

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION EIGHT

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff and Respondent,

v.

JOHN SMITH,

Defendant and Appellant.

2d Crim. Z123456

Sup.Ct.No. X123456

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY

Honorable Merry Goodlaw, Judge

**MOTION TO AUGMENT RECORD ON APPEAL
AND REQUEST FOR EXTENSION OF TIME**

[NAME OF COUNSEL]
[Title]
(State Bar No. #####)

[NAME OF ORGANIZATION]
[Address]
Telephone: (###) ###-####
Email:

Attorneys for Appellant

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TO: THE PRESIDING JUSTICE AND THE HONORABLE ASSOCIATE JUSTICES
OF THE COURT OF APPEAL OF THE SECOND APPELLATE DISTRICT,
DIVISION EIGHT

Pursuant to rules 8.155 and 8.340(c) of the California Rules of Court, appellant John Smith respectfully requests that the record on appeal be augmented to include the following proceedings dated [date] in Department [#] ([name of reporter], Reporter): [names of proceedings]

It is further requested that appellant be given a thirty (30) day extension of time for filing the opening brief, computed from the date of the filing of the augmented record.

[Insert here a description of proceedings to be added and reasons for their addition to the record]

Appellant's counsel on appeal has a duty to raise all arguable issues

before this Court. (*In re Smith* (1970) 3 Cal.3d 192.) Counsel has reviewed the current record on appeal and has determined that inclusion of the requested material is necessary for the effective representation of appellant. (*People v. Gaston* (1978) 20 Cal.3d 476; *People v. Silva* (1978) 20 Cal.3d 489.)

Since the transcript requested will constitute an important part of the record on appellant's appeal, it would not be possible to file an opening brief without an extension of time of thirty days from the filing of the augmented record. This is appellant's first request for extension of time.

DATED: [Date]

Respectfully submitted,
[NAME OF ORGANIZATION]
[NAME OF DIRECTOR]
[Title]

[NAME OF COUNSEL]
Attorneys for Appellant

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**DECLARATION OF [NAME OF COUNSEL] IN SUPPORT OF
MOTION TO AUGMENT RECORD ON APPEAL
AND REQUEST FOR EXTENSION OF TIME**

I, [NAME OF COUNSEL], declare under penalty of perjury:

I am the Staff Attorney at the California Appellate Project assigned to represent appellant, John Smith, on appeal in the above-entitled matter.

All of the factual statements made in the motion to augment the record on appeal are true and correct to the best of my knowledge. The material sought to be included in the record is necessary for a proper determination of the appeal.

Executed on [DATE] at [CITY, STATE]

[NAME OF COUNSEL]
Attorney for Appellant

**[DON'T FORGET TO ATTACH FILLABLE-FORM PROPOSED ORDER
FILLED OUT WITH DESIRED CASE MATERIALS.]**