MERCED COUNTY SUPERIOR COURT

ACTIVE STANDING ORDERS

2005 to Present

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

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

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
(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

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

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
2008-04

Effective Immediately
June 26, 2008

TRAFFIC MISDEMEANOR MANDATORY APPEARANCE

Mandatory appearance for these offenses is waived providing the cited person has no more than one reported conviction for a vehicle code offense within the past twenty-four (24) months.

VIOLATION CODE	DESCRIPTION
35550/35551(A) VC	OVERWEIGHT
35784(A) VC	VIOLATION OF PERMIT
34620(A) VC	MOTOR CARRIER PERMIT REQ
34506(A-G) VC	LOG BOOK
34501.12(F) VC	OPERATING W/O APP BIT FEES
23222(B) VC	POSSESSION OF MARIJUANA
22406.1 VC	TRUCK SPEED WITH COMBO
14604(A) VC	ALLOWED UNLICENSED DRIVER TO DRIVE
4462.5 VC	REGISTRATION FRAUD
4000.6(D) VC	DECLARED OVERWEIGHT
2813	FAILURE TO STOP AT SCALE

John D Kirihara

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, Donnelle Long, Stephanie Mitchell, Pat Pare, Ronna Uliana, Administration, Zee Smith, Annette Rodriguez, Marty Shugart, Linda Slate and Court Sheriff

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
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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.

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 § 1203.1[1].

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.

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[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.)

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
2015-04

Effective September 25, 2015

Standing Order 2015-04 is a revision of Standing Order 2011-0001 dated January 18, 2011 and shall replace said Standing Order.

The Court has set a uniform rate as the going rate for Court Appointed Counsel when the court must assign out Juvenile Dependency cases or Minor's Counsel (Family Code §3150) matters when the Court contractors are conflicted.

- Uniform rate for Juvenile Dependency is $100.00 per hour;
- Uniform rate for Minor's Counsel is $125.00 per hour.

BRIAN L. MCCABE
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

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 Assistants[1].

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 with 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.

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 - AMENDMENT
2018-02

EFFECTIVE APRIL 25, 2018

This Standing Order 2018-02 is a revision of Standing Order 2016-02 dated November 1, 2016 and Standing Order 2016-03 dated December 27, 2016 and shall replace said Standing Orders.

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 Waived – Bail:**

   For speeds 90 mph to 99 mph, the Clerk is authorized to waive the mandatory appearance and charge the bail as indicated on case. Traffic school shall be granted, if eligible, in cases where the speed does not exceed 25 miles over the actual speed limit.

3. **Mandatory Appearance – 40616 VC:**

   The Clerk has authority to waive the mandatory appearance on 40616 VC 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.

4. **Proof of Correction:**

   a. The Clerk can accept proof of correction and $25.00 fee for "Fix-It" citations issued as "NO" proof of correction acceptable.

   b. If a citation is issued for tinted windows, 26708(a)(1) VC, the Court will accept the signed off citation along with the $25.00 proof of correction fee.

   c. If a citation is issued for tinted windows, 26708(a)(1) VC and 24004 VC*, Unlawful Operation after Notice of unsafe Condition by Officer, the Court will accept proof of correction on the 26708(a)(1) VC and the $25.00 proof of correction fee. However, 24004 VC 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.

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

d. If a citation is issued for 24002(a) VC, 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.

e. When a citation is issued for no proof of insurance, charge of 16028(A) VC, 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. Payment plans can also be granted following normal procedures.

f. When a citation is issued for 12500(A) VC, if defendant provides proof that their license was valid at the time of the citation, the charge may be dismissed with $25.00 proof of correction fee. If defendant shows proof that they obtained their license after the citation date, the fine can be lowered to $100.00, plus $40.00 Court Security Assessment Fee, $35.00 Criminal Conviction Assessment Fee, and $4.00 Emergency Maddy Assessment Transportation Fee. Payment in full is accepted over the counter or a payment plan can be granted following normal procedures.

5. 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: 42007 VC 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.

6. 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 a one-time 45-day extension on all Traffic School cases whether or not a court appearance was made. Request for extensions beyond the one-time 45-day days requires judicial approval.

7. 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.

8. Not Guilty Plea:

A defendant may enter a plea of not guilty and request a Court Trial on a misdemeanor citation through the mail or over the counter.

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

Courtesy notices require the defendant to post bail prior to setting a trial by declaration. When a defendant posts bail for a trial by declaration, the money is placed in Trust.

10. 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.

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

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

12. 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 $10.00 per hour. The Court will direct the minor to the Probation Department for the community service assignment. 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 HS1357B must appear in court as scheduled to present proof of completion of community service.

13. 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).

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

Upon receipt or notification of an Officer's retirement, 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.

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, a Retired Officer Form Letter, a copy of which is attached (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 Retired Officer Form letter shall be scanned in to the court's case management system. The case will remain on calendar for the scheduled Court Trial.

Regarding matters not pertaining to accidents, the Clerk's Office has the authority to dismiss the case per the Superior Court Traffic Judicial Officer.

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

Upon receipt or notification of an Officer's retirement, 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.

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

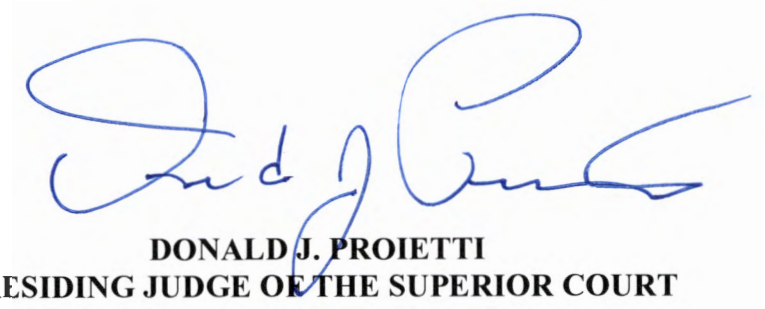
The Clerk's Office has the authority to dismiss the case per the Superior Court Traffic Judicial Officer.

16. 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.

17. 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
PRESIDING JUDGE OF THE SUPERIOR COURT

Attachment A: Retired Officer Form Letter

cc: All Judicial Officers
Linda Romero Soles, 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

LINDA ROMERO SOLES
COURT EXECUTIVE
OFFICER
and
JURY COMMISSIONER

Retired Officer Letter

Date:

Case Number:

Case Name:

To Merced County District Attorney:

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

Officer _____ has retired/transferred/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.

Please contact the Merced Superior Court, Traffic Division with any questions.

Thank you.

Linda Romero Soles, Court Executive Officer

_____ By: _____
Printed Name Deputy Clerk

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.

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.

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
#2018-06

EFFECTIVE
JULY 19, 2018

Standing Order #2018-06 is an amendment to Standing Order #2008-03 effective January 1, 2008 and shall replace said standing order.

AUTHORIZED RATE FOR MENTAL HEALTH EVALUATIONS

Effective July 20, 2018, the Court authorizes a flat rate fee of $600.00 per evaluation for the following evaluations types:

Penal Code § 1368
Penal Code § 1369
Penal Code § 1370

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 person 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-1: *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.

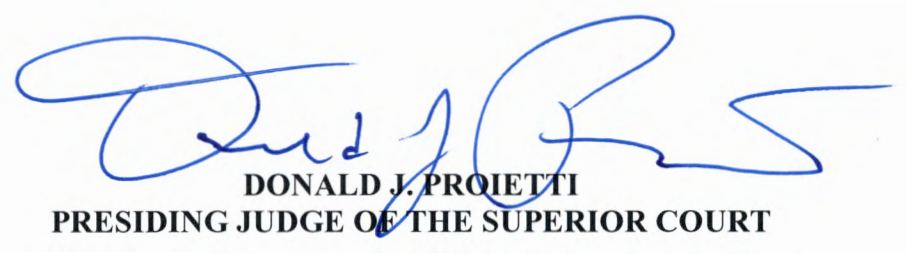
7. No prisoner shall be released to any peace officer, including Sheriff's patrol deputies and/or detectives, in the courtroom without permission from the judicial officer.

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)

CASE NAME:	CASE NUMBER:

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

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
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:

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
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.

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
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.

Adopted August 18, 2008; Revised August 10, 2020.

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

DONALD J. PROIETTI
PRESIDING JUDGE

STANDING ORDER
#2020-09

EFFECTIVE
September 30, 2020

AUTHORIZATION TO GRANT JUROR DEFERRALS

On March 6, 2020, Merced Superior Court implemented Standing Order #2020-06 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 and Standing Order 2020-06 extended the order to September 30, 2020. The Presiding Judge extends the preauthorization to grant juror deferrals under the same circumstances as indicated above.

This order will expire on December 31, 2020.

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