

**IF YOU FIND YOU NEED TO MAKE A SECOND MOTION TO AUGMENT -- EXPLAIN WHY.**

ATTORNEY NAME, SBN  
ADDRESS  
TELEPHONE NO.  
Attorneys for Appellant [CLIENT'S NAME]

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
[FIFTH/THIRD] APPELLATE DISTRICT

PEOPLE OF THE STATE OF CALIFORNIA,	)
	) [5/3] Crim. [APPEAL
NO.]	)
Plaintiff and Respondent,	)
	) (NAME County
	) Superior Court
	) No. COUNTY CASE#)
v.	)
	) SECOND APPLICATION TO
APPELLANT'S NAME,	) AUGMENT RECORD &
	) REQUEST FOR EXTENSION
Defendant and Appellant.	) TIME

Pursuant to rule 8.155(a) of the California Rules of Court, appellant, APPELLANT'S NAME, through his counsel, requests this Court to augment the record on appeal to include the following item:

Reporter's Transcript of the [describe hearing] before the Hon. [Judge's Name] on [Date of hearing]. The court reporter was [Reporter's name]. The minute order documenting the proceeding is in the Clerk's Transcript at page [number].

A transcript of the review hearing is necessary because an issue on appeal will be that [explain what the issue is]. The minutes of the [describe hearing] before the Honorable

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[judge's name] show [describe what you expect the augmentation to show]. (C.T. p. X.)

This is the appellant's second request to augment the record on appeal. The first request was made on [filing date of first request], granted by the court on [date granted] and filed [date order was filed]. Appellant's opening brief is due [current AOB due date]. [It is complete save for this issue. Or, state other status of briefing.] Counsel [explain why this augmentation request was not included in the original motion to augment -- i.e., was not aware of the issue until communication with appellant disclosed that an apparently routine motion for continuance had been opposed by the defense; *or* was aware of the [describe] issue when the first augment request was made, but after talking with [appellant, appellant's trial counsel, whoever you spoke to] learned that what appeared to be a clerical error was due to the trial court's belief that [whatever the court thought was the law that might be arguable on appeal; *or* was unaware of the importance of this portion of the record until research [describe the issue] uncovered its significance.]

This augmentation request is made in compliance with appellate counsel's duty to provide a complete and adequate record on appeal and to investigate all reasonably arguable issues suggested by a review of the record and consultations with trial counsel, and appellant. (See, e.g., *People v. Gaston* (1978) 20 Cal.3d 476, 482-484; *People v. Silva* (1978) 20 Cal.3d 489, 493; *People v. Barton* (1978) 21 Cal.3d 513, 518-520.) [In one sentence describe the issue this augmentation is necessary to and give authority for your argument.] The [item requested] is necessary to prepare this issue for appeal and so that all issues may be presented in a unitary appeal. (See *People v. Gaston, supra*, at p. 482.) Appellate counsel is required to insure the record on

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appeal is complete. (*Id.*, at p. 484- 485; *People v. Silva, supra*, at p. 493.) Failure to do so may be considered inadequate assistance of appellate counsel. (*People v. Valenzuela* (1985) 175 Cal.App.3d 381, 394.)

Appellant respectfully requests that the above items be provided and made part of the record on appeal.

[DATE], at \_\_\_\_\_, California.

Respectfully submitted,  
ATTORNEY NAME  
Attorney for Appellant [APPELLANT'S  
NAME]