief, but that counsel will retain the record for the present to allow proper representation in the event this court requests further briefing.

[**OPTIONAL in Fifth District cases it is permissible to add:** Appellant personally requests that the court address the following: {Include here a list of appellant's issues he/she has requested to be included in the *Wende* review by the court without comment as to the viability of appellant's issue(s).}]

[**NOTE:** Do not list appellant's issues in a Third District case.]

Dated: _____

Respectfully submitted,

[Attorney]
State Bar No. [Bar Number]
[Address]
[City], [State] [Zip code]
[Area code] [phone number]

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I, [Attorney], hereby declare:

As counsel appointed to represent appellant, [Client Name], in this appeal, I have read the entire record consisting of [CT length] pages of clerk's transcript as well as [RT length] pages of reporter's transcript. I have discussed in correspondence with my client my findings and my client's views regarding the case.

In a letter dated [Letter date], I advised my client of the nature of this brief; that I would serve a copy of this brief on my client; that [s/he] may file a supplemental brief within 30 days of my filing the opening brief on [his/her] behalf; that upon request I would send [him/her] the client's copy of the record on appeal to aid [his/her] preparation of a supplemental brief, if any; that I would remain available to brief issues as requested by the court; and that [s/he] may file a request for the court to relieve me as counsel in this appeal.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on [date], in [City], California.

[Attorney]

