



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

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RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

April 26, 2010

Hon. Tom Ammiano, Chair
Assembly Public Safety Committee
State Capitol, Room 4005
Sacramento, California 95814

Subject: AB 2056 (Miller), as introduced - Oppose
Hearing: Assembly Public Safety Committee – May 4, 2010

Dear Assembly Member Ammiano:

The Judicial Council opposes AB 2056, which adds cases involving assault with the intent to commit rape to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings when the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in another case.

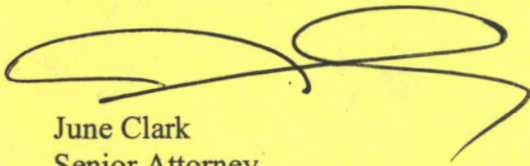
We believe strongly that it is appropriate and more effective to have the court determine whether there is good cause for a continuance on a case-by-case basis based on the particular facts before it. If the prosecutor makes the necessary showing that the circumstances in the case reasonably require additional time, the court can grant the continuance under current law. Under this proposal, the mere fact that a prosecutor is trying an assault with the intent to commit rape case and is unavailable is enough to give the prosecutor an automatic continuance. Regardless of the facts or circumstances, the court would not be authorized to deny the continuance. This bill is unnecessary and inappropriately interferes with the court's function.

Hon. Tom Ammiano
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Penal Code §1050 currently requires granting of a continuance to a prosecutor who is unavailable in cases involving murder, stalking, domestic violence, and vertical prosecutions handled in the Career Criminal Prosecution Program. The council is extremely concerned that the list of "automatic" continuances, which were unnecessary to begin with, will only continue to grow. Automatic continuances inappropriately put criminal case management within the control of the prosecution and make the court's calendar management much more difficult.

For these reasons, the Judicial Council opposes AB 2056.

Sincerely,

A handwritten signature in black ink, appearing to be 'June Clark', with a stylized, flowing script.

June Clark
Senior Attorney

JC/yt

cc: Members, Assembly Public Safety Committee

Hon. Jeff Miller, Member of the Assembly

Riverside County District Attorney Rod Pacheco

Ms. Milena Nelson, Counsel, Assembly Public Safety Committee

Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor

Ms. Kirsten Kolpitcke, Deputy Director of Legislation, Governor's Office of Planning and Research

Mr. Gary Olson, Consultant, Assembly Republican Office of Policy



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April 26, 2010

Hon. Jeff Miller
Member of the Assembly
State Capitol, Room 3147
Sacramento, California 95814

Subject: AB 2056 (Miller), as introduced - Oppose

Dear Assembly Member Miller:

The Judicial Council opposes AB 2056, which adds cases involving assault with the intent to commit rape to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings when the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in another case.

We believe strongly that it is appropriate and more effective to have the court determine whether there is good cause for a continuance on a case-by-case basis based on the particular facts before it. If the prosecutor makes the necessary showing that the circumstances in the case reasonably require additional time, the court can grant the continuance under current law. Under this proposal, the mere fact that a prosecutor is trying an assault with the intent to commit rape case and is unavailable is enough to give the prosecutor an automatic continuance. Regardless of the facts or circumstances, the court would not be authorized to deny the continuance. This bill is unnecessary and inappropriately interferes with the court's function.

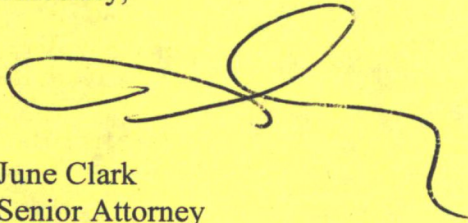
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For these reasons, the Judicial Council opposes AB 2056.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line and a small vertical stroke at the end.

June Clark
Senior Attorney

JC/yt

cc: Riverside County District Attorney Rod Pacheco
Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor
Ms. Kirsten Kolpitcke, Deputy Director of Legislation, Governor's Office of Planning and Research