GENERAL ORDER NO. 15-04

FOR COURT USE ONLY

FILED

MAR 16 2015

CALAVERAS SUPERIOR COURT
Clerk of Court
K. Campos Deputy

GENERAL ORDER OF THE CALAVERAS COUNTY SUPERIOR COURT AUTHORIZING TRIAL BY DECLARATION FOR INFRACTION CITATIONS WHERE DEFENDANT FAILS TO APPEAR

WHEREAS, the California Vehicle Code provides for a trial by declaration on infractions where the defendant fails to appear as required by law [§ 40903]; and

WHEREAS, infractions of other statutes or local ordinances have no similar uniform criminal procedures when the defendant fails to appear as required by law; and

WHEREAS, processing of all alleged infractions in a timely, uniform, and just manner serves the public interests and promotes uniform justice under the law.

WHEREFORE, IT IS HEREBY ORDERED, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration upon any alleged infraction as charged by the citing officer. Notwithstanding Evidence Code § 1200 et. seq., testimony and other relevant evidence may be introduced in the form of a verified notice to appear issued by the citing officer, a business record or receipt, a sworn declaration of the arresting officer, or a written statement or letter signed by the defendant. If the defendant is dissatisfied with the decision of the court following trial by written declaration, the defendant shall be granted one trial de novo if requested within 20 days of the clerk mailing notice of the decision.

SO ORDERED.

Dated: 3/16/15

Grant V. Barrett
Presiding Judge of the Superior Court

Processing Infractions with No Signed Promise to Appear

Requirements for processing infractions under the General Order

Required of the citing officer:

1. Notice to Appear / Citation verified (signed under penalty of perjury) by the citing officer;
2. Must list an appropriate court date at least 21 days (approximately 45 days out is preferred) after the citation is issued;
3. Sufficient description of the alleged violation with statutory reference;
4. Where no signed promise to appear, the citing officer must include the following:
   a. Declaration establishing the factual connection between the defendant and the violation cited; and
   b. Declaration establishing how the officer determined the mailing address of the defendant.
5. Deliver the original Notice to Appear / Citation to the clerk of the court immediately after issuance.

Required of the court clerk:

1. File the Notice to Appear / Citation and calendar a court date for arraignment;
2. Mail a Courtesy Notice to the defendant at the address provided;
3. Keep any returned mail with the Notice to Appear / Citation;
4. Grant one reasonable continuance of the arraignment at the request of the defendant;
5. If the defendant fails to appear as required by law, proceed to disposition under the General Order. 15-04