

FILED

AUG 18 2020

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF KINGS

MICHELLE S. MARTINEZ, CLERK OF COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF KINGS
Michelle S. Martinez
Nancy Rizo DEPUTY

**GENERAL ORDER RE: IMPLEMENTATION OF EMERGENCY RELIEF AUTHORIZED
BY THE CHAIR OF THE JUDICIAL COUNCIL EMERGENCY ORDER OF
AUGUST 17TH , 2020**

WHEREAS the World Health Organization, The United States Centers for Disease Control and Prevention and the State of California Department of Public Health have recognized that the world, country, and state face a life-threatening pandemic caused by the COVID-19 virus.

WHEREAS as of August 18th, 2020, the World Health Organization has reported 21,756,357 confirmed cases of COVID-19 worldwide with 771,635 deaths caused by the virus.

WHEREAS as of August 18th, 2020 the Center for Disease Control has reported 5,382,125 confirmed cases of COVID-19 in 50 states and 4 territories of the United States of America, 169,350 of which have resulted in deaths.

WHEREAS as of August 18th, 2020 the California Department of Public Health has reported 628,031 confirmed cases of the COVID-19 virus in the state of California causing 11,242 deaths.

1 2,077 cases in the State Prisons and 166 cases in the skilled nursing facilities located in
2 Kings County for a total of 5,543 positive COVID-19 cases in Kings County causing 66
3 deaths.

4
5 **WHEREAS** the World Health organization, the Center for Disease Control ,California
6 Department of Public Health and the Kings County Department of Public Health have all
7 recommended social distancing practices of staying at least six feet apart and the
8 prohibition of gathering in groups as the best method to prevent the contraction and spread
9 of the COVID-19 virus.
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12 **WHEREAS** on March 4, 2020 California Governor Gavin Newsom declared a state of
13 emergency in California because of the COVID-19 virus.
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15 **WHEREAS** on March 13, 2020 The President of the United States declared a national
16 emergency because of the COVID-19 virus.
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19 **WHEREAS** on March 19, 2020 Governor Newsom issued Executive Order N-33-20,
20 requiring all residents of the State of California to stay home and shelter in place.
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22 **WHEREAS** on March 23, 2020 the Chief Justice of the California Supreme Court and
23 Chair of the Judicial Council, the Honorable Tani G. Cantil-Sakauye, issued a state-wide
24 order recognizing the Courts in the State of California are ill –equipped to effectively allow
25 social distancing and other recommendations by public health experts required to protect
26 people involved in court proceedings and to prevent the spread of the COVID-19 virus.
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WHEREAS on March 23, 2020 the Chief Justice of the California Supreme Court and Chair of the Judicial Council, the Honorable Tani G. Cantil-Sakauye, issued a state wide order suspending all jury trials for 60 days from the date of her order and the time period for bringing a case to jury trial for 60 days from the date her order..

WHEREAS on March 27, 2020 Governor Newsom issued executive order N-38-20 suspending all legal authorities that impede the use of technology in court proceedings and authorized the Chair of the Judicial Council to extend deadlines for certain court proceedings until 90 days after the state of emergency related to COVID-19 is lifted.

WHEREAS in order to protect the health and safety of the public, court employees, attorney's, litigants, judicial officers, law enforcement officers and the staff and inmates in detention facilities, on March 30, 2020 the Chief Justice of the California Supreme Court and Chair of the Judicial Council, the Honorable Tani G. Cantil-Sakauye, issued a state wide emergency order authorizing trial courts to make orders extending deadlines for certain court proceedings and for the use of technology to conduct legal proceedings.

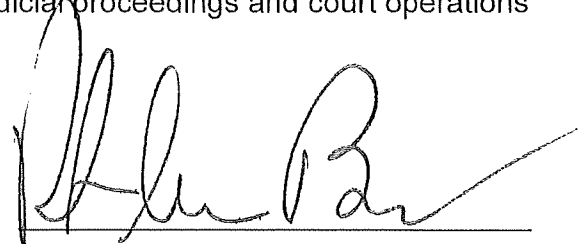
WHEREAS On March 18th, April 14th, June 15th, July 14th and August 17th, 2020 The Honorable Tani G. Cantil-Sakauye, Chief Justice of the California Supreme Court and Chair of the Judicial Council determined that the conditions described in Government Code section 68115(a) continue to exist in Kings County and therefore she authorized this Court to issue an implementation order extending the deadline for jury trials.

1 **WHEREAS** after balancing the Constitutional due process rights of parties in criminal and
2 civil cases with the health and safety of these parties, the public, court staff, judicial
3 officers, attorneys, witnesses, jurors, law enforcement officers, deputy Sheriffs, probation
4 officers and other persons present during court proceedings;

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6 **IT IS HEREBY ORDERED THAT:**

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- 8 1. The time period provided in Penal Code section 1382 for the holding of a
9 criminal trial is extended by no more than 30 days from the last date on which
10 the statutory deadline otherwise would have expired. This order is applicable
11 only to cases in which the original or previously extended statutory deadline
12 otherwise would expire from August 18th, 2020, to October 19th, 2020, inclusive
(Gov. Code section 68115(a)(10); Executive Order N-38-20 (03-27-2020).
 - 13 2. These extensions are in addition to any relief provided pursuant to any specific
14 emergency order issued under a subdivision of Government Code section 68115
15 related to any other extension or form of relief.
 - 16 3. The Kings County Superior Court is to make use of available technology, when
17 possible, to conduct judicial proceedings and court operations remotely.
 - 18 4. Any statute, local rule or California Rule of Court which would prevent the court
19 from using technology to conduct judicial proceedings and court operations
20 remotely are suspended.

21 Dated: 9/17th, 2020



22 Robert Shane Burns, Presiding Judge
23 Kings County Superior Court

THE JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA

Because of the COVID-19 pandemic, leading to health and safety concerns resulting in substantial operational impediments, and the proclamations of states of emergency by federal, state, and local officials, it was determined on March 18, April 14, June 15, and July 14, 2020 that the conditions described in Government Code section 68115 were met with regard to the Superior Court of California, County of Kings (Court). Based on those determinations, and at the request of Presiding Judge Robert S. Burns, four prior emergency orders issued authorizing the Court to implement certain relief under Government Code section 68115. Upon the renewed request of Presiding Judge Burns, it is determined that the conditions described in Government Code section 68115(a) continue to exist (Gov. Code, § 68115(b)), and it is ordered that the Court is authorized to do the following:

- Extend the time period provided in section 1382 of the Penal Code (section 1382) for the holding of a criminal trial by not more than 30 days, applicable only to cases in which the original or previously extended statutory deadline otherwise would expire from August 18, 2020, to October 19, 2020, inclusive (Gov. Code, § 68115(a)(10); Executive Order N-38-20 (03-27-20)).*

* This authority supplements the authority to extend section 1382 deadlines previously granted in the March 23, March 30, and April 29, 2020 statewide emergency orders and in the June 15 and July 14, 2020, emergency orders specific to the Court. Accordingly, for any case in which the time to bring a defendant to trial previously was extended under one or more of those prior emergency orders, and the extended deadline falls within the above-specified time period, this order authorizes the Court to extend the previously extended deadline by up to an additional 30 days. For any case in which the initial section 1382 deadline falls within the above-specified time period and is not governed by a prior emergency order, this order authorizes the Court to extend the time to bring a defendant to trial by a total of up to 30 days.

Date: August 17, 2020

T. Cantil-Sakauye

Hon. Tani G. Cantil-Sakauye
Chief Justice of California and
Chair of the Judicial Council