

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Administrative Office of the Courts
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DATE: March 4, 2009

SUBJECT: Rules and Forms: Miscellaneous Technical Changes (amend Cal. Rules of Court, rules 2.260, 5.175, 8.486, 8.860, 8.862, 8.863, 8.869, 8,916, 8.1010, and 8.1105; and revise forms CR-135, CR-161, CR-290, CR-290.1, CR-292, INT-110, MC-025, SUBP-002, TR-INST and WG-002)
(Action Required)

Issue Statement

Various Judicial Council advisory committee members, court personnel, members of the public, and Administrative Office of the Courts (AOC) staff have identified errors in rules and forms resulting from inadvertent omissions, typographical errors, language inconsistencies, or changes in the rule name and numbering system. It is therefore necessary to make technical changes to the rules and forms noted below.

Recommendation

The Administrative Office of the Courts recommends that the Judicial Council make the following changes to the California Rules of Court and Judicial Council forms, effective April 24, 2009:

1. Revise form TR-INST, section 5.010 on page 5 to clarify and expressly state that the formatting of court location and phone number information on notice to appear forms may be modified to allow inclusion of information for multiple courts.

The AOC recommends that the Judicial Council make the following changes to the California Rules of Court and Judicial Council forms, effective July 1, 2009:

2. Amend rule 2.260(f)(1) to correct a reference from Code of Civil Procedure section “1013(a)” to “1013a;”
3. Amend rule 5.175(b) to correct a rule reference from 232.5 to 3.1591;
4. Amend rule 8.486(b)(3)(A) to change “the petitioner’s arguments” to “the parties’ arguments;”
5. Amend rules 8.860(b), 8.862(c), and 8.863(c) to change references to “the People” and “prosecuting attorney” to “respondent” and further amend rule 8.860(b) to delete the reference to “counsel for the appellant” because there is already a reference to “the appellant;”
6. Amend rules 8.869(c)(1) and 8.916(c)(1) to change references to “appellant” to “defendant;”
7. Amend rule 8.1010 to correct rule references from rules “8.753–8.761” and “8.783–8.785,” which were repealed, to “8.830–8.843, 8.860–8.873, or 8.910–8.923;”
8. Amend rule 8.1105(f)(1) to correct a rule reference from “8.707,” which was repealed, to “8.887;”
9. Revise form CR-135, item 1b, to add “State Bar number;”
10. Revise form CR-161 to delete an advisement below the caption mistakenly added during the most recent revisions of the form;
11. Revise forms CR-290, CR-290.1, and CR-292—the criminal abstracts of judgment—to add the criminal conviction assessment required by recently enacted Government Code section 70373 (Sen. Bill 1407) and to delete an order to obtain DNA samples made obsolete by Penal Code section 296(a)(2)(C), which requires that, starting January 1, 2009, the samples be obtained at the time the defendant is first arrested for, or charged with, a felony;
12. Revise form INT-110, item 2d, to add “states” after “Give;”
13. Revise form MC-025 to replace “Page 1 of 1” in the bottom right corner with “Page ___ of ___” and to delete line numbers;
14. Revise form SUBP-002, item 3b, to correct “sea]” to “seal”, and to correct the request for accommodation from “five court days” to “five days” in accordance with Civil Code section 54.8(a); and

The AOC recommends that the Judicial Council make the following change to a Judicial Council form, effective July 24, 2009:

15. Revise form WG-002 to reflect the increase of the federal minimum wage from \$6.55 to \$7.25 per hour.

The text of the amended rules is attached at pages 4–7. The revised forms are attached at pages 8–33.

Rationale for Recommendation

The changes to these rules and forms are technical in nature and necessary to correct inadvertent omissions, typographical errors, and language inconsistencies and to implement legislation and changes in the rule name and numbering system.

Alternative Actions Considered

The proposed actions are necessary for proper organization and accuracy. No alternative actions were considered.

Comments From Interested Parties

These proposals were not circulated for public comment because they are noncontroversial, involve technical revisions, and are therefore within the Judicial Council’s purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

Implementation Requirements and Costs

The proposed revisions will result in standard reproduction costs.

Attachments

1 **Rule 2.260. Electronic service**

2
3 (a)–(e) * * *

4
5 (f) **Proof of service**

6
7 (1) Proof of electronic service may be by any of the methods provided in
8 Code of Civil Procedure section 1013(a), except that the proof of
9 service must state:

10
11 (A)–(B) * * *

12
13 (2)–(4) * * *

14
15 (g) * * *

16
17 **Rule 5.175. Bifurcation of issues**

18
19 (a) * * *

20
21 (b) **Notice by clerk**

22
23 The clerk must mail copies of the order deciding the bifurcated issue and any
24 statement of decision under rule ~~232.5~~ 3.1591 to the parties within 10 days of
25 their filing and must file a certificate of mailing.

26
27 (c) * * *

28
29 **Rule 8.486. Petitions**

30
31 (a) * * *

32
33 (b) **Contents of supporting documents**

34
35 (1)–(2) * * *

36
37 (3) If a transcript under (1)(D) is unavailable, the record must include a
38 declaration by counsel or, if the petitioner is unrepresented, the
39 petitioner:

40
41 (A) Explaining why the transcript is unavailable and fairly
42 summarizing the proceedings, including the ~~petitioner's~~ petitioner's parties'

1 arguments and any statement by the court supporting its ruling.
2 This declaration may omit a full summary of the proceedings if
3 part of the relief sought is an order to prepare a transcript for use
4 by an indigent criminal defendant in support of the petition and if
5 the declaration demonstrates the petitioner's need for and
6 entitlement to the transcript; or

7
8 (B) * * *

9
10 (4) * * *

11
12 (c)–(e) * * *

13
14 **Rule 8.860. Normal record on appeal**

15
16 (a) * * *

17
18 (b) **Stipulation for limited record**

19
20 If, before the record is certified, the appellant ~~or counsel for the appellant and~~
21 ~~the People and the respondent~~ stipulate in writing that any part of the record
22 is not required for proper determination of the appeal and file that stipulation
23 in the trial court, that part of the record must not be prepared or sent to the
24 appellate division.
25

26 **Rule 8.862. Preparation of clerk's transcript**

27
28 (a)–(b) * * *

29
30 (c) **When preparation must be completed**

31
32 Within 20 days after the notice of appeal is filed, the clerk must complete
33 preparation of an original clerk's transcript for the appellate division, one
34 copy for the appellant, and one copy for the ~~prosecuting attorney~~ respondent.
35 If there is more than one appellant, the clerk must prepare an extra copy for
36 each additional appellant who is represented by separate counsel or self-
37 represented.
38

39 (d) * * *

40
41 **Rule 8.863. Trial court file instead of clerk's transcript**

1 (a)–(b) * * *

2
3 (c) **Copies**

4
5 The clerk must send a copy of the index to the appellant and the ~~prosecuting~~
6 ~~attorney~~ respondent for use in paginating their copies of the file to conform
7 to the index. If there is more than one appellant, the clerk must prepare an
8 extra copy of the index for each additional appellant who is represented by
9 separate counsel or self-represented.

10
11 **Rule 8.869. Statement on appeal**

12
13 (a)–(b) * * *

14
15 (c) **Contents of the proposed statement on appeal**

16
17 A proposed statement prepared by the appellant must contain:

18
19 (1) A condensed narrative of the oral proceedings that the appellant
20 believes necessary for the appeal and a summary of the trial court’s
21 holding and the sentence imposed on the ~~appellant~~ defendant. Subject
22 to the court’s approval, the appellant may present some or all of the
23 evidence by question and answer; and

24
25 (2) * * *

26
27 (d)–(g) * * *

28
29 **Rule 8.916. Statement on appeal**

30
31 (a)–(b) * * *

32
33 (c) **Contents of the proposed statement on appeal**

34
35 A proposed statement prepared by the appellant must contain:

36
37 (1) A condensed narrative of the oral proceedings that the appellant
38 believes necessary for the appeal and a summary of the trial court’s
39 holding and the sentence imposed on the ~~appellant~~ defendant. Subject
40 to the court’s approval, the appellant may present some or all of the
41 evidence by question and answer; and

42
43 (2) * * *

1
2 (d)–(g) * * *

3
4 **Rule 8.1010. Record on transfer**

5
6 (a) **Contents**

7
8 The record on transfer must contain:

9
10 (1) The original record on appeal prepared under rules ~~8.753–8.761~~ in a
11 ~~limited civil case or under rules 8.783–8.785 in a criminal case~~ 8.830–
12 8.843, 8.860–8.873, or 8.910–8.923;

13
14 (2)–(3) * * *

15
16 (b) **Clerks’ duties**

17
18 (1) The superior court clerk must promptly send the record on transfer to
19 the Court of Appeal and notify the parties that the record was sent
20 when:

21
22 (A) * * *

23
24 (B) The superior court clerk sends a copy of an appellate division
25 opinion certified for publication to the Court of Appeal under rule
26 ~~8.707~~ 8.887;

27
28 (C)–(D) * * *

29
30 (2) * * *

31
32 **Rule 8.1105. Publication of appellate opinions**

33
34 (a)–(e) * * *

35
36 (f) **Editing**

37
38 (1) Computer versions of all opinions of the Supreme Court and Courts of
39 Appeal must be provided to the Reporter of Decisions on the day of
40 filing. Opinions of superior court appellate divisions certified for
41 publication must be provided as prescribed in rule ~~8.707~~ 8.887.

42
43 (2) * * *

NOTICE TO APPEAR AND RELATED FORMS

Revised Effective ~~September 20, 2005~~ April 24, 2009



JUDICIAL COUNCIL OF CALIFORNIA

**Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California 94102-3688**

Chapter 5 VARIATIONS OF MANDATORY LANGUAGE/DATA FIELDS

5.000. In General

Mandatory language and data fields are indicated on examples of Judicial Council-adopted forms by unshaded areas; see section 5.010 for exceptions.

5.010. Permitted Variations

- a) To meet the unique customs and/or needs of local law enforcement agencies and courts, the Judicial Council form permits limited variations in the “time,” “place,” and “proof of correction certification” data fields, among others. To indicate that variations may be permitted, these data fields are identified by shaded areas. Shading should not appear on printed forms.
- b) The California Highway Patrol is permitted to alter the format and location of the fields for the name of the court, court address, and phone number and to add a field for the location of a CHP Inspection Facility on the face of a form TR-130, *Traffic/Nontraffic Notice to Appear* for their form CHP-215X.
- c) Formatting for the bracketed information that is required in the “Where” field on notice to appear forms may be modified to include information for multiple court locations.

Clerk stamps date here when form is filed.

Instructions

- This form is only for preparing a proposed statement on appeal in a **misdemeanor case**.
- Before you fill out this form, read *Information on Appeal Procedures for Misdemeanors* (form CR-131-INFO) to know your rights and responsibilities. You can get form CR-131-INFO at any courthouse or county law library or online at www.courtinfo.ca.gov/forms.
- This form can be attached to your *Notice Regarding Record of Oral Proceedings (Misdemeanor)* (form CR-134). If it is not attached to that notice, this form must be filed **no later than 20 days after you file that notice. If you have chosen to prepare a statement on appeal and do not file this form on time, the court may dismiss your appeal.**
- Fill out this form and make a copy of the completed form for your records and for each of the other parties.
- Serve a copy of the completed form on each of the other parties and keep proof of this service. You can get information about how to serve court papers and proof of service from *What Is Proof of Service?* (form APP-109-INFO) and on the California Courts Online Self-Help Center at www.courtinfo.ca.gov/selfhelp/lowcost/getready.htm#serving.
- Take or mail the original completed form and proof of service on the other parties to the clerk’s office for the same court that issued the judgment or order you are appealing. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

You fill in the name and street address of the court that issued the judgment or order you are appealing:

Superior Court of California, County of

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

Trial Court Case Number:

Trial Court Case Name:
The People of the State of California
v.

You fill in the appellate division case number (if you know it):

Appellate Division Case Number:

1 Your Information

a. Appellant (the party who is filing this appeal):

Name: _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Phone: () _____ E-mail (optional): _____

b. Appellant’s lawyer (skip this if the appellant is filling out this form):

The lawyer filling out this form (check (1) or (2)):

(1) was the appellant’s lawyer in the trial court. (2) is the appellant’s lawyer for this appeal.

Name: _____ **State Bar number:** _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Phone: () _____ E-mail (optional): _____

Fax (optional): () _____



Trial Court Case Number: _____

Trial Court Case Name: _____

Information About Your Appeal

- 2 On (fill in the date): _____, I/my client filed a notice of appeal in the trial court case identified in the box on page 1 of this form.
- 3 On (fill in the date): _____, I/my client filed a *Notice Regarding Record of Oral Proceedings*, choosing to use a statement on appeal as the record of what was said in this case.

Proposed Statement

4 The Charges Against Me/My Client

a. The charges against me/my client were (*list all of the charges indicated on the complaint or citation filed with the court by the prosecutor*): _____

b. I/My client (*check (1), (2), or (3)*):

(1) pleaded not guilty to all the charges.

(2) pleaded guilty to only the following charges: _____

(3) pleaded guilty to all of these charges.

5 Summary of Any Motions

a. Were any motions (requests for the trial court to issue an order) filed in this case?

Yes (*fill out b*) No (*skip to 6*).

b. *In the spaces below, please describe any motions (requests for orders) that were made in the trial court. Write a complete and accurate summary of what was said at any hearings on these motions and indicate how the trial court ruled on these motions.*

(1) *Describe the first motion:* _____

The motion was filed by the prosecutor. defendant.

There was was not a hearing on this motion.

If there was a hearing on this motion, write a complete and accurate summary of what was said at this hearing:



Trial Court Case Name: _____

5 b. (continued)

The trial court granted this motion. did not grant this motion.

Other (describe any other action the trial court took concerning this motion): _____

Check here if you need more space to describe this motion and attach a separate page or pages describing it. At the top of each page, write "CR-135, item 5b(1)."

(2) Describe the second motion: _____

The motion was filed by the prosecutor. defendant.

There was was not a hearing on this motion.

If there was a hearing on this motion, write a complete and accurate summary of what was said at this hearing: _____

The trial court granted this motion. did not grant this motion.

Other (describe any other action the trial court took concerning this motion): _____

Check here if you need more space to describe this motion and attach a separate page or pages describing it. At the top of each page, write "CR-135, item 5b(2)."

Check here if any other motions were filed, and attach a separate page or pages describing each motion, identifying who made the motion and whether there was a hearing on the motion, summarizing what was said at the hearing on the motion, and indicating whether the trial court granted or denied the motion. At the top of each page, write "CR-135, item 5b(3)."



Trial Court Case Name: _____

6 Summary of Testimony

a. Was there a trial in your case?

- No (skip items b, c, and d and go to item 7)
- Yes (check (1) or (2) and complete items b, c, and d)
 - (1) Jury trial
 - (2) Trial by judge only

b. Did you/your client testify at the trial?

- No
- Yes (write a complete and accurate summary of the testimony you/your client gave. Include only what you actually said; do not comment on or give your opinion about what you said):

Check here if you need more space to summarize your/your client’s testimony and attach a separate page or pages summarizing this testimony. At the top of each page, write “CR-135, item 6b.”

c. Did an officer from the police department, sheriff’s office, or other government agency that charged you/your client testify at the trial? (check one):

- No
- Yes (complete (1) and (2)):

(1) The name of the officer who testified is (fill in the officer’s name): _____

(2) This officer testified that (write a complete and accurate summary of the officer’s testimony. Include only what the officer actually said; do not comment on or give your opinion about what the officer said):

Check here if you need more space to summarize the officer’s testimony and attach a separate page or pages summarizing this testimony. At the top of each page, write “CR-135, item 6c.”

d. Were there any other witnesses at the trial?

- No
- Yes (fill out (1)–(4)):

(1) The witness’s name is (fill in the witness’s name): _____

(2) This witness was was not an officer from the police department, sheriff’s office, or other government agency that charged me/my client.

(3) This witness testified on behalf of me/my client. the prosecution.



Trial Court Case Name: _____

6 d. (continued)

(4) This witness testified that *(write a complete and accurate summary of the witness's testimony. Include only what the witness actually said; do not comment on or give your opinion about what the witness said):*

Check here if you need more space to summarize this witness's testimony and attach a separate page or pages summarizing this testimony. At the top of each page, write "CR-135, item 6d."

Check here if any other witnesses testified at the trial. Attach a separate page or pages identifying each witness, whether the witness testified on your/your client's behalf or the prosecution's behalf, and summarizing what that witness said in his or her testimony. At the top of each page, write "CR-135, item 6e"

7 The Trial Court's Findings

a. I/My client was found guilty of the following offenses *(list all of the offenses for which you were/your client was found guilty):* _____

b. I/My client was found not guilty of the following offenses *(list all of the offenses for which you were/your client was found not guilty):* _____

8 The Sentence

The trial court ordered the following punishment for me/my client in this case *(check all that apply and fill in any required information):*

a. Jail time *(fill in the amount of time you are/your client is required to spend in jail):* _____

b. A fine (including penalty and other assessments) *(fill in the amount of the fine):* \$ _____

c. Restitution *(fill in the amount of the restitution):* \$ _____

d. Probation *(fill in the amount of time you are/your client is required to be on probation):* _____

e. Other punishment *(describe any other punishment that the trial court imposed in this case):*



Trial Court Case Name: _____

9 Reasons for Your Appeal

Remember, in an appeal, the appellate division can only review a case for whether certain kinds of legal errors were made in the trial court proceedings (read form CR-131-INFO to learn about these legal errors):

- *There was not “substantial evidence” supporting the judgment, order, or other decision you are appealing*
- *A “prejudicial error” was made during the trial court proceedings.*

The appellate division:

- *Cannot retry your case or take new evidence*
- *Cannot consider whether witnesses were telling the truth or lying*
- *Cannot consider whether there was more or stronger evidence supporting your position than there was supporting the trial court’s decision*

(Check all that apply and describe in detail the legal error or errors you believe were made that are the reason for this appeal.)

- a. There was not substantial evidence that supported the judgment, order, or other decision I am/my client is appealing in this case. *(Explain why you think the judgment, order, or other decision was not supported by substantial evidence):*

- b. The following error or errors about either the law or court procedure was/were made that caused substantial harm to me/my client. *(Describe each error and how you were/your client was harmed by that error):*

(1) *Describe the error:* _____

Describe how this error harmed you/your client: _____



Trial Court Case Number: _____

Trial Court Case Name: _____

9 b. (continued)

(2) Describe the error: _____

Describe how this error harmed you/your client: _____

(3) Describe the error: _____

Describe how this error harmed you/your client: _____

Check here if you need more space to describe these or other errors, and attach a separate page or pages describing the errors. At the top of each page, write "CR-135, item 9."

REMINDER: You must serve and file this form no later than 20 days after you file your notice regarding the oral proceedings. If you do not file this form on time, the court may dismiss your appeal.

Date: _____

Type or print name

▲

Signature of appellant or attorney

SUPERIOR COURT OF CALIFORNIA, COUNTY OF — STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i>
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	
CRIMINAL PROTECTIVE ORDER—OTHER THAN DOMESTIC VIOLENCE (CLETS - CPO) (Pen. Code, §§ 136.2 and 646.9(k)) <input type="checkbox"/> ORDER UNDER PENAL CODE, § 136.2 <input type="checkbox"/> MODIFICATION <input type="checkbox"/> PROBATION CONDITION ORDER (Pen. Code, § 136.2) <input type="checkbox"/> ORDER UNDER PENAL CODE, § 646.9(k)	CASE NUMBER: <hr/> CLETS ENTRY BY:

PERSON TO BE RESTRAINED (*complete name*): _____
 Sex: M F Ht.: _____ Wt.: _____ Hair color: _____ Eye color: _____ Race: _____ Age: _____ Date of birth: _____
 The defendant is a peace officer with _____ Department: _____

1. This proceeding was heard on (*date*): _____ at (*time*): _____ in Dept.: _____ Room: _____ by judicial officer (*name*): _____
2. This order expires on (*date*): _____ If no date is listed, this order expires three years from the date of issuance.
3. Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.
4. COMPLETE NAME OF EACH PROTECTED PERSON: _____

GOOD CAUSE APPEARING, THE COURT ORDERS THAT THE ABOVE-NAMED DEFENDANT

5. must not harass, strike, threaten, assault (sexually or otherwise), follow, stalk, molest, destroy or damage personal or real property, disturb the peace, keep under surveillance, or block movements of the protected persons named above.
6. **must surrender to local law enforcement or sell to a licensed gun dealer any firearm owned or subject to his or her immediate possession or control within 24 hours after service of this order and must file a receipt with the court showing compliance with this order within 48 hours of receiving this order.**
7. must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing or testifying or making a report to any law enforcement agency or person.
8. must take no action to obtain the addresses or locations of protected persons or their family members, caretakers, or guardian unless good cause exists otherwise. The court finds good cause not to make the order in item 8.
9. must have no personal, electronic, telephonic, or written contact with the protected persons named above.
10. must have no contact with the protected persons named above through a third party, except an attorney of record.
11. must not come within _____ yards of the protected persons named above.
12. may have peaceful contact with the protected persons named above only for the safe exchange of children for court-ordered visitation as stated in the attached Family, Juvenile, or Probate court order in Case No. _____, issued on (*date*): _____, as an exception to the "no-contact" or "stay-away" provision in paragraph 9, 10, or 11 of this order.
13. may have peaceful contact with the protected persons named above only for the safe exchange of children for visitation as stated in a Family, Juvenile, or Probate court order issued after the date this order is signed, as an exception to the "no-contact" or "stay-away" provision in paragraph 9, 10, or 11 of this order.
14. The protected persons may record any prohibited communications made by the restrained person.
15. Other orders including stay-away orders from specific locations:

Date: _____ JUDICIAL OFFICER _____ Department/Division: _____

WARNINGS AND NOTICES

1. **VIOLATION OF THE ORDER IS SUBJECT TO CRIMINAL PROSECUTION.** Violation of this protective order may be punished as a felony, a misdemeanor, or contempt of court.
2. **NOTICE REGARDING FIREARMS.** Any person subject to a protective order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment. The person subject to these orders must relinquish any firearms and not own or possess any firearms during the period of the protective order. Under federal law, the issuance of a protective order after hearing will generally prohibit the restrained person from owning, accepting, transporting, or possessing firearms or ammunition. A violation of this prohibition is a separate federal crime. (Pen. Code, § 136.2(d).)
3. **ENFORCING THIS ORDER IN CALIFORNIA**
 - This order must be enforced in California by any law enforcement agency that has received the order or is shown a copy of the order or has verified its existence on the California Law Enforcement Telecommunications System (CLETS).
 - Law enforcement must determine whether the restrained person had notice of the order. If notice cannot be verified, law enforcement must advise the restrained person of the terms of the order and, if the restrained person fails to comply, must enforce it. (Code Civil Proc., § 527.6.)
4. **EFFECTIVE DATE AND EXPIRATION DATE OF ORDERS**
 - These orders are effective as of the date they were signed by a judicial officer.
 - These orders expire as explained in item 2 on the reverse.
 - Orders under Penal Code section 136.2 are valid as long as the court has jurisdiction over the case. They are not valid after imposition of a state prison commitment. (See *People v. Stone* (2004) 123 Cal.App.4th 153.)
 - Orders under Penal Code section 646.9 are valid for up to 10 years and may be issued by the court whether the defendant is sentenced to state prison or county jail or if imposition of sentence is suspended and the defendant is placed on probation. (Pen. Code, § 646.9(k).)
 - To terminate this protective order, use form CR-165, *Notice of Termination of Protective Order in Criminal Proceeding (CLETS)*.
5. **CHILD CUSTODY AND VISITATION**
 - Child custody and visitation orders may be established or modified in Family, Juvenile, or Probate court.
 - Unless box 13 on page 1 is checked, contact between the restrained and protected persons permitted by a Family, Juvenile, or Probate court order for child custody or visitation must not conflict with the provisions of this order.
 - If box 12 or 13 on page 1 is checked, the restrained and protected persons should always carry a certified copy of the most recent child custody or visitation order issued by the Family, Juvenile, or Probate court.

ABSTRACT OF JUDGMENT - PRISON COMMITMENT - DETERMINATE
[NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-290 ATTACHED]

CR-290

SUPERIOR COURT OF CALIFORNIA, COUNTY OF:			
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	DOB:	-A	
AKA:		-B	
CII NO.:		-C	
BOOKING NO.:	<input type="checkbox"/> NOT PRESENT	-D	
COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT	<input type="checkbox"/> AMENDED ABSTRACT		
DATE OF HEARING	DEPT. NO.	JUDGE	
CLERK	REPORTER	PROBATION NO. OR PROBATION OFFICER <input type="checkbox"/> IMMEDIATE SENTENCING	
COUNSEL FOR PEOPLE		COUNSEL FOR DEFENDANT <input type="checkbox"/> APPTD.	

1. Defendant was convicted of the commission of the following felonies:

Additional counts are listed on attachment _____ (number of pages attached)

COUNT	CODE	SECTION NO.	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YR.)	CONVICTED BY			TERM (L., M., U)	CONCURRENT	CONSECUTIVE 1/3 VIOLENT	CONSECUTIVE 1/3 NON-VIOLENT	CONSECUTIVE FULL TERM	INCOMPLETE SENTENCE (REFER TO Item 5)	654 STAY	PRINCIPAL OR CONSECUTIVE TIME IMPOSED	
						JURY	COURT	PLEA								YRS.	MOS.
					/ /												
					/ /												
					/ /												
					/ /												
					/ /												
					/ /												

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

COUNT	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	TOTAL

4. Defendant sentenced per: PC 667(b)-(i) or PC 1170.12 (two-strikes)
 PC 1170(a)(3). Pre-confinement credits equal or exceed time imposed (Paper Commitment). Deft. ordered to report to local Parole Office upon release.

5. INCOMPLETE SENTENCE(S) CONSECUTIVE

COUNTY	CASE NUMBER

6. TOTAL TIME ON ATTACHED PAGES: _____

7. Additional indeterminate term (see CR-292).

8. TOTAL TIME EXCLUDING COUNTY JAIL TERM: _____

This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document.

PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:			
-A	-B	-C	-D

9. FINANCIAL OBLIGATIONS (plus any applicable penalty assessments):

a. Restitution Fine(s):

- Case A: \$ _____ per PC 1202.4(b) forthwith per PC 2085.5; \$ _____ per PC 1202.45 suspended unless parole is revoked.
\$ _____ per PC 1202.44 is now due, probation having been revoked.
- Case B: \$ _____ per PC 1202.4(b) forthwith per PC 2085.5; \$ _____ per PC 1202.45 suspended unless parole is revoked.
\$ _____ per PC 1202.44 is now due, probation having been revoked.
- Case C: \$ _____ per PC 1202.4(b) forthwith per PC 2085.5; \$ _____ per PC 1202.45 suspended unless parole is revoked.
\$ _____ per PC 1202.44 is now due, probation having been revoked.
- Case D: \$ _____ per PC 1202.4(b) forthwith per PC 2085.5; \$ _____ per PC 1202.45 suspended unless parole is revoked.
\$ _____ per PC 1202.44 is now due, probation having been revoked.

b. Restitution per PC 1202.4(f):

- Case A: \$ _____ Amount to be determined to victim(s)* Restitution Fund
- Case B: \$ _____ Amount to be determined to victim(s)* Restitution Fund
- Case C: \$ _____ Amount to be determined to victim(s)* Restitution Fund
- Case D: \$ _____ Amount to be determined to victim(s)* Restitution Fund

* Victim name(s), if known, and amount breakdown in item 11, below. * Victim name(s) in probation officer's report.

c. Fine(s):

- Case A: \$ _____ per PC 1202.5 \$ _____ per VC 23550 or _____ days county jail prison in lieu of fine concurrent consecutive
 includes: \$50 Lab Fee per HS 11372.5(a) \$ _____ Drug Program Fee per HS 11372.7(a) for each qualifying offense
- Case B: \$ _____ per PC 1202.5 \$ _____ per VC 23550 or _____ days county jail prison in lieu of fine concurrent consecutive
 includes: \$50 Lab Fee per HS 11372.5(a) \$ _____ Drug Program Fee per HS 11372.7(a) for each qualifying offense
- Case C: \$ _____ per PC 1202.5 \$ _____ per VC 23550 or _____ days county jail prison in lieu of fine concurrent consecutive
 includes: \$50 Lab Fee per HS 11372.5(a) \$ _____ Drug Program Fee per HS 11372.7(a) for each qualifying offense
- Case D: \$ _____ per PC 1202.5 \$ _____ per VC 23550 or _____ days county jail prison in lieu of fine concurrent consecutive
 includes: \$50 Lab Fee per HS 11372.5(a) \$ _____ Drug Program Fee per HS 11372.7(a) for each qualifying offense

- d. Court Security Fee: \$ _____ per PC 1465.8.
- e. Criminal Conviction Assessment: \$ _____ per GC 70373.

10. TESTING: a. Compliance with PC 296 verified b. AIDS per PC 1202.1 c. other (specify):

11. Other orders (specify):

12. IMMEDIATE SENTENCING:

- Probation to prepare and submit post-sentence report to CDCR per PC 1203c.
- Defendant's race/national origin: _____

13. EXECUTION OF SENTENCING IMPOSED

- a. at initial sentencing hearing
- b. at resentencing per decision on appeal
- c. after revocation of probation
- d. at resentencing per recall of commitment (PC 1170(d).)
- e. other (specify):

14. CREDIT FOR TIME SERVED

CASE	TOTAL CREDITS	ACTUAL	LOCAL CONDUCT
A			[] 4019
			[] 2933.1
B			[] 4019
			[] 2933.1
C			[] 4019
			[] 2933.1
D			[] 4019
			[] 2933.1
Date Sentence Pronounced		Time Served in State Institution	
- -		DMH	CDC R
		[]	[]

- 15. The defendant is remanded to the custody of the sheriff forthwith after 48 hours excluding Saturdays, Sundays, and holidays.
To be delivered to the reception center designated by the director of the California Department of Corrections and Rehabilitation.
 other (specify):

CLERK OF THE COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE	DATE
--------------------	------

**ABSTRACT OF JUDGMENT- PRISON COMMITMENT - DETERMINATE
SINGLE, CONCURRENT, OR FULL-TERM CONSECUTIVE COUNT FORM**
[Not to be used for multiple count convictions or for 1/3 consecutive sentences]

CR-290.1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF:			
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	DOB:	CASE NUMBER	
AKA:			
CII NO.:			
BOOKING NO.:	<input type="checkbox"/> NOT PRESENT		
COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT	<input type="checkbox"/> AMENDED ABSTRACT		
DATE OF HEARING	DEPT. NO.	JUDGE	
CLERK	REPORTER	PROBATION NO. OR PROBATION OFFICER	<input type="checkbox"/> IMMEDIATE SENTENCING
COUNSEL FOR PEOPLE	COUNSEL FOR DEFENDANT		<input type="checkbox"/> APPTD.

1. Defendant was convicted of the commission of the following felony:

COUNT	CODE	SECTION NUMBER	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YEAR)	CONVICTED BY			TERM (L, M, U)	TIME IMPOSED	
						JURY	COURT	PLEA		YRS.	MOS.

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

COUNT	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	TOTAL

4. Defendant sentenced per: PC 667(b)-(i) or PC 1170.12 (two-strikes) PC 1170(a)(3). Pre-confinement credits equal or exceed time imposed. (Paper Commitment) Defendant was ordered to report to local Parole Office upon release.

5. FINANCIAL OBLIGATIONS (plus any applicable penalty assessments):

Restitution Fine(s): \$_____ per PC1202.4 (b) forthwith per PC 2085.5; \$_____ per PC 1202.45 suspended unless parole is revoked.
^_____ per PC 1202.44 is now due, probation having been revoked.

Restitution per PC1202.4 (f): \$_____ / Amount to be determined to * victim(s) Restitution Fund

* Victim name(s), if known, and amount breakdown in item 8, below. * Victim name(s) in probation officer's report.

Fine(s): \$_____ per PC 1202.5. \$_____ per VC 23550 or _____ days county jail prison in lieu of fine concurrent consecutive

Includes: \$50 Lab Fee per HS 11372.5(a) \$_____ Drug Program Fee per HS 11372.7(a) for each qualifying offense.

Court Security Fee of \$_____ per PC 1465.8. Criminal Conviction Assessment of \$_____ per GC 70373.

6. TESTING: a. Compliance with PC 296 verified b. AIDS per PC 1202.1 c. other (specify): _____

7. IMMEDIATE SENTENCING: Probation to prepare and submit a post-sentence report to CDCR per PC 1203c. Def't's Race / National Origin _____

8. Other orders (specify): _____

9. TOTAL TIME IMPOSED EXCLUDING COUNTY JAIL TERM: _____

10. This sentence is to run concurrent with (specify): _____

11. Execution of sentence imposed: a. at initial sentencing hearing. b. at resentencing per decision on appeal. c. after revocation of probation.
d. at resentencing per recall of commitment. (PC 1170(d).) e. other (specify): _____

DATE SENTENCE PRONOUNCED	CREDIT FOR TIME SPENT IN CUSTODY TOTAL DAYS:	ACTUAL LOCAL TIME	LOCAL CONDUCT CREDITS	<input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1	TIME SERVED IN STATE INSTITUTION DMH CDCR CRC
					[] [] []

13. The defendant is remanded to the custody of the sheriff forthwith after 48 hours excluding Saturdays, Sundays, and holidays.

To be delivered to the reception center designated by the director of the California Department of Corrections and Rehabilitation.

Other (specify): _____

CLERK OF THE COURT: I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE	DATE
--------------------	------

This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document.

ABSTRACT OF JUDGMENT - PRISON COMMITMENT - INDETERMINATE
[NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-292 ATTACHED]

CR-292

SUPERIOR COURT OF CALIFORNIA, COUNTY OF:			
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	DOB:	-A	
AKA:		-B	
CII NO.:		-C	
BOOKING NO.:	<input type="checkbox"/> NOT PRESENT	-D	
COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT	<input type="checkbox"/> AMENDED ABSTRACT		
DATE OF HEARING	DEPT. NO.	JUDGE	
CLERK	REPORTER	PROBATION NO. OR PROBATION OFFICER	<input type="checkbox"/> IMMEDIATE SENTENCING
COUNSEL FOR PEOPLE	COUNSEL FOR DEFENDANT		<input type="checkbox"/> APPTD.

1. Defendant was convicted of the commission of the following felonies:

Additional counts are listed on attachment _____ (number of pages attached)

COUNT	CODE	SECTION NO.	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YEAR)	CONVICTED BY			CONCURRENT	CONSECUTIVE	654 STAY
						JURY	COURT	PLEA			
					/ /						
					/ /						
					/ /						
					/ /						
					/ /						
					/ /						

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

COUNT	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	TOTAL

Defendant was sentenced to State Prison for an INDETERMINATE TERM as follows:

4. LIFE WITHOUT THE POSSIBILITY OF PAROLE on counts _____
5. LIFE WITH THE POSSIBILITY OF PAROLE on counts _____
6. a. 15 years to Life on counts _____ c. _____ years to Life on counts _____
- b. 25 years to Life on counts _____ d. _____ years to Life on counts _____

PLUS enhancement time shown above

7. Additional determinate term (see CR-290).
8. Defendant was sentenced pursuant to PC 667(b)-(i) or PC 1170.12 PC 667.61 PC 667.7 other (specify):

This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document.

PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:			
-A	-B	-C	-D

9. FINANCIAL OBLIGATIONS (plus any applicable penalty assessments):

a. Restitution Fine(s):

- Case A: \$ _____ per PC 1202.4(b) forthwith per PC 2085.5; \$ _____ per PC 1202.45 suspended unless parole is revoked.
\$ _____ per PC 1202.44 is now due, probation having been revoked.
- Case B: \$ _____ per PC 1202.4(b) forthwith per PC 2085.5; \$ _____ per PC 1202.45 suspended unless parole is revoked.
\$ _____ per PC 1202.44 is now due, probation having been revoked.
- Case C: \$ _____ per PC 1202.4(b) forthwith per PC 2085.5; \$ _____ per PC 1202.45 suspended unless parole is revoked.
\$ _____ per PC 1202.44 is now due, probation having been revoked.
- Case D: \$ _____ per PC 1202.4(b) forthwith per PC 2085.5; \$ _____ per PC 1202.45 suspended unless parole is revoked.
\$ _____ per PC 1202.44 is now due, probation having been revoked.

b. Restitution per PC 1202.4(f):

- Case A: \$ _____ Amount to be determined to victim(s)* Restitution Fund
- Case B: \$ _____ Amount to be determined to victim(s)* Restitution Fund
- Case C: \$ _____ Amount to be determined to victim(s)* Restitution Fund
- Case D: \$ _____ Amount to be determined to victim(s)* Restitution Fund

* Victim name(s), if known, and amount breakdown in item 11, below. * Victim name(s) in probation officer's report.

c. Fine(s):

- Case A: \$ _____ per PC 1202.5 \$ _____ per VC 23550 or _____ days county jail prison in lieu of fine concurrent consecutive
 includes: \$50 Lab Fee per HS 11372.5(a) \$ _____ Drug Program Fee per HS 11372.7(a) for each qualifying offense.
- Case B: \$ _____ per PC 1202.5 \$ _____ per VC 23550 or _____ days county jail prison in lieu of fine concurrent consecutive
 includes: \$50 Lab Fee per HS 11372.5(a) \$ _____ Drug Program Fee per HS 11372.7(a) for each qualifying offense.
- Case C: \$ _____ per PC 1202.5 \$ _____ per VC 23550 or _____ days county jail prison in lieu of fine concurrent consecutive
 includes: \$50 Lab Fee per HS 11372.5(a) \$ _____ Drug Program Fee per HS 11372.7(a) for each qualifying offense.
- Case D: \$ _____ per PC 1202.5 \$ _____ per VC 23550 or _____ days county jail prison in lieu of fine concurrent consecutive
 includes: \$50 Lab Fee per HS 11372.5(a) \$ _____ Drug Program Fee per HS 11372.7(a) for each qualifying offense.

d. Court Security Fee: \$ _____ per PC 1465.8.

e. Criminal Conviction Assessment: \$ _____ per GC 70373.

10. TESTING: a. Compliance with PC 296 verified b. AIDS per PC 1202.1 c. other (specify):

11. Other orders (specify):

12. IMMEDIATE SENTENCING:

Probation to prepare and submit post-sentence report to CDCR per PC 1203c.

Defendant's race/national origin: _____

13. EXECUTION OF SENTENCING IMPOSED

- a. at initial sentencing hearing
- b. at resentencing per decision on appeal
- c. after revocation of probation
- d. at resentencing per recall of commitment (PC 1170(d).)
- e. other (specify):

14. CREDIT FOR TIME SERVED

CASE	TOTAL CREDITS	ACTUAL	LOCAL CONDUCT
A			[] 4019 [] 2933.1
B			[] 4019 [] 2933.1
C			[] 4019 [] 2933.1
D			[] 4019 [] 2933.1
Date Sentence Pronounced		Time Served in State Institution	
— —		DMH CDCR CRC	
		[] [] []	

15. The defendant is remanded to the custody of the sheriff forthwith after 48 hours excluding Saturdays, Sundays, and holidays.

To be delivered to the reception center designated by the director of the California Department of Corrections and Rehabilitation.
 other (specify):

CLERK OF THE COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE	DATE
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**QUALIFICATIONS OF A NONCERTIFIED OR NONREGISTERED INTERPRETER
Provisional Qualification by Order of Presiding Judge**

INTERPRETER NAME: LANGUAGE: <input type="checkbox"/> Original filing in this court <input type="checkbox"/> Renewal No.: Number of six-month periods this interpreter has been used: <input type="checkbox"/> Within <input type="checkbox"/> Beyond the period allowed by Cal. Rules of Courts, rule 2.893	<i>FOR COURT USE ONLY (FILE WITH THE COURT ADMINISTRATOR)</i>
INSERT NAME OF COURT, JUDICIAL DISTRICT, AND BRANCH COURT, IF ANY	

The following questions may be addressed to the noncertified or nonregistered interpreter as voir dire, or the court may have the prospective interpreter answer the questions in writing on this form. All of the information provided by the noncertified or nonregistered interpreter should be considered by the court to determine whether the interpreter is appointed to interpret the stated language.

Interpreter's Name:	Phone (<i>home</i>):	
Address:	Phone (<i>work</i>):	
	Driver's License.:	State:
Language:	-OR- State I.D.:	State:
<input type="checkbox"/> Designated language: Noncertified interpreter		
<input type="checkbox"/> Nondesignated language: Nonregistered interpreter		

1. Previous provisional qualification periods (since January 1996)

a. Since January 1, 1996, have you been provisionally qualified by a presiding judge in this court or any other court under California Rules of Court, rule 2.893?

- No
 Yes. For each period state (*see p. 4*):

Beginning date:	Court:

b. Since January 1, 1996, have you interpreted in any court without being provisionally qualified?

- No Yes (*explain, giving court names and dates*):

2. Interpreter examinations and evaluations

a. Have you taken the State of California Court Interpreter Certification Examination or the Judicial Council English Fluency Examination in the language to be interpreted?

- Yes (*dates*): What were the results?
 No

b. Have you taken the State of California Administrative Hearing Interpreter Examination?

- Yes (*dates*): What were the results?
 If passed, what is your I.D. No.?
 No (*check one*): Not taken Not given in the language specified above

c. Have you taken the Federal Court Interpreter Certification Examination?

- Yes (*dates*): What were the results?
 If passed, what is your I.D. No.? (*if applicable*):
 No (*check one*): Not taken Not given in the language specified above

d. Have you taken a Court Interpreter Certification Examination from other states?

- Yes (*dates*): Give **states** and results of each:
 If passed, what is your I.D. No. (*if applicable*):
 No (*check one*): Not taken Not given in the language specified above

INTERPRETER (name): _____	COURT NAME: _____
------------------------------	----------------------

7. Interpreting experience

- c. Have you interpreted in any noncourt setting? Yes No
 When? _____ Where? _____
 Types of assignments? _____
 What languages? _____ Approx. No. of total days: _____ Give dates: _____
 Which modes of interpreting did you employ? (check all that apply):
 Consecutive Simultaneous Sight translation
- d. Have you ever been disqualified from interpreting in any court or administrative hearing? Yes No
 If yes, please explain:

What languages?

8. Translation

- Do you have any experience in written translation? Yes No
 If yes please explain:

What languages? _____ Approx No. of pages: _____

9. Code of professional conduct

- a. Have you had any training in professional ethics for court interpreters? Yes No
 Please explain:
- b. Have you taken the Judicial Council sponsored court interpreter ethics workshop? No Yes (date): _____
- c. Do you have a copy of the *Standards of Professional Conduct for Court Interpreters*? Yes No
- d. Have you read and do you understand the *Standards of Professional Conduct for Court Interpreters*? Yes No

10. Training in legal terminology

What training have you received in California legal terminology as required by Government Code section 68564?

11. Orientation to court interpreting

- a. Have you received training in criminal procedure? Yes No
 If yes, from whom? _____
 When? _____
- b. Have you received training in civil procedure? Yes No
 If yes, from whom? _____
 When? _____
- c. Have you taken the Judicial Council's court interpreter orientation workshop? No Yes (date): _____

12. Criminal offenses

Have you ever been convicted of violating any federal law, state law, county or municipal law, regulation, or ordinance? (Do not include traffic infractions.) Yes No
 If yes, please explain:

INTERPRETER'S DECLARATION (All interpreters must sign)

I declare under penalty of perjury under the laws of the State of California that the information provided above and on the preceding pages is true and correct. I understand that any false or misleading statements disqualify me from being considered for interpreting assignments in the trial courts, in addition to other penalties provided by law.

Date: _____

(TYPE OR PRINT NAME)		(SIGNATURE OF PROSPECTIVE INTERPRETER)
----------------------	--	--

INTERPRETER (name):

COURT NAME:

INTERPRETER'S DECLARATION

(Check all that apply)

1. I have **never** been provisionally qualified or appointed to interpret in the trial courts under California Rules of Court, rule 2.893.
2. **Noncertified interpreters**
I have been provisionally qualified or appointed to interpret in the trial courts under California Rules of Court, rule 2.893, AND
- a. I have **not** exceeded any of the provisional qualification periods stated below (see Cal. Rules of Court, rule 2.893):
- (1) Two 6-month periods for noncertified Spanish interpreters in counties with a population greater than 80,000
 - (2) Four 6-month periods for noncertified Spanish interpreters in counties with a population less than 80,000
 - (3) Four 6-month periods for noncertified interpreters of designated languages other than Spanish
- b. I have exceeded the provisional qualification periods specified in California Rules of Court, rule 2.893.
3. **Nonregistered interpreters**
I have been provisionally qualified or appointed to interpret in the trial courts under California Rules of Court, rule 2.893, AND
- a. I have **not** exceeded any of the provisional qualification periods stated below (see Cal. Rules of Court, rule 2.893):
- (1) Four 6-month periods for nonregistered interpreters.
- b. I have exceeded the provisional qualification periods specified in California Rules of Court, rule 2.893.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I understand that any false or misleading statements disqualify me from being considered for interpreting assignments in the trial courts, in addition to other penalties provided by law.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PROSPECTIVE INTERPRETER)

FINDING OF PROVISIONAL QUALIFICATION and ORDER OF THE PRESIDING JUDGE
(Gov. Code, sections 68561(c), 68564(d), 71802 (b)(1) and (d))

1. **Interpreter (name):** _____ **Case Number:** _____
2. **Language:** _____ **Date of Proceeding:** _____
3. **Finding:** For six months from the date of this order, the above-named interpreter is found to be provisionally qualified to be considered for appointment to interpret the language specified in any proceeding in this court, and
- a. has not exceeded the provisional qualification periods specified in California Rules of Court, rule 2.893.
- b. has exceeded the provisional qualification periods specified in California Rules of Court, rule 2.893, but good cause exists under rule 2.893 to continue appointing the interpreter.
4. THE COURT ORDERS that the above-named interpreter may be considered for appointment by any judge of this court to interpret the specified language in any proceeding for which the judge in the proceeding finds the interpreter to be qualified. **This order expires six months from the date of signature.**

Date:

(TYPE OR PRINT NAME)

PRESIDING JUDGE

DESIGNATED JUDICIAL OFFICER

SHORT TITLE: 	CASE NUMBER:
----------------------	----------------------

ATTACHMENT (Number): _____

(This Attachment may be used with any Judicial Council form.)

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page _____ of _____

(Add pages as required)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): <hr/> TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/ PETITIONER: DEFENDANT/ RESPONDENT:	
CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents and Things at Trial or Hearing AND DECLARATION	CASE NUMBER: _____

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (*name, address, and telephone number of witness, if known*):

1. **YOU ARE ORDERED TO APPEAR AS A WITNESS** in this action at the date, time, and place shown in the box below **UNLESS** your appearance is excused as indicated in box 3b below or you make an agreement with the person named in item 4 below.

a. Date:	Time:	<input type="checkbox"/>	Dept.:	<input type="checkbox"/>	Div.:	<input type="checkbox"/>	Room:
b. Address:							

2. **IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.**
3. **YOU ARE** (*item a or b must be checked*):
- a. Ordered to appear in person and to produce the records described in the declaration on page two or the attached declaration or affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
- b. Not required to appear in person if you produce (i) the records described in the declaration on page two or the attached declaration or affidavit and (ii) a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party listed at the top of this form.
4. **IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:**
- a. Name of subpoenaing party or attorney: _____ b. Telephone number: _____
5. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 4.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued:

_____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF PERSON ISSUING SUBPOENA)
-------------------------------	---	---

CIVIL SUBPOENA (DUCES TECUM) FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS AT TRIAL OR HEARING AND DECLARATION

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

**PROOF OF SERVICE OF CIVIL SUBPOENA (DUCES TECUM)
FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS
AND THINGS AT TRIAL OR HEARING AND DECLARATION**

1. I served this *Civil Subpoena (Duces Tecum) for Personal Appearance and Production of Documents and Things at Trial or Hearing and Declaration* by personally delivering a copy to the person served as follows:

- a. Person served (*name*):
- b. Address where served:

- c. Date of delivery:
- d. Time of delivery:

- e. Witness fees (*check one*):
 - (1) were offered or demanded and paid. Amount: \$ _____
 - (2) were not demanded or paid.

- f. Fee for service: \$ _____

2. I received this subpoena for service on (*date*):

3. Person serving:
- a. Not a registered California process server.
 - b. California sheriff or marshal.
 - c. Registered California process server.
 - d. Employee or independent contractor of a registered California process server.
 - e. Exempt from registration under Business and Professions Code section 22350(b).
 - f. Registered professional photocopier.
 - g. Exempt from registration under Business and Professions Code section 22451.
 - h. Name, address, telephone number, and, if applicable, county of registration and number:

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

(For California sheriff or marshal use only)
I **certify** that the foregoing is true and correct.

Date: _____
 _____
 (SIGNATURE)

Date: _____
 _____
 (SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>):	TELEPHONE AND FAX NOS.:	LEVYING OFFICER (<i>Name and Address</i>):
ATTORNEY FOR (<i>Name</i>):		
NAME OF COURT, JUDICIAL DISTRICT, AND BRANCH COURT, IF ANY:		
PLAINTIFF: DEFENDANT:		
EARNINGS WITHHOLDING ORDER (Wage Garnishment)	LEVYING OFFICER FILE NO.:	COURT CASE NO.:

EMPLOYEE: KEEP YOUR COPY OF THIS LEGAL PAPER. EMPLEADO: GUARDE ESTE PAPEL OFICIAL.

**EMPLOYER: Enter the following date to assist your recordkeeping.
Date this order was received by employer (specify the date of personal delivery by levying officer or registered process server or the date mail receipt was signed):**

TO THE EMPLOYER REGARDING YOUR EMPLOYEE:

<input style="width: 90%; height: 20px;" type="text"/> Name and address of employer	<input style="width: 90%; height: 20px;" type="text"/> Name and address of employee
<input style="width: 90%; height: 20px;" type="text"/>	<input style="width: 90%; height: 20px;" type="text"/>

Social Security Number (*if known*):

1. A judgment creditor has obtained this order to collect a court judgment against your employee. You are directed to withhold part of the earnings of the employee (*see instructions on reverse of this form*). Pay the withheld sums to the **levying officer** (*name and address above*).

If the employee works for you now, you must **give the employee a copy of this order and the *Employee Instructions*** (form WG-003) within 10 days after receiving this order.

Complete both copies of the form *Employer's Return* (form WG-005) and **mail them to the levying officer** within 15 days after receiving this order, whether or not the employee works for you.

2. The total amount due is: \$

Count 10 calendar days from the date when you received this order. If your employee's pay period ends before the tenth day, **do not** withhold earnings payable for that pay period. **Do** withhold from earnings that are payable for any pay period ending on or after that tenth day.

Continue withholding for all pay periods until you withhold the amount due. The levying officer will notify you of an assessment you should withhold in addition to the amount due. Do not withhold more than the total of these amounts. Never withhold any earnings payable before the beginning of the earnings withholding period.

3. The judgment was entered in the court on (*date*):

The judgment creditor (*if different from the plaintiff*) is (*name*):

4. The **INSTRUCTIONS TO EMPLOYER** on the reverse tell you how much of the employee's earnings to withhold each payday and answer other questions you may have.

Date: _____ _____
 (TYPE OR PRINT NAME) (SIGNATURE)

LEVYING OFFICER REGISTERED PROCESS SERVER

(Employer's Instructions on reverse)

**INSTRUCTIONS TO EMPLOYER
ON EARNINGS WITHHOLDING ORDERS**

WG-002

The instructions in paragraph 1 on the reverse of this form describe your early duties to provide information to your employee and the levying officer.

Your other duties are TO WITHHOLD THE CORRECT AMOUNT OF EARNINGS (if any) and PAY IT TO THE LEVYING OFFICER during the *withholding period*.

The withholding period is the period covered by the *Earnings Withholding Order* (this order). The withholding period begins ten (10) calendar days after you receive the order and continues until the total amount due, plus additional amounts for costs and interest (which will be listed in a levying officer's notice), is withheld.

It may end sooner if (1) you receive a written notice signed by the levying officer specifying an earlier termination date, or (2) an order of higher priority (explained on the reverse of the *EMPLOYER'S RETURN*) is received.

You are entitled to rely on and must obey all written notices signed by the levying officer.

The *Employer's Return* (form WG-005) describes several situations that could affect the withholding period for this order. If you receive more than one *Earnings Withholding Order* during a withholding period, review that form (*Employer's Return*) for instructions.

If the employee stops working for you, the *Earnings Withholding Order* ends after no amounts are withheld for a continuous 180-day period. If withholding ends because the earnings are subject to an order of higher priority, the *Earnings Withholding Order* ends after a continuous two-year period during which no amounts are withheld under the order. **Return the Earnings Withholding Order to the levying officer with a statement of the reason it is being returned.**

WHAT TO DO WITH THE MONEY

The amounts withheld during the withholding period must be paid to the levying officer by the 15th of the next month after each payday. If you wish to pay more frequently than monthly, each payment must be made within 10 days after the close of the pay period.

Be sure to mark each *check* with the case number, the levying officer's file number, if different, and the employee's name so the money will be applied to the correct account.

WHAT IF YOU STILL HAVE QUESTIONS?

The garnishment law is contained in the Code of Civil Procedure beginning with section 706.010. Sections 706.022, 706.025, and 706.104 explain the employer's duties.

The Federal Wage Garnishment Law and federal rules provide the basic protections on which the California law is based. Inquiries about the federal law will be answered by mail, telephone, or personal interview at any office of the Wage and Hour Division of the U.S. Department of Labor. Offices are listed in the telephone directory under the U.S. Department of Labor in the U.S. Government listing.

THE CHART BELOW AND THESE INSTRUCTIONS APPLY UNDER NORMAL CIRCUMSTANCES. THEY DO NOT APPLY TO ORDERS FOR THE SUPPORT OF A SPOUSE, FORMER SPOUSE, OR CHILD.

The chart below shows **HOW MUCH TO WITHHOLD** when the federal minimum wage is **\$7.25** per hour.

If the **FEDERAL** minimum wage changes in the future, the levying officer will provide a chart showing the new withholding rates.

FEDERAL MINIMUM WAGE: \$7.25 per hour

(Beginning July 24, 2009.)

PAY PERIOD	Daily	Weekly	Every Two Weeks	Twice a Month	Monthly
DISPOSABLE EARNINGS	\$0-\$217.50	\$0-\$217.50	\$0-\$435.00	\$0-\$475.25	\$0-\$942.50
WITHHOLD	None	None	None	None	None
DISPOSABLE EARNINGS	\$217.51-\$290.00	\$217.51-\$290.00	\$435.01-\$580.00	\$475.26-\$628.33	\$942.51-\$1,256.66
WITHHOLD	Amount above \$217.50	Amount above \$217.50	Amount above \$435.00	Amount above \$475.25	Amount above \$942.50
DISPOSABLE EARNINGS	\$290.01 or more	\$290.01 or more	\$580.01 or more	\$628.34 or more	\$1,256.67 or more
WITHHOLD	Maximum of 25% of Disposable Earnings				

COMPUTATION INSTRUCTIONS

State and federal law limits the amount of earnings that can be withheld. The limitations are based on the employee's disposable earnings, which are different from gross pay or take-home pay.

To determine the CORRECT AMOUNT OF EARNINGS TO BE WITHHELD (if any), compute the employee's *disposable earnings*.

(A) Earnings include any money (whether called wages, salary, commissions, bonuses, or anything else) that is paid by an employer to an employee for personal services. Vacation or sick pay is subject to withholding as it is received by the employee. Tips are generally not included as earnings since they are not paid by the employer.

(B) *Disposable earnings* are the earnings left after subtracting the part of the earnings a state or federal law requires an employer to withhold. Generally these required deductions are (1) federal income tax, (2) federal social security, (3) state income tax, (4) state disability insurance, and (5) payments to public employee retirement systems. Disposable earnings will change when the required deductions change.

After the employee's *disposable earnings* are known, use the chart below to determine what amount should be withheld. In the column listed under the employee's pay period, find the employee's disposable earnings. The amount shown below that is the amount to be withheld. For example, if the employee is paid disposable earnings of \$500 twice a month (semi-monthly), the correct amount to withhold is 25 percent each payday, or \$125.

The chart below is based on the minimum wage that became effective July 24, 2009. It will change when the minimum wage changes. Restrictions are based on the minimum wage effective at the time the earnings are payable.

Occasionally, the employee's earnings will also be subject to a *Wage and Earnings Assignment Order*, an order available from family law courts for child, spousal, or family support. The amount required to be withheld for that order should be deducted from the amount to be withheld for this order.

— IMPORTANT WARNINGS —

- IT IS AGAINST THE LAW TO FIRE THE EMPLOYEE BECAUSE OF *EARNINGS WITHHOLDING ORDERS* FOR THE PAYMENT OF ONLY ONE INDEBTEDNESS. No matter how many orders you receive, so long as they all relate to a single indebtedness (no matter how many debts are represented in that judgment), the employee may not be fired.
- IT IS ILLEGAL TO AVOID AN *EARNINGS WITHHOLDING ORDER* BY POSTPONING OR ADVANCING THE PAYMENT OF EARNINGS. The employee's pay period must not be changed to prevent the order from taking effect.
- IT IS ILLEGAL NOT TO PAY AMOUNTS WITHHELD FOR THE *EARNINGS WITHHOLDING ORDER* TO THE LEVYING OFFICER. Your duty is to pay the money to the levying officer who will pay the money in accordance with the law that applies to this case.

IF YOU VIOLATE ANY OF THESE LAWS YOU MAY BE HELD LIABLE TO PAY CIVIL DAMAGES AND YOU MAY BE SUBJECT TO CRIMINAL PROSECUTION!