

## **CHAPTER 10 CRIMINAL RULES**

### **RULE 10.1 FILING OF MISDEMEANORS.**

Except as ordered upon a showing of good cause, the complaint shall be presented to the clerk for filing not later than (i) 3:00 p.m. on the day before the defendant's first appearance, if the defendant is in custody; or (ii) 3:00 p.m. of the second calendar day preceding the date of first appearance, if the defendant is not in custody. The district attorney shall provide a copy of the complaint for distribution to the defendant at the time of arraignment.

*(Rule 9.1 renumbered rule 101 effective July 1, 2005; adopted effective July 1, 2001.)*

### **RULE 10.2 FILING OF FELONIES.**

Except as ordered upon a showing of good cause, the information or indictment shall be presented to the clerk for filing not later than 12:00 noon on the day before defendant's first appearance for arraignment on the Information.

*(Rule 9.2 renumbered rule 10.2 effective July 1, 2005; adopted effective July 1, 2001.)*

### **RULE 10.3 COUNTER ARRAIGNMENTS IN MISDEMEANOR MATTERS.**

Entry of plea, time waiver, and request to continue for pretrial in misdemeanor matters only can be handled through counter arraignment form (see Appendix A) for defendants represented by counsel. Counter arraignment forms must be received by the clerk no later than 3:00 p.m. the day before the scheduled arraignment.

*(Rule 9.3 renumbered rule 10.3 effective July 1, 2005; adopted effective July 1, 2001.)*

### **RULE 10.4 TRIAL SETTING**

*(Rule 9.4 renumbered rule 10.4 effective July 1, 2005; repealed effective July 1, 2006; adopted effective July 1, 2001.)*

### **RULE 10.5 TRIAL CONFIRMATION HEARING**

All criminal matters set for jury trial will be set for trial confirmation hearing at least fourteen (14) days prior to trial. All other criminal trials, or probation revocation hearings, will be set for pretrial at least one day prior to date of hearing or trial. Confirmation of jury trial constitutes a representation by counsel that they are ready to proceed to trial. No continuance of the trial will be granted without compliance with Penal Code §1050 procedures.

*(Rule 9.5 renumbered rule 10.5 effective July 1, 2005; adopted effective July 1, 2001.)*

### **RULE 10.6 PRETRIAL MOTIONS**

All pretrial motions, including in limine motions, shall be set for hearing on or before the date set for trial confirmation hearing

*(Rule 9.6 renumbered rule 10.6 effective July 1, 2005; adopted effective July 1, 2004.)*

**RULE 10.7 PRETRIAL CONFERENCE**

A pretrial conference shall be set prior to trial. At least seven (7) days prior to the date set for pretrial, the District Attorney and defense counsel shall confer and discuss the issues to be addressed. Any offers which the District Attorney proposes to make at pretrial shall be disclosed to defense counsel at said conference. Defense counsel shall forthwith communicate any such offers to the defendant, and shall respond to the District Attorney's offer prior to the date scheduled for pretrial.

*(Rule 9.7 renumbered rule 10.7 effective July 1, 2005; adopted effective July 1, 2001.)*

**RULE 10.8 CRIMINAL DISCOVERY**

Criminal Discovery shall be conducted pursuant to the provisions of the California Penal Code, and Case Law.

*(Rule 9.8 renumbered rule 10.8 effective July 1, 2005; adopted effective July 1, 2001.)*