

JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT

SPR18-05

Title	Action Requested
Appellate Procedure: Notice of Appeal and Record on Appeal in Appellate Division Cases	Review and submit comments by June 8, 2018
Proposed Rules, Forms, Standards, or Statutes Revise forms APP-102, APP-110, CR-132, CR-134, and CR-142	Proposed Effective Date January 1, 2019
Proposed by Appellate Advisory Committee Hon. Louis R. Mauro, Chair	Contact Christy Simons, 415-865-7694 christy.simons@jud.ca.gov

Executive Summary and Origin

The Appellate Advisory Committee proposes revising several of the Judicial Council forms for filing notices of appeal and notices designating the record on appeal in appellate division matters. The revisions are intended to provide more complete and accurate information, make corrections, and clarify various items. This proposal is based on suggestions from the Superior Court of Los Angeles County.

The Proposal

The proposed revisions to each form are described below.

Notice of Appeal/Cross-Appeal (Limited Civil Case) (form APP-102)

- Provide a check box in item 1 to allow the user to indicate that there is more than one appellant and include an instruction to attach a separate page listing the additional appellants; and
- Clarify the requirement in item 4 for serving and filing *Appellant's Notice Designating Record on Appeal (Limited Civil Case)* (form APP-103), including the potential penalty for failing to do so.

Respondent's Notice Designating Record on Appeal (Limited Civil Case) (form APP-110)

- Add references to the appellate division rule regarding fee waivers in item 4;

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

- Expand and reorganize the section regarding the reporter’s transcript (item 5a) to include the option of attaching a certified transcript and more fully describe the options for paying for the transcript or applying for payment through the Transcript Reimbursement Fund;
- Reword the formatting options for the reporter’s transcript to be consistent with recently amended Code of Civil Procedure section 271;
- Expand the section regarding a transcript from an official electronic recording (item 5b) to allow the respondent to designate additional proceedings to be included in the transcript, consistent with *Appellant’s Notice Designating Record on Appeal (Limited Civil Case)* (form APP-103); and
- Add a heading to the payment options for a copy of the transcript and specify the penalty for failing to pay.

Notice of Appeal (Misdemeanor) (form CR-132)

- Add a heading for appellant’s contact information;
- Clarify the section regarding appellant’s lawyer (item 1c) to request contact information for the attorney who represented the appellant in the trial court, add check boxes to indicate whether this attorney is representing the appellant on appeal, and reference another item number on the form if court-appointed counsel is being requested;
- Add to the section regarding the record on appeal (item 3) the potential penalties under rule 8.874 for failing to file on time the notice regarding the record on appeal; and
- Reorganize and rephrase the section regarding a court-appointed lawyer (item 4) to clarify the text and to highlight the forms that should be attached to the notice of appeal.

Notice Regarding Record on Appeal (Misdemeanor) (form CR-134)

- Add a heading for appellant’s contact information;
- Clarify the section regarding appellant’s lawyer (item 1c) to request contact information for the attorney who represented the appellant in the trial court, and add check boxes to indicate whether this attorney is representing the appellant on appeal;
- Add to the section regarding a reporter’s transcript (item 5a) the option of filing a certified transcript, and the requirement to pay for the reporter’s transcript within 10 days of receiving the court reporter’s estimate of the cost;
- Replace references to “a free reporter’s transcript” in the items indicating a request for a waiver of costs with new references to “a reporter’s transcript at no cost to you” (item 5a(3)(b)), “a transcript at no cost to you” (item 5b(2)(b)), and “a copy of the official electronic recording at no cost to you” (item 5c(2)(b)); and
- Add to the section regarding a statement on appeal (item 5d) the additional penalty under rule 8.874 that the court may appoint new counsel if the defendant’s appointed counsel fails to file the proposed statement on time.

Notice of Appeal and Record on Appeal (Infraction) (form CR-142)

- Add a heading for appellant’s contact information;

- Clarify the section regarding appellant's lawyer (item 1c) to request contact information for the attorney who represented the appellant in the trial court, and add check boxes to indicate whether this attorney is representing the appellant on appeal;
- Set forth, in the section regarding a statement on appeal (item 5a), the circumstance under which the proposed statement must be served on the prosecuting attorney and the potential penalty for failing to file the proposed statement on time; and
- Expand and reorganize the section regarding the reporter's transcript (item 5d) to describe more fully the options for paying for the transcript and to include the option of filing a certified transcript.

Alternatives Considered

The committee considered not proposing these revisions. The committee concluded, however, that the revisions would be helpful in providing correct and complete information and better guidance for litigants at the beginning of the appeal process. This, in turn, would reduce burdens on the courts that result from improperly completed forms and defaults due to failing to take required steps to procure the record on appeal.

Implementation Requirements, Costs, and Operational Impacts

The proposal is not expected to result in new costs, operational impacts, or implementation challenges, but the committee would appreciate comments regarding these issues.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.
- Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?

Attachments and Links

1. Forms APP-102, APP-110, CR-132, CR-134, and CR-142, at pages 4–21

Instructions

- This form is only for appealing in a **limited civil case**. You can get other forms for appealing in unlimited civil cases at any courthouse or county law library or online at www.courts.ca.gov/forms.
- Before you fill out this form, read *Information on Appeal Procedures for Limited Civil Cases* (form APP-101-INFO) to know your rights and responsibilities. You can get form APP-101-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.
- You must serve and file this form **no later than 30 days** after the trial court or a party serves a document called a Notice of Entry of the trial court judgment or a file-stamped copy of the judgment or 90 days after entry of judgment, whichever is earlier (see rule 8.823 of the California Rules of Court for very limited exceptions). **If your notice of appeal is late, your appeal will be dismissed.**
- Fill out this form and make a copy of the completed form for your records and for each of the other parties.
- Serve a copy of the completed form on each of the other parties and keep proof of this service. You can get information about how to serve court papers and proof of service from *What Is Proof of Service?* (form APP-109-INFO) and on the California Courts Online Self-Help Center at www.courts.ca.gov/selfhelp-serving.htm.
- Take or mail the original completed form and proof of service on the other parties to the clerk's office for the same court that issued the judgment or order you are appealing. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

1 Your Information

- a. Name of appellant (the party who is filing this appeal):

Check here if more than one appellant and attach a separate page or pages listing the other appellants and their contact information. At the top of each page, write "APP-102, item 1a."

- b. Appellant's contact information (skip this if the appellant has a lawyer for this appeal):

Street address:

<i>Street</i>	<i>City</i>	<i>State</i>	<i>Zip</i>
Mailing address (if different):			

Phone: _____ E-mail: _____

- c. Appellant's lawyer (skip this if the appellant does not have a lawyer for this appeal):

Name: _____ State Bar number: _____

Street address:

<i>Street</i>	<i>City</i>	<i>State</i>	<i>Zip</i>
Mailing address (if different):			

Phone: _____ E-mail: _____

Fax: _____

Clerk stamps date here when form is filed.

DRAFT

02-09-2018

**Not approved by
the Judicial Council**

You fill in the name and street address of the court that issued the judgment or order you are appealing:

Superior Court of California, County of
--

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

Trial Court Case Number:
Trial Court Case Name:

The clerk will fill in the number below

Appellate Division Case Number:
--



Trial Court Case Name: _____

(2) This is (*check a or b*):

- a. The first appeal in this case.
- b. A cross-appeal (an appeal filed after the first appeal in this case (*complete (1), (2), and (3)*)).

- (1) The notice of appeal in the first appeal was filed on (*fill in the date that the other party filed its notice of appeal in this case*): _____
- (2) The trial court clerk served notice of the first appeal on (*fill in the date that the clerk served the notice of the other party's appeal in this case*): _____
- (3) The appellate division case number for the first appeal is (*fill in the appellate division case number of the other party's appeal, if you know it*): _____

(3) **Judgment or Order You Are Appealing**I am/My client is appealing (*check a or b*):

- a. The final judgment in the trial court case identified in the box on page 1 of this form.
The date the trial court entered this judgment was (*fill in the date*): _____
- b. Other:
 - (1) An order made after final judgment in the case.
The date the trial court entered this order was (*fill in the date*): _____
 - (2) An order changing or refusing to change the place of trial (venue).
The date the trial court entered this order was (*fill in the date*): _____
 - (3) An order granting a motion to quash service of summons.
The date the trial court entered this order was (*fill in the date*): _____
 - (4) An order granting a motion to stay or dismiss the action on the ground of inconvenient forum.
The date the trial court entered this order was (*fill in the date*): _____
 - (5) An order granting a new trial.
The date the trial court entered this order was (*fill in the date*): _____
 - (6) An order denying a motion for judgment notwithstanding the verdict.
The date the trial court entered this order was (*fill in the date*): _____
 - (7) An order granting or dissolving an injunction or refusing to grant or dissolve an injunction.
The date the trial court entered this order was (*fill in the date*): _____

Trial Court Case Name: _____

(3) (continued)

- (8) An order appointing a receiver.

The date the trial court entered this order was (*fill in the date*): _____

- (9) Other action (*please describe and indicate the date the trial court took the action you are appealing*):

(4) Record Preparation Election

Complete this section only if you are filing the first appeal in this case. If you are filing a cross-appeal, skip this section and go to the signature line.

If you are filing the first appeal in this case, you must serve and file a notice in the trial court designating the record on appeal. You may use Appellant's Notice Designating Record on Appeal (Limited Civil Case) (form APP-103). Check a or b:

- a. I will serve and file a notice designating the record on appeal together with this notice of appeal.

- b. I will serve and file a notice designating the record on appeal later. I understand that I must file this notice in the trial court within 10 days of the date I file this notice of appeal, and that if I do not file the notice designating the record on time, the court may dismiss my appeal.

REMINDER: Except in the very limited circumstances listed in rule 8.823, you must serve and file this form no later than (1) 30 days after the trial court clerk or a party serves either a document called a Notice of Entry of the trial court judgment or a file-stamped copy of the judgment or (2) within 90 days after entry of judgment, whichever is earlier. If your notice of appeal is late, your appeal will be dismissed.

Date: _____

Type or print your name

Signature of appellant/cross-appellant or attorney

APP-110

Respondent's Notice Designating Record on Appeal (Limited Civil Case)

Instructions

- This form is only for choosing (“designating”) the record on appeal in a **limited civil case**.
- Before you fill out this form, read *Information on Appeal Procedures for Limited Civil Cases* (form APP-101-INFO) to know your rights and responsibilities. You can get form APP-101-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.
- Fill out this form and make a copy of the completed form for your records and for each of the other parties.
- Serve a copy of the completed form on each of the other parties and keep proof of this service. You can get information about how to serve court papers and proof of service from *What Is Proof of Service?* (form APP-109-INFO) or on the California Courts Online Self-Help Center at www.courts.ca.gov/selfhelp-serving.htm.
- Take or mail the original completed form and proof of service on the other parties to the clerk’s office for the same court that issued the judgment or order that is being appealed. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

Clerk stamps date here when form is filed.

DRAFT**2018-02-13****Not approved by
the Judicial Council**

You fill in the name and street address of the court that issued the judgment or order you are appealing:

Superior Court of California, County of

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

Trial Court Case Number:**Trial Court Case Name:**

You fill in the appellate division case number (if you know it):

Appellate Division Case Number:

1 Your Information

- a. Name of respondent (the party who is responding to an appeal filed by another party):

Name: _____

- b. Respondent’s contact information (*skip this if the respondent has a lawyer for this appeal*):

Street address: _____ Street _____ City _____ State _____ Zip _____

Mailing address (*if different*): _____ Street _____ City _____ State _____ Zip _____

Phone: _____ E-mail: _____

- c. Respondent’s lawyer (*skip this if the respondent does not have a lawyer for this appeal*):

Name: _____ State Bar number: _____

Street address: _____ Street _____ City _____ State _____ Zip _____

Mailing address (*if different*): _____ Street _____ City _____ State _____ Zip _____

Phone: _____ E-mail: _____

Fax: _____

Trial Court Case Name: _____

Trial Court Case Number: _____

Information About the Appeal

- 2** On (fill in the date): _____ another party filed a notice of appeal in the trial court case identified in the box on page 1 of this form.
- 3** On (fill in the date): _____ the appellant filed an appellant's notice designating the record on appeal.

Record of the Documents Filed in the Trial Court

- 4** The appellant elected (chose) to use a clerk's transcript under rule 8.832 as the record of the documents filed in the trial court.
- a. **Additional documents or exhibits.** *If you want any documents or exhibits in addition to those designated by the appellant to be included in the clerk's transcript, you must identify those documents here.*

(1) Documents

- In addition to the documents designated by the appellant, I request that the clerk include in the transcript the following documents that were filed in the trial court. (*Identify each document you want included by its title and provide the date it was filed or, if that is not available, the date the document was signed.*)

Document Title and Description	Date of Filing
(a)	
(b)	
(c)	
(d)	

Check here if you need more space to list other documents and attach a separate page or pages listing those documents. At the top of each page, write "APP-110, item 4a(1)."

(2) Exhibits

- I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the trial court. (*For each exhibit, give the exhibit number [such as Plaintiff's #1 or Defendant's A] and a brief description of the exhibit and indicate whether or not the court admitted the exhibit into evidence. If the trial court has returned a designated exhibit to a party, the party who has that exhibit must deliver it to the trial court clerk as soon as possible.*)

Exhibit Number	Description	Admitted Into Evidence
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No

Check here if you need more space to list other exhibits and attach a separate page or pages listing those exhibits. At the top of each page, write "APP-110, item 4a(2)."



Trial Court Case Name: _____

(4) (continued)

- b. **Copy of clerk's transcript.** I request a copy of the clerk's transcript. (*Check and complete (1) or (2).*)
- (1) I will pay the trial court clerk for this transcript myself when I receive the clerk's estimate of the costs of the transcript.
 - (2) I am asking that a copy of the clerk's transcript be provided at no cost to me because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record (*check (a) or (b) and submit the checked document*):
 - (a) An order granting a waiver of the cost under rules 3.50–3.58 and 8.818(d).
 - (b) An application for a waiver of court fees and costs under rules 3.50–3.58 and 8.818(d). (*Use Request to Waive Court Fees (form FW-001). The court will review this form to decide if you are eligible for a fee waiver.*)

Record of Oral Proceedings in the Trial Court

(5) The appellant elected to use the following record of what was said in the trial court proceedings (*check and complete only one of the following below—a, b, or c*):

- a. **Reporter's Transcript.** The appellant elected to use a reporter's transcript under rule 8.834 as the record of the oral proceedings in the trial court.
- (1) **Designation of additional proceedings to be included in the reporter's transcript.** (*If you want any proceedings in addition to the proceedings designated by the appellant to be included in the reporter's transcript, you must identify those proceedings here.*)

In addition to the proceedings designated by the appellant, I request that the following proceedings in the trial court be included in the reporter's transcript. (*You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings [for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions], the name of the court reporter who recorded the proceedings, and whether a certified transcript of the designated proceeding was previously prepared.*)

Date	Department	Description	Reporter's Name	Prev. prepared?
(a)				<input type="checkbox"/> Yes <input type="checkbox"/> No
(b)				<input type="checkbox"/> Yes <input type="checkbox"/> No
(c)				<input type="checkbox"/> Yes <input type="checkbox"/> No
(d)				<input type="checkbox"/> Yes <input type="checkbox"/> No
(e)				<input type="checkbox"/> Yes <input type="checkbox"/> No
(f)				<input type="checkbox"/> Yes <input type="checkbox"/> No
(g)				<input type="checkbox"/> Yes <input type="checkbox"/> No

Check here if you need more space to list other proceedings and attach a separate page or pages listing those proceedings. At the top of each page, write "APP-110, item 5a(1)." →

Trial Court Case Name: _____

(5) a. (continued)

(2) **Certified transcripts.** I have attached to this *Respondent's Notice Designating Record on Appeal* an original certified transcript of all the proceedings I have designated in (1). The transcript complies with the format requirements in rule 8.144 of the California Rules of Court.

(3) **Copy of reporter's transcript.** I request a copy of the reporter's transcript.

(a) I will pay for the reporter's transcript. Within 10 days of receiving the reporter's estimate of the cost of the transcript, I will:

(i) Deposit an amount equal to the estimated cost of the transcript with the trial court, and a fee of \$50 for the trial court to hold this deposit in trust. I understand that if I do not comply with this requirement, I will not receive a copy of the transcript.

(ii) Pay the reporter directly and file with the trial court a copy of the written waiver of deposit signed by the reporter. I understand that if I do not comply with this requirement, I will not receive a copy of the transcript.

(b) I am unable to afford the cost of the reporter's transcript and am therefore applying to the Transcript Reimbursement Fund to pay for this transcript. Within 10 days of receiving the reporter's estimate of the cost of the transcript, I will file with the trial court a copy of my application to the Court Reporters Board for payment or reimbursement from the Transcript Reimbursement Fund. I understand that within 90 days of filing my application, I must file with the trial court a copy of the provisional approval of my application or pay for the reporter's transcript as provided in (a). I understand that if I do not comply, I will not receive a copy of the transcript.

(4) **Format of reporter's transcript.** I request that the reporter provide my copy of the transcript in:

(a) Electronic format only.

(b) Paper format only.

(c) Electronic format and a second copy of the reporter's transcript in paper format.

OR

b. **Transcript From Official Electronic Recording.** The appellant elected to use the transcript from an official electronic recording as the record of the oral proceedings in the trial court under rule 8.835(b).

(1) **Designation of additional proceedings to be included in the transcript.** (*If you want any proceedings in addition to the proceedings designated by the appellant to be included in the transcript, you must identify those proceedings here.*)

In addition to the proceedings designated by the appellant, I request that the following proceedings in the trial court be included in the transcript. (*You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings, and if you know it, the name of the electronic recording monitor who recorded the proceedings.*)

Trial Court Case Name: _____

5 b. (1) (continued)

Date	Department	Description	Electronic Monitor's Name
(a)			
(b)			
(c)			

Check here if you need more space to describe any proceeding or to list other proceedings and attach a separate page describing or listing those proceedings. At the top of each page, write "APP-110, item 5b(1)."

(2) Copy of the transcript. (Check and complete (a) or (b).)

- (a) I will pay the trial court clerk for this transcript myself when I receive the clerk's estimate of the cost of the transcript. I understand that if I do not pay for the transcript, I will not receive a copy.
- (b) I am asking that the transcript be provided at no cost to me because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record. (Check (i) or (ii) and submit the appropriate document):
 - (i) An order granting a waiver of the cost under rules 3.50–3.58 and 8.818(d).
 - (ii) An application for a waiver of court fees and costs under rules 3.50–3.58 and 8.818(d). (Use Request to Waive Court Fees (form FW-001). The court will review this form to decide if you are eligible for a fee waiver.)

OR

- c. **Copy of Official Electronic Recording.** The appellant and I have agreed to use the official electronic recording itself as the record of the oral proceedings in the trial court under rule 8.835(a). I request a copy of this recording. (Check and complete (1) or (2).)
 - (1) I will pay the trial court clerk for this copy of the recording myself when I receive the clerk's estimate of the costs of this copy.
 - (2) I am asking that the transcript be provided at no cost to me because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record. (Check (a) or (b) and submit the appropriate document):
 - (a) An order granting a waiver of the cost under rules 3.50–3.58 and 8.818(d).
 - (b) An application for a waiver of court fees and costs under rules 3.50–3.58 and 8.818(d). (Use Request to Waive Court Fees (form FW-001). The court will review this form to decide if you are eligible for a fee waiver.)

Date: _____

Type or print your name

Signature of respondent or attorney

Clerk stamps date here when form is filed.

DRAFT

2018-02-13

**Not approved by
the Judicial Council****Instructions**

- This form is only for appealing in a **misdemeanor case**. You can get other forms for appealing in a civil or infraction case at any courthouse or county law library or online at www.courts.ca.gov/forms.
- Before you fill out this form, read *Information on Appeal Procedures for Misdemeanors* (form CR-131-INFO) to know your rights and responsibilities. You can get form CR-131-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.
- You must file this form no later than 30 days after the trial court issued the judgment or order you are appealing** (see rule 8.853(b) of the California Rules of Court for very limited exceptions). **If your notice of appeal is late, the court will not take your appeal.**
- Fill out this form and make a copy of the completed form for your records.

- Take or mail the completed form to the clerk's office for the same trial court that issued the judgment or order you are appealing. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

1 Your Information

- a. Name of appellant (the party who is filing this appeal):

Name: _____

- b. Appellant's contact information (required):

Street address:

Street _____ City _____ State _____ Zip _____

Mailing address (if different):

Street _____ City _____ State _____ Zip _____

Phone: _____ E-mail: _____

- c. Appellant's lawyer in the trial court proceedings:

The lawyer filling out this form is is not representing the appellant in this appeal.*If court-appointed counsel on appeal is being requested, see item (4).*

Name: _____ State Bar number: _____

Street address:

Street _____ City _____ State _____ Zip _____

Mailing address (if different):

Street _____ City _____ State _____ Zip _____

Phone: _____ E-mail: _____

Fax: _____

You fill in the name and street address of the court that issued the judgment or order you are appealing:

Superior Court of California, County of

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

Trial Court Case Number:**Trial Court Case Name:**

You fill in the appellate division case number (if you know it):

Appellate Division Case Number:

Trial Court Case Name: _____

2 Judgment or Order You Are AppealingI am/My client is appealing (*check one*):

- a. The final judgment of conviction in this case (Pen. Code, § 1466(b)(1)).
 - I am/My client is contesting only the conditions of the probation.
- b. The following order made after the judgment in this case that affects an important right of mine/my client (for example, an order after a probation violation) (Pen. Code, § 1466(b)(1)).
 - An order modifying the conditions of probation.
 - Other(*describe the action you are appealing and give the date the trial court took the action*):

- c. The trial court has not yet issued a final judgment in this case. I am appealing before final judgment an order that denied a motion to suppress evidence in this case (Pen. Code, § 1538.5(j)).
- d. Other action (*describe the action you are appealing and give the date the trial court took the action*):

3 Record on Appeal

(See form CR-131-INFO for information about the record on appeal.)

- a. I have attached a completed *Notice Regarding Record on Appeal (Misdemeanor)* (form CR-134).
- b. I have **not** attached a *Notice Regarding Record on Appeal (Misdemeanor)* (form CR-134). I understand that I must file this notice in the trial court within either (1) 20 days after I file this notice of appeal or, if it is later, (2) 10 days after the court appoints a lawyer for me (if I file a request for a court-appointed lawyer within 20 days after I file my notice of appeal). I also understand that if I do not file the notice on time, the court will not be able to consider what was said in the trial court in deciding whether an error was made in the trial court proceedings. In addition, if I do not file the notice on time, the court may appoint new counsel or dismiss my appeal.

4 Court-Appointed Lawyer

- a. Do you/Does your client want to be represented by a court-appointed lawyer in this appeal? (*Answer yes or no.*)
 - Yes. Complete and attach *Request for Court-Appointed Lawyer in Misdemeanor Appeal* (form CR-133).
 - No.
- b. Were you/Was your client represented by the public defender or other court-appointed lawyer in the trial court? (*Answer yes or no.*)
 - Yes.
 - No. If you answered yes to 4a, complete and attach *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210).

REMINDER—Except in the very limited circumstances listed in rule 8.853, you must file this form no later than 30 days after the trial court issued the judgment or order you are appealing in your case. If your notice of appeal is late, the court will not take your appeal.

Date: _____

Type or print your name _____

Signature of appellant or attorney _____

Clerk stamps date here when form is filed.

DRAFT**2018-02-13****Not approved by
the Judicial Council**

You fill in the name and street address of the court that issued the judgment or order you are appealing:

Superior Court of California, County of

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

Trial Court Case Number:**Trial Court Case Name:**

You fill in the appellate division case number (if you know it):

Appellate Division Case Number:**1 Your Information**

- a. Name of appellant (the party who is filing this appeal):

Name: _____

- b. Appellant's contact information (required):

Street address: _____
 Street City State ZipMailing address (*if different*): _____
 Street City State Zip

Phone: _____ E-mail: _____

- c. Appellant's lawyer in the trial court proceedings:

The lawyer filling out this form is is not representing the appellant in this appeal.

Name: _____ State Bar number: _____

Street address: _____
 Street City State ZipMailing address (*if different*): _____
 Street City State Zip

Phone: _____ E-mail: _____

Fax: _____

Trial Court Case Name: _____

Information About Your Appeal

- (2)** On (*fill in the date*): _____ in the box on page 1 of this form.

I/my client filed a notice of appeal in the trial court case identified

Your Choices About the Record on Appeal**Stipulation for Limited Record**

- (3)** The respondent and I/my client have agreed (“stipulated”) under rule 8.860 that parts of the normal record on appeal are not required for proper determination of this appeal. A copy of our stipulation identifying those parts of the record that are not required is attached.

Record of Oral Proceedings

You do not have to provide the appellate division with a record of what was said in the trial court (this is called a record of the “oral proceedings”). But, if you do not, the appellate division will not be able to consider what was said during the trial court proceedings in deciding whether a legal error was made in those proceedings.

- (4)** I elect (choose)/My client elects to proceed (*check a or b*):

- a. WITHOUT a record of the oral proceedings in the trial court (*skip item (5); sign and date this form*). I understand that if I proceed without a record of the oral proceedings, the appellate division will not be able to consider what was said in the trial court during those proceedings in deciding whether a legal error was made.

(*Write initials here*): _____

- b. WITH a record of the oral proceedings in the trial court (*complete item (5) below*). I understand that if I elect (choose) to proceed WITH a record of the oral proceeding in the trial court, I have to choose the record I want to use and take the actions described below to make sure this record is provided to the appellate division. I understand that if I do not take the actions described below and the appellate division does not receive this record, I am not likely to succeed in my appeal.

(*Write initials here*): _____

Trial Court Case Name: _____

- 5** I want to use the following record of what was said in the trial court proceedings in my case (*check and complete only one—a, b, c, or d*):

- a. **Reporter's Transcript.** *This option is available only if there was a court reporter in the trial court who made a record of what was said in court. Check with the trial court to see if there was a court reporter in your case before choosing this option. Some courts also have local rules that establish procedures for determining whether only a portion of a reporter's transcript or a different form of the record will be sufficient for an effective appeal. Check with the trial court to see if it has such a local rule. (Check and complete (1), (2) or (3).)*
- (1) Within 10 days of when I receive the court reporter's estimate of the cost of this transcript, I will file a certified transcript of all the proceedings required by rule 8.865 and that complies with rule 8.144.
- (2) I will pay the trial court clerk's office for the reporter's transcript myself within 10 days of when I receive the court reporter's estimate of the costs of this transcript. Alternatively, I will pay the reporter directly and file with the trial court a written waiver of deposit signed by the reporter. I understand that if I do not pay for this transcript, it will not be prepared and provided to the appellate division.
- (3) I am asking that the reporter's transcript be prepared at no cost to me because I cannot afford to pay this cost.
- (a) I was represented by the public defender or another court-appointed lawyer in the trial court proceedings in this case.
- (b) I was not represented by the public defender or another court-appointed lawyer in the trial court proceedings in this case, but I have completed and attached *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210). (*You can get form MC-210 at any courthouse or county law library or online at www.courts.ca.gov/forms. The court will review this form to decide if you are eligible for a reporter's transcript at no cost to you.*)

OR

- b. **Transcript From Official Electronic Recording.** *This option is available only if an official electronic recording was made of what was said in the trial court. Check with the trial court to see if an official electronic recording was made in your case before choosing this option. Some courts also have local rules that establish procedures for determining whether only a portion of a transcript or a different form of the record will be sufficient for an effective appeal. Check with the trial court to see if it has such a local rule. (Check and complete (1) or (2).)*
- (1) I will pay the trial court clerk's office for this transcript myself. I understand that if I do not pay for this transcript, it will not be prepared and provided to the appellate division.
- (2) I am asking that this transcript be provided at no cost to me because I cannot afford to pay this cost.
- (a) I was represented by the public defender or another court-appointed lawyer in the trial court proceedings in this case.
- (b) I was not represented by the public defender or another court-appointed lawyer in the trial court proceedings in this case, but I have completed and attached *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210). (*You can get form MC-210 at any courthouse or county law library or online at www.courts.ca.gov/forms. The court will review this form to decide if you are eligible for a transcript at no cost to you.*)

Trial Court Case Name: _____

(5) (continued)

OR

c. **Copy of Official Electronic Recording.** *This option is available only if an official electronic recording was made of what was said in the trial court, the court has a local rule for the appellate division permitting the use of the official electronic recording itself as the record of the court proceedings, and you and the respondent (the prosecuting agency) have agreed (stipulated) that you want to use the recording itself as the record of what was said in your case. Check with the trial court to see if an official electronic recording was made in your case before choosing this option. You must attach a copy of your agreement (stipulation) with the respondent to this notice. (Check and complete (1) or (2).)*

- (1) I will pay the trial court clerk's office for this official electronic recording myself. I understand that if I do not pay for this recording, it will not be prepared and provided to the appellate division.
- (2) I am asking that this official electronic recording be provided at no cost to me because I cannot afford to pay this cost.
 - (a) I was represented by the public defender or another court-appointed lawyer in the trial court proceedings in this case.
 - (b) I was not represented by the public defender or another court-appointed lawyer in the trial court proceedings in this case, but I have completed and attached *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210). *(You can get form MC-210 at any courthouse or county law library or online at www.courts.ca.gov/forms. The court will review this form to decide if you are eligible for a copy of the official electronic recording at no cost to you.)*

OR

d. **Statement on Appeal.** A statement on appeal is a summary of the trial court proceedings approved by the trial court. See form CR-131-INFO for information about preparing a proposed statement. *(Check and complete (1) or (2).)*

- (1) I have attached my proposed statement on appeal to this notice. *(If you are not represented by a lawyer in this appeal, you must use Proposed Statement on Appeal (Misdemeanor) (form CR-135) to prepare and file this proposed statement. You can get form CR-135 at any courthouse or county law library or online at www.courts.ca.gov/forms.)*
- (2) I have NOT attached my proposed statement on appeal to this notice. I understand that I must serve and file this proposed statement in the trial court within 20 days of the date I file this notice and that if I do not file the proposed statement on time, the court may appoint new counsel or dismiss my appeal.

Date: _____

Type or print your name

Signature of appellant or attorney

Instructions

- This form is only for appealing in an **infraction** case, such as a case about a traffic ticket. You can get other forms for appealing in a civil or misdemeanor case at any courthouse or county law library or online at www.courts.ca.gov/forms.
- Before you fill out this form, read *Information on Appeal Procedures for Infractions* (form CR-141-INFO) to know your rights and responsibilities. You can get form CR-141-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.
- You must file this form **no later than 30 days after the trial court issued the judgment or order you are appealing** (see rule 8.902(b) of the California Rules of Court for very limited exceptions). **If your notice of appeal is late, the court will not take your appeal.**
- Fill out this form and make a copy of the completed form for your records.
- Take or mail the completed form to the clerk's office for the same trial court that issued the judgment or order you are appealing. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

Clerk stamps date here when form is filed.

DRAFT**2018-02-13****Not approved by
the Judicial Council**

You fill in the name and street address of the court that issued the judgment or order you are appealing:

Superior Court of California, County of

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

Trial Court Case Number:**Trial Court Case Name:**

The clerk will fill in the number below:

Appellate Division Case Number:**1 Your Information**

- a. Name of appellant (the party who is filing this appeal):

Name: _____

- b. Appellant's contact information (required):

Street address: _____ Street _____ City _____ State _____ Zip _____

Mailing address (*if different*): _____ Street _____ City _____ State _____ Zip _____

Phone: _____ E-mail: _____

- c. Appellant's lawyer in the trial court proceedings:

The lawyer filling out this form is is not representing the appellant in this appeal.

Name: _____ State Bar number: _____

Street address: _____ Street _____ City _____ State _____ Zip _____

Mailing address (*if different*): _____ Street _____ City _____ State _____ Zip _____

Phone: _____ E-mail: _____

Fax: _____



Trial Court Case Name: _____

2 Judgment or Order You Are AppealingI am/My client is appealing (*check a, b, or c*):

- a. the final judgment of conviction in the case (Pen. Code, § 1466(b)(1)).

The trial court issued (rendered) this judgment on (*fill in the date*): _____

- b. an order made by the trial court after judgment that affects an important (substantial) right of mine/my client (Pen. Code, § 1466(b)(2)).

The trial court issued (rendered) this order on (*fill in the date*): _____

- c. Other (describe the action you are appealing and indicate the date the trial court took the action):

Your Choices About the Record on Appeal**Stipulation for Limited Record**

- 3** The respondent and I/my client have agreed (“stipulated”) under rule 8.910 that parts of the normal record on appeal are not required for proper determination of this appeal. A copy of our stipulation identifying those parts of the record that are not required is attached. (*At the top of each page write “CR-142, item 3.”*)

Record of Oral Proceedings

You do not have to provide the appellate division with a record of what was said in the trial court (this is called a record of the “oral proceedings”). But, if you do not, the appellate division will not be able to consider what was said during the trial court proceedings in deciding whether an error was made in those proceedings.

- 4** I elect (choose)/My client elects to proceed (*check a or b*):

- a. WITHOUT a record of the oral proceedings in the trial court (*skip item 5; sign and date this form*). I understand that if I proceed without a record of the oral proceedings, the appellate division will not be able to consider what was said in the trial court during those proceedings in deciding whether a legal error was made.

(Write initials here): _____

- b. WITH a record of the oral proceedings in the trial court (*complete item 5 below*). I understand that if I elect (choose) to proceed with a record of the oral proceedings in the trial court, I have to choose the record I want to use and take the actions described below to make sure this record is provided to the appellate division. I understand that if I do not take the actions described below and the appellate division does not receive this record, I am not likely to succeed in my appeal.

(Write initials here): _____

- 5** I want to use the following record of what was said in the trial court proceedings in my case (*check and complete only one—a, b, c, or d*):

- a. **Statement on Appeal.** *A statement on appeal is a summary of the trial court proceedings approved by the trial court. See form CR-141-INFO for information about preparing a proposed statement. (Check and complete (1) or (2).)*

Trial Court Case Name: _____

5 (continued)

- (1) I have attached my proposed statement on appeal to this notice. (*If you are not represented by a lawyer in this appeal, you must use Proposed Statement on Appeal (Infraction) (form CR-143) to prepare and file this proposed statement. You can get form CR-143 at any courthouse or county law library or online at www.courts.ca.gov/forms.*)
- (2) I have NOT attached my proposed statement on appeal to this notice. I understand that I must serve the prosecuting attorney if the prosecuting attorney appeared in the case and file this proposed statement in the trial court within 20 days of the date I file this notice and that if I do not file the proposed statement on time, the court may proceed on the clerk's transcript only.

OR

- b. **Transcript From Official Electronic Recording.** *This option is available only if an official electronic recording was made of what was said in the trial court. Check with the trial court to see if an official electronic recording was made in your case before choosing this option. Some courts also have local rules that establish procedures for determining whether only a portion of a transcript or a different form of the record will be sufficient for an effective appeal. Check with the trial court to see if it has such a local rule. (Check and complete (1) or (2).)*
- (1) I will pay the trial court clerk's office for this transcript myself. I understand that if I do not pay for this transcript, it will not be prepared and provided to the appellate division.
- (2) I am asking that this transcript be provided at no cost to me because I cannot afford to pay this cost. I have completed and attached *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210). (*You can get form MC-210 at any courthouse or county law library or online at www.courts.ca.gov/forms. The court will review this form to decide if you are eligible for a free transcript.*)

OR

- c. **Copy of Official Electronic Recording.** *This option is available only if an official electronic recording was made of what was said in the trial court, the court has a local rule for the appellate division permitting the use of the official electronic recording itself as the record of the court proceedings, and you and the respondent (the prosecuting agency) have agreed (stipulated) that you want to use the recording itself as the record of what was said in your case. Check with the trial court to see if an official electronic recording was made in your case before choosing this option. You must attach a copy of your agreement (stipulation) with the respondent to this notice. (Check and complete (1) or (2).)*
- (1) I will pay the trial court clerk's office for this official electronic recording myself. I understand that if I do not pay for this recording, it will not be provided to the appellate division.
- (2) I am asking that this official electronic recording be provided at no cost to me because I cannot afford to pay this cost. I have completed and attached *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210). (*You can get form MC-210 at any courthouse or county law library or online at www.courts.ca.gov/forms. The court will review this form to decide if you are eligible for a free copy of the official electronic recording.*)

Trial Court Case Name: _____

(5) (continued)

OR

- d. **Reporter's Transcript.** *This option is available only if there was a court reporter in the trial court who made a record of what was said in court. Check with the trial court to see if there was a court reporter in your case before choosing this option. Some courts also have local rules that establish procedures for determining whether only a portion of the reporter's transcript or a different form of the record will be sufficient for an effective appeal. Check with the trial court to see if it has such a local rule.*

Within 10 days of receiving the court reporter's estimate of the cost of preparing the reporter's transcript, I will (check and complete one of the following):

- (1) File with the trial court a certified transcript of all the proceedings required by rule 8.918.
- (2) Pay for the transcript myself by depositing with the trial court an amount equal to the estimated cost of the transcript.
- (3) Pay the reporter directly and file with the trial court a written waiver of the deposit that is signed by the reporter.
- (4) Request a reporter's transcript at no cost. I am asking that this transcript be provided at no cost to me because I cannot afford to pay this cost. I have completed and attached *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210). (*You can get form MC-210 at any courthouse or county law library or online at www.courts.ca.gov/forms. The court will review this form to decide if you are eligible for a reporter's transcript at no cost to you.*)

I understand that if I do not pay for this transcript and I am not eligible for a reporter's transcript at no cost, the reporter's transcript will not be prepared and provided to the appellate division.

Date: _____

Type or print your name_____
Signature of appellant or attorney