



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393

Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

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

KATHLEEN T. HOWARD
Director, Office of Governmental Affairs

April 17, 2006

Hon. Judy Chu, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 2814 (Koretz), as amended March 28, 2006 - Oppose

Dear Assembly Member Chu:

The Judicial Council opposes AB 2814, which adds cases involving elder or dependent abuse to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings under Penal Code section 1050.

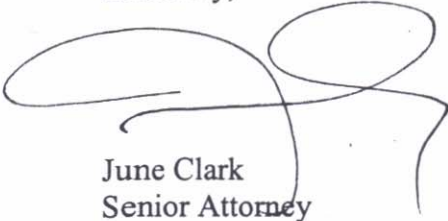
The Judicial Council opposes AB 2814 because it is more effective and appropriate to have the court determine whether there is good cause for a continuance on a case-by-case basis. The court is then able to carefully balance the defendant's constitutional right to a speedy trial with the prosecution's scheduling needs. This balancing of parties' rights is a core judicial function. If the prosecutor makes the necessary showing that the circumstances in the case require additional time, the court can grant the continuance under current law. Under this proposal, the mere fact that a prosecutor is trying one of the enumerated cases 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.

Automatic continuances inappropriately put criminal case management within the control of the prosecution and make calendar management more difficult.

April 17, 2006
Page 2

For these reasons, the Judicial Council opposes AB 2814.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' and 'C' that are interconnected.

June Clark
Senior Attorney

JC/ml

cc: Members, Assembly Appropriations Committee
Hon. Paul Koretz, Member of the Assembly
Mr. Geoff Long, Principal Consultant, Assembly Appropriations Committee
Mr. Allan Cooper, Consultant, Senate Republican Office of Policy
Mr. Eric Csizmar, Deputy Legislative Secretary, Office of the Governor
Ms. Sue Blake, Director of Legislation, Office of Planning and Research