



# Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

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## INVITATION TO COMMENT

### SPR25-02

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**Title**

Appellate Procedure: Extension of Time in  
Misdemeanor and Infraction Appeals

**Action Requested**

Review and submit comments by May 23,  
2025

**Proposed Rules, Forms, Standards, or Statutes**

Approve form CR-127

**Proposed Effective Date**

January 1, 2026

**Proposed by**

Appellate Advisory Committee  
Hon. Allison M. Danner, Chair

**Contact**

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### Executive Summary and Origin

The Appellate Advisory Committee proposes approving a new form for requesting extensions of time to file a brief in misdemeanor and infraction appeals. This proposal originated with a suggestion from the former Chief Justice’s Appellate Caseflow Workgroup and a committee member.

### Background

The Appellate Advisory Committee previously circulated proposed *Application for Extension of Time to File Brief—Misdemeanor Case* (form CR-127) for public comment in spring 2024 as part of a proposal that included the amendment of other related rules and forms.<sup>1</sup>

In that invitation to comment the committee proposed that the Judicial Council’s extension-of-time forms be mandatory. Mandating the use of these forms was intended to help ensure that all extension-of-time requests contain the information the reviewing court needs to determine whether the requested extension is supported by good cause. Such a requirement would also ensure that this information is provided in a consistent, easy-to-read format.

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<sup>1</sup> See SPR24-02, *Appellate Procedure: Civil Case Information Statement, Calendar Preference, and Extension of Time*, <https://courts.ca.gov/system/files/itc/spr24-02.pdf>.

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.*

Comments received on the previously circulated proposal, however, differed on whether the extension-of-time forms should be mandatory. In light of these comments, the committee concluded that keeping these forms optional will help ensure that all parties are able to efficiently access the courts to request an extension of time to file a brief without encountering technology-based problems or inconveniences, and optional forms will help ensure that otherwise valid requests for extensions of time will not be rejected simply because the form was not used. Accordingly, the committee decided not to recommend that the council's extension-of-time forms be made mandatory.

While the other related rules and forms in the proposal were amended by the council and remained optional, the committee chose to reconsider proposed form CR-127. The initial version of proposed form CR-127 was limited to misdemeanor appeals, but a public comment suggested that the form also include infraction appeals. Based on this suggestion, the committee chose to recirculate the form with that addition. Further, in keeping with the council's decision to keep other extension-of-time forms optional, the committee proposes that new form CR-127 also be optional.

### **The Proposal**

Currently, there is no council form by which the parties in a misdemeanor or infraction appeal, which are heard in the appellate division of the superior court, can request an extension of time to file their briefs. *Application for Extension of Time to File Brief—Criminal Case* (form CR-126), while applicable in criminal appeals, is formatted for use in the Court of Appeal. On the other hand, while *Application for Extension of Time to File Brief—Limited Civil Case* (form APP-106) is formatted for use in the appellate division, it is applicable only in limited civil appeals. The committee therefore proposes the adoption of a new form, *Application for Extension of Time to File Brief—Misdemeanor or Infraction Case* (form CR-127). This form is substantively similar to form CR-126 but employs the council's plain language form format because there is no right to counsel in misdemeanor or infraction appeals, and many appellants in these matters accordingly are self-represented.

### **Alternatives Considered**

The committee considered not proposing the adoption of a new form for requesting extensions of time to file a brief in misdemeanor and infraction appeals but rejected this option because the proposal would aid appellate efficiency. The committee also considered including sections about the defendant's conviction but decided against this because courts do not use this information in deciding whether or not to grant an extension of time.

### **Fiscal and Operational Impacts**

The committee anticipates minimal fiscal or operational impacts on the courts as a result of the proposed new form. This form could, in fact, improve and make operations more efficient by providing courts with a standardized way of processing a routine request. Implementation by the courts would involve making litigants, court staff, and judicial officers aware of the new form.

### **Request for Specific Comments**

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

### **Attachments and Links**

1. Form CR-127, at pages 4–5

**Application for Extension of Time to File Brief—Misdemeanor or Infraction Case**

Clerk stamps date here when form is filed.

**DRAFT  
4/7/2025  
Not approved  
by Judicial  
Council****Instructions**

- This form is only for requesting an extension of time to file a brief in an appeal in a **misdemeanor or infraction case**. Note that any rules referenced in this form are from the California Rules of Court.
- Before you fill out this form, read *Information on Appeal Procedures for Misdemeanors* (form [CR-131-INFO](#)) or *Information on Appeal Procedures for Infractions* (form [CR-141-INFO](#)) to know your rights and responsibilities. You can get form CR-131-INFO and CR-141-INFO at any courthouse or county law library or online at [courts.ca.gov/rules-forms/find-your-court-forms](https://courts.ca.gov/rules-forms/find-your-court-forms).
- Fill out this form and make a copy of the completed form for your records and for each of the other parties.
- Serve a copy of the completed form on each of the other parties and keep proof of this service. You can get information about how to serve court papers and proof of service from *What Is Proof of Service?* (form [APP-109-INFO](#)) and on the Self-Help Guide to the California Courts at [selfhelp.courts.ca.gov/court-basics/service](https://selfhelp.courts.ca.gov/court-basics/service).
- Take or mail the completed form and proof of service on the other parties to the appellate division clerk's office. 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 that is being appealed:

**Superior Court of California, County of**

You fill in the number and name of the trial court case in which the judgment or order is being appealed:

**Trial Court Case Number:****Trial Court Case Name:**

You fill in the appellate division case number:

**Appellate Division Case Number:****1 Your Information**

- a. Name of party requesting extension of time to file brief:

\_\_\_\_\_

- b. Party's contact information (
- skip this if the appellant has a lawyer for this appeal*
- ):

Street address: \_\_\_\_\_

\_\_\_\_\_ Street City State ZipMailing address (*if different*): \_\_\_\_\_\_\_\_\_\_ Street City State Zip

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

- c. Party's lawyer (
- skip this if the appellant does not have a lawyer for this appeal*
- ):

Name: \_\_\_\_\_ State Bar number: \_\_\_\_\_

Street address: \_\_\_\_\_

\_\_\_\_\_ Street City State ZipMailing address (*if different*): \_\_\_\_\_\_\_\_\_\_ Street City State Zip

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Fax: \_\_\_\_\_



