

**MISDEMEANOR JURY TRIAL CONFIRMATION CONFERENCE  
(TCC) CHECKLIST**

DEPARTMENT 8  
(Revised 5-12-04)

TCCs are held one week before jury trial. Counsel should be prepared to address the following issues with the court at the TCC. The lawyers who are trying the case must attend the TCC. The issues listed below in must be raised not later than the TCC. Failure to do so may be deemed a waiver by the court.

**1. *Has the operative complaint been filed?***

Any amended complaint should be filed not later than the TCC. If the misdemeanor charging document is a citation, a complaint must be filed not later than the TCC.

**2. *Is either side requesting a continuance?***

The court hears oral stipulations to continue a misdemeanor jury trial up to/at the TCC. Any request to continue a jury trial after the TCC must be made in conformance with PC §1050(b), Local Rule 14.11 (written motion filed/served at least two (2) court days before the trial date and supported by declarations detailing the specific facts showing the necessity for the continuance), and CRC 4.113 (continuance "shall be denied" unless movant shows by affirmative proof that the ends of justice require continuance).

**3. *Are there VOPs?***

The Court will hear the VOP concurrent with the trial. After trial, the Court will hear any other evidence/argument re the VOPs. The Court will then rule on the VOPs.

**4. *Will there be motions (other than in limine motions) filed before trial?***

Comply with Local Rule 14.6 - motions (including 1538.5) must be in writing & filed and served at least 15 days before the hearing, and written opposition must be filed and served at least 5 days before the hearing (unless the court sets a specific briefing schedule). Note that the local rule requiring 15 calendar days written notice of a suppression motion supersedes the 10 calendar day notice requirement of PC 1538.5(i); CRC 4.111(a). The notice of suppression motion under PC 1538.5 must be in writing and accompanied by points and authorities and proof of service, and *must specify in detail the evidence defendant seeks to suppress*. A motion is "made" when the moving papers are filed, not by oral notice. See CCP 1005.5.

**5. *Do witnesses or parties need interpreter(s) or ADA accommodations?***

Counsel shall inform the Court not later than the TCC of any need for one (or more) interpreters, or for ADA accommodations (e.g., assistive listening devices, accessibility issues, timing and/or length of examination, etc.) This includes accommodation requests by/for counsel.

**6. *Is there a request for a court reporter?***

Department 8 uses a digital recording system. Counsel who want a court reporter and transcript must provide a reporter one at their own expense and make arrangements through Court Services at (530) 666-8577 not later than the TCC.

**7. *Are there any outstanding discovery issues?***

Discovery issues should be resolved before the TCC. Motions to compel discovery or for sanctions must be filed and heard in compliance with Local Rule 14.6 before the TCC.

**8. *Jury waiver [PC 1167, CCP631]***

Is there a waiver of the jury, or a stipulation to less than 12 jurors?

**9. *Are there In-custody/security issues?***

Counsel shall inform the court not later than the TCC if there are anticipated issues regarding security, "dressing out" an in-custody defendant, or public security. The court will make appropriate orders on the record as necessary

**10. *Will there be stipulations/admissions about issues of fact or law (e.g., prior convictions, waivers, other facts) or procedural matters (witness order, exhibits, etc.) :***

Stipulations shall be in writing, prepared by counsel and submitted to the Court not later than 9:00 a.m. on the first day of trial. Oral stipulations on legal or factual issues are disfavored. Brevity in the written stipulations is much appreciated.

**11. Are there severance or consolidation issues?**

**12. Are there evidentiary issues/ motions in limine?**

Counsel shall raise any evidentiary or *in limine* issues at the TCC. If resolved at the TCC, counsel shall prepare & file a written stipulation reflecting the agreement(s) by 9:00 a.m. the first day of trial. ***In limine* matters not resolved at the TCC shall be included in written *in limine* motion(s) that must be served and filed not later than 2 court days before trial.** This includes any requests to exclude witnesses. Brevity is appreciated in such motions. The Court will hear argument on the *in limine* motions on the morning of the first day of trial, before jury selection. For suppression motions, see # 4 above (15 days notice).

**13. Have the witness list(s) been filed/exchanged? Has the availability of witnesses been confirmed? How many witnesses will each side call?**

Witness lists shall be filed /exchanged not later than the TCC. Counsel should be prepared to confirm that the witnesses are available and that subpoenas have been served. (N.B. the failure of a witness to appear for trial, when that witness was not personally served with the subpoena, may not constitute good cause for a continuance.)

**14. Are there other witness issues?**

Counsel shall confer before the TCC to resolve witness issues, including, but not limited to:

- a. Expert witnesses: limit on scope or number
- b. Hypothetical questions
- c. Glossary of technical terms
- d. Interpreters
- e. Order of cross-examination in multiple party cases
- f. Limitations on examination
- g. Scheduling witnesses

**15. Handling, marking and displaying Exhibits:**

- a. Counsel must inform the court at TCC if they plan to use equipment to display exhibits (tape or video recorders, projectors, screens, large exhibits, extension cords). The Court has no equipment other than a small easel and an old TV/VCR. If counsel wish to use anything more sophisticated, they must provide it themselves and inform the Court at the TCC.
- b. Premark all exhibits and exchange copies with counsel before trial. Counsel are strongly encouraged to provide a bench copy of exhibits for the judge's use during testimony, particularly when the examination covers complex or detailed documents.
- c. Other Exhibit issues?
  - i. Stipulations about admissibility
  - ii. Numbering & handling
  - iii. Copies in lieu of originals

**16. Have counsel stipulated to the Court's misd. jury trial procedures?** See attached list.

**17. Will there be any requests for demonstrations or view of scene?**

**18. Estimated trial length?**

**19. Jury Instructions/verdict forms:**

Proposed jury instructions must be provided to the court by noon on the first day of trial. They must reflect the specifics of the case (e.g., no "[he/she]" or other brackets or blanks, include defendant(s) name(s) and the charges must be filled in, etc.). The proposed instructions from each party must include a table listing the CALJIC number for each proposed jury instruction, who proposed the instruction, and whether the instruction was withdrawn, given or given as modified. Dept. 8 uses a modified CALJIC 17.52, which is available upon request. The court will give this instruction unless counsel object before the closing argument.

**20. Are there media access requests? [CRC 980]**