

[CAPTION]

**REQUEST FOR VARIANCE FROM INDIANA RULES OF APPELLATE PROCEDURE, RULE  
50 (B)(1)**

The Appellant, by counsel, respectfully requests this Court permit a variance from Appellate Rule 50(B)(1), and allow the Appellant to exclude certain items from the appendix. In support thereof, the Appellant would show the Court as follows:

1. Appellant was convicted of [insert offense(s)].
2. On [insert date], the Appellant was sentenced to [insert sentence].
3. In reviewing the clerk's portion of the Record of Proceedings, undersigned counsel noticed several items in the record that will not be relevant to the appeal, including a multitude of printed caselaw and statutes and depositions. Inclusion of these materials would add approximately two (2) more volumes to the Appendix.
4. Appellate Rule 50 (B)(1) requires the Appellant file the entire Clerk's portion of the Record in the Appendix. In light of the irrelevance of the cases and statutes and depositions to the appeal, Appellant respectfully requests permission for a variance from the rule, in order to omit unnecessary materials.
5. "The Court may, upon the motion of a party of the Court's own motion, permit deviations from these [Appellate] Rules." Ind. Appellate Rule 1.

WHEREFORE, the Appellant respectfully requests this Court permit a variance from the Indiana Rules of Appellate Procedure, Rule 50, by allowing him to exclude items deemed unnecessary by counsel from the Clerk's Portion, and for all other relief just and proper in the premises.

(Signature)