

NAME:	STATE BAR NO.:
STREET ADDRESS:	
CITY:	STATE:      ZIP CODE:
TELEPHONE NO.:	MOBILE NO.:
E-MAIL ADDRESS:	

**DECLARATION OF COUNSEL RE MINIMUM QUALIFICATIONS FOR APPOINTMENT IN DEATH PENALTY-RELATED HABEAS CORPUS PROCEEDINGS**

1. I request that (*check one*)

- a.  the Court of Appeal, \_\_\_\_\_ Appellate District regional habeas corpus panel committee determine that I meet the minimum qualifications for appointment for death penalty-related habeas corpus proceedings in a superior court and that I be included on the statewide panel of qualified attorneys.
- b.  the Superior Court of \_\_\_\_\_ County determine that I meet the minimum qualifications for appointment for death penalty-related habeas corpus proceedings in that court and that I be included on the panel of qualified attorneys for that court. (Applicable only in superior courts that have adopted a local rule of court authorizing a local panel.)

2. I meet the experience and training requirements in rule 8.652, as follows (*please check a or b*):

- a.  I meet the minimum qualifications stated in rule 8.652(c)(1)-(2).
  - (1) I have engaged in the active practice of law in California for at least five years.
  - (2) I have served as (*please check one of the following and attach a list of the case(s)—including a case name, case number, and court—that satisfy the checked criterion*)
    - (a)  counsel of record for a person in a death penalty-related habeas corpus proceeding in which the petition has been filed in the California Supreme Court, a Court of Appeal, or a superior court.
    - (b)  supervised counsel in two death penalty-related habeas corpus proceedings in which the petition has been filed *and* counsel of record in a combination of at least five completed appeals, habeas corpus proceedings, or jury trials in felony cases, including as counsel of record for a petitioner in at least two habeas corpus proceedings, each involving a serious felony in which the petition has been filed. Attached are the attestations and recommendations of lead or associate counsel in the two cases in which I was supervised counsel.
    - (c)  counsel of record for either party in a combination of at least eight completed appeals, habeas corpus proceedings, or jury trials in felony cases, including as counsel of record for a petitioner in at least two habeas corpus proceedings, each involving a serious felony in which the petition has been filed.
  - (3) I have satisfied the training requirement in rule 8.652(c)(4), as follows (*please check one or more*):
    - (a)  In the last three years, I have completed \_\_\_\_\_ hours of appellate criminal defense or habeas corpus defense training approved for Minimum Continuing Legal Education credit by the State Bar of California, \_\_\_\_\_ hours of which address death penalty habeas corpus proceedings. Attached are the dates and descriptions of the trainings.
    - (b)  In the last three years, I have served as an instructor in an appellate criminal defense or habeas corpus defense training. The training is approved for \_\_\_\_\_ hours of Minimum Continuing Legal Education credit by the State Bar of California. I request that my instruction constitute compliance with \_\_\_\_\_ hours of the training requirement. The training materials are attached.
    - (c)  I have represented a petitioner in a death penalty-related habeas corpus proceeding and request that this representation constitute compliance with \_\_\_\_\_ hours of the training requirement. The petition, docket, and decision on the case are attached.

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2. b.  I have at least five years of experience substantially equivalent to that of an attorney qualified under rule 8.652(c)(1)–(2). Attached is a description of my experience. In the last two years, I have completed at least 18 hours of appellate criminal defense or habeas corpus defense training approved for Minimum Continuing Legal Education credit by the State Bar of California, at least 10 hours of which involved death penalty habeas corpus proceedings. Attached are the dates and descriptions of my trainings. I understand that this experience does not qualify me for appointment under rule 4.562(g) by a superior court under local rule.

3. I am familiar with the practices and procedures of the California courts and the federal courts in death penalty–related habeas corpus proceedings.

4. Attached are three writing samples, including *(please check one or more)*

- a.  one or more filed petitions where I served as lead counsel of record for petitioner in a death penalty–related habeas corpus proceeding.
- b.  portion(s) of habeas corpus petition(s) prepared by me in my capacity as associate or supervised counsel for petitioner in a death penalty–related habeas corpus proceeding.
- c.  two or more filed habeas corpus petitions involving a serious felony in cases where I served as counsel of record for petitioner.

5. The following two attorneys are familiar with my qualifications and performance and recommend me for appointment as counsel for a person in a death penalty–related habeas corpus proceeding:

<u>Name of Attorney</u>	<u>Address</u>	<u>Phone</u>	<u>Email</u>
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- a.
- b.

6. Trial experience *(please check one)*

- a.  I have experience in conducting trials or evidentiary hearings.
- b.  I do not have experience in conducting trials or evidentiary hearings, and agree to associate with an attorney who has such experience if an evidentiary hearing is ordered in a death penalty–related habeas corpus proceeding in which I have been appointed to represent the petitioner.

7. Membership on a panel eligible for appointments to represent indigent appellants in the Court of Appeal *(please check one)*

- a.  I am not a member of an appellate district panel.
- b.  I am a member of the following appellate district panels:

8. Previous application, if applicable

- a.  I am a member of the statewide panel of attorneys provided for in rule 4.562. I am renewing my application for inclusion on the panel for another six-year term.
- b.  I previously applied for inclusion on the statewide panel of attorneys provided for in rule 4.562 but was not accepted. The date of the previous application was:
- c.  I previously applied for appointment under rule 4.562(g), by a superior court under a local rule (please state date of the application, the name of the court, and whether the application was accepted or denied):

9. Attached is a copy of my current resume.

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)	 (SIGNATURE)
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<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i>
In re _____ on Habeas Corpus (NAME OF PETITIONER)	
<b>ORDER APPOINTING COUNSEL IN DEATH          PENALTY-RELATED HABEAS CORPUS PROCEEDING</b>	CASE NUMBER:

1. On *(date)*: \_\_\_\_\_ the court appointed *(attorney)*: \_\_\_\_\_ as counsel to represent *(petitioner)*: \_\_\_\_\_ in the above-entitled case.

2. The court finds counsel qualified for appointment in this matter
- a.  as lead counsel under rule 8.652(c) of the California Rules of Court.
  - b.  as associate counsel under rule 8.652(c) of the California Rules of Court.
  - c.  as *(specify either lead or associate)*: \_\_\_\_\_ counsel under rule 8.652(d) of the California Rules of Court. The basis for finding counsel qualified under this section is:  set forth in Attachment 2c

3. The court designates as assisting entity or counsel the following:

Date:



\_\_\_\_\_  
 JUDGE OF THE SUPERIOR COURT

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER:  NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
In re _____ on Habeas Corpus (NAME OF PETITIONER)	
<b>PETITIONER'S NOTICE OF APPEAL</b> <b>Death Penalty–Related Habeas Corpus Decision</b> <b>(Pen. Code, § 1509.1; Cal. Rules of Court, rule 8.392)</b>	
CASE NUMBER:	

**NOTICE**

- **You must file this form in the SUPERIOR COURT WITHIN 30 DAYS** after the court rendered the judgment or made the order you are appealing.
- **IMPORTANT:** If you are appealing the decision of a superior court denying relief on a successive habeas corpus petition related to a sentence of death, and the superior court did not grant you a certificate of appealability, you must complete the Request for Certificate of Appealability on page 2 of this form.

1. Petitioner appeals from a judgment rendered or an order made by the superior court in a death penalty–related habeas corpus proceeding.  
 NAME of petitioner:  
 DATE of the order or judgment:
2.  This is an appeal from the decision of a superior court denying relief on a successive habeas corpus petition related to a sentence of death. *(If you check this box, you must check a or b.)*
  - a.  The superior court granted a certificate of appealability.
  - b.  The superior court did not grant a certificate of appealability. *(You must complete the Request for Certificate of Appealability on page 2 of this form.)*
3.  Petitioner requests that the court appoint an attorney for this appeal. Petitioner  was  was not represented by an appointed attorney in the superior court.
4. Petitioner's mailing address is:  same as in attorney box above.  
 as follows:

Date: \_\_\_\_\_

\_\_\_\_\_ (TYPE OR PRINT NAME) ▶ \_\_\_\_\_ (SIGNATURE OF PETITIONER OR ATTORNEY)

In re _____ on Habeas Corpus <div style="text-align: center;">(NAME OF PETITIONER)</div>	CASE NUMBER:
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**REQUEST FOR CERTIFICATE OF APPEALABILITY**

Penal Code section 1509.1(c) provides that a certificate of appealability may be issued only if the petitioner has shown both “a substantial claim for relief” and “a substantial claim that the requirements of subdivision (d) of section 1509 have been met.”

Penal Code section 1509(d) provides, in full:

An initial petition which is untimely under subdivision (c) or a successive petition whenever filed shall be dismissed unless the court finds, by the preponderance of all available evidence, whether or not admissible at trial, that the defendant is actually innocent of the crime of which he or she was convicted or is ineligible for the sentence. A stay of execution shall not be granted for the purpose of considering a successive or untimely petition unless the court finds that the petitioner has a substantial claim of actual innocence or ineligibility. “Ineligible for the sentence of death” means that circumstances exist placing that sentence outside the range of the sentencer’s discretion. Claims of ineligibility include a claim that none of the special circumstances in subdivision (a) of Section 190.2 is true, a claim that the defendant was under the age of 18 at the time of the crime, or a claim that the defendant has an intellectual disability, as defined in Section 1376. A claim relating to the sentencing decision under Section 190.3 is not a claim of actual innocence or ineligibility for the purpose of this section.

1. I request that the Court of Appeal issue a certificate of appealability. My claims for relief are:  Set forth in Attachment 1.

2. My claim that the requirements of Penal Code section 1509(d) have been met is:  Set forth in Attachment 2.

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)



\_\_\_\_\_

(SIGNATURE OF PETITIONER OR ATTORNEY)

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY
<b>PEOPLE OF THE STATE OF CALIFORNIA</b> <p style="text-align: center;">v.</p> <b>DEFENDANT:</b>	
<b>CAPITAL CASE ATTORNEY PRETRIAL CHECKLIST</b>	CASE NUMBER:

**Instructions:** This checklist is designed to be a tool for counsel to use throughout the pretrial proceedings in death penalty cases to ensure timely compliance with record preparation requirements and to make the certification of the record of the pretrial proceedings in these cases easier and more efficient for both counsel and the court. To acknowledge that counsel has reviewed this checklist as early as possible in the pretrial proceedings in a case in which the death penalty may be imposed, within 10 days of their first appearance, primary counsel for each defendant and the prosecution in the pretrial proceedings must sign and submit this checklist. Counsel may, but is not required to, use the right-hand column on the checklist to subsequently monitor their compliance with record preparation requirements.

ATTORNEY TASK	FOR OPTIONAL USE BY ATTORNEY
<b>DURING PRETRIAL PROCEEDINGS</b>	
<b>1. Review, sign, and submit checklist.</b> Within 10 days of your first appearance in court, review, sign, and submit this checklist. (Cal. Rules of Court, rule 4.119(b).)	
<b>2. Ensure all exhibits are marked.</b> Make sure that all exhibits that you offer during the pretrial proceedings are properly marked for identification.	
<b>3. Comply with rule 2.1040.</b> If you present or offer into evidence an electronic sound or sound-and-video recording, including a recording of a deposition or other prior testimony or a video that is made part of a digital or electronic presentation, you must comply with Cal. Rules of Court, rule 2.1040. Among other things, this rule requires that you provide a transcript of the electronic recording, which, under rule 8.610, must be included in the record on appeal.	
<b>4. Prepare a list of appearances, exhibits, and motions.</b> Prepare the lists specified in a, b, and c below.	
<b>a. A list of all appearances by the party you represent during pretrial proceedings, including ex parte appearances</b> <ul style="list-style-type: none"> <li>• <i>Capital Case Attorney List of Appearances</i> (form CR-601) must be used for this purpose. The list must include the date of each appearance, the department in which it was made, the name of the attorney making the appearance, and a brief description of the nature of the appearance.</li> <li>• A separate list of Penal Code section 987.9 appearances must be maintained under seal for each defendant.</li> </ul>	
<b>b. A list of all exhibits offered by the party you represent during pretrial proceedings</b> <ul style="list-style-type: none"> <li>• <i>Capital Case Attorney List of Exhibits</i> (form CR-602) must be used for this purpose. The list must include all exhibits offered at any pretrial proceedings and must indicate whether the exhibit was admitted in evidence, refused, lodged, or withdrawn. (Cal. Rules of Court, rule 4.119(c)(1)(B).)</li> <li>• Make sure that all exhibits that you offer during the pretrial proceedings are properly marked for identification.</li> </ul>	
<b>c. A list of all motions made by the party you represent during the pretrial proceedings, including ex parte motions.</b> <i>Capital Case Attorney List of Motions</i> (form CR-603) must be used for this purpose. The list must indicate if a motion is awaiting resolution. (Cal. Rules of Court, rule 4.119(c)(1)(C).)	

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
ATTORNEY TASK	FOR OPTIONAL USE BY ATTORNEY
<b>4. d. Providing lists to substituting counsel.</b> In the event of any substitution of attorney during the pretrial proceedings, the relieved attorney must provide the lists of all appearances, exhibits, and motions to substituting counsel within five days of being relieved. (Cal. Rules of Court, rule 4.119(c).)	
AFTER COMPLETION OF PRETRIAL PROCEEDINGS	
<b>5. Prosecution should notify court of intent to seek death penalty.</b> <ul style="list-style-type: none"> <li>• Primary counsel for the prosecution should notify the judge assigned to try the case or, if none is yet assigned, the presiding superior court judge or designee of the presiding judge, about whether the prosecution intends to seek the death penalty.</li> <li>• After the presiding judge has ordered preparation of the pretrial record, primary counsel for the prosecution should notify the judge assigned to try the case if the death penalty is no longer being sought.</li> </ul>	
<b>6. Submit and serve completed lists of appearances, exhibits, and motions.</b> <ul style="list-style-type: none"> <li>• No later than 21 days after the clerk notifies you to do so, submit the completed lists to the court. Serve a copy of all the completed lists, except the list of Penal Code section 987.9 appearances, on all parties.</li> <li>• Unless otherwise provided by local rule, submit the lists to the court in electronic form. (Cal. Rules of Court, rule 4.119(c).)</li> </ul>	
<b>a. The completed list of all appearances by the party you represented during pretrial proceedings</b>	
<b>b. The completed list of all exhibits offered by the party you represented during pretrial proceedings</b>	
<b>c. The completed list of all motions filed by the party you represented during the pretrial proceedings</b>	
<b>7. Review reporter's transcript, court file, and lists.</b> When the clerk delivers the reporter's transcript of the pretrial proceedings and the lists to you, you must: <ul style="list-style-type: none"> <li>• Review the reporter's transcript and the lists of appearances, exhibits, and motions to identify any errors or omissions in the transcripts;</li> <li>• Review the docket sheets and minute orders to determine whether all preliminary proceedings have been transcribed; and</li> <li>• Review the court file to determine whether it is complete. (Cal. Rules of Court, rule 8.613(f)(2).)</li> </ul>	
<b>8. Confer.</b> You must confer with opposing counsel within 21 days after the clerk delivers the reporter's transcripts and lists to you to discuss any errors or omissions in the reporter's transcript or court file identified during the review and determine whether any other proceedings or discussions should have been transcribed. (Cal. Rules of Court, rule 8.613(f)(3).)	
<b>9. Serve and file declaration and request for corrections or additions/statement.</b> Within 30 days after the clerk delivers the reporter's transcript and lists, each trial counsel must serve and file both of the following:	
<ul style="list-style-type: none"> <li>a. A declaration stating that counsel or another person under counsel's supervision has performed the tasks required by 8.613(f), including meeting and conferring with opposing counsel if ordered by the court. (Cal. Rules of Court, rule 8.613(g)(1)(A).)</li> </ul>	

<b>PEOPLE OF THE STATE OF CALIFORNIA v.</b> <b>DEFENDANT:</b>	CASE NUMBER:
<b>ATTORNEY TASK</b>	<b>FOR OPTIONAL USE BY ATTORNEY</b>
<p><b>9. b. ONE of the following:</b></p> <ul style="list-style-type: none"> <li>• A request for corrections or additions to the reporter's transcript or court file. A request for additions to the reporter's transcript must state the nature and date of the proceedings and, if known, the identity of the reporter who reported them; OR</li> <li>• A statement that counsel does not request any corrections or additions.</li> </ul> <p>Counsel may file a joint statement or request. (Cal. Rules of Court, rule 8.613(g)(1)(B) and (C).)</p>	

I acknowledge that I have reviewed this checklist.

Date:

\_\_\_\_\_, attorney for  
 (TYPE OR PRINT NAME)

\_\_\_\_\_  
 (PARTY)

  
 (SIGNATURE OF ATTORNEY)



<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i>
<b>PEOPLE OF THE STATE OF CALIFORNIA</b> v. <b>DEFENDANT:</b>	
<b>CAPITAL CASE ATTORNEY LIST OF</b> <input type="checkbox"/> Pretrial <input type="checkbox"/> Trial <b>APPEARANCES</b> <input type="checkbox"/> Regular <input type="checkbox"/> Penal Code, § 987.9	CASE NUMBER:

**Instructions:** Primary counsel for a defendant or for the prosecution in a case in which the death penalty may be imposed must list each appearance made on behalf of his or her client, including ex-parte appearances. For each appearance, provide the date of the appearance, the department in which it was made, the name of the attorney making the appearance, and a brief description of the nature of the appearance. Lists of Penal Code section 987.9 appearances must be separate from lists of all other appearances.

Date	Court Dept./Div.	Name of Attorney Making Appearance	Nature of Appearance

(continued on reverse)

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
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Date	Court Dept./Div.	Name of Attorney Making Appearance	Nature of Appearance


Check here if you need more space. Attach a sheet of paper and write "CR-601, List of Appearances" for a title.

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Date: \_\_\_\_\_

\_\_\_\_\_, attorney for \_\_\_\_\_

(TYPE OR PRINT NAME) (PARTY)

  
 \_\_\_\_\_  
 (SIGNATURE OF ATTORNEY)

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i>
<b>PEOPLE OF THE STATE OF CALIFORNIA</b> v. <b>DEFENDANT:</b>	
<b>CAPITAL CASE ATTORNEY LIST OF EXHIBITS</b> <input type="checkbox"/> Pretrial <input type="checkbox"/> Trial	CASE NUMBER:

**Instructions:** For each exhibit you offer in a case in which the death penalty may be imposed, provide the exhibit number and a brief description of the exhibit and indicate whether the exhibit was admitted in evidence, lodged, refused, or withdrawn.

Exhibit No.	Description	Outcome
		<input type="checkbox"/> Admitted <input type="checkbox"/> Lodged <input type="checkbox"/> Refused <input type="checkbox"/> Withdrawn
		<input type="checkbox"/> Admitted <input type="checkbox"/> Lodged <input type="checkbox"/> Refused <input type="checkbox"/> Withdrawn
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PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
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Exhibit No.	Description	Outcome
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Check here if you need more space. Attach a sheet of paper and write "CR-602, List of Exhibits" for a title.

Date:

\_\_\_\_\_, attorney for \_\_\_\_\_  
 (TYPE OR PRINT NAME) (PARTY)

\_\_\_\_\_  
 (SIGNATURE OF ATTORNEY)

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<b>FOR COURT USE ONLY</b>
<b>PEOPLE OF THE STATE OF CALIFORNIA</b> v. <b>DEFENDANT:</b>	
<b>CAPITAL CASE ATTORNEY LIST OF MOTIONS</b> <input type="checkbox"/> Pretrial <input type="checkbox"/> Trial	CASE NUMBER:

**Instructions:** For each motion you make in a case in which the death penalty may be imposed, including any ex parte motions, provide the date the motion was made, the department in which it was made, and a brief description of the motion. For pretrial motions, check the box if the motion is awaiting resolution.

Date	Court Dept./Div.	Description	Awaiting Resolution
			<input type="checkbox"/>
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PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
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Date	Court Dept./Div.	Description	Awaiting Resolution
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Check here if you need more space. Attach a sheet of paper and write "CR-603, List of Motions" for a title.

Date:

\_\_\_\_\_, attorney for \_\_\_\_\_  
(TYPE OR PRINT NAME) (PARTY)

  
(SIGNATURE OF ATTORNEY)

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i>
<b>PEOPLE OF THE STATE OF CALIFORNIA</b> v. <b>DEFENDANT:</b>	
<b>CAPITAL CASE ATTORNEY LIST OF JURY INSTRUCTIONS</b>	CASE NUMBER:

**Instructions:** For each jury instruction you submit in writing in a case in which the death penalty may be imposed, provide the instruction number and a brief description of the instruction and indicate whether the instruction was given, given as modified, refused, or withdrawn.

Instruction No.	Description	Outcome
		<input type="checkbox"/> Given <input type="checkbox"/> Given as modified <input type="checkbox"/> Refused <input type="checkbox"/> Withdrawn
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<b>PEOPLE OF THE STATE OF CALIFORNIA v.</b> <b>DEFENDANT:</b>	CASE NUMBER:
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Instruction No.	Description	Outcome
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		<input type="checkbox"/> Given <input type="checkbox"/> Given as modified <input type="checkbox"/> Refused <input type="checkbox"/> Withdrawn

Check here if you need more space. Attach a sheet of paper and write "CR-604, List of Jury Instructions" for a title.

Date:

\_\_\_\_\_, attorney for \_\_\_\_\_  
 (TYPE OR PRINT NAME) (PARTY)

\_\_\_\_\_  
 (SIGNATURE OF ATTORNEY)



<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i>
<b>PEOPLE OF THE STATE OF CALIFORNIA</b> v. <b>DEFENDANT:</b>	
<b>CAPITAL CASE ATTORNEY TRIAL CHECKLIST</b>	CASE NUMBER:
<p><b>Note:</b> Under Penal Code section 1240.1(e)(1), in capital cases, the obligations of defendant's trial counsel, whether retained by the defendant or court-appointed, and the prosecutor include taking all steps necessary to facilitate the preparation and timely certification of the record of all trial court proceedings.</p> <p><b>Instructions:</b> This checklist is designed to be a tool for counsel to use throughout the trial in death penalty cases to ensure timely compliance with record preparation requirements and to make the certification of the record of the trial in these cases easier and more efficient for both counsel and the court. To acknowledge that counsel has reviewed this checklist as early as possible in the trial proceedings in a case in which the death penalty may be imposed, within 10 days of their first appearance, primary counsel for each defendant and the prosecution must sign and submit this checklist. Counsel may, but is not required to, use the right-hand column on the checklist to monitor their compliance with record preparation requirements.</p>	

ATTORNEY TASK	FOR OPTIONAL USE BY ATTORNEY
<b>DURING TRIAL</b>	
<b>1. Review, sign, and submit checklist.</b> Within 10 days of your first appearance in court, review, sign, and submit this checklist. (Cal. Rules of Court, rule 4.230(b).)	
<b>2. Review daily transcripts and identify errors or omissions.</b> During trial, you are required to call the court's attention to any errors or omissions you find in the daily reporter's transcripts. Immaterial typographical errors that cannot conceivably cause confusion are not required to be brought to the court's attention. (Cal. Rules of Court, rule 4.230(c).)	
<b>3. Ensure all exhibits are marked.</b> Make sure that all exhibits that you offer during the trial are properly marked for identification.	
<b>4. Comply with rule 2.1040.</b> If you present or offer into evidence an electronic sound or sound-and-video recording, including a recording of a deposition or other prior testimony or a video that is made part of a digital or electronic presentation, you must comply with Cal. Rules of Court, rule 2.1040. Among other things, this rule requires that you provide a transcript of the electronic recording, which, under rule 8.610, must be included in the record on appeal.	
<b>5. Provide copies of audio or visual aids to the court.</b> If you use any audio or visual aids in presentations to the jury that are not subject to rule 2.1040, including digital or electronic presentations, provide a copy of the audio or visual aid to the court. If a visual aid is oversized, provide a photograph of that visual aid in place of the original. For digital or electronic presentations, provide the presentation in its native electronic format and a printout showing the full text of all slides or images. Photographs and printouts must be on 8 1/2 x 11 inch paper. (Cal. Rules of Court, rule 4.230(f).)	

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
<b>ATTORNEY TASK</b>	<b>FOR OPTIONAL USE BY ATTORNEY</b>

<b>6. Prepare lists of appearances, exhibits, motions, and jury instructions.</b> Prepare the lists specified in a, b, c, and d below.	
<b>a. A list of all appearances by the party you represent during the trial, including ex parte appearances</b> <ul style="list-style-type: none"> <li>• <i>Capital Case Attorney List of Appearances</i> (form CR-601) must be used for this purpose. The list must include the date of each appearance, the department in which it was made, the name of the attorney making the appearance, and a brief description of the nature of the appearance.</li> <li>• A separate list of Penal Code section 987.9 appearances must be maintained under seal for each defendant.</li> </ul>	
<b>b. A list of all exhibits offered by the party you represent during the trial</b> <ul style="list-style-type: none"> <li>• <i>Capital Case Attorney List of Exhibits</i> (form CR-602) must be used for this purpose. The list must include all exhibits offered during the trial and must indicate whether the exhibit was admitted in evidence, refused, lodged, or withdrawn. (Cal. Rules of Court, rule 4.230(d)(1)(B).)</li> <li>• Make sure that all exhibits that you offer during the trial are properly marked for identification.</li> </ul>	
<b>c. A list of all motions made by the party you represent during the trial, including ex-parte motions.</b> <i>Capital Case Attorney List of Motions</i> (form CR-603) must be used for this purpose. (Cal. Rules of Court, rule 4.230(d)(1)(C).)	
<b>d. A list of all jury instructions submitted in writing by the party you represent during the trial.</b> <i>Capital Case Attorney List of Jury Instructions</i> (form CR-604) must be used for this purpose. The list must indicate whether the instruction was given, given as modified, refused, or withdrawn. (Cal. Rules of Court, rule 4.230(d)(1)(D).)	
<b>e. Providing lists to substituting counsel.</b> In the event of any substitution of attorney during the trial, the relieved attorney must provide the lists of all appearances, exhibits, motions, and jury instructions to substituting counsel within five days of being relieved. (Cal. Rules of Court, rule 4.230(d)(1)(A).)	
<b>AFTER COMPLETION OF TRIAL IF DEATH PENALTY IS IMPOSED</b>  Note that under Penal Code section 1240.1(e)(1), to expedite certification of the entire record on appeal in all capital cases, the defendant's trial counsel, whether retained by the defendant or court-appointed, and the prosecutor must continue to represent the respective parties until the record is certified.	
<b>7. Submit and serve completed lists of appearances, exhibits, and motions.</b> <ul style="list-style-type: none"> <li>• No later than 21 days after the imposition of a sentence of death, you must submit the lists to the court and serve a copy of all the lists, except the list of Penal Code section 987.9 appearances, on all parties. If the clerk's and reporter's transcripts, combined, exceed 10,000 pages, this time limit is extended by 3 days for each 1,000 pages of combined transcripts over 10,000 pages.</li> <li>• Unless otherwise provided by local rule, submit the lists to the court in electronic form. (Cal. Rules of Court, rule 4.230(d)(2).)</li> </ul>	
<b>a. The completed list of all appearances by the party you represent during the trial</b>	
<b>b. The completed list of all exhibits offered by the party you represent during the trial</b>	
<b>c. The completed list of all motions made by the party you represent during the trial</b>	
<b>d. The completed list of all jury instructions submitted in writing by the party you represent during the trial</b>	

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
ATTORNEY TASK	FOR OPTIONAL USE BY ATTORNEY
<p><b>8. Review reporter's transcript, clerk's transcript, and lists.</b> When the clerk delivers the clerk's and reporter's transcripts and the lists to you, you must:</p> <ul style="list-style-type: none"> <li>Review the docket sheets, minute orders, and lists of appearances, exhibits, motions, and jury instructions to determine whether the reporter's transcript is complete; and</li> <li>Review the court file to determine whether the clerk's transcript is complete. (Cal. Rules of Court, rule 8.619(a)(1).)</li> </ul>	
<p><b>9. Confer.</b> Within 21 days after the clerk delivers the transcripts and lists, you must confer with opposing counsel to discuss any errors or omissions in the reporter's or clerk's transcript identified during your review. If the clerk's and reporter's transcripts, combined, exceed 10,000 pages, this time limit is extended by 3 days for each 1,000 pages of combined transcript over 10,000 pages. (Cal. Rules of Court, rule 8.619(a)(2).)</p>	
<p><b>10. Serve and file declaration and request for corrections or additions/statement.</b> Within 30 days after the clerk delivers the transcripts and lists to you, each trial counsel must serve and file both of the following (if the clerk's and reporter's transcripts, combined, exceed 10,000 pages, this time limit is extended by 3 days for each 1,000 pages of combined transcript over 10,000 pages):</p>	
<p><b>a.</b> A declaration stating that counsel or another person under counsel's supervision has performed the tasks required by 8.613(f), including meeting and conferring with opposing counsel. (Cal. Rules of Court, rule 8.619(b)(1)(A).)</p>	
<p><b>b. ONE</b> of the following:</p> <ul style="list-style-type: none"> <li>A request to include additional materials in the record or to correct errors that have come to counsel's attention. A request for additions to the reporter's transcript must state the nature and date of the proceedings and, if known, the identity of the reporter who reported them; OR</li> <li>A statement that counsel does not request any corrections or additions.</li> </ul> <p>Counsel may file a joint statement or request. (Cal. Rules of Court, rule 8.619(b)(1).)</p>	
<p><b>11. Participate in hearing to certify the record for completeness.</b> If any party files a request for corrections or additions to the record, the trial court will set a hearing to consider the request. (Cal. Rules of Court, rule 8.619(c).)</p>	
<p><b>12. Participate, as necessary, in certification of the record for accuracy.</b></p> <ul style="list-style-type: none"> <li>When appellate counsel for the defendant is retained or appointed, the trial court will send that counsel a copy of the record that has been certified for completeness. Within 90 days after that, appellate counsel or any other party may serve and file a request for corrections or additions to the record. If the clerk's and reporter's transcripts, combined, exceed 10,000 pages, this time limit is extended by 15 days for each 1,000 pages of combined transcripts over 10,000 pages.</li> <li>If a request for corrections or additions to the record is filed, unless otherwise ordered by the trial court, within 10 days after that request is filed, defendant's appellate counsel and the trial counsel from the prosecutor's office must meet and confer, in person or by telephone, to discuss the request and any application to unseal records served on the prosecutor's office.</li> </ul>	

I acknowledge that I have reviewed this checklist.

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)

, attorney for

\_\_\_\_\_  
 (PARTY)



\_\_\_\_\_  
 (SIGNATURE OF ATTORNEY)