

1 SUPERIOR COURT
2 COUNTY OF SAN BERNARDINO
3 247 West Third Street, Eleventh Floor
4 San Bernardino, CA 92415-0302
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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 EXTENDING DATES FOR CRIMINAL
13 TRIALS AND PRELIMINARY
14 EXAMINATIONS
15

}
} GENERAL ORDER OF THE
} PRESIDING JUDGE
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16 On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency in
17 California as a result of COVID-19. On March 13, 2020, former President Donald Trump
18 declared a national emergency which continues unabated. Since declaring the state of
19 emergency, Governor Newsom and state and county public health officials have issued
20 additional guidelines targeted at limiting the spread of COVID-19.

21 On March 19, 2020, Governor Newsom issued an Executive Order, and the state
22 Public Health Officer issued a Public Health Order, instructing all individuals living in the
23 state to stay home or at their place of residence, except as needed to facilitate
24 authorized, necessary activities or to maintain the continuity of operations of critical
25 infrastructure sectors. Governor Newsom and state public health officials have also
26 prohibited most types of mass gatherings. Federal, state, and local public health
27 officials have mandated that persons gathered with individuals who are not members of
28 the same residence must implement social distancing of at least 6 feet between

1 individuals. They have also determined that people over 65 years old, smokers, people
2 with compromised immune systems, and people who have serious chronic medical
3 conditions are at higher risk of contracting COVID-19. Therefore, they recommend that
4 people at higher risk avoid leaving their homes.

5 In early May Governor Newsom and the state Public Health Officer introduced a
6 Pandemic Resilience Roadmap. On May 7, 2020, the State Public Health Officer
7 announced that statewide data supported the gradual movement of the entire state into
8 Stage 2 of the Pandemic Resilience Roadmap. On May, 2020, the Governor outlined a
9 process where counties that met specific criteria could move more quickly than other
10 parts of the state through Stage 2 of the Stay-at-Home order. San Bernardino County
11 availed itself of that process, and on May 23, 2020, the state approved the County's
12 request to reopen businesses in accordance with the Pandemic Resilience Roadmap.

13 Unfortunately, after the state permitted many counties to resume business
14 operations, the number of confirmed COVID-19 cases and hospitalizations in the state
15 increased significantly. Initially, the state attempted to address the rapidly escalating
16 number of COVID-19 cases on a county-by- county basis. On June 28, 2020, the
17 California Department of Public Health (CDPH) issued guidance setting forth the need
18 to close bars and similar establishments in counties that had been on the County
19 Monitoring List, which included counties that show concerning levels of disease
20 transmission, hospitalizations, insufficient testing, or other critical epidemiological
21 markers, for 14 days. San Bernardino County was included on that list.

22 On July 1, 2020, CDPH issued guidance specific to counties on the County
23 Monitoring List — including San Bernardino County— requiring closure of the indoor
24 operations of various sectors, including restaurants, wineries, and certain entertainment
25 venues. Despite the state's efforts to manage the continuing escalation of COVID-19
26 cases on a countywide basis, the numbers continued to rise causing the state Public
27 Health Officer to issue an order on July 13, 2020, mandating statewide closure of some
28 types of businesses, and/or imposing operational restrictions for other types of

1 businesses. Of the four levels of the risk established by the state, San Bernardino was
2 included in the most concerning category – Widespread. Counties included in the
3 Widespread category had the highest daily rates of new cases and positive tests.

4 After Thanksgiving, there was an unprecedented rise in the increase of COVID-
5 19 cases, hospitalizations, and positive test results statewide, prompting the Public
6 Health Officer to issue a Regional Stay at Home Order on December 3, 2020, that
7 required counties located in regions with less than 15% ICU bed capacity to implement
8 varying forms of stay-at-home requirements and modified business operations for local
9 businesses, places of worship, and schools. The Southern California region, which
10 includes San Bernardino County, had less than 0% ICU bed capacity, and therefore
11 San Bernardino County was subject to the Regional Stay at Home Order. At that time,
12 the number of confirmed COVID-19 cases had increased from 107,928 to 234,871,
13 representing an increase of more than 120% over approximately 30 days.

14 The Public Health Officer rescinded the Regional Stay Home Order on January
15 25, 2021, after projected ICU bed capacity statewide increased to more than 15%.
16 However, counties are still subject to the tier-based restrictions set forth in the State's
17 Blueprint for a Safer Economy and San Bernardino County was still included in the
18 Widespread tier of the Blueprint for a Safer Economy. In February 2021, the State
19 modified metrics for tier determinations under the Blueprint for a Safer Economy to
20 include the number of people who had been vaccinated. On March 14, 2021, the State
21 announced that under the new metrics, San Bernardino County would be moved to the
22 less restrictive tier, Red, which represents Substantial COVID-19 spread rather than the
23 previous tier, Purple, which represented Widespread COVID-19 spread.

24 Despite the reclassification from Widespread to Substantial, the number of
25 confirmed COVID-19 cases in San Bernardino County continues to increase. As of
26 March 18, 2021, there are 289,242 confirmed COVID-19 cases and 3,619 deaths in
27 San Bernardino County. The continuing escalation in the number of COVID-19 cases in
28 San Bernardino County combined with court's efforts to comply with the ongoing and

1 rapidly escalating guidelines surrounding prevention of the spread of COVID-19
2 continues to negatively affect the court's ability to provide adequate access to court
3 services and proceedings without substantially compromising the health and safety of
4 judicial officers, court staff, and most importantly, public visitors to our courts. Further,
5 the court is experiencing substantial practical challenges associated with scheduling
6 and managing criminal jury trials and other criminal-related proceedings.

7 Consequently, after careful deliberation, the Presiding Judge has concluded that
8 extending last-day deadlines for criminal trials and preliminary examinations is
9 necessary under the present circumstances.

10 For the reasons stated herein, the court finds good cause to implement the
11 authority granted to it under California Rule of Court, Rule 10.603; case authority
12 recognizing the court's broad powers to ensure the orderly administration of justice (see
13 *e.g.*, *Walker v Superior Court* (1991) 53 Cal.3d 257, 266-267); Chief Justice Tani G.
14 Cantil-Sakauye's March 30, 2020, and April 29, 2020, Statewide Orders; the Chief
15 Justice's March 18, 2021, Emergency Order; and Government Code Section 68115,
16 and HEREBY ORDERS AS FOLLOWS:

- 17 1. Effective immediately, and in accordance with the Chief Justice's March 18,
18 2021, Order, the time for conducting criminal trials under Penal Code section
19 1382 is extended up to an additional 30 days, applicable only to cases in
20 which the original or previously extended statutory deadline otherwise would
21 expire from March 21, 2021, through April 20, 2021, inclusive. The court may
22 conduct a trial at an earlier date, upon a finding of good cause shown, or
23 through the uses of remote technology, when appropriate, and if feasible.
- 24 2. Effective immediately, and in accordance with the Chief Justice's March 30,
25 2020 Statewide Order, the time period provided in section 859b of the Penal

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Code for the holding of a preliminary examination is extended from 10 court days to not more than 30 court days.

Dated: March 19, 2021



Michael A. Sachs
Presiding Judge of the Superior Court