



# Superior Court of California County of Riverside

## Criminal Cases during the COVID-19 Statewide Emergency and Court Closure Frequently Asked Questions

Date: August 6, 2020

The following Frequently Asked Question (FAQ) document is designed to address incoming questions during the Court's COVID-19 closure period. It will be updated as needed, however, this is an ever-changing, fluid situation. We appreciate your patience.

### **1. Is the Court conducting video arraignments for those arrestees who are detained in-custody pending the filing of criminal charges?**

A: Yes. The Riverside Superior Court is using Court Call to conduct Video In-Custody Arraignments. In consultation with local justice partners, the Court began testing this solution on March 23, 2020 and deployed to all criminal courtrooms hearing in-custody arraignments on March 30, 2020.

### **2. What court locations are hearing in-custody video arraignments?**

A: All in-custody video arraignments are heard countywide out of the Banning Justice Center as follows:

- **Department B301's morning calendar will consist of cases scheduled in Departments 33, 34, 41, and 42.**
- **Department B301's afternoon calendar will consist of cases scheduled in Departments 3T and 260.**
- **Department B302's morning calendar will consist of cases scheduled in Departments 21, 22, 32, 53, 54, 61, and 62.**
- **Department B302's afternoon calendar will consist of cases scheduled in Departments S104, S204, and B101.**

Please note that attendance of a court hearing will not be available to the general public during this closure period. All attorneys entering local courthouses must show their bar or employee cards upon entrance at weapons screening stations. Only witnesses properly subpoenaed will be allowed to enter and should be accompanied by an attorney or must show their subpoena. Witness or defendant family, friends, or companions will not be permitted to enter unless lawfully permitted as a victim support person.

### **3. Is the Court adopting a new bail schedule during the statewide emergency?**

A: Yes, the Riverside Superior Court adopted a temporary emergency bail schedule on March 27, 2020. The court then amended the [Temporary Emergency Bail Schedule](#) to implement the Judicial Council's Emergency Rule 4 on bail on issued on April 6, 2020.

### **4. Will the preliminary hearing calendar be done via video appearance?**

A: No, at this time video appearance is not available for preliminary hearings.

## 5. Is the court accepting negotiated dispositions?

A: Starting April 23, 2020, the court is accepting and hearing negotiated disposition on misdemeanor and felony cases for in-custody defendants.

Counsel must use the [Stipulated Disposition – Request to Add to Calendar \(RI-CR077\)](#) form to make this request along with the required attachments. Counsel must agree and the paperwork must be fully completed.

- Counsel must submit all forms that would normally be submitted for sentencing.
- Defense counsel must contact the Probation Department and provide the relevant information regarding the plea. If the disposition calls for probation or mandatory supervision, the Probation Department will prepare the terms and conditions sentencing memorandum. That memorandum must be signed off by all parties and included with the paperwork submitted to the court.

Forms must be submitted to the court through eSubmit program.

## 6. How will the Court accommodate social distancing and other health and safety measures during any in-person court appearances?

A: The Court and its justice partners are making every effort to comply with the most current health directives offered by Riverside County Public Health. Some of these measures include the following:

- The Court is operating through remote telephone and video opportunities to the greatest extent possible.
- All court attendees are directed to comply with social distancing guidelines (6-foot separation), wherever possible, and wear a face covering at all times while in public spaces.
- No more than 10 participants should be present in a courtroom at any time.
- Court participants must maintain a 6-foot distance from each other and are encouraged to use courtroom layouts to facilitate that separation (*e.g., stand on either sides of the “bar” or counsel table*).

Those feeling ill and experiencing flu-like symptoms, have a fever, are coughing or sneezing, should not come to the courthouse; either secure another attorney to specially appear, or contact the courtroom clerk to appear telephonically or by video for certain criminal matters.

## 7. Is a magistrate available to law enforcement during the closure period?

A: Yes. During this closure period, law enforcement agencies have the option to electronically deliver search warrant requests to a **daytime On Call Magistrate** following the same protocols used when requesting approval of an after-hours search warrant. However, a daytime duty judge for arrest or search warrants is available at the Banning Justice Center, Larson Justice Center, Southwest Justice Center, Riverside Hall of Justice and Blythe Courthouse.

All daytime emergency protective order (EPO) requests are to be directed to the EPO phone during regular court business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday.

Night and Weekend Magistrate services are still available.

## 8. Is the court accepting negotiated dispositions on out of custody defendants also?

A. Yes, beginning May 6, 2020, Counsel must submit the signed stipulated disposition form (RI-CR077) along with the required attachments through eSubmit:

- Counsel must agree and the paperwork must be fully completed with the exception of AFS paperwork.
- Counsel must submit all forms that would normally be submitted for sentencing
- Defense counsel must contact the Probation Department and provide relevant information regarding the plea. If the disposition calls for probation or mandatory supervision, the Probation Department will prepare the terms and conditions sentencing memorandum. That memorandum must be signed off by all parties and included with the paperwork submitted to the court. Contacts for the Probation Department are provided below.

Probation Department Court Office Contact Information is as follows:

### **Southwest Justice Center**

Supervising Probation Officer Elizabeth Alfaro: [Ealfaro@RIVCO.ORG](mailto:Ealfaro@RIVCO.ORG) Desk: 951-304-5719  
 Senior Probation Officer Danielle Myberger: [Dmyberge@RIVCO.ORG](mailto:Dmyberge@RIVCO.ORG) Desk: 951-304-5718

### **Riverside Hall of Justice**

Supervising Probation Officer Linda Drake: [Ldrake@RIVCO.ORG](mailto:Ldrake@RIVCO.ORG) Desk: 951-358-4374  
 Senior Probation Officer Mayra Ortega: [mlortega@RIVCO.ORG](mailto:mlortega@RIVCO.ORG) Desk: 951-358-7567  
 Senior Probation Officer Lindsay Bretado: [lbretado@RIVCO.ORG](mailto:lbretado@RIVCO.ORG) Desk: 951-358-7590  
 Senior Probation Officer Veronica Jackson: [vjackson@RIVCO.ORG](mailto:vjackson@RIVCO.ORG) Desk: 951-358-7561

### **Indio**

Supervising Probation Officer Lorie Nicholson: [Lanichol@RIVCO.ORG](mailto:Lanichol@RIVCO.ORG) Desk: 760-863-8038  
 Senior probation Officer Stephanie Ochoa: [Sochoa@RIVCO.ORG](mailto:Sochoa@RIVCO.ORG) Desk: 760-863-8226

Upon receipt, Court personnel will forward the stipulated dispositions to the designated judge(s) for review and order. Documents will be rejected if any of the required forms have not be provided. After review and approval, the judge will provide the signed stipulated dispositions to the designated court personnel who will set the matter for a hearing. The hearings will be set a minimum of two court days out. A total of ten (10) hearings will be set on a daily first come, first serve basis. Five hearings will be scheduled at 9 a.m. and five hearings will be scheduled at 1:30 p.m. For HOJ, there will be a total of 15 hearings all set at 9 a.m. Counsel will receive a reply (to all) e-mail informing them of the date and time the matter is set.

On the date of the hearing:

- All defendants must appear in person if a plea will be taken and placed on the record.
- Only defendants may appear. No other family, support people, friends, etc. will be permitted in the building or in the courthouse.
- Defendants are to wait in the hallway outside the courtroom until their case is called.
- Defense counsel must be present in the courtroom
- The District Attorney and Probation Department personnel may appear telephonically through Conference Now.

Marsy's Law statements may be done telephonically or in writing. If a victim wants to be present, the judicial officer will decide whether to have the victim appear in court or not.

## **9. Is the court accepting requests for negotiated dispositions on misdemeanor pleas, admissions of violation of probation, and requests for reinstatements?**

A. Yes. Effective May 6, 2020, the court will accept requests for negotiated dispositions on misdemeanor pleas, admissions of violation of probation, and requests for reinstatements as follows:

The required forms for Misdemeanor Plea/Disposition and Admissions to Violations of Probation accompanying a Misdemeanor Plea (Non-Appearance) are as follows:

- 977 Non-Appearance Entry of Misdemeanor Plea, Admission to Violation of Probation or Entry Into Diversion form (RI-CR079). which is used for all misdemeanor pleas, admissions to violation of probation, and PC 1000 diversion cases.
- Entry of Plea of Guilty Through Counsel (Penal Code §1429) and Waiver of Personal Presence by Defendant (Penal Code §977) (RI-CR055) **or**
- Entry of Admission to Violation of Probation, PC §1000 Diversion and/or Program Reinstatement form (RI-CR080)

In addition to the required completed and signed forms, when applicable, counsel must submit the following:

- Misdemeanor Plea Form (CR005)
- Violation of Probation Advisement and Waivers (CR006)
- Pretrial Drug Diversion Program (RI-CR082)
- Sentencing Memorandum/Terms and Conditions (CR002)
- Any other form which would normally be submitted in Court with a plea.

Note: Defense counsel is expected to provide the defendant with a fully filled out Instructions to Defendant Sheet (CR010).

The required forms for an Admission to Violation of Probation/Dispositions (Non-Appearance) are as follows:

- Entry of Admission to Violation of Probation, PC §1000 Diversion and/or Program Reinstatement (RI-CR080)
- Violation of Probation – Advisements and Waivers (CR006)
- Stipulated Agreement – Summary Probation Reinstatement / Program Reinstatement / Diversion Reinstatement (RI-CR081)
- Program Reinstatement/Re-Enrollment Memorandum (CR029)

Note: Defense counsel is expected to provide the defendant with a fully filled out Instructions to Defendant Sheet (CR010).

The required forms for a Reinstatement of Diversion or Other Programs (Non-Appearance) are as follows:

- Entry of Admission to Violation of Probation, PC §1000 Diversion and/or Program Reinstatement (RI-CR080)
- Stipulated Agreement – Summary Probation Reinstatement / Program Reinstatement / Diversion Reinstatement (RI-CR081)
- [Pretrial] Drug Diversion Program Referral – (PC §1000.1) (RI-CR082)
- Program Reinstatement/Re-Enrollment Memorandum (CR029)

Note: Defense counsel is expected to provide the defendant with a fully filled out Instructions to Defendant Sheet (CR010).

Forms must be submitted to the court through eSubmit program. Upon receipt by court personnel, form packets will be submitted to the designated judicial officer for review and approval. Incomplete packets will be rejected and returned to counsel without further order of the court.

If the court approves the request, the case will be dispositioned accordingly and a minute order will be provided to counsel.