



Superior Court

State of California
County of Lake
Courthouse
Lakeport, California 95453
707-263-2262

MARY E. SMITH

COURT EXECUTIVE/CLERK
JURY COMMISSIONER

LOCAL CRIMINAL RULES

CHAPTER 4 CRIMINAL PROCEEDINGS

4.1 Discovery

Motions for discovery shall be focused upon specific items which remain in dispute after presentation of informal requests. "Boilerplate" discovery motions are disfavored. Counsel shall meet and confer before the hearing of any discovery motion in a good faith effort to resolve or narrow the dispute issues.

4.2 Preliminary Examination Readiness Conference

For all felony charges, a preliminary examination readiness conference date shall be set. At that conference all counsel who will participate in the preliminary hearing shall be present. Counsel are expected to have discussed the case among themselves and exchanged offers with a view toward resolving the matter prior to preliminary hearing.

Both counsel for the people and for the defendant shall inform the court of any special needs, such as interpreters or appointment of counsel for witnesses, that are needed for the preliminary examination, and the estimated time for hearing.

4.3 Pretrial Motions

Unless otherwise ordered or specifically provided by law, all pretrial motions, accompanied by a memorandum, and all papers opposing the motion, and all reply papers, must be served and filed in accordance with California Rules of Court §4.111.

4.4 Setting of Dates

A. Unless otherwise ordered for good cause, the court in felony cases at the arraignment on the information or indictment, shall set dates approximately as follows:

1. Motion hearing four weeks after arraignment on the information or indictment;
2. Mandatory settlement and trial readiness conference five weeks after arraignment on the information or indictment;
3. Trial assignment in the master calendar department on the Friday before trial; and
4. Trial six weeks after arraignment on the information or indictment.

B. Unless otherwise ordered for good cause, the court in misdemeanor cases shall set a disposition or setting hearing within three weeks of the defendant's first appearance in the calendar court with appointed or retained counsel.

C. If a disposition is not reached and unless otherwise ordered for good cause, the court in misdemeanor cases at the time for disposition or setting of trial, shall set dates approximately as follows:

1. Mandatory settlement and trial readiness conference three weeks after the disposition or setting hearing;
2. Trial assignment in the master calendar department on the Friday before trial; and
3. Trial five weeks after the disposition or setting hearing.

4.6 Mandatory Settlement and Trial Readiness Conference

A. Attorney's and parties attending the settlement and trial readiness conference must have the authority to settle the case.

B. Both parties are encouraged to exchange formal offers one week prior to the conference.

C. Before the conference, counsel shall confer among themselves, their clients and any alleged victims or law enforcement personnel in a good faith effort to achieve resolution of the case without trial.

D. At the conference counsel should be prepared to discuss the following:

1. Has all discovery been exchanged?
2. Will the defendant admit a charged prior?
3. Can any stipulations be entered concerning material facts in order to avoid bringing witnesses to trial?
4. Do the People intend to offer any statement of the defendant?
5. Are there any Aranda problems?
6. If the defendant testifies, do the People intend to offer evidence of a prior conviction for purposes of impeachment?
7. Do the People intend to offer evidence of uncharged offenses or evidence of bad character for any purpose?
8. Are there any other problems involving the admissibility of evidence?
9. What is the number of court days estimated for completion of trial?
10. Are there any problems involving the scheduling of witnesses?
11. Does any witness require the assistance of an interpreter?
12. Does any witness need to have counsel appointed?
13. Does the defendant require anything to improve his/her appearance before the jury, such as clothing or haircut?

Those lawyers who will try the case will attend the conference. If the case does not settle, counsel shall inform the court of the time estimate for trial and any special requirements that would affect the conduct of the trial.

E. If both counsel want the court to consider a late disposition, after the mandatory settlement and trial readiness conference a written request stating good cause for acceptance of the late disposition must be filed prior to the date of disposition.

F. Any motions in limine must be in writing and filed and served at the earliest opportunity, but not later than the commencement of the trial assignment hearing.

4.7 Continuances

All criminal cases set for hearing or trial will proceed to hearing or trial on the date scheduled in the absence of good cause. No continuances will be granted unless the court is presented proof of good cause for a continuance in accordance with Penal Code §1050. A stipulation of counsel for hearing or trial continuance does not necessarily constitute good cause.

4.8 Felony Sentencing

A. Letters - Written statements of defendants and letters of reference or recommendation on behalf of defendants are to be submitted to the probation officer, not to the Court. Any such items must be submitted to the probation officer no later than 14 calendar days following conviction in order to be considered by the probation officer or Court. Written communications submitted ex-parte to the Court by or on behalf of defendants or victims will be rejected. Letters of reference or recommendation presented for the first time at the sentencing hearing may, in the discretion of the Judicial Officer, be rejected.

B. Notice of Intention to Present Evidence - A party seeking consideration of circumstances in aggravation or mitigation may file and serve a statement complying with the requirements of Penal Code 1170, subd. (b) and California Rules of Court §4.437. The facts contained in the probation report's "Summary of Offense" shall be considered operative facts surrounding the offense absent any notice of intention to dispute facts.