

1 SUPERIOR COURT
2 COUNTY OF SAN BERNARDINO
247 West Third Street, Eleventh Floor
San Bernardino, CA 92415-0210

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8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN BERNARDINO**
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11 IN RE:

12 DISMISSAL OR CLOSURE OF
13 INFRACTION OR MISDEMEANOR CASE
14 DUE TO DEATH OF DEFENDANT
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} GENERAL ORDER OF THE
PRESIDING JUDGE

18 In an effort to reduce judicial and clerical time used to process requests to
19 dismiss or close cases based on official notice of the death of a defendant, it is hereby
20 ordered that the Clerk's Office dismiss open cases and close sentenced cases for
21 misdemeanor and infraction matters. In addition, this general order shall allow the
22 Clerk's Office, where appropriate, to suspend fine or fee balances, terminate probation,
23 exonerate and return bail bonds, vacate future hearings, and recall warrants.
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25 Pursuant to Penal Code section 1385, the Court finds that it is in the interest of
26 justice to dismiss pending charges upon the death of the defendant. Pursuant to Penal
27 Code section 1203.3, subdivision (a), the Court finds that it is in the interest of justice to
28 revoke and terminate probation upon the death of the defendant.

1 The Clerk's Office shall dismiss or close matters which it determines, from the
2 records on file in the case and from any petition, meet the following criteria: 1) the
3 Clerk's Office has received official notice of the death of the defendant to include a
4 certified copy of a death certificate or, if submitted by a government agency identified in
5 the Criminal Procedures Manual Death of Defendant Procedures, a copy of a death
6 certificate or a copy of the "Death Master File"; 2) the case is a misdemeanor or
7 infraction; 3) the case is not on appeal; and 4) victim restitution is not outstanding.

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9 The Clerk's Office is ordered to verify that the defendant's name and date of birth
10 match the official notice of death of the defendant and that the above criteria are met
11 before the cases are dismissed. Any variations shall be routed to a judicial officer for
12 determination.

13 This order is effective immediately and supersedes the general order entitled
14 *Dismissal or Closure of Infraction or Misdemeanor Case Due to Death of a Defendant*,
15 signed on May 23, 2016, by Presiding Judge Haight III.

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17 Dated this 2nd day of Jan., 2018.

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23 John P. Vander Feer
24 Presiding Judge of the Superior Court
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