

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA	
v.	
DEFENDANT:	
CAPITAL CASE ATTORNEY PRETRIAL CHECKLIST	
CASE NUMBER:	

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

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

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

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

I acknowledge that I have reviewed this checklist.

Date:

_____, attorney for _____
 (TYPE OR PRINT NAME) (PARTY)



(SIGNATURE OF ATTORNEY)