

**CR-142**

**Notice of Appeal and Record of Oral Proceedings (Infraction)**

*Clerk stamps date here when form is filed.*

**RECEIVED**

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
HARBOR JUSTICE CENTER  
LAGUNA HILLS FACILITY

**OCT 08 2009**

ALAN CARLSON, Clerk of the Court

BY: \_\_\_\_\_, DEPUTY

*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 Orange  
Harbor Justice Center  
23141 Moulton Parkway  
Laguna Hills, CA 92653

*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:  
SJ026203PEA  
Trial Court Case Name:  
The People of the State of California  
v. [REDACTED] Foley

*The clerk will fill in the number below*  
Appellate Division Case Number:

**30-2009**  
**00314692**

**Instructions**

- This form is only for appealing in an **infraction** case, such as a case about a traffic ticket. You can get other forms for appealing in a civil or misdemeanor case at any courthouse or county law library or online at [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms).
- Before you fill out this form, read *Information on Appeal Procedures for Infractions* (form CR-141-INFO) to know your rights and responsibilities. You can get form CR-141-INFO at any courthouse or county law library or online at [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms).
- You must file this form **no later than 30 days after the trial court issued the judgment or order you are appealing** (see rule 8.902(b) of the California Rules of Court for very limited exceptions). **If your notice of appeal is late, the court will not take your appeal.**
- 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 that issued the judgment or order you are appealing. 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.

**1 Your Information**

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

Name: [REDACTED] Foley

Street address: [REDACTED] Street City State Zip

Mailing address (if different): Street City State Zip

Phone: [REDACTED] E-mail (optional): [REDACTED]

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): ( ) \_\_\_\_\_



**2 Judgment or Order You Are Appealing**

I am/My client is appealing (check a, b, or c):

- a.  the final judgment of conviction in the case (Penal Code section 1466(2)(A)).  
The trial court issued (rendered) this judgment on (fill in the date): September 9, 2009
- b.  an order made by the trial court after judgment that affects an important (substantial) right of mine/my client (Penal Code section 1466 (2)(B)).  
The trial court issued this order on (fill in the date): \_\_\_\_\_
- c.  other (describe the action you are appealing and indicate the date the trial court took the action):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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 determining whether an 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 proceedings in the trial court, I have to choose the record I want 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): TRF

**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.  **Statement on Appeal.** A statement on appeal is a summary of the trial court proceedings approved by the trial court. See form CR-141-INFO for information about preparing a proposed statement. (Check (1) or (2)):

4 a. (continued)

- (1)  I have attached my proposed statement on appeal to this notice of appeal. *(If you are not represented by an attorney in this appeal, you must use Proposed Statement on Appeal (Infraction) (form CR-143) to prepare and file this proposed statement. You can get form CR-143 at any courthouse or county law library or online at www.courtinfo.ca.gov/forms.)*
- (2)  I have NOT attached my proposed statement. I understand that I must serve and file this proposed statement in the trial court within 20 days of the date I file this notice of appeal and that if I do not file the proposed statement on time, the court may dismiss my appeal.

OR

- 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 (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 prepared at no cost to me because I cannot afford to pay this cost. 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 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 (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 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. 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 copy of the official electronic recording.)*

Trial Court Case Name: [REDACTED] Foley

4 (continued)

OR

d.  **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 (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 cost of the 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 the cost. 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](http://www.courtinfo.ca.gov/forms). The court will review this form to decide if you are eligible for a free reporter's transcript.)*

**REMINDER: Except in the very limited circumstances listed in rule 8.902(b), you must file this form no later than 30 days after the trial court issued the judgment or order you are appealing in your case. If your notice of appeal is late, the court will not take your appeal.**

Date: October 8, 2009

[REDACTED] Foley

*Type or print your name*

[REDACTED]  
*Signature of appellant or attorney*