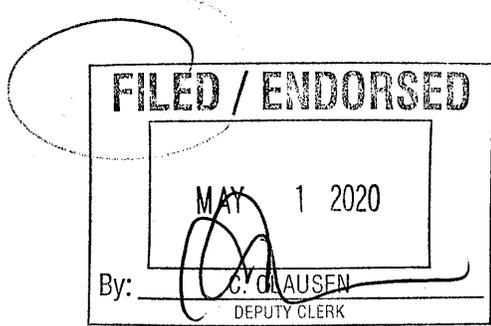


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SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SACRAMENTO

ORDER OF THE SACRAMENTO  
SUPERIOR COURT

**ORDER REGARDING MENTAL  
HEALTH HEARINGS**

GOOD CAUSE APPEARING, AND BY AGREEMENT OF THE  
SACRAMENTO DISTRICT ATTORNEY'S OFFICE, THE SACRAMENTO COUNTY  
PUBLIC DEFENDER'S OFFICE, DEPARTMENT OF BEHAVIORAL HEALTH,  
AND COUNTY COUNSEL, IT IS HEREBY ORDERED:

- 1) It is in the best interest of public health to not conduct in person mental health hearings regarding (1) writ of habeas corpus hearings and (2) Riese petitions at acute psychiatric facilities or the main jail. These hearings shall be held consistent with the Judicial Council Emergency Rule 3(a)(1) and (3).
- 2) Mental Health Riese Petitions and Writ of Habeas Corpus hearings shall be conducted through either telephonic and/or declaration.
- 3) The mental health hearing calendar will take place on Mondays and Thursdays beginning at 1:30 p.m. for all psychiatric facilities. Mental health hearings for the jail will take place on Tuesdays and Fridays at 1:30 p.m. In the event of

1 hearings set at multiple facilities, the Court will assign specific start times to  
2 each facility by email prior to 1:00 p.m. the day of the hearing.

3 4) Upon a patient requesting a writ of habeas corpus or a facility requesting a  
4 Riese petition, facilities shall provide the following “packet” of discovery to its  
5 Counsel and Public Defender:

- 6 a) All certification holds
- 7 b) Last two notes from the social worker
- 8 c) Last two days of progress reports
- 9 d) Last week of medication management charts
- 9 e) Most recent diagnosis

10 5) Timelines for mental health hearings include:

11  
12 a. Riese Petitions: Riese petition shall include a declaration from an expert  
13 and a copy of the packet of discovery. Riese petitions shall be filed by  
14 12:00 p.m. the day prior to the hearing. Upon receipt of this petition,  
15 Public Defender will interview the patient. If the patient requests a  
16 telephonic hearing, Public Defender will notify the court by 9:00 a.m. the  
17 day of the hearing. Public Defender will also submit their declaration in  
18 response to County Counsel’s declaration by 9:00 a.m. the day of the  
19 hearing. If Public Defender chooses not to submit a response, Public  
20 Defender must notify the mental health hearing calendar as soon as possible  
21 but no later than 12:00 p.m. on the day of the hearing.

22  
23 b. Writ Motions: Public Defender will notify the mental health hearing  
24 calendar by 12:00 p.m. the day before hearing with the names of any  
25 patients requesting a writ of habeas corpus. Public Defender will also  
26 notify the mental health hearing calendar by 9:00 a.m. the day of the  
27 hearings if the patient is requesting a telephonic hearing. The Public  
28 Defender may provide to the court, County Counsel and/or District

1 Attorney a declaration. The Public Defender will provide a copy of the  
2 “packet” of discovery by 9:00 a.m. the day of the hearing. Public Defender  
3 will also provide a “Third Party Assist” Declaration if appropriate. Parties  
4 agree that the Public Defender can sign the “Third Party Assist”  
5 Declaration based on a conversation with the third party. If the District  
6 Attorney and/or County Counsel choose to submit a declaration in response  
7 it shall be provided as soon as possible but no later than 12:00 p.m. on the  
8 day of the hearing. If the District Attorney or County Counsel chooses not  
9 to file a declaration, District Attorney/County Counsel may submit on the  
10 discovery but must notify mental health hearing calendar by 12:00 p.m. on  
11 the day of the hearing.  
12

13 6) Any newly discovered information that counsel chooses to have the court  
14 consider, must be provided to all parties by 10:30 a.m. the day of the hearing.  
15 Any rebuttal declarations maybe submitted by 12:00 p.m. the day of the  
16 hearing.  
17

18 7) If a patient requests a telephonic hearing, the Public Defender will notify the  
19 Court by 9:00 a.m. the day of the hearing.  
20

21 8) Facilities shall provide a list of all experts to the Public Defender. Public  
22 Defender shall notify the facilities of any objection to an expert. If Public  
23 Defender objects to an expert, counsel for the facilities shall provide to Public  
24 Defender the CV of the expert and an opportunity to talk to the expert. Once  
25 Public Defender reviews CV and is given an opportunity to speak to the expert,  
26 Public Defender will be able to submit on the resident/doctor qualifications as  
27 an expert.  
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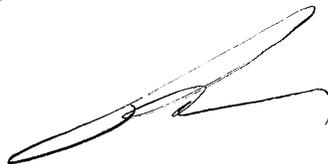
1 9) Counsel may provide a standing *Sanchez* Motion for the Court to consider when  
2 reviewing its “packet” of discovery. The court will use its own discretion when  
3 considering whether to exclude evidence based on *Sanchez*.

4  
5 10) Sierra Vista, Heritage Oaks, Sacramento County Mental Health Treatment  
6 Center, Crestwood Sacramento, Crestwood American River, Veteran’s  
7 Administration at Mather, Sutter Psychiatry, and the jail shall provide the Public  
8 Defender:

- 9 a) Two time slots a week where the Public Defender can contact patients over  
10 the phone or other electronic means.
- 11 b) Confidential phone meetings where the patient can speak to their Public  
12 Defender in a confidential setting.
- 13 c) Staff from the facility who can coordinate the phone meetings with each  
14 patient and verify to the Public Defender the name of the patient that will  
15 be placed on the phone. If patient is catatonic or unable to verbally  
16 communicate, facility will need to coordinate an electronic video interview  
17 with the Public Defender.
- 18 d) Discovery of the patient. Specifically, facilities must also provide by email  
19 to the Public Defender prior to the phone interview with the patient, (i) a  
20 copy of all certification holds, (ii) the last two days of progress notes, (iii)  
21 last two entries of social worker notes, and (iv) one week of medication  
22 compliance history.

23 11) This order is temporary and will be removed 90 days after the lifting of the  
24 emergency public health crisis.

25 DATED: 5/1/2022



26 HONORABLE RUSSELL L. HOM  
27 PRESIDING JUDGE OF THE SUPERIOR COURT  
28 STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

