

Update as to how Pittsburg misdemeanors will be handled moving forward.
The following comes from Judge Treat.
(Issued 11/14/2022)

Here is the substance of what we're going to be doing in Pittsburg misdemeanors:

1. As far as is reasonably practical, the discussions necessary to a possible disposition – between defense attorney and client, and between defense and prosecution – should take place in advance of court dates, rather than only on the day of hearing and in the courthouse.
2. The Court encourages attorneys to consider whether dispositions may be possible at arraignment.
 - a. If defense counsel know in advance who their client is, they may want to contact the DA's office ahead of time to explore terms.
 - b. Disposition can also be discussed between defense counsel and the DA at the arraignment.
 - c. Where appropriate, counsel can also request bench indications or the like at arraignment, recognizing however that the judicial officer may conclude that more information or input are called for.
3. Calendar dates on the change-of-plea (COP) court calendar will be available only if:
 - a. The parties have a deal worked out, or are highly confident that one will be worked out by the court date.
 - b. The defense wants to ask for a bench offer, or believes that substantive judicial involvement will be helpful.
 - c. The defense wants to ask the Judge to consider an informal grant of diversion. (Of course diversion can also be raised via a formal motion on the law-and-motion calendar.)
4. The usual procedural course at an arraignment hearing will be to set a trial date, not a COP date.
5. If the defense believes at arraignment that the criteria for a COP date are satisfied, it can request a COP date at arraignment instead of a trial date.
6. If a trial date is set at arraignment, but counsel then seek an intervening COP calendar date, that can be obtained via email to Pittsburgcop@contracosta.courts.ca.gov, with a cc to the DA (and any other defense counsel).
 - a. We will have forms available in the arraignment courtrooms that provide that email address and information.
 - b. The request email should include the trial date if one has been set, and any other known dates (e.g. 1538.5 motion). It may also indicate any other relevant time limitations (TNW, counsel's vacation, defendant moving away, etc.). Absent an indication of a time constraint, the date given will be the next available COP date in ordinary course.

- c. Counsel can also indicate a preference for day of the week. COP calendars are Monday morning; Monday afternoon; and Friday morning.
- d. The setting of a COP date will not vacate or affect any trial dates previously set in the case.
 - i. If the existing COP date is earlier than the existing JT date, we can simply address the JT date at the COP hearing.
 - ii. If you want to leave an upcoming JT date in place but request a COP before then, so specify in your requesting email.
 - iii. If you want to vacate the JT date and take a later COP date, it will be necessary to add the case on to the walk-in calendar for that purpose (and to address any TW issues).

7. The email address can also be used to request a change of a COP date previously set.

The DA's office has requested that COP requests be copied to dbell@contracostada.org. The court's email address is not yet operational but should be up and running shortly.