

**FILED**  
Clerk of the Superior Court

**DEC 08 2020**

By: A. Husted, Deputy

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN DIEGO**

**IN RE: AMENDMENT TO LOCAL RULE 3.1.3 ) GENERAL ORDER OF THE  
PRESIDING DEPARTMENT  
ORDER NO. 120720-108**

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, Ord. Nos. 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.

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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  
8 issued by the prosecutor in a misdemeanor case, the court will set a date 365 days  
9 in the future by which time the prosecutor will decide if he or she will file an  
10 Affidavit In Support of Arrest Warrant. If the prosecutor files an affidavit within  
11 this 365-day period, the case will be referred to the designated criminal  
12 department for issuance of a warrant. If no affidavit is filed within 365 days, the  
13 case will be dismissed for lack of prosecution unless the prosecutor petitions the  
14 court within this 365-day period and shows good cause for an extension of time to  
15 either send a notify letter or to file an Affidavit in Support of Arrest Warrant.  
16 This rule does not apply to domestic violence, drug court and Penal Code section  
17 1210 et seq. cases.

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

20 This order shall take effect immediately, and shall remain in effect until rescinded by the  
21 Presiding Judge.

22 IT IS SO ORDERED.

23 DATED: December 7, 2020



24 HON. LORNA A. ALKSNE  
25 PRESIDING JUDGE