

FILED

MAR 25 2020

FRESNO COUNTY SUPERIOR COURT

By \_\_\_\_\_ DEPUTY

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO  
JUVENILE DELINQUENCY DIVISION

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Order of Juvenile Delinquency	)	<b>Delinquency Division</b>
Judges	)	<b>COVID-19 Order II</b>
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On March 19, 2020, with the approval of Presiding Judge Arlan Harrell, a joint order was made by the judges assigned to the Juvenile Delinquency Division in response to COVID-19. Since that order was made, two significant changes in circumstances have occurred: (1) On March 20, 2020, the Chief Justice of the California Supreme Court issued her Second Advisory on Emergency Relief Measures, which instructed courts, in part to: "With the assistance of justice partners, identify those persons currently in county jail or juvenile hall custody who have less than 60 days remaining on their jail sentence for the purpose of modifying their sentences to permit early release of such persons with or without supervision or to community-based organizations for treatment"; and (2) On March 23, 2020, Presiding Judge Arlan Harrell issued

1 a General Order which closed the Fresno County Superior Court through April 3,  
2 2020, except for very limited emergency purposes.

3 This order is the joint order of the Judge Gregory Fain, Judge Mary Dolas,  
4 and Judge Kimberly Nystrom-Geist, who are the judges assigned to the Juvenile  
5 Delinquency Division of the Fresno County Superior Court. In light of the  
6 change in circumstance that occurred since the Delinquency Order of March 19,  
7 2020, this order addresses three issues: (1) The custodial status of youth with  
8 tentative release dates within sixty days of the Chief's Advisory; (2) Further  
9 consideration of the custodial status of detained pre-adjudication youth; and (3)  
10 Scheduling criteria for detained youth upon the re-opening of the court.

11 The Delinquency Order of March 19, 2020, remains in full force and effect  
12 except as specifically modified by this order.

13 1. **Custodial status of youth serving commitments with a tentative**  
14 **release date within 60 days of March 20, 2020:** The Court sought and  
15 obtained input from justice partners on this issue. Justice partners who  
16 commented, including defense counsel and the District Attorney's Office,  
17 unanimously agreed to the following: Except as to youth who are serving  
18 commitments for Welfare and Institutions Code section 707(b) offenses, felony  
19 sex offenses, felony domestic violence, or personal use of a firearm, all youth  
20 with a tentative release date within sixty days of March 20, 2020, shall be  
21 released forthwith to a parent or guardian on previously ordered Probation  
22 terms; the balance of the custodial commitment is commuted. As to these  
23 released youth, any commitment to the juvenile global positioning system is  
24 vacated. The judges jointly make this order, with the following additional  
25 provision: If any such youth are subject to Placement Orders, Probation is to  
26 release such youth as soon as suitable placement can be arranged, or to a  
27 parent or guardian if an extended visit or furlough is appropriate. As to any  
28 placement youth not released, Probation is directed to ex parte on a pre-

1 placement review with such hearing to take place within ten judicial days of the  
2 reopening of the court.

3       2. **Custodial status of pre-adjudication detained youth:** Under the  
4 terms of the Delinquency Order March 19, 2020, with input from justice  
5 partners, pre-adjudication detained youth who were in custody on misdemeanor  
6 or non-violent low-level offenses have already been released. The Delinquency  
7 judges were and are concerned about all youth who are detained or committed,  
8 and in light of the change in circumstance, determined to reassess the custodial  
9 status of pre-adjudication detained youth.

10       There is a distinction between the release criteria for youth serving a  
11 commitment and release criteria for pre-adjudication detained youth in that no  
12 services are available, and no Probation oversight can be had, of pre-  
13 adjudication detained youth who may be released pursuant to this order.  
14 Additionally, all pre-adjudication detained youth have very recently been before a  
15 judicial officer who determined, based upon the facts and information provided,  
16 that the youth needed to be detained for his/her own safety and/or the safety of  
17 the community. Even so, in light of COVID-19 and rapidly changing public  
18 health and circumstances, the Delinquency judges determined that we should  
19 take a second look at whether there are pre-adjudication detained youth who  
20 might be safely released pending further proceedings.

21       On this issue, the judges sought input from Juvenile Probation, the  
22 District Attorney's office, and the Public Defender. Among these justice  
23 partners, there was not unanimous agreement; however, their input was much  
24 appreciated and was considered. After discussion and consideration of all input,  
25 the Juvenile Delinquency judges issue the following order: Pre-adjudication  
26 youth who remain detained after the Delinquency Order of March 19, 2020, shall  
27 be released if they meet the following criteria:  
28

- 1 • Youth is not charged with a WIC 707(b) offense, a felony sex offense,  
2 felony domestic violence, personal use of and/or possession of a  
3 loaded firearm.
- 4 • Youth does not pose a risk to him/herself (such as repeated  
5 runaway behavior or significant substance abuse) or public safety.
- 6 • Youth is not being detained pending transfer out of county.
- 7 • Youth is not pending disposition with a Probation recommendation  
8 of a commitment of 90 days or more.

9 If a pre-adjudication placement youth is detained and would qualify for  
10 release under these criteria, then Probation is authorized to release such youth  
11 as soon as suitable placement is obtained, or to a parent or guardian if Probation  
12 determines youth may safely be released on furlough or visit.

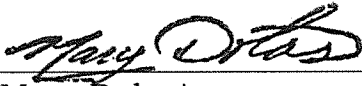
13 As to released youth, their custody status shall be changed to “out of  
14 custody” with dates to be adjusted accordingly. These youth are released on the  
15 same terms and conditions as set forth in the Delinquency Order of March 19,  
16 2020, which provides: “Probation shall cite the youth to appear not sooner than  
17 April 6, 2020. For released pre-adjudication youth, any previously set  
18 settlement conference date is deemed vacated. Inasmuch as Judge Harrell’s  
19 order defines the duration of his order to be non-judicial days, the youth’s pre-  
20 adjudication release shall be considered a general time waiver, with time to be  
21 reinstated upon the youth’s next appearance after Judge Harrell’s order expires.”  
22 A table was attached to the March 19, 2020 order for general guidance as  
23 Probation sets dates. Probation is encouraged to be mindful of the impact of  
24 COVID-19 and the limitations on court calendars when scheduling youth to  
25 return to court, and is requested not to upset any single day’s calendar.

26 3. **Scheduling for detained youth upon reopening of court:** Judge  
27 Harrell’s General Order of March 23, 2020, provides that the dates between  
28 March 23, 2020 through and including April 3, 2020, are judicial holidays.

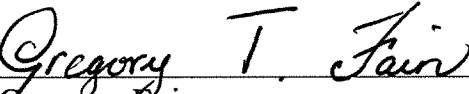
1 The Delinquency Division judges find good cause to adopt the schedule set  
2 forth in Judge Harrell's General Order re Preliminary Hearing Dates for In-  
3 Custody Defendants due to COVID-19 Pandemic of March 23, 2020, to resetting  
4 of juvenile settlement/status conferences. The juvenile court shall therefore  
5 adopt the schedule set forth in Judge Harrell's order, a copy of which is  
6 attached.

7 This is the joint order of all Juvenile Delinquency judges. The judges  
8 jointly express appreciation to the justice partners who participated in the terms  
9 reflected in this order. To the extent this order modifies or commutes any prior  
10 detention orders or disposition provisions, each judge's signature below is an  
11 indication that the judge responsible for the original order has made the  
12 modifications to that order as set forth above.

13 **IT IS SO ORDERED.**

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16 Mary Dolas\*  
17 Judge, Juvenile Delinquency Division

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19 Gregory T. Fair  
20 Judge, Juvenile Delinquency Division

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22 Kimberly Nystrom-Geist  
23 Supervising Judge, Juvenile Delinquency  
24 Division

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28 \*Use of signature stamp authorized electronically

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Existing court date	Adjusted court date
March 19	April 23
March 20	April 24
March 23	April 27
March 24	April 28
March 25	April 29
March 26	April 30
March 27	May 1
March 30	May 4
April 1	May 6
April 2	May 7
April 3	May 8

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FILED

MAR 23 2020

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF FRESNO  
BY \_\_\_\_\_ DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO  
CENTRAL DIVISION

ORDER OF THE PRESIDING JUDGE RE ) GENERAL ORDER  
PRELIMINARY HEARING DATES FOR )  
IN CUSTODY DEFENDANTS DUE TO )  
COVID-19 PANDEMIC )  
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Due to the health concern presented by the novel coronavirus and its associated disease COVID-19, and the Emergency Order of the Chief Justice of California,

THIS COURT HEREBY AUTHORIZES THE FOLLOWING:

A defendant who is in custody and scheduled for a Preliminary Hearing during the Court's COVID-19 Pandemic Temporary Closure, will have a future court date as listed below.

<u>Current Court Date</u>	<u>Future Court Date</u>
March 23, 2020	April 6, 2020
March 24, 2020	April 6, 2020
March 25, 2020	April 7, 2020
March 26, 2020	April 7, 2020
March 27, 2020	April 8, 2020
March 30, 2020	April 8, 2020

