

THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
IN AND FOR THE THIRD/FIFTH APPELLATE DISTRICT

THE PEOPLE OF THE STATE )  
OF CALIFORNIA, ) [Court Number]  
)  
Plaintiff and Respondent, ) [Name] County  
) Superior Court  
vs. ) No.]  
)  
[NAME OF APPELLANT], )  
)  
Defendant and Appellant. )  
\_\_\_\_\_ )

**APPLICATION TO CORRECT THE RECORD ON APPEAL**

TO THE HONORABLE PRESIDING JUSTICE, AND TO THE  
HONORABLE ASSOCIATE JUSTICES OF THE COURT OF  
APPEAL OF THE STATE OF CALIFORNIA, THIRD/FIFTH  
APPELLATE DISTRICT

Pursuant to Rule 8.155(c) of the California Rules of Court, appellant  
[Name], through his/her counsel, requests this court to correct the record on  
appeal as noted below.

[For example: The clerk's transcript contains numerous items relating  
to appointed counsel's representation of appellant, items which are not  
normally part of the record on appeal. (Cal. Rules of Court, rule 8.320.)  
These items include requests for funds under Penal Code section 987.2,  
attorney time logs, investigative requests and invoices, and other related and

similar documents.

Specifically, the items of concern are as follows:

1. Ex Parte Application for Appointment of Investigator. (CT 6-13.)
2. Ex Parte Application for Appointment of Expert. (CT 15-22.)
3. Invoice from Defense Toxicologist, with accompanying county warrant authorizing payment. (CT 24-25.)
4. Declaration Re Attorney Fees, including detained attorney time log and county warrant authorizing payment. (CT 26-37.)
5. Invoice for Investigative Expenses, with accompanying county warrant authorizing payment. (CT 41-42.)]

The items listed above do not appear to have any possible relation to any issue that may be raised on appeal. Furthermore, the contents of these items seem to implicate attorney-client confidentiality. (Compare Pen. Code, § 987.9 [confidentiality of defense expenses in capital cases].)

The record on appeal is a public record. (*Church of Scientology v. Armstrong* (1991) 232 Cal.App.3d 1060, 1071.) No provision of the Rules of Court or the Penal Code appears to authorize the inclusion of this information in a public record such as the record on appeal.

This court has the authority to order correction of the record pursuant to Rule 8.155(c). The court may order the temporary withdrawal of the record on appeal for purposes of correction (*Bonfilio v. Ganger* (1943) 58 Cal.App.2d 315, 317), or take other steps to ensure attorney-client

confidentiality as the court deems appropriate.

For the foregoing reasons, appellant respectfully requests that this court order correction of the record to remove or place under seal the items noted above, or such other relief as may be deemed proper.

Dated: \_\_\_\_\_

\_\_\_\_\_  
NAME OF ATTORNEY

State Bar No.

ADDRESS

CITY, CA ZIP CODE

TELEPHONE NO.

Attorney for Appellant