

CHAPTER 2

WRIT PETITIONS TO THE APPELLATE DIVISION

Rule 7.2.1

Application of the San Diego Superior Court Rules

Writ petitions for extraordinary relief in limited civil, misdemeanor, and infraction cases which name San Diego Superior Court as respondent will be processed in conformity with the applicable provisions of Article VI, sections 4, 10 and 11 of the California Constitution, Titles 8 and 10 of the California Rules of Court, and applicable statutes and case law unless these San Diego Superior Court rules provide more specific direction.

(Adopted 1/1/2000; Renum. 7/1/2001; Renum. 1/1/2006; Rev. 1/1/2009; Rev. 1/1/2017)

Rule 7.2.2

Filing Requirements

A. All writ petitions and subsequent filings in writ proceedings must be filed in the Central Division Appellate Business Office located at 1100 Union Street, San Diego, California 92101.

B. All writ petitions and any associated filings must be stapled at the top left corner and not be bound on the left margin.

C. No filing fee will be required when a petition arises from a criminal case.

D. The petitioner or counsel for the petitioner is required to submit one original and four copies of the petition. Each copy of the petition must include all supporting documents specified in California Rules of Court, rule 8.931(b). This court has not adopted a local rule permitting the use of electronic recordings of oral proceedings. Transcripts of such recordings are required if they are available.

E. A person who is not represented by an attorney should file the writ petition on Judicial Council form APP-151, Petition for Writ (Misdemeanor, Infraction or Limited Civil Case). (Cal. Rules of Court, rule 8.931(a); see also Judicial Council Form APP-150 INFO, Information on Writ Proceedings in Misdemeanor, Infraction and Limited Civil Cases available on the California Courts website at <http://www.courts.ca.gov>.) (Adopted 1/1/2000; Rev. 1/1/2001; Renum. 7/1/2001; Renum. 1/1/2006; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2015; Rev. 1/1/2017; Rev. 1/1/2018)

Rule 7.2.3

Request for Stay

If a stay of the trial court proceeding is requested in the writ petition, the petition must so state prominently on the title page. The petition must set forth all time constraints which are relevant to the request for stay.

(Adopted 1/1/2000; Renum. 7/1/2001; Renum. 1/1/2006; Rev. 1/1/2009)

Rule 7.2.4

Unlawful Detainer Writ Relief

In addition to complying with all applicable California Rules of Court, statutes, and case law, a petition for an extraordinary writ under California Code of Civil Procedure section 1176, subdivision (a) must indicate the date(s) the request(s) to stay the judgment pending the appeal was presented to the trial court and include a copy of the trial court's order or a record of the trial court's ruling on the stay request.

(Adopted 1/1/2015; Rev. 1/1/2016; Rev. 1/1/2017)