

PROCEDURES FOR ALL CRIMINAL CASES ONLY/ ORANGE COUNTY
Effective April 8, 2020

The judges hearing these matters are hearing them for all criminal divisions. By necessity, these hearings will be limited in number per day. They will also be time limited. All attorneys are presumed to have read these procedures and rules and will be held to them.

COURTROOM 6D ONLY

All essential matters will be heard daily beginning at 8:30 a.m. in Courtroom 6D. A detailed schedule of the matters/times heard in this courtroom is included. Please check the schedule for details. Any non-essential bond, plea or sentencing will also be heard in 6D.

APPEARANCES BY PARTIES: The Judge, clerk and deputies will be in courtroom 6D. The State has elected to appear remotely. Because of how the courtroom is connected to the BRC, only one party may appear remotely. There is no solution to this problem and a different courtroom cannot be used. Therefore, the defense must appear either in person in 6D or at the BRC.

ESSENTIAL MATTERS:

1. First-time bond hearings. Only first-time bond hearings are essential. Repetitive bond motions are not essential, nor are bond motions for revocations based on new charges or VOPs. You may request the division judge grant a hearing on bond motions for revocations based on new charges or VOPs, but it is within the division judge's discretion.
2. Bond/release for incompetent defendants arrested on violation of conditional release.
3. Pleas for in custody misdemeanor and felony cases.

PROCEDURES FOR IN-CUSTODY PLEAS: For misdemeanor pleas, a written plea form IS required (this is a change in procedure). For felony pleas, a written plea form is required. It must be filed with the clerk as always at end of the plea. The plea and sentence (all issues including withholds and adjudications) must have been negotiated. Pleas to the bench can only be set on the day the division judge to which the case was assigned is presiding. Defense attorneys who elect to be present at the jail must have previously reviewed the sentencing scoresheet, as the scoresheet will be presented to the judge in the courtroom. It is the responsibility of the defense attorney to make sure the plea form is delivered to the courtroom/clerk. The JAs will not accept or forward emailed pleas.

PROCEDURES FOR BOND HEARINGS: If the parties agree, please forward the motion and order to the division judge. You must include some written indication from the state that they agree. The judge will sign the order in chambers **if** they have no issue with the agreement.

If a hearing is required, the defendant will be at the BRC. If any witnesses are to be called, please limit them to no more than two per side. We will need the names of the witnesses when you schedule the hearing so that security can let them into the courthouse.

These hearings are limited to 15 minutes total on the morning docket. Longer hearings may be set only on Fridays at 1:30 pm.

Victims and witnesses may testify either in-person or by phone.

PROCEDURES FOR OUT-OF-CUSTODY PLEAS: For felonies, the attorney and their client must report to the BRC at 11 a.m. each morning. There are a limited number of slots available each day. If the client is being remanded, please advise the JA when the plea is set. Pleas to the bench are taken at this time.

For misdemeanor pleas, please contact the assigned county judge for their procedures.

SCHEDULING: All matters are to be scheduled through the division JA; in other words, schedule with the division in which the case is pending. The presiding judge will be on a rotating basis. The JA will give you the time and date for your hearing. This includes the Friday afternoon hearings.

FELONY VOPS: Judge Whitehead has agreed to hear these as indicated on the schedule. If you have a case set for VOP status or hearing that is a plea, you may schedule that through Judge Whitehead. If you negotiate a plea on a VOP, you may set it before Judge Whitehead, if he agrees. Contact his JA for scheduling.

Any matter not listed above is a non-essential matter that must be set in the division judge's courtroom. (Cases involving inmates who must be present have to be in 6D) Please refer to those procedures.

We all appreciate your patience as we attempt to keep the courts functioning during these difficult and challenging times. Our priority in establishing these procedures is the safety of everyone who comes into contact with the court system.

If you have questions please contact me via email at 21orange@ninthcircuit.org.

Leticia J. Marques
Administrative Judge, Circuit Criminal Division Orange County

PROCEDURES FOR HEARINGS IN DIVISION COURTROOMS

NON-ESSENTIAL MATTERS: Anything not covered by the 6D procedures is a non-essential matter that must be set before the division judge in their courtroom. Examples: motion to early terminate probation; competency status; motion to compel etc. The Supreme Court has indicated that they wish these hearings to be conducted via video or phone. The consent of both parties is not required to set these hearings, but a good faith effort to coordinate is required. Failing to respond to a request for a hearing within 72 hours will be deemed acquiescence to setting the hearing.

The courtrooms (not 6D at the present) are equipped to provide multiple video links for a hearing. To set a hearing, the parties must contact the JA and request the date and time. There must be at least 2 business days between setting the hearing and the date of the hearing so that sufficient court personnel can be present.

Once the hearing is set, the parties will receive a link for the video from the JA. That link is to be pasted into your browser (Google or Edge). Safari will not work. Click on the link at the scheduled time and you will be connected to the courtroom. The link can be sent to witnesses/defendants so they may join the hearing, but it is the responsibility of the parties to provide the correct email AT THE TIME THE HEARING IS SET. The defendant must be in a location where he/she can consult with their lawyers. Detailed instructions are provided once the hearing is set.

You MUST also check each judge's individual procedures and comply with those. These procedures are subject to change and to extension depending on the situation.

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If you questions please contact the individual judge before whom the matter is set.

Leticia J. Marques
Administrative Judge, Criminal Division Orange County.