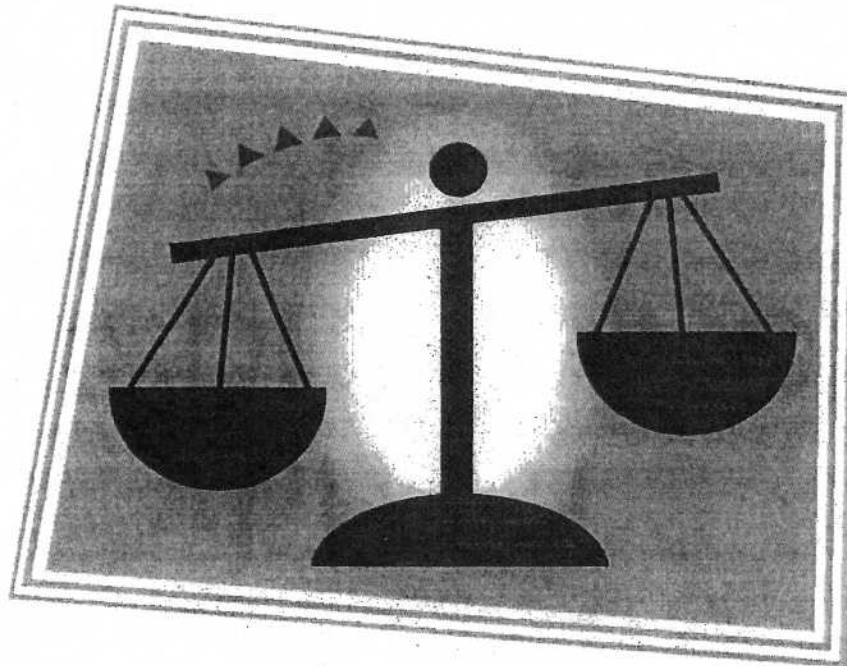


# MISDEMEANOR APPEALS



**TRANSCRIPT SERVICES**  
213 974-6303

**COURT REPORTER SERVICES**  
213 974-5403

## **INTRODUCTION**

Misdemeanor cases are appealed to the Appellate Division of the Superior Court, not to the District Court of Appeal.

Appellant has 30 days after judgment or any order that is being appealed to file his or her notice of appeal.

Appellant must elect to proceed with or without a record of the oral proceedings in the trial court by one of the following methods:

- A reporter's transcript
- An official electronic recording (if there was one)
- A statement on appeal

## **NOTICE TO REPORTER**

- Court Reporter Services will call reporter and advise re appeal
- The notice to reporter will include all reporters and all dates for the normal record on appeal
- Court Reporter Services will mail the notice to all reporters on the appeal
- Mailing packet from Court Reporter Services will include:
  - Notice of Appeal (See Attachment 1)
  - Memo re misdemeanor appeals
  - Court Reporter & Transcript Services Information & Status Update (See Attachment 2)
  - Appeal Notice Verification and Correction form (See Attachment 3)
- Submit/call Appeal Notice Verification and Correction form to Court Reporter Services within five days of receipt of notice to prepare transcript

## **IMMEDIATE PREPARATION OF TRANSCRIPT**

- The reporter must immediately begin preparation of the transcript on appeal if the notice indicates either:
  - The defendant was represented by appointed counsel at trial
  - The appellant is the People

## **ESTIMATE OF COST OF TRANSCRIPT**

- Court Reporter Services will call reporter and advise re appeal
- If the notice indicates the appellant is the defendant and the defendant was not represented by appointed counsel at trial:
  - The notice will include a Notice to Submit Estimate – Misdemeanor appeal. Within 10 days after mailing of the notice, the reporter must send to Transcript services the estimated cost of preparing the reporter's transcript (See Attachments 4 and 5)
    - Fax to Transcript services estimate
    - Mail original estimate with your signature to Transcript Services or give to noticing clerk in building where appeal filed original of estimate
  - Thereafter, the clerk must promptly notify the reporter to begin preparation of the transcript when the clerk receives the required deposit or the court determines the defendant is indigent and orders the transcript

## **NORMAL RECORD ON APPEAL**

- Prepare the normal record on appeal.

Normal record on appeal consists of:

- Entry of any plea other than a not guilty plea
- Any motion in limine
- Oral proceedings at trial, excluding jury voir dire and any opening statement

- Any jury instructions given orally
- Any oral communication between the court and the jury or any individual juror
- Any oral opinion of the court
- Motion for new trial
- Sentencing
- If the appellant is the defendant:
  - Any defense motion denied in whole or in part, except motions for disqualification of a judge
  - Closing argument
  - Any comment on the evidence by the court to the jury

### **TRANSCRIPT FORMAT**

- The reporter's transcript must comply with rule 8.144
- Superior Court title page – No Court of Appeal cover page on any volume
- Chronological/Alphabetical index
- Every appeal must have an index. The primary reporter only is responsible for producing an index stating "no witnesses, no exhibits"
- Transcript of proceedings
- Reporter's certificate
- If there is more than one reporter for testimony, use 300-page block numbering
- Bind no more than 300 sheets in each volume
- Bind no fewer than 25 pages in each volume, with the exception of Volume 1 under 8.144

- Prepare original and two copies plus one copy for each additional defendant.
- Primary reporter is responsible for collecting other reporters' portions and preparing transcript for filing

*Note: Do not include the Stipulation and Judge's certificate in the transcript. These forms are no longer required*

## **DUE DATE AND FILING**

- File the transcript within 25 days of the Court Reporter Services "mailed" stamp (20 days plus 5 days for mailing)
- All portions are due to the primary reporter one week prior to due date
- Deliver to the Transcript Auditor in the courthouse where order was generated
- Status Update Form to Court Reporter Services (see Attachment 2)
- Submit Notice of Receipt of Court Reporter's Criminal Appeal Transcript with transcript (See Attachment 6)

## **BILLING**

- If no fees were deposited, submit Claim for Transcribing form with transcript (See Attachment 7)
- If fees were deposited send Affidavit for Release of Fees to the primary reporter, and the primary reporter will send all affidavits to Court Reporter Services, attention Ariana Escobar, for processing. Do not file Affidavit for Release of Fees with your transcript. Do not submit a Claim for Transcribing form (See Attachment 8)
- If there are excess fees on deposit, primary reporter must send Request for Refund of Transcript Deposit to Court Reporter Services, attention Ariana Escobar, for processing (See Attachment 9)

## **EXTENSION OF TIME**

- You must contact Transcript Services as early as possible prior to the due date at 213 974-6303 when requesting an extension of time and preparing an affidavit
- Prepare an Affidavit of Reporter and Order Granting Extension of Reporter's Transcript and submit it to Court Reporter Services (See Attachment 10)
- Court Reporter Services will notify you in writing whether or not your request for extension has been granted.
- Further extensions may be granted by the Appellate Department of the Superior Court. Reporter should file for extension in writing, and it must be coordinated with Court Reporter Services

## **ABANDONMENT OF APPEAL**

- Court Reporter Services will send a copy of Abandonment of Appeal (Misdemeanor) when appeal is abandoned (See Attachment 11)
- Discontinue preparation of the transcript when you receive the abandonment notice
- If no fees were deposited, file the completed portion of the transcript with a Claim for Transcribing form and a copy of the abandonment notice in Transcript Auditing for the cost of the portion of the transcript completed
- If fees were deposited, submit an Affidavit for Release of Fees and a copy of the abandonment notice to Court Reporter Services for the cost of the portion of the transcript completed and send transcript to appellant/parties ordering copies
- If there are excess fees on deposit, primary reporter must send Request for Refund of Transcript Deposit to Court Reporter Services for processing

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JOHN A. CLARKE, Executive Officer/Clerk  
Superior Court of California, County of Los Angeles  
\*\*Courthouse\*\*  
\*\*Address\*\*  
\*\*City\*\*, CA \*\*Zip Code\*\*  
Telephone \*\* Fax \*\*

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff(s) and

**Superior Court No.**

vs.

**NOTICE TO REPORTER TO PREPARE  
TRANSCRIPT ON  
MISDEMEANOR APPEAL**

Defendant(s) and

**DUE 25 DAYS FROM "MAILED" STAMP**

TO THE COURT REPORTERS ON THE ABOVE-ENTITLED APPEAL, YOU ARE HEREBY DIRECTED AS FOLLOWS:

A Notice of Appeal was filed on \_\_\_\_\_ by:  People  Defendant  Defendant in Propria Persona

Name and address of attorney for the defendant:

Funds deposited in the amount of \_\_\_\_\_.

Prepare a NORMAL RECORD unless otherwise indicated.

Include voir dire.

Prepare an original and SELECT copies of transcripts on appeal for the proceedings indicated below. *Marsden motion and in camera hearings must be sealed. Juror-identifying information must be redacted. If you were the only assigned reporter on any of the dates listed below, and no notes exist for those date(s), contact Court Reporter Services.*

Additional proceedings are continued on Page 2.

*I certify that on the date indicated below, I served Notice to Reporter to Prepare Transcript on Misdemeanor Appeal by delivering a true copy of said Notice via Fax and County Messenger to:*

Delivered to Court Reporter Services  
Stanley Mosk Courthouse  
111 N. Hill Street, Room 234  
Los Angeles, CA 90012  
Fax No. (213) 620-0017

JOHN A. CLARKE, Executive Officer/Clerk

Dated:

BY: \_\_\_\_\_, Deputy.

# Appeal Status Update

**Court Reporter Services**

**Telephone Numbers:**

Transcript Services: 213-974-6174

Fax numbers: 213-620-0017

213-346-9018

Today's date: \_\_\_\_\_

My Name \_\_\_\_\_

People/Plaintiff \_\_\_\_\_

Due Date \_\_\_\_\_

Vs.

Case Number \_\_\_\_\_

Defendant/Minor (Full Name) \_\_\_\_\_

Appeal File Date \_\_\_\_\_

**Appeal**

**Criminal**

**Civil**

**Juvenile**

**Misdemeanor**

Primary Reporter: \_\_\_\_\_ I have included my:  Indices  Certificate  Billing

My Pages are: \_\_\_\_\_

My Dates are: \_\_\_\_\_

My Volume #'s are: \_\_\_\_\_

Circle one

**Transcript delivered to: Transcript Auditing   Appeals Unit   Primary Reporter**

**By: County Mail or In Person - On (date): \_\_\_\_\_**

Missing date(s): \_\_\_\_\_ Volume/Page #: \_\_\_\_\_

Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Court Reporter and Transcript Services  
Appeal Notice Verification and Correction

Telephone Number

Court Reporter Services: 213-974-5  
Court Reporter Services FAX: 213-620-0  
Transcript Services: 213-974-6  
Transcript Services FAX: 213-346-9

Today's Date: \_\_\_\_\_

My Name \_\_\_\_\_

People/Plaintiff \_\_\_\_\_

Due Date \_\_\_\_\_

vs.

Case Number \_\_\_\_\_

Defendant/Minor \_\_\_\_\_

Appeal File Date \_\_\_\_\_

**Instructions for Use of This Form**

*Upon receipt of Notice to Reporter, verify that all the information on the notice is correct.*

**CRIMINAL APPEAL NOTICES:** If notice is correct call voicemail box number 2025. If not, check the appropriate box. Send this verification form via fax or U.S. Mail to Court Reporter Services **within five (5) days of receipt of the appeal notice.**

**CIVIL APPEAL NOTICES:** Check the appropriate box. Send this verification form via fax or U.S. Mail to Transcript services **within five (5) days of receipt of the appeal notice** only if there is an error on the appeal notice.

An amended appeal notice will be sent promptly. Your cooperation will help us meet the deadline for submitting the record to the Court of Appeal. Keep a copy of this Notification as proof of your notice to this office.

**I have reviewed my records and find:**

I was NOT the court reporter on the following date(s): \_\_\_\_\_

The correct court reporter is (if known): \_\_\_\_\_

The following court reporters were omitted from the appeal notice and should be added for the dates indicated:

\_\_\_\_\_

The following date(s) contained proceedings which should have been included in the appeal notice:  
(Indicate date and type of proceeding.)

\_\_\_\_\_

Other: \_\_\_\_\_

\_\_\_\_\_

A copy of the appeal notice is attached.

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>		Reserved for Clerk's File Stamp  9
COURTHOUSE ADDRESS:		
PLAINTIFF: People of the State of California		
DEFENDANT:		
<b>NOTICE TO SUBMIT ESTIMATE – MISDEMEANOR APPEAL</b>		Case No.

In the above-entitled case, please find enclosed a copy of the NOTICE REGARDING RECORD OF ORAL PROCEEDINGS filed on **\*\*DATE\*\*** by **\*\*Appellant\*\***.

This is your notice pursuant to Rule 8.866(a) of the California Rules of Court to file with the Clerk within (10 days) of the date of this notice, your written estimated cost of preparing an original and two copies of the transcript for the d listed below:

### CERTIFICATE OF MAILING

*I certify that on the date indicated below, I served Notice to Reporter to Prepare Transcript on Misdemeanor Appeal by delivering true copy of said Notice via Fax and County Messenger to:*

Delivered to Court Reporter Services  
Stanley Mosk Courthouse  
111 N. Hill Street, Room 234  
Los Angeles, CA 90012  
Fax No. (213) 620-0017

JOHN A. CLARKE, Executive Officer/Clerk

Dated:

BY: \_\_\_\_\_, Deputy.

A letter of estimate prepared in response to a Notice to Reporter to Submit Estimate should be addressed to the noticing clerk, not the attorney of record.

\*\*\*\*NAME\*\*\*\*, CSR NO.\*\*\*\*  
OFFICIAL REPORTER  
LOS ANGELES SUPERIOR COURT  
\*\*\*\*ADDRESS\*\*\*\*  
\*\*\*CITY\*\*\*, CALIFORNIA \*\*\*ZIP CODE\*\*\*  
\*\*\*\*PHONE NO.\*\*\*\*

DATE: \*\*\*\*\*

TO: \*\*\*NAME\*\*\*  
\*\*\*ADDRESS\*\*\*  
\*\*\*CITY\*\*\*, CA \*\*\*ZIP CODE\*\*\*

RE: \*\*\*CASE NAME\*\*\*  
\*\*\*CASE NO.\*\*\*

The estimated cost for the preparation of the transcript on appeal for the date(s) of  
\*\*\*DATE OF PROCEEDINGS\*\*\*, held in Department \*\*\*DEPT: NO.\*\*\*, in the  
above-entitled matter is \$\*\*\*AMOUNT\*\*\*.

This estimate is for the above date(s) and this reporter only.

I was not the reporter for the following dates: \_\_\_\_\_  
\_\_\_\_\_

There were no proceedings reported on the following dates: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_, CSR # \*\*\*NO. \*\*\*

OFFICIAL REPORTER

superior Court of California, County of Los Angeles

NOTICE OF RECEIPT OF COURT REPORTER'S  
CRIMINAL APPEAL TRANSCRIPT

CASE NO. \_\_\_\_\_

DEFENDANT \_\_\_\_\_

COURT REPORTER \_\_\_\_\_

DATE RECEIVED \_\_\_\_\_

TRANSCRIPT SUBMITTED PURSUANT TO  
(CHECK ONE)

- STANDARD APPEAL
- RULE 8.336 (d) (LEAD REPORTER)
- 8.336 (d) • DELINQUENT PORTION
- AUGMENTATION - 8.340

.....  
PLEASE COMPLETE THE APPLICABLE SECTIONS BELOW:

PRIMARY REPORTER: \_\_\_\_\_

RETURN ADDRESS: \_\_\_\_\_

DELINQUENT REPORTER(S) 8.336(d): \_\_\_\_\_

MISSING DATES AND PAGES: \_\_\_\_\_

I, \_\_\_\_\_ AN OFFICIAL REPORTER FOR THE LOS ANGELES  
SUPERIOR COURT, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE  
INFORMATION IS TRUE AND CORRECT.

\_\_\_\_\_  
PRIMARY REPORTER (SIGNATURE)

\_\_\_\_\_  
DATE

BELOW TO BE COMPLETED BY CLERK'S OFFICE

**CERTIFICATE OF RECEIPT**

DATE TRANSCRIPT AUDITED: \_\_\_\_\_

DATE TRANSCRIPT RETURNED TO REPORTER FOR CORRECTIONS: \_\_\_\_\_

COPY: COURT OF APPEAL  
COURT REPORTER  
CLERK'S OFFICE M-6  
TRANSCRIPT SERVICES

JOHN A. CLARKE, EXECUTIVE OFFICER/CLERK


BY \_\_\_\_\_

Attachment 6

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES**

**CLAIM FOR TRANSCRIBING**

Reporter's Name			<b>Invoice No.</b>
Mailing Address			Vendor ID # CR _____
City	State	Zip	Work Telephone No.

Date of Svc.	Case of People Vs.	Case #	Type of Proceeding	# pps. @ 2.58	Copy #	Folio #	Folio Rate	Amount
<b>Total</b> 								

I certify (or declare) under penalty of perjury that the items claimed above are true and correct for services performed by me and that no part thereof has heretofore been paid.

Executed at \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_  
Claimant's Signature \_\_\_\_\_ CSR Number \_\_\_\_\_

**FOR OFFICIAL USE ONLY**

(TO BE COMPLETED BY TRANSCRIPT AUDITOR FOR PREPARATION OF A SPECIAL WARRANT OF REQUISITION (SWR) IN ECAPS)

The correct count of copies and folios is as stated above. I request that the amount of \$ \_\_\_\_\_ be paid to the claimant.

Date: \_\_\_\_\_

CLERK OF THE COURT

*Attachment 7*

By: \_\_\_\_\_

- |   |   |  |  |
|---|---|--|--|
| Superior Court Unit: 29118 <input type="checkbox"/> | <input type="checkbox"/> S856 Criminal        | <input type="checkbox"/> S857 Civil          | <input type="checkbox"/> S858 Juvenile Delinquency |
| Grand Jury Unit: 11101 <input type="checkbox"/>     | <input type="checkbox"/> S858 Juv. Dependency | <input type="checkbox"/> S861 Appeal, felony | <input type="checkbox"/> S862 Family Law           |
|   | <input type="checkbox"/> S866 Probate         | <input type="checkbox"/> S865 Grand Jury     | <input type="checkbox"/> S855 Appeal, non-felony   |

FOR THE COUNTY OF LOS ANGELES

\_\_\_\_\_  
 Plaintiff,  
 vs.  
 \_\_\_\_\_  
 Defendant.

)  
 ) Case No. \_\_\_\_\_  
 )  
 ) AFFIDAVIT FOR RELEASE OF  
 ) FEES AND REQUEST FOR  
 ) PAYMENT OF REPORTER'S  
 ) APPEAL TRANSCRIPT FOR  
 ) APPEAL FILED \_\_\_\_\_  
 )  
 )

I, \_\_\_\_\_, an Official Reporter for the Superior Court of California, County of Los Angeles, do hereby certify under penalty of perjury that:

I have completed and filed with the Clerk of the Superior Court, or sent to the primary reporter, the portion of the Reporter's Transcript on Appeal for which I was the official reporter, the fee for which was deposited in the sum of \$ \_\_\_\_\_ with said Clerk of the Superior Court, required by Rules 8.130, 8.834 or 8.866 of the California Rules of Court;

I hereby request payment be made to me in the sum of \$ \_\_\_\_\_, being the actual amount due me for the preparation of my portion of said Reporter's Transcript on Appeal for an:

Original and \_\_\_\_\_ copies

Date(s)	Number of pages	Exact amount billed

(If additional room is required for more dates, please turn this page over)

This payment is to be made from the funds deposited by \_\_\_\_\_ attorney for appellant/respondent.

Executed on \_\_\_\_\_, 20 \_\_\_\_\_

Official Reporter \_\_\_\_\_ (Signature) CSR # \_\_\_\_\_

Vendor No. \_\_\_\_\_ Invoice No. \_\_\_\_\_

Address \_\_\_\_\_

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

Approved by \_\_\_\_\_ Date \_\_\_\_\_

Attachment 8

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

\_\_\_\_\_  
Plaintiff,  
Vs.  
\_\_\_\_\_  
Defendant.  
\_\_\_\_\_

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

**Request for Refund of  
Transcript Deposit**

**To be completed by primary  
reporter only and sent to  
Court Reporter Services**

**Attorney for appellant/respondent:**

**Deposit amount:**

**Total amount due all reporters:**

**Total amount to be refunded:**

Amount requested from all reporters	
Name	Amount

**Mail refund to (include name, address, and telephone number):**

\_\_\_\_\_, CSR# \_\_\_\_\_ Date: \_\_\_\_\_  
Primary Reporter Signature

-----  
**This section for Court Reporter Services use only**

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

*Attachment 9*

DEAR COURTROOM CLERK:

ATTACHED IS A REQUEST FOR EXTENSION FROM  
COURT REPORTER \_\_\_\_\_ PLEASE SUBMIT  
THE EXTENSION REQUEST TO JUDGE \_\_\_\_\_ IF JUDGE  
\_\_\_\_\_ SIGNS THE ORDER, PLEASE FAX THE REQUEST  
ALONG WITH THE SIGNED ORDER BACK TO OUR OFFICE  
@ 213/346-9018, *ATTN: BRYAN OR ELVA.*

THANK YOU VERY MUCH.

*Attachment 10*



**APPELLATE DIVISION OF THE SUPERIOR COURT  
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

COURTHOUSE ADDRESS:  
Stanley Mosk Courthouse – 111 N. Hill St., Rm 607, Los Angeles, CA 90012

PLAINTIFF/RESPONDENT:

DEFENDANT/APPELLANT:

Reserved for Clerk's File Stamp  
**LOS ANGELES  
SUPERIOR COURT**

**MAY 18 2011  
ORIGINAL FILED**

**NOTICE RE: ABANDONMENT OF APPEAL FILED IN THE APPELLATE DIVISION**

CASE NUMBER:

APPELLATE DIVISION CASE NO:

Court Reporter Services

Central Trial Court

On May 13, 2011 an Abandonment of Appeal was filed in the above entitled

Civil     Misdemeanor     Infraction case file by: appellant.

The record on appeal has not been filed in the Appellate Division. The abandonment effects a dismissal of the Appeal and jurisdiction is restored to the trial court pursuant to CRC rule 8.825(b)(2); 8.855(b)(2); or 8.904(b)(2).

The record on appeal has been filed in the Appellate Division.

See attached order pursuant to CRC rule 8.825(b)(2).

  
\_\_\_\_\_  
Maria Elena Arvizo-Knight, Deputy Clerk

**CERTIFICATE OF MAILING**

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the **Notice Re: Abandonment of Appeal Filed in the Appellate Division** upon each party or counsel named below by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.

Eara Jordan  
2541 Carman Crest Dr.  
Los Angeles, CA 90068

Sherry Anne Lear  
Attorney at Law  
3828 Carson St., Suite 100  
Torrance, CA 90503

JOHN A. CLARKE, Executive Officer/Clerk

Dated: May 18, 2011

BY:   
Deputy Clerk, Maria Elena Arvizo-Knight