

MERCED COUNTY SUPERIOR COURT



ACTIVE STANDING ORDERS
2005 to Present

TABLE OF CONTENTS

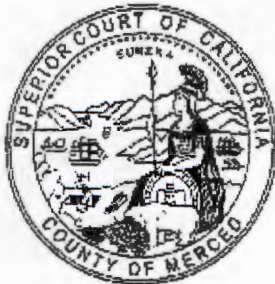
(by Number)

#	Description	Page
2005-10-03	Civil Assessment Fee Increase.....	4
2006-07	Transfer of \$20 or Less to Trial Court Operations Fund	5
2007-08	One-time Extension on a Proof of Completion (Replaced Policy Order 94-1)	6
2008-01	Children in the Courthouse	8
2010-01	Appointment of Counsel in Juvenile Dependency Court	10
2011-02	Deborah Bennett Will Represent Minors in All 300 JD Matters.....	11
2011-04	Access to Juvenile Court Records Consult: CRC § 5.552 & WIC § 827	12
2011-05	Courtroom Clerk Authority to Write "formal probation modified to summary probation" ..	13
2013-01	Adult Criminal Cases with In-Custody Juveniles to be Scheduled Mondays and Fridays....	14
2014-03	Ex Parte Communications.....	15
2015-01	Administrative Fee Imposed on Restitution Fines.....	16
2015-02	Procedure for Traffic Clerk on Speed OT 101-109	17
2016-04	Media Requests—CA Rules of Court, Rule 1.150	19
2017-02	Interpreter Cancellation	21
2018-03	Procedure for Board Parole Hearings Investigation; Request for Input	22
2018-04	Procedures for Handling Confidential Records	23
2018-05	Release of Information to HSA, CWS by Family Law	24
2018-07	Uniform Civil Filing Fees and Standard Fee Schedule Adopted and Additional Fees Adopted.....	26
2018-08	W&I § 827 Procedures-Authorized Parties	27
2019-01	Authorized Rate for Community Service Hours Worked.....	28
2019-03	Protocol for W&I § 602/300 Hearings.....	29
2020-01	Merced County Sheriff Designated as the Court Security Officer	30
2020-02	Limitations on Media Coverage.....	33
2020-07	Jail Pass Requests	36
2020-08	Procedure for Requests for Extensions of Time for Transcripts.....	37
2021-03	Authorized Rates for Court-Ordered Services	39
2021-05	Deadline for Continuances in Civil Matters	41
2021-08	Procedures for Traffic Matters.....	42
2022-01	Authorization to Grant Juror Deferrals	48

TABLE OF CONTENTS

(by Description)

#	Description	Page
2011-04	Access to Juvenile Court Records Consult: CRC § 5.552 & WIC § 827	12
2015-01	Administrative Fee Imposed on Restitution Fines	16
2013-01	Adult Criminal Cases with In-Custody Juveniles to be Scheduled Mondays and Fridays	14
2010-01	Appointment of Counsel in Juvenile Dependency Court	10
2022-01	Authorization to Grant Juror Deferrals	48
2019-01	Authorized Rate for Community Service Hours Worked.....	28
2021-03	Authorized Rates for Court-Ordered Services	39
2008-01	Children in the Courthouse	8
2005-10-03	Civil Assessment Fee Increase.....	4
2011-05	Courtroom Clerk Authority to Write "formal probation modified to summary probation" ..	13
2021-05	Deadline for Continuances in Civil Matters	41
2011-02	Deborah Bennett Will Represent Minors in All 300 JD Matters	11
2014-03	Ex Parte Communications.....	15
2017-02	Interpreter Cancellation	21
2020-07	Jail Pass Requests	36
2020-02	Limitations on Media Coverage.....	33
2016-04	Media Requests—CA Rules of Court, Rule 1.150	19
2020-01	Merced County Sheriff Designated as the Court Security Officer	30
2007-08	One-time Extension on a Proof of Completion (Replaced Policy Order 94-1)	6
2018-03	Procedure for Board Parole Hearings Investigation; Request for Input	22
2020-08	Procedure for Requests for Extensions of Time for Transcripts.....	37
2015-02	Procedure for Traffic Clerk on Speed OT 101-109	17
2018-04	Procedures for Handling Confidential Records	23
2021-08	Procedures for Traffic Matters.....	42
2019-03	Protocol for W&I 602/300 Hearings.....	29
2018-05	Release of Information to HAS, CWS by Family Law	24
2006-07	Transfer of \$20 or Less to Trial Court Operations Fund	5
2018-07	Uniform Civil Filing Fees and Standard Fee Schedule Adopted and Additional Fees Adopted.....	26
2018-08	W&I § 827 Procedures-Authorized Parties	27



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

**SUPERIOR COURTS BUILDING
627 W. 21ST STREET
MERCED, CALIFORNIA 95340**

FRANK DOUGHERTY, Presiding Judge

**JOHN D. KIRIHARA, Asst. Presiding Judge
ROBERT D. QUALL, Judge
HUGH M. FLANAGAN, Judge
RONALD W. HANSEN, Judge
BRIAN L. McCABE, Judge
THOMAS S. BURR, Commissioner
RALPH J. COOK, Commissioner
GERALD W. CORMAN, Commissioner
HARRY L. JACOBS, Commissioner**

KATHLEEN GOETSCH, Court Executive Officer

**MERCED SUPERIOR COURT
(209) 725-4100
(209) 725-4102 (Fax - Court Administration)**

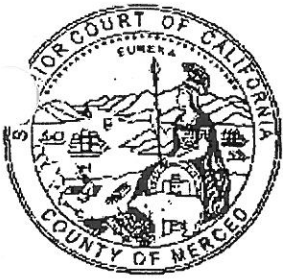
October 3, 2005

STANDING ORDER

The California Legislature adopted Assembly Bill 139. This legislation includes an increase in the maximum charge for a civil assessment fee from Two Hundred Fifty Dollars (\$250) to Three Hundred Dollars (\$300).

It is ordered that the maximum civil assessment fee is hereby increased to Three Hundred Dollars (\$300) effective October 1, 2005.

**FRANK DOUGHERTY
PRESIDING JUDGE OF THE SUPERIOR COURT**



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

**SUPERIOR COURTS BUILDING
627 W. 21ST STREET
MERCED, CALIFORNIA 95340**

JOHN D. KIRIHARA, Presiding Judge

**BRIAN L. McCABE, Asst. Presiding Judge
FRANK DOUGHERTY, Judge
CAROL ASH, Judge
HUGH M. FLANAGAN, Judge
RONALD W. HANSEN, Judge
THOMAS S. BURR, Commissioner
RALPH J. COOK, Commissioner
GERALD W. CORMAN, Commissioner
HARRY L. JACOBS, Commissioner**

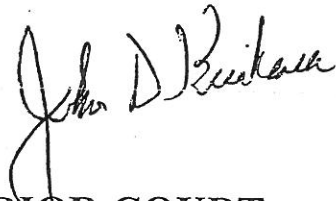
KATHLEEN GOETSCH, Court Executive Officer

**MERCED SUPERIOR COURT
(209) 725-4100
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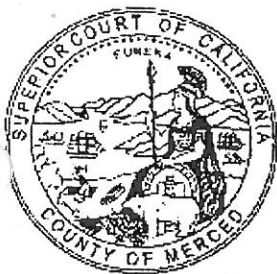
**July 26, 2007
STANDING ORDER
2006-0007**

Effective July 26, 2007

Per Government Code Section 68084.1(g) I, as the Presiding Judge, direct the transfer to any individual deposit of twenty dollars (\$20.00) or less, or any amount if the name of the original depositor is unknown, that remains unclaimed for one year to the Trial Court Operations Fund without the need for publication of notice.


**JOHN D. KIRIHARA
PRESIDING JUDGE OF THE SUPERIOR COURT**

**Cc: All Judicial Officers, Dougherty, Flanagan, Hansen, McCabe,
Kirihara, Ash, Burr, Corman, Jacobs, Cook
Kathleen Goetsch
Donnelle Long
Stephanie Mitchell
Dennis Behrens
Dolores Curiel
Jeanne Johnson**



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

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627 W. 21ST STREET
MERCED, CALIFORNIA 95340**

JOHN D. KIRIHARA, Presiding Judge

**BRIAN L. McCABE, Asst. Presiding Judge
FRANK DOUGHERTY, Judge
CAROL ASH, Judge
HUGH M. FLANAGAN, Judge
RONALD W. HANSEN, Judge
THOMAS S. BURR, Commissioner
RALPH J. COOK, Commissioner
GERALD W. CORMAN, Commissioner
HARRY L. JACOBS, Commissioner**

KATHLEEN GOETSCH, Court Executive Officer

MERCED SUPERIOR COURT

(209) 725-4100

(209) 725-4102 (Fax - Court Administration)

**September 17, 2007
STANDING ORDER
2007-0008**

Effective September 21, 2007

This Standing Order 2007-0008 is a revision of Policy Order 94-1 and shall replace said Policy Order.

The Judges of the Superior Court hereby permit the Superior Court Clerks the authority to grant a one-time extension on a proof of completion, a proof of enrollment and early reporting date as follows:

- | | |
|---|-----------------------------|
| 1. Proof of completion of Community Service | 30 days |
| 2. Proof of enrollment (ACCS) | 60 days |
| 3. Proof of enrollment (Level 1 or SB38) | 21 days |
| 4. Proof of enrollment (General) | 20 days |
| 5. Modification of Jail Reporting Date | (Early Reporting Date Only) |

Whenever the Clerk grants an extension as indicated above, a Minute Order shall be prepared requiring the defendant's signature. In the space provided for the Judges' signature, the clerk shall write the words "**Per Standing Order 2007-0008**," followed by the Clerk's name.

**JOHN D. KIRIHARA
PRESIDING JUDGE OF THE SUPERIOR COURT**

**Cc: All Judicial Officers, Dougherty, Flanagan, Hansen, McCabe,
Kirihara, Ash, Burr, Corman, Jacobs, Cook**

Kathleen Goetsch

(Continued on Page 2)

Donnelle Long

Pat Pare

Stephanie Mitchell

Dolores Curiel

Charlene Carroll

Sosima Amis

Marion Harmon

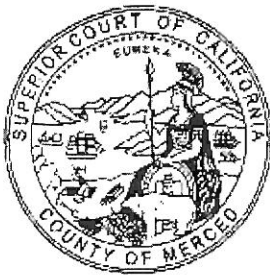
Marty Shugart

Annette Rodriguez

Jeanne Johnson

Barb Hefner

Linda Slate



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

SUPERIOR COURTS BUILDING
2260 N. STREET
MERCED, CALIFORNIA 95340

JOHN D. KIRIHARA, Presiding Judge

BRIAN L. McCABE, Asst. Presiding Judge
FRANK DOUGHERTY, Judge
CAROL ASH, Judge
HUGH M. FLANAGAN, Judge
RONALD W. HANSEN, Judge
THOMAS S. BURR, Commissioner
RALPH J. COOK, Commissioner
GERALD W. CORMAN, Commissioner
HARRY L. JACOBS, Commissioner

KATHLEEN GOETSCH, Court Executive Officer

MERCED SUPERIOR COURT
(209) 725-4100
(209) 725-4102 (Fax - Court Administration)

STANDING ORDER-AMENDMENT

2008-01

(Amendment to Standing Order 2007-0011)

**Effective Immediately
January 2, 2008**

The Courthouse is a neutral place to resolve disputes and to seek justice. It is not normally an environment for minor children.

1. Minor children who enter any Superior Court Facility must be accompanied by an adult and closely supervised.
2. Access to any Superior Court Facility by minor children should be limited to obtaining and filing documents, unless a minor child is appearing in Court as listed below.
 - A minor child is subpoenaed to appear in Court.
 - A minor child is requested to appear by the Family Law Mediators.
 - A minor child is a party to an action or ordered to appear in Court by a Judicial Officer.
3. A party entering any Superior Court Facility with minor children is subject to search and will be reminded of this Standing Order by Court Security.
4. The Deputy Sheriff in charge of security is authorized to request that the parent or supervising adult control or remove a minor child from any Superior Court Facility to maintain security and safety of all present.

**JOHN D. KIRIHARA
PRESIDING JUDGE OF THE SUPERIOR COURT**

**Cc: All Judicial Officers: Dougherty, Flanagan, Hansen, McCabe,
KiriHara, Ash, Garcia, Burr, Corman, Jacobs, Cook
CEO: Kathleen Goetsch**

Staff Attorneys: K. Fincher, D. Morris

Supervisors/Managers: D. Long, P. Pare, S. Mitchell, D. Curiel, R. Uliana, M. Pomicpic, D. Behrens, B. Peterson, S. Amis, M. Harmon, M. Shugart, A. Rodriguez, J. Johnson, B. Hefner, L. Slate, C. Carroll, R. Rodriguez, and Court Sheriff

Note: This is the first Standing Order of 2008; the last Standing Order was 2007-0011.



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

SUPERIOR COURTS BUILDING
2260 N. STREET
MERCED, CALIFORNIA 95340

JOHN D. KIRIHARA, Presiding Judge

BRIAN L. McCABE, Asst. Presiding Judge
FRANK DOUGHERTY, Judge
CAROL ASH, Judge
HUGH M. FLANAGAN, Judge
RONALD W. HANSEN, Judge
MARC A. GARCIA, Judge
THOMAS S. BURR, Commissioner
RALPH J. COOK, Commissioner
GERALD W. CORMAN, Commissioner
HARRY L. JACOBS, Commissioner

KATHLEEN GOETSCH, Court Executive Officer

MERCED SUPERIOR COURT

(209) 725-4100

(209) 725-4102 (Fax - Court Administration)

STANDING ORDER

2010-01

April 19, 2010

Effective Immediately

This Standing Order replaces Standing Order 2009-08

When the minor who is or has been the subject of a Juvenile Dependency Court proceeding, as that term is defined in California Welfare & Institutions Code Section 317, needs an appointment of counsel the Court Appointed Counsel is required to submit to the juvenile court a declaration setting for the need for appointment of outside counsel for the minor.

The Juvenile Court shall upon receipt of such declaration and the finding of good cause for the appointment, appoint a guardian ad litem for the minor for the purpose of prosecuting or defending the pending action. This action shall be recorded on the Minute Order. The guardian ad litem shall contact a local attorney who is suitably experienced and competent in the litigation of the type of action in which the minor is involved.

The guardian ad litem shall accept a contract for the attorney's services and submit the contract to the Dependency Court Judicial Officer, for approval, (pro bono service is also acceptable.) Upon approval of the contract the clerk of the court shall calendar on the dependency court calendar as "Appointment of Section 317 Counsel" and provide notice to all parties.

The Court at the hearing shall appoint counsel to prosecute or defend the action as provided by California Welfare & Institution Code Section 317.

BRIAN L. McCABE

ASSISTANT PRESIDING JUDGE OF THE SUPERIOR COURT

Cc: Judicial Officers: Flanagan, Hansen, McCabe, Kirihara, Ash, Garcia, Moranda, Proietti, Corman, Jacobs and Cook

CEO: Kathleen Goetsch;

Supervisors/Managers: Donnelle Long, P. Pare, S. Mitchell, R. Uliana, M. Shugart, D. Curiel, R. Rodriguez, Z. Smith, K. Jacobs, A. Santiago, B. Hefner, Sylvia Barcelo, Michelle Steele, Joanne Harding, Management Services, Human Service Agency, Deborah Bennett, David Capron, William Davis, Linda Groth, Thomas Pfeiff, Jeffrey Tenenbaum

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

www.merced.courts.ca.gov

Judicial Assistants
2260 N Street Merced, CA 95340

Phone (209) 725-4172
Fax (209) 725-4108

*February 9, 2011
Effective Immediately*

2011-0002

In all 300 Juvenile Dependency Matters, Debbie Bennett, Esq. will represent the minor children(s), except in cases of conflict.



BRIAN L. McCABE

PRESIDING JUDGE OF THE MERCED SUPERIOR COURT

Cc: All Judicial Officers-Kirihara, Garcia, Proietti, Hansen, Corman, Flanagan, Bacciarini, Ash, Cook, Moranda, and Jacobs.

Stephanie Mitchell (Interim CEO), Donnelle Long, Dolores Curiel, Ronna Uliana, Marta Shugart, Zee Smith, Pat Pare, Brian Peterson, Steve Ward, Michelle Steele, Sylvia Barcelo, Joanne Harding, Helen Marciochi, Kathy Jacobs, Rosa Rodriguez, Annette Santiago, and Management Services.

Other Departments: Human Service Agency, Bill Davis, David Haycraft, Tom Pfeiff, David Capron

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

www.merced.courts.ca.gov

2260 N Street Merced, CA 95340

Phone (209) 725-4172

Fax (209) 725-4108

March 17, 2011

Effective Immediately

2011-0004

This Standing Order 2011-0004, shall replace Standing Order 2009-05.

All parties should consult California Rules of Court Section 5.552 and Welfare and Institutions Code Section 827 regarding any request for juvenile court records.



BRIAN L. McCABE

PRESIDING JUDGE OF THE MERCED SUPERIOR COURT

Cc: All Judicial Officers-Kirihara, Garcia, Proietti, Hansen, Corman, Flanagan, Bacciarini, Ash, Cook, Moranda, and Jacobs.

Stephanie Mitchell (Interim CEO), Donnelle Long, Dolores Curiel, Ronna Uliana, Marta Shugart, Zee Smith, Pat Pare, Brian Peterson, Steve Ward, Michelle Steele, Sylvia Barcelo, Joanne Harding, Helen Marciochi, Kathy Jacobs, Rosa Rodriguez, Annette Santiago, and Management Services.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

www.merced.courts.ca.gov

2260 N Street Merced, CA 95340

Phone (209) 725-4172

Fax (209) 725-4108

March 26, 2011
Effective Immediately

2011-0005

The Judges of the Merced Superior Court hereby permit any Courtroom Clerk the authority to note in writing on the minutes of the court "formal probation modified to summary probation" **ONLY** when a defendant takes a plea and is sentenced to formal probation and when that same defendant appears at a later date before the Court and the formal probation is modified to summary probation.

Below are the conditions of the above authority:

1. All outstanding or remaining fines and fees related to the formal probation and the distribution of those fines and fees cease upon the Court's order to modify the sentence to summary probation.
2. All fines and fees related to formal probation that was paid up to the date of the Court's modification order will stand and be distributed accordingly; therefore the defendant will not be refunded monies.
3. The formal probation conditions ordering the defendant to report/notify probation will be modified wherein the defendant will now report/notify the Court.



BRIAN L. McCABE
PRESIDING JUDGE OF THE MERCED SUPERIOR COURT

Cc: All Judicial Officers-Kirihara, Garcia, Proietti, Hansen, Corman, Flanagan, Bacciarini, Ash, Cook, Moranda, and Jacobs.

Linda Romero Soles, Stephanie Mitchell, Donnelle Long, Dolores Curiel, Ronna Uliana, Marta Shugart, Zee Smith, Pat Pare, Brian Peterson, Steve Ward, Michelle Steele, Sylvia Barcelo, Joanne Harding, Helen Marciochi, Kathy Jacobs, Rosa Rodriguez, Annette Santiago, and Administration.

District Attorney Office, Public Defender Office, Probation and Tom Pfeiff-Contract Counsel



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**
627 W. 21st Street
Merced, CA 95340

BRIAN L. McCABE
PRESIDING JUDGE

STANDING ORDER

2013-01

EFFECTIVE IMMEDIATELY

September 12, 2013

**ADULT CRIMINAL CASES WITH IN-CUSTODY JUVENILES TO BE SCHEDULED
MONDAYS AND FRIDAYS.**

All in-custody juvenile defendants are housed at the John Latarroca Juvenile Center located some fifteen (15) miles from the cities of Merced and Los Banos.

All adult criminal cases are held and heard in either the Merced Main Courthouse or the Los Banos Courthouse.

The Probation Department is charged and responsible for providing transportation to and from court for juvenile criminal defendants being tried in an adult criminal case.

This being the seventh year of the economic period known as the Great Recession, the Probation Department along with all other County Departments have experienced serious fiscal erosion of their department's funding and consequently a corresponding reduction in resources, including monies for transportation and personnel.

The practice of restricting the calendaring to only two (2) days per week for any cases involving juvenile defendants in adult criminal cases would be more than convenient to the court and the Probation Department, but fiscally efficient.

The courts being mindful of the extreme resource limitations that its justice partners continue to operate upon and in an attempt to impose practices that are permissible, practical and achieve judicial economy hereby orders that any adult criminal case involving a juvenile as a defendant shall be calendared in the adult criminal courtrooms only on Mondays and/or Fridays.

This order does NOT apply to any proceeding wherein the juvenile defendant appears by video, trial or upon a showing of good cause.

BRIAN L. McCABE

PRESIDING JUDGE OF THE MERCED SUPERIOR COURT



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**
627 W. 21st Street
Merced, CA 95340

BRIAN L. McCABE
PRESIDING JUDGE

STANDING ORDER

2014-03

EFFECTIVE IMMEDIATELY

November 3, 2014

EXPARTE COMMUNICATIONS

Except as permitted by law and the California Rules of Court, all attorneys and self-represented litigants shall refrain from initiating ex parte communications with judges, commissioners, and referees of the Merced Superior Court. An "ex parte communication" is a communication with a judge or judicial officer that occurs outside the presence of the other parties to the proceeding and outside open court. Unauthorized ex parte communications may give the appearance of unfairness and could violate ethics rules.

If an attorney or party wishes to inform the judge or judicial officer that he or she is delayed for a scheduled hearing, he or she shall contact the judge's executive assistants or the clerk's office.

A handwritten signature in blue ink, appearing to read "Brian McCabe", written over a horizontal line.

BRIAN L. McCABE

PRESIDING JUDGE OF THE MERCED SUPERIOR COURT



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**
627 W. 21st Street
Merced, CA 95340

BRIAN L. McCABE
PRESIDING JUDGE

STANDING ORDER

2015-01

EFFECTIVE IMMEDIATELY

August 24, 2015

Upon imposition of a restitution fine ordered to be paid to the victim, the Court will collect an administrative fee, calculated at 15% of the total restitution fine ordered, pursuant to Penal Code § 1203.1¹.

A handwritten signature in blue ink, appearing to read "Brian L. McCabe", written over a light blue background.

BRIAN L. McCABE

PRESIDING JUDGE OF THE MERCED SUPERIOR COURT

This is the first Standing Order of 2015; the last Standing Order was 2014-03.

¹ PC1203.1(l): If the court orders restitution to be made to the victim, the entity collecting the restitution may add a fee to cover the actual administrative cost of collection, but not to exceed 15 percent of the total amount ordered to be paid. The amount of the fee shall be set by the board of supervisors if it is collected by the county and the fee collected shall be paid into the general fund of the county treasury for the use and benefit of the county. The amount of the fee shall be set by the court if it is collected by the court and the fee collected shall be paid into the Trial Court Operations Fund or account established by Section 77009 of the Government Code for the use and benefit of the court.



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

627 W. 21st Street
Merced, CA 95340

BRIAN L. McCABE
PRESIDING JUDGE

**STANDING ORDER - AMENDMENT
2015-02**

Effective September 25, 2015

This Standing Order 2015-02 is a revision of Standing Order 2012-0011 dated December 29, 2012 and shall replace said Standing Order.

The courtesy notice, which is mailed to parties cited for a violation of California Vehicle Code 22348(B), advises them that appearance in court is mandatory.

If the party who has received such a notice calls, writes or appears at the clerk's office, the clerk is authorized to take the following actions for speed ranges 101-109 mph:

Advise the party:

1. He or she may post and forfeit the amount as set forth in the bail record on the case;
2. The amount must be paid in full within thirty (30) days or the party may request a payment plan;
3. Traffic school will not be permitted; and
4. DMV will put two (2) points on their record.

If the party wishes to post and forfeit the bail, accept the amount provided on the bail record on the case.

If the party does not want to post and forfeit amount provided or if the party was cited for over 109 mph, the party must appear in court.

The court may also suspend the driving privilege for a period not to exceed thirty (30) days. The case will remain a **mandatory appearance** and the excessive speed form shall be used in court. (Copy attached for reference.)

A blue ink signature of Brian L. McCabe, written in a cursive style.

**BRIAN L. MCCABE
PRESIDING JUDGE OF THE SUPERIOR COURT**

cc: All Judicial Officers
Linda Romero Soles, CEO
All Staff Attorneys
All Managers and Supervisors

Defendant: _____
Case Number: _____

EXCESSIVE SPEED RIGHTS

22348 (a) Notwithstanding subdivision (b) of Section 22351, no person shall drive a vehicle upon a highway with a speed limit established pursuant to Section 22349 of 22356 at a speed greater than the speed limit.

(b) Any person who drives a vehicle upon a highway at a speed greater than one hundred (100) miles per hour is guilty of an infraction punishable, as follows:

(1) Upon a first conviction of a violation of this subdivision, by a fine including penalties and assessments not to exceed two thousand one hundred twenty nine dollars (\$2,129). The court may also suspend the privilege of the person to operate a motor vehicle for a period of not to exceed thirty (30) days pursuant to Section 13200.5.

(2) Upon a conviction under this subdivision of an offense which occurred within three (3) years of a prior offense resulting in a conviction of an offense under this subdivision, by a fine including penalties and assessments not to exceed three thousand one hundred ninety five dollars (\$3,195). The person's privilege to operate a motor vehicle shall be suspended by the Department of Motor Vehicles pursuant to subdivision (a) of Section 13355.

(3) Upon a conviction under this subdivision of an offense which occurred within five (5) years of two or more prior offenses resulting in convictions of offenses under this subdivision, by a fine including penalties and assessments not to exceed four thousand two hundred twenty dollars (\$4,220). The person's privilege to operate a motor vehicle shall be suspended by the Department of Motor Vehicles pursuant to subdivision (b) of Section 13355.

I understand I have the right to a trial before a Judge, the right to have an attorney represent me, the right to cross-examine witnesses, the right to remain silent, the right to have subpoenas issued, and the right to a verbatim record.

If I plead guilty or no contest, I understand I am waiving these rights.

Dated: _____
Signature _____



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**
627 W. 21st Street
Merced, CA 95340

BRIAN L. McCABE
PRESIDING JUDGE

**STANDING ORDER – AMENDMENT
#2016-04**

EFFECTIVE DECEMBER 23, 2016

**This Standing Order 2016-04 is a revision of Standing Order 2009-07 dated July 22, 2009
and shall replace said Standing Order.**

MEDIA REQUESTS-CALIFORNIA RULES OF COURT, RULE 1.150

All media request are handled by the Executive Assistants¹.

There are two forms that need to be submitted when the Media is requesting to photograph, record, or broadcast an event. There is the Media Request and the Order on Media Request to Permit Coverage (MC-500) and (MC-510).

The requesting agency will need to complete the (MC-500) and the (MC-510) and e-mail those forms to all.executive-assistants@mercedcourt.org.

There is a five-day notice rule (CRC Rule 1.150) for Media Requests, but a Judicial Officer can find “good cause” if the request comes in at a later time.

When the Request and Orders are received, properly filled out by the media, the Judicial Assistant/Los Banos Supervisor will:

1. Confirm that the case information (name, number, date and location of the hearing) is accurate.
2. File stamped the MC-500 as soon as it case information is confirmed to be correct.
3. E-mail a scanned copy of the filed request to all parties or attorneys of record pursuant to Rule 1.150(1).
4. The filed request, printed copy of notice (e-mail) to parties, and proposed order will be submitted to the Judicial Officer who is hearing the matter as some Judicial Officers request

¹ In Los Banos, the division supervisor will process all Media Requests.

specific things such as no photos of the Judge and/or no pictures of staff. If no judicial officer is assigned, it should be reviewed by the Presiding Judge.

5. Once the MC-510 Order has been signed, it must be file-stamped.
6. The Executive Assistant will send the requesting agency a copy of the file-stamped request and order by e-mail.
7. A scanned copy of the filed request and order are to be e-mailed to the Court CEO, Calendar Manager, and head of Court Security (cc: all Executive Assistant and Supervising Courtroom Clerk) along with the case information, including date, time, and location of the hearing for which the request and order were made.
8. The original request and order will be forwarded to the appropriate division once all steps are complete.



BRIAN L. MCCABE
PRESIDING JUDGE OF THE SUPERIOR COURT

cc: Linda Romero Soles, CEO
All Staff Attorneys
All Managers and Supervisors



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

627 W. 21st Street
Merced, CA 95340

DONALD J. PROIETTI
PRESIDING JUDGE

TELEPHONE: (209) 725-4172
FAX: (209) 725-4108

**STANDING ORDER
#2017-02**

EFFECTIVE MARCH 9, 2017

INTERPRETER CANCELLATION

The Court has the discretion to assess a party and/or attorney all or part of the financial expense of the interpreter(s) when an interpreter(s) is canceled because the party or attorney has not provided at least 24 hours advance notice that the interpreter(s) is not required as scheduled.

A blue ink signature of Donald J. Proietti, written in a cursive style.

DONALD J. PROIETTI

PRESIDING JUDGE OF THE SUPERIOR COURT

cc: All Judicial Officers
Linda Romero Soles, CEO
All Managers and Supervisors
All Justice Partners



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**
627 W. 21st Street
Merced, CA 95340

DONALD J. PROIETTI
PRESIDING JUDGE

**STANDING ORDER
2018-03**

**EFFECTIVE
APRIL 25, 2018**

**PROCEDURE FOR BOARD PAROLE HEARINGS INVESTIGATION;
REQUEST FOR INPUT**

Upon receipt of notice by the Board of Parole Hearings that an investigation is pending, requesting the Court's input, the correspondence will go directly to the court file. The Court will have no comment on these matters.

A handwritten signature in blue ink, appearing to read "Donald J. Proietti".

**DONALD J. PROIETTI
PRESIDING JUDGE OF THE SUPERIOR COURT**

cc: All Judicial Officers
Linda Romero Soles, CEO
All Staff Attorneys
All Managers and Supervisors



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**
627 W. 21st Street
Merced, CA 95340

DONALD J. PROIETTI
PRESIDING JUDGE

**STANDING ORDER
#2018-04**

**EFFECTIVE
MAY 22, 2018**

PROCEDURES FOR HANDLING CONFIDENTIAL RECORDS

The Clerk of the Court shall allow all parties and attorneys of record to view the confidential records of the case, so that the court is not placed in a position of inadvertently maintaining inappropriate *ex parte* communication.

In the event a document is lodged without a proof of service, the Clerk of the Court shall send out a notice to the parties that the confidential document is being maintained in the court file.

This order does not apply to documents filed under seal or documents that are confidential and access limited by law.

A handwritten signature in blue ink, appearing to read "Donald J. Proietti".

**DONALD J. PROIETTI
PRESIDING JUDGE OF THE SUPERIOR COURT**

cc: All Judicial Officers
Linda Romero Soles, CEO
All Staff Attorneys
All Managers and Supervisors



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

627 W. 21st Street
Merced, CA 95340

DONALD J. PROIETTI
PRESIDING JUDGE

**STANDING ORDER
#2018-05**

EFFECTIVE JUNE 5, 2018

**Standing Order #2018-05 is an amendment to Standing Order #2006-02
dated August 11, 2006 and shall replace said standing order.**

The following standing orders shall apply to release of information by the Merced Superior Court, Family Law Division to the Human Services Agency, Child Welfare Services (herein referred to as "CWS").

Information released pursuant to this standing order will include any and all reports and recommendations of any evaluators appointed pursuant to Family Code section 3110 and 3111, et seq., and/or Evidence Code section 730. It shall further apply to release of information provided by minors counsel appointed under Family Code, section 3150 et seq., and agreements, rationales and/or recommendations of court mediators assigned to mediation per Family Code section 3160 et seq. In addition, this rule will apply to other related confidential information, such as drug test results and reports from supervised visitation programs. The information shall be provided regardless of whether such information is confidential.

1. Initiating Requests:

Prior to requesting any information from the court, CWS shall fax to the Family Law Clerk's office at (209) 725-4118 the name of the CWS representative requesting the information, as well as the names of the parties and children for whom information is requested.

2. Court Liaison:

The Family Law Division Supervisor and Senior Processing Clerk, or their designee, are authorized to discuss the information contained in the court file with the CWS representative.

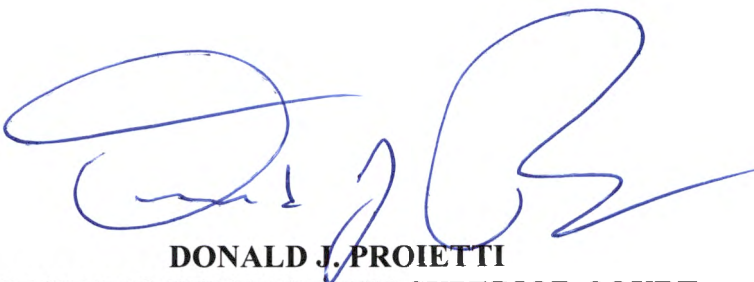
3. Viewing Court Records:

If the CWS representative requests to view court records, they shall be made available to the CWS representative at the Family Law Clerk's office.

4. Copies:

If the CWS representative requests copies, the Family Law Division Supervisor and Senior Processing Clerk, or their designee, may e-mail copies of all or a portion of the records to them.

The documents provided shall not be copied or shown to anyone other than the CWS personnel assigned to the case, unless expressly ordered by the Family Law or Juvenile Court.



DONALD J. PROIETTI
PRESIDING JUDGE OF THE SUPERIOR COURT

cc: All Judicial Officers
Linda Romero Soles, CEO
All Staff Attorneys
All Managers and Supervisors



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

627 W. 21st Street
Merced, CA 95340

DONALD J. PROIETTI
PRESIDING JUDGE

**STANDING ORDER - AMENDMENT
#2018-07**

EFFECTIVE AUGUST 13, 2018

**Standing Order 2018-07 is a revision of Standing Order dated
December 27, 2005 and shall replace said standing order.**

Merced Superior Court reaffirms its adoption of the fees enumerated in the Uniform Civil Filing Fees and Standard Fee Schedule Act of 2005 (Assembly Bill 145). The Legislation requires the individual courts to establish fees based on actual cost. Those additional fees are revised to reflect current actual costs and are listed below.

Daily Jury Fees [CCP631(e)]	Based on Actual Cost
Court Reporter Per Diem Fee – One-Half Day [GC68086(a)(1)(B)]	\$ 225
Court Reporter Per Diem Fee – Full Day [GC68086(a)(1)(B)]	\$ 450
Extra Court Reporter – One-Half Day [GC69953.5]	\$ 225
Extra Court Reporter – Full Day [GC69953.5]	\$ 450
Child Custody Evaluation [FC3112]	\$1,500
Child Custody Assessment [FC9001/9002]	\$ 750
Guardianship Investigation [Prob. Code 1513.1]	\$ 375
Conservatorship Investigation [Prob. Code 1851.5]	\$ 375
Administrative Charge for Returned NSF Check [CCP411.20(a)/GC71386] ..	\$ 45
Administrative Charge for Partial Payment [CCP411.21(g)]	\$ 25
Administrative Charge for Collection of Fee Where Fee Waiver was Previously Granted [GC68638(a)]	\$ 25
Appearance by Video Conference (hourly rate) [GC70630/70361]	\$ 200
Reasonable Fee for Product-Packets [GC70631]	Based on Actual Cost
Handling Funds Held in Trust (\$5,000 Minimum) [GC70632]	\$ 50
Certificate of Facts Regarding Unsatisfied Judgment [VC16373]	\$ 15
Petition for Change of Plea [PC1203.4]	\$ 150
Petition for Dismissal of Misdemeanor [PC1203.4a]	\$ 60
Bail Bond Fee (Extend Time or Set Aside) [PC1305.4]	\$ 75
Bail Bond Resume Liability [PC1306(b)]	\$ 75

**DONALD J. PROIETTI
PRESIDING JUDGE OF THE SUPERIOR COURT**

cc: All Judicial Officers
Linda Romero Soles, CEO
All Staff Attorneys
All Managers and Supervisors



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

www.merced.courts.ca.gov

627 West 21st Street
Merced CA 95340

DONALD J. PROIETTI
PRESIDING JUDGE


TELEPHONE: (209) 725-4172
FAX: (209) 725-4108

**STANDING ORDER
#2018-08**

**EFFECTIVE IMMEDIATELY
NOVEMBER 5, 2018**

WELFARE AND INSTITUTIONS CODE § 827 PROCEDURES: AUTHORIZED PARTIES

Persons or agencies entitled to inspect a juvenile case file without a court order pursuant to Welfare and Institutions Code § 827(a)(1)(A)-(O), and persons or agencies entitled to inspect and receive copies of a juvenile case file without a court order pursuant to Welfare and Institutions Code § 827(a)(5), must present identification and file Mandatory Local Form MSC-JV-002: *Declaration for Access to Juvenile Case File in Possession of Juvenile Court* with the Juvenile Court. The form can be located at the Juvenile Delinquency Clerk's Office, Juvenile Dependency Clerk's Office, and on the court's website. To access a file in possession of an agency, the agency must be contacted directly for instructions on disclosure.



DONALD J. PROIETTI
PRESIDING JUDGE OF THE MERCED SUPERIOR COURT

**cc: All Judicial Officers
Linda Romero Soles, CEO
All Staff Attorneys
All Managers and Supervisors**



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

627 W. 21st Street
Merced, CA 95340

DONALD J. PROIETTI
PRESIDING JUDGE

**STANDING ORDER
#2019-01**

**EFFECTIVE
January 11, 2019**

AUTHORIZED RATE FOR COMMUNITY SERVICE HOURS WORKED

Effective January 11, 2019, the Court authorizes the amount of \$25.00 per hour worked for community service based on Penal Code § 1209.5, for defendants charged with infractions and misdemeanors. The \$25.00 per hour is authorized in accordance with 1209.5 (c) (2).



**DONALD J. PROIETTI
PRESIDING JUDGE OF THE SUPERIOR COURT**

cc: All Judicial Officers
Linda Romero Soles, CEO
All Staff Attorneys
All Managers and Supervisors



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

627 W. 21st Street
Merced, CA 95340

DONALD J. PROIETTI
PRESIDING JUDGE

**STANDING ORDER
#2019-03**

EFFECTIVE OCTOBER 29, 2019

Standing Order #2019-03 is an amendment to Standing Order #2009-01 effective January 8, 2009 and shall replace said standing order.

PROTOCOL FOR WELFARE & INSTITUTION CODE § 602/300 HEARINGS

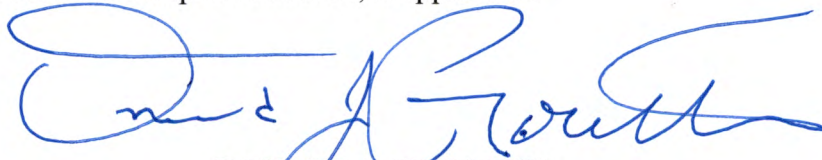
Upon the detention of a minor under Welfare & Institution Code § 602, the Juvenile Probation Department shall contact the Human Services Agency (HSA) to determine whether or not that minor is currently a dependent under Welfare & Institution Code § 300.

Once HSA has determined that the minor in question is currently a dependent under Welfare & Institution Code § 300 who has been detained under Welfare & Institutions Code § 602, HSA shall notify Juvenile Probation. Juvenile Probation shall document this in the new W&I § 602 file.

The Juvenile Delinquency Court shall then suspend juvenile proceedings and set a date for the Welfare & Institution Code § 241.1 protocol hearing, to be heard on the W&I § 300 Dependency calendar. This hearing date shall be set within 10 days if minor is in custody; within 15 days if the minor is not in custody.

The Juvenile Delinquency Court shall then notify the Dependency Division Court Processing Clerk (Dependency Clerk) in charge of the W&I § 300 calendar. The Dependency Clerk shall look up the matter and ascertain the names of all persons to be noticed, to include: parents, guardians, parents' attorney, minor's counsel, District Attorney's Office-Juvenile, Public Defender's Office, if applicable, Probation Department, and Human Service Agency.

The Dependency Clerk shall send notice of the hearing to all relevant parties listed above. The Juvenile Probation Department shall provide all of the noticed parties with a copy of the 241.1 Welfare & Institution Report with the Police Reports attached, if applicable.



DONALD J. PROIETTI
PRESIDING JUDGE OF THE SUPERIOR COURT

cc: All Judicial Officers
Amanda Toste, Interim CEO
All Staff Attorneys
All Managers and Supervisors



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

627 W. 21st Street
Merced, CA 95340

DONALD J. PROIETTI
PRESIDING JUDGE

**STANDING ORDER
#2020-01**

**EFFECTIVE
JANUARY 13, 2020**

Standing Order #2020-01 is an amendment to Standing Order #2007-04-01 effective April 4, 2007 and shall replace said standing order.

- WHEREAS: The Merced County Sheriff is designated as the Court Security Officer in Merced, and is charged with assuring security in court facilities within which the Courts of this State and County conduct judicial business;
- WHEREAS: Violence and threats of violent acts directed against courthouses, judicial officers, court staff, and the public have given rise to a clear, urgent need for protective measures to safeguard the administration of justice from a real danger of violence;
- WHEREAS: The Court of this County has issued security orders directing the Court Security Officer to install and utilize weapons screening measures such as metal detection and x-ray equipment in such facilities;
- WHEREAS: Court Security Officers do utilize weapons screening measures (metal detection and x-ray equipment therefore) in such facilities which will result in the exclusion and/or confiscation of a plethora of prohibited materials and weapons including, but not limited to handcuff keys, box cutters, marlin spikes, hammers, hatchets, large screw drivers, caustic chemicals, hazardous materials, ammunition and dangerous weapons of many varieties;
- WHEREAS: Courthouse weapons screening will be no more intrusive than necessary to protect against the danger involved; and,
- WHEREAS: Persons seeking entry to courthouses may be given adequate notice by signage that they may leave the facility rather than submit to screening.


IT IS ORDERED:

1. All persons, except current judicial officers of the Merced Superior Court, entering or otherwise present in court facilities shall submit to any request by the Sheriff of Merced County to participate in a weapons screening process involving metal detection and x-ray equipment. If upon screening the Sheriff suspects identified material or matter may compromise security, the Sheriff may demand to inspect it and, if it is otherwise lawful to possess, but compromises security, forbid possession of it in the facility by allowing the possessor to leave or otherwise not bring the matter into the facility. In that ammunition is classified as a Class 1 hazardous material/explosive, all ammunition shall be confiscated.
2. No person within courthouse facilities, other than a person specifically charged with the security of the court building, or on-duty peace officers performing law enforcement duties within the scope of their employment, shall possess a firearm, knife, teargas, taser, stun gun or similar device, as defined or listed in Penal Code sections 171b and 244.5. This prohibition shall be enforced whether or not the person also possesses a valid license or permit therefore.
3. No person, including on-duty peace officers, shall possess any weapon in the courtroom when appearing as a party in a civil or probate matter or when attending any family law matter as an observer, witness, or party.
4. No peace officer, including Sheriff's patrol deputies and/or detectives, shall walk into any chamber for any reason without permission from the courtroom deputy.
5. The Sheriff is authorized in his discretion to exempt from portions of the screening process any peace officers displaying current, valid, official photographic identification.
6. Except in the event of an emergency, no peace officer, including Sheriff's patrol deputies and/or detectives, shall arrest anyone within the court facilities for any warrant or any crime that was committed outside of the court facilities. The peace officer, including Sheriff's patrol deputies and/or detectives, must obtain permission from the court services deputy-in-charge/sergeant or from the judicial officer before making any arrest within the court facilities.
7. No prisoner shall be released to any peace officer, including Sheriff's patrol deputies and/or detectives, in the courtroom without permission from the judicial officer.
8. At each facility at which the Sheriff operates weapons screening pursuant to this authorization, signs shall be posted which are clearly visible to the public before entry declaring the existence of metal detection and x-ray screening security.

Nothing in this order is intended to, nor shall, diminish the legal and lawful authority of the Sheriff as a peace officer.

Disobedience of this order is punishable as a contempt of court and under general law.

This order is effective immediately.



DONALD J. PROIETTI
PRESIDING JUDGE OF THE SUPERIOR COURT

This is the first Standing Order of 2020; the last Standing Order was 2019-03.

cc: All Judicial Officers
Amanda Toste, Interim CEO
All Staff Attorneys
All Managers and Supervisors
Merced County Sheriff's Department
Merced County District Attorney
Merced County Public Defender
Merced County Probation Department



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

627 W. 21st Street
Merced, CA 95340

DONALD J. PROIETTI
PRESIDING JUDGE

**STANDING ORDER
#2020-02**

**EFFECTIVE
JANUARY 13, 2020**

LIMITATIONS ON MEDIA COVERAGE

When a media request is granted, the following limitations apply unless an exception is expressly permitted by written judicial order.

1. Any photographing or video coverage of the interior of a courtroom through glass door windows is prohibited.
2. Photographing or video coverage of any kind by the media and general public is not permitted in any part of a court facility, including but not limited to lobby areas, hallways, stairs, and elevators.
3. Photographing or video coverage of anyone wearing a juror badge, whether intentional or inadvertent, anywhere in any court facility is prohibited.
4. Photographing and/or video coverage of judicial officers, court staff, and jurors is not permitted.

All proposed orders (MC-510) submitted with a media request (MC-500) must include the following language:

1. Personnel and equipment shall be placed in the back of the courtroom.
2. Only still photography and video coverage of counsel and defendant is permitted. Photographing and/or video coverage of judicial officers, court staff, and jurors is not permitted.

A sample order is attached and will be posted to:

https://www.merced.courts.ca.gov/administrative_requests.shtml.

Nothing in this rule changes or affects the procedures established in the California Rules of Court, rule 1.150.

DONALD J. PROIETTI
PRESIDING JUDGE OF THE SUPERIOR COURT

cc: All Judicial Officers
Amanda Toste, Interim CEO
All Staff Attorneys
All Managers and Supervisors

MEDIA AGENCY (name): CHANNEL/FREQUENCY NO.: PERSON SUBMITTING REQUEST (name): ADDRESS: TELEPHONE NO:		FOR COURT USE ONLY
Insert name of court and name of judicial district and branch court, if any Merced Superior Court		
TITLE OF CASE:		
NAME OF JUDGE:		
ORDER ON MEDIA REQUEST TO PERMIT COVERAGE		CASE NUMBER:

AGENCY MAKING REQUEST (name):

1. a. ☒ No hearing was held.
 b. ☐ Date of hearing: _____ Time: _____ Dept./Div.: _____ Room: _____
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 (see reverse).
3. ☐ THE COURT FINDS (findings or a statement of decision are optional): ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is

- a. ☐ **denied.**
- b. ☐ **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
- (1) ☐ The local rules of this court regulating media activity outside the courtroom (copy attached).
 - (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom (copy attached).
 - (3) ☐ Payment to the clerk of increased court- incurred costs of (specify): \$ _____ to be determined.
 - (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
 - (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☒ as follows (specify): in back of the courtroom.
 - (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
 - (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
 - (7) ☐ This order
 - (i) ☐ shall not apply to allow coverage of proceedings that are continued.
 - (ii) ☐ shall apply to allow coverage of proceedings that are continued.
 - (8) ☐ Other (specify): Still photography and video coverage of counsel and defendant only. Photographing and/or recording judicial officers, court staff, and jurors is not permitted.

5. Coverage granted in item 4b is permitted in the following proceedings:

- a. ☐ All proceedings, except those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
- b. ☐ Only the following proceedings (specify type or date or both):
6. ☐ The order made on (date): _____ is ☐ terminated ☐ modified as follows (specify):

7. ☐ Number of pages attached:

Date: _____

JUDGE _____

(See reverse for additional information)

Page 1 of 2

CASE NAME:

CASE NUMBER:

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Importance of maintaining public trust and confidence in the judicial system 2. Importance of promoting public access to the judicial system 3. Parties' support of or opposition to the request 4. Nature of the case 5. Privacy rights of all participants in the proceeding, including witnesses, jurors, and victims 6. Effect on any minor who is a party, prospective witness, victim, or other participant in the proceeding 7. Effect on the parties' ability to select a fair and unbiased jury 8. Effect on any ongoing law enforcement activity in the case 9. Effect on any unresolved identification issues 10. Effect on any subsequent proceedings in the case | <ol style="list-style-type: none"> 11. Effect of coverage on the willingness of witnesses to cooperate, including the risk that coverage will engender threats to the health or safety of any witness 12. Effect on excluded witnesses who would have access to the televised testimony of prior witnesses 13. Scope of the coverage and whether partial coverage might unfairly influence or distract the jury 14. Difficulty of jury selection if a mistrial is declared 15. Security and dignity of the court 16. Undue administrative or financial burden to the court or participants 17. Interference with neighboring courtrooms 18. Maintaining orderly conduct of the proceeding 19. Any other factor the judge deems relevant |
|---|--|

PROHIBITED COVERAGE (Rule 1.150)

This order does not permit photographing, recording, or broadcasting of the following in the court:

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. The jury or the spectators 2. Jury selection 3. A conference between an attorney and a client, witness, or aide 4. A conference between attorneys | <ol style="list-style-type: none"> 5. A conference between counsel and the judge at the bench ("sidebars") 6. A proceeding closed to the public 7. A proceeding held in chambers |
|---|---|

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

NOTE: These requirements apply unless the judge orders otherwise. Refer to the order for additional requirements.

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. No more than one television camera 2. No more than one still photographer 3. No more than one microphone operator and no obtrusive microphones or wiring 4. No operator entry or exit or other distraction when the court is in session 5. No moving equipment when the court is in session | <ol style="list-style-type: none"> 6. No distracting sounds or lights 7. No visible signal light or device that shows when equipment is operating 8. No disruption of proceedings, nor public expense, to install, operate, or remove modifications to existing sound and lighting systems 9. No media agency insignia or marking on equipment or clothing |
|--|--|

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

627 W. 21st Street
Merced, CA 95340

DONALD J. PROIETTI
PRESIDING JUDGE

**STANDING ORDER
#2020-07**

**EFFECTIVE
AUGUST 10, 2020**

JAIL PASS REQUESTS

Effective immediately, and in response to the ongoing exposure risks presented by the COVID-19 pandemic, Merced Superior Court Judicial Officers will no longer approve jail passes during the pandemic and for 90 days after the State of Emergency has been lifted, at minimum.

The Court shall respond to all Jail Pass Requests submitted during this time by indicating that the Court has “no objection if the Sheriff approves the request.”

Donald J. Proietti

**DONALD J. PROIETTI
PRESIDING JUDGE OF THE SUPERIOR COURT**

cc: All Judicial Officers
Court Executive Officer
All Staff Attorneys
All Managers and Supervisors



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**
627 W. 21st Street
Merced, CA 95340

DONALD J. PROIETTI
PRESIDING JUDGE

**STANDING ORDER – AMENDMENT
2020-08**

EFFECTIVE AUGUST 28, 2020

**Standing Order #2020-08 is an amendment to Standing Order #2019-02
effective May 24, 2018 and shall replace said standing order.**

**PROCEDURE FOR REQUESTS FOR EXTENSIONS
OF TIME FOR TRANSCRIPTS**

Effective immediately, an extension of time for preparing the record shall be submitted by the requesting Court Reporter to the Court Calendar Manager for review. The Court Calendar Manager will contact and provide the necessary information to the Court Executive Officer (CEO) for approval and signature as the appointed designee. In the event the CEO is unavailable, the Deputy Executive Officer is the alternate designee.

Procedure for Extension of Time on Appeals is attached.

Donald J. Proietti

**DONALD J. PROIETTI
PRESIDING JUDGE OF THE SUPERIOR COURT**

cc: All Judicial Officers
Amanda Toste, CEO
All Staff Attorneys
All Managers and Supervisors

EXTENSION OF TIME ON APPEALS

Procedure for Requests for Extensions of Time for Transcripts:

1. The requesting Court Reporter can access the extension request forms in the G: Drive, under Court Reporter/Appeal Extensions, and complete the appropriate form (Criminal or Civil/Juvenile).
2. The requesting Court Reporter submits the completed extension request form to the Court Calendar Manager for review. Remember to keep a copy of the request form for your own records.
3. The Court Calendar Manager will forward the request form to the Court Executive Officer (CEO) and provide any information necessary for review. In the event the CEO is unavailable, the Deputy CEO is designated as the alternate designee.
 - a. If approved, the extension will be returned to the Court Calendar Manager to be processed with the Fifth District Court of Appeal.
 - b. If denied, the Court Calendar Manager will make every effort to schedule the requesting court reporter with sufficient desk time.
4. The requesting Court Reporter is responsible for notifying the Court Calendar Manager if there are any concerns with meeting the due date.



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

627 W. 21st Street
Merced, CA 95340

DONALD J. PROIETTI
PRESIDING JUDGE

**AMENDED
STANDING ORDER
#2021-03**

**EFFECTIVE
MAY 5, 2021**

**Standing Order #2021-03 incorporates Standing Order #2015-04 and
Standing Order #2018-06 and shall replace said standing orders.**

AUTHORIZED RATES FOR COURT-ORDERED SERVICES

The Superior Court of California, County of Merced authorizes the following fee rates for court-ordered and court-appointed services. Additional expenses may be authorized by order of the Court.

SERVICE	FEE
Criminal Court Appointed Attorney (Pen. Code § 987.2)	\$125 per hour
Investigators (Pen. Code § 987.2; Fam. Code §§ 3151, 7863)	\$ 45 per hour
Experts -hourly rate not to exceed (W&I §§ 6602, 6603, 6605; Evid. Code § 730)	\$200 per hour
Psychological/Psychiatric Exams (Pen. Code §§ 1368, 1369, 1370, 288.1; W&I §§ 5150, 5303.1)	\$600 per exam
Psychologist/Psychiatrist Exams (Pen. Code §§ 1016(6), 1017, 1026, 1027)	As ordered by the Judicial Officer
Juvenile Delinquency Representation (W&I §§ 707, 741)	\$125 per hour

SERVICE	FEE
Juvenile Dependency Representation (W&I § 300)	\$100 per hour
Minor's Counsel (Fam. Code §§ 3150, 7863; Prob. Code § 1470)	\$125 per hour
Travel Expenses	IRS Standard Mileage Reimbursement Rate

All claims must be submitted in accordance with the applicable Merced County resolution, Superior Court policy, or order of the Court.

Donald J. Proietti

**DONALD J. PROIETTI
PRESIDING JUDGE OF THE SUPERIOR COURT**

cc: All Judicial Officers
Amanda Toste, CEO
All Staff Attorneys
All Managers and Supervisors



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

627 W. 21st Street
Merced, CA 95340

DONALD J. PROIETTI
PRESIDING JUDGE

STANDING ORDER

#2021-05

EFFECTIVE

JULY 15, 2021

MERCED SUPERIOR COURT

DEADLINE FOR CONTINUANCES IN CIVIL MATTERS

Due to a shortage of judicial officers and court staff, the Merced Superior Court is unable to timely process and revise tentative rulings for the current volume of civil matters for which continuance requests are received by the court within 24-48 hours of the hearing date. Accordingly, the Court is setting a deadline requiring all civil continuance requests to be submitted to the court before 4:30 p.m. of the third court day prior to the hearing. Those submitted after that time will be addressed by the bench officer assigned to the calendar at the time the scheduled matter is heard. For purposes of this order continuance requests include informal requests, stipulations to continue, and ex parte applications to continue. Absent a documented emergency, all continuance requests received after the deadline will be handled at the hearing by the hearing officer.

Thus, absent an intervening Court Holiday, the Deadline for continuances is as follows:

Monday Hearings:	4:30 P.M. Previous Wednesday
Tuesday Hearings:	4:30 P.M. Previous Thursday
Wednesday Hearings:	4:30 P.M. Previous Friday
Thursday Hearings:	4:30 P.M. Previous Monday
Friday Hearings:	4:30 P.M. Previous Tuesday

Where there is an intervening Holiday, the deadline is the court day before the deadline listed above. The Deputy Clerks of the Court are authorized to file any document requesting a continuance in accordance with their standard practice, but are not authorized to take any action with a continuance request received after the above deadlines other than to advise the filing party that the continuance request will be handled at the time of the hearing. In cases where a true emergency makes it impractical for a party to appear at the hearing for purposes of addressing a request for continuance, the party should either arrange for someone to cover the hearing or notify the court of the emergency by filing, fax or telephone.

Donald J. Proietti

DONALD J. PROIETTI
PRESIDING JUDGE OF THE SUPERIOR COURT



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**
627 W. 21st Street
Merced, CA 95340

DONALD J. PROIETTI
PRESIDING JUDGE

**STANDING ORDER - AMENDMENT
2021-08**

EFFECTIVE NOVEMBER 5, 2021

**Standing Order 2021-08 is a revision of Standing Order 2021-07 dated
September 29, 2021, and shall replace said Standing Order.**

1. Clerks' Responsibilities:

Any Clerk that performs any action on a case is responsible for updating the case including, the Department of Motor Vehicle Docket (DMV).

2. Mandatory Appearance – VC § 40616:

The Clerk has authority to waive the mandatory appearance on Vehicle Code (VC) 40616 cases and accept proof of correction including the \$25.00 fee or, for cases without the proof of correction, the Clerk must accept the total bail due.

3. Proof of Correction:

- a. If a citation is issued as correctable, the Court will accept the signed off citation, along with the \$25.00 proof of correction fee, and dismiss the charge.
- b. If a citation is issued for tinted windows, VC § 26708(a)(1), the Court will accept the signed off citation along with the \$25.00 proof of correction fee if the citation is marked correctable.
- c. If a citation is issued for tinted windows, VC § 26708(a)(1) and VC § 24004¹, Unlawful Operation after Notice of Unsafe Condition by Officer, the Court will accept proof of correction on the VC § 26708(a)(1) and the \$25.00 proof of correction fee. However, VC § 24004 is not correctable and is considered a moving violation with one point. The defendant may pay the bail and attend traffic school, if eligible, or pay the bail.
- d. If a citation is issued for VC § 24002(a), Vehicle Not Equipped or Unsafe, and the officer has listed tinted windows as the offense, the Court will not accept proof of correction. The defendant may pay the bail and attend traffic school, if eligible, or pay the bail as this is also considered a moving violation with one point.

¹ Note: An officer may use this section when citing a repeat offender for any correctible offense.

- e. When a citation is issued for no proof of insurance, charge of VC § 16028(A), if defendant brings or submits valid insurance showing valid coverage on or before the citation date, the Clerk may accept with \$25.00 proof of correction fee. Defendants may take care of this matter without an appearance in court. This can be handled over the counter and/or through the mail.
- f. When a citation is issued for VC § 12500(A), if defendant provides proof that their license was valid at the time of the citation, or if defendant shows proof that they obtained their license after the citation date, the charge may be dismissed with a \$25.00 proof of correction fee. Payment in full is accepted over the counter.
- g. When a citation is issued for VC § 4000(a), if defendant provides proof that their registration was valid at the time of the citation, or if defendant shows proof that they obtained their registration after the citation date, the charge may be dismissed with a \$25.00 proof of correction fee. Payment in full is accepted over the counter.

4. Traffic School:

- a. The Clerk is to always grant traffic school, if eligible.
- b. Traffic school cannot be granted by a Clerk for defendants with more than three (3) infractions or one (1) misdemeanor on their driving record in the last two years, including traffic school dismissals. Traffic School would require judicial approval, either by personal appearance or by letter. If a defendant has a misdemeanor on their driving record that is over two years old, if eligible, traffic school may be granted.
- c. Requests for traffic school on a case with two traffic school eligible violations may be handled by the Clerk, either by personal appearance at the counter or through the mail. The Clerk has the authority to grant traffic school on both violations, provided the defendant is eligible. The Clerk shall charge the defendant the higher of the two fines plus the Court Security Assessment Fee, Criminal Conviction Assessment Fee, and the Emergency Maddy Assessment Transportation Fee on each violation including the traffic school fees. Upon receipt of fines, fees and certificate of completion, both violations will be dismissed with traffic school.
- d. Out-of-State Driver License: Upon request and if otherwise eligible, a defendant with an out-of-state driver license shall be granted traffic school.
- e. Community Service: VC § 42007 states bail associated with the citation, upon a Court's order to grant Traffic School, shall become a fee. Therefore, the fee in a case resulting in Traffic School cannot be converted to Community Service.
- f. Request after Case is Forfeited and Paid in Full: Traffic School requests may be approved if eligible up to six months after the defendant forfeited bail and paid in full. If the time exceeds six months, the defendant is required to appear in court or send a letter if travel

time is more than an hour away.

5. Extensions:

- a. General: A Clerk shall have the authority to grant one 30-day extension without judicial approval. Requests for extensions beyond 30 days shall require judicial approval.
- b. Traffic School: A Clerk shall have the authority to grant one 45-day extension on all Traffic School cases whether or not a court appearance was made. Request for extensions beyond 45-days shall require judicial approval.

6. Payment Plan:

The Clerk has authority to set defendants up on a payment plan utilizing Plea by Mail instructions and forms through the mail or over the counter utilizing a Minute Order and plea form.

7. Not Guilty Plea:

A defendant may not enter a plea of not guilty on a misdemeanor citation through the mail or over the counter. The defendant must appear in court.

8. Post Bail Prior to Setting a Trial by Declaration:

If a defendant enters a plea of not guilty and requests a Trial by Declaration, payment of bail may be submitted at the time the declaration is submitted. Otherwise, the Court will notify the defendant of the date their payment is due. When a defendant posts bail for a trial by declaration, the money is placed in Trust.

9. Switch of Proceedings:

A defendant may request a switch of proceedings from Court Trial to Trial by Declaration or Trial by Declaration to Court Trial one (1) time. Any additional changes must be submitted in writing and will require judicial approval.

10. Request for Owner's Responsibility – CHP Form 279:

The Clerk has authority to accept and change case to an owner's responsibility.

11. Community Service – Juvenile Matters:

Upon request of the minor, or as ordered by the Court, the minor may be granted community service.

The minor must appear in court as scheduled (1st Thursday of each month at 1:30 p.m.). Fines are converted at a rate of \$20.00 per hour. The Clerk's office is authorized to accept the completion of community service over the counter and vacate the future hearing date as long as no other matters are pending on the case.

A minor charged with Health & Safety Code § 11357(b) must appear in court as scheduled to present proof of completion of community service.

12. Motions:

Any motion, including a “Motion to Set Aside Civil Assessment” shall be accepted and calendared directly in the Traffic Department.

Motions shall be placed on an arraignment calendar at least one week from the date received (cannot be accepted as a walk-in).

13. Court Trials for Retired/Unemployed/Transferred Officers:

Upon receipt or notification of an Officer's retirement or separation, the Clerk shall immediately inform the Traffic Supervisor. The Traffic Supervisor will contact the citing agency and obtain a written declaration confirming the retirement of the officer and his/her unavailability for Court Trial. If the officer has transferred to another agency, the Clerk shall obtain the officer's new business address and update the case record.

Upon receipt of the written declaration, copies shall be distributed to the Court Trial desk, Supervisor, and Lead Clerk.

In Traffic cases involving accidents only, Local Form #MSC-TF-020 (a copy of which is attached as Attachment A) shall be sent to the District Attorney's Office informing them that the matter is scheduled for Court Trial. A copy of the written declaration and the letter sent to the District Attorney's Office shall be scanned in to the court's case management system. The case will remain on calendar for the scheduled Court Trial.

14. Trial by Declaration (TXD) for Retired/Unemployed/Transferred Officers:

Upon receipt or notification of an Officer's retirement or separation, the Clerk shall immediately inform the Traffic Supervisor. The Traffic Supervisor will contact the citing agency and obtain a written declaration confirming the retirement of the officer and his/her unavailability. If the officer has transferred to another agency, the Clerk shall obtain the officer's new business address and update the case record.

Upon receipt of the written declaration, copies shall be distributed to the TXD desk, Supervisor, and Lead Clerk.

15. Requests for Copies of Minute Orders:

Requests for copies of minute orders should be handled by the Clerk that receives the request. The requesting party is to be charged for the copies appropriately. The current copy charge is \$0.50 cents per page.

16. Requests for Court Reporter:

The Clerk shall inform a party requesting a Court Reporter for any proceeding in a Traffic

matter that the court is not required by law to provide a Court Reporter. In lieu of a Court Reporter, an electronic recording system is available for certain hearing types as specified by this court. A defendant who insists on the presence of a Court Reporter in any Traffic matter shall be informed that approval from a Judicial Officer is necessary (per Code of Civil Procedure § 269(a)(3)). Otherwise, a copy of the recorded procedure can be purchased by the party.

Donald J. Proietti

**DONALD J. PROIETTI
PRESIDING JUDGE OF THE SUPERIOR COURT**

Attachment A: Local Form #MSC-TF-020, Letter to District Attorney

cc: All Judicial Officers
Amanda Toste, CEO
All Staff Attorneys
All Managers and Supervisors



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

www.mercedcourt.org

Traffic Division
720 West 20th Street, Merced, CA 95340

Phone: (209) 725-4107
Fax: (209) 725-4106

Date:

Case Number:

Case Name:

To Merced County District Attorney:

The above referenced case is set for Court Trial on _____ at _____ p.m. in
Courtroom _____.

Officer _____ has retired/is no longer employed with the citing
agency.

Please be informed that this case involves a traffic collision. Therefore, civilian victims/witnesses
should be subpoenaed to appear at the date and time shown above.

Amanda Toste, Court Executive Officer

Printed Name

By: _____
Deputy Clerk



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**
627 W. 21st Street
Merced, CA 95340

MARK V. BACCIARINI
PRESIDING JUDGE

**STANDING ORDER
#2022-01**

**EFFECTIVE
JANUARY 1, 2022**

AUTHORIZATION TO GRANT JUROR DEFERRALS

On March 6, 2020, Merced Superior Court implemented Standing Order #2020-03 in response to COVID-19 (Coronavirus), in which the presiding judge preauthorized the Jury Commissioner and Jury Office staff to grant deferrals of jury service to any juror who has checked in for jury duty but has not appeared before a judicial officer, under the following circumstances:

The juror requests deferment because he or she is suffering from cold or flu-like symptoms. Said juror may defer their service for up to 90 days.

Once the juror reports to the courtroom, deferment is subject to judicial officer approval.

Standing Order 2020-03 expired by its terms on June 30, 2020; Standing Order 2020-06 extended the order to September 30, 2020; Standing Order 2020-09 extended the order to December 31, 2020; Standing Order 2021-01 extended the order to March 31, 2021; Standing Order 2021-02 extended the order to June 30, 2021; Standing Order 2021-04 extended the order to September 30, 2021; and Standing Order 2021-06 extended the order to December 31, 2021. The Presiding Judge hereby extends the preauthorization to grant juror deferrals under the same circumstances as indicated above.

This order will expire on March 31, 2022.

Mark V. Bacciarini

**MARK V. BACCIARINI
PRESIDING JUDGE OF THE SUPERIOR COURT**

cc: All Judicial Officers
Amanda Toste, CEO
All Staff Attorneys
All Managers and Supervisors

This is the first Standing Order of 2022; the last Standing Order was 2021-08.