

SAMPLE PETITION FOR REVIEW

The sample Petition for Review in the California Supreme Court attached MUST be modified to apply to your case. Fill in the blanks with the names, dates, and case numbers of your case. The arguments raised in your Appellant's Opening Brief or Petition for Writ of Habeas Corpus should help you make the sample fit your case. The parts of a petition for review follow; the parts that are in the sample are designated by a *.

- * COVER PAGE WITH TITLE
- TABLE OF CONTENTS (see your briefs for sample)
- TABLE OF AUTHORITIES (see your briefs for sample)
- * PETITION FOR REVIEW COVER PAGE
- * PETITION FOR REVIEW
- * ISSUES PRESENTED FOR REVIEW
- * STATEMENT OF CASE
- * STATEMENT OF FACTS
- * ARGUMENT
- * CONCLUSION
- APPENDIX (attach a copy of opinion)
- PROOF OF SERVICE (see last page of your briefs)

Typewritten petitions cannot exceed 30 pages; computer produced petitions cannot exceed 8,400 words. The table of contents, table of authorities, and Court of Appeal opinion are not counted in these limits.

Do not be discouraged if you feel that you cannot draft a petition which will look exactly like a petition written by a lawyer. The Supreme Court will realize that you are proceeding in propria persona and will excuse any minor defects in the form of the petition.

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,)
) 2d. Crim. _____
Plaintiff and Respondent,)
) (Superior Court
v.) No. _____)
)
YOUR NAME)
)
Defendant and Appellant.)
_____)

PETITION FOR REVIEW

Following Affirmance of Judgment of Conviction
 By the Court of Appeal
 Second Appellate District, Division _____
 Court of Appeal Case No. 2d Crim. No. B _____

(The above information is on the cover of your briefs and will also be used later.)

YOUR NAME

Your Street Address
Your City and State
Your Phone Number

In Propria Persona

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,)
) 2d. Crim. _____
Plaintiff and Respondent,)
) (Superior Court
v.) No. _____)
)
YOUR NAME)
)
Defendant and Appellant.)
_____)

PETITION FOR REVIEW

TO THE HONORABLE TANI CANTIL-SAKAUYE, CHIEF JUSTICE,
AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE
SUPREME COURT OF THE STATE OF CALIFORNIA:

Pursuant to Rule 8.500, California Rules of Court, **[YOUR NAME]**

defendant and appellant, hereby petitions this Court to grant review of the decision of the
Court of Appeal for the ___ Appellate District, Division ___, filed on _____,
which affirmed **his/her** judgment of conviction. A copy of the opinion of the Court of
appeal is attached as appendix "A".

ISSUES PRESENTED FOR REVIEW

(If possible, try to make the issues sound like they are important questions of law, issues not decided by the Supreme Court, especially if they come up often, or issues where there is a split of decisions among courts of appeal. If you are having a hard time, just change the headings of the arguments of your brief into a question. If review is granted, the Supreme Court is required to consider only the issues presented in the petition or in the answer (if one is filed) by the opposing party.)

1. Does this Court of Appeal's decision to uphold appellant's conviction for attempted murder despite the delivery of erroneous implied malice instructions conflict with the Court of Appeal's decision in People v. _____ (____) ___ Cal.App.4th ___?

2. Can the denial of a timely Faretta motion to proceed in pro per ever be deemed harmless error? (Faretta v. California (1975) 42 U.S. 806)

NOTE: These listed issues are samples only. The issues you present must be issues raised in your briefs filed in the Court of Appeal or issues raised by the Court of Appeal.

STATEMENT OF CASE

STATEMENT OF FACTS

You can use or modify the statement of case and statement of facts in your opening brief. Or, if you believe that they were fairly stated in the Court of Appeal's opinion, you can just adopt the statement in the Court of Appeal opinion by using this statement: Petitioner adopts the procedural history and facts as stated in the opinion of the Court of Appeal. Additional facts relevant to the issues presented herein will be incorporated in the arguments which follow.

ARGUMENT

I

THIS COURT SHOULD GRANT REVIEW TO RESOLVE THE CONFLICT BETWEEN THE OPINION OF THE COURT OF APPEAL IN THIS CASE WITH THE OPINION OF THE COURT OF APPEAL OR THE THIRD APPELLATE DISTRICT IN PEOPLE v. ____ (19__) ____ Cal.App.4th ____.

A grant of review in this case is necessary to secure uniformity of decision, within the meaning of Rule 8.500(b), between the opinion in this case and the conflicting opinion of the Court of Appeal for the Second District in People v. _____ (19__) __ ____ Cal.App.4th _____.

[Discuss the conflict and explain why the reasoning of the case in your favor is more persuasive than the reasoning of the case which held against you.]

II

THIS COURT SHOULD GRANT A REVIEW TO SETTLE THE IMPORTANT AND RECURRING QUESTION WHETHER DENIAL OR SELF-REPRESENTATION UNDER PEOPLE v. _____ (19__) ____ Cal. ____ CAN EVER BE DEEMED HARMLESS ERROR

[Discuss the question of law presented and explain why you believe your position is correct.]

NOTE: The captioned arguments above are samples only. Your arguments must be based on issues raised in your appeal.

CONCLUSION

For the foregoing reasons, appellant respectfully urges this Honorable Court
to grant review in this matter.

DATED: _____

Respectfully submitted,

YOUR NAME
In Propria Persona