

COURT OF APPEAL OF THE STATE OF CALIFORNIA
[THIRD/FIFTH] APPELLATE DISTRICT

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff and Respondent,

v.

APPELLANT' S NAME,

Defendant and Appellant.

[3/5] Crim. [APPEAL NO.]

[NAME] County
Superior Court

No. [COUNTY NO.]

APPLICATION TO AUGMENT THE RECORD ON APPEAL WITH EXHIBITS

Pursuant to rules 8.155(a) and 8.340(c) of the California Rules of Court, appellant [NAME], through his counsel, requests this court to augment the record on appeal to include the following: [i.e., exhibits, all introduced into evidence at the court trial on appellant' s prior conviction, on (date)].

1. [People' s Exhibit 1, a certified copy of the prior conviction from Los Angeles County].
2. [Defense Exhibit 2, affidavit of defense counsel (NAME)].
3. [Defense Exhibit 3, affidavit of appellant (NAME)].
4. [Defense Exhibit 4, affidavit of (NAME)].
5. [Defense Exhibit 6, 53 pages of a police report].
6. [Defense Exhibit 7, three pages from Spencer Recovery Center].
7. [Defense Exhibit 8, copy of front page of 1990 tax return and 1099 form].
8. [Defense Exhibit 9, copy of front page of 1991 tax return and 1099 form].

Items 6 through 8 were originally included in defendant' s written motion to strike his prior conviction as Exhibits A through C, but were omitted from the record on appeal.

All of the requested items are documentary in nature and may be easily augmented to the record on appeal. Counsel is requesting that these items be augmented rather than simply transferred to the Court of Appeal because this appears to be the most efficient method of allowing counsel for appellant and respondent to review the materials. In the alternative, however, if this court denies this application to augment the record, counsel requests that the exhibits be transferred to the Court of Appeal pursuant to rule 8.224.

Counsel has read the record and determined that the items requested is necessary to raise all arguable issues on appeal. [EXPLAIN NEED RELATED TO APPEAL. i.e., These items constituted a large portion of the evidence introduced at the court trial on the prior conviction and the motion to strike. Without these materials, it is impossible for counsel to determine whether the evidence introduced at that hearing was sufficient to sustain the judgment.]

For the reasons stated herein, appellant requests that the record on appeal be augmented to include the above, or that in the alternative the requested exhibits be transmitted to the Court of Appeal.

Dated: _____

ATTORNEY' s NAME
Attorney for Appellant
State Bar No. [SBN]