FILED

JUL 15 2020

MICHELLE S. MARTINEZ, CLERK OF COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF KINGS
DEPUTY

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

**GENERAL ORDER RE: IMPLEMENTATION OF EMERGENCY RELIEF AUTHORIZED BY THE CHAIR OF THE JUDICIAL COUNCIL EMERGENCY ORDER OF JULY 14, 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 July 15, 2020 the World Health Organization has reported 13,119,239 confirmed cases of COVID-19 worldwide with 573,752 deaths caused by the virus.

**WHEREAS** as of July 15, 2020 the Center for Disease Control has reported 3,355,457 confirmed cases of COVID-19 in 50 states and 4 territories of the United States of America, 135,235 of which have resulted in deaths.

**WHEREAS** as of July 15, 2020 the California Department of Public Health has reported 336,508 confirmed cases of the COVID-19 virus in the state of California causing 7,087 deaths.

**WHEREAS** as of July 14, 2020 the Kings County Department of Public Health has reported 1,769 confirmed cases of the COVID-19 virus in the community with an additional 1,166 cases in the State Prisons located in Kings County as well as 143 cases in Skilled

nursing facilities for a total of 3,078 positive COVID-19 cases in Kings County causing 40 deaths.

**WHEREAS** the World Health organization, the Center for Disease Control ,California Department of Public Health and the Kings County Department of Public Health have all recommended social distancing practices of staying at least six feet apart and the prohibition of gathering in groups as the best method to prevent the contraction and spread of the COVID-19 virus.

**WHEREAS** on March 4, 2020 California Governor Gavin Newsom declared a state of emergency in California because of the COVID-19 virus.

**WHEREAS** on March 13, 2020 The President of the United States declared a national emergency because of the COVID-19 virus.

**WHEREAS** on March 19, 2020 Governor Newsom issued Executive Order N-33-20, requiring all residents of the State of California to stay home and shelter in place.

**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 recognizing the Courts in the State of California are ill –equipped to effectively allow social distancing and other recommendations by public health experts required to protect people involved in court proceedings and to prevent the spread of the COVID-19 virus.

**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 July 14, 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.

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

**IT IS HEREBY ORDERED THAT:**

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

Dated: 07/15/, 2020

Robert Shane Burns, Presiding Judge
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, and June 15, 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, three 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 July 16, 2020, to August 18, 2020, inclusive (Gov. Code, § 68115(a)(10); Executive Order N-38-20 (03-27-20)).*

Date: July 14, 2020

T. Cantil-Sakauye

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

* 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 emergency order 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.