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Attorney for Appellant

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
\_\_\_\_\_ APPELLATE DISTRICT

PEOPLE OF THE STATE OF CALIFORNIA,  
  
Plantiff and Respondent,  
  
V.  
  
\_\_\_\_\_,  
  
Defendant and Appellant.

\_\_\_\_\_ Crim. No. \_\_\_\_\_  
\_\_\_\_\_ County  
\_\_\_\_\_ Superior Court No.

MOTION TO ABATE PROCEEDINGS; SUPPORTING DECLARATION AND EXHIBIT  
TO THE HONORABLE \_\_\_\_\_, PRESIDING JUSTICE, AND TO THE  
HONORABLE ASSOCIATE JUSTICES OF THE COURT OF APPEAL OF THE STATE OF  
CALIFORNIA, \_\_\_\_\_ APPELLATE DISTRICT:

I, \_\_\_\_\_, am appointed to represent appellant \_\_\_\_\_ in the above-referenced  
appeal. Appellant, through appointed attorney, hereby applies to have all proceedings in this case abated on  
the ground that appellant is deceased.

When a party dies while an appeal is pending from conviction, the cause should be permanently abated  
and dismissed. The superior court should be directed to enter its order to that effect. (See *In re Jackson*  
(1985) 39 Cal.3d 464, 480, citing *People v. Dail* (1943) 22 Cal.2d 642, 659; *People v. de St. Maurice* (1913)  
166 Cal. 201, 202.)

Since appellant has died before a decision of this court is final, the case should be permanently  
abated and the appeal dismissed.