

September 14, 2016

# Notice to Attorneys and to All Interested Parties: Invitation to Comment on Proposed Amendments to Local Rules

As required by California Rules of Court, Rule 10.613(g), the Superior Court of California, County of Alameda hereby distributes for public comment the attached proposal to amend its local rules.

The proposal also may be viewed on the <u>Court's website</u>. In addition, a hard copy of the proposal is available upon request by contacting the Office of the General Counsel by phone **(510-690-2857)** or by <u>email</u>.

#### **Important dates:**

- The last day to comment is October 31, 2016.
- The proposed local rules and forms take effect January 1, 2017.

**Summary and Text of Proposed Amendments to the Local Rules:** see attached.

#### Comments must be submitted in writing to:

Peter Caldwell
Senior Legal Research Attorney
Office of the General Counsel
Superior Court of California, County of Alameda
1225 Fallon Street, Room 209
Oakland, CA 94612
510-891-6276 fax
pecaldwell@alameda.courts.ca.gov

### **SUMMARY OF PROPOSED AMENDMENTS TO THE LOCAL RULES** (to be effective 01-01-17)

APPENDIX A – FORMS			
Form Number	Title of Form	Proposed Action	
ALA CRM-052 *NEW*	Advisement of Rights for Arraignment Without Interpreter	This proposal would provide a form for optional use when an interpreter is not available during an arraignment calendar. Judges may use it to advise a Defendant who is non-English speaking. The form will be translated into Spanish, Chinese, and Vietnamese.	

# **Proposed New Local Form**

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

PEOPLE v CASE NO				
	ADVISEMENT OF RIGHTS FOR ARRAIGNMENT WITHOUT INTERPRETER	1		
You have been charged with committing a crime by violating one or more of the laws of the State of California.  Write your initials in the blank space next to the lines you have read.				
1.	If you are <b>not a citizen</b> of the United States, conviction of some criminal offenses may result in deportation, exclusion from admission to the United States, or denial from becoming a naturalized U.S. citizen.	Initials:		
2.	There are three levels of crimes in California:			
	<ul> <li>a. An infraction is a crime that is punished by a fine. Trial is by judge, not jury.</li> <li>b. A Misdemeanor is a crime that can be punished by up to one year in jail, and a fine. Trial is by judge or jury.</li> <li>c. A Felony is a crime that can be punished by more than one year in prison or jail, and a fine. Trial is by judge or jury.</li> </ul>	Initials:		
3.	If you do not speak or understand English, you have the <b>right to an interpreter</b> . Please inform the judge if you need an interpreter, and the language or dialect.  Language or Dialect:	Initials:		
4.	If you are in custody, you have the right to ask the judge to set a <b>reasonable bail</b> .	Initials:		
5.	You have the <b>right to have an attorney</b> to consult with you and represent you at all stages of a felony or misdemeanor case. If you want an attorney, but cannot afford to hire one, the judge will appoint an attorney to represent you. At the end of the case, you will be required to pay for the some or all of the services of the attorney, depending on your ability to do so. You may represent yourself, if you give up your right to an attorney.	Initials:		
6.	At a trial <b>by jury</b> , 12 people from Alameda County will decide the facts, including whether you are guilty of the crime(s) charged. At a trial <b>by judge</b> , the judge will decide the facts, including whether you are guilty of the crime(s) charged.	Initials:		
7.	On misdemeanor charges, you have the right to a <b>speedy trial.</b> If you are in jail, your trial must start within 30 days after you enter a plea. If you are out of jail, your trial must start within 45 days after you enter a plea.	Initials:		

# **Proposed New Local Form**

### **ADVISEMENT OF RIGHTS FOR ARRAIGNMENT WITHOUT INTERPRETER**

8. On felony charges, you have the right to a <b>speedy preliminary hearing</b> within 10 days after you enter a plea. At the preliminary hearing, if a judge decides that their should be a trial, an Information will be filed. You have the right to a <b>speedy trial</b> will begin within 60 days after you enter your plea to the charges in the Information	re which
9. At trial and at preliminary hearing:	
<ul> <li>You have the right to see and hear the testimony of any witness who to You have the right to question every witness.</li> </ul>	estifies. Initials:
b. You have the <b>right to present evidence in your defense</b> . The court will of your witnesses to come to court to testify or produce evidence in your case.	
c. You have the <b>right to remain silent</b> in court, unless asked your name.	Initials:
10. If you are a foreign national, you have the right to have the court inform consul of y country that you are in custody. Consul has the right to visit and communicate with	
Please initial if you wish to inform consul that you are in custody in A	Alameda County.
Please state the country of the consul you want notified:	·
I understand what is written on this form.	
Date:   [Full Name]	