

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION [XXX]

PEOPLE OF THE STATE)	
OF CALIFORNIA)	
Plaintiff and Respondent)	Court of Appeal
)	No. [XXXXXX]
v.)	
)	Superior Court
[CLIENT],)	No. [XXXXXX]
Defendant and Appellant.)	
_____)	

Appeal from the Superior Court of the State of California
In and For the County of [XYZ]
Honorable [JUDGE NAME], Judge Presiding

APPELLANT'S OPENING BRIEF
(People v. Delgadillo (2022) 14 Cal.5th 216)

[YOUR NAME AND
INFORMATION]

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STATEMENT OF APPEALABILITY

Appellant filed a timely notice of appeal following the court’s denial of his resentencing request pursuant to Assembly Bill 600 and Penal Code section 1172.1. Some courts have found similar orders unappealable. (See, e.g., *People v. Hodge* (2024) 107 Cal.App.5th 985; *People v. Faustinos* (2025) 109 Cal.App.5th 687; *People v. Roy* (2025) 110 Cal.App.5th 991.) This Court should determine appealability.

STATEMENT OF THE CASE

[Brief history of the client's original conviction(s) and sentence and his AB 600 proceedings, including the court's denial and its reasoning.]

STATEMENT OF THE FACTS

[You may choose whether to include or omit a statement of the facts, given they are not relevant to the appeal. You can either summarize the factual background, copy/paste directly from a Court of Appeal opinion in the client's prior appeal with a footnote stating the facts are taken directly from a prior opinion, or omit the facts entirely, stating "No facts were adduced."]

ARGUMENT

APPELLANT REQUESTS THE COURT FOLLOW THE PROCEDURES OUTLINED IN *PEOPLE v. DELGADILLO* (2022) 14 Cal.5th 216.

Present counsel has reviewed the entire and found no arguable issues to raise on appeal. Appellant requests that this Court follow the procedures outlined in *People v. Delgadillo* (2022) 14 Cal.5th 216 (*Delgadillo*), and permit him to file a supplemental brief raising any issues he wishes the Court to consider.

Delgadillo outlines the procedures an appellate court should follow when appointed counsel files a “no issue” brief in an appeal that is not a first appeal as of right. (*Id.* at pp. 231-232.) In such situations, “the court should send, with a copy of counsel's brief, notice to the defendant, informing the defendant of the right to file a supplemental letter or brief and that if no letter or brief is filed within 30 days, the court may dismiss the matter.” (*Id.* at pp. 231-232.) If the defendant files a supplemental brief or letter, “the Court of Appeal is required to evaluate the specific arguments presented in that brief and to issue a written opinion.” (*Id.* at p. 232.) Appellate counsel asks that this Court follow these procedures. Appellant further requests that this Court exercise its discretion to conduct an independent review of the record as permitted by *Delgadillo*. (*Id.* at pp. 231-232.)

Present counsel has written to appellant and advised him that he may file a supplemental brief with this Court within 30 days, and that if he does not do so, the Court will dismiss his

appeal. Counsel has also sent appellant the transcripts of the record on appeal and a copy of this brief. Present counsel remains available to brief any issues, upon the Court's request. (See declaration attached hereto.)

Dated:

Respectfully submitted,

/s/ Attorney Name
[ATTORNEY NAME]

Attorney for Appellant

DECLARATION OF COUNSEL

I, [COUNSEL], hereby declare as follows:

I am the attorney appointed to represent appellant [NAME] on appeal.

I have reviewed the entire record on appeal and have not found any arguable issues to raise on appeal. An attorney at the California Appellate Project also reviewed the record and found no arguable issues.

I have written to appellant and explained my evaluation of the record on appeal and my intention to file this pleading. I have also informed appellant of his right to file a supplemental brief. I have advised appellant that if he does not file a supplemental brief, this Court will dismiss his appeal. I have also sent appellant the transcripts of the record on appeal and a copy of this brief.

I do not at this time move to withdraw as counsel of record for appellant, and I remain available to brief any issues that the Court requests. I have also advised appellant that he may request this Court relieve me.

Executed under penalty of perjury pursuant to the laws of the State of California on [DATE].

/s/ Attorney Name
[ATTORNEY NAME]
Attorney for Appellant

WORD COUNT CERTIFICATION

PROOF OF SERVICE