

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALPINE



LOCAL RULES OF COURT

EFFECTIVE JULY 1, 2024

**LOCAL RULES OF COURT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALPINE**

Adoption and Applicability of Rules

The judges of Alpine County Superior Court have formally adopted Local Rules of Court effective July 1, 2024. Unless otherwise noted, rules are applicable to all cases including cases of limited jurisdiction.

Filing Instructions

These Local Rules supersede all other local rules previously adopted by the Alpine County Superior Court.

Availability of Local Rules

Copies of the Local Rules of the Alpine County Superior Court have been filed with the Judicial Council and the Clerk of the Court, in accordance with California Rules of Court Rule 10.613 and Government Code section 68071. Copies of the Local Rules may be purchased from the Clerk of the Court at 14777 State Route 89, Markleeville, CA 96120.

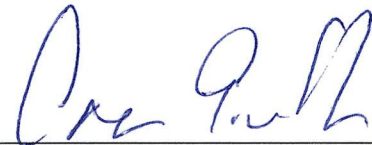
Certification of Presiding Judge

I, Richard D. Meyer, Presiding Judge of the Alpine County Superior Court, do hereby certify that this Court has complied with the applicable provisions of California Rules of Court Rule 10.613.

DATED: 5-16-24



Hon. RICHARD D. MEYER
Presiding Judge



ANN GRETH
Court Executive Officer

TABLE OF CONTENTS

LIST OF CURRENTLY EFFECTIVE RULES..... 1

LOCAL FORMS3

GENERAL INFORMATION ABOUT THE ALPINE COUNTY SUPERIOR COURT4

CHAPTER 1: GENERAL COURT RULES4

 RULE 1.1. CITATION OF RULES4

 RULE 1.2. CONSTRUCTION OF RULES.....4

 RULE 1.3. REFERENCES TO COURT4

 RULE 1.4. FAILURE TO COMPLY.....4

 RULE 1.5. CLERK OF THE SUPERIOR COURT – COURT EXECUTIVE OFFICER.....5

 RULE 1.6. COURT WEBSITE.....5

 RULE 1.7. REMOTE APPEARANCES.....5

CHAPTER 2: FAIRNESS AND ACCESS RULES10

 RULE 2.1. FAIRNESS.....10

 RULE 2.2. ACCESS10

 RULE 2.3. REFERENCES TO COUNSEL/ATTORNEY11

CHAPTER 3: OPERATIONAL RULES11

 RULE 3.1. [REPEALED 2010]11

 RULE 3.2. [REPEALED 2008]11

 RULE 3.3. [REPEALED 2010]11

 RULE 3.4. [REPEALED 2010]11

 RULE 3.5. EX-PARTE APPLICATIONS11

 RULE 3.6. TRIAL SESSIONS, LOCATION, AND JUROR AVAILABILITY.....11

 RULE 3.7. REPORTING OF PROCEEDINGS.....12

 RULE 3.8. FACSIMILE FILINGS AND SERVICE12

 RULE 3.9. FILING PROCEDURES.....13

 RULE 3.10. UNIFORM COUNTYWIDE BAIL SCHEDULE.....13

CHAPTER 4: COURTROOM DECORUM13

 RULE 4.1. ATTIRE13

RULE 4.2. CONDUCT IN THE COURTROOM 14

RULE 4.3. USE OF THE COURTROOM AND COURTHOUSE 14

RULE 4.4. REACTING TO PROCEEDINGS 15

CHAPTER 5: CIVIL CASE RULES 15

RULE 5. CIVIL CASE MANAGEMENT 15

RULE 5.1. SCOPE 15

RULE 5.2. DIFFERENTIAL CASE MANAGEMENT GENERALLY 15

RULE 5.3. SERVICE OF PLEADINGS 16

RULE 5.4. FAILURE TO FILE RESPONSIVE PLEADINGS; EXTENSION OF TIME TO RESPOND;
DEFAULT AND DEFAULT JUDGMENT 16

RULE 5.5. AMENDMENT OF PLEADINGS 16

RULE 5.6. CASE MANAGEMENT CONFERENCES..... 17

RULE 5.7. LAW AND MOTION; PROPOSED ORDERS..... 17

RULE 5.8. SETTING CASES FOR TRIAL 18

RULE 5.9. SETTLEMENT CONFERENCES..... 18

RULE 5.10. JURY TRIAL: PRETRIAL MANAGEMENT CONFERENCE; MOTIONS IN LIMINE 19

RULE 5.11. WORKING COPIES OF MOTION PLEADINGS; PRETRIAL MANAGEMENT
CONFERENCE STATEMENTS; TRIAL BRIEFS 20

RULE 5.12. [REPEALED 2008] 21

RULE 5.13. SETTLEMENT OF CASE; DISMISSAL 21

RULE 5.14. DISMISSAL OF CASE FOR FAILURE TO PROSECUTE..... 21

CHAPTER 6: CRIMINAL CASE RULES 22

RULE 6. CRIMINAL CASE MANAGEMENT 22

RULE 6.1. DISPOSITION GOALS..... 22

RULE 6.2. FILING OF ACCUSATORY PLEADINGS AND REQUESTS FOR WARRANTS..... 23

RULE 6.3. CRIMINAL CASE MANAGEMENT 23

RULE 6.4. DISCOVERY AND INVESTIGATION 29

RULE 6.5. DISPOSITIVE PLEAS..... 30

RULE 6.6. CONTINUANCES; SPECIAL APPEARANCES..... 31

RULE 6.7. JUDGMENT..... 32

RULE 6.8. WORKING COPIES 33

CHAPTER 7: TRAFFIC RULES 34

RULE 7. TRAFFIC CASE MANAGEMENT 34

RULE 7.1 TRIAL BY WRITTEN DECLARATION 34

RULE 7.2 TRIAL BY DECLARATION IN ABSENTIA..... 34

RULE 7.3 TRAFFIC AND ENGINEERING SURVEYS..... 34

RULE 7.4 CONTINUANCES 34

RULE 7.5 MANDATORY APPEARANCES 34

INDEX 35

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALPINE
EFFECTIVE DATE OF LOCAL RULES
JULY 1, 2024

| RULE | | EFFECTIVE OR LATEST AMENDED DATE |
|---|--|---|
| CHAPTER 1. GENERAL COURT RULES | | |
| 1.1 | Citation of Rules | 01/01/2007 |
| 1.2 | Construction of Rules | 01/01/2007 |
| 1.3 | References to Court | 01/01/2007 |
| 1.4 | Failure to Comply | 01/01/2011 |
| 1.5 | Court Executive Officer | 01/01/2011 |
| 1.6 | Court Website | 01/01/2011 |
| 1.7 | Remote Appearances | 07/01/2024 |
| CHAPTER 2. FAIRNESS AND ACCESS RULES | | |
| 2.1 | Fairness | 07/01/2024 |
| 2.2 | Access | 01/01/2011 |
| 2.3 | Reference to Counsel/Attorney | 07/01/2024 |
| CHAPTER 3. OPERATIONAL RULES | | |
| 3.1 | Repealed | 01/01/2010 |
| 3.2 | Repealed | 01/01/2008 |
| 3.3 | Repealed | 01/01/2010 |
| 3.4 | Repealed | 01/01/2010 |
| 3.5 | Ex-Parte Applications | 01/01/2007 |
| 3.6 | Trial Sessions, Location, and Juror Availability | 07/01/2024 |
| 3.7 | Reporting of Proceedings | 07/01/2024 |
| 3.8 | Facsimile Filings and Service | 07/01/2024 |
| 3.9 | Filing Procedures | 07/01/2024 |
| 3.10 | Uniform Countywide Bail Schedule | 07/01/2024 |
| CHAPTER 4. COURTROOM DECORUM | | |
| 4.1 | Attire | 01/01/2011 |
| 4.2 | Conduct in the Court | 01/01/2011 |
| 4.3 | Use of the Courtroom and Courthouse | 01/01/2008 |
| 4.4 | Reacting to Proceedings | 01/01/2007 |

| RULE | | EFFECTIVE OR LATEST AMENDED DATE |
|---------------------------------------|--|---|
| CHAPTER 5. CIVIL CASE RULES | | |
| 5.1 | Scope | 01/01/2011 |
| 5.2 | Differential Case Management Generally | 01/01/2010 |
| 5.3 | Service of Pleadings | 01/01/2007 |
| 5.4 | Failure to File Responsive Pleadings; Extension of Time to Respond; Default and Default Judgment | 01/01/2011 |
| 5.5 | Amendment of Pleadings | 01/01/2011 |
| 5.6 | Case Management Conferences | 07/01/2024 |
| 5.7 | Law and Motion; Proposed Orders | 07/01/2024 |
| 5.8 | Setting Cases for Trial | 01/01/2011 |
| 5.9 | Settlement Conferences | 01/01/2008 |
| 5.10 | Jury Trial: Pretrial Management Conference; Motions in Limine | 01/01/2011 |
| 5.11 | Working Copies of Motion Pleadings; Pretrial Management Conference Statements; Trial Briefs | 01/01/2011 |
| 5.12 | Repealed | 01/01/2008 |
| 5.13 | Settlement of Case; Dismissal | 01/01/2011 |
| 5.14 | Dismissal of Case; Failure to Prosecute | 01/01/2011 |
| CHAPTER 6. CRIMINAL CASE RULES | | |
| 6.1 | Disposition Goals | 01/01/2011 |
| 6.2 | Filing of Accusatory Pleadings and Requests for Warrants | 01/01/2011 |
| 6.3 | Criminal Case Management | 07/01/2024 |
| 6.4 | Discovery and Investigation | 01/01/2011 |
| 6.5 | Dispositive Pleas | 01/01/2011 |
| 6.6 | Continuances; Special Appearances | 01/01/2011 |
| 6.7 | Judgment and Sentencing / Probation | 01/01/2011 |
| 6.8 | Working Copies of Motion Pleadings; Pretrial Management Conference Statements; Trial Briefs | 01/01/2011 |
| CHAPTER 7: TRAFFIC RULES | | |
| 7.1 | Trial by Written Declaration | 07/01/2011 |
| 7.2 | Trial by Declaration in Absentia | 07/01/2011 |
| 7.3 | Traffic and Engineering Surveys | 07/01/2011 |
| 7.4 | Continuances | 07/01/2024 |
| 7.5 | Mandatory Appearances | 07/01/2024 |

LOCAL FORMS

The court has adopted the following local forms. All local forms are available on the court’s website: www.alpine.courts.ca.gov/forms-filings/local-forms

Local Forms- By Number

| Division | Form Number | Name | Mandatory or Optional |
|----------|-------------|--|-----------------------|
| CRIMINAL | ALP-CR-001 | Request to be Placed on Court’s Calendar (Misdemeanor/ Felony) | Optional |
| CRIMINAL | ALP-CR-002 | Request for Remote Appearance (Misdemeanor/ Felony) | Optional |
| TRAFFIC | ALP-TR-001 | Certificate/ Proof of Correction | Optional |
| TRAFFIC | ALP-TR-002 | Request to Attend Traffic School and Order | Optional |
| TRAFFIC | ALP-TR-003 | Request for Traffic Court Trial | Optional |
| TRAFFIC | ALP-TR-004 | Request for Continuance of Traffic Court Trial and Order | Optional |

Local Forms – By Name

| Division | Form Number | Name | Mandatory or Optional |
|----------|-------------|--|-----------------------|
| TRAFFIC | ALP-TR-001 | Certificate/ Proof of Correction | Optional |
| TRAFFIC | ALP-TR-004 | Request for Continuance of Traffic Court Trial and Order | Optional |
| CRIMINAL | ALP-CR-002 | Request for Remote Appearance (Misdemeanor/ Felony) | Optional |
| TRAFFIC | ALP-TR-003 | Request for Traffic Court Trial | Optional |
| TRAFFIC | ALP-TR-002 | Request to Attend Traffic School and Order | Optional |
| CRIMINAL | ALP-CR-001 | Request to be Placed on Court’s Calendar (Misdemeanor/ Felony) | Optional |

GENERAL INFORMATION ABOUT THE ALPINE COUNTY SUPERIOR COURT

The court is located in a remote mountain region which experiences severe winter weather resulting in hazardous driving conditions and road closure. Travel during other seasons is subject to lengthy delays due to road repair activities. The court will make accommodations for unforeseen circumstances making it unreasonably difficult to attend or timely appear for scheduled court sessions. However, all persons with business in the court must anticipate that such conditions may impede travel and are advised to plan accordingly for appearances and the attendance of witnesses. Consideration should be given to travel in advance of the day attendance is required. Lodging is available but limited locally. The Alpine County Chamber of Commerce may be contacted at 530-694-2475 for referral to local and regional facilities.

CHAPTER 1: GENERAL COURT RULES

RULE 1. CONSTRUCTION OF RULES; FAILURE TO COMPLY

RULE 1.1. CITATION OF RULES

These rules shall be known and cited as the Alpine County Superior Court Local Rules; they are supplementary and subject to any and all rules effective by the Judicial Council and statutes of this state. *Eff. 1/1/2007*

RULE 1.2. CONSTRUCTION OF RULES

These rules shall be liberally construed to promote the orderly and efficient administration of justice. Unless otherwise dictated by context, definitions of terms found in the California Rules of Court shall control construction of terms in these rules. Hereinafter “CRC”. *Eff. 1/1/2007*

RULE 1.3. REFERENCES TO COURT

All references to “the court” or “this court” are to the Alpine County Superior Court. *Eff. 1/1/2007.*

RULE 1.4. FAILURE TO COMPLY

Failure to comply with any of these rules may result in the imposition of sanctions pursuant to CRC Rule 2.30, Code of Civil Procedure (hereinafter “CCP”) sections 177.5 and/or 575.2. *Amd. eff. 1/1/2011, eff. 1/1/2007, amd. eff. 1/1/2008*

RULE 1.5. CLERK OF THE SUPERIOR COURT – COURT EXECUTIVE OFFICER

There shall be appointed a Court Executive Officer for the Superior Court of Alpine County who shall be selected by the Presiding Judge in consultation with his/her colleague and by agreement of the Superior Court Judges and who shall serve at the pleasure of said judges. The Executive Officer shall also serve as Clerk of the Superior Court and Jury Commissioner. The Court Executive Officer shall be directly responsible for all matters relating to the administration of the court and has ultimate responsibility, under the direction of the Presiding Judge of the court, for planning, organizing, and directing the non-judicial activities of the court. The Court Executive Officer shall be responsible for the operation of the Alpine County Superior Court and shall perform those duties set forth in CRC, Rule 10.610. *Eff. 1/1/2011*

RULE 1.6. COURT WEBSITE

The court maintains an official internet website located at www.alpine.courts.ca.gov. The official website contains information regarding local rules of court, fee schedule, trial dates, jury duty, grand jury, court calendar, history, facilities, workload, community outreach, family violence, self-help services, job postings, and the Americans with Disabilities Act. Links are provided to the Alternative Dispute Resolution Program, California Courts, DMV, and online payments. *Eff. 1/1/2011*

RULE 1.7. REMOTE APPEARANCES

The purpose of this rule is to facilitate greater access to court proceedings and to promote court efficiency while respecting litigants' due process.

“Remote appearances” refers to appearances by video, audio, or audio alone upon request.

“Party” is any person appearing in an action and that person’s counsel, as well as any necessary nonparty participants in the proceeding including, without limitation, witnesses.

“Civil Cases” include all cases except criminal cases and petitions for habeas corpus. Examples include unlimited and limited civil actions, small claims, probate, unlawful detainer, restraining order, and family law matters.

“Evidentiary hearing”: An “evidentiary hearing or trial” is any proceeding at which oral testimony may be presented.

“Non-evidentiary proceeding”: Any proceeding other than an evidentiary hearing.

Notwithstanding the rules set forth below regarding remote appearances, the court retains the discretion to require any person to appear in person if it determines an in-person appearance would materially assist in the determination of the proceeding or in the effective management or resolution of the case.

RULE 1.7.1 CIVIL CASES (NON-EVIDENTIARY HEARINGS): Parties will be permitted to appear remotely for all case management conferences, trial setting conferences, law and motion matters, status review hearings, hearings to review the dismissal of an action, petitions for gun violence restraining orders, and any other non-evidentiary hearings, conferences, or proceedings other than those matters specifically excluded under CCP section 367.76 and Welfare and Institutions Code section 679.5 (hereinafter “W&I”).

- A.** Notice: A party who elects to appear remotely must file with the court *Notice of Remote Appearance* (California Judicial Council form RA-010) at least three (3) court days prior to the scheduled hearing. Notice to other parties must also be provided at least two (2) court days prior to the hearing and can be accomplished electronically via text, email, orally, or any other means reasonably calculated to ensure notice is provided. If a party does not meet these deadlines, they may still request permission to appear remotely. The court retains discretion to allow parties to appear remotely.

RULE 1.7.2 CIVIL CASES (EVIDENTIARY HEARINGS) INCLUDING UNLAWFUL DETAINER AND SMALL CLAIMS MATTERS: Upon its own motion or the motion of any party, the court may permit a non-jury trial or other evidentiary hearing to be conducted, in whole or in part, through the use of remote technology.

- A.** Notice: The court, intending to conduct an evidentiary hearing or non-jury trial remotely, must provide notice to all parties who have appeared in the action and entitled to notice of the proceedings at least ten (10) court days before the hearing.

A party requesting to appear remotely at an evidentiary hearing or trial must file with the court *Notice of Remote Appearance* (California Judicial Council form RA-010) at least fifteen (15) court days before the hearing or trial date unless the court authorizes a shorter notice period. Notice to other parties must also be provided at least ten (10) court days prior to the hearing and can be accomplished electronically via text, email, orally, or any other means reasonably calculated to ensure notice is provided.

- B. Filing and serving opposition:** In response to notice of a remote proceeding for an evidentiary hearing or non-jury trial a party may make a showing to the court as to why the court should deny a remote appearance or remote testimony should not be allowed by serving and filing an Opposition to Remote Proceeding at Evidentiary Hearing or Trial (California Judicial Council form RA-015) by:

At least five (5) court days before the proceeding if for an evidentiary hearing or trial for which a party gives or receives at least fifteen (15) days' notice; or

At least noon the court day before the proceeding if for an evidentiary hearing or non-jury trial for which a party gives or receives less than fifteen (15) court days' notice. If a party does not meet these deadlines, they may still request permission to appear remotely.

- C. Submission of evidence in remote proceedings:** The parties shall electronically submit a list of any documents and photos they seek to admit into evidence, as well as copies of the items themselves. The evidence list and all documents and photos must be mailed and received by the court at least five (5) court days before the scheduled hearing, unless a shorter period is authorized by the court.

RULE 1.7.3 CRIMINAL PROCEEDINGS:

- A. Infractions (Traffic citations and other infractions):** Proceedings in infraction matters, including arraignments and trials, may be conducted remotely. The Court will consider a defendant's objection to proceeding remotely for a trial or hearing if the objection is received by the court at least five (5) days before the scheduled hearing or trial.
- B. Misdemeanors:** Defendants and/or their attorney may appear remotely in non-evidentiary misdemeanor proceedings subject to the court's discretion to require any person to appear in person if it determines that an in-person appearance would materially assist in the determination of the proceeding or in the effective management or resolution of the case. Leave of court is required for defendants and/or their attorney to appear remotely at evidentiary hearings in misdemeanor proceedings.
- C. Felony matters:** Unless otherwise authorized by the court, defendants and their attorney are required to personally appear at arraignments on a criminal complaint, arraignments on information, arraignments on a violation of probation, violation of

parole/(PRCS) petitions, sentencing hearings, and at all evidentiary proceedings. Defendants and/or their attorney may appear remotely at non-evidentiary felony proceedings not listed above, subject to the court's discretion to require any person to appear in person if it determines that an in-person appearance would materially assist in the determination of the proceeding or in the effective management or resolution of the case.

RULE 1.7.4 JUVENILE DEPENDENCY PROCEEDINGS (W&I 300):

Any juvenile dependency proceeding may be conducted as a remote proceeding subject to the discretion of the court to require personal appearances and the following conditions:

A. "Parties" as defined below must file with the court a Request to Appear Remotely (California Judicial Council form RA-025) no later than three (3) court days prior to the scheduled hearing. The court may authorize a shorter filing period.

"A party" for the purposes of this subdivision includes any of the following and that person's counsel:

- a) A child or nonminor dependent subject to the proceeding;
- b) Any parent, Indian custodian, or guardian of a child subject to the proceeding;
- c) The social worker who filed the petition to commence the juvenile dependency proceedings on behalf of the county child welfare department;
- d) The tribe of an Indian child subject to the proceeding if the tribe has intervened; and
- e) A de facto parent of a child subject to the proceeding to whom the court has granted party status.

B. If the court authorizes remote appearances, any person authorized by the court to be present, other than witnesses offering sworn testimony, may appear remotely without submitting a request.

C. Witnesses must appear in person unless all parties to the proceeding have consented to the witness' remote appearance.

D. A request for remote appearance by a witness must be made in writing by counsel for the party calling the witness or, if the party does not have counsel, by the party, by filing the request with the court and serving a copy of the request on counsel for all other parties; or, if a party does not have counsel, on the party by any means authorized by law reasonably calculated to ensure receipt no later than close of business three (3) court days before the proceeding.

- E. Any party may ask the court to compel the physical presence of a witness or a party by filing the request in writing with the court and serving a copy of the request on counsel for each party by any means authorized by law reasonably calculated to ensure receipt no later than close of business day two (2) court days before the proceeding. Request to Compel Physical Presence – Juvenile Dependency (California Judicial Council form RA-030) may be used for this purpose.
- F. The court may require any person to appear in person if the court determines that an in-person appearance would materially assist in the determination of the proceeding or, in the effective management or resolution of the case; or, the court cannot ensure that the person’s remote appearance will have the privacy and security necessary to preserve the confidentiality of the proceeding; or, a remote appearance by the person is likely to cause undue prejudice to a party.

RULE 1.7.5 JUVENILE JUSTICE PROCEEDINGS: (W&I sections 601 and 602)

A minor has a right to be physically present in any juvenile justice proceeding and the right to the physical presence of defense counsel, any prosecution witnesses who are called to testify, and the judicial officer.

A minor, in consultation with counsel, may waive their right to be physically present and may elect to proceed remotely. The court shall take the waiver on the record, but the waiver may be taken remotely. If the minor waives their right to be physically present, the minor, in consultation with counsel, also may waive their right to physical presence of persons identified above.

If the minor is physically present in court, defense counsel shall be physically present absent exceptional circumstances and subject to the express waiver of the minor. If a minor waives their right to be physically present and appears remotely, defense counsel may also appear remotely.

If, at any time during a remote proceeding, the court determines that an in-person appearance is necessary, the court may require such an appearance and continue the matter for only a period of time that is necessary to ensure the party or witness is physically present.

A minor's parent or guardian may appear through remote technology, subject to the court's authority to require the person to be physically present.

A minor retains the same constitutional rights as a criminal defendant to confront and cross-examine witnesses.

The court shall not require any party or witness to appear through the use of remote technology. *Eff. 7/1/2024*

CHAPTER 2: FAIRNESS AND ACCESS RULES

RULE 2. FAIRNESS, ACCESS, FACILITIES AND OTHER CONSIDERATIONS FOR PERSONS WITH DISABILITIES

RULE 2.1. FAIRNESS

To maintain integrity and impartiality of the judicial system the court will:

1. Ensure that all proceedings are conducted to be fair and impartial to all participants.
2. Ensure that all persons in and about the courtroom refrain from engaging in conduct that exhibits racial, gender, national origin, religious, or any other form of bias directed toward counsel, court personnel, witnesses, parties, jurors, or any other person or group.
3. Ensure that all orders, rulings, or decisions are based on an objective balancing of competing rights and interests in consideration of applicable law, through the exercise of sound judgment and judicial discretion, without influence of race, gender, national origin, religion, or any other form of bias.

Amd. 7/1/2024; Eff. 1/1/2007

RULE 2.2. ACCESS

The courthouse is a historic building lacking in access and facilities to accommodate all persons with disabilities. The court does not discriminate on the basis of disability with respect to admission to, access to, or the operations of its hearings, programs, services, benefits or activities. Disabled persons wishing to request accommodations may do so by notifying the court or completing Judicial Council Form MC-140, Request for Accommodations by Persons with Disabilities and Order, and sending it to the Court Executive Officer, PO Box 518, Markleeville, CA 96120, or by facsimile at 530-694-2119. Upon notice and request to accommodate persons with disabilities, the court will provide such assistance or arrangement as may be appropriate and reasonable, including, without limitation, moving sessions of the court to a more suitable alternate location. *Amd. eff. 1/1/2011; eff. 1/1/2007*

RULE 2.3. REFERENCES TO COUNSEL/ATTORNEY

All references to attorney or counsel shall also refer to self-represented persons. These rules shall apply equally to self-represented persons. *Amd. 7/1/2024; Eff. 1/1/2007*

CHAPTER 3: OPERATIONAL RULES

RULE 3. GENERAL MATTERS CONCERNING COURT OPERATION

RULE 3.1. [REPEALED 2010]

Repealed eff. 1/1/2010; eff. 1/1/2007 The repealed rule related to the Regular Sessions of the Court, Calendars, and Assignment of Judges.

RULE 3.2. [REPEALED 2008]

Repealed eff. 1/1/2008; eff. 1/1/2007 The repealed rule related to deviation from regular scheduling for convenience.

RULE 3.3. [REPEALED 2010]

Repealed eff. 1/1/2010; eff 1/1/2007 The repealed rule related to Long Cause Matters – Special Setting.

RULE 3.4. [REPEALED 2010]

Repealed eff. 1/1/2010; eff. 1/1/2007 The repealed rule related to the Assignment of Judges – Code of Civil Procedures §170.6.

RULE 3.5. EX-PARTE APPLICATIONS

The court does not reserve a specific day or time for hearing of ex-parte applications and such matters may be set by contacting the Clerk’s office. At a minimum, notice shall be given as provided by the CRC and any applicable statute. This local rule does not apply to ex-parte applications for domestic violence or civil harassment restraining orders, elder or dependent adult protective orders, applications in criminal proceedings for the confidential appointment of experts or investigators, or as otherwise provided by law. *Eff. 1/1/2007*

RULE 3.6. TRIAL SESSIONS, LOCATION, AND JUROR AVAILABILITY

All criminal jury trials will be regularly scheduled for a two-week period each quarter of the year, the schedule of which for the following year will be available in the clerk’s office on or about each October 1. Time requirements in criminal matters and other extraordinary circumstances may result in alternate scheduling. Criminal court trials will be specially set. All

civil jury trials are subject to special setting so as not to conflict with quarterly criminal jury trials. Jurors in the Bear Valley area are exempt from jury service when Highway 4 is closed. The court endeavors to minimize juror inconvenience and to achieve the “one day/one trial” goals of CRC Rule 2.1002. *Amd. 7/1/2024; eff. 1/1/2007; amd. eff. 1/1/2010; amd. eff. 1/1/2011*

RULE 3.7. REPORTING OF PROCEEDINGS

The court shall provide a court reporter in all matters statutorily required (possible death penalty cases per Penal Code section 190.9(a)(1)(hereinafter “PC”); juvenile cases per W&I sections 347, 677; Grand Jury criminal indictments per PC section 938; felony trial on the merits where appeal is likely per CCP section 369(c)). Pursuant to CRC Rule 2.956, official court reporters are normally available for all felony and misdemeanor criminal proceedings as well as juvenile proceedings. Reporters are normally available for Domestic Violence Prevention Act Restraining Orders, Gun Violence Restraining Orders, and Civil Harassment Restraining Orders.

In accordance with Government Code (hereinafter “GC”) section 68086 and CRC Rule 2.956, when a party requests a court reporter and the reporter is not required by the foregoing or by statute to report the court proceedings, such party shall provide and pay for a certified court reporter.

The parties must arrange for reporting services in all civil matters and are responsible for payment of court reporter attendance fees. Any party requesting a transcript in any civil proceeding shall order and pay for such transcript directly with the court reporter.

Pursuant to CRC Rule 2.952 and as permitted by GC § 69957, the Alpine County Superior Court will utilize electronic recording technology as the official reporting service for infractions, and upon order of the court, in misdemeanor and limited civil proceedings. For infraction appeals where the appellant elects to proceed with a transcript of the oral proceedings, the appellant shall bear the cost for preparation of the transcript and copies. *Amd. 7/1/2024; eff. 1/1/2007; prev amd. eff. 1/1/2011*

RULE 3.7.1 Recording of proceedings, other than by an official court reporter, is prohibited, absent judicial permission. *Eff. 7/1/2024*

RULE 3.8. FACSIMILE FILINGS AND SERVICE

RULE 3.8.1 Facsimile (Fax) filing and service of documents shall comply with CRC Rule 2.300 et seq, and these rules. Facsimile filings shall not exceed twenty (20) pages, inclusive of attachments. All fax filings shall be accompanied by the Facsimile Transmission Cover Sheet (California Judicial Council form MC-005) as the first page

transmitted, followed by any special handling instructions. Transmissions not received in their entirety by 4:30 PM will be filed the following day. It is the responsibility of the filing party to ensure that time-sensitive filings have been properly transmitted to be filed on a given day. The cost for fax filing is \$1.00 per page. A check made out to the Alpine County Superior Court should be placed in the mail, or payment should be submitted through the court's website, within twenty-four (24) hours. The Court does not permit parties to pay for fax filings directly with the court as specified in CRC Rule 2.304(e)(1). The Court's fax number is (530) 694-2119. *Amd. 7/1/2024; prev amd. 1/1/2010; eff. 1/1/2007*

RULE 3.8.2. [REPEALED 2008] *Repealed eff. 1/1/2009; eff. 1/1/2007 The repealed rule related to the filing of the original of any document filed by facsimile.*

RULE 3.8.3 If a party wants copies of any fax-filed documents, the party must make their request on the Facsimile Transmission Cover Sheet. The court charges \$0.50 per page, plus postage. *Eff. 7/1/2024*

RULE 3.9 FILING PROCEDURES

RULE 3.9.1 A self-addressed, stamped envelope must be provided for the return of endorsed-filed copies. Documents forwarded without a return envelope will not be returned. *Eff. 7/1/2024*

RULE 3.10 UNIFORM COUNTYWIDE BAIL SCHEDULE

The County of Alpine, having no jail facility, and utilizing the jail services of the County of El Dorado pursuant to agreement between the counties, adopts annually at the beginning of the calendar year as its uniform countywide bail schedule the uniform countywide bail schedule for the previous calendar year of the Superior Court of California, County of El Dorado. Notice is given to the parties specified in PC section 1269b(f). *Eff. 7/1/2024*

CHAPTER 4: COURTROOM DECORUM

RULE 4. COURTROOM DECORUM

RULE 4.1. ATTIRE

Attorneys shall be dressed in neat and appropriate business attire for all court appearances. Attorneys, litigants, witnesses, and spectators shall be required to dress and conduct themselves in a manner consistent with the traditional dignity of the superior court. All persons in the courtroom shall dress in a manner that is neither offensive nor distracting to

others of reasonable sensibilities. Attorneys shall so instruct parties they represent, witnesses they call, and persons accompanying them. No person shall appear in court without a shirt, barefoot or with a bare midriff. The following shall not be worn in court; sunglasses, hats, or any clothing that displays obscene, gang related, offensive, or inappropriate words or pictures. This rule applies to juveniles as well as adults. Allowance will be made for inclement weather which makes sensible the wearing of foul weather clothing. The bailiff may remove any person from court who violates this rule. *Amd. eff. 1/1/2011; eff. 1/1/2007*

RULE 4.2. CONDUCT IN THE COURTROOM

Each and every person present in the courtroom shall “maintain the respect due to the courts of justice and judicial officers” (Business and Professions Code section 6068(b)).

Persons in the courtroom shall not:

1. Talk to the clerk when court is in session, except conversation that may be directly related and necessary to the matter immediately before the court.
2. Converse with anyone in a manner that distracts from the proceedings then before the court.
3. Eat, drink, chew gum, read newspapers, repeatedly or needlessly click pens, jiggle coins or keys, or otherwise engage in disrespectful or distracting behavior.
4. No person other than involved attorneys and court personnel shall communicate with a prisoner without leave of the court. *Amd. eff. 1/1/2011; eff. 1/1/2007*

RULE 4.3. USE OF THE COURTROOM AND COURTHOUSE

RULE 4.3.1. It is the court’s general policy to permit attorneys and self-represented persons wide latitude in the use of the courtroom, including the well area between counsel tables and the bench. However, to minimize the potential for distraction and alleviate undue concern for security, persons desiring to move away from the counsel table are encouraged to seek prior approval of the court to do so and to utilize the bailiff to transmit documents or objects to the court or the clerk. In prolonged proceedings blanket approval for free movement about the courtroom, including approach to witnesses, may be sought by counsel. *Eff. 1/1/2007*

RULE 4.3.2. [REPEALED 2008] *The repealed rule related to firearms in the courtroom. Repealed eff. 1/1/2008; eff 1/1/2007*

RULE 4.3.3. [REPEALED 2008] *The repealed rule related to attorneys directing the witnesses to the clerk for administration of an oath. Repealed eff. 1/1/2008; eff 1/1/2007*

RULE 4.3.4. No attorney, self-represented person or witness in a proceeding shall approach or communicate with prospective or impaneled jurors, including alternates, regarding or referencing any subject of the pending matter or their potential or actual service as jurors, nor shall they engage said jurors in any conversation. *Amd. eff. 1/1/2008; eff 1/1/2007*

RULE 4.4. REACTING TO PROCEEDINGS

Persons in the courtroom shall not physically or audibly react with approval, disapproval, agreement, disagreement, pleasure, displeasure, or any other visible emotional display, to any testimony, statement of counsel, witnesses, court personnel or ruling of the court. *Eff. 1/1/2007*

CHAPTER 5: CIVIL CASE RULES

RULE 5. CIVIL CASE MANAGEMENT

RULE 5.1. SCOPE

This Rule applies to all general civil cases filed in the trial court except those specified in CRC Rule 3.712 (b), (c), and (d). *Amd. eff. 1/1/2011; eff. 1/1/2007.*

RULE 5.2. DIFFERENTIAL CASE MANAGEMENT GENERALLY

RULE 5.2.1. The court endeavors to achieve the disposition time goals set forth in CRC Rule 3.714. Generally, cases will be evaluated and given a designation as a Limited, Unlimited, or Exempt Exceptional case not later than the Initial Case Management Conference. Any party desiring a particular designation may file a Differential Case Management Request for Designation or Exemption setting forth the reasons for the request in consideration of the factors set forth in CRC Rule 3.715 and/or 3.400 before or with the Initial Case Management Conference Statement or at such other time as circumstances may warrant. *Amd. eff. 1/1/2010; eff. 1/1/2007; previously amd. eff. 1/1/2008.*

RULE 5.2.2. [REPEALED 2008] *Rule 5.2.2 repealed eff. 1/1/2008; eff. 1/1/2007. The repealed rule related to designating a case as Expedited.*

RULE 5.3. SERVICE OF PLEADINGS

RULE 5.3.1. When returning conformed copies of a complaint, or cross complaint which names new parties, the clerk will also provide Notice of Initial Case Management Conference and blank Case Management Statement, both of which shall be served with the Summons and Complaint/Cross-Complaint. *Eff. 1/1/2007.*

RULE 5.3.2. Within sixty (60) days of the filing of a complaint or a cross-complaint which names new parties, service of the action on adverse parties must be effected and proof of service filed with the court. The filing of an amended complaint pursuant to CCP section 472 will begin anew the time for service. *Eff. 1/1/2007.*

RULE 5.4. FAILURE TO FILE RESPONSIVE PLEADINGS; EXTENSION OF TIME TO RESPOND; DEFAULT AND DEFAULT JUDGMENT

RULE 5.4.1. Unless an extension of time to respond is granted by the serving party as provided below, whenever any party served fails to respond within the time limits specified in CRC Rule 3.110, the plaintiff must file a request for entry of default within ten days after the time for service has elapsed. The court may issue an order to show cause why sanctions should not be imposed if the plaintiff fails to timely request entry of default pursuant CRC Rule 3.110. *Amd. eff. 1/1/2011; eff. 1/1/2007.*

RULE 5.4.2. Any party serving pleadings may grant to the party served one extension of time to respond, for a period not to exceed thirty days (30), without leave of court. The party granting an extension forthwith shall advise the court in writing of the extension and the due date for response. *Eff. 1/1/2007.*

RULE 5.4.3. Stipulations to set aside a default shall include a proposed order that includes a directive that the responding party shall file responsive pleadings by a date certain but not more than thirty (30) days after the date the order is signed. *Amd. eff. 1/1/2011; eff. 1/1/2007.*

RULE 5.5. AMENDMENT OF PLEADINGS

Motions to amend pleadings shall include a proposed order and proposed amended pleading designated as such for separate lodging with the court. The proposed order shall include, without limitation, findings necessary to support the order. *Amd. eff. 1/1/2011; eff. 1/1/2007.*

RULE 5.6. CASE MANAGEMENT CONFERENCES

RULE 5.6.1. Case Management Conferences will be conducted pursuant to CRC Rule 3.727. *Amd. eff. 1/1/2008; eff. 1/1/2007.*

RULE 5.6.2. In every general civil case not exempt under CRC Rule 3.721, an Initial Case Management Conference will be set by the Clerk within approximately one hundred and fifty (150) days of the filing of an action. The date set for the Case Management Conference shall be set forth in the Notice of Initial Case Management Conference. Subsequent conferences are subject to setting at any time at the discretion of the court. *Amd. eff. 1/1/2011; eff. 1/1/2007.*

RULE 5.6.3. Case Management Statements shall be filed by all parties at least five (5) days before a conference, and in the event of multiple conferences, shall accurately reflect all changes of circumstance since the previous conference. Pro forma Statements and inadequate preparation for and/or participation in conferences are disfavored. *Amd. eff. 1/1/2011; eff. 1/1/2007.*

RULE 5.6.4. Appearance by telephone for Case Management Conferences is permitted pursuant to CRC Rule 3.670, unless ordered otherwise by the court. Parties will refer to Local Rule 1.7 for telephonic or remote appearance information. *Amd. 7/1/2024 Amd. eff. 1/1/2011; eff. 1/1/2007; amd. eff. 1/1/2010.*

RULE 5.6.5. Parties to a matter defined in CRC Rule 3.735 as a short cause case shall immediately so advise the court and apply for exemption from case management rules pursuant to that Rule. *Amd. eff. 1/1/2011; eff. 1/1/2007; amd. eff. 1/1/2008.*

RULE 5.7. LAW AND MOTION; PROPOSED ORDERS

RULE 5.7.1. All motions shall include, in the Notice of Motion, an estimate of the amount of time the hearing will entail. The Notice of Motion shall include a proposed order designated as such for separate lodging with the court. Such proposed order shall include, without limitation, findings necessary to support the order. Matters which will take one-half hour or less may be set on any regular civil calendar, but will trail criminal, juvenile and all other matters previously set. Matters estimated to require more than one half hour will be specially set upon consultation with the Clerk before the motion is filed. The court does not regularly, but may, issue tentative decisions. Appearance by telephone for law and motion matters is permitted upon compliance with CRC Rule 3.670, unless ordered otherwise by the court. Parties will refer to Local Rule 1.7 for

telephonic or remote appearance information. *Amd 7/1/2024; eff. 1/1/2007; prev. amd. eff. 1/1/2008; prev. amd. eff. 1/1/2011.*

RULE 5.7.2. All motions and responses shall be accompanied by a proposed form of order. In the case of motion for summary judgment/adjudication, a proposed order for the denial of the motion shall specify the factual issues believed by the opposing party to be necessary for determination by a jury. *Eff. 1/1/2007.*

RULE 5.8. SETTING CASES FOR TRIAL

Court trials may be set upon the filing by any party of a Request for Trial Setting, to which other parties may respond within ten (10) court days, or at a Case Management Conference. Any such Request/Response shall estimate the number of days the matter reasonably is expected to take until the matter is submitted for decision. The Request shall indicate whether a jury or court trial is sought and shall include a statement that the proposed date has been confirmed by the Clerk to be available. All civil court trials will be specially set. *Amd. eff. 1/1/2011; eff. 1/1/2007; previously amd. eff. 1/1/2008.*

RULE 5.9. SETTLEMENT CONFERENCES

RULE 5.9.1. Except in short cause matters, approximately thirty (30) days before trial a mandatory settlement conference will be held. A Settlement Conference Statement shall be filed pursuant to CRC Rule 3.1380 and shall advise the court of all offers and counteroffers previously exchanged (pursuant to CCP section 998 or otherwise). Any party may submit a Confidential Addendum to the statement which will not be lodged in the file as a public document but will be kept under seal for use only by the settlement conference judge and not subject to inspection except upon order of the court. *Amd. eff. 1/1/2008; eff. 1/1/2007.*

RULE 5.9.2. Each party appearing in the action must personally appear at the Settlement Conference, or, upon application and order of the court, be immediately available and subject to reach at all times until the conference is concluded or the party excused by the judge presiding. Corporate and public entity parties shall be represented by a responsible employee who is authorized to make decisions without limit, subject only to approval of a governing board which has ultimate authority to make such decisions, and representatives of insurance companies providing coverage to parties shall have settlement authority to the limits of the coverage. *Eff. 1/1/2007.*

RULE 5.10. JURY TRIAL: PRETRIAL MANAGEMENT CONFERENCE; MOTIONS IN LIMINE

RULE 5.10.1. In the case of all jury trials, within approximately two (2) weeks preceding the trial date there will be a Pretrial Management Conference which will include preliminary consideration of motions in limine. Motions in limine and responses shall be filed, respectively, at least twenty (20) days and ten (10) days before the conference. At least ten (10) days before the conference there shall be filed a Pretrial Management Conference Statement which includes the following: *Amd. eff. 1/1/2011; eff. eff. 1/1/2007.*

(A) Proposed statement of the case to be read to the jury; joint statements are encouraged. *Rule 5.10.1. (A) re-lettered eff. 1/1/2011; eff. as rule 5.10.1. (1) eff. 1/1/2007.*

(B) Witness list, including estimated length of each witness's appearance and the anticipated order of witnesses. *Rule 5.10.1. (B) re-lettered eff. 1/1/2011; eff. as rule 5.10.1. (2) eff. 1/1/2007.*

(C) Exhibit list with proposed numbering. *Rule 5.10.1. (C) re-lettered eff. 1/1/2011; eff. as rule 5.10.1. (3) eff. 1/1/2007.*

(D) Succinct statement of the submitting party's factual and legal contentions, and points and authorities on anticipated evidentiary and/or substantive issues. *Rule 5.10.1. (D) re-lettered eff. 1/1/2011; eff. as rule 5.10.1. (4) eff. 1/1/2007.*

(E) Stipulations to which the parties have agreed in the precise form proposed for reading into the record. *Rule 5.10.1. (E) amd. and re-lettered eff. 1/1/2011; eff. as rule 5.10.1. (5) eff. 1/1/2007.*

(F) Proposed jury instructions and verdict forms. Counsel will be expected to have discussed both and shall identify the instructions to which there is agreement and those which are disputed. In each case where special verdicts or findings of the jury will be required, the party or parties who have so requested shall present the form of any special verdicts or interrogatories which will be required for the resolution of the matter by the jury, and all other parties may present proposed alternatives thereto. *Rule 5.10.1. (F) amd. and re-lettered eff. 1/1/2011; eff. as rule 5.10.1. (6) eff. 1/1/2007.*

(G) Any other matter thought to be helpful the orderly progress of the trial, or, alternatively, thought to be a potential impediment to the orderly progress of the trial. *Rule 5.10.1. (G) re-lettered eff. 1/1/2011; eff. as rule 5.10.1. (7) eff. 1/1/2007.*

RULE 5.10.2. The Pretrial Management Conference Statement may serve as a trial brief, unless the court orders otherwise. The conference shall be attended by attorneys serving as chief trial counsel, who shall be thoroughly familiar with and prepared to discuss all aspects of the case, and whose appearance on behalf of associated counsel shall be binding on all. *Eff. 1/1/2007.*

RULE 5.10.3. [REPEALED 2011] *The repealed rule related to Pretrial Management Conference – Motions in limine. Repealed eff. 1/1/2011; eff. 1/1/2007; previously amd. eff. 1/1/2008.*

RULE 5.10.4. [REPEALED 2011] *The repealed rule related to proposed form of advisory verdict, special interrogatories, findings, or verdicts. Repealed eff. 1/1/2011; eff. 1/1/2007; previously amd. eff. 1/1/2008.*

RULE 5.10.5. Initial jury fees shall be deposited with the Clerk no later than the Pretrial Management Conference, and subsequent day's fees paid at the outset of the second and successive days of jury trial in a sum sufficient to satisfy that day's fees and mileage. The failure to meet this obligation shall be construed as a waiver of jury, and upon such waiver the other parties shall have five (5) days to maintain the jury by assuming the continuing financial obligation. *Amd. eff. 1/1/2011; eff. 1/1/2007.*

RULE 5.10.6. Counsel shall ensure that the prospective jury pool and jury panel are not contaminated by contact with counsel, defendants, or witnesses when in or about the courthouse or otherwise. *Eff. 1/1/2007.*

RULE 5.11. WORKING COPIES OF MOTION PLEADINGS; PRETRIAL MANAGEMENT CONFERENCE STATEMENTS; TRIAL BRIEFS

RULE 5.11.1. Any pleading consisting of eight (8) or more pages, inclusive of attachments, when filed shall be accompanied by an additional copy conspicuously marked "Working Copy". *Amd. eff. 1/1/2010; eff. 1/1/2007.*

RULE 5.11.2. At any time a visiting judge is appointed to hear an Alpine County Superior Court matter; the parties shall file all original pleadings with the Alpine County Superior Court, and forward a courtesy working copy to the visiting judge at his home court or office. *Eff. 1/1/2011.*

RULE 5.12. [REPEALED 2008]

The repealed rule related to scheduling of calendar dates. Repealed eff. 1/1/2008; eff. 1/1/2007.

RULE 5.13. SETTLEMENT OF CASE; DISMISSAL

Whenever a case settles, the plaintiff shall notify the court in writing with copies to all parties, arbitrators or other Alternative Dispute Resolution neutrals and dismiss the case pursuant to CRC Rule 3.138. If any scheduled event, including a hearing, conference or trial, is imminent, the plaintiff shall also notify the court, arbitrator or other ADR neutral orally or by telephone. If a condition of the settlement cannot be completed within forty-five (45) days of the Notice of Settlement, the notice shall state the date upon which the condition is to be completed and the dismissal filed.

Should the case not be dismissed within forty-five (45) days of the Notice of Settlement, or if the settlement is conditional, within forty-five (45) days after the date for dismissal as stated in the Notice of Settlement, an order to show cause hearing shall be set, and the case dismissed, unless the parties show good cause why the case should not be dismissed. *Eff. 1/1/2011.*

RULE 5.14. DISMISSAL OF CASE FOR FAILURE TO PROSECUTE

RULE 5.14.1. DISMISSAL CALENDAR. Periodically there will be a dismissal calendar, on which the clerk will place all unresolved cases in which the complaint was filed more than five (5) years before the date of the dismissal calendar pursuant to CCP section 583.10. At the time of the dismissal calendar, the case will be dismissed unless opposition to the dismissal has been filed in accordance with this rule and the case may be dismissed, notwithstanding such opposition pursuant to CCP sections 583.3100-0583.430. *Eff. 1/1/2011.*

RULE 5.14.2. SANCTIONS. Failure to follow the procedures set forth in this rule and CRC Rule 3.1385 may result in the imposition of sanctions. If no dismissal has been filed prior to the dismissal calendar and counsel fails to appear at the hearing, the court will dismiss the action and set the matter for an Order re: Sanctions as to plaintiff or plaintiff's counsel. *Eff. 1/1/2011.*

CHAPTER 6: CRIMINAL CASE RULES

RULE 6. CRIMINAL CASE MANAGEMENT

RULE 6.1. DISPOSITION GOALS.

The court endeavors to achieve criminal case disposition consistent with Standard 2.2 of the Standards of Judicial Administration (Appendix to CRC) as follows:

A. MISDEMEANOR CASES:

1. Ninety percent (90%) concluded within thirty (30) days after arraignment. *Re-lettered and renumbered rule 6.1.A.1. eff. 1/1/2011; eff. as rule 6.1.1) a) eff. 1/1/2007; previously amd. eff. 1/1/2008 and 1/1/2010.*
2. Ninety-eight percent (98%) concluded within ninety (90) days after arraignment. *Re-lettered and renumbered rule 6.1.A.2. eff. 1/1/2011; eff. as rule 6.1.1) b) eff. 1/1/2007; previously amd. eff. 1/1/2008 and 1/1/2010.*
3. One hundred percent (100%) concluded within one hundred and twenty (120) days after arraignment. *Re-lettered and renumbered rule 6.1.A.3. eff. 1/1/2011; eff. as rule 6.1.3)(c) eff. 1/1/2007; previously amd. eff. 1/1/2008 and 1/1/2010.*

B. FELONY PRELIMINARY EXAMINATIONS:

1. Ninety percent (90%) concluded within thirty (30) days after arraignment. *Re-lettered and renumbered rule 6.1.B.1. eff. 1/1/2011; eff. as rule 6.1.2)a) eff. 1/1/2007; previously amd. eff. 1/1/2008 and 1/1/2010.*
2. Ninety-eight percent (98%) concluded within forty-five (45) days after arraignment. *Re-lettered and renumbered rule 6.1.B.2. eff. 1/1/2011; eff. as rule 6.1.2)b) eff. 1/1/2007; previously amd. eff. 1/1/2008 and 1/1/2010.*
3. One hundred percent (100%) concluded within ninety (90) days after arraignment. *Re-lettered and renumbered rule 6.1.B.3. eff. 1/1/2011; eff. as rule 6.1.2)c) eff. 1/1/2007; previously amd. eff. 1/1/2008 and 1/1/2010.*

C. FELONY TRIALS: One hundred percent (100%) concluded by the second trial period following arraignment on information (see Rule 3.6). *Re-lettered rule 6.1.C. eff. 1/1/2011; eff. as rule 6.1.3) eff. 1/1/2007; previously amd. eff. 1/1/2008 and 1/1/2010.*

RULE 6.2. FILING OF ACCUSATORY PLEADINGS AND REQUESTS FOR WARRANTS

RULE 6.2.1. The filing of accusatory pleadings shall include an original and one copy for each defendant. *Amd. eff. 1/1/2008; eff. 1/1/2007.*

RULE 6.2.2. Upon the filing of accusatory pleadings against or charging a codefendant in a companion case and arising out of the same incident, the District Attorney shall conspicuously make note of the name of the codefendant within each subsequent pleading presented to the court for filing. *Amd. eff. 1/1/2011; eff. 1/1/2007; repealed eff. 1/1/2008; re-enacted and amd. eff. 1/1/2010.*

RULE 6.2.3. [REPEALED 2008] *Rule 6.2.3. repealed eff. 1/1/2008; eff. 1/1/2007. The repealed rule related to accusatory pleadings involving persons not in custody.*

RULE 6.2.4. Oral amendments and interlineations to accusatory pleadings once filed are disfavored. *Amd. eff. 1/1/2008; eff. 1/1/2007.*

RULE 6.2.5. When setting bail on an arrest warrant the court will utilize the Alpine County and Uniform Bail Schedules, unless the request for the warrant includes a specific request and showing of good cause for a different bail amount. *Amd. eff. 1/1/2008; eff. 1/1/2007.*

RULE 6.3. CRIMINAL CASE MANAGEMENT

Rule 6.3. amended and renumbered eff. 1/1/2010; eff. as rule 6.6. eff. 1/1/2007; previously amd. eff. 1/1/2008.

RULE 6.3.1. Except as otherwise provided herein, arraignment shall be completed and plea entered on the first day scheduled, whether such proceeding is on complaint or information. *Rule 6.3.1. amd. and renumbered eff. 1/1/2010; eff. as rule 6.4.1. eff. 1/1/2007; previously amd. eff. 1/1/2008.*

RULE 6.3.2. Persons appearing without counsel shall file a Statement of Rights upon the calling of the matter. Such persons who desire to consult with and/or retain counsel before concluding arraignment shall, upon request and time waiver, be granted a reasonable continuance of arraignment for such purpose, not to exceed two weeks. *Rule 6.3.2. amd. and renumbered eff. 1/1/2010; eff. as rule 6.4.3. eff. 1/1/2007.*

RULE 6.3.3. Pleas of not guilty entered at arraignment will be deemed to include reservation of right to demur or to make motions. Demurrers shall be filed so as to be heard not later than the second week following the first appearance. *Rule 6.3.3. amd.*

and renumbered eff. 1/1/2010; eff. as rule 6.4.5. eff. 1/1/2007; previously amd. eff. 1/1/2008.

RULE 6.3.4. Counsel appearing at arraignment, including combined arraignment/pre-trial conference pursuant to Local Rule 6.3.5, shall announce the following upon the calling of the case: *Rule 6.3.4. amd. and renumbered eff. 1/1/2011; eff. as rule 6.4.6. eff. 1/1/2007; repealed eff. 1/1/2009; re-enacted and amd. eff. 1/1/2010.*

A. Counsel's name, and whether appearing for the defendant who is absent or present, and defendant's custody, bail, or other out-of-custody status. *Rule 6.3.4.A. re-lettered eff. 1/1/2011; eff. as rule 6.4.6. (1) eff. 1/1/2007; repealed eff. 1/1/2009; re-enacted and amd. eff. 1/1/2010.*

B. Defendant's true name. *Rule 6.3.4.B. re-lettered eff. 1/1/2011; eff. as rule 6.4.6. (2) eff. 1/1/2007; repealed eff. 1/1/2009; re-enacted and amd. eff. 1/1/2010.*

C. Whether copy of complaint/information has been received or receipt is waived. *Rule 6.3.4.C. re-lettered eff. 1/1/2011; eff. as rule 6.4.6. (3) eff. 1/1/2007; repealed eff. 1/1/2009; re-enacted and amd. eff. 1/1/2010.*

D. Whether counsel has advised defendant of the charges, possible pleas and defenses, potential direct consequences of conviction, and his/her constitutional and statutory rights, including those relevant to time limits. *Rule 6.3.4.D. re-lettered eff. 1/1/2011; eff. as rule 6.4.6. (4) eff. 1/1/2007; repealed eff. 1/1/2009; re-enacted and amd. eff. 1/1/2010.*

E. Waiver of arraignment and advisement of rights or request for arraignment and advisement of rights by the court. *Rule 6.3.4.E. re-lettered eff. 1/1/2011; eff. as rule 6.4.6. (5) eff. 1/1/2007; repealed eff. 1/1/2009; re-enacted and amd. eff. 1/1/2010.*

F. Plea(s) to be entered, or reason none is to be entered. *Rule 6.3.4.F. re-lettered eff. 1/1/2011; eff. as rule 6.4.6. (6) eff. 1/1/2007; repealed eff. 1/1/2009; re-enacted and amd. eff. 1/1/2010.*

G. Whether time is waived generally, to a specific date, or not waived. Waiver of time for preliminary examinations shall include specific reference to both ten (10) and sixty (60) day provisions of the Penal Code. *Rule 6.3.4.G. re-lettered eff.*

1/1/2011; eff. as rule 6.4.6. (7) eff. 1/1/2007; repealed eff. 1/1/2009; reenacted and amd. eff. 1/1/2010.

H. If not previously occurring, that arrangement for the defendant's booking has been made with the Alpine County Sheriff. Counsel shall advise the court for the defendant's booking status at the hearing. *Rule 6.3.4.H. re-lettered eff. 1/1/2011; eff. as rule 6.4.6. (8) eff. 1/1/2007; repealed eff. 1/1/2009; re-enacted and amd. eff. 1/1/2010.*

RULE 6.3.5. Unless defendant's appearance is required by law or otherwise ordered by the court, counsel may defer arraignment and request a deferred arraignment/initial pre-trial conference on misdemeanors and infractions by letter, including facsimile, received at least one (1) court day prior to the hearing and demonstrating proof of service on the District Attorney. Such requests shall be construed as a binding commitment by counsel to representation of the defendant. Such requests shall be on letterhead stationery of the attorney and shall contain all of the following: *Rule 6.3.5. renumbered eff. 1/1/2010; eff. as rule 6.4.7. eff. 1/1/2007; previously amd. eff. 1/1/2008.*

A. Statement of representation.

B. Defendant's true name. *Rule 6.3.5.B. amd. and re-lettered eff. 1/1/2011; eff. as rule 6.4.7. (2) eff. 1/1/2007; amd. and renumbered as rule 6.3.5. (2) eff. 1/1/2008.*

C. Date of scheduled arraignment. *Rule 6.3.5.C. amd. and re-lettered eff. 1/1/2011; eff. as rule 6.4.7. (3) eff. 1/1/2007; amd. and renumbered as rule 6.3.5. (3) eff. 1/1/2008.*

D. Statement that counsel has advised defendant of the charges, possible pleas and defenses, potential direct consequences of conviction, and his/her constitutional and statutory rights, including those relevant to time limits. *Rule 6.3.5.D. amd. and re-lettered eff. 1/1/2011; eff. as rule 6.4.7. (4) eff. 1/1/2007; amd. and renumbered as rule 6.3.5. (4) eff. 1/1/2008.*

E. Request for deferred arraignment to Initial Pre-Trial Conference and general waiver of time for all future proceedings, including trial. *Rule 6.3.5.E. amd. and re-lettered eff. 1/1/2011; eff. as rule 6.4.7. (5) eff. 1/1/2007; amd. and renumbered as rule 6.3.5. (5) eff. 1/1/2008.*

F. Requested date for deferred arraignment/initial pre-trial conference within four (4) weeks of scheduled first appearance. *Rule 6.3.5.F. amd. and re-lettered eff. 1/1/2011; eff. as rule 6.4.7. (6) eff. 1/1/2007; amd. and renumbered as rule 6.3.5. (6) eff. 1/1/2008.*

G. If not previously occurring, that arrangement for the defendant's booking has been made with the Alpine County Sheriff. Counsel shall advise the court of the defendant's booking status at the next hearing. *Rule 6.3.5.G. amd. and re-lettered eff. 1/1/2011; eff. as rule 6.4.7. (7) eff. 1/1/2007; amd. and renumbered as rule 6.3.5. (7) eff. 1/1/2008.*

H. If defendant is free on bail bond, acknowledgment by defendant that such bond shall continue in full force and effect. *Rule 6.3.5.H. amd. and re-lettered eff. 1/1/2011; eff. as rule 6.4.7. (8) eff. 1/1/2007; amd. and renumbered as rule 6.3.5. (8) eff. 1/1/2008.*

RULE 6.3.6. MISDEMEANOR SCHEDULING: Upon entry of plea of not guilty, future hearings will be scheduled as follows:

A. Initial Pre-Trial (IPT) – generally not later than four (4) weeks after arraignment. *Rule 6.3.6.A. re-lettered eff. 1/1/2011; eff. as rule 6.3.6. (1) eff. 1/1/2010.*

B. Final Pre-Trial (FPT) – generally forty-five (45) days prior to trial. *Rule 6.3.6.B. re-lettered eff. 1/1/2011; eff. as rule 6.3.6.(2) eff. 1/1/2010.*

C. [REPEALED 2011] *Rule 6.3.6.C. re-lettered and repealed eff. 1/1/2011; eff. as rule 6.3.6. (3) eff. 1/1/2010. The repealed rule related to Case Management Conferences.*

D. Trial Readiness and Management Conference (TRMC) – within fourteen (14) days of trial per Local Rule 6.3.11. *Rule 6.3.6.D. amd. and re-lettered eff. 1/1/2011; eff. as rule 6.3.6. (4) eff. 1/1/2010.*

E. Trial – generally not later than the second pre-trial session after arraignment, with general trial waiver. *Rule 6.3.6.E. amd. and re-lettered eff. 1/1/2011; eff. as rule 6.3.6. (5) eff. 1/1/2010.*

F. Motions – Specially set to be heard not later than one (1) week before TRMC. (Excluding trial motions in limine). *Rule 6.3.6.F. amd. and re-lettered eff. 1/1/2011; eff. as rule 6.3.6. (6) eff. 1/1/2010.*

RULE 6.3.7. FELONY SCHEDULING: Upon entry of plea of not guilty, future hearings will be scheduled as follows: *Amd. eff. 1/1/2011; eff. eff. 1/1/2010.*

A. Pre-Preliminary Conference (PPX) – generally two (2) weeks after arraignment on complaint. *Rule 6.3.7.A. re-lettered eff. 1/1/2011; eff. as rule 6.3.7. (1) eff. 1/1/2010.*

B. Preliminary Examination (PX) – generally not later than four (4) weeks after arraignment on complaint. *Rule 6.3.7.B. re-lettered eff. 1/1/2011; eff. as rule 6.3.7. (2) eff. 1/1/2010.*

C. Information arraignment – generally two (2) weeks following holding order. *Rule 6.3.7.C. re-lettered eff. 1/1/2011; eff. as rule 6.3.7. (3) eff. 1/1/2010.*

D. Initial Pre-Trial (IPT) – generally not later than four (4) weeks after arraignment on Information. *Rule 6.3.7.D. re-lettered eff. 1/1/2011; eff. as rule 6.3.7. (4) eff. 1/1/2010.*

E. Final Pre-Trial (FPT) – generally forty-five (45) days prior to trial. *Rule 6.3.7.E. re-lettered eff. 1/1/2011; eff. as rule 6.3.7. (5) eff. 1/1/2010.*

F. [REPEALED 2011] *Rule 6.3.7.F. re-lettered and repealed eff. 1/1/2011; eff. as rule 6.3.7. (6) eff. 1/1/2010. Repealed rule related to Case Management Conference.*

G. Trial Readiness and Management Conference (TRMC) within fourteen (14) days of trial per Rule 6.3.11. *Rule 6.3.7.G. amd. and re-lettered eff. 1/1/2011; eff. as rule 6.3.7. (7) eff. 1/1/2010.*

H. Trial – generally not later than the second pre-trial session after arraignment on information, with general time waiver. *Rule 6.3.7.H. amd. and renumbered eff. 1/1/2011; eff. as rule 6.3.7. (8) 1/1/2010.*

I. Motions – specially set to be heard not later than one (1) week before PX and/or TRMC (excluding trial motions in limine). *Rule 6.3.7.I. amd. and re-lettered eff. 1/1/2011; eff. as rule 6.3.7. (9) 1/1/2010.*

RULE 6.3.8. In the event case is not previously resolved; defendants shall be personally present at Final Pre-trial Conferences, notwithstanding PC section 977. *Amd. eff. 1/1/2011; eff. as rule 6.6.4. eff. 1/1/2007; repealed, eff. 1/1/2008; re-enacted amd. and renumbered rule 6.3.8. eff. 1/1/2010.*

RULE 6.3.9. After final Pre-trial Conference, the court generally will not engage in disposition negotiations, except pursuant to written motion and showing of good cause therefore. *Re-enacted, amd. and renumbered eff. 1/1/2010; eff. as rule 6.6.5. eff. 1/1/2007; repealed eff. 1/1/2008.*

RULE 6.3.10. [REPEALED 2011] *Repealed eff. 1/1/2011; eff. as rule 6.6.6. eff. 1/1/2007; repealed eff. 1/1/2008; re-enacted and amd. eff. 1/1/2010; renumbered Rule 6.3.10. eff. 1/1/2010. Repealed rule dealt with motions to dismiss after final pre-trial.*

RULE 6.3.11. Prior to a scheduled trial, a Trial Readiness and Management Conference (TRMC) will be held which will include preliminary consideration of all motions in limine, proposed voir dire, proposed jury instructions and verdict form, and trial management issues. All parties shall file with the court and serve on all other parties ten (10) days prior to that conference a TRMC Statement including the above-referenced material, a list of anticipated witnesses each party expects to call, a time estimate of the party's case in chief (including anticipated cross examination), and a list and copy of all evidentiary exhibits. Counsel shall be familiar with the provisions of sections 4.30 and 2.20 of the Standards of Judicial Administration. *Amd. 7/1/2024; eff. as rule 6.8.1. eff. 1/1/2007; formerly amd. eff. 1/1/2008; renumbered Rule 6.3.11. eff. 1/1/2010; Amd. eff. 1/1/2011.*

RULE 6.3.12. Multiple cases set for the same trial period will proceed in the following order: cases in which no time waiver has been given ahead of all others, in-custody defendants ahead of others, felonies ahead of misdemeanors, and then cases based on earliest filing date. The court will endeavor to establish an order in which cases proceed at least one week prior to the first day of the trial period. *Amd. eff. 1/1/2011; eff. as rule 6.8.3. eff. 1/1/2007; formerly amd. eff. 1/1/2008; renumbered Rule 6.3.12. eff. 1/1/2010.*

RULE 6.3.13. In the event multiple cases are set for the same trial period, any case not immediately proceeding will be trailed day-to-day. All parties shall monitor the progress of cases in trial and be prepared to proceed on one-half day notice. Trailing cases are subject to being advanced and/or the order of trailing changed pursuant to disposition of earlier set cases, or upon order of the court. *Amd. eff. 1/1/2011; eff. as rule 6.8.4. eff. 1/1/2007; formerly amd. eff. 1/1/2008; renumbered rule 6.3.13. eff. 1/1/2010.*

RULE 6.3.14. Unless the court orders otherwise, on the first day of a scheduled trial, counsel and defendants shall appear at 8:30 a.m.. *Amd. eff. 1/1/2011; eff. as rule 6.8.5. eff. 1/1/2007; formerly amd. eff. 1/1/2008; renumbered rule 6.3.14 eff. 1/1/2010.*

RULE 6.3.15. Counsel shall have made sufficient arrangements for the appearance of witnesses that progress of trial is not delayed. *Amd. eff. 1/1/2011; eff. as rule 6.8.6. eff. 1/1/2007; formerly amd. eff. 1/1/2008; renumbered rule 6.3.15. eff. 1/1/2010.*

RULE 6.3.16. Counsel shall ensure that the prospective jury pool and jury panel are not contaminated by contact with counsel, defendants, or witnesses when in or about the courthouse or otherwise. *Amd. eff. 1/1/2011; eff. as rule 6.8.7 eff. 1/1/2007; previously amd. eff. 1/1/2008; renumbered rule 6.3.16. eff. 1/1/2010.*

RULE 6.4. DISCOVERY AND INVESTIGATION

Amd. eff. 1/1/2011; eff. as rule 6.5. eff. 1/1/2007; renumbered rule 6.4. eff. amd. 1/1/2010.

RULE 6.4.1. Discovery is reciprocal and governed by PC sections 1054-1054.7 and to the extent not prohibited by or inconsistent with such sections, this rule. *Rule 6.4.1. amd. eff. 1/1/2011; eff. as rule 6.5.1. eff. 1/1/2007; renumbered Rule 6.4.1 eff. 1/1/2010.*

RULE 6.4.2. Informal requests for discovery are deemed to occur at arraignment. *Rule 6.4.2. amd. eff. 1/1/2011; eff. as rule 6.5.2. eff. 1/1/2007; renumbered Rule 6.4.2. eff. 1/1/2010.*

RULE 6.4.3. [REPEALED 2008] *Rule 6.4.3. renumbered eff. 1/1/2011; eff. as rule 6.5.3. eff. 1/1/2007; repealed eff. 1/1/2008; renumbered rule 6.4.3. eff. 1/1/2010. The repealed rule related to the discovery duties of the District Attorney.*

RULE 6.4.4. The District Attorney and the defense shall, immediately after arraignment, identify and initiate such investigation, including independent acquisition of prior conviction records, interviews of witnesses, retainers of experts, and chemical/scientific testing as is necessary and appropriate to case evaluation and will permit meaningful pre-trial and/or pre-preliminary examination conference and timely preliminary examination and/or trial. *Rule 6.4.4. amd. eff. 1/1/2011; eff. as rule 6.5.4. eff. 1/1/2007; renumbered rule 6.4.4 eff. 1/1/2010.*

RULE 6.4.5. [REPEALED 2008] *Rule 6.4.5. renumbered eff. 1/1/2010; eff. as rule 6.5.5. eff. 1/1/2007; repealed eff. 1/1/2008. The repealed rule related to requests for discovery.*

RULE 6.5. DISPOSITIVE PLEAS

Rule 6.5. amd. eff. 1/1/2011; eff. as rule 6.7. eff. 1/1/2007; renumbered rule 6.5. eff. 1/1/2010.

RULE 6.5.1. Notwithstanding the limitations of PC sections 1192.5 and 1192.6 to felony offenses, the provisions of those sections shall apply also when a defendant enters a plea of guilty or no contest to any misdemeanor offense involving use of a weapon, the infliction of any injury, domestic violence, and/or aggravating facts subjecting the defendant to increased penalties (e.g. prior conviction). *Rule 6.5.1. amd. eff. 1/1/2011; eff. as rule 6.7.1. eff. 1/1/2007; previously amd. eff. 1/1/2008; renumbered rule 6.5.1. eff. 1/1/2010.*

A. In all cases coming under this rule in which a plea is conditioned upon the court's acceptance of a limitation on the punishment to be imposed, the defendant shall state on the record the terms of the conditional plea, and the District Attorney shall state approval thereof on the record. *Rule 6.5.1. A. re-lettered eff. 1/1/2011; eff. as rule 6.7.1. (1) eff. 1/1/2007; previously amd. eff. 1/1/2008; renumbered Rule 6.5.1. (1) eff. 1/1/2010.*

B. In all cases coming under this rule in which charges contained in the original accusatory pleading are to be amended or dismissed, the District Attorney shall state the reasons for the amendment or dismissal on the record. *Rule 6.5.1. B. re-lettered eff. 1/1/2011; eff. as rule 6.7.1. (2) eff. 1/1/2007; previously amd. eff. 1/1/2008; renumbered Rule 6.5.1. (2) eff. 1/1/2010.*

C. In all cases coming under this rule in which the District Attorney seeks dismissal of a charge in a complaint, information, or indictment the District Attorney shall state the specific reasons for the dismissal on the record. *Rule 6.5.1.C. re-lettered rule eff. 1/1/2011; eff. as rule 6.7.1. (3) eff. 1/1/2007; previously amd. eff. 1/1/2008; renumbered rule 6.5.1. (3) eff. 1/1/2010.*

D. In all cases coming under this Rule in which the District Attorney recommends what punishment the court should impose or how it should exercise any of the powers legally available to it, the District Attorney shall state such recommendation on the record. *Rule 6.5.1.D. re-lettered eff. 1/1/2011; eff. as rule 6.7.1. (4) eff. 1/1/2007; previously amd. eff. 1/1/2008; renumbered rule 6.5.1. (4) eff. 1/1/2010.*

RULE 6.5.2. In any case in which plea bargaining is presumptively prohibited by PC section 1192.7 and a plea bargain is proposed to the court, the District Attorney shall

state on the record the reasons it is believed the case is exempt from the prohibition. *Renumbered rule 6.5.2. eff. January 12010; eff. as rule 6.7.2. eff. 1/1/2007; previously amd. eff. 1/1/2008.*

RULE 6.5.3. Pleas to all felonies and to misdemeanor offenses that subsequently may be charged as priors shall be accomplished by the contemporaneous filing of a fully executed relevant change of plea form. Counsel shall explain the entirety of the form to defendants and defendants shall be prepared to respond to inquiries from the court about the contents of the form and the intended plea. *Renumbered Rule 6.5.3. eff. 1/1/2010; eff. as rule 6.7.3. eff. 1/1/2007.*

RULE 6.5.4. Pleas to offenses, whether charged and/or the subject of felony or misdemeanor plea, with special sentence consequences (e.g., drug or domestic violence programs, registration as drug or sex offender) shall be accomplished by the contemporaneous filing of a fully executed relevant change of plea form. Counsel shall explain the entirety of the form to defendants and defendants shall be prepared to respond to inquiries about the contents of the form and the intended plea. *Renumbered rule 6.5.4 eff. 1/1/2010; eff. as rule 6.7.4. eff. 1/1/2007.*

RULE 6.5.5. [REPEALED 2008] *Renumbered Rule 6.5.5. eff. 1/1/2010; eff. as rule 6.7.5. eff. 1/1/2007; repealed eff. 1/1/2008. The repealed rule related to pleas entered by counsel.*

RULE 6.5.6. Pleas of no contest and/or pursuant to *People v. West*, 3 Cal.3d 595, are permitted only if accompanied by a statement of factual basis or reference to and submission of specific documentary evidence supporting the plea, consistent with *People v. Holmes*, 32 Cal.4th 432, and *People v Willard*, 154 Cal.App.4th 1329. *Renumbered rule 6.5.6. eff. 1/1/2010; eff. as rule 6.7.6. eff. 1/1/2007; previously amd. eff. 1/1/2008.*

RULE 6.5.7. Pleas with waivers pursuant to *People v. Harvey*, 25 Cal.3d 754, are permitted only if accompanied by a statement on the record identifying the dismissed counts or charges to which such waiver does and does not apply. *Renumbered rule 6.5.7. eff. 1/1/2010; eff. as rule 6.7.7. eff. 1/1/2007; previously amd. eff. 1/1/2008.*

RULE 6.6. CONTINUANCES; SPECIAL APPEARANCES.

Eff. 1/1/2011; renumbered rule 6.6. eff. 1/1/2010; eff. as rule 6.9. eff. 1/1/2007.

RULE 6.6.1. Continuances frustrate the disposition time goals and orderly processes of the court and are disfavored. However, in consideration of the court's remote location, it is the policy of the court reasonably to accommodate unavoidable conflicting commitments of counsel and defendants. Scheduling of continued matters shall be consistent with the regular calendars of the court. Routine requests to move matters from one calendar to another are disfavored. Conflicts arising after the scheduling of a given matter generally shall not constitute good cause. *Renumbered rule 6.6.1. eff. 1/1/2010; eff. as rule 6.9.1. eff. 1/1/2007; previously amd. eff. 1/1/2008.*

RULE 6.6.2. Motions to continue which fail to comply with PC section 1050, particular applicable statutes, and CRC are disfavored. A stipulation alone will not constitute grounds for any continuance but may be presented as part of a motion. *Renumbered rule 6.6.2. eff. 1/1/2010; eff. as rule 6.9.2. eff. 1/1/2007; previously amd. eff. 1/1/2008,*

RULE 6.6.3. [REPEALED 2008] *Renumbered rule 6.6.3. eff. 1/1/2010; eff. as rule 6.9.3. eff. 1/1/2007; repealed eff. 1/1/2008. The repealed rule related to special appearances by one attorney for another in criminal matters.*

RULE 6.7. JUDGMENT AND SENTENCING/ PROBATION.

Eff. as rule 6.10 eff. 1/1/2007; renumbered rule 6.7. eff. 1/1/2010.

RULE 6.7.1. Judgment and Sentence/ Probation shall follow promptly upon an entry of plea or verdict of guilty; immediate sentencing may occur in the absence of a probation report upon stipulation of the parties, waiver of time by the defendant, and approval by the court. Unless otherwise ordered by the court, judgment and sentencing/ probation hearings requiring probation reports or pursuant to time waivers by defendants shall be held not later than the fourth week following plea or verdict. *Renumbered rule 6.7.1. eff. 1/1/2010; eff. as rule 6.10.1. eff. 1/1/2007.*

RULE 6.7.2. Judgment and Sentence/ Probation Orders for time served in county jail are satisfied by custody in El Dorado County (Placerville or South Lake Tahoe) pursuant to cooperative agreement with Alpine County. Delayed surrender shall be permitted only upon a showing of good cause and when accompanied by the defendant's acknowledgment of the principles of and waiver pursuant to *People v. Cruz*, 44 Cal.3d 1247, and *People v. Masloski*, 25 Cal.4th 1212. Requests for weekend time in custody shall be accompanied by specific dates, time, and place of self-surrender and be accompanied by a similar Cruz/Masolski acknowledgment and waiver. *Renumbered rule 6.7.2. eff. 1/1/2010; eff. as rule 6.10.2. eff. 1/1/2007; previously amd. eff. 1/1/2008.*

RULE 6.7.3. [REPEALED 2008] *Renumbered rule 6.7.3, eff. 1/1/2010; eff. as rule 6.10.3. eff. 1/1/2007; repealed eff. 1/1/2008. The repealed rule related to the Sheriff's Work and Community Service programs.*

RULE 6.7.4. [REPEALED 2008] *Renumbered rule 6.7.4. eff. 1/1/2010; eff. as rule 6.10.4. eff. 1/1/2007; repealed eff. 1/1/2008. The repealed rule related to out-patient or in-patient counseling.*

RULE 6.7.5. [REPEALED 2008] *Renumbered rule 6.7.5. eff. 1/1/2010; eff. as rule 6.10.5. eff. 1/1/2007; repealed eff. 1/1/2008. The repealed rule related to sentencing in the defendant's absence.*

RULE 6.7.6. [REPEALED 2008] *Renumbered rule 6.7.6. eff. 1/1/2010; eff. as rule 6.10.6. eff. 1/1/2007; repealed eff. 1/1/2008. The repealed rule related to summary reports given to the Court by the Probation Officer.*

RULE 6.7.7. [REPEALED 2008]. *Renumbered rule 6.7.7. eff. 1/1/2010; eff. as rule 6.10.7. eff. 1/1/2007; repealed eff. 1/1/2008. The repealed rule related to judgments of imprisonment.*

RULE 6.7.8. [REPEALED 2008] *Renumbered rule 6.7.8. eff. 1/1/2010; eff. as rule 6.10.8. eff. 1/1/2007; repealed eff. 1/1/2008. The repealed rule related to the defendant's actual days already in custody.*

**RULE 6.8. WORKING COPIES OF MOTION PLEADINGS, PRETRIAL MANAGEMENT
CONFERENCE STATEMENTS, AND TRIAL BRIEFS.**

Renumbered rule 6.8. eff. 1/1/2010; eff. as rule 6.11. eff. 1/1/2007.

RULE 6.8.1. Any pleading consisting of eight or more pages, inclusive of attachments, when filed shall be accompanied by an additional copy conspicuously marked "Working Copy". *Renumbered rule 6.8.1, eff. 1/1/2010; eff. as rule 6.11.1. eff. 1/1/2007.*

RULE 6.8.2. At any time a visiting judge is appointed to hear an Alpine County Superior Court matter, the parties shall file all original pleadings with the Alpine County Superior Court, and forward a courtesy working copy to the visiting judge at his home court or office. *Eff. 1/1/2011.*

CHAPTER 7: TRAFFIC RULES

RULE 7. TRAFFIC CASE MANAGEMENT

RULE 7.1 TRIAL BY WRITTEN DECLARATION

The court, pursuant to this rule, adopts the trial by declaration process, defined in Vehicle Code (hereinafter “VC”) section 40902. Trials by declaration will be processed in accordance with the provisions of CRC Rule 4.210. *Eff. 07/1/2011*

RULE 7.2 TRIAL BY DECLARATION IN ABSENTIA

Pursuant to VC section 40903, any person who fails to appear as provided by law may be deemed to have elected a trial by written declaration. The matter may then proceed in the manner set forth in VC section 40903(b). *Eff. 7/1/2011*

RULE 7.3 TRAFFIC AND ENGINEERING SURVEYS

The court takes judicial notice of all surveys lodged with the court. Upon request, the certified survey shall be produced by the court for inspection by the defendant. *Eff. 7/1/2011*

RULE 7.4 CONTINUANCES

- (1) Except as provided for trials below, prior to the date on which the defendant promised to appear, the defendant may request a continuance pursuant to VC section 40506.5. The clerk is authorized to grant a three (3) week continuance. *Amd. 7/1/2024; eff. 7/1/2011*
- (2) Any request to continue a traffic trial must be supported by good cause and received by the court at least ten (10) days before the date of trial. No request for continuance received after that date will be granted unless the interests of justice require a continuance. *Amd. 7/1/2024; Eff. 7/1/2011*

RULE 7.5 MANDATORY APPEARANCES

RULE 7.5.1 When juveniles are issued citations for infractions, they will be ordered to appear in court. The court will require the appearance of the juvenile and at least one parent. For good cause shown, the parent’s appearance and/or the juvenile’s appearance may be excused. *Eff. 7/1/2024*

RULE 7.5.2 When a defendant is issued a speeding citation in which the alleged speed is more than 100 mph, the court will order the defendant to appear in court. *Eff. 7/1/2024*

INDEX

A

Access.....10

Amendment16, 23, 30

Attire14

Attorney 7, 11, 14, 15, 20, 25, 32

C

Calendar Dates.....11, 17, 21, 32

Case Management .6, 15, 17, 18, 22, 23, 26,
27, 34

Chamber of Commerce.....4

Citation of Rules.....4

Civil Case5, 6, 15, 17

Clerk of the Court/ CEO.....5

Clerk’s Office11

Conduct in Courtroom14

Construction of Rules.....4

Continuances32

 Traffic.....34

Counsel..... 5, 8, 9, 11, 14, 19, 20, 21, 23, 25,
26, 28, 29, 31

Court Trial3, 12, 18

Court Website5

Courtroom Decorum.....13

D

Discovery.....29

Disposition15, 22, 28, 32

District Attorney.....23, 25, 29, 30

E

Engineering Surveys

 Traffic.....34

Ex-Parte Application.....11

F

Facsimile Filing13

Failure to File.....16

Fairness10

Felony..... 3, 8, 12, 22, 27, 30, 31

G

General Matters.....11

I

Investigation29

J

Judgment 16, 18, 32

Judicial system10

Jury Trial..... 6, 12, 19, 20

Juvenile 8, 9, 12, 14, 17, 34

L

Law and Motion.....6, 17

M

Misdemeanor 3, 7, 12, 22, 25, 26, 28, 30, 31

P

Pleadings..... 16, 20, 23, 33

Pleas.....23, 24, 31

Probation8, 32

Proposed Orders.....17

R

Reacting to Proceedings15

References to Counsel/ Attorney11

References to Court.....4

Remote Appearances5

Reporting12

S

Self-represented persons14

Sessions.....4, 11, 12

Setting Cases.....18

Settlement18, 21

T

Traffic Cases34

Trial 3, 5, 6, 7, 12, 18, 19, 20, 21, 22, 26, 28,
29, 33, 34

W

Working Copies.....20, 33

U

Use of the courtroom14