

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA**

LOMPOC DIVISION, 115 Civic Center Plaza, Lompoc, CA 93436-6976
MILLER DIVISION, 312-M E. Cook St., Bldg E, Santa Maria, CA 93454

FAX / COUNTER ARRAIGNMENT PROCEDURES

1. Subject to sections 2, 3, and 4, privately retained attorneys may arraign defendants by FAX/COUNTER in all misdemeanor and infraction cases.
2. FAX/COUNTER arraignments are unavailable for cases with warrants that have been outstanding for more than 30 days.
3. FAX/COUNTER arraignments are unavailable when there is a case in chief with a companion violation of probation case or if the case has an alleged DUI with a BAC of .15 or more.
4. The only attorneys eligible to use the FAX/COUNTER arraignment procedures are members in good standing of the State Bar of California whose privilege of using the FAX/COUNTER arraignment procedure has not been revoked by order of a Judge of the Santa Barbara County Superior Court for failure to comply with these procedures. The defense attorney shall provide his or her California State Bar number on the FAX/COUNTER arraignment form in the space provided.
5. The Court Divisions have established the following phone numbers to be used for FAX arraignments:

FAX: LOMPOC (805) 737-5441 **MILLER** (Santa Maria) (805) 614-6591

FAX/COUNTER arraignment forms cannot be transmitted or submitted to the Santa Barbara County Superior Court, unless: (1) a criminal case has been filed against the defendant in that court, and (2) an appearance date has been scheduled.

6. To arraign a defendant by FAX/COUNTER, an attorney shall utilize the Superior Court of California, County of Santa Barbara **FAX/COUNTER ARRAIGNMENT** form. The attorney shall complete and sign this form and transmit same to the appropriate Court's FAX number at any time including weekends or Court holidays or submit the form at the counter of the appropriate court division.
7. Completed FAX/COUNTER arraignment forms received after 4:00 p.m. on a Court day or at any time on a non-court day will be deemed to have been received and the arraignment to have occurred at 9:00 a.m. on the following Court day.
8. The attorney shall complete the information requested on the FAX/COUNTER arraignment form including: Defendant's full name, case number, date of birth, social security number, scheduled arraignment date, date of alleged offense, attorney's identifying information, whether or not an interpreter will be required for the defendant, whether or not the defendant waives the right to be tried within 30 or 45 days of arraignment. In cases where some of the identifying information is unknown to the attorney, sufficient information shall be provided to enable the Court to readily identify the particular case being arraigned. Incomplete or inappropriate FAX/COUNTER arraignment forms shall be rejected and the arraignment not accomplished. When the form is transmitted by fax, the FAX/COUNTER arraignment clerk shall promptly attempt to telephone the attorney and shall return any incomplete or inappropriate FAX/COUNTER arraignment forms to the attorney by U.S. Mail within two court days of receipt of the FAX/COUNTER arraignment form. It is the attorneys' responsibility to ensure that the Court has received the FAX/COUNTER arraignment form and to monitor confirmation or rejection of the arraignment.

9. If the FAX/COUNTER arraignment is accepted for a particular case, the clerk shall recall any outstanding warrant for failure to appear in that case without the payment of any fee. A case with a warrant that has been outstanding for more than 30 days is not appropriate for FAX/COUNTER arraignment. All misdemeanor cases shall be set for Pre-trial conference within 30 days of arraignment. The court must receive the FAX/COUNTER arraignment form at least three (3) court days prior to the requested Pre-trial date.
10. The FAX/COUNTER arraignment clerk shall mail a copy, or place a copy in the will-call box, of the FAX/COUNTER arraignment form, with the Pre-trial conference date, to the Deputy District Attorney and the defense attorney within three (3) court days of receipt of the FAX/COUNTER arraignment form. If the FAX/COUNTER arraignment form is submitted at the counter, the defense attorney will be given a copy of the form at the counter.
11. Any bail/bond posted shall remain in force from the date of the FAX/COUNTER arraignment to the Pre-trial conference date.
12. The defense attorney by utilizing the FAX/COUNTER arraignment procedure thereby waives the right to receive discovery from the Santa Barbara County District Attorney's office at the time of arraignment, and agrees to obtain discovery from the District Attorney's office located at 115 Civic Center Plaza, Lompoc, California, or 312-D East Cook Street, Santa Maria, California, prior to the Pre-trial conference.
13. The attorney acknowledges and agrees that, by utilizing the FAX/COUNTER arraignment procedure, the attorney is the attorney for the defendant, and the FAX/COUNTER arraignment constitutes a general appearance.
14. The attorney shall, by signing and submitting a FAX/COUNTER arraignment form, be deemed to have made the representations, acknowledgments and agreements set forth in these procedures. By utilizing the FAX/COUNTER arraignment procedure, the attorney represents: (a) that his or her client has specifically authorized the attorney to act as the client's agent for the purpose of waiving time and receiving notice from the Court of the Pre-trial conference date, and (b) the client and attorney have agreed that notice of the Pre-trial conference date to the attorney shall be deemed full, complete and valid notice to the client. The attorney agrees to and shall inform the client of the Pre-trial conference date. The attorney agrees that his or her use of the FAX/COUNTER arraignment procedure constitutes a representation to the Court that the attorney has specifically advised the client that failure of the client to appear timely at the Pre-trial will constitute the crime of failure to appear.
15. Failure to comply with any of the provisions of these procedures of the Court concerning FAX/COUNTER arraignments may result in a Judge of the Santa Barbara County Superior Court entering an order withdrawing the attorney's eligibility to use the FAX/COUNTER arraignment procedure.