



Judicial Council of California

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Subject Text

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File #: 17-156, **Version:** 1

Title

Appellate Procedure: Service of Briefs in Misdemeanor Cases (Action Required)

Summary

To ensure that defendants in misdemeanor appeals are kept apprised of the arguments being made in their cases, the Appellate Advisory Committee recommends amending the rule regarding service of briefs in misdemeanor appeals. The rule would be amended to add provisions requiring the defendant's appellate counsel to send to the defendant a copy of each brief and requiring the People to serve an extra copy of their briefs on defendant's appellate counsel.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2018, amend California Rules of Court, rule 8.882 to:

1. Add a provision requiring that defendant's appellate counsel send a copy of each brief to the defendant personally unless the defendant requests otherwise;
2. Add a provision requiring that the People serve two copies of their briefs on the appellate counsel for each defendant who is a party to the appeal; and
3. Correct cross-references in subdivisions (e)(1) and (e)(4).