

Superior Court of California
County of San Luis Obispo

Michael Powell
Court Executive Officer
Court Administration
(805) 706-3615
(805) 706-0210 FAX



Courthouse Annex
1035 Palm Street, Room 385
San Luis Obispo, CA 93408

SLO.COURTS.CA.GOV

October 1, 2021

Notice of Local Rules Updates

In compliance with California Rules of Court 10.613 and 10.614, the Superior Court is distributing for comment, proposed local rules and amendments to the local rules.

The following rule is proposed for adoption:

- RULE 31.07 ELECTRONIC FILING HIGHLY ENCOURAGED IN CRIMINAL, JUVENILE, AND TRAFFIC CASES.

The following rules are proposed to be amended:

- RULE 2.08 COURT SECURITY AND CONDUCT
- RULE 5.00 EXHIBITS
- RULE 7.11.1 TENTATIVE RULINGS
- RULE 10.12 TRAFFIC
- RULE 10.15 COUNTER ARRAIGNMENTS
- RULE 10.16 APPLICATION FOR WRIT OF HABEAS CORPUS OR CORAM NOBIS
- RULE 31.05 LIMITATIONS ON FILINGS

The proposed changes are attached to this notice and may also be found online at:

<https://www.slo.courts.ca.gov/forms-filing/local-rules>.

Please submit all comments to LocalRulesComments@slo.courts.ca.gov.

Michael Powell,
Court Executive Officer

RULE 2.08

COURT SECURITY AND CONDUCT

(a) Security

Security in the courtroom will be maintained by the Sheriff of the County of San Luis Obispo.

(b) Weapons

(1) No person, other than a currently employed peace officer or authorized court personnel shall bring any weapon into any courtroom. Authorization for court personnel must be given only by the presiding judge.

(2) No party to a case, including a currently employed peace officer shall possess any weapon in a courtroom.

(3) All persons in possession of a weapon, even if authorized, must disclose such fact to the bailiff of the courtroom before entry and in any event as soon as possible after entry.

(c) Dress

No person will appear in court without a shirt, or barefoot or wearing a tank top (or tube top or crop top), shorts or a hat.

(d) Restricted Areas

The following areas of the court premises are reserved for the exclusive use of the court staff:

(1) **San Luis Obispo** The offices of the clerk of the court
Rooms 220 and 385, chambers, and
adjoining hallway.

(2) **Paso Robles Branch** The office of the clerk (includes
criminal, civil, small claims) and
chambers.

(3) **Grover Beach** The office of the clerk of the court,
modular; the cashier's office and
chambers, courthouse; gate/fenced
parking area and area in between the
modular and courthouse building.

(4) **Juvenile Services Center** Chambers and Office of the
Clerk of the Court.

These described areas are limited to the judiciary and court staff. Members of the public, law enforcement, attorneys and their staff and other individuals are specifically prohibited from entrance into these areas unless directed to enter by a staff member for the purpose of conducting court business. Court staff will be responsible for enforcing these restrictions by requesting anyone other than court staff to leave. Bailiffs of the court are to remove individuals who violate this court order and report violations to the presiding judges.

(Subd (d)(3) adopted effective January 1, 2022)

(Previously Amended effective January 1, 2004)

RULE 5.00

EXHIBITS

(a) Reproduction

All exhibits attached to any pleading or document filed with the Court must comply with California Rules of Court, Sections 2.100 and 3.1110. Wherever the exhibit represents an original writing that has printing, typing, communication or representation on each side of the original, the exhibit should be either single-sided or if double-sided the back shall be inverted (tumbled).

(b) Foreign Languages

Exhibits written in a foreign language must be accompanied by a verified English translation.

(c) Incorporation by Reference

No pleading shall incorporate pleadings or other documents or portions thereof that are filed in another separate legal action without attaching a copy or setting forth the pertinent portion in the pleading that incorporates it.

(d) Pagination

Exhibits with multiple pages must be paginated unless paginated in the original.

(e) Tabs

The first page of each exhibit must be marked with a tab that protrudes from the page, at the bottom.

(f) Depositions, Interrogatories or Transcripts

Copies and/or portions of depositions, interrogatories or transcripts must not be filed or received except as provided for in Rules 7.03 and 7.04.

(g) Court Discretion

The court, in its discretion, may disregard any exhibit that does not comply with the above.

(h) Criminal Case Exhibits

Pursuant to section 1417.3 of the Penal Code, if an exhibit by its nature is severable and upon court order, the clerk must retain a portion of the exhibit not to exceed 3 lbs. by weight or 1 cubic foot by volume and return the balance of the exhibit to the district attorney or counsel offering the same. The clerk must substitute a full and complete photographic record of any exhibit or part of any exhibit which is returned to counsel. The party to whom the exhibit is being returned must provide the photographic record.

Whenever feasible, photographs, technical reports or identical dummy objects must be used in lieu of the original. All controlled substances received in evidence must be clearly labeled as to the type and amount of substance, preferably with the analyst's report on the outside of the envelope.

Exhibits, toxic by their nature, that pose a health hazard to humans must be introduced to the court in the form of a photographic record, if possible. Where the court finds that good cause exists to depart from this procedure, toxic exhibits may be brought into the courtroom and introduced. However, following introduction of the exhibit, the person previously in possession of the exhibit must take the responsibility for it and the court is not required to store the exhibit. (Amended 1/1/04)

Toxic exhibits are defined to include, but are not limited to the following: (Amended 1/1/04)

- (1) Any container containing a flammable liquid such as gasoline, kerosene, lighter fluid, paint thinner, ethyl, ether, etc.
- (2) Any type of explosive powder.
- (3) Any explosive chemical such as a toluene, ethane, etc.
- (4) Any explosive device such as a pipe bomb, hand grenade, etc.
- (5) Any flammable device such as a Molotov cocktail.
- (6) Any canister containing tear gas, mace, etc.
- (7) Any corrosive liquid.
- (8) Any rags soaked with any flammable liquid which are still damp or wet.
- (9) Dry P.C.P. in other than an airtight plastic bag.
- (10) Any liquid P.C.P.

(Subd (a) amended effective January 1, 2022)

(Previously amended January 1, 2009)

RULE 7.11.1

TENTATIVE RULINGS

Prior to the day of the hearing, any civil department may issue a tentative ruling on any law and motion matter, in the sole discretion of the assigned judge. If a tentative ruling is issued prior to the day of the hearing it will be issued in conformance with the tentative ruling procedures set forth in California Rules of Court, rule 3.1308(a)(2). The tentative ruling, if any, can be accessed by telephone at (805) ~~781706-5178~~ 3613, and will be available at the court's website no later than 4:00 PM the day prior to the hearing.

This rule does not preclude posting a tentative ruling the day of the hearing pursuant to CRC Rule 3.1308(b), nor does it mandate a tentative ruling be issued on all law and motion matters.

Amended effective January 1, 2022; previously amended January 1, 2012

RULE 10.12

TRAFFIC

(a) Traffic School

(1) Eligibility

This Court will permit those eligible pursuant to California Rules of Court, Rule 4.104, to attend a California Department of Motor Vehicle approved traffic school as a means of obtaining a confidential traffic school conviction.

(2) Procedure

The traffic citation or complaint will be reported to the Department of Motor Vehicles as a confidential traffic school conviction upon the presentation of any required fees by the date specified for completion.

~~(A) — A defendant must be given 13 weeks to attend and provide proof of completion and payment of required fees.~~

~~(BA)~~ Traffic School may not be attended unless authorized by the Court.

(b) Continuance by Clerk

A clerk of this Court may upon the request of a defendant or counsel continue the initial arraignment of a defendant except for defendants released on bail.

(c) Counter Arraignment by Counsel

(1) The Clerk's office is authorized to accept local form Counter Arraignment by Counsel on infraction cases from retained attorneys.

(2) Counter Arraignment by Counsel forms cannot be modified. Modified forms will not be accepted.

(3) No motions may be submitted with a Counter Arraignment by Counsel form.

(4) Counter Arraignment by Counsel will include the following actions on the defendant's behalf:

(a) Waiver of formal arraignment.

(b) Waiver of time for trial.

(c) Entry of not guilty plea on all charges.

(5) The Clerk's office will take the arraignment off calendar and notify parties.

(Former Subd (a)(2)(A) repealed effective January 1, 2022, Subd (a)(2)(B) relettered as Subd (a)(2)(A))

(Previously amended effective July 1, 2018)

RULE 10.15

COUNTER ARRAIGNMENTS

(a) Counter Arraignment Defined

A counter arraignment is a procedure whereby a defendant charged with violations of law may offer a plea of guilty or no contest by contacting at the office of the clerk without the necessity of appearance in court. When an appropriate waiver of rights form has been executed by the defendant and approved by a Clerk-clerk of the court, it is a judgment of the court.

(b) Charges Eligible for Counter Arraignment

Any infraction not requiring a mandatory appearance is eligible for a counter arraignment.

(c) Bail and Fine

The fine imposed after a counter arraignment must be equal to the bail as set in the bail schedule.

(d) Delayed Payments and Work Service

Upon entering a guilty plea the fine can be deferred for 90 days or the defendant can request monthly payments of \$100 per month. Clerks have discretion to reduce the payment to \$50 per month if defendant says he or she cannot afford the higher payment. The balance of the fine may be satisfied in whole or in part by performing community service at a rate of \$10 for every hour worked the current rate published by the court.

(e) Responsibility for Community Service

A person choosing to perform community service to satisfy a fine complete the hours with a registered non-profit (501(C)(3)) organization as a service to the community. Proof of these hours must be submitted to the court in the required format outlined on the court's website. must make arrangements through Pucciarelli Consulting.

Amended effective January 1, 2022; previously amended July 1, 2018

RULE 10.16

APPLICATION FOR WRIT OF HABEAS CORPUS OR CORAM NOBIS

An application for writ of habeas corpus, coram nobis, mandamus or prohibition in a criminal proceeding must be presented to the Criminal Department except petitions for writs of mandamus, prohibition, or review (certiorari) in a case charging a misdemeanor or infraction must be addressed to the Appellate Division of the court pursuant to Rule 14.05.

(a) Where to file Writ of Habeas Corpus Petitions

(1) All Writ of Habeas Corpus Petition including Ad Litem must be filed through the Criminal Department.

(2) Petition for Writ of Habeas Corpus pursuant to W&I code 5275 must be filed with Civil Department.

(b) Attorneys must file Habeas Corpus petitions electronically. A link to one of the filers for this court is available at the link: <http://www.odysseyfileca.com/service-providers.htm>

(c) A writ petition must comply with all applicable statutes and the California Rules of Court.

(d) Writs involving Felony matters prior to the defendant being held to answer – In Felony cases where the ruling, order or other matter arose prior to the completion of the preliminary hearing, petitions for writs of mandate, prohibition, review, or any other petition for extraordinary relief must be filed with the Appellate Division through the Civil Department.

(Amended and relettered effective January 1, 2022, previously amended effective July 1, 2018)

RULE 31.05

LIMITATIONS ON FILINGS

Notwithstanding any other provision of law or this rule, the following items shall not be electronically filed:

- (a) Any will, codicil, or testamentary trust;
- (b) Bond or undertaking;
- ~~(c)~~ Subpoenaed documents;
 - ~~(e)~~(1) Subpoenaed documents on Criminal or Juvenile matters may be submitted electronically by permission of the Criminal Clerk's office only.
- (d) Financial institution documents, care facility documents or escrow documents as defined under Probate Code Sec. 2620, submitted by conservators, guardians, or trustees of court supervised trusts;
- (e) California state vital records forms;
- (f) Any exhibits that cannot be accurately transmitted via electronic filing due to size or type;
- ~~(g)~~ Documents lodged with the court provisionally under seal;
 - ~~(g)~~(1) Criminal, traffic, juvenile, habeas corpus, and appeal – documents provisionally under seal can be filed by e-file or email with proper identification in the electronic filing comment or email subject stating the document is sealed or proposed sealed status and selection of the appropriate confidential security type when filing for e-file.
- ~~(h)~~ Certificate of Facts Re: Unsatisfied Judgment (DMV form DL30)
- ~~(i)~~ CLETS, RAP sheet
- ~~(h)~~(j) DMV Driver's License print outs

(Subd (c)(1), Subd (g)(1), Subd (i), Subd (j) adopted effective January 1, 2022)

(Previously amended effective January 1, 2017).

RULE 31.07**ELECTRONIC FILING HIGHLY ENCOURAGED IN CRIMINAL, JUVENILE, AND TRAFFIC CASES**

Pursuant to Penal Code Section 690.5(a) and Code of Civil Procedure Section 1010.6, documents filed in criminal, traffic and juvenile cases may be filed electronically (permissively submitted.) Electronic filing is highly encouraged on these case types. Self-represented parties are exempt from the electronic filing requirement pursuant to California Rules of Court section 2.253(b)(2) but are encouraged to participate voluntarily in filing electronically by e-file or by using one of the Criminal Operations Department email addresses. Documents can be filed electronically using the link and information found on the court's website slo.courts.ca.gov.

Rule 31.07 adopted effective January 1, 2022.