



APPELLATE DEFENDERS ISSUES

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NOTES FROM THE DIRECTOR

BY ELAINE A. ALEXANDER

Claim payments during state budget impasse

It is time for the annual budget struggle, as we all know. I can assure panel attorneys that everyone at ADI will give utmost priority to processing claims expeditiously, to minimize any hardships that might arise.

Since June 30, the AOC has been paying court-appointed counsel claims for work performed before July 1 from remaining funds appropriated for the 2002-03 fiscal year - about \$2 million. Last year, the AOC had \$1.5 million to use for the same purpose, and those funds lasted until August 6. This year, however, an exceedingly high volume of claims has consumed the funds at a much quicker rate.

Until this year's budget allotment is used up, the Administrative Office of the Courts will process and pay claims submitted after July 1, if:

(1) for an interim claim, the AOB was filed by June 30, 2003, and

(2) for a final claim, the opinion was filed by June 30, 2003.

Although it is not possible to make precise predictions, the AOC estimates that all of the remaining funding for claims in both the Court of Appeal and the Supreme Court will be exhausted early in the week of July 14. Hopefully, this high volume of claims reflects the vast majority of outstanding claims for work performed before July 1.

However, even if the claim cannot be paid out of 2002-2003 funds, it makes sense for the claim to have been processed and be ready to submit to the Controller as soon as the new state budget is signed. The projects and AOC will do the necessary review and preparation on such claims in order to speed up payments.

For these reasons, we urge panel attorneys to continue to submit claims after July 1, regardless of the state budget situation.

Use of recycled materials in documents

A reminder of a long-time policy that will help claims go more smoothly: Statewide judicial policy of many years' standing requires the projects to take "recycling" of previously done work into consideration in evaluating claims. To give the projects the information needed to carry out this responsibility, attorneys need to disclose certain kinds of recycling when submitting a claim.

The use of recycled material must be declared whenever it is substantial and would affect the classification of issues. This might be, for example, use of briefbank arguments, re-use of arguments previously briefed by the same attorney, and copying of large sections of the opening brief when doing a habeas petition or petition for

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review. The policy does not apply to obvious boilerplate, such as a few paragraphs setting out the standard of review or prejudice, the elements of an offense, etc. For such material, we *assume* the use of recycled material. The disclosure policy applies to all cases (e.g., criminal, dependency, writs, etc.).

For a number of years ADI has provided an attachment form that may be used for declaring recycled material. The Judicial Council's Appellate Indigent Defense Oversight Committee recently required all districts to make a similar form available. The form is intended to be a convenient tool for the attorney. It lets the attorney know what information we need to assess the work and thus facilitates submitting a complete and ready-to-process claim right from the start.

Self-cutting and claiming "to the guidelines"

Frequently we see claims that are exactly, or very close to, the guidelines. Since compensation is supposed to be for actual services, not guidelines, a pattern of such claims may create questions.

The explanation in the great majority of to-the-guidelines claims is that the attorney has spent time in excess of the guidelines and has self-cut. We can surely understand the impulse to do this. It is not pleasant to be cut, and claims over guidelines are often candidates for such action. However, we discourage self-cutting. It can distort the reality of how long services really take, creating false expectations of what is "reasonable." It eliminates even the possibility the attorney can be paid (payment over guidelines is permissible if the services were reasonable). If the attorney nevertheless decides to self-cut, we recommend he or she tell us about it in a cover letter or in an explanation on the claim itself.

It is improper to bill to the guidelines because the attorney has not kept time records and is just guessing. State policy requires attorneys to keep adequate records, so that they are able to submit claims to the nearest tenth of an hour under penalty of perjury.

Substitution of retained for appointed counsel

Occasionally, appointed attorneys have been told that the client or the client's family has retained an attorney and that a substitution of counsel needs to be filed. When this happens, it is important that the appointed attorney *contact me (Elaine Alexander) at once, before* signing any substitution agreement, sending the records to the other attorney, or assuming that the new attorney will take care of such needed steps as an augmentation or extension request.

The reasons for this policy are several.

- Sometimes the individual communicating the proposed substitution is mistaken: for example, the arrangement was made by the family and the client personally has not agreed, or the client thought there was an arrangement but the attorney did not actually commit to handling the case.
- The form may be defective. For example, it needs to be signed by *both* the client and the new attorney.
- It might be premature to release the record or to forego a needed action such as an extension request. The court must approve the substitution and vacate the appointment, and therefore the appointed attorney is not "off the hook" simply by filing the substitution. The Court of Appeal prefers the substitution first to go through ADI, which can review it and provide a proposed order relieving appointed counsel and noting the appearance of retained counsel.

- There may be times when the appointed attorney should investigate or even resist the substitution in order to protect the client—or at the least decline to sign the form in order to protect the appointed attorney himself or herself.

I can evaluate these matters and explore options with the appointed attorney before any irrevocable steps are taken.

Caseload

I want to repeat the information I gave several newsletter issues ago about the decline in caseload the state has seen for a few years. Fourth Appellate District cases are down more than 6% this year from last, and that follows one or two other years of decline. The result is that a number of panel attorneys have experienced fewer case offers than expected. This is particularly noticeable for out-of-district attorneys, such as those whose offices are in northern California, since court policy is generally to appoint attorneys closer to the court if they are available.

Quite a few attorneys have contacted me, asking if the decrease in offers means we have had difficulty with their performance or their panel standing for some reason is in jeopardy. I greatly appreciate their concern and am happy to respond to such inquiries. Usually the explanation is the caseload decline, but I will gladly give information specific to the attorney on request.

As I have said before, this decline is almost surely a temporary one, given demographic and historical patterns. So stay tuned.



APPELLATE PRACTICE POINTERS

Using Internet Maps To 'Locate' Events In A Record by Art Martin, Staff Attorney

Whether one is confronted with a confusing series of events in multiple locales, or whether one would just like a better feel for the places one is reading about in an appellate record, maps can be a helpful tool. The Internet provides easy access both to street maps, precisely tuned to addresses or intersections, and satellite photos that reveal what exactly occupied the land when the photo was taken.

For street maps, the Yahoo map site is helpful (<<http://maps.yahoo.com>>). Here, one can enter an address or just an intersection, and then either a city and state or zip code, and Yahoo provides an easy to read map that one can zoom in on or out of. A red star will denote the precise location of the address or intersection searched for and will remain in place when one zooms in or out. Depending on how close one zooms, not all streets will be shown or named, but as long as one is within zoom level three, all the streets are shown, and at zoom level two all are named.

One problem with the Yahoo maps is that one cannot have two locations marked on the same map. But one can create a second map with a different location without losing the first map. While still on a map page, one may click File, New, Window, and a new browser window opens without closing the map window. Now one can use this new window to map another location. (Note that in Internet Explorer, the new window opens to the same page as the previous window [and then one can "Map New Location" using the boxes at lower right], while in Netscape, the new window is the home page so one has to direct this window to

maps.yahoo.com.) To save a map to the computer, one may click on the "printable version" icon and then right-click on the map. Select "Save Picture As..." and then name the map and choose where one wants it to be saved.

The author recently used a Yahoo map to determine that a gap of 30 minutes between the sighting of a client at the sites of two alleged crimes gave the client enough time to go somewhere and retrieve a gun between the two events. The client was seen with a gun at the second site, but not the first; since the sites were only a few blocks apart, the gap in time enhanced an argument that there was insufficient evidence to support the firearm possession enhancement during the first alleged crime.

Particularly visual people might also want to see a satellite map of the area in which record events take place. Satellite maps for most of California (and much of the country) are available at <<http://www.terraserver.microsoft.com>>. One can find a desired location by clicking on the map of the United States, but a more precise method is to use the search box and search for the city one wants to view. The results usually include a Topo Map (a non-satellite topographic map) and one or more aerial photos (the satellite images). The satellite maps don't have streets marked and won't mark precise locations the way the Yahoo maps do, but they provide an actual view of the area as of the time the photo was taken. Most seem to have been taken around 1996 or earlier. One can look at the map in three sizes. The author prefers the large size, but it does take a bit longer to view and download.

Sometimes finding a specific location can take a bit of work. Here is one method: zoom out far enough to find a

major highway intersection, big park, or other prominent feature that one can identify using the zoomed-out Yahoo street map. Then use the arrows on the edges of the maps to move in the appropriate direction. Tracking back and forth between the Yahoo map, with its street names, and the satellite map, one can usually find what one is looking for. When one finds the specific area to view, one can zoom in close enough to see individual structures, cars, even trees. The satellite photos can show empty lots (but check the date), the size and layout of structures on lots, and the relative sizes of streets.

One can download Terraserver satellite images by clicking on the download icon, located near the top righthand part of the window. The U.S. Geological Survey images are free. SPIN images require payment.

In another case the author used a Yahoo map and a Terraserver satellite map together to help make spatial sense out of testimony about the wanderings of a client and the eventual homicide victim as they roamed around a Riverside neighborhood. Although the maps did not add to any particular issue, they transformed a complicated story of street names and intersections into a more comprehensible series of events.

Sometimes maps can actually aid in the development of issues. Other times they can at least provide one with a better picture of the events occurring in a record.



De-Mystifying the Exhibit Review Process

by Anna M. Jauregui

Each county court system of the Fourth Appellate District has different procedures for reviewing exhibits in adult felony and juvenile cases. Below is recent information assembled on the process, including applicable rules of court and information on how ADI can help.

California Rules of Court

Transmission of Exhibits to the Reviewing Court: California Rules of Court, rule 18(a)(1), provides, in relevant part, that within 10 days after the last respondent's brief is filed or could be filed, a party wanting the reviewing court to review an exhibit must serve and file a notice in the superior court designating such exhibits. If you miss the deadline, a motion requesting transmittal must be filed in the reviewing court. (Cal. Rules of Court., rule 18(c).)

Division Two has a modified procedure. It sends out to the appointed attorney, early on in the case, a form informing that it prefers early transmission of the exhibits. The form contains a request for transmission which is to be completed by the attorney and returned to Division Two, not the superior court, with the appellant's opening brief.

Attachment to Briefs: Under California Rules of Court, rule 14(d), copies of exhibits or other materials in the appellate record may be attached to a brief. The attachment is limited to 10 pages in length, but a longer attachment may be permitted on application for good cause.

ADI Assistance

To save travel time and reduce expenses, ADI can view and copy documentary

exhibits on behalf of the appointed attorney during the usual court ambassador trips to Divisions Two and Three. Appointed counsel should contact the exhibit clerk and make arrangements for ADI to view the exhibits. After counsel has made the arrangement, contact the staff attorney assigned to the case by e-mail to provide the necessary information for the ADI ambassador (e.g., case name, appeal and superior court case numbers, the description of the exhibits to be reviewed, whether a copy is requested). E-mail addresses are located on ADI's Web site. In the text below, reference is made to the policies of various courts limiting access to counsel of record. These limitations do not necessarily apply to ADI attorneys.

Appointed attorneys requesting review of exhibits located at distant branch courts should have the exhibits transferred to the central court of the county. The appointed attorney must call the branch court far enough in advance to arrange the transfer. If the exhibits cannot be transferred, counsel of record will likely have to go to the court personally to view the exhibits.

For Division One requests by appointed attorneys who are not located within San Diego County, make a request by e-mail to the staff attorney assigned to the case to review the exhibits.

Division One Jurisdiction

San Diego County:

There are four courts in which exhibits relating to adult felony cases are contained, and there is a fifth court which maintains the exhibits relating to juvenile cases:

(1) **County Courthouse, Central Division:** 220 West Broadway, San Diego, CA 92101, (619) 531-3629. The appointed attorney must call in advance and make an appointment. It is usually

not possible to see exhibits the same day of the telephone call, unless time allows. The exhibit room is located in the basement. Check with a deputy sheriff in the lobby of the courthouse and request him or her to escort you to the exhibit room. The hours of operation are 7:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m., Monday through Friday. Only attorneys of record are allowed to view exhibits. Bring the appointment order in the event the exhibit room has not yet received notice from the court of the appointment.

If a copy of paper documents is needed, the exhibit technician will copy up to 10 pages. If there are more pages, there are three options: (1) bring a copier; (2) obtain a court order to have the documents released to the appointed attorney to make copies elsewhere, or (3) obtain a court order to have a copy service come to the exhibit room and make the copies.

Equipment is available to hear audiotapes and see videotapes but not CDs. No equipment is available to make copies of these exhibits. To make copies of an audiotape, a videotape or a CD, a court order is required. With that court order, the appointed attorney can bring his or her own recorder to copy audiotapes. Otherwise, the court order must allow release of the exhibit so that they can be copied elsewhere by the attorney.

Releasing any type of exhibit requires an original court order with an original signature (no stamped signatures allowed) and a certified copy of that order. For viewing a sealed or confidential exhibit, a certified copy of the court order is sufficient.

(2) **North County Superior Court:** 325 S. Melrose Dr., Vista, CA 92083, (760) 940-4445. The exhibit room is located in the single-story, old court building. After entering, go left and follow the signs towards older records. Take the elevator to the basement and

enter at room number C021. Hours are 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m., Monday through Friday. The appointed attorney must call in advance and make an appointment. The same procedures outlined above in section (1), paragraphs 2 to 4, apply with one exception. If the exhibit clerk has time, more than 10 pages of copying will be provided.

(3) **East County Superior Court:** 250 E. Main St., El Cajon, CA 92020, (619) 441-4445. There is no designated exhibit room to which an attorney would go and no direct telephone number. You must call the general telephone number noted above and select "criminal" when prompted by the recording. You make your verbal request to the clerk who answers your call and who will arrange a date for you to view the exhibits. To see the exhibits, go to the attorney window in the clerk's office located on the first floor. The hours for viewing are 8:00 a.m. to 12 p.m and 1:00 p.m. to 4:30 p.m., Monday through Friday. The same procedures outlined above in section (1), paragraphs 2 to 4, apply.

(4) **South County Superior Court:** 500 3rd Ave., Chula Vista, CA 91910, (619) 691-4751. Ask to speak to the exhibits clerk and arrange an appointment. Because there is no full time exhibits clerk, the clerk will inform you of the location to meet him or her to view the exhibits. Exhibits can be viewed 8:30 p.m. to 3:30 p.m., Monday through Friday. The same procedures outlined above in section (1), paragraphs 2 to 4, apply.

(5) **Juvenile Court:** 2851 Meadow Lark Drive, San Diego, CA 92123, (619) 694-4601. Exhibits are viewed in the business office which is located on the second floor. An appointment is not required but is appreciated. Ask for the supervisor of the business office to make arrangements. The hours for viewing are 8:30 a.m. to 4:00 p.m., Monday through Friday. The same procedures outlined above in section

(1), paragraphs 2 to 4, apply with the following modifications. There is no limit on the number of copies of paper documents. Equipment is not available to hear audiotapes or see videotapes and CDs.

Imperial County:

The main court contains the exhibits for felony adult cases and juvenile cases.

(1) **Main Court:** 939 W. Main St., El Centro, CA 92243, (760) 482-4217. Call ahead of time to make an appointment. Go to the clerk's office of the civil department to view the exhibits. The clerk will bring them to the counter or, if there are many exhibits or large exhibits, then you will be directed to a particular room. The department is open for exhibit viewing from 8:00 a. m. to 4:00 p.m., Monday through Friday. No appointment order is necessary. Viewing exhibits is not limited to attorneys of record.

If a copy of paper documents is needed, the exhibit technician may copy up to 50 pages. If there are more pages, then they will be mailed. No equipment is available to hear the audiotapes or see videotapes and CDs. No equipment is available to make copies of these exhibits. To make copies, a court order is required. Make sure the order states that there are no costs to appellant because it is an indigent appeal. The exhibit technician will make the arrangements for making a copy. The appointed attorney cannot bring his or her own recorder to copy audiotapes. To view a sealed or confidential exhibit, a court order is required.

The procedures outlined above apply to the review of juvenile case exhibits with two modifications. An attorney appointment order must be shown, and viewing exhibits is limited to the appointed attorney of record

Division Two Jurisdiction

Riverside County:

Attorneys are advised to call the court in advance for any changes in the following procedures in viewing exhibits. Riverside County is planning consolidation of exhibits from the branch courts to the main court. Attorneys whose cases are located in the branch courts can arrange to have exhibits sent to the main court for viewing.

(1) **Riverside County Court:** Hall of Justice, 4050 Main St., Riverside, CA 92501, (909) 955-1655. The exhibit room is located in the basement. Viewing hours are 8:00 a.m. to 4:00 p.m., Monday through Friday. Call in advance to make an appointment. Usually only attorneys of record are allowed to view exhibits, unless you advise the exhibit clerk in writing that another person, such as a paralegal or ADI, will be viewing the exhibits. It is suggested that you bring your appointment order and identification.

The exhibit clerk will copy up to 25 pages. If there are more pages, the copies will be mailed. Equipment is available to hear audiotapes and view videotapes but not CDs. A court order is required to obtain copies of these exhibits. The exhibit clerk will arrange to have copies made. The attorney can bring his or her own recorder to make a copy of an audiotape as long as there is a court order. Viewing a sealed or confidential exhibit requires a court order.

(2) **Juvenile Court:** 9991 County Farm Rd., Riverside, CA 92503, (909) 358-4137. Exhibits are housed at this court and at Riverside Court. Call in advance to determine the location of your case's exhibits. Appointment orders are required. Only attorneys of record are permitted to view exhibits.

(3) **Indio Court:** 46-200 Oasis St., Indio, CA 92201, (760) 863-8730. Call to make an appointment with exhibit custodian Yolanda Mendoza. She will not bring out weapons, narcotics, or bio-hazardous materials, unless it is specifically requested ahead of time. If the case concerns a murder conviction, the District Attorney's Office is contacted so that an investigator can be present during the viewing. Usually only attorneys of record are allowed to view exhibits, unless you advise Ms. Mendoza of a different arrangement. It is suggested that you bring your appointment order.

While at the court, go to the criminal window and ask for Ms. Mendoza. She will escort you to a conference room where you can view the exhibits in her presence. The hours of operation are 8:00 a.m. to 4:30 p.m., Monday through Friday.

If a copy of paper documents is needed, the custodian will make the copies with no limit as long as the attorney is willing to wait. Equipment is not available to hear audiotapes and view videotapes and CDs. A court order is not required for the attorney to copy an audiotape on the premises with his/her own recorder. If it is necessary to have the court make the copies of any of these exhibits, the clerk can make arrangements to make a copy of only videotapes at that facility. Because Indio does not have the equipment to make a copy of audiotapes and CDs, the exhibits will be sent to Riverside Court to accomplish this task. A court order is required to have a copy made by the court. Viewing a sealed or confidential exhibit requires a court order.

(4) **Blythe Court:** 265 N. Broadway, Blythe, CA 92225, (760) 921-7981. Because few trials are held here, the exhibits are returned to the agency for safe keeping. Exhibits that are paper documents are held at the court. To view exhibits, call the above number and follow the automated attendant

instructions to the criminal department. Copies of regular-sized paper exhibits can be provided by mail without having to come to the court. Send a letter to Ann Toria with your request. Any sealed or confidential exhibits require a court order.

(5) **Southwest Court:** 30755 Bldg. D Auld Rd., Ste. 1226, Murrieta, CA 92563, (909) 304-5000. This is a fairly new court and procedures are still developing; deference is given to Central Court's procedure. Call to make an appointment. Ask to speak to the exhibit custodian or leave a message concerning the case and the request. The custodian will arrange the location for viewing of the exhibits. The hours are 8:00 a.m. to 4:00 p.m., Monday through Friday.

San Bernardino County:

There are twelve courts which house exhibits. The viewing hours are 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding the lunch hour. Attorneys are allowed to make walk-in requests; however, making an appointment is encouraged. For a distant court, call ahead to verify that the exhibits are physically at that location and then make arrangements to view them. Transfer of exhibits from one courthouse to another to accommodate the viewer is not done unless a death penalty case is involved or a court order is obtained. Some districts do not have a designated exhibit room. When calling to arrange a viewing of exhibits, inquire as to the location for the viewing.

An appointment order and identification are required to view juvenile case exhibits and any sealed/confidential exhibits. The latter also requires a separate court order to view and to have copies made. For all other matters of public record, anyone can view.

All branch courts request that if an exhibit is voluminous, notice be given prior to a copying request. The copies may be provided the day the attorney views the exhibit if time allows or otherwise are mailed to the attorney.

Rancho Cucamonga and San Bernardino Central Court have equipment to view videotapes and hear audiotapes. Central Court has capability to copy videotapes only. The attorney can bring a tape recorder to hear and copy an audiotape, but prior arrangements are required.

(1) **Central Court:** 351 N. Arrowhead, San Bernardino, CA 92415, (909) 387-3963.

(2) **Barstow Court:** 235 E. Mountain View Ave., Barstow, CA 92311, (760) 256-4700.

(3) **Fontana Court:** 17780 Arrow Route, Fontana, CA 92335, (909) 356-3487.

(4) **Joshua Tree Court:** 6527 White Feather Rd., Joshua Tree, CA 92252, (760) 366-4107.

(5) **Rancho Cucamonga Court:** 8303 N. Haven Ave., Rancho Cucamonga, CA 91730, (909) 945-4111.

(6) **Redlands Court:** 216 Brookside Ave., Redlands, CA 92373, (909) 798-8560.

(7) **Twin Peaks Court:** 26010 State Hwy 189, P.O. Box 394, Twin Peaks, CA 92391, (909) 387-4773.

(8) **Victorville Court:** 14455 Civic Dr., Victorville, CA 92392, (760) 243-8930.

(9) **Chino Court:** 13260 Central Ave., Chino, CA 91710, (909) 356-5337.

(10) **Big Bear Court:** 477 Summit Blvd., P.O. Box 2806, Big Bear Lake, CA 92315, (909) 866-0153.

(11) **Needles Court:** 1111 Bailey St., Needles, CA 92363, (760) 326-9324.

(12) **Juvenile Court - Central:** 900 East Gilbert St., San Bernardino, CA 92415, (909) 387-7626.

Inyo County:

Only one court contains felony criminal adult and juvenile case exhibits.

(1) **Main Court:** 168 Edwards St., Independence, CA 93526, (760) 878-0297. Exhibits are available for viewing from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m., Monday to Friday. Call to make an appointment. The exhibit room is located in the executive offices. An attorney appointment order is only required for viewing confidential matters such as juvenile cases. There is no requirement that only attorneys are allowed to view exhibits.

There is no limit on copying of regular-sized paper exhibits. Equipment is usually not available to hear the audiotapes and to view videotapes and CDs, but one may call ahead and arrangements may be possible. The attorney can bring his or her own recorder to hear audiotapes. To make copies of audiotapes, videotapes or CDs, a court order is required. A court order is also required to see sealed or confidential exhibits.

Division Three Jurisdiction

Orange County:

There are two courts that contain exhibits for all felony cases, and one which contains the juvenile case exhibits. In adult cases, call the exhibits clerk in advance to determine which courthouse is housing the exhibits.

(1) **Central Justice Center:** 700 Civic Center Dr. West, Santa Ana, CA 92702, (714) 834-2013. The hours for viewing

are 8:30 a.m. to 3:30 p.m., Monday through Friday. E-mail your request for a viewing appointment to both William Cook and Geoff Christison: wcook@occourts.org and gchristison@occourts.org. Include the case number, case name, exhibit numbers and description, and provide alternative dates for viewing. A follow-up telephone call is suggested if there is no reply within a reasonable amount of time. To view, go to the civil division, room 1D110, window 69, which is located on the first floor. Inform the person of the appointment. A property technician will then escort the appointed attorney to see the exhibits.

An attorney appointment order is not required but bring a business card. There are no restrictions on only attorneys viewing exhibits, unless the exhibit is sealed or confidential. If the latter, a court order is required. If a copy of paper exhibits is needed, the technician will provide that during the visit up to 15 pages. Otherwise, it will be mailed. If a copy of an audiotape, videotape or CD exhibit is needed, it can be provided within 5 working days by mail. The exhibits clerk has equipment for viewing/listening to videotapes, audiotapes, and CDs. A court order is not required, unless the exhibit is sealed.

(2) **West Justice Center:** 8141 13th St., Westminster, CA 92683. (714) 896-7215. The hours for viewing are 8:30 a.m. to 3:30 p.m., Monday through Friday. You can make a request for an appointment by e-mail at: rgutierrez@occourts.org and rsantiago@occourts.org.

Include the case name, case number, exhibit numbers and description, and provide alternative dates for viewing. A follow-up telephone call is suggested if there is no reply within a reasonable amount of time. Usually, there is someone at the information booth on the first floor who will direct the attorney to the records management

department. The procedures in viewing and copying exhibits are the same as those in place at the Central Justice Center.

(3) **Juvenile Court:** 341 City Drive, Rm. C207, 2nd Flr., Orange, CA 92868. Call for an appointment: (714) 935-6461. An appointment order and identification are needed. If a copy of paper exhibits is needed, the technician will provide that during the visit unless there are time constraints. At least two days notice is needed to hear an audiotape or view a videotape. There is no equipment to view a CD. A court order is required to obtain a copy of an audiotape, videotape or CD.



LINKS IN THE LAW: ADI'S WEB SITE

<[HTTP://WWW.ADI-SANDIEGO.COM](http://www.adi-sandiego.com)>

Locating Clients

by **Amanda Doerrer, Staff Attorney & Zina Wyman, Administrative Assistant.**

Locating a client housed in a California Department of Corrections facility is a rather simple process. In most situations, your client can be located by calling Prison Locators at 916-445-6713. Operators are available 24-hours a day. Supply the operator with your client's name and either date of birth or inmate number and you will receive your client's current location.

In the past, when your client transferred to an out-of-state facility or to a federal facility, locating him or her was a difficult task. Now, with the ever expanding government use of the Internet, many states offer on-line inmate locator services. The following are the state and federal penal institutions currently providing on-line locator services.

Federal Bureau of Prisons: <<http://www.bop.gov>>.

Arizona: <<http://www.adc.state.az.us/ISearch.htm>>.

Arkansas: <http://www.state.ar.us/doc/inmate_info>.

Colorado: Information available by E-mail at pio@doc.state.co.us. Include the inmate's name, date of birth, and DOC number if you have it.

Connecticut: <<http://www.doc.state.ct.us>>.

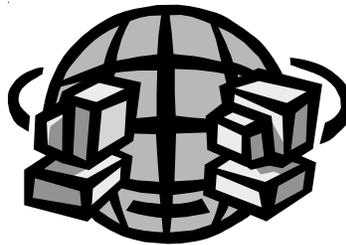
Florida: <<http://www.dc.state.fl.us>>.

Georgia: <<http://www.dcor.state.ga.us/OffenderQuery/asp/offenderQueryForm.asp?Institution=>>>.

Idaho: <<http://www.corr.state.id.us>>.

Illinois: <<http://www.idoc.state.il.us/subsections/search/default.shtml>>.

Indiana: <<http://www.in.gov/indcorrection/ofsearch/ODSdisclaim.html>>.



Iowa: <<http://www.doc.state.ia.us/default.asp>>.

Kansas: <<http://docnet.dc.state.ks.us>>. Go to KASPER (Kansas Adult Supervised Population Electronic Repository) at the bottom of the page.

Kentucky: <<http://www.cor.state.ky.us>>.

Maryland: Information available by E-mail. Provide the inmate's race, sex, full name, DOB, and the SSN if known to cwood@dpscs.state.md.us.

Massachusetts: <<http://www.vinelink.com/index.jsp>>.

Michigan: <<http://www.michigan.gov/corrections/0,1607,7-119-1409--,00.html>>.

Minnesota: <<http://www.doc.state.mn.us>> then go to: Offender Locator
Info.doc.state.mn.us/publicviewer/main.asp.

Mississippi: <<http://www.mdcc.state.ms.us>>.

Missouri: Information by E-mail. Go to "Offender Search" at <<http://www.corrections.state.mo.us>> to make your request.

Montana: <<http://www.cor.state.mt.us/css/default.asp>>. Click on "Offender Locator."

Nebraska: <<http://www.corrections.state.ne.us>>. Go to the search box and open inmate records and input inmate's name.

Nevada: <<http://www.ndoc.state.nv.us/home.php>>. Go to Inmate search form.

New Jersey: <http://www4.state.nj.us/NASApp/DOC_InmateSearchEngine/inmatesearch>.

New Mexico: <<http://www.corrections.state.nm.us/offenderinfo/vin/vinsearch.htm>>.

New York: <<http://www.doc.state.ny.us>>.

North Carolina: <http://webapps.doc.state.nc.us/apps/offender_servlets/menu1>.

Ohio: <<http://www.drc.state.oh.us>>. Go to the bottom of the page for "Offender Search."

Oklahoma: <<http://www.doc.state.ok.us>>. Look under Offender Information.

Oregon: Information available by E-mail at mary.l.solomon@state.or.us

Pennsylvania: <<http://www.cor.state.pa.us>>. Open this page and then hit on "inmate locator."

Tennessee: <<http://www.tennesseeanytime.org/foil/search.jsp>>.

Vermont: <<http://www.doc.state.vt.us>>. Down at the bottom of the page, hit Incarcerated Offender Locator.

Virginia: <<http://www.vadoc.state.va.us/offenders/default.htm>>.

Washington: D.C.: Felony prisoners for the District of Columbia can be located through the BOP at <<http://www.bop.gov>>.

California County Jails & Mental Institutions

Sometimes, attorneys will receive returned correspondence indicating that their client is out to court (O.T.C.) or has been "Discharged." When this occurs, refer to the transcripts to see if your client had any outstanding criminal matters pending and then start your county jail search in that area. **Note:** The BOOKING NUMBER is required for ALL mail going to COUNTY JAILS.

SAN DIEGO COUNTY: The San Diego County Sheriff's Web site lists the inmates currently incarcerated in the county jails. All you need is the last name to do the search. If there is a match, retrieve the BOOKING NUMBER and which jail the inmate is located in.

IMPERIAL COUNTY: For defendants in Imperial County, you need to contact the Imperial County Jail in El Centro. They will confirm the inmates location.

RIVERSIDE COUNTY: The Southwest Facility and Robert Presley are the two most popular jails. Calling one should be able to tell you the location of an inmate in any of the jails.

SAN BERNARDINO COUNTY: Similar to Riverside, by calling one of the jails, you should be able to learn the location of an inmate in any of their jails.

INYO COUNTY: There seems to be only one jail, the find should be easy.

ORANGE COUNTY: Again, by calling one of the jails, you should be able to obtain the location of an inmate in any of the jails.

MENTAL HOSPITALS:

There are four mental hospitals in California. Most inmates are placed in Atascadero and Patton State Hospital. When calling a mental hospital, staff will generally not confirm a patient is in residency. But you can try.

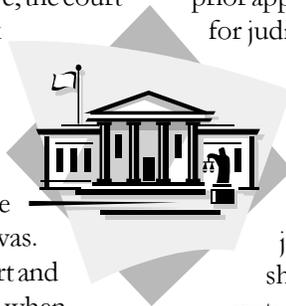
Sometimes an appellant may go from the prison to the hospital. If you call the Prison Locators, they may say that the inmate has been discharged. You may want to ask if to the hospital, if you have an idea of that. Prison Locators will tell which one. This does not always happen, but sometimes it does.

4TH APPELLATE DISTRICT COURT NEWS

The Brief Is "In The Mail"

Whenever a brief is being filed "on the day of" the due date pursuant to California Rules of Court, rule 40(k), please call the Court of Appeal to let them know the brief has been mailed. This applies particularly to reply briefs which are sent via certified mail, and which may arrive at the court after the usual grace period, resulting in the court deeming the briefing closed without the benefit of the reply brief. When a call is made to the court, a notation regarding the phone call is entered on the computer docket. If the court knows the brief is in the mail, it won't proceed without contacting the attorney first.

Attorneys should not tell the court the brief is in the mail unless it really is in the mail. When late briefs arrive, the court will check the postmark date and the proof of service against the docket information and can easily tell if the brief was actually put in the mail on the date the attorney said it was. Attorneys who call the court and report a brief is in the mail when, in fact, it is not, may be remembered and may not experience the "grace" that usually comes with a "grace period."



Augment Request Of Prior Appeals

Appointed attorneys should not ask for an augment to obtain the record of a prior appeal of the same appellant. Ask for judicial notice, and in the request, ask the court to copy the record for counsel, if needed.

As with any request for judicial notice, counsel must show a case-specific need for the material.