CR-134 Notice Regarding Record of Oral Proceedings (Misdemeanor)

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Instructions

- This form is only for giving the court notice about the record of the oral proceedings in an appeal of a **misdemeanor** case.
- Before you fill out this form, read *Information on Appeal Procedures for Misdemeanors* (form CR-131-INFO) to know your rights and responsibilities. You can get form CR-131 INFO at any courthouse or county law library or online at *www.courtinfo.ca.gov/forms.*
- This form can be filed with your notice of appeal. If it is not filed with your notice of appeal, this form must be filed within either:
  (1) 20 days after you file your notice of appeal, or, if it is later
  (2) 10 days after the court decides whether to grant your request for a court-appointed lawyer (if you file a request within 20 days after you file your notice of appeal).

  If you do not file this form on time, the court will not be able to consider what was said in the trial court in deciding whether a legal error was made in the trial court proceedings.
- Fill out this form and make a copy of the completed form for your records.
- Take or mail the completed form to the clerk's office for the same trial court where you filed your notice of appeal. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

You fill in the name and street address of the court that issued the judgment or order you are appealing:

Superior Court of California, County of

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

Trial Court Case Number:

Trial Court Case Name:
The People of the State of California v. _____

You fill in the appellate division case number (if you know it):

Appellate Division Case Number:

1 Your Information

a. Appellant (the party who is filing this appeal):

Name: _____

Street address: _____
Street *City* *State* *Zip*

Mailing address *(if different):* _____
Street *City* *State* *Zip*

Phone: ( ) _____ E-mail *(optional):* _____

b. Appellant's lawyer *(skip this if the appellant is filling out this form):*

The lawyer filling out this form *(check (1) or (2)):*

(1) ☐ was the appellant's lawyer in the trial court.

(2) ☐ is the appellant's lawyer for this appeal.

Name: _____ State Bar number: _____

Street address: _____
Street *City* *State* *Zip*

Mailing address *(if different):* _____
Street *City* *State* *Zip*

Phone: ( ) _____ E-mail *(optional):* _____

Fax *(optional):* ( ) _____

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Trial Court Case Name:_____

Trial Court Case Number:

Information About Your Appeal

(2) On *(fill in the date):*_____ I/my client filed a notice of appeal in the trial court case identified in the box on page 1 of this form.

Your Choices (Election) about the Record of the Oral Proceedings

You do not have to provide the appellate division with a record of what was said in the trial court (this is called a record of the "oral proceedings"). But if you do not, the appellate division will not be able to consider what was said during those proceedings in deciding whether a legal error was made in the trial court proceedings.

(3) I elect (choose)/My client elects to proceed *(check a or b):*

a. ☐ WITHOUT a record of the oral proceedings in the trial court *(skip item (4); sign and date this form).* I understand that if I proceed without a record of the oral proceedings, the appellate division will not be able to consider what was said during those proceedings in deciding whether a legal error was made.

*(Write initials here):*_____

b. ☐ WITH a record of the oral proceedings in the trial court *(complete item (4) below).* I understand that if I elect (choose) to proceed WITH a record of the oral proceeding in the trial court, I have to choose the record I want to use and take the actions described below to make sure this record is provided to the appellate division. I understand that if I do not take the actions described below and the appellate division does not receive this record, I am not likely to succeed in my appeal.

*(Write initials here):*_____

(4) I want to use the following record of what was said in the trial court proceedings in my case *(check and complete* ***only one****—a, b, c, or d):*

a. ☐ **Reporter's Transcript.** *This option is available only if there was a court reporter in the trial court who made a record of what was said in court. Check with the trial court to see if there was a court reporter in your case before choosing this option. (Check and complete (1) or (2)):*

(1) ☐ I will pay the trial court clerk's office for this transcript myself when I receive the court reporter's estimate of the costs of this transcript. I understand that if I do not pay for this transcript, it will not be prepared and provided to the appellate division.

(2) ☐ I am asking that this transcript be prepared at no cost to me because I cannot afford to pay this cost.

(a) ☐ I was represented by the public defender or another court-appointed lawyer at my trial.

(b) ☐ I was not represented by the public defender or another court-appointed lawyer at my trial, but I have completed and attached *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210). *(You can get form MC-210 at any courthouse or county law library or online at* www.courtinfo.ca.gov/forms. *The court will review this form to decide if you are eligible for a free reporter's transcript.)*

OR

4 *(continued)*

b. ☐ **Transcript From Official Electronic Recording.** *This option is available only if an official electronic recording was made of what was said in the trial court. Check with the trial court to see if an official electronic recording was made in your case before choosing this option. (Check and complete (1) or (2)):*

(1) ☐ I will pay the trial court clerk's office for this transcript myself. I understand that if I do not pay for this transcript, it will not be prepared and provided to the appellate division.

(2) ☐ I am asking that this transcript be provided at no cost to me because I cannot afford to pay this cost.

(a) ☐ I was represented by the public defender or another court-appointed lawyer at trial.

(b) ☐ I was not represented by the public defender or another court-appointed lawyer at my trial, but I have completed and attached *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210). *(You can get form MC-210 at any courthouse or county law library or online at* www.courtinfo.ca.gov/forms. *The court will review this form to decide whether you are eligible for a free transcript.)*

OR

c. ☐ **Copy of Official Electronic Recording.** *This option is available only if an official electronic recording was made of what was said in the trial court, the court has a local rule for the appellate division permitting the use of the official electronic recording itself as the record of the proceedings, and you and the respondent (the prosecuting agency) have agreed (stipulated) that you want to use the official electronic recording itself as the record of what was said in your case. Check with the trial court to see if an official electronic recording was made in your case before choosing this option. You must attach a copy of the agreement (stipulation) between you and the respondent to this notice. (Check and complete (1) or (2)).*

(1) ☐ I will pay the trial court clerk's office for this official electronic recording myself. I understand that if I do not pay for this recording, it will not be prepared and provided to the appellate division.

(2) ☐ I am asking that this official electronic recording be provided at no cost to me because I cannot afford to pay this cost.

(a) ☐ I was represented by the public defender or another court-appointed lawyer at my trial.

(b) ☐ I was not represented by the public defender or another court-appointed lawyer at my trial, but I have completed and attached *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210). *(You can get form MC-210 at any courthouse or county law library or online at* www.courtinfo.ca.gov/forms. *The court will review this form to decide whether you are eligible for a free copy of the official electronic recording.)*

OR

Trial Court Case Name:_____

Trial Court Case Number:

4 *(continued)*

d. ☐ **Statement on Appeal.** *A statement on appeal is a summary of the trial court proceedings approved by the trial court. See form CR-131-INFO for information about preparing a proposed statement. (Check and complete (1) or (2)):*

(1) ☐ I have attached my proposed statement on appeal. (*If you are not represented by a lawyer in this appeal, you must use* Proposed Statement on Appeal (Misdemeanor) *(form CR-135) to prepare and file this proposed statement. You can get form CR-135 at any courthouse or county law library or online at* www.courtinfo.ca.gov/forms.)

(2) ☐ I have NOT attached my proposed statement on appeal. I understand that I must file this proposed statement in the trial court within 20 days of the date I file this notice and that if I do not file the proposed statement on time, the court may dismiss my appeal.

Date:_____

_____ ▶ _____

Type or print your name *Signature of appellant or attorney*

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