

## **EMERGENCY LOCAL RULES: CRIMINAL AND JUVENILE**

The Court adopts the following as Emergency Local Rules (“Rules”) intended to address the impact of the COVID-19 pandemic, under the authority granted the Court by the March 23, 2020, Order of the Chief Justice of the California Supreme Court, as Chair of the Judicial Council (“Order”). These Rules are effective March 30, 2020, subject to the limitations imposed by the Order, and shall remain in effect until either rescinded by this Court or by withdrawal or change to the Order.

1. **Application.** These rules shall apply only to Criminal and Juvenile cases.
2. **Filing of Papers.**
  - a. *Limited Acceptance of Filings.* Effective Monday, March 30, 2020, the Court will permit limited motion filings and unlimited new case filings via a drop box, from 9 a.m. to 3 p.m. excluding weekends and Court holidays. The Criminal drop box will be located at the Main Street entrance to the Wakefield Taylor Building in Martinez. The Juvenile drop box will be located at the Walnut Creek Branch. All motions filed through this process must include a telephone number and email address for each party, if available.
  - b. *Type of Filings Accepted.* Documents that may be filed are limited to the following:
    1. Criminal Complaints and Informations in cases where Preliminary Hearings have already been held.
    2. Juvenile Petitions pursuant to Welfare and Institutions Code section 602 (“602 cases”).
    3. Juvenile Petitions pursuant to Welfare and Institutions Code sections 300 et seq. (“300 cases”).
    4. Emergency motions in criminal cases. Emergency motions are defined as motions that seek immediate relief

that cannot wait until the Court reopens on May 1, 2020, or later, e.g., a motion for release of a defendant when there is no stipulation to release, but there has been a change in circumstances since the last bail hearing other than the onset of the COVID-19 pandemic; and requests for sentencing in criminal cases when the sentencing is reasonably likely to result in the defendant being released from custody.

5. Emergency motions in Juvenile cases. Emergency motions include requests for disposition of Juvenile 602 cases where there is a reasonable likelihood that the disposition will result in release of the minor from custody or other change in placement and requests for change in placement or visitation of minors detained in 300 cases.
- c. *Motions Not Filed.* In criminal cases, the Court will not at this time file non-emergency motions, such as motions to suppress pursuant to Penal Code section 1538.5, motions to sever, and motions to dismiss pursuant to Penal Code section 995 or on other grounds.
  - d. *Determination of Urgency.* If a party believes it has a motion or other request for relief that qualifies as an emergency motion, but is not described above, the party may submit the motion to the Clerk's office with a written request that it be filed as an emergency motion, with service on all other parties. The Court will determine whether it qualifies for filing under these Rules and notify the parties in writing. If it is not deemed as an emergency motion and ordered filed, the party seeking to file the motion must resubmit it for filing after the Court closure ends.
  - e. *Form of Emergency Motions.* In all cases, the parties are encouraged to submit the emergency motions described above on the pleadings. If the parties do so, the Court will make every effort to have the motions decided and a written order issued within three court days of the final submission.

### 3. Hearings.

- a. *Criminal Cases and Juvenile 602 cases.* If any party requests a hearing, all parties shall specify whether they request a live hearing in court, or whether they stipulate to a virtual hearing through videoconferencing, with the judge, all attorneys, and the defendant or minor if he or she is out of custody participating remotely by videoconference. If the defendant is in custody in a criminal case, the defendant's attorney may waive his or her client's appearance when authorized by Penal Code section 977 so that the hearing may be held by videoconference. After hearing from all parties, the Court will decide whether a hearing is necessary and, if so, calendar the hearing in the Emergency Courtroom in Martinez if it is a criminal case, in the Emergency Courtroom in Walnut Creek if it is a Juvenile case, or set the matter for a hearing via videoconference on a specified date and time. The availability of hearings in the emergency courtroom is severely limited, so a request for a live hearing may delay consideration of the motion.
- b. *Juvenile 300 cases.* Detention hearings may be held live in the emergency courtroom in Walnut Creek with only the attorneys appearing in the courtroom, or by stipulated videoconference with the judge and all attorneys appearing by videoconference and the parties by telephone with their respective attorneys. Any other hearings in Juvenile 300 cases will be heard only by videoconference. After hearing from all parties, the Court will decide whether a hearing is necessary and, if so, will set the matter for a hearing by videoconference on a specified date and time.
- c. *Other Hearings.* All other hearings conducted pursuant to these Rules shall be heard only by videoconference. After hearing from all parties, the Court will decide whether a hearing is necessary and, if so, set the matter for a hearing by videoconference on a specified date and time.