

**Request for Leave to File Supplemental Brief**

(Policy note: In the Third District, a formal motion requesting permission to file a supplemental brief must be ruled on before counsel submits the supplemental brief for filing. The motion must show good cause, which includes: 1) why the supplemental brief is necessary, and 2) why the issue was not raised, or if raised, was not adequately briefed, in appellant's opening brief. In the Fifth District, the supplemental brief may be submitted along with a request to file it.)

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

IN AND FOR THE \_\_\_\_\_ APPELLATE DISTRICT

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff and Respondent,

[3/5] Crim. No. \_\_\_\_\_

v.

[NAME] County  
Superior Court

JOHN/MARY DOE,

No. \_\_\_\_\_

Defendant and Appellant.

\_\_\_\_\_ /

**REQUEST FOR LEAVE TO FILE SUPPLEMENTAL BRIEF**

TO THE HONORABLE PRESIDING JUSTICE AND TO THE HONORABLE  
ASSOCIATE JUSTICES OF THE COURT OF APPEAL OF THE STATE OF  
CALIFORNIA, [THIRD/FIFTH] APPELLATE DISTRICT:

[Name of Appellate Counsel] is appointed counsel for [NAME OF APPELLANT] on appeal. Normal briefing was complete when [STATE STATUS OF CASE, e.g., the reply brief was filed on \_\_\_\_\_.] [DESCRIBE REASON FOR SUPPLEMENT BRIEFING, e.g., In a letter dated June 27, 1996, this court directed respondent to file a letter brief discussing the appropriate disposition of the appeal in light of *People v. Superior Court (Romero)*, S045097, filed June 20, 1996. One request from the respondent for an extension of time was granted and the requested supplemental letter brief was filed on or about July 17, 1996. This is a request for permission to respond to the supplemental letter brief.] [OR, In preparing to file appellant's reply brief it became clear based on a recent Supreme Court case [cite case], that two additional related issues

ought to have been raised. [Describe the issues.] These issues are closely related to the [describe issue] raised in appellant's opening brief.] [OR, other reason stating good cause and describing why you are requesting permission to file a supplemental brief.]

Lastly, counsel apologizes for any inconvenience this request may cause but believes that the accompanying supplemental brief must be submitted in order to fully preserve all issues for appellant, to fully protect appellant's rights to a full and fair hearing on all issues in his case by this Court, and to effectively represent appellant at this stage of the proceedings as guaranteed by the California State Constitution (art. I, § 15), and the Sixth Amendment to the United States Constitution. (*In re Banks* (1971) 4 Cal.3d 337; *In re Smith* (1970) 3 Cal.3d 192 [both cases reversed on the basis of ineffective assistance of appellate counsel].)

For these reasons, appellant [NAME OF APPELLANT], through counsel, respectfully requests leave of this court to file a supplemental opening brief.

Dated: \_\_\_\_\_

Respectfully submitted,

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[YOUR NAME / SBN]  
{ Address }  
{ Telephone }  
Attorney for Appellant