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APR 28 2019

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONO
BY: 

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MONO

In Re
Order of the Presiding Judge

Special Order 2020-3.1
[Supplemental Order]
Traffic and Infraction Matters

On March 17, 2020, the Mono County Public Health Officer issued an Order that all non-essential public gatherings or assemblies, regardless of size, are prohibited. Although not defined in this Order, the premise of the Order is based on the directive from Governor Newsom, who, in turn, based his directive on the Orders issued by several Bay Area Counties. The Bay Area Counties Orders exempted courts from the definition of non-essential services. Until further orders are issued, the Mono County Superior Court will find that court services are essential public services. The Mono County Superior Court will remain open with additional social distancing measures put into effect. Special Order 2020-3 was set to expire on April 30, 2020, or until the Public Health Officer Order has been rescinded or modified. As of April 28, 2020, the Public Health Order, and the Governor's Orders, remain in effect with no set date for

1 expiration. The Judicial Council, through the Chief Justice of the California Supreme Court,
2 has adopted temporary emergency orders that allow for remote appearances in judicial
3 proceedings, including criminal proceedings with the consent of the defendant. (Emergency
4 Rules 3 and 5.)
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6 This Order continues and supplements Special Order 2020-3 - Traffic and Infraction
7 Orders. The following orders are designed to prohibit persons with traffic matters to appear
8 personally in Court through August 31, 2020, but to allow a person to appear using remote
9 technology with their consent. All traffic and other infraction trials that have been vacated and
10 set on calendar beginning June 1, 2020, will be subject to these orders.
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- 12 1. Any person with a signed promise to appear for any type of infraction for a date in
13 May, June, July, and August 2020, and who intends on appearing personally in
14 court, shall not appear personally in court (unless this order is rescinded following
15 the termination of State and Local public health orders). The person shall contact the
16 Clerk of the Court by mail, email, or telephone. Such a contact will constitute an
17 appearance. Direction how to proceed will be provided by the Clerk of the Court.
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- 19 2. Any person who wants to appear for an infraction case where that person has
20 previously failed to appear shall not appear in Court. The person may contact the
21 Clerk of the Court by mail, email, or telephone. The Clerk of the Court will provide
22 the person with instructions about what they need to do to have a Department of
23 Motor Vehicles hold released. Any other direction about how to proceed will be
24 provided by the Clerk of the Court.
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- 26 3. The Court will not accept payments by cash or at the Clerk's Window during this
27 time. The Court finds that this social distancing measure will limit the potential for
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1 transmission of the COVID-19 Coronavirus. Payments may be made online or by
2 mail. Payments by check may be made in the drop box located outside of the
3 Mammoth Lakes Courthouse. Any person may contact the Clerk of the Court for
4 any additional information about how to make a payment.
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- 6 4. Any infraction court trial set on calendar between June 1, 2020, and August 31,
7 2020, may be heard by use of remote technology only. The court has successfully
8 used the Zoom application in other criminal matters, and will hear court trials using
9 this technology with the consent of the defendant. The procedure for appearance for
10 court trial by remote technology includes the following:
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- 12 a. The Clerk of the Court will provide the Zoom meeting information for the
13 calendar when the court trial is set.
 - 14 b. The defendant shall be advised that they must consent to have their trial heard by
15 use of remote technology. If the defendant chooses not to consent, the trial will
16 be continued until after August 31, 2020 (assuming the public health orders have
17 been modified or vacated by that time). If the defendant expressly consents to
18 appearance by remote technology as provided in Emergency Rules 3 and 5, the
19 trial shall commence. If an attorney is appearing for a defendant, the consent of
20 the defendant shall be made pursuant to Emergency Rule 5.
 - 21 c. The witness for the prosecuting agency (the citing officer) will appear by remote
22 technology by joining the meeting at the time set for trial. Any witness for the
23 prosecution must appear by video mode so that they may be observed when
24 testifying. If the prosecution witness has evidence they wish to admit at trial
25 (such as POST Certificate, radar device certification, speed surveys, speedometer
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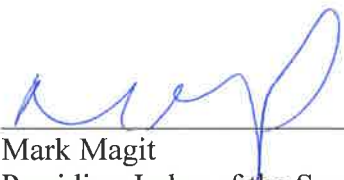
1 checks, maps, etc.), they shall notify the Clerk of the Court for instructions how
2 to submit such evidence for being marked as an Exhibit.

- 3 d. The defendant, appearing as a self-represented litigant, or counsel for the
4 defendant, and any witness for the defendant, will appear by remote technology
5 by joining the meeting at the time set for trial. The defendant must appear by
6 video so that they may be identified by the prosecuting witness. (This does not
7 apply if an attorney is appearing for defendant.) The defendant and any witness
8 for the defendant must appear by video mode so that they may be observed when
9 testifying. If the defendant, defendant's counsel, or witness for the defendant,
10 has evidence they wish to admit at trial (such as maps, photographs, calculations,
11 copies of statutes, copies of driver's license, insurance verification, etc.) they
12 shall notify the Clerk of the Court for instructions how to submit such evidence
13 for being marked as an Exhibit. The Defendant shall promptly notify the Clerk
14 of the Court if an interpreter is needed.
- 15 e. The parties must have a way to electronically receive any evidence that is being
16 introduced by the other party, or be willing to waive inspection of such evidence,
17 if it cannot be viewed through the Zoom application. The Clerk will
18 electronically transmit or publish any evidence introduced during the trial so that
19 both parties may review such evidence.

20 IT IS SO ORDERED.

21 Dated: April 28, 2020

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Mark Magit
Presiding Judge of the Superior Court