

Title	Criminal Law: Felony Notice of Appeal (revise Judicial Council form CR-120)
Summary	The proposed amendments to the <i>Notice of Appeal—Felony (Defendant)</i> (form CR-120) would reorganize the checkboxes, add instructions for filling out the form, and provide additional information and advisements to reduce confusion and misuse by defendants.
Source	Criminal Law Advisory Committee Justice Steven Z. Perren, Chair
Staff	Arturo Castro, 415-865-7702, arturo.castro@jud.ca.gov.
Discussion	<p>The <i>Notice of Appeal—Felony (Defendant)</i> (form CR-120) contains several checkboxes to indicate the grounds for appeal. Frequently, the checkboxes are marked incorrectly by self-represented defendants who are unclear about which grounds for appeal apply. To reduce confusion and misuse by self-represented defendants, this proposal recommends separating the checkboxes to emphasize the appropriate grounds for appeal and adding two specific instructions for filling out the form.</p> <p>In addition, to enhance the amount of information contained in the form, this proposal recommends providing additional advisements regarding the available grounds for appeal and requirements for completion of the form.</p>
	Attachments

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF	
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	
Date of birth: _____ Cal. Dept. of Corrections and Rehabilitation No. (if any): _____	
NOTICE OF APPEAL—FELONY (DEFENDANT) (Pen. Code, §§ 1237,1538.5(m); Cal. Rules of Court, rule 8.304)	
CASE NUMBER(S): _____	

NOTICE

- **You must file this form in the superior court WITHIN 60 DAYS after the court rendered the judgment or made the order you are appealing.**
- **IMPORTANT:** If your appeal challenges the validity of a guilty plea, no contest plea, or admission of a probation violation, you must also complete the *Request for Certificate of Probable Cause* on the other side of this form. (Pen. Code, § 1237.5.)

INSTRUCTIONS:

- *If this appeal is after a jury trial, court trial, or contested probation violation hearing, complete item 2 below (and skip item 3).*
- *If this appeal is after entry of a plea of guilty or no contest or an admission of a probation violation, complete item 3 below (and leave item 2 blank).*

1. **NAME** of defendant:

2. Defendant appeals the order or judgment that was rendered by the court on (specify date):

This appeal follows (check one):

- a. A jury or court trial. (Pen. Code, § 1237(a).)
- b. A contested violation of probation. (Pen. Code, § 1237(b).)

3. Defendant appeals after a guilty plea, no contest plea, or admitted probation violation that was made on (specify date):

Check all that apply below:

- a. This appeal is based on the sentence or on other matters occurring after the plea or admission that do not affect the validity of the plea or admission. (Cal. Rules of Court, rule 8.304(b).)
- b. This appeal is based on the denial of a motion to suppress evidence under Penal Code section 1538.5.
- c. This appeal challenges the validity of the plea or admission or is based on a matter that occurred before the entry of the plea or admission that affects the validity of the plea or admission. (You must complete the Request for Certificate of Probable Cause on the other side of this form and obtain the signature of the trial judge granting the request.)
- d. Other basis for this appeal (specify):

4. Defendant requests that the court appoint an attorney for this appeal. Defendant was was not represented by an appointed attorney in the superior court.

5. Defendant's mailing address: same as in attorney box above.
 as follows:

Date:

 (TYPE OR PRINT NAME)



 (SIGNATURE OF DEFENDANT OR ATTORNEY)

Item SPR09-19 Response Form

Title: Criminal Law: Felony Notice of Appeal (revise form CR-120)

- Agree with proposed changes
- Agree with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- Commenting on behalf of an organization

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

Internet: <http://www.courtinfo.ca.gov/invitationstocomment/>

Email: invitations@jud.ca.gov

Mail: Ms. Camilla Kieliger
Judicial Council, 455 Golden Gate Avenue
San Francisco, CA 94102

Fax: (415) 865-7664, Attn: Camilla Kieliger

DEADLINE FOR COMMENT: 5:00 p.m., Wednesday, June 17, 2009
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Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.