



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO
400 County Center
Redwood City, CA 94063

MEMORANDUM

June 30, 2009

To: All Concerned

From: Stephen M. Hall, Presiding Judge
Robert D Foiles, Acting Presiding Judge
Mark R. Forcum, Criminal Supervising Judge

Re: Drug Court and Proposition 36 Funding

Given significant budget cutbacks the State of California is facing, we have been informed that Proposition 36 funding will terminate effective July 1, 2009.

After consultation with the District Attorney's office, Private Defender program, Probation Department and County Drug and Alcohol Services the following changes to the Drug Court and Proposition 36 calendars are effective August 3, 2009:

A. Drug Court

1. Drug Court will be calendared for Monday mornings at 8:30 a.m. Judge Richard C. Livermore is assigned to be the Drug Court Judge.
2. The current treatment team approach utilized by the Drug Court will remain intact and Judge Livermore will serve as Drug Court Admitting and Review Judge.
3. The current venue lines utilized dividing the Drug Court caseload between the Northern and Southern branch jurisdictions will remain with the exception set forth in Number 4 below. Accordingly, the scheduling of Drug Court will rotate each week between the Northern and Southern branch courts. Northern Drug Court will continue to be conducted in Judge Livermore's courtroom in South San Francisco. Southern Drug Court will be conducted in Redwood City at the Hall of Justice Courtroom 4C.

The 2009 schedule showing the Drug Court rotation between the Northern and Southern branches is attached.

4. If a Drug Court participant is arrested and is in custody on a probation violation, that individual's Drug Court case will be assigned to the next available Drug Court Calendar, either in Northern or Southern.

B. Proposition 36 Cases

Effective July 1, 2009 the following changes are made to the Proposition 36 calendars.

1. New felony and misdemeanor Proposition 36 cases that appear on in custody and out of custody arraignment calendars for their first appearances will be handled in the same manner as court and counsel have previously dealt with them, with the exceptions set forth below.

2. Felony Proposition 36 cases not resolved on the in custody arraignment calendar will continue to be overseen by the Criminal Presiding Judge for Superior Court reviews and Superior Court felony pre-trial conferences.

3. Effective July 1, 2009, new felony Proposition 36 cases will be placed on the Probation Department's administrative caseload.

Effective July 1, 2009, misdemeanor Proposition 36 cases will be sentenced to court probation.

4. Effective August 3, 2009, the Northern and Southern Branch Court Proposition 36 calendars are canceled.

5. After August 3, 2009 any Proposition 36 felony probation violation, and any new accompanying criminal case are to be set before the Criminal Presiding Judge, on the Superior Court review calendar. As these cases involve probation violations they are no longer subject to resolution on the in custody arraignment calendar.

6. After August 3, 2009 any Proposition 36 misdemeanor probation violation and any new accompanying criminal case may be resolved on the in custody arraignment calendar, or any misdemeanor in custody or out of custody pre-trial calendar.

7. If a defendant is assigned to Proposition 36 court prior to July 1, 2009, and violates probation after July 1, 2009, that offender will continue to have their case heard in the current Proposition 36 courts until August 3, 2009.

Effective August 3, 2009 any of the defendants described in this paragraph will be scheduled on Judge Livermore's Monday morning drug court calendars.

8. In light of the lack of funding for future Proposition 36 treatment, Proposition 36 sentencing scripts will be modified and provided to all Judicial Officers with this memorandum.

9. If anyone has any questions about the new Drug Court and Proposition 36 court protocols, please feel free to contact Supervising Criminal Judge Mark R. Forcum on his work cell 650-996-1834 or by email at mforcum@sanmateocourt.org.

Thanks for all your help during this transition process.

2009 DRUG COURT ROTATING SCHEDULE

August 3, 2009	Northern
August 10, 2009	Southern
August 17, 2009	Northern
August 24, 2009	Southern
August 31, 2009	Northern
September 7, 2009	Holiday No Drug Court Set
September 14, 2009	Southern
September 21, 2009	Northern
September 28, 2009	Southern
October 5, 2009	Northern
October 12, 2009	Holiday No Drug Court Set
October 19, 2009	Southern
October 26, 2009	Northern
November 2, 2009	Southern
November 9, 2009	Northern
November 16, 2009	Southern
November 23, 2009	Northern
November 30, 2009	Southern
December 7, 2009	Northern
December 14, 2009	Southern
December 21, 2009	Northern
December 28, 2009	No Drug Court Set