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**PRESS RELEASE
MARCH 31, 2020**

**PUBLIC DEFENDER FILES WRIT CHALLENGING COURT'S REFUSAL
TO HEAR INMATE RELEASE MOTIONS**

SANTA BARBARA, Calif. -- The Public Defender's Office filed a writ of habeas corpus yesterday challenging the Santa Barbara County Superior Court's current policy that bars any hearings for the pre-trial release of persons held in county jail and only allows persons to be released from custody if the prosecution agrees to release. The Public Defender's Office alleges that the Court's action deprives in-custody clients of their due process rights and is a violation of the separation of powers doctrine.

Attorneys for the petitioners, Sean Rodriguez, Isael Elenes, and Christopher Huntfox filed emergency motions asking that the court set hearings to consider their release or a bail reduction in light of the novel coronavirus pandemic. The Santa Barbara Superior Court rejected the defendants' requests to calendar their cases. The Court has mandated that it will only consider pre-trial release for those defendants where there is a stipulation agreement by the prosecution and defense. Since March 18, 2020, the Public Defender's Office has attempted to file dozens of release motions on behalf of clients being held in custody and who cannot afford bail. All of these motions have been rejected by the Court.

"In our justice system, the Superior Court is supposed to be an impartial arbiter. Right now, it has handed over all of its discretion to release our clients to the prosecutor, a party that is biased against our clients," said Public Defender Tracy Macuga. "The Court's decision gives the prosecution the keys to the courthouse and all but guarantees that hundreds of pre-trial detainees will continue to languish in unsanitary and dangerous conditions."

The Public Defender's challenge to the Superior Court comes two days after the California Judicial Council unanimously voted to dramatically restrict speedy trial rights for all people in California. The deadline for an arraignment, or a first court appearance after an arrest, was extended from 48 hours to 7 days. The timeframe allowed for a preliminary hearing, or a probable cause hearing, in felony cases was extended from 10 court days to 30 court days, or 6 full weeks. The Judicial Council's actions follow the March 23, 2020, order by California Supreme Justice Tani Cantil-Sakauye that suspended all jury trials for 60 days and added 60 days to existing speedy trial right deadlines. For misdemeanors the deadline for a speedy jury trial was extended from 30 calendar days to 90 days, and for felony trials from 60 calendar days to 120 days.

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At a time when public health experts are calling for jail populations to be reduced to prevent an outbreak of COVID-19 infections, this action will cause more pre-trial detainees who cannot afford bail to remain in custody at the Santa Barbara County Jail for longer periods of time.

“We are not talking about people who are sitting in jail because they’ve been convicted of serious or violent offenses. We are talking about people who are awaiting trial, presumed innocent, and who are only in custody because they cannot afford to bail out,” said Macuga. “If you are rich and have the money to afford bail, then this is a non-issue.”

Public Defender Macuga previously called for the jail to reduce its population due to the fact that jail conditions do not allow for social distancing or the necessary hygiene to prevent a COVID-19 outbreak. Since then the Public Defender’s Office has worked with the Sheriff’s Office to secure the release of inmates who were post-sentence or post-plea and had upcoming release or sentencing dates.

“Our office has been trying to negotiate with prosecutors to try to release people because of the danger of infection in jail,” said Macuga. “However, when those negotiations fail, we have no remedy. Our local judges have locked us out of the courthouse and sanctioned keeping our clients locked inside of cages indefinitely rendering them vulnerable to infection. It is a pre-trial punishment of a cruel and unusual nature that is being imposed upon the poorest citizens of our county.”

The Santa Barbara Public Defender’s Office was established in 1969. Our mission is to zealously protect the rights, liberties and dignity of all persons in Santa Barbara County and maintain the integrity and fairness of the American Justice System by providing the finest legal representation in the cases entrusted to us through compassionate and innovative advocacy with care and respect for our clients.

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