

1 **Rule 10.174. Petition Regarding Disputes Related to Court Security Memoranda of**  
2 **Understanding**

3  
4 **(a) Application**

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6 This rule applies to petitions filed under Government Code section 69926(e).

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8 **(b) Request for assignment of Court of Appeal justice**

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10 (1) If a sheriff, county, or superior court is unable to resolve a dispute related to the  
11 memorandum of understanding required by Government Code section  
12 69926(b), the sheriff, county, or superior court may file a petition for a writ of  
13 mandamus or writ of prohibition.

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15 (2) On the first page, below the case number, the petition must include the  
16 following language in the statement of the character of the proceeding (see rule  
17 2.111(6)): “Petition filed under Government Code section 69926(e):  
18 Assignment of Court of Appeal justice requested.”

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20 (3) On receipt of a petition, the superior court clerk must submit a request to the  
21 Chief Justice asking that he or she assign a Court of Appeal justice from an  
22 appellate district other than the one in which the county, the superior court, and  
23 the sheriff are located to hear and decide the petition.

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25 **(c) Superior court hearing**

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27 A petition filed under this rule must be heard and decided on an expedited basis and  
28 must be given priority over other matters to the extent permitted by law and the  
29 rules of court.

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31 **(d) Appeal**

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33 (1) Any notice of appeal of a decision under (c) must be filed in the same superior  
34 court in which the petition was initially filed and must include on the first page  
35 the following language, below the case number, in the statement of the  
36 character of the proceeding (see rule 2.111(6)): “Notice of Appeal Relating to  
37 Petition filed under Government Code section 69926(e): Transfer Requested.”

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39 (2) On receipt of the notice of appeal, the Court of Appeal must request that the  
40 Supreme Court transfer the appeal to an appellate district other than the one in  
41 which the county, the superior court, and the sheriff are located.

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43 *Rule 10.174 adopted effective November 1, 2012.*