

## **PROCEDURES FOR ALL CRIMINAL CASES ONLY/ ORANGE COUNTY FROM MARCH 17-27<sup>TH</sup>**

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.

All essential matters will be heard on a daily basis 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.

**ESSENTIAL MATTERS:** 1. Bond hearings, 1<sup>st</sup> time bond hearings only. Repetitive bond motions are not essential, neither are revocations for FTAs or new charges. You may request the division judge grant a hearing on bonds for FTA or new charge but it is within their discretion.  
2. Bond/release for incompetent defendants arrested on violation of conditional release.  
3. Pleas for in custody misdemeanor and felony cases.

The state attorney will be in the courtroom and defense may come to the courtroom or be present in Courtroom 3 at the BRC, their choice. The link is via video to the BRC.

**PROCEDURES FOR IN CUSTODY PLEAS:** For misdemeanor pleas, a written plea form IS required (**this is a change in procedure**).

A written plea form is required for felonies. It must be filed with the clerk as always at end of the plea. The plea and sentence (all issues including w/h and adjudication) 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. The 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.

**PROCEDURES FOR BOND HEARINGS:** If the parties can 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 we ask that you 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 only be set on Fridays at 1:30 pm.

Victims and witnesses may testify either in person or by video.

**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 at the time the plea is set.

County court out-of-custody pleas will be handled on Tuesday and Wednesday by the county judges on a rotating basis beginning at 1:30.

**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.

**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. Out-of-custody defendants must have negotiated pleas, set at 11 a.m.

**NON-ESSENTIAL MATTERS:** any matter not listed as essential is non-essential. That means it must be set before the division judge, in their courtroom for out of custody matters. The only parties permitted in the courthouse for these hearings are the attorneys. The defendant and witnesses (if necessary) must testify by video.

THE PARTIES MUST AGREE TO THESE HEARINGS BEING SET. IF ONE PARTY OBJECTS THE HEARING MAY NOT BE SET OR PROCEED.

If 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 the Judge will connect you to the courtroom. The link can be sent to witnesses so they join the hearing, but it is the responsibility of the parties to provide the correct email. The defendant must be in a location where he/she can consult with their lawyers. Detailed instructions are provided once the hearing is set.

These procedures are subject to change and to extension depending on the situation.

I will be posting updates on the circuit's Facebook page and sending them to Ben Wurtzel, CFACDL President for further dissemination.

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 any questions please contact me via email at [21orange@ninthcircuit.org](mailto:21orange@ninthcircuit.org).

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