MERCED COUNTY SUPERIOR COURT

ACTIVE STANDING ORDERS

2006 to Present

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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
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
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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.

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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

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 – 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
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
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
#2019-03

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.

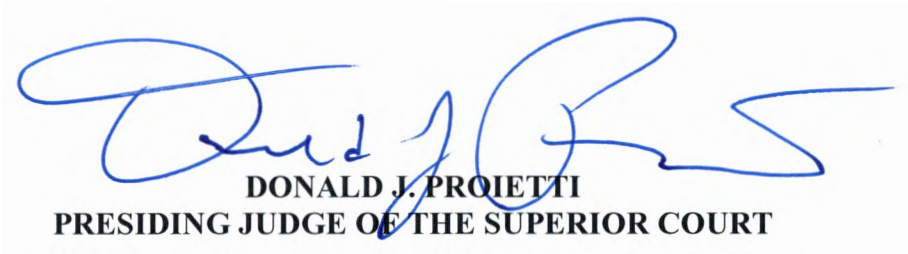
7. No prisoner shall be released to any peace officer, including Sheriff's patrol deputies and/or detectives, in the courtroom without permission from the judicial officer.

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)

Form Adopted for Mandatory Use
Judicial Council of California
MC-510 [Rev. January 1, 2007]

Cal. Rules of Court rule 1.150
www.courtinfo.ca.gov

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

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

MARK V. BACCIARINI
PRESIDING JUDGE

STANDING ORDER - AMENDMENT
#2022-02

EFFECTIVE JANUARY 1, 2022

Standing Order #2022-02 is a revision of Standing Order #2018-07 dated August 13, 2018 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 Adoption Assessment [FC9001/9002]	$ 700
Guardianship Investigation [Prob. Code 1513.1]	$ 450
Conservatorship Investigation [Prob. Code 1851.5]	$ 450
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
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(d)]	$ 150
Bail Bond Fee (Extend Time or Set Aside) [PC1305.4]	$ 75
Bail Bond Resume Liability [PC1306(b)]	$ 75

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

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

MARK V. BACCIARINI
PRESIDING JUDGE

STANDING ORDER
#2022-05

EFFECTIVE
JUNE 30, 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; Standing Order 2021-06 extended the order to December 31, 2021; Standing Order 2022-01 extended the order to March 31, 2022; and Standing Order 2022-03 extended the Order to June 30, 2022. The Presiding Judge hereby extends the preauthorization to grant juror deferrals under the same circumstances as indicated above.

This order will expire on December 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

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

MARK V. BACCIARINI
PRESIDING JUDGE

STANDING ORDER - AMENDMENT
2022-06

EFFECTIVE SEPTEMBER 20, 2022

Standing Order 2022-06 is a revision of Standing Order 2021-08 dated November 5, 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 § 24004[1], 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 as required by Penal Code section 1209.5(c)(1) at an hourly rate of double the minimum wage established in Labor Code section 1182.12(b)(2). 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.



MARK V. BACCIARINI
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

_____ By: _____
Printed Name Deputy Clerk

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

MARK V. BACCIARINI
PRESIDING JUDGE

STANDING ORDER
#2022-07

EFFECTIVE
October 19, 2022

Standing Order 2022-07 is a revision of Standing Order 2019-01 dated January 11, 2019, and shall replace said standing order.

AUTHORIZED RATE FOR COMMUNITY SERVICE HOURS WORKED

Merced Superior Court authorizes community service for defendants charged with misdemeanors, upon a showing that payment of the total fine would pose a hardship on the defendant or the defendant's family, at the same rate as that set for defendants charged with infractions based on Penal Code § 1209.5.

The authorized rate is set at double the minimum wage, as established by Labor Code section 1182.12(b)(2).

MARK V. BACCIARINI
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
www.merced.courts.ca.gov

627 West 21st Street
Merced CA 95340

JENNIFER O. TRIMBLE
PRESIDING JUDGE OF
JUVENILE COURT

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

STANDING ORDER #2022-08

EFFECTIVE
November 15, 2022

Standing Order #2022-08 is a revision of Standing Order #2022-04 dated July 1, 2022 and shall replace said Standing Order.

WELFARE AND INSTITUTIONS CODE § 709 PROCEDURES: JUVENILE COMPETENCY PROTOCOL

Under the authority of Welfare and Institutions Code § 709, the Competency Protocol attached hereto is adopted by the Merced County Juvenile Court. All parties, attorneys, agencies and organizations appearing before the Merced County Juvenile Court shall comply with the provisions of the Competency Protocol. In the event the provisions of the Competency Protocol conflict with the Welfare and Institutions Code or California Rules of Court, the statutory or rule provisions shall control.

This Standing Order is effective July 1, 2022. This Order shall continue unless modified or rescinded by a later Standing Order. The Juvenile Presiding Judge will review substantive proposed revisions and determine if stakeholder comment is required. Non-substantial revisions to the protocol may be approved by the Juvenile Presiding Judge without seeking comment from stakeholders.

Jennifer Trimble

JENNIFER O. TRIMBLE
PRESIDING JUDGE OF THE MERCED COUNTY JUVENILE COURT

cc: All Judicial Officers
Amanda Toste, CEO
All Staff Attorneys
All Managers and Supervisors
Kimberly Lewis, Merced District Attorney
Vincent Andrade, Merced Public Defender
Douglas Foster, Fitzgerald, Alvarez & Ciummo Law
Forrest W. Hansen, Merced County Counsel
Kalisa Rochester, Merced County Probation
Genevieve G. Valentine, Behavioral Health & Recovery Services
Ed Araim Central Valley Regional Center

SUPERIOR COURT OF CALIFORNIA COUNTY OF MERCED
www.merced.courts.ca.gov

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Merced CA 95340

JENNIFER O. TRIMBLE
PRESIDING JUDGE OF
JUVENILE COURT

TELEPHONE: (209) 725-4172
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STANDING ORDER
#2022-08

EFFECTIVE
November 15, 2022

Merced County Juvenile Competency Protocol

WIC 709

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ATTACHMENTS:

Attachment A: Letter to Expert for Evaluation or Reevaluation

Attachment B: 709 Exchange of Confidential Information

A. Introduction

The purpose of this protocol is to comply with Welfare and Institutions Code, Section 709,[1] and to provide guidance when statutes and rules of court are silent with respect to the procedures to be followed when addressing juvenile competency issues under Section 709. This protocol has been developed with input from juvenile justice stakeholders in Merced County, as required per Section 709(i).

B. Informal Resolution

Initiating and conducting competency to stand trial proceedings in cases involving relatively non-serious alleged delinquent conduct may be contrary to efforts to rehabilitate minors and protect public safety. Therefore, in cases where the parties share a good faith belief that a doubt exists as to the competence of the minor,[2] the parties are encouraged to explore the possibility of an informal resolution of the case which does not require an adjudication of the pending petition. For example, the parties might agree, with the permission of the court, to refer the minor to a community-based program designed to address the alleged delinquent conduct. Upon successful completion of the program, the petition might be dismissed pursuant to Section 782. Although informal resolutions are agreements between the parties (the minor and the District Attorney), the probation department should play a role in identifying appropriate community-based services, such as mental health treatment services, which may support the implementation of such an informal resolution. When appropriate, parties are encouraged to consider requesting a consultation with the Juvenile Behavioral Health Court before proceeding with competency proceedings.

C. Initiation of Competency Proceedings

If minor's counsel or the court expresses a doubt as to the competence of the minor, the court will determine whether substantial evidence raises a doubt as to the minor's competence. Upon the court's finding of substantial evidence of a doubt as to the minor's competence, proceedings as to the minor shall be suspended.[3]

1. Upon suspension of the proceedings, unless the parties stipulate to a finding of incompetence or submit on the issue, the court shall appoint an expert psychologist or psychiatrist ("expert"), who is qualified to render an opinion as to the minor's competence,[4] to evaluate the minor, and express an opinion as to the minor's competence.[5]

    a. serve as juvenile competency experts ("the panel"). The court shall annually review the experts on the panel to confirm their qualifications and availability to render opinions as requested. The review must be completed by January 31st.

    b. Attachment "A" hereto is the form to be used in appointing an expert for evaluation of the minor.

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[1] Unless indicated otherwise, all references to code Sections are references to the Welfare and Institutions Code (W&IC).

[2] The term "minor" refers to a person over whom the juvenile court has jurisdiction pursuant to Section 602 et seq., including an adult who is alleged to have committed a public offense prior to his or her 18th birthday.

[3] See Section 709(a)(3).

[4] See, Section 709(b)(1) and California Rules of Court, Rule 5.645(a)(2).

[5] See, Section 709(b).

c. Nothing in this Section shall be interpreted to preclude any party from engaging the services of other experts to consult with counsel and/or testify regarding issues pertaining to the competence of the minor. However, this does not allow a qualified expert retained or appointed by the DA to perform a competency evaluation on a minor without an order from the juvenile court.

2. Upon suspension of proceedings, the court shall set the matter for a Competency Determination Hearing.

   a. The Competency Determination Hearing shall be set as soon as reasonably practicable, consistent with the principles of due process and the goal of resolving juvenile delinquency expeditiously, generally within 15 court days for in-custody matters or 30 court days for out-of-custody matters.

   b. The court may exercise its discretion to continue the Competency Determination Hearing consistent with principles of due process and applicable statutes

D. Evaluation Process.

1. The minor's counsel will coordinate the evaluation process, including ensuring the interviews of the minor are scheduled in a timely fashion, and providing to the expert documents such as any social history information, school records, mental health information, juvenile hall incident reports, etc. that may have been completed for the minor. The minor's counsel is to provide these documents to the expert within 10 court days of the Competency Hearing order if the minor is in custody. The minor's counsel is to provide these documents to the expert within 20 calendar days if the minor is out of custody. The minor's counsel shall itemize the information forwarded to the expert and supply the expert with the itemized form. Probation, Behavioral Health and the Office of Education are to cooperate with minor's counsel by expeditiously providing the necessary documents.

2. The District Attorney (DA) will forward copies of all charging documents, police reports (present or past crimes), or any other information the DA may deem to be necessary or relevant to the minor's alleged delinquent behavior, to the expert within ten court days of the Competency Hearing order. The DA shall itemize the information forwarded to the expert and supply the expert with the itemized form.

3. The expert shall consult with the minor's counsel and any other person who has provided information to the court regarding the minor's lack of competency.[6]

4. Should the minor be detained at a Merced County juvenile detention facility, probation shall assist with coordination of the abovementioned interview.

5. If the above interview is conducted at a Merced County juvenile detention facility, probation shall only be present in the interview room if there are safety concerns.

6. If the expert is of the opinion that the minor is not competent, then the expert shall express opinions as to the following:

   a. Specify the basis of incompetence: mental illness, mental disorder,

[6] See, Section 709(b)(3).

developmental disability or immaturity;[7]

b. What services does the expert believe might be furnished to the minor to assist the minor in attaining competency?

c. Is there a substantial probability that the minor will attain competency in the foreseeable future?

d. If the expert believes there is a substantial probability the minor will attain competency in the foreseeable future, how long would be a reasonable amount of time to wait before making the determination of whether there might be a substantial probability the minor will attain competence?

e. If any information is unavailable to the expert, he or she shall note in the report the efforts made to obtain that information.[8]

7. The expert shall furnish a report complying with the court's order of appointment to the court no less than two court days prior to the scheduled Competency Determination Hearing. The court will provide copies of the report to counsel and probation no less than one court day prior to the scheduled Competency Determination Hearing.

8. If the expert finds that the minor is "developmentally disabled," then, regardless of the evaluator's opinion with respect to the minor's competence, the court shall appoint the "director of a regional center for developmentally disabled individuals" to evaluate the minor for the purpose of determining whether the minor is eligible for services under the Lanterman Developmental Disabilities Services Act.[9]

   a. Notwithstanding the time frames for assessments by a regional center as provided in Section 4643, the Central Valley Regional Center will endeavor, consistent with available resources, to expedite the completion of all court ordered assessments in order to accomplish the goals of this protocol.

   b. When a referral is made to the Central Valley Regional Center, the court clerk shall furnish copies of the related minute order to the Central Valley Regional Center within two court days.

   c. The DA and the minor's counsel shall forward all material furnished to the expert to the Central Valley Regional Center within two court days.

   d. The Court will set a court date for the returned report within 45 to 60 days and the Central Valley Regional Center is to provide an update as to their progress of assessment and provide its report to the court as soon as completed.[10]

   e. The court will provide copies of the report to counsel and probation.

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[7] An immaturity training aims at assisting the youth with gaining a rational and factual understanding of the allegations against him or her and the associated penalties; as well as, acquiring the ability to cooperate with an attorney in his or her own defense (*Dusky vs. United States*, 362 U.S. 402 (1960),

[8] See Section 709(b)(3).

[9] See, Section 709(b)(7).

[10] IRC has a maximum of 120 calendar days unless client would be at imminent risk of placement in a more restrictive environment then assessment shall be performed in no event more than 60 days (See Section 4643).

E. Competency Hearings[11]

1. If the court deems the evaluation received from the expert does not contain sufficient information, the evaluation is to be returned to the expert for further consideration. The expert shall furnish the amended report, complying with the court's order of appointment to the court, no less than two court days prior to the next scheduled Competency Determination Hearing.
2. The court will provide copies of the amended report to counsel, no less than one court day prior to the next scheduled Competency Determination Hearing.
3. Unless otherwise ordered by the court, all material furnished by the DA and minor's counsel to the expert shall be discoverable to all parties.
4. If the minor, through counsel and the DA, agree that the court may make a determination as to the minor's competency based solely upon the contents of the evaluator's report and arguments made by counsel, then the court may proceed to determine competency at the Competency Determination Hearing without receiving further evidence.
5. If either party wishes to present evidence in addition to that contained in the evaluator's report, then the court shall set another Competency Determination Hearing as soon as reasonably practicable, consistent with the principles of due process and the goal of resolving juvenile delinquency expeditiously, generally within 15 court days for in-custody matters or 30 court days for out-of-custody matters. The hearing shall be scheduled in light of the needs of the parties to have sufficient time to procure the additional evidence, such as the time reasonably required to subpoena documents and witnesses.
6. If, after concluding the Competency Determination Hearing, the court finds by a preponderance of the evidence that the minor is not competent, then the underlying delinquency proceedings shall remain suspended, and the court may make appropriate orders designed to assist the minor in attaining competence.[12]
7. If minor is under 14 years old at the time of the alleged incident, the court shall make a determination as to the minor's capacity[13] prior to deciding the issue of competence.[14]
8. If the petition contains only misdemeanor offenses and the minor is found incompetent, then the court shall dismiss the petition.[15]
9. If the court finds the minor not competent, a written copy of all discoverable material shall be forwarded by the DA and the minor's counsel to probation within two court days of the latest Competency Hearing.
    a. The minor's counsel is to utilize the Authorization to Exchange Confidential Information form (Attachment "B") to obtain signatures from the minor and his or her parents or guardian and send a copy to probation.

[11] See, Section 709.
[12] See Section 709(g)(1).
[13] See, California Penal Code Section 26.
[14] See, Section 709(c).
[15] See, Section 709(f).

10. If, after concluding the Competency Determination Hearing, the court finds that the minor is competent, then the underlying delinquency proceedings shall be reinstated.

F. Services for Attainment of Competency.

1. If the minor is found incompetent and the court orders that the minor receive services to assist the minor in attaining competence, then the guidelines in this Section apply.
2. If the court deems it appropriate in light of the opinions expressed by the evaluator, and if the minor qualifies, the court will appoint the Department of Behavioral Health to provide competency attainment services.
3. If appointment of the Department of Behavioral Health is not appropriate or if the minor does not qualify for services, the court will refer the minor's case to the Merced County Probation Department.
    a. Probation will be responsible for making recommendations to the court regarding what competency attainment services should be provided to the minor in light of the opinions expressed by the evaluator.
    b. Probation will be responsible for developing a plan for providing the recommended competency attainment services to the minor.
    c. Services shall be provided in the least restrictive environment consistent with public safety.[16]
    d. Probation will be responsible for implementing the orders of the court regarding delivering competency attainment services to the minor as outlined below:
        i. If in the opinion of the expert the minor needs developmental maturity training, then the minor shall be provided with a developmental maturity training coordinated by probation.
        ii. If in the opinion of the expert the minor has developmental disabilities, then the case shall be referred to the Central Valley Regional Center to determine eligibility for services.[17]
        iii. If in the opinion of the expert the minor has mental health concerns, probation will find a program that shall ensure appropriate mental health treatment services are offered to the minor.
        iv. If in the opinion of the expert the minor has educational concerns, then the Merced County Office of Education shall ensure appropriate recommendations for educational services are made to probation and probation will make the recommendations to the court.
        v. If it is determined the youth has private insurance, probation will ensure proper referrals are provided.
    e. The parties will cooperate with the work of probation.

[16] See, Section 709(g)(1).
[17] See, Sections 709(b)(7-9).

f. Probation will prepare a report and submit it to the court and parties in a timely manner.

4. At the time the case is referred to probation or Department of Behavioral Health, the court will set a Competency Attainment Plan Hearing for the purpose of considering the recommendations of probation and the parties and then making orders with respect to providing such services to the minor.

5. Once the court has ordered remediation services, the court shall review the remediation services at least every 30 calendar days for minors in custody and every 45 calendar days for minors out of custody prior to the expiration of the remediation period.

6. If during the remediation service period the youth is in custody, the Department of Behavioral Health shall provide the court with suitable alternatives for continued delivery of remediation services upon release from custody.[18]

7. The court may exercise its discretion to set or continue the Competency Attainment Plan Hearing to a date other than those specified above.

8. The parties may offer additional evidence to the court regarding the proposed plan.

9. At the conclusion of the hearing, the court may make orders that the minor receive services designed to assist the minor in attaining competence.

10. Probation, the Department of Behavioral Health, or any other entity that is providing competency attainment services, will furnish to the court and counsel a report to be considered at the Competency Attainment Plan Review Hearing.

    a. The report(s) will be provided to t h e court no less than two court days prior to the hearing. The court will provide a copy to the parties and probation no less than one court day before the hearing.

    b. The report will provide information regarding the services that have been provided to the minor and the extent to which the services are being effective in assisting the minor in attaining competence. The report will include any suggestions regarding modifying the competency attainment services plan previously ordered by the court.

    c. The report will be considered at the Competency Attainment Plan Review Hearing and the court will make further orders at the conclusion of the hearing, including, without limitation, orders setting a subsequent review hearing, orders to implement the services plan, orders to modify the services plan, orders regarding reassessing the competency of the minor as described below, or orders terminating the services plan and dismissing the case.

G. Attainment of Competence.

1. If at any time the court is of the opinion that the minor may have attained competence, the court will refer the minor to an expert as described in Section C above who will be directed to reevaluate the minor to determine whether the minor has attained competence.

[18] See, Section 709(g)(1).

a. Attachment "A" hereto is the form to be used in appointing an expert for reevaluation of the minor.

b. If practicable, the minor should be reevaluated by an expert who has previously evaluated the minor.

c. The probation department will furnish the expert with all the relevant information for the case, including information received from the DA and minor's counsel and the expert reports regarding the competency attainment services that have been provided to the minor.

d. The expert shall render an opinion regarding whether the minor has attained competency. In addition, if the minor has not attained competency, then the expert shall also offer opinions on whether additional or different services might be effective in assisting the minor in attaining competency and whether there is a substantial probability that the minor will attain competency within the foreseeable future. If the expert believes it is premature to determine whether there is a substantial probability that the minor will attain competence within the foreseeable future, then the expert shall, if possible, express an opinion as to the amount of time reasonably necessary to make such a determination.

2. At the time the referral is made as described above, the court will set a Competency Attainment Hearing within 30 court days for in-custody matters or 45 court days for out-of-custody matters.

H. Competency Attainment Hearing.

1. A Competency Attainment Hearing will be conducted as described above after the minor has received services, within six months of the initial receipt of a recommendation.[19]

2. The expert who has reevaluated the minor shall furnish a report, including the opinions, as described above, to the court no less than two court days before the hearing and the court will provide the report to probation and all parties no less than one court day before the hearing.

3. The procedures to be followed in conducting the Competency Attainment Hearing shall be the same as those provided above for the Competency Determination Hearing.

4. If the court finds that the minor has attained competence, then the pending delinquency proceedings shall be reinstated.

5. If the minor has not attained competence, then the court will make appropriate orders which may include ordering additional services while the proceedings remain suspended.

6. If the minor has not attained competence and the court determines that there is no substantial probability that competence will be attained in the foreseeable future as defined within the statute, then the court shall dismiss the petition as required by Section 709. The court may refer the minor for mental health treatment services,

[19] See, Section 709(h)(1).

guardianship services, and/or other services that may be available under the law.[20]

7. The total remediation period shall not exceed one year from the finding of incompetency.[21]
8. The parties should make recommendations to the court regarding appropriate further orders if a petition is dismissed because attainment of competence is not foreseeable.

I. Secure Confinement During Competency Proceedings

1. Secure confinement cannot exceed six (6) months from the finding of incompetence, unless the court determines that it is in the best interests of the minor and the public's safety. In making this determination, the court shall consider the following (Section 709(h)(5)(A)):
    a. Where the minor will have the best change of obtaining competence
    b. Whether the placement is the least restrictive setting appropriate for the minor
    c. Whether alternatives to secure conferment have been identified and pursued as well as why alternatives are not available or appropriate
    d. Whether the placement is necessary for the safety of the minor or others
2. In cases where a detained minor is charged with an offense described in WIC 707(b), the court may continue the minor's detention for an additional year, but not to exceed 18 months from the finding of incompetence, after the court has considered the above criteria, and determined that it is in the best interest of the minor and the public's safety that the minor remain detained. (Section 709(h)(5)(C).)

J. General Provisions

1. The provisions in this protocol are not intended to create rights or obligations beyond those imposed by applicable law. They are intended only to provide guidance and to support the goals of the juvenile justice system, which include the prompt resolution of competency issues.
2. Statements made to the appointed expert during the minor's competency evaluation, statements made by the minor to mental health professionals during the remediation proceedings, and any fruits of those statements shall not be used in any other hearing against the minor in either juvenile or adult court.[22]

[20] Mental health services are received voluntarily and cannot be ordered.
[21] See, Section 709(h)(3).
[22] See, Section 709(b)(5)

SUPERIOR COURT OF CALIFORNIA COUNTY OF MERCED 2840 W. Sandy Mush Road Merced CA 95341 209-725-4119	*Reserved for Clerk's File Stamp*
In Re:	
NOTICE OF PSYCHIATRIC APPOINTMENT: JUVENILE	Case No.:

To: _____

You have been (re)appointed by the Court to examine the minor who is charged with:

_____.

A report and three additional copies are due to the court no later than: _____.

In your report, please address the following questions:

PSYCHOLOGIST or PSYCHIATRIST

1. If the minor was under 14 years of age at the time of the commission of the alleged offense, did the minor know the wrongfulness of his/her actions? (26 Pen Code)
2. Does the minor presently have a rational and factual understanding of the proceedings taken against him or her? (709 WI Code)
3. Does the minor have sufficient present ability to consult with his or her counsel with a reasonable degree of rational understanding? (709 WI Code)
4. Is the minor presently able to prepare and conduct his or her own defense in a rational manner without counsel? (709 WI Code)

<u>If the answers to numbers 1, 2, or 3 are "no", please answer the following questions</u>:

5. What is the basis of incompetence: mental illness, mental disorder, developmental disability, or immaturity? (709 WI Code)
6. What services might be furnished to the minor to assist the minor in attaining competency? (709 WI Code)
7. Is there a substantial probability that the minor will attain competency in the foreseeable future? (709 WI Code)
8. If there is a substantial probability the minor will attain competency in the foreseeable future, how long would be a reasonable amount of time to wait before making the determination of whether there might be a substantial probability the minor will attain competence? (709 WI Code)

Case Name:	Case Number:

9. If any information is unavailable to you, please note in the report the efforts made to obtain that information. (709 WI Code)
10. Is treatment with antipsychotic medication medically appropriate and, if so, is it likely to restore minor to mental competence? (1369 Penal Code)
11. Do you recommend the minor be evaluated by a psychiatrist to determine if antipsychotic medication is medically appropriate? (1369 Penal Code)
12. Does the minor have the capacity to make decisions regarding antipsychotic medication? (1369 Penal Code)
13. Is the minor a danger to himself/herself or others? (1369 Penal Code)

PSYCHIATRIST

When considering antipsychotic medication pursuant to Penal Code section 1369, please answer the following questions:

14. Is treatment with antipsychotic medication medically appropriate?
15. Should antipsychotic medication be administered to the minor?
16. Are there likely or potential side effects of the medication and, if so, what are they?
17. What is the expected efficacy of the medication?
18. Are there alternative treatments?
19. If the minor lacks the capacity to make decisions regarding antipsychotic medications or does not consent that the treatment facility can administer antipsychotic medication when as prescribed by the minor's treating psychiatrist, is one or more of the following true:
    a. The minor lacks capacity to make decisions regarding antipsychotic medication, the minor's mental disorder requires medical treatment with antipsychotic medication, and, if the minor's mental disorder is not treated with antipsychotic medication, it is probable that serious harm to the physical or mental health of the patient will result. Probability of serious harm to the physical or mental health of the minor requires evidence that the minor is presently suffering adverse effects to his or her physical or mental health, or the minor has previously suffered these effects as a result of a mental disorder and his or her condition is substantially deteriorating. The fact that a minor has a diagnosis of a mental disorder does not alone establish probability of serious harm to the physical or mental health of the minor.
    b. The minor is a danger to others, in that the minor has inflicted, attempted to inflict, or made a serious threat of inflicting substantial physical harm on another while in custody, or the minor had inflicted, attempted to inflict, or made a serious threat of inflicting substantial physical harm on another that resulted in his or her being taken into custody, and the minor presents, as a result of mental disorder or mental defect, a demonstrated danger of inflicting substantial physical harm on others. Demonstrated danger may be based on an assessment of the minor's present mental condition, including a consideration of past behavior of the minor within six years prior to the time the minor last attempted to inflict, inflicted, or threatened to inflict substantial physical harm on another, and other relevant evidence.

Case Name:	Case Number:

c. The people have charged the minor with a serious crime against the person or property; involuntary administration of antipsychotic medication is substantially likely to render the minor competent to stand trial; the medication is unlikely to have side effects that interfere with the minor's ability to understand the nature of the criminal proceedings or to assist counsel in the conduct of a defense in a reasonable manner; less intrusive treatments are unlikely to have substantially the same results; and antipsychotic medication is in the patient's best medical interest in light of his or her medical condition.

A copy of the minute order is attached. The District Attorney's Office will provide copies of charging documents, law enforcement reports (present crimes, and past crimes, if any), and any other relevant information within 10 court days. The Defense Attorney will provide social history documents, school records, juvenile hall incident reports, and mental health information within 10 court days for in-custody minors and 20 court days for out of custody minors. If this is an appointment for a competency attainment hearing, Probation will provide all necessary reports and documents within 10 court days. The Office of Education, Probation, and the Department of Behavioral Health are to cooperate with the Defense Attorney by expeditiously providing the necessary documents. Further, the Merced County Juvenile Justice Center and the Department of Behavioral Health are hereby directed to permit the appointed examiner access to medical and psychiatric records maintained in their possession.

☐ The minor is detained. _____
Location: _____

☐ The minor is released on Home Supervision. Arrangements for the examination can be made through his attorney:
Minor's attorney is: _____
Address: _____ Phone: _____
Interpreter Needed: ☐ Yes ☐ No Language: _____
(If "yes", submit copy of letter to Court Interpreter Coordinator)

☐ This is a confidential report to be furnished ONLY to counsel for minor.

The next court proceeding is set on: _____ at 8:15 am in Courtroom 11.

Date: By: _____
Judicial Officer

PLEASE RETURN REPORT TO THE ADDRESS INDICATED AT THE TOP OF THE FORM.

Application submitted by: Name: Office/Agency/Court: Street Address: City, State: Telephone Number:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MERCED JUVENILE DIVISION	
Department: Street Address: City & Zip Code:	☐ Juvenile Dependency 627 W. 21st Street Merced, CA 95340 ☐ Juvenile Delinquency 2840 W. Sandy Mush Merced, CA 95341
Name of Minor:	Date of Birth:
AUTHORIZATION TO EXCHANGE CONFIDENTIAL INFORMATION	Case Number:

I, _____, ☐ for myself ☐ As Legal Guardian: _____

hereby authorize sharing of my medical information and other sensitive information within the Merced County Juvenile Justice System:

☐ Mental Health Records
☐ Psychiatric Records
☐ Medical Records
☐ Other:
☐ Regional Center Records
☐ Child Welfare Records
☐ Court Records/School/Educational Records
☐ Court Records

To release my protected health information or other sensitive information to:

Name of Person or Agency: _____

Address: _____
Street *City* *State* *Zip*

For the time period of: _____ to: _____
MM/DD/YY *MM/DD/YY*

For the purpose of:

☐ Medi-Cal or other insurance ☐ **Providing medical care/treatment** ☐ Information /Referral
☐ Support services/program ☐ **Treatment summary**
☐ Crisis services ☐ **Other (please specify):** _____

Expiration date:
This authorization is valid for one year from the signed date of this release or until: _____
MM/DD/YY

INFORMATION TO BE DISCLOSED (check all boxes that apply):

☐ Clinical Summary
☐ Assessment / Diagnosis
☐ Treatment Plan
☐ Discharge Summary/Aftercare Plan
☐ Billing/Payment/Insurance
☐ Probation Report / Court Report
☐ Screening / Referral
☐ Attendance / Status Report
☐ Drug Test / Report
☐ Medical Doctor Orders
☐ Other (specify): _____

☐ ***Information that I DO NOT want released / disclosed:*** _____

Name of Minor:	Case Number:

Minor:

- I authorize the disclosure and use of the sharing of information as written on this form.
- Merced County Juvenile Justice System or anyone listed on this form cannot share my information to anyone not on this or other releases without my permission unless otherwise permitted by Law.
- I understand I have a right to stop (revoke) this authorization at any time.
- I have a right to a copy of this form at any time.

Signature of Minor/Legal Guardian *Date*

WITNESS: I have verified the Minor's identity and the contents of this document have been reviewed/ discussed with the Minor/Legal Guardian.

Signature of Witness *Date*

Prohibition of Usage, Transfer, or Re-disclosure of Information:
This information has been disclosed to you from records protected by federal and State of California confidentiality rules. This release does not provide the recipient of this information authorization for any further disclosure of information in this record. Federal regulation also prohibits any further disclosure that identifies a consumer as having or having had a substance use disorder either directly, by reference to publicly available information, or through verification of such identification by another person unless further disclosure is expressly permitted by the written consent of the individual whose information is being disclosed or as otherwise permitted by 42 C.F.R. Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose (see §2.31). The federal rules restrict any use of the information to investigate or prosecute with regard to a crime any consumer with a substance use disorder, except as provided at § 2.12 (c)(5) and 2.65. Documents received shall be maintained and destroyed only for purposes specified within this release and per applicable Federal, State, and local regulations.

Revocation:
I understand that I have the right to revoke this authorization at any time. I understand that if I revoke this authorization, I must do so by signing below or by submitting my written revocation to the Merced County program of origin. I understand that the revocation will not apply to the health information that has already been released in prior reliance of this authorization.

REVOCATION OF AUTHORIZATION

Signature of Minor/Legal Guardian Date _____ (MM/DD/YY)

_____

If signed by legal guardian, state relationship and authority to minor

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

MARK V. BACCIARINI
PRESIDING JUDGE

STANDING ORDER
#2023-01

EFFECTIVE MAY 2, 2023

REQUESTS FROM LAW ENFORCEMENT FOR DESTRUCTION, DISPOSITION, OR RETURN OF SEIZED PROPERTY

The purpose of this standing order is to promote consistency in the requests for destruction or return of property by law enforcement. This standing order only applies to requests from a law enforcement agency to destroy, return, or otherwise dispose of property in its possession. These are usually blanket requests related to seized property being stored by law enforcement. Each request generally involves property related to a number of cases or incidents. The requests sometimes relate to property seized pursuant to a warrant where no case was filed.

Note: If an agency is making a request for return of property related to a specific Superior Court case, the request is to be filed in that case, using the case number and caption.

Procedural Requirements:

- Each request must consist of an application, supporting evidence (usually in the form of a sworn declaration), and a proposed order.
- The application, declaration, and proposed order should be captioned, "In re the [destruction, return, etc.] of [basic description of the evidence (i.e., controlled substances, property seized pursuant to warrant, etc.)] in the possession of [agency name]," UNLESS the request is specific to a case, then use the proper caption for that case, "People v. [defendant]."
- The proposed order must be a standalone document and may not be combined with or be a continuation of any other document.
- The proposed order must have a proper caption and a line where the Criminal Presiding Judge can sign.
- If the declaration references any exhibits, those exhibits should be attached to the declaration.
- Any attached exhibits referencing the evidence sought to be disposed of should have numbered lines.
- Each proposed order must have attached to it a list of the property sought to be destroyed, returned, etc.

This is the first order of 2023; the last standing order was 2022-08.

Legal Requirements:

- The application must provide the code section or other legal authority that supports the proposed disposition of each piece of property. It is not sufficient to provide a laundry list of statutes.
- Each application must be supported by proper admissible evidence, usually in the form of a declaration.
- Each declaration must state the reason for the request to destroy, return, or otherwise dispose of property in its possession.
- Each declaration must be specific and must comply with CCP § 2015.5.
- Each declaration must be specific enough that the Court can determine exactly which statutory authority applies to and supports the disposition of each item of property.
- If the declaration provides that a case was adjudicated, there must be a Superior Court case number provided for each item of evidence allegedly associated with an adjudicated case.
- If items were seized pursuant to a search warrant, the warrant number and a copy of the warrant must be included.
- The exact proposed disposition of each item of evidence listed in a request must be provided. It is insufficient to state that the items will be destroyed, disposed of, or released.
- If items of property are sought to be returned, the declaration must be specific as to whom the items will be returned.



MARK V. BACCIARINI
PRESIDING JUDGE OF THE SUPERIOR COURT

cc: All Judicial Officers
Amanda Toste, CEO
All Staff Attorneys
All Managers and Supervisors
Atwater Police Department
CA Department of Fish and Wildlife
California Highway Patrol—Los Banos
California Highway Patrol—Merced
Dos Palos Police Department
Gustine Police Department
Livingston Police Department
Los Banos Police Department
Merced College Police Department
Merced County District Attorney's Office
Merced County Sheriff's Office
Merced Police Department
UC Merced Police Department

This is the first order of 2023; the last standing order was 2022-08.

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

MARK V. BACCIARINI
PRESIDING JUDGE

STANDING ORDER
#2024-01

EFFECTIVE
MARCH 21, 2024

DISCONTINUING THE IMPOSITION OF CIVIL ASSESSMENTS UPON FAILURE TO APPEAR OR FAILURE TO PAY

Pursuant to Assembly Bill 199, effective July 1, 2022, the maximum civil assessment amount that can be imposed was reduced from $300 to $100, and all outstanding civil assessment debt as of June 30, 2022, was abolished. Effective July 1, 2022, the Superior Court, County of Merced began imposing civil assessments at the reduced amount of $100 as authorized by California Penal Code § 1214.1.

Effective July 1, 2023, the Superior Court of California, County of Merced discontinued imposing civil assessments in each eligible case in which a defendant has failed to appear or failed to pay.

Subject to ongoing statutory authority, judicial discretion to impose a civil assessment remains.

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

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED
www.merced.courts.ca.gov

627 West 21st Street
Merced CA 95340

MARK V. BACCIARINI
PRESIDING JUDGE

STANDING ORDER
#2024-02

EFFECTIVE
MAY 21, 2024

SETTING ASIDE CERTAIN OUTSTANDING CIVIL ASSESSMENT DEBTS IMPOSED FOR FAILURE TO APPEAR OR FAILURE TO PAY

Pursuant to Assembly Bill 199, effective July 1, 2022, the maximum civil assessment that can be imposed was reduced from $300 to $100, and all outstanding civil assessment debt as of June 30, 2022, was abolished. Effective July 1, 2022, the Superior Court of California, County of Merced began imposing civil assessments at the reduced amount of $100 as authorized pursuant to Penal Code section 1214.1.

BY THIS ORDER, effective May 21, 2024, all outstanding debt from civil assessments imposed between July 1, 2022, and June 30, 2023, is abolished.

Subject to ongoing statutory authority, judicial discretion to impose civil assessments remains.

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

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED
www.merced.courts.ca.gov

627 West 21st Street
Merced CA 95340

PAUL LO
PRESIDING JUDGE

STANDING ORDER
#2025-01

EFFECTIVE
March 3, 2025

ELECTRONIC SERVICE OF DOCUMENTS BY THE COURT

In order to comply with the amendment to California Code of Civil Procedure section 1010.6(d), effective July 1, 2024, the Court hereby orders as follows:

Consistent with California Rules of Court, Rule 2.251(c), each represented party must furnish that party's electronic service address ("E-Service address) on the first occasion that the party electronically files any paper. Each party can have only one E-Service address in each case. For purposes of electronic service, this E-Service address will be deemed proper for service subject to the provisions set forth in Code of Civil Procedure Section 1010.6(d).

A party whose E-Service address changes while the action or proceeding is pending must promptly electronically file a notice of change of E-Service address or Judicial Council Form EFS O10, Notice to Change Electronic Service Address, with the Court, and must serve this notice on all other parties or their attorney(s) of record. An E-Service address is presumed valid for a party if the party electronically files documents with the court from that address and has not filed and served notice that the address is no longer valid.

PAUL LO
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
www.merced.courts.ca.gov

627 West 21st Street
Merced CA 95340

PAUL LO
PRESIDING JUDGE

STANDING ORDER
#2026-01

EFFECTIVE
March 16, 2026

COURT APPOINTED SPECIAL ADVOCATES PROGRAM JUVENILE JUSTICE

Court Appointed Special Advocates (CASA) of Merced County volunteers are appointed on behalf of children and only in juvenile proceedings. CASA serve at the pleasure of the Court having jurisdiction over the proceeding in which the CASA has been appointed. In general, a CASA's functions are as follows:

1. Support the child throughout the Court proceedings.
2. Establish a relationship with the child to better understand the child's needs.
3. Review available records.
4. Explain the CASA volunteer's role, duties and responsibilities.
5. Communicate the child's needs to the Court through written reports to the Court.
6. Attend Court hearings.

In any action pursuant to Welfare and Institutions Code Sections 600 et seq. involving a youth declared as a ward, the Court may, in an appropriate case and in addition to any counsel appointed for a child, appoint a CASA to represent the best interests of the child who is the subject of the proceedings.

A CASA is an officer of the Court and is bound by all Court rules. Each CASA shall be sworn in by a Superior Court Judge before beginning their duties.

Specific Duties

1. Conduct an independent review, examine documents, interview persons with direct knowledge of the youth's and/or family's situation, and visit potential caregivers to formulate an objective understanding of what may be in the youth's best interests.
2. Request case conferences when necessary and participate in Child and Family or Multidisciplinary Team Meetings involving the youth in order to keep informed of the youth's status and to seek cooperative solutions whenever possible.

3. Contact the Probation Placement Officer in advance to arrange a time to review the youth welfare records at the Probation Office, take notes, and make copies, if appropriate.

4. Monitor the case, visit and/or contact the youth (at least) twice a month, and determine whether the youth's needs are being met.

5. Help the youth understand the Court process as trained by Probation.

6. Communicate and coordinate efforts with the Probation Placement Officer to support the case plan and other Court-ordered services, including initiating and maintaining regular communications regarding:

    a. The youth's best interests, current status, and significant developments.

    b. Developing issues or concerns regarding the youth's placement.

    c. Compliance or non-compliance by parents, agencies, or others with the case plan and Court orders.

    d. Potential resources or suggested services to ensure youth safety, well-being, and permanency.

7. Advocate for the youth and needed services promptly. Once the Advocate receives the Order to Appoint, they have authorization to transport their assigned out of custody youth, as approved by Probation. If transporting across county lines, the Advocate must receive prior authorization from Probation.

8. Assist the Court in assuring that the best interests of the youth are being served at all times.

9. Attend Court hearings and submit a written report to the CASA Advocate Coordinator outlining the Advocate's findings and recommendations at least fifteen (15) days prior to the hearing. The CASA Advocate Coordinator will file the report with the Court at least ten (10) days before the hearing.

10. Provide Probation with timely copies of reports generated by CASA by placing the reports in the designated Probation box in the Court Clerk's Office with the Probation Placement Officer's name noted on the top of the report.

11. Remain actively involved in the case until formally discharged by the Court.

12. Refrain from providing case management or direct services to the youth or family.

13. Make an immediate mandated report directly to Child Protective Services (CPS) Intake of unreported incidents of suspected youth abuse and follow up by providing a written Suspected Child Abuse form.

14. A CASA volunteer shall serve under the guidance and supervision of the Merced County CASA program staff and is expected to comply with operational policies and procedures approved by the program's Board of Directors, Sections 100 through 109 of the Welfare and Institutions Code, rule 5.655 of the California Rules of Court, and any and all Judicial Council guidelines, Local Rules of Court , and the provisions of any agreement entered into by the Merced County CASA program with the Juvenile Court.

Appeal and Grievance Procedures

1. A CASA volunteer serves at the pleasure of the Court, the appointment is a privilege and not a right. The Judicial Officer presiding over the Juvenile Justice Court or their designee has the sole authority and power to appoint and/or remove a CASA to or from a case. There is no appeal process from the Court's decision.

2. The Merced County CASA Program has established an internal process for the submission and investigation of grievances which process shall be followed.

Appointment of a CASA Advocate

When a CASA Advocate is appointed on behalf of the youth, the Court will make specific orders regarding CASA's ability to view and copy records from relevant agencies, including the Court's records and those of Probation. Once the Judicial Officer signs the Order of Appointment, a copy of the order will be provided by the COURT to all parties of record and their counsel. A copy of the order will be provided to CASA and the youth's caregiver such as but not limited to: Resource Family Approval (RFA) home, Short-Term Residential Therapeutic Program (STRTP), Non-Relative Extended Family Member (NREFM), Foster Family Agency (FFA), or Transitional Housing Program (THP).

Priorities for Case Referral

1. All youth declared as wards who have been removed from the home or are at imminent risk of being removed from the home.

2. Youth with unique medical, mental health, educational, developmental, or other special needs who have been declared as wards who have been removed from or are at imminent risk of being removed from the home.

Right to Timely Notice and Right to Appear, Calendar Priority for Advocates

1. The CASA shall be properly and timely noticed for all proceedings held in cases to which the CASA has been appointed.

2. The CASA has the right to be personally present at all hearings and to be heard at all Court hearings.

3. Subject to the Court's discretion, the CASA shall have the right to participate in any chambers conferences which are held in the proceedings to which the CASA has been appointed.

4. In light of the fact that CASAs are rendering a voluntary service to the children and the Court, matters on which they appear should be granted priority on the Court's calendar, whenever possible.

Access to Records

1. All information concerning children and families in the Juvenile Court process is confidential. A CASA shall not give case information to anyone other than the Court, parties, their attorneys, and CASA staff. Any request for access to these records must be made to the Judicial Officer presiding over the Juvenile Justice Court through a Petition for Disclosure of Juvenile Court Records pursuant to Welfare and Institutions Code Section 827 (Form JV-570).

2. The child's case file shall be maintained in the Merced County CASA office by a custodian of records. No one shall have access to that file except upon approval of the Executive Director of Merced County CASA.

3. A CASA volunteer's personnel file is confidential. No one shall have access to the file or any of its contents except the volunteer, the Merced County CASA's executive director (or their designee), and the Judicial Officer presiding over the Juvenile Justice Court. Parties to a proceeding may access the personnel records of a CASA volunteer appointed in that proceeding through use of the Court's

subpoena power. All subpoenas are to be served on the CASA program's executive director at the Merced County CASA program's office.

Filing And Distribution of Casa Court Reports

A. In any case in which a CASA has been appointed by the Court and is now serving on that case, the CASA must file and serve written reports to the Court and on the parties and/or their counsel at least ten (10) calendar days before the hearings.

The CASA may also submit reports for any special hearings noticed to CASA of Merced County and if submitted, those written CASA reports must be filed and served on the parties and/or their counsel at least five (5) calendar days before the hearing.

B. Only parties and their counsel are entitled to receive copies of CASA reports prepared in connection with pending hearings. De facto parents are entitled to receive copies of CASA reports only if there is a Court order directing distribution of the report to the de facto parents. Relatives, foster parents, and service providers are not entitled to receive copies of CASA reports in the absence of a specific Court order.

C. CASA Court reports shall be copied and distributed by CASA of Merced County staff.

PAUL LO
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
www.merced.courts.ca.gov

627 West 21st Street
Merced CA 95340

PAUL LO
PRESIDING JUDGE

STANDING ORDER
#2026-2

EFFECTIVE
September 14, 2026

RULE 410: RULES GOVERNING CUSTODY AND VISITATION ISSUES

Effective September 14, 2026, the Court is modifying the Local Rule 410 - Child Custody Recommending Counseling (CCRC) appointments as follows:

All CCRC appointments for designated parties are held in person at the Charles James Ogletree Jr. Courthouse unless otherwise ordered by the court. Parties will no longer be contacted the day prior to the CCRC appointment for a reminder.

PAUL LO
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

PAUL C. LO
PRESIDING JUDGE

STANDING ORDER - AMENDMENT
#2026-03

EFFECTIVE
October 6, 2026

This Standing Order 2026-03 is a revision of Standing Order 2012-0011 dated December 29, 2012, and Standing Order 2015-02 dated September 25, 2015, shall replace said Standing Orders.

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 alleged speeds of 101mph or above:

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.

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

PAUL LO
PRESIDING JUDGE OF THE SUPERIOR COURT

cc: All Judicial Officers
Amanda Toste, 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