INSTRUCTIONS TO DEFENDANT FOR REMOTE VIDEO PROCEEDING

The Solano County Superior Court is allowing remote video arraignments and trials for traffic infraction cases. (Local Rule 2.150.) RVP are available in almost all adult infraction cases. ***IF THE COURT PERMITS REMOTE VIDEO PROCEEDINGS (RVP), YOU MAY BE ABLE TO APPEAR BY AUDIO/VIDEO WITHOUT HAVING TO APPEAR IN PERSON IN COURT.*** The procedure does not apply to traffic or other infractions that are filed in Informal Juvenile and Traffic Court. The procedure provides a convenient process for resolving cases with the use of two-way audiovisual communication between you and the court. Defendants who request to appear by RVP must waive (give up) certain rights that apply to trial of criminal offenses, including traffic infractions. The instructions below explain procedures for requesting RVP for traffic infraction cases:

1. ***IN ORDER TO PARTICIPATE IN RVP YOU MUST HAVE A VALID, WORKING E-MAIL ADDRESS.*** You will be notified of hearing dates and you will receive an electronic link to participate in a Zoom meeting only through e-mail. To request arraignment and trial on the same day, you may file a *Notice and Waiver of Rights and Request for Remote Video Arraignment and Trial* (form STR-505). To request RVP for arraignment or trial on separate days, you may file a *Notice and Waiver of Rights and Request for Remote Video Proceeding* (form STR-510). You will be required to provide your own electronic devices to participate in the Zoom meeting, which can include a telephone, mobile phone, smart phone, laptop or desktop computer with audio and/or video capabilities. If your device does not have video capability you may still participate by audio.
2. ***YOU MAY COMPLETE AND SUBMIT THE FORM ONLINE OR FILL OUT THE FORM AND DELIVER IT TO THE COURT***. A completed form must be received by the clerk by the appearance date on the Notice to Appear citation or continuation date granted by the court. If the form is received after the due date the court may require a court appearance or bail deposit to schedule a trial. ***Failure to file the form as required by the due date may subject you to other charges, penalties, assessments, and actions, including a civil assessment under Penal Code section 1214.1 of up to $300 and a hold on your driver's license.***
3. ***YOU WILL RECEIVE NOTICE BY E-MAIL***. When the clerk receives a timely request for RVP, the court will rule on the request and notify you through e-mail. If the court denies the request, the court may order you to respond within 10 court days of the notice of the order to schedule an arraignment or trial or appear in court. If the court approves the request, the court will notify you and the officer of the extended date and you will be given an electronic link via your e-mail with instructions on how to join the RVP. Once you join the Zoom meeting you will remain in the "waiting room" until your case is called.
4. ***YOU MAY SUBMIT YOUR EXHIBITS ELECTRONICALLY TO THE COURT***. If you receive approval for an arraignment via RVP you may show the court proof of correction for any correctable offenses through your video connection, unless the court requires proof of correction to be submitted in either electronic or paper format. If you receive approval for a trial via RVP you will also be given notice of the electronic link to upload exhibits or other documents via the Court's secure exhibit portal. Electronic exhibits must be submitted to the court no less than five (5) days prior to the trial. If you use the secure portal any written documents must be submitted in Adobe Portable Document Format (PDF). Video exhibits submitted via portal must be submitted in one or more of the following formats: AVI, FLV, WMV, MP4 and MOV. Photographic exhibits submitted via portal must be in one or more of the following formats: JPEG, PNG, or TIFF. The file size for all submitted exhibits shall not exceed 2 GB per file. If you do not use the secure portal, you may provide your exhibits to the court five (5) days before the trial, indicating your name, case or citation number, as well as brief description of what they are.
5. ***A NEW TRIAL ("TRIAL DE NOVO") IS NOT ALLOWED UNDER RVP.*** After a remote video trial is completed, if you are dissatisfied with the court's judgment, you may file an appeal under California Rules of Court, rules 8.901–8.902 within 30 days of the judgment. A new trial ("trial de novo") is not allowed. Always include your citation number in any correspondence with the court. If you use the secure exhibit portal the court will not keep any exhibits once the case has reached final disposition, including any appellate proceedings. Therefore, at the final conclusion of the case all electronic exhibits will be destroyed. If you submit your exhibits in hard copy format the court will follow the procedure contained in Penal Code section 1417, et seq., concerning exhibits.
6. **IMPORTANT:** You have the right to appear in court for an in-person arraignment without deposit of bail and trial at the court. If you appear in court for your case, your rights include:
   - The right to be represented by an attorney employed by you;
   - The right to request court orders without cost to subpoena and compel the attendance of witnesses and the production of evidence on your behalf;
   - The right to appear in person in court before a judicial officer for an arraignment to be informed of the charges against you, to be advised of your rights, and to enter a plea without deposit of bail;
   - The right to request that a court trial be scheduled without bail for a date that is after your arraignment in court;
   - The right to have a speedy trial;
   - The right to be physically present in court at all stages of the proceedings including, but not limited to, presentation of testimony and evidence and arguments on questions of law at trial and sentencing; and
   - The right to have the witnesses testify under oath in court and to confront and cross-examine witnesses in court.

By voluntarily requesting to appear for arraignment and/or trial by RVP, you will agree to waive (give up):

- Your right to appear in person in court before a judicial officer for arraignment and/or trial;
- Your right to a speedy trial within 45 days; and
- Your right to be physically present in court for trial and sentencing and all stages of the proceedings, including, but not limited to, presentation of testimony and evidence and arguments on questions of law, and confrontation and cross-examination in person of the officer who issued the ticket and other witnesses.