

SIXTH DISTRICT APPELLATE PROGRAM
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Attorney for Arthur Sowell

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

PEOPLE OF THE STATE OF CALIFORNIA,)	No. H030768
Plaintiff and Respondent,)	(Santa Clara Superior
)	Court No. CC59033)
v.)	
)	MOTION TO STRIKE
ARTHUR SOWELL,)	APPELLANT'S BRIEF
<u>Defendant and Appellant.</u>)	AND FILE NEW BRIEF

Pursuant to California Rules of Court, rule 8.204(e)(2), appellant moves this court for an order striking appellant's opening brief. He requests that the court permit him instead to file a new opening brief which is being delivered to this court concurrent with this motion.

This motion is supported by the attached declaration of counsel.

Dated: May 30, 2007.

Respectfully submitted,

JONATHAN GROSSMAN
Attorney for Appellant,
Arthur Sowell

DECLARATION OF JONATHAN GROSSMAN

I am a Staff Attorney with the Sixth District Appellate Program, which has been appointed to represent appellant Arthur Sowell. I am handling the appeal as a staff case.

I had filed an opening brief which raised one issue: that the denial of appellant's motion to discharge retain counsel and to represent himself was reversible error. The motion was made before appellant pled no contest to all counts.

Upon further reflection, I now believe it is appropriate to withdraw the argument. Therefore, I move the brief be stricken. I also ask the court to accept the new opening brief in its place.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed at Santa Clara, California, on June 13, 2008.

Jonathan Grossman