

## MEMORANDUM

From: Hon. Gilbert Romero  
Re: Out of Custody Criminal Telephonic Appearances  
Date: March 30, 2020

---

### OUT OF CUSTODY CRIMINAL TELEPHONIC APPEARANCES

**In response to the worldwide Corona Virus pandemic, the Court makes the following notice and orders:**

Consistent with the recommendations of the Chief Justice of the California Supreme Court, and the Judicial Council of the State of California, that trial courts allow liberal use of telephone or video appearance by counsel and defendant for routine or non-critical criminal matters, and in order to promote social distancing, the Court will be implementing the following procedures for out of custody Misdemeanor and Felony Criminal Matters.

Counsel shall send the court an email two court days prior to an out-of-custody misdemeanor or felony appearance that contains counsel's name and contact information, the name of the defendant and case number of each matter counsel will be appearing on. The email shall also include the reason the matter is on calendar, and if an interpreter is required, the type of interpreter that will be needed. Counsel is also required to notify the prosecuting agency of the telephonic appearance as well.

If counsel will be appearing pursuant to Penal Code section 977 it is the responsibility of each lawyer to either obtain 977 authority, to have their client present with counsel, or have their client present for the telephonic conference call. The Court will make no additional efforts to make contact with any defendant or defense attorney.

Out of custody FELONY cases can be handled by telephonic appearance if a written Penal Code section 977 waiver is provided to the court. Felony 977 waivers may be emailed to the court as long as they substantially comply with Penal Code 977(b)(1). See People v. Robertson (1989) 48 Cal.3d 18. See also California Chief Justices Second Advisory on Emergency Relief Measures bullet point 8. For felony out of custody cases, you may attach a separate written 977 waiver form that must be in PDF format to your email.

The email shall be sent to [Crim-NC@ventura.courts.ca.gov](mailto:Crim-NC@ventura.courts.ca.gov)

On the day and time of the appearance counsel is to call the following number: Toll free number:  
888-278-0296  
Access Code: 4728194

These procedures will be in place as long as local and state emergencies are in place.

Hon. Gilbert A. Romero, Judge  
Ventura County Superior Court  
800 So. Victoria Avenue  
Ventura, CA 93006-6489