



**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**  
**SECOND APPELLATE DISTRICT, DIVISION THREE**

In re S.H. et al., Persons Coming Under ) the Juvenile Court Law. ) _____ )	Court of Appeal Case No. B247257
LOS ANGELES COUNTY )	Los Angeles Superior
DEPARTMENT OF CHILDREN AND )	Court Case No. CK76778
FAMILY SERVICES, )	
Plaintiff and Respondent, )	
v. )	
WILLIAM K., )	
Defendant and Appellant. ) _____ )	

**NOTICE OF ABANDONMENT AND REQUEST FOR DISMISSAL**

Pursuant to rule 8.411(a) of the California Rules of Court, appellant, William K., hereby abandons the above-entitled appeal filed on February 4, 2013 and requests that it be dismissed.

This motion is based upon the attached memorandum of points and authorities, the declaration of appellate counsel, Cameryn Schmidt, and the request for dismissal executed by appellant.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. THE APPEAL SHOULD BE DISMISSED AS APPELLANT HAS REQUESTED DISMISSAL AND NO REASONS EXIST TO DENY DISMISSAL**

After the record has been filed in the appellate court, an appellant must seek court permission to dismiss his or her appeal. The appellate court has the discretion to grant or deny the request. (Cal. Rules of Court, rule 8.244(c); *In re Josiah Z.* (2005) 36 Cal.4th 664, 674.) Courts have declined to dismiss an appeal when it would prejudice co-appellants (*DeGarmo v. Goldman* (1942) 19 Cal.2d 755, 768-769) or where the appeal raises an issue of continuing public interest (*Castro v. Superior Court* (2004) 116 Cal.App.4th 1010, 1014, fn. 3). In addition, appellate counsel may not unilaterally move to dismiss an appeal; the client's consent is required. (*Josiah Z., supra*, 36 Cal.4th 664, 678.)

Here, the appellant has authorized dismissal of the appeal. (Declaration of Cameryn Schmidt; Request for Dismissal of Appeal signed by appellant.) Appellate counsel concurs with appellant's request to dismiss his appeal. (*Ibid.*) Moreover, the appeal does not appear to involve any co-appellants or issues of continuing public interest. (Declaration of Cameryn Schmidt.)

Therefore, the appeal should be dismissed.

CONCLUSION

For the reasons stated, appellant respectfully requests that the Court  
dismiss his appeal filed

Dated:

Respectfully submitted,

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Attorney for Appellant, WILLIAM K.

DECLARATION OF

DECLARATION OF

I, \_\_\_\_\_, declare:

1. I am an attorney licensed to practice law in the State of California and am counsel for appellant, William K., in Court of Appeal Case Number B247257.
2. I have personal knowledge of the matters stated in this declaration.
3. I have reviewed the appellate record filed in this matter in its entirety.
4. I have communicated with appellant, William K., and I am authorized to file the attached Notice of Abandonment and Request for Dismissal of Appeal.
5. I agree with appellant's request to dismiss his appeal.
6. To the best of my knowledge, no other party has appealed from the juvenile court's orders.
7. Based on my review of the record, I do not believe the appeal raises any issues of continuing public interest.

I declare under penalty of perjury that the foregoing is true and correct. Executed on \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_

REQUEST FOR DISMISSAL SIGNED  
BY APPELLANT





# PROPOSED ORDER

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LOS ANGELES COUNTY )  
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FAMILY SERVICES, )

Los Angeles Superior )  
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Plaintiff and Respondent, )

**(PROPOSED) ORDER**

v. )

WILLIAM K., )

Defendant and Appellant. )  
\_\_\_\_\_)

GOOD CAUSE APPEARING, the Court grants appellant  
WILLIAM K.'s request to dismiss the above-entitled appeal.

The appeal is dismissed.

Dated: \_\_\_\_\_, 2013

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