



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

**MEMORANDUM**

October 13, 2009

To: All Concerned

From: Stephen M. Hall, Presiding Judge  
Mark R. Forcum, Criminal Supervising Judge

Re: Felony Proposition 36 Protocols

Since our last memorandum was issued on June 30, 2009, we have been informed that San Mateo County has been allocated some additional funding for Proposition 36 treatment and probation supervision, for this fiscal year.

After consultation with the District Attorney's office, Private Defender program, Probation Department and County Drug and Alcohol Services the following changes to Proposition 36 calendars are effective October 13, 2009:

**Proposition 36 Cases**

1. New **felony** Proposition 36 cases that appear on in custody and out of custody arraignment calendars for their first appearances will be handled initially in the same manner as court and counsel have previously dealt with them, prior to our June 30, 2009 memorandum.
2. **Felony** Proposition 36 cases resolved on the in custody or out of custody arraignment calendars or on the Criminal Presiding Judges calendar, will be sentenced to Proposition 36 terms and conditions of probation utilized prior to June 30, 2009. Accordingly, Defendants will be placed on supervised probation, referred for the preparation of an assessment and treatment plan, and ordered to complete a drug and alcohol treatment program.
3. Effective October 13, 2009, new **felony** Proposition 36 cases will be placed on the Probation Department's supervised probation caseload.
4. Effective October 13, 2009, any Proposition 36 **felony** probation violation, is to be set on the next available Proposition 36 calendar heard by Judge Richard C. Livermore, Department 26.
5. Judge Livermore conducts Proposition 36 and Drug Court calendars every Monday morning at 9:00 a.m. Judge Livermore will hear all Proposition 36 calendars on the

same rotating schedule set forth in our June 30, 2009 memorandum. A copy of that schedule is updated for this fiscal year and is attached.

6. CJIS event codes utilized prior to the June 30, 2009 memorandum for Probation 36 cases are to be used again in **felony** cases only.

7. A new sentencing script for **felony** Proposition 36 cases will be provided to all Judicial Officers, with this memorandum.

8. All misdemeanor Proposition 36 cases will continue to be treated in the same manner as set forth in our June 30, 2009 memorandum.

9. If anyone has any questions about these new Proposition 36 court protocols, please feel free to contact Supervising Criminal Judge Mark R. Forcum on his work cell 650-996-1836 or by email at [mforcum@sanmateocourt.org](mailto:mforcum@sanmateocourt.org).

Thanks for all your help and patience during this continuing transition process.

List Attached

**2009 PROPOSITION 36 & DRUG COURT ROTATING SCHEDULE**

October 12, 2009	Holiday No Prop 36/ 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	Holiday No Prop 36/ Drug Court Set
January 4, 2010	Southern
January 11, 2010	Northern
January 18, 2010	Holiday No Prop 36/ Drug Court Set
January 25, 2010	Southern
February 1, 2010	Northern
February 8, 2010	Southern
February 15, 2010	Holiday No Prop 36/ Drug Court Set
February 22, 2010	Northern
March 1, 2010	Southern
March 8, 2010	Northern
March 15, 2010	Southern
March 22, 2010	Northern
March 29, 2010	Southern
April 5, 2010	Northern
April 12, 2010	Southern
April 19, 2010	Northern
April 26, 2010	Southern
May 3, 2010	Northern
May 10, 2010	Southern
May 17, 2010	Northern
May 24, 2010	Southern
May 31, 2010	Holiday No Prop 36/ Drug Court Set
June 7, 2010	Northern
June 14, 2010	Southern
June 21, 2010	Northern
June 28, 2010	Southern