

## ACTIVITY EVALUATION FORM FOR CALIFORNIA MCLE

***Please complete and return to Provider (Please Print)***

Provider Name: Ventura County District Attorney's Office Provider Number: 1130

Title of Activity: Misdemeanor Arraignment

Date(s) of Activity: September 19, 2017

Time of Activity: 4:00 p.m. to 5:00 p.m.

Location of Activity: District Attorney's Office, Bradbury Conf. Room

**Please indicate your evaluation of this course by completing the table below**

Question	Yes	No	Comments
Did this program meet your educational objectives?	<input type="checkbox"/>	<input type="checkbox"/>	
Were you provided with substantive written materials?	<input type="checkbox"/>	<input type="checkbox"/>	
Did the course update or keep you informed of your legal responsibilities?	<input type="checkbox"/>	<input type="checkbox"/>	
Did the activity contain significant professional content?	<input type="checkbox"/>	<input type="checkbox"/>	
Was the environment suitable for learning (e.g., temperature, noise, lighting, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	

**Please rate the instructor(s) of the course below**

Instructor's Name and Subject Taught	On a scale of 1 to 5, with 1 being Poor and 5 being Excellent, please rate the items below	Rate 1 – 5
Emma Levey, Misdemeanor Arraignment	Overall Teaching Effectiveness	—
	Knowledge of Subject Matter	—

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## AGENDA

### MISDEMEANOR ARRAIGNMENT TRAINING

September 19, 2017

4:00 – 5:00 p.m.

Ventura County District Attorney, Bradbury Conference Room

Instructor: Deputy District Attorney Emma Levey

- |                  |  |
|------------------|--|
| 4:00 – 4:15 p.m. | General information about arraignment  |
|                  | How to provide discovery               |
|                  | Additional evidence                    |
| 4:15 – 4:30 p.m. | Arraignment in Department 10           |
|                  | DUI Arraignment                        |
|                  | 14601 Matrix                           |
|                  | Electronic Monitoring                  |
| 4:30 – 4:45 p.m. | Arraignment in Department 11           |
|                  | Drug Cases and Violations of Probation |
|                  | 647F's                                 |
| 4:45 – 5:00 p.m. | Questions                              |

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### MISDEMEANOR ARRAIGNMENT TRAINING

September 19, 2017

4:00 – 5:00 p.m.

Ventura County District Attorney, Bradbury Conference Room

Instructor: Deputy District Attorney Emma Levey

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| 4:45 – 5:00 p.m. | Questions                              |

## APPLICABLE TO BOTH

### FIRST STEPS:

- Take down the cart 830/130 – a bit earlier at first?
- PD can't counsel clients till they get discovery
- Put files out alphabetically, snaked up and down
- Each agency has its own color
- Log in to e-mail and VICIJS, calendar DA tab
- Discovery process:
  - Check PD box and date
  - Private attorney: check atty box business card date
  - Why this is helpful (PDs constantly re-requesting discovery)
  - Our copy is always on top, usually color
  - Defense copy always on bottom white w green discovery memo
  - Put back in stack

### ADDITIONAL EVIDENCE:

- Private attorneys requesting additional evidence
- 1054 no discovery obligation yet- but we will provide discovery if requested and the DDA takes charge

### MISC.:

- Can do your own work with down time
- VOPS: 5 VCJ unrelated, 10 related– Brent does not like this rule; try to look into criminal history with time



## COURTROOM 10 – TRAFFIC AND OUT OF CUSTODY

### THE PLAYERS:

- Judge Hirsch
- PD; Maybe Justin Tuttle

### DUIs:

- Hirsch wants to know driving pattern/collision, prior record, BAC, and if there is anything else aggravating (t/c, refusal, kids in the car, out of time priors, speed allegation – make sure its charged)
  - o (ADD Speed allegation VC 23582 30 over highway 20 over all other; 60 minimum consecutive)
- Filing deputies pretty good about noting TCs but sometimes won't
  - o Read the report and check for restitution
- TS means traffic stop
- Anything else on the offer sheet (out of time priors, etc.)
- Undercuts us 10% of the time, when he does they have to eat the sheet, Nolo all counts
  - o When case comes back from PTC he asks was a motion run and will offer arraignment over our objection when no motions
- IF they take our offer dismiss the other count (check offer sheet)
- Watson Advisement
  - o With 977 ask the court to inquire
- EM on the record – other handout
- Out of county probation/ prop ok

### INDEPENDENT DISCRETION:

- 14601 matrix, learn it, love it, be it
- Otherwise, not much. Say no if you're confident or call Brent. PD's asks about:
  - o Reckless driving enhancement – trial issue
  - o Dump the .15 allegation
  - o Dump refusals (Birchfield!!)
  - o Random stuff like speed contests, false evidence of registration, interlock
  - o Takeaway: say no or call Brent

## CORUTROOM 11 – DRUGS AND IN CUSTODY

### THE PLAYERS:

- Tim and Sheila
- Judge Castillo. Will want to know:
  - o Thefts: Stay away address
  - o OR release: object to OR if lots of FTAs or violent criminal history, victims, permanent address
  - o Criminal history on RAPs, get good at reading local RAPs, convictions
  - o Facts of priors with warrant decs in VICJIS
    - Case # >> Actions >> Generate Facesheet >> Warrant Dec

### 647fs:

- Read 647fs after doing discovery, flag ones that should be dismissed
- IF you let one through for jury trial you must notate it be assigned to you
- 415(a) infraction – but only infract if the facts fit this charge

### INDEPENDENT DISCRETION:

- Dismiss 647f if no PBRD or amend to 415 infraction IF applicable
  - o Tab 19 dismissal note
- Infract 484 IF:
  - o Under \$50
  - o No prior theft convictions
  - o No evidence of planning w another (conspiracy)
- 3 open drug cases pg one dismiss the others
  - o As long as all counts are drug related it counts as a drug case (11364, 11550, 11377)
  - o Prop or DEJ on the table
- Strike current Prop w/ admission of VOP, dismiss up to 3 open Prop cases
- Woblettes
- Everything else: say no or call Brent

### VOPS:

- Rejected filings we'll have a discovery packet but otherwise won't!
- Violations filed by Probation will be in VICJIS
- Sometimes there's a VOP that's not a rejected filing and not filed by probation...

- Check the docket; the docket is your friend

MISC.:

- Restitution is always TBD! Better for probation
- If PD needs to borrow file have clerical make copy
- Missing complaint:
  - Tab 17 CRE tab for status of filing
- Calling up:
  - if possible wait to call up till you have a few case numbers.
  - Name and case # they'll bring it down
  - They will come down to make a copy of packets and charge PD when they loose them

## CERTIFICATE OF ATTENDANCE FOR CALIFORNIA MCLE

### Top portion of form to be completed by the Provider

It is preferred that the form is pre-printed with the attendees name and bar number.

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Location of Activity (City/State): Ventura, CA

This Activity qualifies for: Participatory ☒ Self-Study ☐  
Total California MCLE Credit Hours for the above activity: 1.00 hour, including the following sub-field credits:

- Legal Ethics: \_\_\_\_\_
- Recognition and Elimination of Bias: \_\_\_\_\_
- Competence Issues: \_\_\_\_\_

### Bottom portion of form to be completed by the Attorney after participation in the above-referenced activity

By signing below, I certify that I participated in all, or some\*, of the activity described above and am therefore entitled to claim the following California MCLE credit hours:

Total California MCLE Credit Hours: \_\_\_\_\_, including the following sub-field credits:

- Legal Ethics: \_\_\_\_\_
- Recognition and Elimination of Bias: \_\_\_\_\_
- Competence Issues: \_\_\_\_\_

*(You may not claim credit for the subfields above unless the provider is granting credit in those areas above.)*

Print Your Name (clearly): \_\_\_\_\_

Your California State Bar Number: \_\_\_\_\_

Signature: \_\_\_\_\_

\* partial participation hours must be pro-rated

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