

EMERGENCY LOCAL RULES: CRIMINAL
(Second Amended)

The Court adopts the following as Emergency Local Rules (“Rules”) intended to address the impact of the COVID-19 pandemic, under the authority granted the Court by the March 23, 2020, and March 30, 2020, Orders of the Chief Justice of the California Supreme Court, as Chair of the Judicial Council (“Orders”), and by the Emergency Rules in Response to the COVID-19 Pandemic issued by the Judicial Council on April 6, 2020 (“Judicial Council Emergency Rules”). These Rules are effective July 20, 2020, subject to the limitations imposed by the Orders, and shall remain in effect until either rescinded by this Court or by withdrawal or change to the Orders or Judicial Council Emergency Rules. These Rules supersede previous versions.

1. **Application.** These rules shall apply only to Criminal cases.
2. **Filing of Papers.**
 - a. *Acceptance of Filings.* Unless otherwise announced the Criminal Clerk’s Office is open from 8 a.m. – 2 p.m. on weekdays excluding Court holidays. The Court also permits filings via a drop box, which is available from 9 a.m. to 4 p.m. on weekdays excluding Court holidays. The drop box will be located at the Main Street entrance to the Wakefield Taylor Building in Martinez. All motions filed through this process must include a telephone number and email address for each party, if available.
 - b. *Type of Filings Accepted.* The Court now accepts all filings. Prior rules limiting acceptance to certain emergency motions are rescinded.
3. **Hearings.**
 - a. If any party requests a hearing, all parties shall specify whether they request a live hearing in court, or whether they stipulate to a videoconference hearing (when available) with the judge, all attorneys, and the defendant if he or she is out of custody participating remotely by videoconference. The defendant’s attorney may waive his or her client’s appearance when authorized

by Penal Code section 977. After hearing from all parties, the Court will decide whether a hearing is necessary and, if so, set the matter for a hearing via videoconference, when available, on a specified date and time.

- b. *Conduct of Video Hearings.* Videoconference hearings shall be conducted as provided in the Emergency Local Rules – Video Technology in Criminal Cases.

4. Trial Exhibits

- a. Parties must pre-mark their exhibits, using exhibit markers provided by the Court, and must supply an exhibit list.
- b. For any dangerous exhibits (e.g., firearms), a photo shall also be provided and marked with the same exhibit number. The live exhibit will be returned to the parties at the conclusion of the trial.
- c. Parties **should not** hand exhibits directly to the courtroom clerk. They should be placed on the podium in front of the clerk’s desk, and the clerk will retrieve them.
- d. Parties should use technology to the extent possible in order to show exhibits to the jury.
- e. Exhibits should be placed on the witness stand prior to the witness entering the courtroom. Where this is not possible, counsel shall walk the exhibit to the witness stand and place the exhibit on the side of the witness stand without Plexiglas.
- f. Exhibits **should not be handed to the jury** during trial unless permitted by the judicial officer.

(Emergency Local Rules-Criminal adopted 3/30/2020; amended eff. 4/9/2020; amended eff. July 20, 2020)