FILED
SAN MATEO COUNTY

APR 05 2017

Clerk of the Superior Court
By Charlene Kresevich
DEPUTY CLERK

STANDING ORDER 17-143_

IN THE SUPERIOR COURT OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN MATEO

SUPERIOR COURT OF CALIFORNIA **COUNTY OF SAN MATEO**	**ORDER AUTHORIZING A JUDGE TO ORDER ONLY ONE FORENSIC EVALUATION OF A DEFENDANT IN ALL MISDEMEANOR CASES WHERE DEFENSE RAISES THE ISSUE OF THE DFENDANT'S COMPETENCY UNLESS IN THE INTEREST OF JUSTICE IT IS DEEMED NECESSARY TO ORDER TWO EVALUATIONS PURSUANT TO PENAL CODE SECTION 1369**

WHEREAS, the California Penal Code section 1369 (a) provides:

"*..(a) The court shall appoint a psychiatrist or licensed psychologist, and any other expert the court may deem appropriate, to examine the defendant. In any case where the defendant or the defendant's counsel informs the court that the defendant is not seeking a finding of mental incompetence, the court shall appoint two psychiatrists, licensed psychologists, or a combination thereof.*"; and

WHEREAS, it has been the policy of this Court that two psychiatrists or licensed psychologists have been appointed to conduct such evaluations on defendants in misdemeanor cases; and

WHEREAS, while the Court has had sufficient resources in the past to conduct the ordered evaluations, there has been a rise over the past two years in the number of requests for competency evaluations that has resulted in an increase in the number of ordered evaluations by the Court; and

WHEREAS, the resources to provide doctors to conduct the evaluations has been taxed and they are no longer able to comply with the time frame within which to conduct the

evaluations and submit their reports that now results in continuances of hearings in order for them to complete their evaluations; and

WHEREAS, the Court is unable to provide timely resolutions of the defendant's competency thus impacting the administration of justice; and

WHEREAS, the San Mateo County District Attorney in consultation with the San Mateo County District Attorney's Office and the Superior Court's Criminal Division Judicial leadership have agreed to change its past policy of appointing two forensic doctors to conduct forensic evaluations of misdemeanor defendants.

NOW THEREFORE FOR GOOD CAUSE SHOWN AND UNDER THE AUTHORITY PROVIDED UNDER PENAL CODE § 1369(a) IT IS HEREBY ORDERED AND DECREED, that the judicial officers of the Superior Court of California, County of San Mateo will appoint only one psychiatrist or licensed psychologist to conduct a forensic evaluation of a misdemeanor defendant if the issue of the defendant's competency is raised by the defense.

IT IS FURTHER ORDERED that if the defense does not raise the issue of the defendant's competency and for any other situation at the Court's discretion, the judicial officer can order two evaluations to be performed initially.

IT IS FURTHER ORDERED that this order shall remain in effect indefinitely and until such time as the order is vacated or superseded by order of the Presiding Judge or by changes to the applicable laws.

Dated: APR 05 2017

Susan I. Etezadi
Presiding Judge