



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- ☐ CENTRAL DIVISION, COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101
- ☐ CENTRAL DIVISION, KEARNY MESA, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123
- ☐ EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020
- ☐ EAST COUNTY DIVISION, RAMONA, 1428 MONTECITO RD., RAMONA, CA 92065
- ☐ NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081
- ☐ SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910

MISDEMEANOR AND INFRACTION COUNTER / FAX ARRAIGNMENT CRITERIA

1. In accordance with San Diego County Superior Court Rules, rule 3.1.2, attorneys appearing in propria persona or who are retained to represent defendants charged with misdemeanor(s) or infraction(s) may, in lieu of a court appearance, arraign matters informally if the attorney, as authorized by the defendant, enters a plea of not guilty and waives time for trial. Attorneys eligible to use these arraignment procedures must be members in good standing of the State Bar of California, whose privilege of using these arraignment procedures has not been revoked by order of the Presiding Judge for failure to comply with these criteria. The attorney must provide his or her State Bar number on the Counter/Fax Arraignment form (SDSC Form #CRM-141) in the space provided. For fax arraignments, the attorney **MUST** include a fax number for return information from the court.
2. Statutory time must be waived to arraign at the counter or by fax.
3. A defendant's case is **ineligible** for counter/fax arraignment if:
 - The defendant is in custody on this or any other case.
 - The case charges domestic violence or child abuse.
 - The case is being prosecuted by the Consumer Fraud or Code Enforcement Divisions of the San Diego City Attorney's Office.
 - A victim has elected to exercise the right to be present at the arraignment (see Cal. Const., art. I, § 28(b)(7)).
 - Any previously posted cash bail or bond has been forfeited.
4. The clerk will recall any outstanding warrant on the case.
5. The Counter/Fax Arraignment form (SDSC Form #CRM-141) must be received on or before the date **and time** set for the arraignment in order to avoid the issuance of a warrant or civil assessment, the filing of failure to appear charges, and/or the forfeiture of bail.
6. Any cash bail or bail bond posted will remain in full force and effect from the date of the arraignment to the next hearing.
7. Discovery must have been completed, key witnesses interviewed, the case evaluated and negotiated with the District Attorney or City Attorney by the week preceding the settlement conference.
8. To arraign a defendant at the counter or by fax, the attorney must use the Counter/Fax Arraignment form (SDSC Form #CRM-141), available at the court and on the court's website at www.sdcourt.ca.gov. The attorney must complete all information, sign the form, and transmit the form to the appropriate division. Forms faxed and received after 4:30 p.m. on any court day, or received on any non-court day, will be deemed to have been received on the next court day.
9. The attorney must complete the information on the Counter/Fax Arraignment form (SDSC Form #CRM-141) **IN FULL**. If any information is omitted the form will be rejected and returned to the attorney.
10. The attorney will, by signing and submitting the Counter/Fax Arraignment form (SDSC Form #CRM-141), be deemed to have made the representations, acknowledgments, and agreements set forth in these criteria. By utilizing the counter or fax arraignment procedure, the attorney represents:
 - That the attorney is the attorney of record and understands that the counter or fax arraignment constitutes a general appearance.
 - 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 the hearing/pre-trial/trial date.
 - The client and attorney have agreed that notice of the hearing/pre-trial hearing/trial date received at the counter or by fax will be deemed full, complete and valid notice to the client.
 - The attorney agrees that use of the counter or fax 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 hearing/pre-trial/trial date will constitute the crime of failure to appear.
 - The attorney has received permission from the prosecutor to use the counter or fax arraignment procedure if the case involved allegations which are handled by a special unit of the prosecutor's office.
11. **ALL FAX ARRAIGNMENT FORMS MUST BE TRANSMITTED TO THE DIVISION WHERE THE DEFENDANT IS SCHEDULED TO APPEAR.** The fax numbers for each location are as follows:

Central Division – San Diego	(619) 450-5135	North County Division – Criminal	(760) 201-8118
Central Division – Kearny Mesa	(858) 634-1735	North County Division – Minor Offense	(760) 201-8638
East County Division – El Cajon	(619) 456-4083	South County Division	(619) 746-6161
East County Division – Ramona	(760) 738-2404		