

BY Hinojosa, Ana
DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN

**IN RE: USE OF MISDEMEANOR
ARRAIGNMENT ADVISEMENT OF
RIGHTS VIDEO**

MISCELLANEOUS NO.: STO-24-0014

THE COURT HEREBY FINDS AND ORDERS AS FOLLOWS:

This order is issued under the authority of California Rules of Court, rule 10.603(a)(1), which authorizes the presiding judge to establish policies and allocate resources in a manner which “promotes access to justice for all members of the public, provides a forum for the fair and expeditious resolution of disputes, maximizes the use of judicial and other resources, increases efficiency in court operations, and enhances service to the public.” (Cal. Rules of Court, rule 10.603(a)(1).)

In misdemeanor arraignment proceedings, the Court may collectively advise those charged with misdemeanors of their constitutional rights when there is assurance the announcement was heard and understood. (In re Johnson (1965) 62 Cal.2d 325, 332, fn. 5, 336.) The record that the announcement was heard and understood can be made by supplementing the collective warning by a written waiver


1 form, read and signed by the defendant, or a stenographic transcript. (Mills v.
2 Municipal Court (1973) 10 Cal.3d 288, 307.)

3 A pivotal component of the misdemeanor arraignment process is informing
4 criminal defendants of their rights pre-arraignment, via an advisement of rights video,
5 which provides pre-recorded statements from a judicial officer and the public defender
6 that comprehensively inform misdemeanor defendants about their constitutional and
7 statutory rights, including the right to counsel. The current version of the Court's
8 advisement of rights video was recorded on or about October 24, 2023, and
9 distributed to all of the Court's regional divisions as of November 3, 2023. In addition,
10 the presiding judicial officer, in the exercise of his or her discretion, makes an
11 appropriate record that misdemeanor defendants have heard and understood the
12 advisement of rights video before waiving any rights discussed therein. Furthermore,
13 while the presiding judicial officer maintains discretion to supplement the advisements
14 included in the Court's advisement of rights video, the presiding judge and/or his or
15 her designee may modify the advisement of rights video to reflect updates in the law,
16 as appropriate.

17 Pursuant to Code of Civil Procedure section 575.1, California Rules of Court,
18 rule 10.613, and Government Code section 68070, et seq., the Court intends to
19 prepare a proposed local rule that further adopts this standing order. The Court
20 anticipates consideration and adoption of the local rule by July 1, 2025.

21 THIS ORDER IS EFFECTIVE IMMEDIATELY.

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23 Dated: December 5, 2024.

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J. Eric Bradshaw, Presiding Judge
Kern County Superior Court