

**FILED**  
Clerk of the Superior Court

**DEC 27 2021**

By: A. Husted, Deputy

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**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**  
**CENTRAL DIVISION**

**IN RE: AMENDMENT TO LOCAL RULE  
3.1.3**

**GENERAL ORDER OF THE PRESIDING  
DEPARTMENT**

**ORDER NO. 010122-42**

Due to the COVID-19 pandemic, the Governor of California declared a state of emergency in this state. The President of the United States has also declared a national emergency. The COVID-19 pandemic continues to cause significant health and safety concerns nationally, throughout the State of California, and in San Diego County.

In response to the pandemic, the court was closed to the public and suspended services, except for certain time-sensitive and essential functions, from March 17 through May 22, 2020, inclusive. (See General Orders of the Presiding Department, Order Numbers 031820-34, 040320-39, and 043020-47.) Although the court has resumed most services, the pandemic continues to cause various operational impediments for the court and its Justice Partners.

1 The San Diego City Attorney's Office has requested the timeframe in San Diego Superior  
2 Court Local Rules, rule 3.1.3, be extended. The San Diego Public Defender's Office does not  
3 oppose the request.

4 For good cause, and pursuant to the court's inherent supervisory and administrative  
5 authority, this court hereby orders that San Diego Superior Court Local Rules, rule 3.1.3, is  
6 amended to change the timeline for administrative dismissal of a case as follows:

7 If a defendant fails to appear in court for arraignment after a notify letter has been issued by  
8 the prosecutor in a misdemeanor case, the court will set a date 365 days in the future by  
9 which time the prosecutor will decide if he or she will file an Affidavit In Support of Arrest  
10 Warrant. If the prosecutor files an affidavit within this 365-day period, the case will be  
11 referred to the designated criminal department for issuance of a warrant. If no affidavit is  
12 filed within 365 days, the case will be dismissed for lack of prosecution unless the  
13 prosecutor petitions the court within this 365-day period and shows good cause for an  
14 extension of time to either send a notify letter or to file an Affidavit in Support of Arrest  
15 Warrant.


16 This rule does not apply to domestic violence, drug court and Penal Code section 1210 et  
17 seq. cases.

18 The amendment to this rule is not intended to affect any other right or responsibility a party  
19 may otherwise have in a case.

20 This Order shall become effective on January 1, 2022 and will remain in effect until  
21 otherwise ordered by the Presiding Judge.

22 IT IS SO ORDERED.

23 DATED: December 27, 2021



**HONORABLE MICHAEL T. SMYTH**  
**PRESIDING JUDGE**