

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LASSEN

FILED
Clerk of the Superior Court
County of Lassen

GENERAL ORDER

DEC 14 2017

2017-09

By 
DEPUTY CLERK

CASE MANAGEMENT AND DELAY REDUCTION

Trial courts are guided in part by the general principles outlined within the Standards of Judicial Administration from the commencement of litigation to resolution, whether by trial or settlement. Any elapsed time other than reasonably required for pleadings, discovery, preparation, and court events is unacceptable and should be eliminated. To enable the just and efficient resolution of cases, the Court has a strong judicial commitment to controlling unnecessary delay and maintaining a current docket. To assist with the expeditious and timely resolution of cases, after full and careful consideration consistent with the ends of justice, the following shall apply to criminal cases to assist with the disposition of cases in a timely manner:

1. To save court time, promote the ascertainment of truth in trials, avoid the necessity for frequent interruptions and postponements, and to protect victims and witnesses from danger, harassment, and undue delay of the proceedings, the prosecuting attorney shall disclose to the defendant or his or her attorney all materials and information which are in the possession of the prosecuting attorney or which are known to be in the possession of the investigating agencies, as required pursuant to discovery statutes, including but not limited to Penal Code §§ 1054-1054.10
2. Except for capital cases, all felony cases disposed of should have a total elapsed proceeding time of no more than one year from the defendant's first arraignment to disposition.
3. The goal for felony cases at the time of the preliminary examination (excluding murder cases in which the prosecution seeks the death

penalty) should be disposition by dismissal, by interim disposition by certified plea of guilty, or by finding of probable cause, so that 100 percent of cases are disposed of within 90 days after the defendant's first arraignment on the complaint. If a case is not disposed of within 90 days after the defendant's first arraignment on the complaint, the court shall set a preliminary examination at the earliest available court date after the 90th day, absent a good cause showing.

4. In felony cases, if a defendant is held to answer and if the case is not disposed of within 120 days after the defendant's first arraignment on the information, the court shall set a mandatory disposition hearing at the earliest available court date after the 120th day, absent a good cause showing.
5. The purpose of the trial setting conference is to discuss the possibility of disposing of the case prior to trial or to discuss measures to facilitate the expeditious handling of the trial. Therefore, there is an expectation that the parties to the proceeding have met and conferred in person or by telephone prior to the start of the trial setting conference for the purpose of determining whether an agreement can be reached, to resolve any discovery issues, identify specific causes of action subject to pre-trial motions and identify with legal support the basis of the deficiencies to support any pre-trial motion. It is expected of the attorneys that at the trial setting conference they are prepared to discuss their case with the court when their case is called and have an ability to resolve the matter at the trial setting conference.
6. All misdemeanor cases disposed of should have a total elapsed proceeding time of no more than 120 days from the defendant's first arraignment to disposition.
7. In misdemeanor cases, if the case is not disposed of within 180 days after the defendant's first arraignment on the complaint, the court shall set a mandatory disposition hearing at the earliest available court date after the 180th day, absent a good cause showing.
8. At any disposition hearing: (1) counsel must appear, be prepared to discuss the case, and be prepared to determine whether the case can be disposed of without trial; (2) the prosecuting attorney must

have authority to dispose of the case; and (3) the defendant must be present in court. If the parties are not able to resolve the case at the disposition hearing, counsel shall inform the court of when they will be ready for trial and provide a time estimation for trial.

9. Pursuant to Penal Code § 1050, the welfare of the people of the State of California requires that all proceedings in criminal cases shall be set for trial, heard, and determined at the earliest possible time. Excessive continuances contribute substantially to calendar congestion and cause substantial hardship to victims and other witnesses.

To continue any hearing in a criminal proceeding, including the trial: (1) a written notice shall be filed and served on all parties to the proceeding at least two court days before the hearing sought to be continued, together with **affidavits or declarations detailing specific facts showing that a continuance is necessary**; and (2) within two court days of learning that he or she has a conflict in the scheduling of any court hearing, including a trial, an attorney shall provide written notice to the calendar clerk of each court involved and shall indicate which hearing was set first.

A party may make a motion for a continuance without complying with the requirements of written notice. However, unless the moving party shows good cause for the failure to comply with those requirements, the Court may impose sanctions as provided in Penal Code § 1050.5. When a party makes a motion for a continuance without complying with the requirements of written notice, the court shall hold a hearing on whether there is good cause for the failure to comply with those requirements. If the moving party is unable to show good cause for the failure to give notice, the motion for continuance shall be denied.

Continuances shall be granted only upon a showing of good cause. Neither the convenience of the parties nor a stipulation of the parties is in and of itself good cause. Only one continuance per case may be granted to the prosecution under this subdivision for cases involving stalking, hate crimes, or cases handled under the Career Criminal Prosecution Program. A continuance shall be granted only for that period of time shown to be necessary by the evidence considered at the hearing on the motion or within time periods stated within Penal Code § 1050.

10. Upon the application of the prosecuting attorney requesting a case be dismissed, the prosecuting attorney shall state on the record the reason(s) for dismissal with sufficient detail for the court to find the request is made with good cause and in the furtherance of justice. Penal Code § 1385. Upon the application of the prosecuting attorney requesting a case be dismissed, the prosecuting attorney shall state whether the dismissal is with or without prejudice. If the application is based upon a written ex-parte request to dismiss, the prosecuting attorney shall provide a proposed order that sets forth the reason(s) for the dismissal and whether the dismissal is with or without prejudice.
11. Sentencing in any felony or misdemeanor based upon a time waiver shall not exceed six weeks, absent a good cause showing.
12. General objectives of sentencing include: (1) Protecting society; (2) Punishing the defendant; (3) Encouraging the defendant to lead a law-abiding life in the future and deterring him or her from future offenses; (4) Deterring others from criminal conduct by demonstrating its consequences; (5) Preventing the defendant from committing new crimes by isolating him or her for the period of incarceration; (6) Securing restitution for the victims of crime; (7) Achieving uniformity in sentencing; and (8) Increasing public safety by reducing recidivism through community-based corrections programs and evidence-based practices. California Rule of Court 4.410.

Dated: December 14, 2017



Tony Mallery
Presiding Judge of the
Lassen County Superior Court