

## **SETTLEMENT/STATUS CONFERENCES**

### **[MISDEMEANOR CASE PROCEDURE]**

North Justice Center

**(Subject to Change)**

### **SUMMARY**

By order of the court, a *Mandatory* Settlement/Status Conference (MSSC) will be calendared on all misdemeanor cases that currently have a trial date. Cases generally will be addressed in chronological order based on the statutory last day for trial.

MSSCs will be conducted as chambers conferences with an NJC judge via teleconference, Microsoft TEAMS, or WebEx.

Pleas, sentencings, dismissals and any other resolutions will be conducted via TEAMS, WebEx, or livestream, as determined by the court. Plea forms and other case resolution documents will be submitted to the court via the Misdemeanor Action Request (MARS) email address: [COVIDMisdRequestNJC@occourts.org](mailto:COVIDMisdRequestNJC@occourts.org).

Counsel for either side may request a *Voluntary* Settlement/Status Conference (VSSC) on any case that does not have a trial date or on any case that has a trial date, but for which a MSSC has not yet been set. MSSCs will be given priority over VSSCs. The court will make all reasonable efforts to accommodate each request for a VSSC.

Neither a MSSC nor a VSSC is necessary for a case in which the parties have negotiated and agreed on a resolution on their own. In those cases, the parties should utilize the existing Misdemeanor Action Request (MARS) process to request a hearing to effectuate the agreed-upon resolution.

***NOTE:*** 977(a) authority is **NOT** required to initiate or participate in a MSSC or VSSC. 977(a) authority, however, **IS** required for all pleas, sentencings, or other resolutions, and all continuance requests by either or both parties.

### **MSSC SCHEDULING PROCESS**

As directed by the court, NJC staff will calendar a MSSC on all misdemeanor cases that have a trial date. Parties will be given at least two (2) days notice of the date and time for the MSSC.

**NOTE:** *In its discretion, the court **may** set a MSSC on **any** misdemeanor case – including those that do not have a trial date.*

### **VSSC SCHEDULING PROCESS**

Counsel for either side may request a VSSC by contacting a court clerk at [COVIDMisdRequestNJC@occourts.org](mailto:COVIDMisdRequestNJC@occourts.org). Before a VSSC will be scheduled, counsel for the requesting party must email the court clerk at [COVIDMisdRequestNJC@occourts.org](mailto:COVIDMisdRequestNJC@occourts.org) to provide a list of **ALL** the defendant's pending cases, including probation violations and infraction matters. Felony cases, however, will not be resolved through this process because it is intended for misdemeanor cases only at this time.

If the court approves the VSSC request, NJC staff will schedule a VSSC as directed by the court and the parties will be given at least two (2) days notice of the date and time for the VSSC. Questions about the VSSC process can be directed by telephone to [\_\_\_\_\_].

A VSSC otherwise will proceed in the same manner as a MSSC.

### **SETTLEMENT CONFERENCE**

MSSCs and VSSCs will be conducted via Microsoft TEAMS, teleconference, or WebEx. A court clerk will participate in a MSSC or VSSC when needed. Settlement discussions will be conducted as a chambers conference and reflected in the minutes as chambers work, as directed by the judge. *Marsy's Law* compliance is required.

### **SETTLEMENT HEARING DATE, TIME, and DURATION**

The settlement judge will determine the DATE, TIME, and DURATION of each MSSC and VSSC. Settlement judges will be available Monday through Friday. The settlement judge for each case will be assigned by the NJC supervising judge, and a court clerk will calendar the conference as directed by the settlement judge.

### **SENTENCING**

If a settlement is reached, any plea, sentencing, or other resolution will be conducting via livestream. If a *Tahl* form is required, the form must be submitted to the court via email prior to the sentencing hearing. Use of notarized *Tahl* forms and/or requirement of the defendant's "presence" will be decided by the judge. If the defendant does not appear remotely, 977(a) authority is required. The defendant must personally initial and sign any *Tahl* form.

### **PLEA AND SENTENCE SCHEDULING**

Plea and sentencing scheduling will be managed by the clerk assigned to the settlement judge. Cases continued for plea and/or sentencing will be calendared by the clerk in the settlement court on date and time determined by the judge.

### **FIREARMS RELINQUISHMENT – PROP 63**

During the COVID-19 crisis, the Prohibited Persons Relinquishment Form will be sent to the Probation Department Prop 63 Unit, attention Debbie Tomono and Julia Chavez with a "cc" to Supervisor Paul Fleming. The attorney, not the defendant, must email the completed form to the Probation Department at the following email addresses: [Debbie.Tomono@prob.ocgov.com](mailto:Debbie.Tomono@prob.ocgov.com) and [Julia.Chavez@prob.ocgov.com](mailto:Julia.Chavez@prob.ocgov.com). Also please "cc" [Paul.Fleming@prob.ocgov.com](mailto:Paul.Fleming@prob.ocgov.com).

The procedure will be as follows:

The court will take the plea and sentence the defendant. After sentencing:

-The court clerk will email the Prop 63 packet to the attorney;

- The attorney will complete the documents with the defendant;
- The attorney will email the completed form to the clerical staff in the Probation Department Prop 63 Unit; and
- The Probation Department Prop 63 Unit will conduct its investigation.

The court will follow the normal process of setting a relinquishment hearing approximately 2 weeks after sentencing.

A firearm relinquishment hearing will be calendared via the existing procedure back to the sentencing courtroom. In cases with full compliance, forms will be returned as Chambers Work.

### **SERVICE OF PROTECTIVE ORDERS AND OTHER ORDERS**

The current plan is for a sheriff deputy at NJC to serve any protective or other orders.

***NOTE: Formal process being developed.***

### **IF NOT RESOLVED**

If a case does NOT resolve at a MSSC, then a new trial date may be scheduled (if one has not already been set) or a pretrial may be scheduled if the defendant elects to enter a general time waiver. Other scheduling matters (including any made during a VSSC) may be addressed at the judge's discretion.

5/26/2020 (Subject to Change)