

July 24, 2005

Clerk of the Superior Court
Attn: Appeals Clerk
191 N. First Street
San Jose, CA 95110

Re: Rule 8.340(b) Notification, *People v. Sisavanh Phomphachanh*
Santa Clara Superior Court No. **FF405378**
Sixth District Court of Appeal No. H028990

Dear Clerk:

Pursuant to rule 8.340(b), California Rules of Court, please note that in my review of the record in this case, the following part of the normal record on appeal was missing from the clerk's transcript:

The jury instructions. California Rules of Court, rule 8.320(b)(4) states the normal record on appeal includes "all jury instructions that any party submitted in writing . . . indicating the party requesting" it and "any written jury instructions given by the court."

The transcript of a 911 call audio recording played at trial and admitted as People's Exhibit 12 or 13. Rule 8.320(b)(11) states the normal record shall include the transcript of any recording admitted in court.

Further, the following part of the normal record on appeal was missing from the

reporter's transcript:

The transcript of the in limine motions from February 14, 2005 before Hon. Hugh Mullin III in Department 00, J. Suma, C.S.R. California Rules of Court, rule 8.320(c)(2) states the normal record on appeal includes “the oral proceedings on any motion in limine.”

Rule 8.340(b), California Rules of Court, provides that if at any time the clerk or reporter learns that a document required to be a part of the normal record on appeal was inadvertently omitted, an augmentation should be prepared without necessity of a court order.

Thank you very much for your attention to this matter.

Very truly yours,

Jonathan Grossman
Staff Attorney

cc: Court of Appeal
Attorney General's Office
Sisavanh Phomphachanh