

GUIDELINES FOR CHANGE OF PLEA CALENDARS AND EXPEDITED PRETRIAL RESOLUTION PROGRAM

DEFENSE COUNSEL AND THE DISTRICT ATTORNEY'S OFFICE HAVE AGREED TO DISCUSS POTENTIAL RESOLUTIONS IN MISDEMEANOR CASES DURING THE PERIOD OF EMERGENCY COURT CLOSURE. THE PURPOSE OF THE EXPEDITED PRETRIAL CONFERENCES IS TO ALLOW BOTH SIDES TO IDENTIFY CASES THAT MAY BE RESOLVED IN WAYS THAT TAKE INTO ACCOUNT THE CURRENT SOCIAL, HEALTH, AND ECONOMIC CIRCUMSTANCES OCCASIONED BY THE COVID-19 PANDEMIC.

ALL PD/ADO CASES SET FOR EXPEDITED PTCs WILL BE CALENDARED ON THE COP CALENDAR APPROXIMATELY TWO AND A HALF TO THREE WEEKS AFTER THE PTC. PRIVATE ATTORNEYS WHO HAVE REACHED NEGOTIATED DISPOSITIONS WITH THE DA'S MAY REQUEST TO CALENDAR MATTERS DIRECTLY ON THE COP CALENDAR IF NO PTC IS NECESSARY USING THE CR-419 FORM LOCATED ON THE COURT'S WEBSITE. ALTERNATIVELY, PRIVATE ATTORNEYS MAY REQUEST AN EXPEDITED PTC WITH THE COURT USING THE CR-419 FORM. ON MATTERS WITH MULTIPLE CASES, ADDITIONAL CR-419 FORMS MUST BE SUBMITTED FOR EVERY ACTIVE DOCKET.

PARTICIPANTS: The DA and PD / ADO offices will inform the court five court days in advance of the individual attorneys who will appear virtually at the COP calendars and provide those attorneys' email addresses. The Court will send emails inviting the designated attorneys to the virtual COP calendar.

TIME: COP calendars will be heard Monday through Friday from 8:30-12:00 and 1:30-3:00.

ZOOM ADMONISHMENT: The Judge will order on the record at the beginning of every session that anyone joining the virtual COP calendar is prohibited from recording the proceedings in any way. All proceedings will be reported by an Official Court Reporter. Violations of the court's orders are subject to sanctions, including monetary sanctions and/or contempt.

PLEAS: All pleas will be entered in-absentia. A recommended script is available to expedite the proceedings.

OTHER DISPOSITIONS: Many of the cases will be resolved by means other than a change of plea, such as dismissal by the People, Diversion, and admission of probation violations in lieu of new charges or convictions.

FORMS: The attorneys must deliver all plea forms and other related paperwork to the Court. All documents must be delivered to the Court at least 2 days before the COP calendar. The attorneys must drop the paperwork in either the Richmond or Martinez Court Drop Boxes or mail the paperwork to the appropriate court.

CASES NOT RESOLVED: For cases that do not resolve and had or have a TNW or Limited TW JT date set during the period from March 16, 2020 through June 15, 2020, a new last day will be calculated based on the Chief Justice's Emergency Order. Those JTs will be re-set within 90 days of the initial last day for trial unless counsel enters a time waiver on the record.

The court remains closed pursuant to emergency orders. No trial dates will be set for any cases that are time waived or for which no JT date has yet been set. Rather, these cases will be continued to a "to set" date no more than 90 days from the COP date. No time waiver withdrawals will be permitted at the expedited COP calendars. Once the court re-opens, defense counsel may give notice to the prosecution and request that the matter be calendared for a withdrawal of previously-entered time waivers.

COMPLETION OF ORDERS OF PROBATION/ DIVERSION/ COPIES OF MINUTE ORDERS: When the virtual COP calendar is completed, the Judge will sign the orders.

PD / ADO CASES: The court clerk will make copies of the orders and deliver them to Martinez. The Orders will be available for pick up at the Security Station in the Bray Courthouse within two court days. PD and ADO attorneys must complete the orders or probation or diversion orders and sign on behalf of their clients and return the order to the Court in the Richmond or Martinez court Drop Boxes within two court days. The attorneys are then responsible to ensure that their clients receive a copy of the orders.

PRIVATE ATTORNEYS CASES: The clerk will make copies of the orders and scan and email them to the private attorneys to the email provided within two court days. The attorneys must complete the order and sign on behalf of the client and return the order to the Court in the Richmond or Martinez Court Drop Boxes or mail to the appropriate court within two court days. The attorneys are then responsible to ensure that their clients receive a copy of the orders.