

El Dorado County judges told to follow the law, not make their own

By Denny Walsh, Sacramento Bee

The El Dorado County judiciary's penchant for doing things its own way has run afoul of a state appeals court.

The bottom-line question before the higher court was: Can judges ignore a law they don't like and make their own rule?

A resounding "No" was the answer from the Sacramento-based 3rd District Court of Appeal.

El Dorado Superior Court adopted a local rule mandating that all misdemeanor defendants be present at what is usually the last in-court proceeding before trial. It is called a "readiness and settlement conference," and it is "the last possible point of negotiation," at which a defendant either agrees to a plea deal or defense counsel and the prosecutor announce they are ready for trial.

The judges in El Dorado County decided the absence of the defendant precludes a meaningful conference because no settlement is possible without the acquiescence of the accused. They argue that if a defendant says on the day trial is set to begin that he will accept a plea bargain, valuable resources have been wasted, including a jury pool summoned to the courthouse and trial preparation by the district attorney's office.

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