SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

CHAPTER EIGHT

CRIMINAL DIVISION RULES

PREAMBLE

ASSIGNMENT OF CASES AND BAIL

PRE-TRIAL PRACTICE AND PROCEDURE

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CRIMINAL DIVISION RULES

PREAMBLE

The procedures contained in this Chapter are intended to supplement the procedural provisions of the Penal Code and Criminal Rules, California Rules of Court, rule 4.1 *et seq*. Counsel and parties, including self-represented parties, are expected to be thoroughly familiar with all procedural provisions contained in the Penal Code, the California Rules of Court, and this Chapter.

ASSIGNMENT OF CASES AND BAIL

8.1 DUTIES OF SUPERVISING JUDGE OF THE CRIMINAL DIVISION

(a) Responsibility of the Supervising Judge. The Supervising Judge of the Criminal Division ("Supervising Judge"), or another judge designated by the Supervising Judge shall preside in Department 100 and has the authority to assign criminal cases for trial to any court throughout the county, hear Grand Jury matters, resolve issues relating to pending death penalty cases and assist other courts in coordination of criminal calendars. The Supervising Judge may designate any other judge to assist in these duties.

(b) Direct Calendar Courts. The Supervising Judge may designate certain criminal courts in the Central District to be felony direct calendar courts. Judges in those courts shall handle all cases assigned to them for all purposes. Direct calendar court judges shall make every reasonable effort to manage their calendar so as to avoid the need to reassign cases.

(c) Master Calendar Trial Courts. The Supervising Judge may designate certain criminal courts in the Central District to be felony trial courts. Assignment of cases to trial courts shall be made by Department 100 as a master calendar court for all purposes.

(d) Other Criminal Courts. The Supervising Judge may designate other criminal courts within the Central District to handle specialized criminal matters. These courts may include felony and misdemeanor arraignment courts, preliminary hearing courts, misdemeanor master calendar courts, drug courts, traffic infraction courts, and post-conviction matter courts.

(Rule 8.1 new and effective July 1, 2011)

8.2 FILING AND TRANSFER OF CASES

(a) Filing of Cases. Indictments, criminal complaints, and informations must be filed in accordance with Local Rule 2.3(a)(3).

(b) Transfer of Cases. Whenever the Presiding Judge or the Supervising Judge determines that the calendar in any district, including the Central District, has become so congested as to jeopardize the right of a party to a speedy trial or to interfere with the proper handling of the judicial business in that district or for security or calendar administration reasons, he or she may order the

transfer of one or more pending criminal cases to another district for trial, or may order the filing of cases in a different district.

(Rule 8.2 new and effective July 1, 2011)

8.3 BAIL MATTERS

(a) Bail Schedule. The Supervising Judge shall appoint a Bail Committee within the Criminal Division. The Bail Committee must prepare and annually revise a Uniform Countywide Misdemeanor/Infraction Bail Schedule and a Uniform Countywide Felony Bail Schedule. In preparing and revising the Felony Bail Schedule, the Bail Committee must consider the factors specified in Penal Code section 1269b(e). The preparation and distribution of a bail schedule must comply with the requirements of Penal Code section 1269b(f). The Bail Committee must submit a bail schedule to the Executive Committee, and it will be deemed adopted by the judges of the court when approved by the Executive Committee. A bail schedule will be effective on the date adopted or as specified by the Executive Committee.

(b) Bail Schedule Deviation During Non-Court Hours. All pre-arraignment requests to increase or decrease bail, or for an own-recognizance release, must be made through the Bail Deviation Program of the Los Angeles County Probation Department. Law enforcement may make a request to increase bail by telephoning (213) 351-0373 between 6:30 a.m. and midnight. A defendant or defendant's representative may make a request to decrease bail or for an own-recognizance release by telephoning (213) 351-0311 between 6:30 a.m. and midnight.

(c) Information to Support a Bail Deviation Request. The Bail Deviation Program may request certain information in evaluating a bail deviation request, including, but not limited to: (1) the name, address, and telephone number of the person seeking the deviation and relationship to the defendant; (2) name and booking number of the defendant; (3) charge(s) on which the defendant is being held; (4) date and time of arrest; (5) address and telephone number of the jail or station at which the defendant is being held; (6) date, time and court location for the defendant's arraignment; (7) the defendant's age, marital status, length of residence in the community, employment history, and community ties; (8) the defendant's prior criminal record; and (9) any facts justifying the requested deviation.

(d) Notice to Appear. Every release pursuant to the bail schedule must specify the court location, date and time that the defendant must appear.

(e) Repetitive Applications to Change Bail. A court may refuse to hear repetitive applications to increase or decrease bail, or for an own recognizance release, except as provided by statute, or on a showing of unusual or changed circumstances. The application must be made to the judge before whom the defendant's case is then pending.

(f) Motions to Reinstate and Exonerate Bail. Motions to reinstate and exonerate bail bonds or bail deposits in all criminal cases where the defendant is not surrendered in open court, must be in writing and supported by appropriate declarations and points and authorities.

(Rule 8.3 new and effective July 1, 2011)

PRE-TRIAL PRACTICE AND PROCEDURE

8.4 PRELIMINARY HEARING TRANSCRIPTS

(a) Filing. Preliminary hearing transcripts must be filed with the clerk, on or before the close of business of the tenth day following the day on which the defendant is held to answer, at the specific location designated by the clerk for that purpose. In the event the tenth day is a Saturday, Sunday or holiday, the transcript must be filed not later than 10:00 a.m. on the next court day.

(b) Delivery of Transcript. The clerk must forthwith deliver the transcript to the department where the defendant is to be arraigned.

(Rule 8.4 new and effective July 1, 2011)

8.5 FILING OF INFORMATION, CONTINUANCE AND EARLY DISPOSITION

(a) Filing of Information. The information must be filed in the courtroom where the case is set for arraignment.

(b) Continuance of Arraignment. An arraignment will not be continued except upon a showing of good cause, and should not be continued longer than 14 days.

(Rule 8.5 new and effective July 1, 2011)

8.6 MOTION REQUIREMENTS

(a) Orders Shortening Time. Counsel seeking an order shortening time must file an Application for an Order Shortening Time setting forth good cause, and facts concerning notice to, and the position of, opposing counsel and co-counsel.

(b) Separate Captioning and Lodging of Proposed Orders; Form. The moving party must not include the proposed order as part of the notice of motion, a memorandum of points and authorities or as an exhibit or attachment to either. The moving party must prepare the proposed order as a separately captioned document, and must lodge it with the clerk at the same time the notice of motion or stipulation is filed. The proposed order must be served on all other parties with the notice of motion. The clerk must not file the order until approved and signed by the judge.

The proposed order must be denominated as a "[PROPOSED] ORDER." If the order is granted, the court will strike the word "[PROPOSED]" upon signature. At least two lines of the text of any proposed order must appear on the page that has the line provided for the judge's signature. Next to the signature line must be the word "Dated" with a blank left for the judge to write in the date. At least two lines above the signature line must be left blank for the judge's signature. There must be no writing of any kind below the judge's signature.

(c) Separate Original Pleadings For Each Case. When a party has several open cases pending in the same court or before the same judicial officer, and seeks by notice of motion, or otherwise, identical orders or other relief in each case (such as a motion to consolidate or a motion to continue), the moving party must file a separately captioned notice of motion in each case and must not file one pleading containing all the case numbers in each case.

If a party has only one open case, and all other pending cases are probation violations that previously have been ordered to follow the open case, then the pleading must only be filed in the open case.

(d) Resubmission of Motions Previously Acted Upon. If any motion, or other application for an order, has been made to any judge of the court and has been denied in whole or in part or has

been granted conditionally, any subsequent motion for the same relief in whole or in part, whether upon the same or any allegedly different state of facts, must be presented to the same judge whenever possible. If presented to a different judge, the moving party must file and serve a declaration setting forth the material facts and circumstances as to each prior motion or application, including the date and judge involved in the prior motion, the ruling, decision or order made, the new or different facts or circumstances claimed to warrant relief, and the reason facts or circumstances were not presented to the judge who earlier ruled on the motion. Any failure to comply with the foregoing requirements is a basis for setting aside any order made on the subsequent motion, either *sua sponte* or upon motion or application, and the offending party or attorney may be subject to monetary sanctions pursuant to Code of Civil Procedure section 177.5.

(Rule 8.6 new and effective July 1, 2011)

8.7 MOTIONS TO CONTINUE

(a) Motions in Writing. No proceeding in any criminal case will be continued except upon compliance with Penal Code section 1050. A motion for a continuance must be in writing setting forth the grounds supporting the continuance, the opposition or consent of opposing and co-counsel and a suggestion for a new date.

(b) Sanctions. A moving party who does not comply with these rules and without good cause for such failure, may be subject to the sanctions set forth in Penal Code sections 1050 and 1050.5, including denial of the continuance.

(Rule 8.7 new and effective July 1, 2011)

8.8 *EX PARTE* APPLICATION

An application for an order *ex parte*, other than for a medical examination in the jail, must be in writing and must include all of the following: (1) an application containing the case caption and stating the relief requested; (2) a declaration containing competent testimony as to the need for the order; (3) a brief memorandum of points and authorities specifying both the authority to grant the relief *ex parte* and supporting the relief sought; and (4) a separately captioned proposed order. (*See* Local Rule 8.6(b).)

(Rule 8.8 new and effective July 1, 2011)

8.9 FACSIMILE FILING AND SERVICE OF DOCUMENTS

Facsimile filing and service is governed by California Rules of Court, rules 2.301 through 2.306. The facsimile telephone number for each criminal department is available upon request from that department. The following motions and documents in criminal actions may be filed by facsimile unless they exceed a total of ten pages: Motions to Continue under Penal Code section 1050, Motions for Bail Review, Penal Code Section 995 Motions, Motions to Compel Discovery, Motions to Suppress Evidence under Penal Code Section 1538.5, and Sentencing Memoranda. No other documents may be filed by facsimile.

The clerk must accept for filing any document listed within the page limit that has been received by facsimile.

(Rule 8.9 new and effective July 1, 2011)

8.10 READINESS TO PROCEED

(a) Readiness to Proceed. Counsel must be ready to proceed at the scheduled time. Conferences with the defendant, witnesses or other counsel must be held outside of court hours. The court may not be able to afford counsel time to confer prior to the hearing.

(b) Stand-In Counsel. Counsel actually engaged in trial, or in a preliminary hearing, must make arrangements to have other counsel appear specially for any matters that conflict with the trial or preliminary hearing.

(c) Priority To Multiple-Defendant Cases. Except as otherwise provided by law, the court shall, and counsel must, give priority to all multiple-defendant cases.

(Rule 8.10 new and effective July 1, 2011)

8.11 SCHEDULING CONFLICTS

(a) Scheduling Appearances. Counsel must attempt to avoid scheduling conflicts, and make every effort to avoid scheduling appearances in more than one district in the same morning or afternoon.

(b) Punctuality. It is counsel's responsibility to determine the time at which his or her presence is required in each courtroom. Counsel must appear punctually at that time, unless he or she has another scheduled appearance at the same time and the other matter has statutory priority. If counsel has conflicting appearances, counsel must contact the court that does not have statutory or rule priority at least one court day prior to the scheduled appearance and provide the location, the time and case name and number of the other appearance, and the time when counsel expects to be able to appear.

(Rule 8.11 new and effective July 1, 2011)

8.12 REQUESTING CALENDAR PRIORITY

(a) Calendar Priority. An attorney desiring calendar priority must apprise the clerk prior to calendar call of the reason for the request. The clerk must bring that information to the attention of the judge. All attorneys engaged in trial in another court must advise the court in which a calendar matter is scheduled of that trial status and request priority.

(b) Engaged in Trial. The policy of the superior court is that all counsel who are engaged in trial are to be released from other calendar obligations no later than 9:30 a.m. if counsel has requested priority in the calendar court.

(Rule 8.12 new and effective July 1, 2011)

8.13 APPEARANCES IN BOTH A CRIMINAL DEPARTMENT AND A JUVENILE DEPARTMENT

When counsel has appearances in both a criminal department and a juvenile department, counsel may appear first in the juvenile department. Counsel must notify the criminal department of the juvenile department appearance and request priority in the juvenile department. Counsel should not schedule appearances in both criminal and juvenile departments on the same day.

When a witness has appearances in both a criminal department and a juvenile department, the witness may appear first in the juvenile department. The party calling the witness must notify the criminal department of the juvenile department appearance and request priority in the juvenile

department. Counsel should not schedule a witness to appear in both criminal and juvenile departments on the same day.

(Rule 8.13 new and effective July 1, 2011)

8.14 DELIVERY OF PROBATION DEPARTMENT REPORTS

All Probation Department reports must be delivered to the requesting judge no later than noon of the court day preceding the hearing which gave rise to the need for the report. Any request seeking an extension of time in which to complete the report must be in writing and delivered in compliance with this rule.

(Rule 8.14 new and effective July 1, 2011)

TRIAL AND SENTENCING

8.15 TRIAL PRIORITY

In setting priority for trial, the court will weigh the following:

(1) Speedy trial considerations under Penal Code section 1382 including both sides' right to a speedy trial;

(2) The number of co-counsel and the number of defendants;

(3) Whether the victim or material witness is a minor, aged, medically infirmed or needs to travel a lengthy distance;

(4) The age of the case;

(5) The length of time necessary to conclude the trial;

(6) Prior continuances granted and the reasons for them;

(7) The number of witnesses and availability; and

(8) Any other priority established by law.

(Rule 8.15 new and effective July 1, 2011)

8.16 WRITTEN JUROR QUESTIONNAIRES

Parties may only use written questionnaires, to be filled out by prospective jurors, upon a showing of good cause or in the interests of justice.

(Rule 8.16 new and effective July 1, 2011)

8.17 OBTAINING COURT FILES

Any party seeking to introduce evidence of prior convictions, or any other information contained within court files, in any proceeding must, prior to the trial date, obtain certified copies only of the relevant documents from the Clerk's Office where the file is located. A request for certified copies must be made a sufficient time before trial so as not to delay the trial. The original files will not be sent to the trial court unless the court orders so for good cause on written application. Failure to obtain the documents in a timely fashion will not be good cause for a continuance.

(Rule 8.17 new and effective July 1, 2011)

8.18 WITNESS FEES

The court will authorize payment of fees and expenses of non-expert witnesses in accordance with Penal Code section 1329. The court will authorize payment of fees and expenses of defense expert witnesses upon a showing of good cause and in accordance with Penal Code section 987.2. The court will not authorize payment of expert witness fees or other costs incurred by the prosecution.

(Rule 8.18 new and effective July 1, 2011)

8.19 TRIAL EXHIBITS

(a) Marking Exhibits; Exhibit Lists. Prior to trial, after consultation with the clerk regarding marking of exhibits, counsel for the prosecution and the defense must provide an exhibit list to the court. The prosecution must use numbers to identify their exhibits. The defense must use letters. No exhibit may be referred to in open court unless opposing counsel has had an opportunity to examine it. Documentary exhibits consisting of more than one page must be internally paginated in sequential numerical order to facilitate reference to the document during the examination of witnesses.

(b) Hazardous Material. In the interest of public health and safety, no hazardous material, including any controlled substance as defined by Health and Safety Code section 11007, no paraphernalia or packaging containing residues of those substances, no hypodermic needles or syringes, and no other items that the trial court may deem toxic, may be brought to the courtroom or received into evidence, except as provided by Penal Code section 1417.3(b).

(Rule 8.19 new and effective July 1, 2011)

8.20 MATTERS TO BE CONSIDERED AT TIME SET FOR SENTENCING

(a) Written Material. Any party desiring the sentencing court to review any written material must lodge the material with the court and give it to opposing counsel no later than noon of the court day preceding the sentencing date.

(b) Oral Presentation. Any party desiring to have persons other than counsel and the defendant speak at time of sentencing must notify the sentencing court of the number of persons, the general nature of their comments, and the length of their presentation no later than noon on the court day preceding the sentencing date.

(c) Sanctions. Failure to comply with this rule may result in the sentencing court excluding or disregarding the proffered material.

(Rule 8.20 new and effective July 1, 2011)

8.21 ORDER SEEKING RETURN OF PROPERTY

A defendant moving for return of property must give notice of the motion to the arresting agency and the prosecuting agency, unless otherwise ordered or specifically provided for by law. If the motion is granted, the proposed order for return of property must be approved as to form and content by the prosecuting agency prior to presentment for the court's signature.

(Rule 8.21 new and effective July 1, 2011)

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POST-CONVICTION RELIEF

8.32 MODIFICATION, TERMINATION, OR REVOCATION OF PROBATION/SENTENCE

(a) Applications for Revocation, Modification or Termination of Probation. An application to revoke, modify or terminate probation or a conditional sentence, or to recall a warrant thereon, must be made and determined as follows:

(1) No Open Case. If there is no new criminal case ("open case") pending against the probationer, the application must be filed and determined in the court where the plea or verdict was taken, unless:

(A) at the time probation was granted or reinstated, the judge granting probation filed a written request in the case file and had it entered into the docket, that he or she hear and determine all probation violations. In that case, the judge originally granting probation may hear and determine all applications; or

(B) probation was granted after a guilty or no contest plea was taken in an Early Disposition Program court. In that case the application must be filed and determined in the court to which the case would have been transferred for arraignment on the information, had the defendant been held to answer on the complaint.

(2) With an Open Case. If there is an open case pending against the probationer, the application must, except as provided hereinafter, be heard and determined by the judge handling the open case, at or before the time the open case is determined. If, however, the judge who granted probation, at the time probation was granted or reinstated, filed a written request in the case file and had it entered into the docket that he or she hear and determine all violations, then the judge originally granting probation may hear and determine all probation violations. Probationary matters ordinarily shall follow the open case. This rule applies, regardless of whether the open case is a misdemeanor and the probationary case is a felony, or *vice versa*, and regardless of whether the open case and the probationary case are in the same district or different districts.

(b) Application to Recall and Modify a Sentence. An application to recall and modify a sentence shall be heard and determined in the same manner as an application for revocation, modification or termination of probation as set forth in subdivision (a)(1) above.

(Rule 8.32 new and effective July 1, 2011)

8.33 PETITIONS FOR HABEAS CORPUS OR OTHER EXTRAORDINARY RELIEF

(a) Felony Cases. A petition for writ of habeas corpus in felony cases must be filed, as follows:

(1) To Review a Judge's Order or Ruling Made After the Preliminary Hearing. If the petition seeks a review of a judge's ruling or order made after the defendant's preliminary hearing has been completed, the petition must be filed in the district where the case is or was last pending, and promptly presented, as follows:

a) To the Supervising Judge of the Criminal Division (sitting as a master calendar judge), if the case is or was last pending in the Central District; or

b) To the supervising judge of the district (sitting as a master calendar judge) of the district where the case is or was last pending.

The supervising judge shall then assign the matter to a judge other than the judge whose order or ruling is sought to be reviewed.

(2) To Review Matters Other Than a Judge's Ruling or Order Arising After the Preliminary Hearing. If the petition seeks review of a matter other than a judge's ruling or order that occurred after completion of the defendant's preliminary hearing, it must be filed in the district where the case is or was last pending, and promptly presented to the judge in the department where the case is or was last assigned. If that department is no longer handling criminal matters, the petition must promptly be presented, as follows:

a) To the Supervising Judge of the Criminal Division (sitting as a master calendar judge), if the case was heard or is pending in the Central District; or

b) To the supervising judge of the district (sitting as a master calendar judge), where the case is or was last pending.

(3) To Review a Ruling, Order or Other Matter Arising Prior to the Preliminary Hearing. If the petition seeks review of a judge's ruling, order or other matter made prior to completion of the defendant's preliminary hearing, it must be filed in the Central District and promptly presented to the Supervising Judge of the Criminal Division.

(4) Special Rule for Certain State Prison Inmate Petitions. Notwithstanding subsections (1), (2) or (3) above, a writ petition by a state prison inmate seeking relief concerning failure to admit evidence of intimate partner battering, post-sentencing time credits, state prison time credits, state prison custodial conditions (including access to inmate property and treatment by custodial officials or other inmates), denial of parole, or DNA exoneration testing, must be filed in the Central District and promptly presented to the Supervising Judge.

(5) Inmate Petitions Regarding Lost, Stolen or Destroyed Property. A petition by an inmate seeking as the principal relief the value of lost, stolen or destroyed property will be deemed to be a petition for a writ of mandate and must be filed in the Civil Division. Inmate petitions for a writ of mandate must demonstrate exhaustion of administrative remedies under Title 15 of the California Code of Regulations. A petition must not include habeas corpus claims with mandate claims.

(b) Misdemeanor and Infraction Cases. Petitions for writ of habeas corpus in misdemeanor and infraction cases must be filed as follows:

(1) In Conjunction With an Appeal. If a petition is filed in conjunction with an appeal to the Appellate Division, the petition must be filed in Department 70, Room 607, Mosk Courthouse. (*See* Local Rule 2.7(a).)

(2) Not In Conjunction With an Appeal. If there is no pending appeal, the petition must be filed in the Central District and promptly presented to the assistant supervising judge of the Criminal Division, Limited Criminal Cases.

(c) When Deemed Submitted. A habeas corpus petition is submitted for decision for purposes of the 90-day rule (Cal. Const. Art VI, Sec. 19) at the conclusion of the evidentiary hearing, if one is held. If there is supplemental briefing after the conclusion of the evidentiary hearing, the matter is submitted when all supplemental briefing is filed with the court.

(Rule 8.33 new and effective July 1, 2011)

DOMESTIC VIOLENCE AND CHILD CUSTODY ORDERS

8.34 COURT COMMUNICATION PROTOCOL

(a) Purpose. This rule sets forth the court communication protocol for Domestic Violence and Child Custody Orders as required by the California Rules of Court. This protocol is intended to avoid the issuance of conflicting orders when possible, and to permit appropriate visitation between a restrained person and his or her child while providing for the safety of all victims and witnesses. Furthermore, the best interests of the child, litigants and the court are promoted by early identification and coordination of proceedings involving the same child or the child's caretaker(s). To that end, this rule is also designed to ensure that all judicial officers have information about the existence of overlapping cases. This rule recognizes the statutory requirement that criminal protective orders have precedence over all other contact orders, but acknowledges that there are situations where it is appropriate to permit visitation between a criminal defendant and his or her child.

(b) Notice of Pending Cases and Orders.

1) Court Inquiry. Before issuing a criminal or non-criminal protective order, or a custody or visitation order, the judicial officer should inquire of the parties and the attorneys whether the court has any cases in which there are criminal or civil protective orders, or custody and visitation orders that involve the child of the parties in the current case. To the extent that resources are available, the names of the children at issue in dependency, family law and probate guardianship cases should be searched in the Children's Index for the existence of other cases involving the same children and this information shall be provided to the judicial officer hearing the current case.

2) Duties of Attorneys and Self-Represented Parties in Dependency, Family Law and Probate Guardianship Cases. All attorneys and self-represented parties must inform the judicial officer in the trial court about any cases in another court in which there are criminal or non-criminal protective orders or custody and visitation orders that involve the child of the parties in the current case. In family law and probate guardianship cases, the information must be provided on form, Fl 105/GC 120, Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), until such time as the Judicial Council publishes a form specifically for this purpose. Additionally, it is the responsibility of all attorneys and self-represented parties to inform the court if at any time subsequent to the filing of the initial petition they become aware that another case exists involving the children at issue in the current case.

3) Dependency Court Notification to Family Law and Probate Courts. When there is an open dependency case or when a new petition has been filed and, upon notification and verification of overlapping case, a minute order is executed informing the other court that a petition has been filed in juvenile court and, until that petition has been dismissed or dependency court jurisdiction terminated, all issues regarding custody, including visitation, must be heard by the

juvenile court pursuant to Welfare and Institutions Code section 304. The minute order shall be forwarded to appropriate other court administrator(s) who will then send notice to the trial court with the overlapping case(s). The judicial assistant in the trial court with the overlapping case will send out notice to the parties in their case. The judicial assistant in dependency court will send out notice to the dependency court parties and their attorneys.

4) Prosecuting Attorney's Duty. Pursuant to Penal Code section 273.75, the prosecuting attorney must investigate whether there are any criminal or civil protective orders or custody and visitation orders that involve a child of a related party in a domestic violence charge. The prosecuting attorney must inform the judicial officer whether or not there are any existing orders. The prosecuting agency must complete and file with the complaint, an information, or an indictment a Protective and Restraining Order Worksheet (Appendix 8.E) listing the case number and court location of the protective, visitation, or restraining order issued.

When the criminal court issues a protective order against a defendant who has a pending dependency, family law, or probate guardianship case, the prosecuting attorney must send relevant information regarding the contents of the order issued in the criminal proceedings, and any information regarding a conviction of the defendant, to the other court immediately after the order has been issued. To the extent that resources and overlapping case information is available, the Criminal Court will forward a copy of the protective order to the appropriate dependency, family law or probate court administrator(s) for notification to the trial court.

(c) Communication Regarding Restraining Order.

1) Temporary or Permanent Non-Criminal Restraining Order. When a family, dependency, or probate court issues a temporary or permanent restraining order and the restrained person or the protected person is known to have another dependency, family law, or probate guardianship case involving the same children, a copy of the restraining order must be sent to the court with the overlapping case.

When a family law court issues a temporary restraining order for parties known to have an active dependency case, the hearing on the permanent order must be set in the dependency courtroom to which that case is assigned.

(d) Modification of Criminal Protective Order.

1) Notice to Criminal Court. If a criminal court protective order exists and a judicial officer in another court has a case in which he or she determines that it is appropriate to permit visitation different than that provided for in the criminal protective order, the judicial assistant for that judicial officer must contact the judicial assistant for the judicial officer currently assigned to the criminal case to request a modification. The criminal judicial assistant must notify the judicial assistant of the judicial officer who is requesting the modification that his or her request and proposed modification have been received.

2) Notice to Parties. The criminal judicial assistant must notify in writing all parties in the criminal case about the modification request and the proposed modification. If, within 15 days of the mailing of the notice, there is no objection to the proposed modification, the criminal protective order may be modified as requested. If the criminal court judicial officer or either party in the criminal case objects to the proposed modification, the criminal court judicial officer shall conduct a hearing within 30 days. The criminal court judicial assistant must provide notice of the hearing to the parties in its case, as well as to the judicial officer requesting the modification who, in turn, shall provide notice to all parties to the juvenile, family law or probate guardianship case.

All noticed parties may be heard at the modification hearing. At the conclusion of that hearing, the criminal court judicial assistant must notify the requesting court judge of the ruling on the proposed modification.

(e) Definition. A child is a "child of the party" if that party is a biological parent, has legal or physical custody, or is a legal guardian, or the child regularly resides with the party.

(Rule 8.34 new and effective July 1, 2011)

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CAPITAL CASES

8.40 CAPITAL CASES PROCEDURE

(a) Appearance Log. Primary counsel for each defendant and the prosecution must provide the court with a log of each court appearance within 30 days of the first appearance in the court. The log must briefly describe the nature of each appearance and must be substantially in the form of the sample log contained in Appendix 8.B.

(b) Penal Code Section 987.9 Log. Logged appearances must distinguish between Penal Code section 987.9 appearances and all other appearances. A separate log of Penal Code section 987.9 appearances must be maintained by the primary counsel for each defendant and provided, under seal, with the final list of appearances required within 60 days of the sentencing date. The Criminal Courts Coordinator's Office must maintain the Penal Code section 987.9 log for *pro per* defendants. The log must be substantially in the form of the sample log contained in Appendix 8.B.

(c) Substitution of Attorney. In the event of any substitution of attorney at any stage of the case, the relieved attorney must provide a log of all appearances to substituting counsel within five days of being relieved. If prior counsel fails to provide the appearance log as required, substituting counsel must advise the court immediately.

(d) Daily Transcripts. Court policy provides that counsel for each party are entitled to a copy of the daily transcript in capital cases. Counsel must bring any discrepancies or omissions to the court's attention within ten days of receipt of the transcript. This may be done orally on the record, outside the presence of the jury, or in writing.

If there is no dispute concerning a discrepancy or omission in a transcript, the court shall order the record corrected forthwith. If a dispute exists with respect to any discrepancy or omission, the court shall hold a hearing within two days of receiving oral or written notification from any counsel on the case. The court shall make findings and orders on any disputed matters within five days of such hearing.

(e) Capital Case Guidelines and Checklist for Counsel. The general guidelines for counsel in capital cases are to be complied with unless otherwise ordered by the court. Failure to comply with the guidelines may result in sanctions being imposed or compensation for appointed counsel being withheld.

The original checklist must be retained in the case file. Each counsel shall receive a copy of the signed original checklist at the time it is initially signed. (*See* Appendix 8.A.)

In each capital case the judge to whom the case is assigned shall keep the checklist as part of the case file and shall initial and date the checklist as each part thereof is completed. The format of the checklist shall be substantially in the format shown in Appendix 8.A.

(f) Exhibit Lists. Within 30 days of the first court appearance, primary counsel must provide the court with a list of all exhibits introduced by each party at any pretrial hearings, motions pursuant to Evidence Code section 402 or preliminary hearings. Upon conviction and imposition of sentence, each primary counsel must submit a final list of all exhibits marked, including any exhibits or items that were referred to but not previously marked. The format of the lists must be substantially in the format shown in Appendix 8.C.

(Rule 8.40 new and effective July 1, 2011)

8.41 RECORD CERTIFICATION IN CAPITAL CASES

(a) Post-Sentence Certification Timelines and Procedures. The timelines and procedures for certification of the record for completeness and accuracy are set out in Rules 8.619 and 8.622 of the California Rules of Court.

Trial counsel must notify the trial court if all daily reporter's transcripts are not received within five days after sentence is imposed.

Trial counsel must make themselves available for further hearings to facilitate the certification of the record as directed by the court.

Primary counsel must continue to represent the defendant until the entire record on the automatic appeal is certified.

(b) Retention of Records. Counsel must maintain and preserve all files and records indefinitely, unless otherwise authorized by a court of competent jurisdiction after noticed motion, served on appellate counsel.

(c) Guidelines for Appellate Counsel.

(1) Service on Counsel. At the time of serving appellate counsel with copies of the record on appeal, the clerk must serve a copy of the Record Certification Guidelines for Appellate Counsel in Death Penalty Appeals, substantially in the format shown in Appendix 8.D, on each appellate counsel.

(2) Request for Addition or Correction. A request for addition to or correction of the record pursuant to California Rules of Court, rule 8.616, must be accompanied by either the material that is the subject of the addition or correction, when feasible, or a declaration that counsel will submit the requested material to the clerk within ten days after the request is granted. A copy of each request for addition or correction must be served on the Criminal Appeals Section of the clerk's office.

(3) Format of Requests for Addition or Correction. All requests for addition or correction must be submitted at the same time, where feasible. Any subsequent request must be accompanied by counsel's declaration explaining why the items were not included in the initial request.

(Rule 8.41 new and effective July 1, 2011)

PRO PER ISSUES

8.42 *PRO PER* DEFENDANTS IN CRIMINAL CASES

(a) Application. This rule governs defendants acting in *pro per* in criminal proceedings and delineates their privileges. This rule has the force and effect of a procedural statute and will be strictly followed. A defendant who fails to follow these rules may lose *pro per* status or *pro per* privileges. A defendant requesting *pro per* status must file an affidavit or declaration stating that he or she is familiar with this rule and that he or she understands that the failure to adhere to this rule will result in appropriate sanctions including, but not limited to, the loss of *pro per* status or privileges.

(b) Sheriff's Authority. The Sheriff has the exclusive authority to house inmates and take such other action authorized by law as is necessary to maintain jail security, discipline, and safety and provide for the operation of the jail.

(c) Procedure.

(1) Notice of Hearing and Filing of Papers. Motions, applications for court orders, and other court documents must be filed with the clerk where the case is then pending, and a copy must be served on the prosecuting attorney and all other attorneys or parties *in pro per* ten days in advance of any proposed hearing date, in accordance with applicable law. Service by mail is acceptable. Any kind of writing or typing paper may be used, but all documents must be legibly printed in pencil or typed. Unless a hearing date for the motion was previously scheduled by the court, motions and other applications for hearings must contain a proposed hearing date in the first paragraph. The first paragraph must also contain a brief statement of the order or orders requested.

(2) Subpoena Power. A defendant may use the subpoena power of the court to compel the attendance of witnesses. The Sheriff will furnish subpoena forms for use by *pro per* inmates who request them. A *pro per* defendant must not subpoena individuals to annoy, embarrass, or harass any witness. To do so will be deemed an abuse of process.

Prior court review is required before a defendant may cause the service of a subpoena on any of the following: 1) an individual who lacks personal knowledge concerning the factual issues of any hearing pending before the court, 2) jail personnel or witnesses in the custody of the Sheriff or other governmental agencies, and 3) the custodian of records of any business or governmental entity.

To obtain court review, a defendant must submit an offer of proof setting forth the relevance of the testimony of the witness or of the document sought. The offer of proof may be submitted *in camera* and under seal without serving the opposing party.

Violation of Local Rule 8.42(c) may result in the loss of *pro per* status or *pro per* privileges.

If a subpoena is issued for facility commanders or other Sheriff executives, the Sheriff may substitute officers familiar with jail procedures or specific issues.

Any service of subpoenas by the Sheriff must be accomplished through the Sheriff's Civil Division.

(3) Motions Concerning Jail Conditions. Before an inmate files a motion or writ with the court complaining of conditions of confinement or alleging violations of jail rules (including alleged violations of this *pro per* rule), he or she must first file a written complaint with the facility commander, unless it can be shown that substantial prejudice would result. The facility commander

must investigate the inmate complaint and within ten calendar days provide the inmate with a written response.

If the complaint is not resolved by the facility commander's written response and if the inmate chooses to file a motion or writ, the inmate must attach to any papers filed with the court a copy of the inmate's complaint and the response of the facility commander. If an inmate claims that substantial prejudice would result from following the facility complaint procedure, the inmate must submit a detailed statement setting forth the basis for the claim of substantial prejudice.

All motions, writs or other requests as described in this paragraph must be served on the Office of the County Counsel, Room 407, Sheriff's Department Headquarters, 4700 Ramona Boulevard, Monterey Park, CA 91754.

Upon receiving a motion concerning a *pro per* defendant's jail conditions, the court may calendar a hearing date; direct that subpoenas be served upon necessary witnesses, direct the inmate's complaint to the Commander in charge of the facility where the inmate is housed for further consideration, or direct the Office of the County Counsel to file an answer. The answer may include recommendations concerning possible resolution. If County Counsel files an answer, the defendant will have an opportunity to file a response. After considering all documents, the court may issue orders without further hearing.

(d) Privileges.

(1) Library Privileges. The Sheriff must provide and maintain a law library for use by inmates granted *pro per* status. All *pro per* inmates are entitled to a maximum of two hours per day of law library access. The law library must operate seven days per week.

The Sheriff must maintain a log which shows the time and date each *pro per* inmate uses the law library. The log must be retained for five years.

The Sheriff may designate the time and place of an inmate's law library access, and may assign inmates into groups based upon safety, security, and efficient use of available facilities.

It is the inmate's responsibility to avail himself or herself of the law library during his or her scheduled time. The Sheriff may, but is not required to, provide make-up time. The Sheriff is under no obligation to provide any law books, other legal reference materials, or copies thereof to any inmate in his or her living area.

An inmate exercising *pro per* privileges has an affirmative duty to exercise the privileges in such a manner as not to infringe upon the exercise of *pro per* privileges by other inmates.

The use of the library is restricted to legal research and telephone calls directly related to an inmate's case. An inmate violating this section will be orally warned and may be summarily removed from the library for the balance of the particular session. The warning must be documented. Repeated violations will result in further disciplinary action and possible loss of *pro per* status or privileges.

All library law books and source materials must be used in the library and must not be removed. Law library materials found in an inmate's cell are contraband and subject the inmate to discipline. Theft, possession or destruction of law books or source materials from the library will result in discipline and will result in the loss of pro per status or privileges.

(2) Library Telephone Privileges. Telephones will be maintained in the library for use during normal library time. The Sheriff may restrict telephone use to outgoing calls. All phone calls made in the law library must be related to the inmate's case. All phone calls are made at the inmate's expense.

(3) Legal Forms. The Sheriff may provide legal forms for inmate use. Any forms not provided may be obtained and given to the inmate by a legal runner or investigator.

(4) Legal Visits. A *pro per* inmate may request one person to act as a legal runner. The legal runner must be approved by the Sheriff and may be rejected for security concerns. Inmates granted *pro per* status must receive extended visitation to confer with a legal runner or witnesses. The legal runner may visit and confer with the inmate during normal hours of inmate visiting for a maximum of thirty minutes each day. The Sheriff may revoke approval of a legal runner's status for disruptive conduct or violations of security procedures.

The court may authorize compensation for the legal runner not to exceed seven dollars per visit to a maximum of $105 per case.

A *pro per* inmate must submit a list of prospective material witnesses to the Sheriff. An inmate may interview listed witnesses during normal visitation. Witness interviews are limited to one per day and 30 minutes in length.

Interviews with material witnesses in the custody of the Sheriff or other governmental agencies are only permitted by court order. A *pro per* inmate must submit to the court a confidential offer of proof as to the anticipated testimony of such witness pursuant to subdivision (b)(2) above. The court may reject a request for an interview if the offer of proof fails to demonstrate good cause for the interview. An interview is limited to 30 minutes.

The time allotted for a witness interview will not be extended and cannot be combined with time periods allotted for legal runner visits or regular visits.

(5) Legal Materials and Legal Correspondence. A *pro per* inmate may accumulate legal materials, including reports, notes, court documents, other materials relating to his or her criminal case, and legal correspondence. "Legal correspondence" is defined as any confidential communication between an inmate and any state or federal court, with any attorney licensed to practice law in any state or the District of Columbia, the holder of any public office, the Department of Corrections and Rehabilitation, any facility commander where the inmate may be housed, or the Sheriff. An envelope containing legal correspondence must clearly indicate on the outside that it contains confidential legal correspondence.

a) It is the inmate's responsibility to store legal materials within his or her living area in a safe and sanitary fashion. If the accumulated materials jeopardize the safety or security of the facility, the Sheriff may request the inmate to take appropriate remedial action. If the inmate fails to take such remedial action within a reasonable time, the Sheriff may remove excess property as designated by the inmate. Property removed must be stored by the Sheriff on behalf of the inmate or released to any person designated by the inmate. If the inmate fails to designate property to be removed, the Sheriff must apply to the court for an order designating which property is to be stored.

b) It is the responsibility of the inmate to keep any legal materials separate and apart from his or her other personal property. The Sheriff may treat any legal materials which are stored with items of personal property such as soap, shampoo, food products, newspapers, and magazines as regular inmate property.

c) Legal materials may be searched only in the presence of the inmate. The Sheriff may inspect the materials for contraband, but must not read the contents of the materials.

d) Incoming and outgoing legal correspondence may be searched for contraband only in the presence of the inmate. The Sheriff may physically inspect the materials for contraband, but must not read the contents of the materials.

e) Upon the transfer of a *pro per* inmate to another facility, he or she must be allowed to maintain possession of his or her legal material during the transfer. If an emergency requires an inmate's separation from his or her legal material, the legal material must be either sealed and stored in the inmate's name or released to any person designated by the inmate.

(6) Legal Supplies. A *pro per* inmates may use paper, carbon paper, pencils, and erasers. These items may be purchased from the Jail Canteen by the inmate or given to the inmate from an outside source through the legal deputy. Items brought to the jail by outside sources are subject to reasonable security checks and restrictions imposed by the Sheriff.

No metal fasteners, except staples, will be permitted. Cord or plastic fasteners may be used to secure pages or transcripts. No ink pens or markers of any type are permitted. Inmates may use one personal typewriter in the Law Library. The typewriter must be manual and will only be admitted to the jail after a security check. The typewriter will remain in the custody of the Sheriff when not in use.

(7) Indigent Supplies and Funds. Upon order of the court the Sheriff will provide legal supplies to an indigent *pro per* inmate consisting of one legal tablet, ten sheets of typing paper, one pencil, four sheets of carbon paper, and four envelopes. Indigent supplies will be given weekly.

Upon order of the court, the Sheriff will deposit a maximum of $60 in an indigent inmate's jail trust account. These funds may be used for witness phone calls, postage, purchasing additional supplies, or for other needs directly related to the inmate's case. All receipts for purchases of legal supplies must be retained by the inmate. Before indigent funds are allowed, the court may require the inmate to expend personal funds he or she has on deposit in his or her jail trust account.

(e) Investigators. An inmate may retain the services of a state licensed investigator to assist in the preparation of the case. Upon proof to the court of an inmate's indigence and need for an investigator, the court may appoint a state licensed investigator.

An inmate must be permitted to confer with a licensed investigator during the normal hours of visiting. The Sheriff has the discretion to allow this visitation in an attorney room at such time as the Sheriff deems appropriate. Unless specifically authorized by the Sheriff, an inmate may not use private booths to confer with a licensed investigator.

(f) Requests for Additional Privileges or Funds. All requests for additional or special privileges, or treatment different from other *pro per* inmates, must be filed with the trial court. These requests must be accompanied by an affidavit detailing why the additional privilege or treatment is necessary. Requests for additional funds must be accompanied by a detailed accounting showing how the original funds were expended.

(g) Inmate Discipline and Revocation of *Pro Per* Status and Privileges. A *pro per* inmate is subject to discipline for violations of jail rules and regulations in the same manner as all other inmates. All reports of inmate discipline must be filed with the court. After reviewing the

discipline report, the court may request the Sheriff to apply for an order modifying or revoking the inmate's *pro per* privileges or status.

The Sheriff may apply for an order modifying or revoking some or all of an inmate's *pro per* privileges or status for cause. Except in emergency situations, *pro per* privileges must not be revoked or modified as a concomitant of either jail discipline or administrative segregation without complying with the following procedures:

(1) The inmate is given notice of the charges upon which the proposed revocation, modification, or administrative segregation is based at least 24 hours in advance of a hearing before the jail's decision-maker.

(2) The inmate is given the opportunity to appear before the decision-maker within 48 hours.

(3) The inmate is given the opportunity to present witnesses and documentary evidence. The decision-maker may restrict the presentation of live witnesses, if necessary, to preserve the facility's safety or security.

(4) The inmate is given a written statement of the evidence relied upon and the reasons for the action taken. If witness safety or facility security requires, the description of items of evidence may be redacted from the statement.

(5) As soon as practical after the hearing, but in no event later than two court days after the hearing, the Sheriff must notify the court before which the inmate's case is pending of the request to revoke or modify the *pro per* privileges of the inmate. In circumstances where the inmate is *pro per* on multiple cases, the notice must list all cases in which the defendant is acting in *pro per* and must be filed in the court handling *pro per* matters. This notice must include a copy of the decision-making body's report and all available discipline reports. Unless the safety of the inmate, the safety of other inmates or jail staff would be jeopardized, the inmate's *pro per* privileges must not be revoked or modified until the court modifies the order granting *pro per* privileges. In emergency situations the Sheriff may immediately suspend all *pro per* privileges, provided that the notice given to the court specifically states the privileges restricted and the emergency justifying the action taken. The Sheriff must give notice to the court as soon as practical under the circumstances.

(6) The court receiving the notice outlined in subdivision (g)(5) shall review the request or decision of the Sheriff. Pending a hearing, the court may direct the Sheriff to reinstate any or all privileges that were suspended due to an emergency. The court shall calendar a hearing within a reasonable time. The inmate will be entitled to appear at the hearing and present material and relevant evidence and objections.

(h) Temporary Suspension of *Pro Per* Privileges for Medical or Psychiatric Necessity. The Sheriff may temporarily suspend any or all of an inmate's privileges based upon a determination by a treating physician or psychiatrist that use of any or all of the privileges afforded *pro per* inmates will endanger the health and welfare of the *pro per* inmate, other *pro per* inmates, or staff. Any temporary suspension under this paragraph may last only as long as the medical or psychiatric conditions require the limitation, and the Sheriff must continue to provide all privileges that medical and/or mental health staff deem consistent with the ongoing care of the *pro per* inmate.

(1) The Sheriff must notify all affected courts in writing of the suspension of *pro per* privileges, which *pro per* privileges were suspended, and the reasons for the temporary suspension of *pro per* privileges. Upon the request of the inmate, the court shall calendar a hearing within a

reasonable time. The inmate will be entitled to appear at the hearing and to present such evidence and objections as are material and relevant.

(2) The fact that a *pro per* inmate is under medical or psychiatric care does not limit the Sheriff's rights to proceed under subdivision (g) in circumstances where the inmate has violated jail rules or the provision of these rules.

(3) The Sheriff must promptly notify the court in writing upon the restoration of in-custody *pro per* privileges.

(i) *Pro Per* Committee. The Supervising Judge may appoint a committee of judges to act as the Los Angeles County *Pro Per* Committee within the Criminal Division. The committee shall meet with members of the Sheriff's Department no less than once annually to review, modify or update these rules.

(j) Natural Disasters. In the event of a natural disaster or other emergency condition, the Sheriff may temporarily suspend inmate *pro per* privileges. Notice must be given to the Supervising Judge of the Criminal Division as soon as practical under the circumstances of the disaster. *Pro per* privileges must resume as soon as possible.

(k) Duration of Privileges. An inmate's *pro per* privileges and status as a *pro per* defendant terminate upon sentencing. A request for *pro per* privileges after sentencing must be made to the sentencing court.

(l) Withholding *Pro Per* Privileges Pending Further Order Of The Court. Within five days after receiving information that a defendant has been granted *pro per* status in a pending case, and that his/her *pro per* privileges were revoked or modified in another pending case, the Sheriff must provide written notice of the revocation/modification to the judicial officer who granted *pro per* status. The Sheriff may withhold any additional privileges pending further order of the court.

(Rule 8.42 [*7/1/2011*] amended and effective January 1, 2014)

8.43 STANDBY COUNSEL IN CRIMINAL CASES

(a) Appointment. When a defendant is charged with a felony and is granted *pro per* status, the court shall appoint standby counsel within ten days after the arraignment on the information or indictment, or as soon thereafter as practicable. In misdemeanor cases, the appointment of standby counsel is within the discretion of the court. Standby counsel must normally be appointed from the Indigent Criminal Defense Appointment Program (ICDA) list.

(b) Duties, Not Advising Counsel. Except at the request of the court, standby counsel does not act as advisory counsel nor provide the defendant with legal advice. Standby counsel is expected to take over the trial in the event that the defendant's *pro per* status is revoked or relinquished.

(c) To be Provided Discovery. The prosecuting attorney must make available to standby counsel all discovery provided to the *pro per* defendant. Standby counsel will be compensated for preparation at current ICDA rates.

(d) Compensation for Appearances. When the court requires standby counsel to be present for any pre-trial hearing, counsel will be compensated for each appearance.

(e) Change in Status. When a defendant's *pro per* status is relinquished or revoked prior to trial, defendant's prior counsel, if any, ordinarily will be reappointed as defense counsel. When the relinquishment occurs close to trial and prior counsel cannot be ready without a continuance, or for other good cause, the court may appoint standby counsel as defense counsel.

(Rule 8.43 [*7/1/2011*] amended and effective January 1, 2014)

8.44 **RESERVED**
8.45 **RESERVED**
8.46 **RESERVED**
8.47 **RESERVED**
8.48 **RESERVED**
8.49 **RESERVED**

MENTAL HEALTH MATTERS
Moved to Probate Chapter eff. May 17, 2013

8.50 **RESERVED**

(Rule 8.50 [as JUDICIAL COMMITMENT [*7/1/2011*]
REPEALED and effective May 17, 2013
Moved to Probate Chapter as Rule 4.131)

8.51 **RESERVED**

(Rule 8.51 [as MEDICATION CAPACITY/RIESE
HEARINGS (FACILITY-BASED) *7/1/2011*]
REPEALED and effective May 17, 2013
Moved to Probate Chapter as Rule 4.132)

8.52 **RESERVED**

(Rule 8.52 [as ELECTROCONVULSIVE THERAPY HEARINGS
FOR INVOLUNTARILY HELD PATIENTS *7/1/2011*]
REPEALED and effective May 17, 2013
Moved to Probate Chapter as Rule 4.133)

8.53 **RESERVED**

(Rule 8.53 [as PETITION FOR RESTORATION
OF RIGHT TO POSSESS A FIREARM *7/1/2011*]
REPEALED and effective May 17, 2013
Moved to Probate Chapter as Rule 4.134)

8.54 **RESERVED**

(Rule 8.54 [as *EX PARTE* REQUESTS *7/1/2011*]
REPEALED and effective May 17, 2013
Moved to Probate Chapter as Rule 4.135)

8.55 **RESERVED**
8.56 **RESERVED**
8.57 **RESERVED**
8.58 **RESERVED**

8.59 **RESERVED**

TRAFFIC MATTERS

8.60 INFRACTION TRIAL BY DECLARATION

A person charged with an infraction may request a trial by written declaration by submitting a declaration and posting bail at the same time. (*See* Veh. Code, § 40902(b).)

(Rule 8.60 new and effective July 1, 2011)

8.61 INFRACTION TRIAL *DE NOVO*

A person found guilty after an infraction trial by declaration may request a trial *de novo*. (*See* Veh. Code, § 40902(d).)

(Rule 8.61 new and effective July 1, 2011)

8.62 INFRACTION SUMMARY TRIAL

A person charged with an infraction may request a summary trial pursuant to Vehicle Code section 40901.

(Rule 8.621 new and effective July 1, 2011)

8.63 DISMISSAL AFTER PROOF OF CORRECTION

Upon timely presentation of proof of correction and payment of the fee, the clerk must enter an order of dismissal with respect to offenses enumerated in Vehicle Code section 40303.5 This rule applies only in cases where the citing officer has indicated on the notice to appear that the violation is correctable.

(Rule 8.63 new and effective July 1, 2011)