



1 consideration, among other things, the rights of defendants in criminal cases, as well as the safety of  
2 all persons entering the courthouse, including litigants, court staff, judicial officers, and Sheriff's  
3 deputies. In criminal cases, priority has been given to the cases of those defendants who remain in  
4 custody.

5 The court is cognizant of the pressure the incremental resumption of services has placed on  
6 the timely disposition of criminal cases in which the defendants are out of custody and the strain  
7 this puts on criminal defendants. Several such cases have not yet been brought before the court for  
8 an initial arraignment.

9 Appointing counsel for these out-of-custody, pre-arraignment cases will help reduce further  
10 delays and will facilitate a more efficient and expeditious handling of cases by allowing the parties  
11 to proceed with providing and reviewing discovery and engaging in negotiations for possible early  
12 disposition of the cases. In addition, appointing counsel in these cases substantially benefits the  
13 defendants by giving many of them access to a lawyer without having to wait until the arraignment  
14 to speak to one.

15 For good cause and pursuant to Penal Code § 987.2, the court's inherent supervisory and  
16 administrative authority, and the Presiding Judge's duty to promote access to justice for all  
17 members of the public, taking into account the needs of the public and court as they relate to the  
18 efficient and effective management of the court (Cal. Rules of Court, rule 10.603), this court  
19 HEREBY FINDS AND ORDERS AS FOLLOWS:

20 1. In any criminal case that has been filed but the defendant has not yet appeared for initial  
21 arraignment, and the defendant is out of custody, the San Diego Office of the Primary Public  
22 Defender ("PD") is appointed to represent the defendant. The PD is to screen the cases for any  
23 conflicts and refer cases in which there is a conflict to either the Alternate Public Defender's Office  
24 ("APD"), Multiple Conflicts Office ("MCO"), or the Office of Assigned Counsel ("OAC"), as  
25 appropriate. If a case is referred to the APD, MCO, or OAC, that office is appointed to represent  
26 the defendant.

27 2. The appointed agency is to notify the defendant as expeditiously as possible of the  
28 appointment and of the defendant's option to decline the appointment and proceed with retained

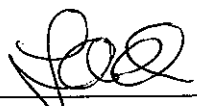
1 counsel or in propria persona ("in pro per"). If the defendant notifies the appointed agency that he  
2 or she has retained counsel, or if the defendant declines appointment, the appointed agency is  
3 relieved of its appointment.

4 3. Any appointment of counsel pursuant to this order is temporary pending the defendant's  
5 initial arraignment or first court appearance. At that initial arraignment or first court appearance,  
6 the appointment will either be confirmed or discontinued. Accepting or declining appointment prior  
7 to this first court appearance does not affect any rights regarding representation the defendant would  
8 otherwise have.

9 THIS ORDER IS EFFECTIVE IMMEDIATELY AND WILL REMAIN IN EFFECT  
10 UNTIL OTHERWISE ORDERED BY THE PRESIDING JUDGE.

11 IT IS SO ORDERED.

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13 DATED: December 31, 2020

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16 **HONORABLE LORNA A. ALKSNE**  
17 **PRESIDING JUDGE**  
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