

**SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

CRIMINAL RULES

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RULE 1

**SUPERIOR COURT OF CALIFORNIA
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RULE 1 GENERAL

A. SUPERVISING JUDGE – CRIMINAL

The Criminal Division of the Superior Court shall be supervised by a judge appointed by the Presiding Judge and designated as the Supervising Judge – Criminal.

B. CALENDAR CALL

(Eff. 1/01/11)

Except in Direct Calendar Departments, the Supervising Judge – Criminal or his/her designee shall call the Felony Master Trial Calendar, Felony Arraignment Calendar, Felony After-Arraignment Calendar and any other calendar he/she designates. These calendars shall be called in Department 24 at the Hall of Justice located at 190 West Hedding Street, San José, California. No probation violation matters, trailing sentencing matters, trailing misdemeanor cases, felonies still in limited jurisdiction or pretrial conference matters shall be set on the Master Trial Calendar, Arraignment Calendar or After Arraignment Calendar.

At the arraignment on the information or indictment regardless of location or calendar type, the following dates must be set after a plea of not guilty, including a plea of not guilty by reason of insanity, unless otherwise ordered for good cause:

- (1) Trial, giving priority to a case entitled to it under law, and
- (2) Filing and service of motions and responses and hearing thereon.

At the arraignment on the information or indictment regardless of location or calendar type, plea of not guilty must be entered if a defendant represented by counsel fails to plead or demur; and an attorney may not appear specially.

(Eff. 1/01/11)

C. MASTER TRIAL CALENDAR MOTIONS

Motions to restore, motions to advance, uncontested motions to consolidate and other motions pertaining to the Felony Master Trial Calendar shall be set and heard in the department of the Supervising Judge – Criminal.

D. MOTIONS TO CONSOLIDATE

Contested motions to consolidate shall be heard in the appropriate Law and Motion Department.

E. CALENDAR SCHEDULE

(1) HALL OF JUSTICE COURTHOUSE

The Felony Master Trial Calendar shall be called at 8:30 a.m. on Monday.

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The Felony Arraignment Calendar shall be called on Monday at 1:30 p.m. If Monday is a holiday, these two calendars shall be called on Tuesday at the above times. The Felony After-Arraignment Calendar shall be called at 1:30 p.m. on Wednesday. The deadline to place matters on the Felony After-Arraignment Calendar is noon on the Thursday immediately before the calendar is called, except for motions pursuant to Penal Code § 1050 which are governed by Rule 2.

(2) OTHER COURTHOUSES

Specific calendars for other courthouses will be as specified in the “Santa Clara County Superior Court Protocol” on file in the Clerk’s Office of each courthouse and available in each courtroom in these facilities.

(Eff. 1/01/06)

(3) DRUG COURT CALENDARS

a. The Presiding Judge shall assign to the Criminal Division of the Superior Court a sufficient number of judges to serve at a designated courthouse to process all felony drug cases. Judges at this facility shall conduct all felony arraignments, pre-trial proceedings, settlement conferences, pleas and sentencing proceedings as well as the assignment of dates for preliminary examinations.

(Eff. 1/01/06)

b. The establishment of the Drug Court calendars is based upon the following statements:

(1) The Court receives a substantial number of narcotic cases each year that are recognized as a distinct subject within the Criminal Division.

(2) The establishment of the drug court calendars recognizes the need to incorporate substance abuse treatment programs where appropriate with criminal case processing in a timely and efficient manner.

(Eff. 7/26/00)

(3) The drug treatment court as approved in September of 1995 by the judges of the former Municipal and Superior Courts of Santa Clara County is recognized as a component of the Drug court calendars.

c. Schedules for the Drug Court calendars will be specified in the Santa Clara County Superior Court Protocol on file in the Clerk’s Office.

d. Criteria for the assignment of cases to the Drug Court calendars, including the Drug Treatment Court, shall be specified in the Santa

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Clara County Superior Court Protocol on file in the Clerk's Office.

(Eff. 7/26/00)

(4) DOMESTIC VIOLENCE CALENDARS

The Presiding Judge shall assign to the Criminal Division of the Superior Court a sufficient number of judges to preside over felony and misdemeanor domestic violence cases in the Domestic Violence Court. The Domestic Violence Court will hear felony and misdemeanor domestic violence cases from arraignment through disposition and sentencing, and will hold hearings to monitor treatment progress and probation compliance.

(Eff. 1/1/08)

F. READINESS CONFERENCE

Except for those cases assigned to one judge for all purposes, a Readiness Conference for felony cases on the Master Trial Calendar shall be conducted at 9:00 a.m. on the judicial day immediately proceeding the day the Master Trial Calendar is called. The Readiness Conference shall be held in the chambers of the Supervising Judge – Criminal. A representative of the District Attorney's Office, Public Defender's Office, Alternative Defender's Office, and Independent Defender's Office is required to be present. Counsel is required to notify the Court of their trial readiness status at the Readiness Conference. This notification shall be made as follows:

(Eff. 1/01/11)

(1) Representatives of the various law offices mentioned above shall notify the Supervising Judge - Criminal of the status of those attorneys in their office. Trial Counsel is therefore expected to communicate their status to those representatives in advance of the Conference.

(Eff. 1/01/11)

(2) All counsel shall notify the Criminal Calendar Secretary of their trial readiness status no later than 3:30 p.m. on the day before the Readiness Conference.

(Eff. 1/01/11)

G. MISDEMEANORS – TRIALS AND PRETRIALS

(1) All cases, whether in-custody or out-of-custody, shall be set for a mandatory pretrial conference before being set on a jury trial calendar.

(2) The presence of counsel on all sides shall be mandatory at the pretrial conference.

(3) All discovery and all pretrial motions shall be completed before the matter is set for trial.

(Eff. 7/01/02)

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H. COURTHOUSES

Adult criminal matters are filed and heard in the courthouses indicated below. Any case may be assigned to another courthouse for discussion, hearing and/or trial at the discretion of the Supervising - Criminal and/or Presiding Judge. If a Court employee or deputy sheriff working at a facility, or a member of his or her family, is a party to a case, the clerk or Supervising Judge - Criminal Division shall transfer the case to another facility, unless a statute specifies the location for the initial appearance and the party has not yet attended that initial appearance.

(Eff. 1/01/11)

(1) HALL OF JUSTICE COURTHOUSE

All misdemeanor, felony, and Municipal Code matters arising within Campbell, Los Gatos, Milpitas, Monte Sereno, San José, Santa Clara, and Saratoga and adjacent unincorporated areas are filed and heard in this courthouse, except drug offenses that are heard in the Terraine Courthouse.

(Eff. 1/01/06)

(2) TERRAINE COURTHOUSE

No criminal matters are filed in this Courthouse. All felony and misdemeanor drug offenses that would otherwise be heard in the Hall of Justice are heard in this Courthouse, except misdemeanor arraignments and trials.

(Eff. 7/01/12)

(3) SOUTH COUNTY COURTHOUSE

All misdemeanor, felony, and Municipal Code matters designated in the Criminal Local Bail Schedule arising in Gilroy, Morgan Hill, and San Martin and adjacent unincorporated areas are filed and heard in this courthouse.

(Eff. 11/24/14)

(4) PALO ALTO COURTHOUSE

All misdemeanor, felony, and Municipal Code matters designated in the Criminal Local Bail Schedule arising within Cupertino, Los Altos, Los Altos Hills, Mountain View, Sunnyvale and Palo Alto and adjacent unincorporated areas are filed in this courthouse.

(Eff. 11/24/14)

(5) SANTA CLARA COURTHOUSE

All traffic infractions and Municipal Code matters designated in the Traffic Local Bail Schedule arising in the County of Santa Clara are heard in this courthouse.

(Eff. 11/24/14)

RULE 2

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RULE 2 CONTINUANCES

All requests to continue the trial of matters on the Master Trial Calendar shall only be heard by the Supervising Judge – Criminal on the After-Arrestment Calendar. Unless good cause is shown, requests to continue shall be heard on the After Arrestment Calendar before the matter’s appearance on the Master Calendar. Unless good cause is shown, the deadline for placing Penal Code § 1050 requests on the After Arrestment calendar is noon on the Monday immediately preceding the calling of that After Arrestment Calendar. Requests for continuances in the trial department shall immediately be referred back to the department of the judge supervising the Master Trial Calendar.

(Eff. 1/01/11)

RULE 3 APPEARANCES

A. APPEARANCE OF COUNSEL

- (1) Counsel must appear at all hearings, unless other counsels appear for them or prior arrangements are made with the Court.
- (2) Counsel shall advise the Court of any conflicting appearance in the court of another county prior to requesting or agreeing to any hearing date. Furthermore, counsel shall not request or agree to any hearing date in another county that conflicts with a hearing date previously set by the Court.

(Eff. 7/26/00)

B. ATTORNEY OF RECORD

In compliance with California Penal Code § 987.1, all counsel who represented a defendant at the preliminary examination or at the time the defendant was otherwise held to answer shall appear and represent the defendant at the time of arraignment on the Information. Any request to be relieved as attorney of record should be made at this first appearance.

(Eff. 7/26/00)

C. APPEARANCE OF DEFENDANT

- (1) Consistent with California Penal Code § 977, in felony cases, the defendant must be present each time his/her matter is called in Court, including when matters are submitted, unless a written waiver is on file. Absent a written waiver of appearance, failure of the defendant to appear will result in the issuance of a bench warrant. A written waiver of appearance shall not relieve a defendant from appearing at the Arraignment, Preliminary Examination, at the time of Plea, Master Trial Calendar (MTC), motions under Penal Code § 1050, and Sentencing.

(Eff. 1/01/11)

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- (2) In misdemeanor cases, defendants may appear in person or by counsel. However, a defendant must be present in Court if specifically ordered by the Court as allowed by Penal Code § 977 or required by statute. In misdemeanor domestic violence cases as defined by Penal Code § 977(a)(2), the defendant shall be present for arraignment and sentencing, and at any time during the proceedings when ordered by the Court for the purpose of being informed of the conditions of a protective order issued pursuant to § 136.2.

(Eff. 1/01/11)

D. REQUESTS FOR INTERPRETERS

Prosecution and defense requests for interpreters for trial, preliminary hearings, motions, or any other appearances, must be made in open court at the time these matters are set.

RULE 4 DOCUMENTS PRESENTED FOR FILING

A. FORMAT OF DOCUMENTS SUBMITTED FOR FILING

Documents that exceed 10 pages shall be submitted held by binder clips or two prong fasteners.

Exhibit attachments to pleadings shall be separated by a standard size sheet of paper with a title identifying the sequence of the exhibit. No tabs shall be included in any documents submitted for filing.

(Eff. 1/01/16)

B. THICKNESS OF DOCUMENTS

All papers and documents presented for filing shall not exceed 1 ½” in thickness, unless approved by the Judge in whose Court the matter is to be heard.

RULE 5 LAW AND MOTION

A. DEPARTMENTS

Law and Motion matters shall be heard as follows:

(1) MISDEMEANOR CASES

All motions shall be heard in the pretrial department to which that misdemeanor case is assigned.

(2) FELONY DRUG/NARCOTIC CASES (NON-THREE STRIKE CASES)

All motions shall be heard by the Judge specifically assigned to hear such

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motions.

(3) DOMESTIC VIOLENCE CASES

All motions shall be heard in the pretrial department to which that domestic violence case is assigned.

(4) OTHER MOTIONS

Motions in all other cases shall be heard by the Judge assigned to the Criminal Law and Motion department in the designated courthouse.

(Eff. 1/01/06)

B. FILING

Unless indicated otherwise, the following shall apply to ALL law and motion matters:

(1) COURT FILING

The party filing any motion paper must file the original in the Criminal Court Clerk's office in which the case is to be heard and on general jurisdiction matters provide a courtesy copy for the research attorney/law clerk of the Court assigned to hear the matter.

(Eff. 1/26/11)

(2) SERVICE OF COPIES

A copy of all moving and responding papers must be served upon opposing counsel, co-counsel and counsel for all co-defendants the same day that the originals are filed, unless previously served. Service upon the District Attorney and Public Defender can be accomplished by depositing the documents in those offices' mail boxes located in the Criminal Court Clerk's office at the Hall of Justice.

(3) LAST DAY TO FILE

The last day to file and hear motions shall be set or can be obtained at the time of arraignment in Superior Court, unless otherwise agreed to by the Court hearing the motion. (See also Criminal Rule 5(B) (4) below.)

(4) UNLESS OTHERWISE ORDERED BY THE COURT

a. All motions and applications, together with supporting papers, documents and Points and Authorities, must be filed with the Criminal Court clerk in the appropriate courthouse no later than 15 full calendar days prior to the date set for hearing. This requirement

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applies except where inconsistent with a state rule of court or statute. (See e.g. CCP § 1005 requiring 16 court days for a *Pitchess*/EC § 1043 motion.)

(Eff. 1/01/06)

b. Unless waived by the Court, or unless the party that would respond to the motion plans on conceding it, a written opposition, together with supporting papers, documents, and Points and Authorities must be filed.

c. All written responses, together with supporting papers, documents and Points and Authorities, must be filed with the Criminal Court clerk no later than five full Court days prior to the date set for hearing. The reply must be filed two Court days prior to the date set for the hearing.

(Eff. 1/01/11)

d. Failure of the moving or responding party to comply herewith shall be sufficient grounds for the Court to refuse to consider the matters contained in such moving or responding papers, as the case may be.

e. Except for limited jurisdiction matters, any motion to be filed containing a requested hearing date on or after the trial date must have the approval initials of the Supervising Judge – Criminal or his/her designee.

(Eff. 1/01/11)

(5) CONTINUANCES AND RE-SETTING, WITHDRAWAL OF TIME WAIVERS

a. Except in unusual or exigent circumstances, any party intending to request a continuance or not to proceed in any matter set for hearing shall promptly so inform all other counsel and THEN inform the Court assigned to hear the motion. This notification must be at least two court days preceding the hearing. It is counsel’s responsibility in felony cases to place the case on the After-Arrestment Calendar if continuing the motion will require re-setting the trial date. Continuing the trial date will not be allowed in the Law and Motion department. (See 2, *supra.*)

(Eff. 1/01/11)

b. The Court shall have complete discretion concerning continuances, including the authority to deny any continuance and to rule in the absence of counsel, or to order the matter off calendar, notwithstanding any stipulation of counsel.

c. If a case has not been set for trial, withdrawal of a defendant’s previously entered time waiver of speedy trial shall be by written Notice of Withdrawal of Time waiver filed in the department of the

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judge supervising the Master Trial Calendar. In the alternative, the withdrawal of time waiver may be made orally on the record by the defendant or his counsel in that department. If the case has been set for trial, the written Notice of Time waiver shall be filed or the oral withdrawal of time waiver shall be made, in the department where the cause is set for trial.

(Eff. 1/01/11)

(6) REQUESTS FOR ORDERS SHORTENING TIME

All requests for Orders Shortening Time shall be signed only by the Judge hearing the motion or his/her designee. The Declaration in support of the request for an Order Shortening Time must set forth good cause and must state the facts concerning notice to, and the position of, opposing counsel, co-counsel, and counsel for co-defendants.

(Eff. 7/01/15)

(7) NOTICE OF MOTION AND RESPONSE

a. Except for motions brought pursuant to California Penal Code § 995, if the motion is to be submitted in whole or in part on the transcript of the preliminary examination, or the transcript of any prior proceeding, the Notice of Motion and/or the Response must so state.

b. In any Motion brought pursuant to California Penal Code § 1538.5(i) that is to be presented *de novo*, notice of this fact must also be set out on the first page of the moving and responding papers.

(Eff. 1/01/11)

c. Failure to comply with any portion of this Criminal Rule 5(B) shall be sufficient cause for the Court to refuse to consider any transcript of a prior proceeding, allow the calling of additional witnesses or to allow a *de novo* hearing.

(8) MOTIONS TO SUPPRESS EVIDENCE

The notice of a motion brought pursuant to California Penal Code § 1538.5 shall describe and list the evidence which is the subject of the motion to suppress and shall be served with a Memorandum of Points and Authorities.

(Eff. 7/01/02)

(9) ORAL TESTIMONY

In all matters, oral testimony shall not be permitted unless the Court orders otherwise, except *de novo* hearings brought pursuant to California Penal Code § 1538.5. The Court shall have complete discretion as to the necessity for, nature and extent of oral argument. Notice of intent to call witnesses

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must be specifically set out on the first page of the moving and/or responding papers.

(10) EX PARTE MATTERS

Except as otherwise provided by law, for any application involving *ex parte* relief, including a request for an Order Shortening Time, reasonable advance notice must be given to opposing counsel, co-counsel and counsel for co-defendants. The presence of counsel or the applicant shall be required in any such matter.

(Eff. 7/01/15)

(11) COMPLIANCE WITH RULES OF COURT

- a.** All papers filed in Law and Motion matters, and all proceedings thereunder, shall be in accordance with the applicable statutes, California Rules of Court and these Criminal Court Rules.
- b.** A mere citing of code sections which authorize the filing of a motion is not in compliance with the California Rules of Court or these Rules. Except as otherwise authorized by statute or Rule of Court, application for any relief, or any opposition to relief sought, shall be supported by a Memorandum of Points and Authorities.
- c.** All case citations must include the official report volume, page number, and year of decision.
- d.** In any matter where a party is relying on out-of-state or federal authority, a copy of the entire authority must be provided.
- e.** Unless prior authorization is obtained from the Law and Motion Judge, all Memoranda of Points and Authorities shall be no longer than 15 pages.

(Eff. 7/01/08)

(12) MEMORANDUM OF POINTS AND AUTHORITIES

A Memorandum of Points and Authorities shall contain a concise statement of facts, a concise statement of the law, evidence and arguments relied upon, a discussion of the statutes, cases and textbooks cited in support of the position advanced. When a party intends to rely on a transcript, the page number of the transcript must be cited.

(13) MOTION TO JOIN

Any party seeking to join in any motion shall set out the relevant facts and law as it relates to that joining party in particular.

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(14) ESTIMATE OF TIME

All moving, responding and joining papers must set out an accurate time estimate on the first page. If the time estimate is in excess of two hours or cannot be heard on a regular Law and Motion calendar, the motion may be reset on the Master Trial Calendar.

(15) SEARCH WARRANTS

When a defendant is seeking to quash or traverse a search warrant, a copy of the search warrant affidavit must be provided and attached to the moving papers.

(16) MOTIONS FOR REINSTATEMENT

When moving to reinstate a complaint, the prosecuting attorney must provide a copy of the preliminary examination transcript.

(17) POST-TRIAL MOTIONS

- a.** Post-trial motions, motions for new trial and other matters related to contested cases shall be set and heard in the department where the Judge who heard the matter is currently sitting. The time and date of the hearing shall be set only by the Judge of such department.
- b.** In the event that the original trial Judge is retired or no longer available, matters in Criminal Rule 5(B) (17) (a) will be assigned out for hearing by the Supervising Judge – Criminal.

(18) SENTENCE MODIFICATION

Motions for modification of sentence shall be heard as set out in Criminal Rule 5 (B) (17) (a), *supra*. For all requests for modification of sentence, notice must be sent to the District Attorney's Office as well as the Adult Probation Department (in cases in which formal probation has been granted) before such request will be considered or calendared for hearing. Proof of such notice must be attached to the original request filed with the Court. Failure to do so will result in the request being treated as an improper *ex parte* communication with the Court and will be discarded.

(19) USE OF JUVENILE RECORDS

Attorneys or defendants who are involved in a criminal proceeding in the Superior Court of California, County of Santa Clara, and who seek juvenile records for use in the pending criminal action shall, in addition to filing a W&I Code § 827 Petition in the Juvenile Court, concurrently file a Declaration of Filing of Juvenile Court 827 Petition in the criminal case

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(Attachment CR-6082).

(Eff. 7/01/12)

RULE 6 PROPOSED ORDERS

Any proposed order submitted to the Court for signature must contain a footer with the title of the order on every page, including the signature page, unless it is a Judicial Council form. In addition, the Court signature and date lines must not be on a page by themselves; the signature page must contain some text of the order.

(Eff. 1/01/10)

RULE 7 WRITS

A. CRIMINAL COURT CLERK'S OFFICE FILING

Petitions for writs such as Writs of Habeas Corpus, Writs of Mandate or Writs of Coram Nobis in criminal cases shall be filed in the Criminal Division at the Hall of Justice.

(Eff. 7/01/11)

B. CIVIL COURT CLERK'S OFFICE FILING

(1) Petitions for Writs of Mandate and/or Prohibition shall be filed in the Civil Division of the Downtown Superior Courthouse located at 191 North First Street, San José, California.

(Eff. 1/01/06)

(2) Petitions for Writs of Habeas Corpus Re: Quarantine Detention shall be filed in the Probate Division of the Downtown Superior Courthouse located at 191 North First Street, San José, California.

(Eff. 7/01/11)

RULE 8 SUBPOENAS DUCES TECUM

All subpoenas duces tecum in criminal cases must comply with Penal Code § 1326 and Evidence Code § 1560, and when applicable CCP § 1985.3, and shall be returnable to the court. In the event materials which are the subject of a subpoena are received by a party, an attorney, or an attorney's agent or investigator directly from the subpoenaed party, the person receiving such materials shall immediately lodge such materials with the clerk of the court. The materials shall not be opened, reviewed or copied by the recipient without a prior court order.

(Eff. 7/01/05)

**RULE 9 REQUEST FOR COPY/TRANSCRIPT OF ELECTRONIC SOUND
RECORDING FOR RECORD ON APPEAL, WRITS, OR OTHER
HEARINGS FOR MISDEMEANORS OR INFRACTIONS**

(1) The courthouse supervisor or his/her designee shall retain custody of the

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original sound recording, unless ordered to deliver it to the reviewing court. Tapes shall be under the control of the Court Services Manager.

(Eff. 1/01/08)

- (2) The Court Services Manager or his/her designee shall make the original sound recording available to the parties and counsel for listening in courthouses during normal business hours within 72 hours of submission of a request to the Court Services Manager.

(Eff. 1/01/08)

- (3) At the time of filing of a Notice of Appeal, Notice of Petition for Writ or Notice of Motion, or within 10 days of the filing of such notice, counsel for the appellant, petitioner or moving party (or by the party if unrepresented by counsel), shall advise the Court if there is a request for a copy of the recording or its transcript. Such request shall be made in writing to the clerk at the courthouse in which the appeal/petition/notice is filed.

(Eff. 1/01/08)

- (4) Courthouse staff shall inform the requesting party of the current cost per recording and collect the fees at the time the request is submitted.

(Eff. 1/01/08)

- (5) Within 48 hours of receipt of the request, the clerk of the courthouse shall forward the request to the Court Services Manager or his/her designee.

(Eff. 1/01/08)

- (6) When a request is made for a copy of the recording of the proceedings, the following shall apply:

(Eff. 1/01/08)

- a. Within 10 days of receipt of the request, the Court Services Manager or his/her designee shall prepare and label one copy of the original sound recording for each requesting party. The copies shall be playable at 1 7/8" per second.

(Eff. 1/01/08)

- b. The Court Services Manager or his/her designee shall promptly contact the appropriate parties to arrange for them to pick up their copy of the recording.

(Eff. 1/01/08)

- c. In all cases involving appeals, the applicable California Rules of Court shall then apply regarding the settlement of a statement of proceedings.

- d. In cases involving appeals, counsel for the moving party shall serve opposing counsel or party, if unrepresented, with either a transcript or a copy of the recording requested within 10 days of receipt of the copy of the recording.

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(Eff. 1/01/08)

- (7) When a request is made for a transcript of the proceedings upon filing of Notice of Appeal (CR-142) the following shall apply:
 - a. Upon filing Notice of Appeal (Judicial Council form CR-142) the Traffic Appeals Clerk shall notify Court Services that appellant has selected paragraph 4(b) entitled “Transcript from Official Electronic Recording” in form CR-142.
 - b. Court Services shall determine length and cost of transcript from official recording.
 - c. Court Services shall notify appellant of the estimated costs for the transcript and all necessary copies (in the same manner as a court reporter would and with the same time constraints as in the appeal process).
 - d. After receipt of appellant’s payment at the facility of their appeal, the Traffic Appeals Clerk will notify Court Services to prepare transcript.
 - e. The Court Services Manager or his/her designee shall promptly send a copy of the original recording to the transcriptionist.
 - f. In appeal proceedings, the California Rules of Court shall apply.

(Eff. 1/01/11)

RULE 10 TRIAL JURORS

- A. Release of Juror Information shall be allowed only as provided in CCP § 237.

(Eff. 7/01/02)

RULE 11 SPECIAL CONSIDERATION IN DOMESTIC VIOLENCE CASES

(Eff. 1/01/10)

A. CRIMINAL COURT PROCEDURE ON PROTECTIVE ORDERS- COURT COMMUNICATIONS

(Eff. 1/01/10)

- (1) When the Criminal Court issues Criminal Protective Orders protecting victims, the Criminal Court shall inquire of the defendant/restrained person whether there are any children of the relationship between the defendant/restrained person and the victim/protected person, and whether there are any court orders for custody/visitation for those children. If there are children, the Criminal Court shall consider whether peaceful contact with the victim/protected person should be allowed for the purpose of allowing defendant/restrained person to visit the children. At the time the Court issues the Criminal Protective Order, the Court shall give the

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defendant/restrained person the Restrained Person Packet concerning his or her rights to request custody and/or visitation through the Family or Juvenile Court, along with directions to the Self-Service Center. The Criminal Court shall also inquire of the defendant/restrained person whether there are any existing protective/restraining orders involving the defendant/restrained person, the victim/protected person, and/or the children

(Eff. 7/01/15)

- (2)** When the Criminal Court issues Criminal Protective Orders which list the defendant/restrained person's minor children as protected persons, the Criminal Court shall fax a copy of its Order to the Supervising Judge of the Family Court, unless the Criminal Court is aware that a Juvenile or Probate Court proceeding concerning the family is pending, in which case a copy of the order shall be faxed to the applicable Juvenile or Probate Court.

B. MODIFICATION OF CRIMINAL PROTECTIVE ORDERS – COURT COMMUNICATIONS

(Eff. 1/01/10)

- (1)** Any Court responsible for issuing custody or visitation orders involving minor children of a defendant/restrained person subject to a Criminal Protective Order (Judicial Council Form CR-160) may modify the Criminal Protective Order if all of the following circumstances are satisfied:

(Eff. 1/01/16)

- a.** Both the defendant/restrained person and the victim/protected person are subject to the jurisdiction of the Family, Juvenile, or Probate Court, and both parties are present before the Court.
- b.** The defendant/restrained person is on probation (formal or court) for a domestic violence offense in Santa Clara County or is currently charged with a domestic violence related offense in Santa Clara County and a Criminal Protective Order has issued.

(Eff. 1/01/06)

- c.** The Family, Juvenile, or Probate Court identifies a Criminal Protective Order issued against the defendant, which is inconsistent with a proposed Family, Juvenile, or Probate Court Order, such that the Family, Juvenile, or Probate Order is/will be more restrictive than the Criminal Protective Order or there is a proposed custody or visitation order which requires recognition in the Criminal Protective Order item 16 on the Criminal Protective Order form).

(Eff. 1/01/16)

- d.** The defendant signs an appropriate waiver of rights form or enters a waiver of rights on the record.

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- e. Both the victim/protected person and the defendant/restrained person agree that the Criminal Protective Order may be modified to a more restrictive order or to check item 16 on the Criminal Protective Order.

(Eff. 1/01/16)

- (2) The Family, Juvenile, or Probate Court may not modify existing Criminal Protective Orders to be less restrictive. Only if children are not listed as protected persons, a modification of the Criminal Protective Order to check item 16 shall not be considered less restrictive.

(Eff. 1/01/16)

- (3) The Family, Juvenile, or Probate Court may on its own motion or at the request of a defendant, protected person or other interested party, calendar a hearing before the Criminal Court on the issue of whether a Criminal Protective Order should be modified. The Family, Juvenile, or Probate Court shall provide the Criminal Court with copies of existing or proposed Orders relating to the matter. Notice of the hearing will be provided to all counsel and parties.

(Eff. 1/01/07)

C. PROPERTY REMOVAL ORDERS

In cases where the Court allows the Restrained Person to remove his/her “necessary personal property” from the Protected Person’s residence as a one time exception to the Protective Order, Attachment CR-6072 (Property Removal Orders) shall be completed by and filed by the Court and each party shall be provided with one certified copy of the same.

(Eff. 1/01/11)

RULE 12 TRAFFIC DIVISION – TRIAL BY DECLARATION

The Court adopts the trial by declaration process defined in Vehicle Code § 40902. Additionally, pursuant to Vehicle Code § 40903, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration upon any alleged infraction, as charged by the citing officer, involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the code. In eligible cases the Court will conduct the trial in absentia and it will be adjudicated on the basis of the notice to appear issued pursuant to Vehicle Code § 40500 and any business record or receipt, sworn declaration of the arresting officer, or written statement or letter signed by the defendant that is in the file at the time the trial by declaration is conducted.

If there is a guilty finding, the conviction shall be reported to the DMV and the defendant notified of the disposition of the case, the amount of imposed fines and fees, and the defendant’s right to request a trial de novo within a specified period of time. If there is no timely request for a trial de novo and the fines and fees are not paid by the due date, the case will proceed to civil assessment pursuant to Penal Code § 1214.1. Additionally, the DMV will be notified of the failure to pay

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pursuant to Vehicle Code § 40509.5(b), which can result in a suspension of the defendant's driver's license pursuant to Vehicle Code § 13365(a) (2) until all obligations to the Court are satisfied.

(Eff. 1/01/08)

RULE 13 ANCILLARY DEFENSE EXPENSES

A. SCOPE

This rule states the requirements for the payment of reasonably necessary expenses that appointed counsel, retained counsel, and self-represented litigants incur in defending persons who are indigent. This rule will refer to these reasonably necessary expenses as "ancillary defense expenses." All funds expended for ancillary defense expenses must have prior approval by Court order. Funds approved for a specific purpose, moreover, may not be expended for another use without prior Court approval.

(Eff. 11/05/15)

B. REQUIRED SUBMISSIONS

All initial applications for the authorization of ancillary defense expenses shall be submitted by ex parte motion to the clerk of the Criminal Division Supervising Judge. The application shall be accompanied by: (1) a completed and signed Defendant's Financial Statement in Support of Ancillary Fees Request (Attachment CR-6089) OR a Declaration signed under penalty of perjury, which includes all of the information requested in Attachment CR-6089 and (2) a declaration with the information described in subdivision C below. The application and supporting declarations shall be marked "Confidential," and shall be kept in a confidential section of the Court file.

(Eff. 11/05/15)

C. REQUIRED DECLARATION

All applications for ancillary defense expenses shall be supported by a declaration setting forth:

- (1) a summary of the circumstances of the charged offense or facts that demonstrates why the funding of ancillary defense expenses is necessary in the interests of justice;
- (2) the status of the case;

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- (3) the specific purpose for the funds, including the nature of the services to be rendered and an explanation why those services are reasonably necessary for the defense of the case; and
- (4) the name and title of each appointed service provider (investigator, expert, or other) for whom funds are being sought, the hourly rate and maximum amount expected to be charged for the service, travel-related expenses other than mileage, and any other special expenses. If a self-represented defendant has not suggested a particular investigator, the Court will select one from the rotational investigator list. The maximum hourly billing rates, as well as the maximum initial authorizations, for all investigators and legal runners shall be set by the Presiding Judge of the Superior Court. Legal runner services, when approved by the Court, are limited to photocopying, and transporting materials, orders, and motions. Visits and phone calls to the County's detention centers must be associated with an allowable billable activity, and will be subject to the Court's discretion.

(Eff. 11/05/15)

D. TRAVEL EXPENSES

- (1) No funds may be expended for overnight travel by investigators, experts, or others without prior Court approval. Pre-approved hourly investigation expenses may not be applied to overnight or airline travel costs unless expressly designated by the Court for travel after an appropriate request.
- (2) Applications that include a request for travel expenses to interview witnesses must contain, in addition to the requirements above, a declaration setting forth:
 - (a) the relevance and materiality of the witness's proposed testimony;
 - (b) an explanation why a telephone interview or an interview conducted through the Internet or other forms of electronic communication would not suffice instead of a face-to-face interview;
 - (c) an explanation why it would not be practical to utilize the services of an investigator in the area where the witness lives to conduct the interview;
 - (d) whether it would be feasible to fly the witness to the San Jose airport for an interview, with a return flight the same day, to avoid the expense of overnight travel for the investigator; and
 - (e) a representation that the applicant has endeavored to secure the lowest possible airfare.

(Eff. 11/05/15)

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E. EXPENSES FOR MEDICAL AND MENTAL HEALTH PROFESSIONALS

On initial applications for authorizing expenses for doctors, psychologists, psychiatrists, and similar experts, the maximum amount allowed by the Court will be an amount sufficient to procure an initial written report from the expert. This report should describe the need, if any, for further services at an approved rate. The defense must endeavor to negotiate the lowest hourly rate. If the defense retains an expert from outside the Bay Area, the declaration shall explain in detail why local experts could not be employed to provide similar services. Expenses for supplemental reports by experts or investigators may not be paid by the Court without prior Court approval.

F. ADDITIONAL FUNDING.

After the initial funding approved by the declaration described in subsection C above has been exhausted, no additional work may be performed or compensated without first obtaining Court approval by submitting a supplemental funding request under this subsection. Each application for additional funding for a previously authorized service provider (investigator, expert, or other) shall state, in the heading of the pleading, that it is a supplemental request, and shall include a declaration setting forth:

- (1) the date and amount of previous funding authorizations for the service provider;
- (2) the amount of any billings for services completed by the service provider and a general summary of those completed services;
- (3) the remaining balance from funds previously authorized for the service provider; and
- (4) a detailed description of the services remaining to be performed. Any additional request for the services of an expert must be accompanied by a report or declaration of the expert explaining the need for the additional services.

(Eff. 11/05/15)

G. CLAIMS FOR THE PAYMENT OF ANCILLARY DEFENSE EXPENSES

Claims for the payment of ancillary defense expenses must have prior Court authorization as described above; without prior authorization, claims will not be paid. Claims for payment of ancillary defense expenses shall be submitted to the Director, Independent Defense Counsel Office, 373 West Julian Street, Suite 300,

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San José, CA 95110, and shall comply with the requirements of that Office, including any requirements for supporting documents.

(Eff. (11/05/15))

RULE 14 PROTOCOL FOR SEALING OF RECORDS-CRIMINAL DIVISION

In proceedings for requests for the sealing of Court records in the Criminal Division, California Rules of Court, Rules 2.550 and 2.551 et seq. shall apply. All judicial officers have the responsibility and authority to decide sealing requests. The Supervising Judge of the Criminal Division may designate the judges in each Criminal Courthouse to hear sealing requests in accordance with this protocol.

A. COURT RECORDS PRESUMED TO BE OPEN

Unless confidentiality is required by law, Court records are presumed to be open. (California Rules of Court, Rule 2.550(c).)

B. DEFINITIONS

- (1) “Record” means all or a portion of any document, paper, exhibit, transcript, or other thing filed or lodged with the court. (California Rules of Court, Rule 2.550(b)(1).)
- (2) A “sealed” record is a record that, by Court order, is not open to inspection by the public. (California Rule of Court 2.550(b)(2))

C. SCOPE OF PROTOCOL

- (1) These rules do not apply to records that are required to be kept confidential by law, (e.g., search warrant records which are sealed pursuant to *People v. Hobbs* (1994) 7 Cal.4th 948, 963. (California Rules of Court, Rule 2.550(a)(2).)
- (2) No action taken under this protocol, including the sealing of any records, shall affect the criminal discovery process, including any protective orders or actions pursuant to Penal Code § 1054.7.

D. EXPRESS FACTUAL FINDINGS REQUIRED TO SEAL RECORDS

Pursuant to California Rules of Court, Rule 2.550(d), the Court may order that a record be filed under seal only if it expressly finds facts that establish:

- (1) There exists an overriding interest that overcomes the right of public access to the records;
- (2) The overriding interest supports sealing the record;
- (3) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed;

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- (4) The proposed sealing is narrowly tailored; and
- (5) No less restrictive means exist to achieve the overriding interest.

E. APPLICATION, FILING AND SERVICE REQUIREMENTS

- (1) A party seeking an order to seal a record shall comply with the requirements of California Rules of Court, Rule 2.551.
- (2) Except as provided in E(3), any motion or application to seal a record shall be filed with the Court at least four Court days prior to the time set for the hearing of the motion or application. Records that are the subject of a motion or application to seal shall be provisionally sealed pending the determination of the motion to seal. Such records may be considered by the Court for any purpose, including a finding of probable cause, pending the determination of the motion or application to seal. The Clerk's Office shall post the motion or application and any attachments (except for attachments containing information sought to be sealed), case name and docket number on the Court website no later than 5 p.m. of the second Court day after filing.
- (3) If a sealing order is issued pursuant to an *ex parte* application, the Clerk's Office shall post the motion or application and any attachments (except for attachments containing information sought to be sealed), case name and docket number on the Court website no later than 5 p.m. of the second Court day after filing. If the Court issues a sealing order following an *ex parte* application, that order shall be deemed to be a provisional order and subject to a *de novo* court review upon the request of any interested person.

F. NOTICE OF SEALING ORDER

In every matter in which a record has been ordered sealed, the requesting party shall file in the Clerk's Office a written notice of the sealing order prior to the date of arraignment, or if arraignment has already taken place, no later than 5 p.m. of the second Court day after the sealing order.

G. UNSEALING OF RECORDS

- (1) In misdemeanor matters, if any record has been ordered sealed, the Court shall order that the record be unsealed at the time of arraignment unless a party to the proceedings requests that the record remain sealed and the Court makes express findings pursuant to Section D above to permit the continued sealing of the record. Notice of any request that the record remain sealed shall be provided in accordance with Section E. If notice is provided in accordance with Section E, a motion or application to seal may be heard at the Court's next motion calendar.

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- (2) In felony matters, if any record has been ordered sealed, the Court shall order that the record be unsealed no later than the completion of the preliminary examination unless a party to the proceedings requests that the record remain sealed and the Court makes express findings pursuant to Section D above. Notice of any request that record remain sealed shall be provided in accordance with section E and shall be filed and served on all parties who have appeared in the proceedings at least three Court days prior to the first date scheduled for the preliminary examination. The hearing on the request for the record to remain sealed will be heard at the conclusion of the preliminary examination.
- (3) In all matters, any person may bring a motion or application pursuant to California Rules of Court, Rule 2.551(h) for the unsealing of any Court record previously sealed, and the Court may order the unsealing of any record previously sealed in accordance with that rule.

(Eff. 1/01/15)

RULE 15 REQUESTS UNDER PROPOSITION 47 (PENAL CODE § 1170.18)

A. PETITIONS FOR RESENTENCING (PENAL CODE § 1170.18(a))

A person currently serving a sentence for a conviction of a felony who requests a recall of the sentence and resentencing as a misdemeanor under Penal Code § 1170.18(a) shall file a Petition for Resentencing with the Criminal Clerk's office at the Hall of Justice in San José, and shall serve a copy on the Santa Clara County District Attorney's Office, 70 West Hedding St., West Wing, San José, CA 95110. An attorney representing a person shall file the Petition for Resentencing on Attachment CR-6086, with a proof of service. On the Petition, the attorney shall set a date for the resentencing at 9:00 a.m. in Department 31 at the Hall of Justice on a date at least 35 days after the Petition is filed. A self-represented person shall file the Petition for Resentencing on Attachment CR-6087. The self-represented person shall then be notified whether the person is eligible for resentencing and, if eligible, shall receive information concerning the resentencing hearing. The back of the self-represented Petition, Attachment CR-6087, contains additional information about the procedures following the filing of the Petition.

B. PETITIONS FOR REDESIGNATION (PENAL CODE § 1170.18(f))

A person who has completed a sentence for a conviction of a felony who requests a redesignation as a misdemeanor under Penal Code § 1170.18(f) shall file a Petition to Redesignate Felony Conviction as Misdemeanor with the Criminal Clerk's office at the Hall of Justice in San José, and shall serve a copy on the Santa Clara County District Attorney's Office, 70 West Hedding St., West Wing, San José, CA 95110. An attorney representing a person shall file the Petition to Redesignate Felony Conviction as Misdemeanor on Attachment CR-6086, with a

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proof of service. A self-represented person shall file the Petition to Redesignate Felony Conviction as Misdemeanor on Attachment CR-6087. A hearing is not required to decide the Petition. If the attorney or self-represented person does, however, request a hearing, or requests a hearing only if the Petition is opposed, the appropriate box must be checked on Attachment CR-6086 or Attachment CR-6087. If the Petition is granted, the attorney or self-represented person will receive a copy of the order. If the person is not eligible for redesignation, the attorney or self-represented person will receive further notice. The back of the self-represented Petition, Attachment CR-6087, contains additional information about the procedures following the filing of the Petition.

(Eff. 7/01/15)

RULE 16 POSTING OF PROPERTY BOND

Any person(s) pledging real property as security for a property bond shall complete Attachment CR-6014 (Affidavit/Undertaking for Justification of Bail and Acknowledgement).

(Eff. 1/01/16)

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ATTACHMENTS

ATTACHMENT CR-6014	Affidavit/Undertaking for Justification of Bail and Acknowledgment
ATTACHMENT CR-6072	Property Removal Orders
ATTACHMENT CR-6082	Declaration of Filing of Juvenile Court 827 Petition
ATTACHMENT CR-6084	Application for Sealing of Documents
ATTACHMENT CR-6085	Order re Sealing of Court Records
ATTACHMENT CR-6086	Attorney Petition for Resentencing or Redesignation of Offenses and District Attorney Response
ATTACHMENT CR-6087	Self-Represented Petition for Resentencing or Redesignation of Offenses
ATTACHMENT CR-6088	Waiver and Stipulation for Resentencing or Redesignation of Offenses
ATTACHMENT CR-6089	Defendant's Financial Statement in Support of Ancillary Fees Request
ATTACHMENT TR-7003	Amnesty Program

FOR COURT USE ONLY

FILED

DATED: _____
David H. Yamasaki
Chief Executive Officer/Clerk
Superior Court of California
County of Santa Clara

By: _____
Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

PEOPLE OF THE STATE OF CALIFORNIA

vs.

DEFENDANT:

AFFIDAVIT/UNDERTAKING FOR JUSTIFICATION OF BAIL AND ACKNOWLEDGEMENT

(PURSUANT TO 1278, 1279, 1280, 1280A, 1280.1 PENAL CODE)

CASE NUMBER:

BOOK: PAGE: LINE:

An order having been made on the _____ day of _____ 20_____,
by _____, Judge/Commissioner of the Superior Court of California, County of Santa Clara,
that defendant having been charged with a violation of _____
(Code Section(s))
upon which he/she has been admitted to a bail in the sum of \$ _____, _____
(Surety's Name)
_____ residing at _____,
and _____, residing at _____,
(Surety's Name)

hereby undertake that the above named defendant will appear and answer to the above mentioned charges in
whatever court he/she may be prosecuted and will at all times be amenable to the orders and process of the Court.
I/We, the above named surety/sureties, declare as follows:

- 1. I/We are residents of the State of California.
2. I/We own real property located at _____,
City of _____, County of _____,
which has a present market value of \$ _____,
description of which is attached to this declaration as "Exhibit A".
3. I/We owe \$ _____ on this date; therefore, my/our equity in said real
property is at least twice the amount of the bail set in this matter.
4. The home located on the property is not a mobile home.
5. The following liens/encumbrances/homesteads in the amounts stated, and no others, exist on
the property: _____

6. This property is is not now posted as security for any other property bond. (If the property serves as
security on another property bond, list amount of posting, the county in which it was posted, dated, recorded,
and the name of the principle for whom each bond was executed.)

PLAINTIFF:	CASE NUMBER:
DEFENDANT:	

7. This property is is not now homesteaded. If homesteaded, I/we agree that said homestead be conveyed to the County of Santa Clara, State of California, and that said will be encumbered by the affidavit given herewith. A homestead in the amount of \$ _____ is recorded with the Recorder in the County of _____ Book _____ Page _____.

I/We understand that by pledging the above mentioned real property as security for said bail and upon recording of this affidavit, a lien will be placed against said property. In the event that the person for whom this bond is posted fails to make any court appearance, my/our property may be sold in order to pay the amount of bail.

I/We declare under penalty of perjury that the foregoing, including any attachments, is true and correct.

Executed on _____ at _____, California.

X _____ (Surety) X _____ (Surety)

(If applicable)

I have read all of the above to the surety/sureties herein in _____ (Language) and the same have indicated that they fully understand the contents of this document.

Dated: _____

**INTERPRETER
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

On _____, before me, _____
(Date) (Name and Title of Judicial Officer)

personally appeared _____,
(Surety/Sureties)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed this instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL

**JUDICIAL OFFICER
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**
(Stamp or print the Judicial Officer's name below signature)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA COURT ADDRESS: 190 W. Hedding Street, San José, CA 95110 MAILING ADDRESS: 191 North First Street CITY AND ZIP CODE: San José, CA 95113 BRANCH NAME:	<i>FOR COURT USE ONLY</i>
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT & RESTRAINED PERSON:	
PROPERTY REMOVAL ORDERS CRIMINAL DOMESTIC VIOLENCE CASE	CASE NUMBER:

RESTRAINED PERSON: Complete Name: _____ Sex: <input type="checkbox"/> M <input type="checkbox"/> F Ht: _____ Wt: _____ Hair Color: _____ Eye Color: _____ Race: _____ Age: _____ DOB: _____ CRIMINAL PROTECTIVE ORDER IN THIS CASE ISSUED ON: _____ PROTECTED PERSON: _____

This proceeding was heard on (date): _____ at (time) _____ in Dept. _____
 by Judicial Officer (name): _____ Protect Party was present

THE COURT ORDERS THAT:

1. The Restrained Person is granted a **one-time exception** to the "no contact" and "stay away" provisions in the Criminal Protective Order (copy attached) issued on _____ to retrieve and remove his/her **necessary personal property**. Items which are not agreed upon shall not be removed. The removal shall occur within five days of this hearing and only if accompanied by a Law Enforcement Officer as defined by Penal Code section 830.1 or 830.2. The Removal shall not occur before 7 a.m. or after 10 p.m.

2. Either party may request a Civil Standby from the Law Enforcement Agency where the Protected Person resides. The Restrained Person shall give a copy of this Property Removal Order and the Criminal Protective Order to the Law Enforcement Officer at the Civil Standby before property removal can take place.

3. The Restrained Person may retrieve and remove "**necessary personal property**" only. "**Necessary personal property**" means the Restrained Person's clothing, toiletries, prescribed medication, medical records, medical insurance card, driver's license or state identification card; and passport, credit cards, ATM cards and checkbook(s) bearing the Restrained Person's name.

4. Other items that may also be removed: _____

5. The Restrained Person shall obey all instructions of a Law Enforcement Officer present on the Civil Standby, who may terminate the property removal process at any time in the Officer's discretion.

6. The orders herein are for temporary possession and the issue of final ownership of any item may be subject to review by a Court of competent jurisdiction.

7. The **LAW ENFORCEMENT OFFICER** who is present for the civil standby **SHALL NOT ALLOW** the Restrained Person entry into the Protected Person's residence unless:
 - a.) the Protected Person and/or a designated representative is present **AND**
 - b.) the Protected Person consents to entry by both the Law Enforcement Officer and the Restrained Person **OR** arranges another date and time for the Civil Standby to take place.

Date: _____

 JUDICIAL OFFICER

<input type="checkbox"/> Civil Standby took place on _____, at _____ am/pm Officer's Badge No. & Signature: _____
--

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS): TELEPHONE NO.:	FOR COURT USE ONLY
ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: Hall of Justice STREET ADDRESS: 190 West Hedding Street, San José, CA 95110 MAILING ADDRESS: 191 North First Street, San José, CA 95113	
PEOPLE OF THE STATE OF CALIFORNIA v. Defendant:	
DECLARATION OF FILING OF JUVENILE COURT 827 PETITION	CASE NUMBER:

I, _____, Attorney for Defendant/District Attorney of Santa Clara County, hereby notify this Court that this day, _____ (date), I filed in the Juvenile Court a request for release and use of documents from the confidential file of a current or former minor, and that said records may be relevant to the proceedings herein.

I declare under penalty of perjury the forgoing is true and correct.
 Dated this _____ day of _____, 20____, at San José, California

 (Type or print name) _____
 (Signature)

PROOF OF SERVICE

1. I am over 18 years of age and not a party to this action. I am a resident of or employed in the County in which the mailing took place.
2. My residence or business address is:
3. On (date): _____ I mailed the Declaration of Filing of Juvenile Court 827 Petition from (City and State): _____
4. I served the documents by enclosing them in an envelope and;
 - a. depositing the envelope with the United States Postal Service with postage fully prepaid.
 - b. placing the envelope for collection and mailing following our ordinary business practices. I am familiar with this business' practice for collecting and processing correspondence for mailing. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
5. The envelope was addressed and mailed as follows:
 - a. Name of person served:
 - b. Address of person served:
 - c. The name and address of each person served to whom I mailed the Declaration of Filing of Juvenile Court 827 Petition is listed in the Attachment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATE:

 (Type or print name of person completing this form) _____
 (Signature of person completing this form)

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) TELEPHONE NUMBER: EMAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PEOPLE OF THE STATE OF CALIFORNIA vs.	
APPLICATION FOR SEALING OF DOCUMENTS	CASE NUMBER:

- 1. Party seeking sealing order: _____

- 2. List documents sought to be sealed with specificity:

- 3. Memorandum and Declaration of Facts are attached.

- 4. This application was served on all parties who have appeared in this action and any party that already possesses copies of the records to be placed under seal have been served with a completed, un-redacted version of all papers as well as a redacted version. Proof of Service is attached.

- 5. List of documents submitted to the Court:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA COURT ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i>
PEOPLE OF THE STATE OF CALIFORNIA vs.	
ORDER RE SEALING OF COURT RECORDS	CASE NUMBER:

1. The Court has read and reviewed the Application for Sealing of Record(s) and makes the following findings and orders:
 - a. The Application for Sealing of Record(s) is denied.
 - b. The Application for Sealing of Record(s) is granted. The following documents, pages, or portions thereof are ordered sealed pending further order of the Court. (California Rules of Court, Rule 2.550(e)(B).)

2. The parties are prohibited from disclosing the contents of any materials that have been sealed in any subsequently filed records or papers. (California Rules of Court, Rule 2.551(e)(4).): The Court expressly finds facts that establish each of the following: (California Rules of Court, Rule 2.550(d).)
 - a. There exists an overriding interest that overcomes the right of public access to the record. The Court makes the following factual findings:

 - b. The overriding interest supports sealing the record. The Court makes the following factual findings:

 - c. A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed. The Court makes the following factual findings:

 - d. The proposed sealing is narrowly tailored. The Court makes the following factual findings:

3. The Clerk of the Court shall adhere a label prominently on the envelope and/or container with the sealed record(s) stating "SEALED BY ORDER OF THE COURT ON (*date*)". (California Rules of Court, Rule 2.551(e)(1).)

PEOPLE OF THE STATE OF CALIFORNIA vs.	CASE NUMBER:
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- 4. This Court Order is not ordered sealed and the Clerk of the Court shall attach a copy of this Court Order to the container or envelope which contains the sealed records. (California Rules of Court, Rule 2.551(e)(1))
- 5. This Court Order is ordered sealed and shall be placed into the envelope and/or container with the records which are sealed under this order. (California Rules of Court, Rule 2.551 (e)(2).)
- 6. In addition to the record(s) which are the subject of this sealing order, the Court makes the following additional sealing orders:
 - a. The register of actions is ordered sealed. (California Rules of Court, Rule 2.551(e)(2).)
 - b. Other court records are ordered sealed as set forth below: (California Rules of Court, Rule 2.551(e)(2))

- 7. The following person(s) other than the Court is authorized to inspect the sealed record: (California Rules of Court, Rule 2.551(e)(3).)

- 8. Custody of voluminous records: (California Rules of Court, Rule 2.551(g))
 - The court finds that the records which are ordered sealed are voluminous and are in the possession of a public agency _____ (name of public agency). The Court orders that the _____ (name of public agency), maintain custody of the records in a secure fashion pending further order of the court.

SO ORDERED.

Dated:

Judicial Officer of the Superior Court

ATTORNEY (Name, State Bar Number, and Address)	(FOR COURT USE ONLY)
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA	
PLAINTIFF: <p style="text-align: center;">PEOPLE OF THE STATE OF CALIFORNIA</p>	
DEFENDANT:	
<input type="checkbox"/> PETITION TO REDESIGNATE FELONY CONVICTION AS MISDEMEANOR (PC §1178.18(f)) <input type="checkbox"/> PETITION FOR RESENTENCING (PC §1170.18(a))	CASE NUMBER:

1. Defendant was convicted in this case of the following offenses that would have been misdemeanors if committed on or before November 5, 2014 (*list all eligible counts and code sections*) (*Attach additional pages.*)
2. Defendant has no prior convictions for offenses that are listed in PC § 667(e)(2)(C)(iv) or that require registration under PC § 290(c).

3. PETITION TO REDESIGNATE FELONY CONVICTION(S) AS MISDEMEANOR(S):

- a. Defendant has completed the sentence in this case (is not in custody or on probation, parole, PRCS, or mandatory supervision.
- b. Defendant hereby petitions to have the eligible felony conviction(s) designated as a misdemeanor(s).
- c. A hearing on this petition (*check one*): is not requested; is requested; is requested only if the petition is opposed.

4. PETITION TO RECALL FELONY SENTENCE AND RESENTENCE AS MISDEMEANOR(S):

- a. Defendant is in custody in this case at (*facility*) _____, and the release date is ___/___/____; or
 Defendant is currently on probation on mandatory supervision on parole on PRCS
- b. Defendant hereby petitions to have the sentence recalled and to be resentenced on _____, 20____ at 9:00 a.m. in Dept 31 at the Hall of Justice (*requested date must be at least 35 days after petition is filed*)

5. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, and that this petition is executed on (*date*): _____, 20____.

(Attorney for Defendant)

6. DISTRICT ATTORNEY RESPONSE (*must be filed within 30 days of service of the petition*)

- a. The District Attorney requests that the petition be GRANTED
- b. The District Attorney requests that the petition be DENIED for the following reason(s):
 - (1) The defendant has a prior conviction under PC § 667(e)(2)(C)(iv) and/or a conviction requiring registration under PC § 290(c) (*list convictions by docket # and code section*)
 - (2) The following felony offenses do not qualify for resentencing or redesignation (*list each count and code section and provide a brief explanation*)
 - (3) The defendant poses an unreasonable risk to public safety as defined in PC § 1170.18(c)

(COURT USE ONLY)

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief and that the response is executed on (*date*) _____, 20____.

Number of pages attached: _____ Deputy / Assistant District Attorney D# _____

SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA CLARA	FOR COURT USE ONLY
PLAINTIFF: <p style="text-align: center;">PEOPLE OF THE STATE OF CALIFORNIA</p>	
DEFENDANT <i>Self-Represented</i> Name: Street Address: City, State, Zip Code: Phone:	
<input type="checkbox"/> PETITION TO REDESIGNATE FELONY CONVICTION AS MISDEMEANOR (PC §1178.18(f)) <i>(Use when sentence is completed and you are not on probation, parole, or supervision)</i>	<input type="checkbox"/> PETITION FOR RESENTENCING (PC §1170.18(a)) <i>(Use when you are still in custody or on probation or supervision)</i>
CASE NUMBER:	

1. I am the Defendant in the above-captioned case and was convicted of the following offenses (*list all counts that you think are eligible for resentencing or redesignation*):
2. The value of stolen property or checks does not exceed \$950.
3. I have never been convicted of any of the "Disqualifying Offenses" listed on the back of this petition.
4. A copy of this petition has been served on the Santa Clara County District Attorney, 70 West Hedding St., West Wing, San José, CA 95110.

5. PETITION TO REDESIGNATE FELONY CONVICTION(S) AS MISDEMEANOR(S):

- a. I have completed my sentence and am no longer on probation, parole, Post Release Community Supervision, or Mandatory Supervision. I hereby petition to have the eligible felony conviction(s) designated as a misdemeanor(s).
- b. A hearing is not required to decide the petition. I (*check one of the following boxes*) do not request a hearing on this petition; request a hearing on this petition; request a hearing only if the petition is opposed.

6. PETITION TO RECALL FELONY SENTENCE AND RESENTENCE AS MISDEMEANOR(S):

- a. I am in custody at _____, and my release date is ___/___/___; or
 I am out of custody and on parole on formal probation on PRCS or mandatory supervision.
- b. I hereby petition to have my sentence recalled and to be resentenced.

7. I understand that if my petition is granted, I will still be prohibited from owning, possessing, or having custody or control of any firearm.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, and that this petition is executed on (*date*): _____, 20____.

(Signature of Petitioner)

8. DISTRICT ATTORNEY RESPONSE (*must be filed within 30 days of service of the petition*)

- a. The District Attorney requests that the petition be GRANTED
- b. The District Attorney requests that the petition be DENIED for the following reason(s):
 - (1) The defendant has a prior conviction under PC § 667(e)(2)(C)(iv) and/or a conviction requiring registration under PC § 290(c) (*list convictions by docket # and code section*)
 - (2) The following felony offenses do not qualify for resentencing or redesignation (*list each count and code section and provide a brief explanation*)
 - (3) The defendant poses an unreasonable risk to public safety as defined in PC § 1170.18(c)

(COURT USE ONLY)

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief and that the response is executed on (*date*) _____, 20____.

Deputy / Assistant District Attorney D# _____

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
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A copy of the Petition must be served on the District Attorney by mailing a copy to the address on the front of this petition, or by asking the clerk to place a copy in the District Attorney pick-up box in the clerk’s office.

Petition to Redesignate Felonies as Misdemeanors – Additional Information

The Court will issue an order on your petition within 60 days. A hearing is not required to decide your petition.

If your petition is granted, you will receive a copy of the order for your records.

If the Court finds that you are not eligible to have your felonies reduced, you may receive a written order explaining the reason your petition was denied. If you wish to do so, you may request a hearing within 30 days of that notice and will receive written notification of the date and time to appear in court.

Petition for Resentencing – Additional Information

If the Court finds that you are eligible for resentencing, counsel may be appointed to represent you and will contact you directly at the address you have provided. *(You may wish to include a telephone number for this purpose.)*

If you are ineligible for resentencing you will receive a written order explaining the reason your petition is being denied. If you wish to do so, you may request a hearing within 30 days of that notice, and will receive written notification of the date and time to appear in court.

LIST OF DISQUALIFYING OFFENSES (Penal Code § 667(e)(2)(C)(2)(iv), Penal Code §290(c))

<input type="checkbox"/> Any “sexually violent offense” (W&I §6600(b)): Any of the following acts when committed by force, violence, duress, menace, fear of immediate and unlawful bodily injury or threatening to retaliate in the future: (A) <input type="checkbox"/> rape (PC §261) <input type="checkbox"/> rape of a spouse (PC §262) <input type="checkbox"/> rape, rape of a spouse or penetration by foreign object in concert (PC §261.4) <input type="checkbox"/> sodomy (PC §286) <input type="checkbox"/> lewd or lascivious act on child or dependent person (PC §288) <input type="checkbox"/> oral copulation (PC §288a) <input type="checkbox"/> continuous sexual abuse of a child (PC §288.5) <input type="checkbox"/> penetration by foreign object (PC §289) Any of the following when committed with intent to commit an offense listed in (A) (B) <input type="checkbox"/> kidnapping (PC §207) <input type="checkbox"/> aggravated kidnapping (PC §209) <input type="checkbox"/> assault (PC §220)
<input type="checkbox"/> Oral copulation, sodomy, or sexual penetration with a child under 14 and more than 10 years younger than defendant (PC §288a, PC §286, or PC §289)
<input type="checkbox"/> A lewd or lascivious act with a child under 14 (PC §288)
<input type="checkbox"/> Any homicide or attempted homicide (PC §187 – 191.5)
<input type="checkbox"/> Solicitation to commit murder (PC §653f)
<input type="checkbox"/> Assault with a machine gun on peace officer or firefighter (PC §245(d)(3))
<input type="checkbox"/> Possession of a weapon of mass destruction (PC §11418(a)(1))
<input type="checkbox"/> Any serious or violent felony punishable in California by life imprisonment or death
<input type="checkbox"/> Any offense requiring lifetime sex offender registration under PC § 290(c)

SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA CLARA		
PLAINTIFF:	PEOPLE OF THE STATE OF CALIFORNIA	
DEFENDANT:		
WAIVER AND STIPULATION FOR RESENTENCING or REDESIGNATION OF OFFENSES (Penal Code §1170.18)		CASE NUMBER:

THE DISTRICT ATTORNEY AND DEFENDANT, HAVING REVIEWED THE DEFENDANT’S ENTIRE CRIMINAL HISTORY RECORD AND RECORD OF THE CURRENT CONVICTION, HEREBY STIPULATE AND AGREE:

- Any right to have the petition for resentencing decided by the original sentencing court is waived.
- The following felony offenses would have been misdemeanor offenses if committed before November 5, 2014 (*list all eligible counts and code sections*)
- The defendant has no prior convictions that are listed in Penal Code §667(e)(2)(C)(2)(iv), or that require sex offender registration under Penal Code §290(c).

4. PETITION FOR RESENTENCING:

- The defendant is currently in custody at _____ His/her expected release date is ___/___/___
 on parole on probation on PRCS on Mandatory Supervision
- The defendant does not pose an unreasonable risk to public safety, as defined in Penal Code §1170.18(c).
- The District Attorney has provided the required notice to any victim(s) under *Marsy’s Law*.
- The defendant is eligible to be resentenced under Penal Code §1170.18(b) and requests a hearing for that purpose on
Date: _____, 20____ at _____ a.m. p.m. in Department No: _____

5. PETITION FOR REDESIGNATION OF OFFENSES:

- The defendant has completed his/her sentence and is not in custody in this case or on probation, parole, PRCS, or mandatory supervision.
- The defendant is eligible to have the felony convictions listed above be designated as misdemeanors under Penal Code §1170.18(f) and the Court may issue an order redesignating those offenses without a hearing.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Date: _____ Defendant or Attorney for Defendant Date: _____ District Attorney D# _____

COURT ORDERS

- The Petition is DENIED.
- The Petition for resentencing of offenses is GRANTED. The matter is calendared for resentencing as requested in item 4 above.
- The Petition for redesignation of offenses is GRANTED. The felony offenses listed in item 2 are hereby designated misdemeanors for all purposes except as provided in Penal Code §1170.18(k).
- (*Other orders*):

Judicial Officer of the Superior Court

<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA</p> <p>STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:</p>	<p><i>FOR COURT USE ONLY</i></p>
<p style="text-align: center;">PEOPLE OF THE STATE OF CALIFORNIA</p> <p style="text-align: center;">vs.</p> <p>DEFENDANT:</p>	
<p style="text-align: center;">DEFENDANT'S FINANCIAL STATEMENT IN SUPPORT OF ANCILLARY FEES REQUEST</p>	<p>CASE NUMBER:</p>

(Attach additional sheets if the space provided below for any item is not sufficient.)

PERSONAL INFORMATION

1. Name:

EMPLOYMENT

2. What are your sources of income and occupation? *(Provide job title and name of employer)*

3. If not employed, describe all sources of income *(specify)*:

4. How often are you paid (for example, daily, weekly, biweekly, monthly)? *(specify)*:

5. What is your gross pay each pay period? \$

6. What is your take-home pay each pay period? \$

7. If your spouse earns any income, give the name of your spouse, the name and address of the business or employer, job title, and division or office *(specify)*:

8. Other sources of income *(specify)*:

CASH, BANK DEPOSITS

9. How much money do you have in cash? \$

10. How much other money do have in bank, saving and loans, credit unions, and other financial institutions either in your own name or jointly *(list)*:

	<u>Name and address of financial institution</u>	<u>Account number</u>	<u>Individual or joint?</u>	<u>Balance</u>
a.				\$
b.				\$
c.				\$

PROPERTY

11. List all automobiles, other vehicles, and boats owned in your name or jointly:

	<u>Make and Year</u>	<u>Value</u>	<u>Legal Owner if different from registered owner</u>	<u>Amount owed</u>
a.		\$		\$
b.		\$		\$
c.		\$		\$

12. List all real estate owned in your name or jointly:

	<u>Address of real estate</u>	<u>Fair market value</u>	<u>Amount owed</u>
a.		\$	\$
b.		\$	\$

PEOPLE OF THE STATE OF CALIFORNIA VS. DEFENDANT:	CASE NUMBER:
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OTHER PERSONAL PROPERTY (Do not list household furniture and furnishings, appliances, or clothing.)

13. List anything of value not listed above owned in your name or jointly (continue on attached sheet if necessary):

	<u>Description</u>	<u>Value</u>	<u>Address where property is located</u>
a.		\$	
b.		\$	
c.		\$	

ASSETS

14. List all other assets, including stocks, bonds, mutual funds and other securities (*specify*):

15. Is anyone holding assets for you? Yes No *If yes, describe the assets and give the name and address of the person on entity holding each asset (specify):*

16. Except for attorney fees in this matter and ordinary and routine household expenses, have you disposed of or transferred any assets since your arrest on this matter? Yes No
If yes, give the name and address of each person or entity who received any asset and describe each asset (specify):

DEBTS

17. Loans (*give details*):

18. Taxes (*give details*):

19. Support arrearages (*attach copies of orders and statements*):

20. Credit cards (*give creditor's name and address and the account number*):

21. Other debts (*specify*):

22. Monthly living expenses (*other than what is listed above*):

- a. Housing costs: \$
- b. Utilities: \$
- c. Food: \$
- d. Other: \$

23. Any other information you want the Court to consider or that the Court has requested you provide.

I declare under penalty of perjury under the laws of the State of California that the information contained in this form is true and correct.

Date:

(TYPE OR PRINT NAME)		(SIGNATURE)
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I, (name), a certified interpreter, having been duly sworn, truly translated this form to the defendant in the (specify language): language. The defendant indicated that he/she understood the contents of the form and he/she completed the form.

Date:

(TYPE OR PRINT NAME)		(SIGNATURE)
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AMNESTY PROGRAM
Statewide Traffic Tickets/Infractions
Superior Court of California, County of Santa Clara
October 1, 2015 to March 31, 2017

Date:	Driver's License Number:	
Name:	E-mail:	
Current Address:	Social Security Number:	
Citation/Court Case Number:	Date of Birth:	
Contact Number(s): Home	Mobile:	Work:

1. I am seeking (select one or both):

- Reduction in eligible unpaid bail/fines/fees
- Driver's license reinstatement

2. In order to be eligible for a reduction in my unpaid bail/fines/fees, I declare all of the following are true:

- I do not owe restitution to a victim within the county where the violation occurred.
- I do not have any outstanding misdemeanor or felony warrants in the county where the violation occurred.
- I made no payments to the court, county, or collecting agency for the eligible violation after September 30, 2015.

3. In order to be eligible for the restoration of my driver's license only, I declare one or both of the following is true:

- a. I have appeared and satisfied all my court-ordered obligations in this county.
- b. I am making payments to a comprehensive collections program on eligible violations and I am current on my installment payment plan.

4. By signing below, I confirm that I understand each of the following:

- I must pay the reduced balance owed in full at this time or comply with terms of the approved payment plan.
- I will pay an amnesty program fee of \$50 in order to participate.
- If I stop making payments on my amnesty case, the remaining balance may be referred to the Franchise Tax Board or a third party for collection.
- If my case is determined not to be eligible at a later time, I may have to pay the adjusted or full amount. (See reverse for details.)

Complete Either Section A or B

A. I declare under penalty of perjury under the laws of the State of California that the following is true and correct to the best of my knowledge and belief:

I receive the following public assistance (**check all that apply**):

- | | |
|---|--|
| <input type="checkbox"/> Supplemental Security Income/SSI | <input type="checkbox"/> Cash Assistance Program for Immigrants (CAPI) |
| <input type="checkbox"/> County relief, general relief, or general assistance | <input type="checkbox"/> In-Home Supportive Services (IHSS) |
| <input type="checkbox"/> State Supplementary Payment/SSP | <input type="checkbox"/> Tribal Temporary Assistance for Needy Families (TANF) |
| <input type="checkbox"/> CalWORKs | <input type="checkbox"/> CalFresh (Supplemental Nutrition Assistance Program) |
| <input type="checkbox"/> Medi-Cal | |

B. I declare under penalty of perjury under the laws of the State of California that the following is true and correct to the best of my knowledge and belief:

My total gross monthly household income is _____

And a total of _____ dependents live in the household.

I understand that if I provide incorrect or inaccurate information, the debt reduction amount may change and I will be responsible for payment of the adjusted or full amount.

Signature: _____

Date: _____

AMNESTY PROGRAM
Statewide Traffic Tickets/Infractions
Superior Court of California, County of Santa Clara
October 1, 2015 to March 31, 2017

Are you eligible for the 50% amnesty reduction?

After you submit this amnesty request, if the court, county, or collecting agency discovers that you are **not** eligible for amnesty because you have 1 or more outstanding warrants or owe victim restitution in this county, you will receive written notice within 10 business days that your request is being **suspended**. You will then have 20 business days from the date on the notice to bring to the court, county, or collecting agency written proof that the outstanding warrant(s) and/or victim restitution issues have been fixed. If you do not respond to the notice, then on the 21st business day after the date of the notice, or earlier if your proof does not show that you are eligible for amnesty, your amnesty request will be **retroactively cancelled** and your previously reduced court-ordered amounts will be restored, and any amounts you paid will be credited toward your revised outstanding debt. You will receive the notice(s) described above at the address you provided on page one of this request.

Are you eligible for the 80% amnesty reduction?

After you submit this amnesty request, if the court, county, or collecting agency discovers that you are **not** eligible for the 80 percent reduction in bail, fines, and/or fees because you do not receive public assistance as listed or because your household income is too high, you will receive written notice within 10 business days that your amnesty discount will be **revised**. You will then have 20 business days from the date on the notice to bring to the court, county, or collecting agency written proof that you do receive the specified public assistance or that your income is at or below 125 percent of the federal poverty rate for your household. If your written proof shows that you are eligible, your court-ordered amount will be revised to 20 percent of the amount owed. If you do not respond to the notice, then on the 21st business day from the date on the notice, or earlier if your proof does not show that you are eligible for the 80 percent discount, the agency will **cancel the discount**, and the full amount will be imposed, and any amounts you paid will be credited toward your revised outstanding debt. You will receive the notice(s) described above at the address you provided on page one of this request.

If you are eligible for either amnesty program:

A one-time \$50.00 administrative fee is due with your first payment. And, if you choose installment payments, the minimum payment amount is \$25.00. Payment in full or the first installment payment must be received by the Court no later than March 31, 2017. Your driver's license will not be reinstated for 20 days if you pay by check.

FOR OFFICIAL USE ONLY

Court case number: _____ Total adjusted balance: _____

The Superior Court of California, County of Santa Clara has verified case eligibility for the amnesty program and has determined the following:

- | | | |
|---|---|--|
| <p>Eligible for:</p> <p><input type="checkbox"/> 50% reduction</p> <p><input type="checkbox"/> 80% reduction</p> | <p>Not eligible for the following reasons
(check all that apply):</p> | <p><input type="checkbox"/> Outstanding warrant</p> <p><input type="checkbox"/> Due date after Jan 1, 2013</p> <p><input type="checkbox"/> Restitution owed</p> <p><input type="checkbox"/> Payment received after Sep 30, 2015</p> <p><input type="checkbox"/> Ineligible violations</p> <p><input type="checkbox"/> Not current on payments in a comprehensive debt collection program (driver's license reinstatement only)</p> |
|---|---|--|

Certified by: _____