

Preliminary Hearing Process Effective May 18, 2020

Summary:

Beginning May 18, 2020, preliminary hearings will move from the jail departments to courtrooms in the main courthouse. All hearings will be set on the 8:30 a.m. calendar but could be assigned to begin at either 8:30 or 1:30. This will allow the jail departments to return to their regular, (though remote) morning calendars.

While the Court is under a court closure order, the preliminary hearings will be closed to the public and will continue to be held remotely and live streamed on YouTube. Unless PC 977 appearance waivers are lodged with the Court, all in-custody defendants and their attorneys shall appear with the judge and courtroom staff in the assigned preliminary hearing department. Out-of-custody defendants and their attorneys may appear in person or remotely. The DDA may appear remotely. Unless good cause is found for a witness to personally appear, the witness may appear remotely.

Details:

1. The Court will send a rough copy of the preliminary hearing calendars to the offices of the CCD, DA, and PD five (5) days prior to the hearing date, the Court will also post these on the Court's website in the Attorney Information section of the website, under a tab entitled: "Preliminary Hearing and Trial Assignments."
2. The Court will send a final copy of the preliminary hearing calendars to the offices of the CCD, DA, PD and any retained attorney three (3) days prior to the hearing date.
3. Two (2) days prior to the hearing date, the attorney assigned to a particular prelim shall send an email to the court at MasterCalendar@saccourt.ca.gov and copy opposing counsel and provide the following information:
 - a) Case name & number;
 - b) Attorney name & contact number

- c) Whether the preliminary hearing will proceed, resolve or continue;
- d) Number of witnesses;
- e) Estimated length of the hearing;
- f) Whether the defendant or any witness requires an interpreter and if so, which language.
- g) Whether the defendant consents to conducted the proceedings remotely.

*If the defense attorney intends to file a motion objecting to the witness appearing remotely, counsel shall copy the clerk in Dept. 9 on the email. The clerk can be reached at: Dept9@saccourt.ca.gov The Dept. 9 clerk will forward the motion to the assigned hearing department. In these cases, the witness that the attorney is objecting to appearing remotely should be available to report to the courthouse within 30 minutes of the time set for hearing if necessary.

- 4. The court will provide email notification to the email boxes set up by the offices of CCD, DA, PD and to any retained attorney by 12:00 p.m. - one (1) court day prior to the preliminary hearing date, of the courtroom to which the preliminary hearing will be heard, the judge presiding over the hearing, and the Zoom meeting information. The court will also post the assignments on the court's website in the Attorney Information section of the website, under a tab entitled: "Preliminary Hearing and Trial Assignments".
- 5. If either party intends to exercise a challenge to the judge assigned to preside over the preliminary hearing pursuant to CCP 170.6, the party shall send an email to the court at MasterCalendar@saccourt.ca.gov and opposing attorneys no later than 3:00 p.m. – one (1) court day prior to the scheduled hearing. Counsel shall include a fully executed CCP 170.6 form with the email. *The court's Judicial Assignment Administrator shall cause the forms to be filed.
- 6. If either party intends to introduce exhibits at the hearing, the exhibit(s) & exhibit list shall be emailed to all parties and the assigned preliminary hearing department, for

example: Dept#@saccourt.ca.gov. The exhibits shall be emailed no later than 3:00 p.m. - one (1) court day prior to the scheduled preliminary hearing date. If exhibits are not capable of being emailed, the offering party should deliver the exhibit to the assigned department.

7. If a matter is going to continue or resolve, out of custody cases will be assigned to Dept. 9 at 8:30 a.m. In-custody cases will be set in the respective home court on the 8:30 calendar. Defense attorneys are encouraged to obtain PC 977 appearance and time waivers from their clients on any case that will continue and to appear remotely for these matters. Out-of-custody defendants and their attorneys are encouraged to appear remotely for these matters. Remote appearances may be through Zoom or on the phone in the courtrooms.

*If a matter is going to resolve with a plea for felony probation and immediate J&S, the defense attorney shall obtain probation conditions from the Probation Dept. The Probation Dept. has created an email address to contact them and request conditions. When emailing for conditions, the defense attorney shall include the following:

- a. a defendant's name and x-ref. #,
- b. terms of the plea
- c. the name of the DDA handling the case.
- d. The courtroom email to send conditions to.

Probation Email: AdultCourtLiaison@saccounty.net

8. Witnesses may still be subpoenaed to appear in Dept. 9. Attorneys should notify witnesses once an assignment to a hearing department is made. The Court will post assignments on the wall outside of Dept. 9 and Dept. 9 court staff will be available to direct witnesses to assigned departments or Home Court. While the recognition of witness can occur in person in the assigned department (preliminary hearing department/Home Court/ Dept. 9), it is encouraged that witnesses who need to be recognized and ordered to return to court, appear remotely for such purpose. Witnesses may be recognized and ordered to return on Zoom or on speaker phone in the department

where the case is assigned. If a subpoenaed witness fails to appear, counsel should address it with the judge in the department where the case is assigned.