

FILED

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF KINGS

APR 1 2020
MICHELLE S. MARTINEZ, CLERK OF COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF KINGS
Nancy
Nancy R 20 DEPUTY

**GENERAL ORDER RE: IMPLEMENTATION OF EMERGENCY RELIEF AUTHORIZED
BY THE CHAIR OF THE JUDICIAL COUNCILS STATE WIDE EMERGENCY ORDER OF
MARCH 30, 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 March 26, 2020 the World Health Organization has reported 465,915 confirmed cases of COVID-19 worldwide with 21,031 deaths caused by the virus in 200 countries and territories.

WHEREAS as of March 26, 2020 the Center for Disease Control has reported 68,440 confirmed cases of COVID-19 in 50 states and 4 territories of the United States of America, 994 of which have resulted in deaths.

WHEREAS as of March 26, 2020 the California Department of Public Health has reported 3006 confirmed cases of the COVID-19 virus in the state of California causing 65 deaths.

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

5
6 **WHEREAS** on March 4, 2020 California Governor Gavin Newsom declared a state of
7 emergency in California because of the COVID-19 virus.
8

9
10 **WHEREAS** on March 13, 2020 The President of the United States declared a national
11 emergency because of the COVID-19 virus.
12

13 **WHEREAS** on March 19, 2020 Governor Newsom issued Executive Order N-33-20,
14 requiring all residents of the State of California to stay home and shelter in place.
15

16
17 **WHEREAS** on March 23, 2020 the Chief Justice of the California Supreme Court and
18 Chair of the Judicial Council, the Honorable Tani G. Cantil-Sakauye, issued a state-wide
19 order recognizing the Courts in the State of California are ill –equipped to effectively allow
20 social distancing and other recommendations by public health experts required to protect
21 people involved in court proceedings and to prevent the spread of the COVID-19 virus.
22

23
24 **WHEREAS** on March 23, 2020 the Chief Justice of the California Supreme Court and
25 Chair of the Judicial Council, the Honorable Tani G. Cantil-Sakauye, issued a state wide
26 order suspending all jury trials for 60 days from the date of her order and the time period
27 for bringing a case to jury trial for 60 days from the date her order.
28

1
2 **WHEREAS** the California Department of Corrections as of March 26, 2020 has confirmed
3 12 positive cases of COVID-19 with Staff members at 9 different facilities including the
4 Substance Abuse Treatment Facility in Corcoran located in Kings County and Wasco State
5 Prison in Kern County which is adjacent to Kings County.
6

7
8 **WHEREAS** the California Department of Corrections as of March 26, 2020 has confirmed
9 at least 1 inmate has tested positive for the COVID-19 virus.
10

11 **WHEREAS** Governor Newsom issued executive order N-36-20 on March 24, 2020 to
12 protect the health, safety and welfare of California Department of Corrections inmates and
13 staff working in their facilities by suspending the intake of new inmates for 30 days.
14

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

21 **WHEREAS** in order to protect the health and safety of the public, court employees,
22 attorney's, litigants, judicial officers, law enforcement officers and the staff and inmates in
23 detention facilities, on March 30, 2020 the Chief Justice of the California Supreme Court
24 and Chair of the Judicial Council, the Honorable Tani G. Cantil-Sakauye, issued a state
25 wide emergency order authorizing trial courts to make orders extending deadlines for
26 certain court proceedings and for the use of technology to conduct legal proceedings.
27
28

1
2 **WHEREAS** as of April 1st 2020 the Kings County Department of Public Health has
3 confirmed 3 cases of the COVID-19 virus in Kings County and has 13 other cases under
4 observation.

5
6 **WHEREAS** after balancing the Constitutional due process rights of parties in criminal and
7 civil cases with the health and safety of these parties, the public, court staff, judicial
8 officers, attorneys, witnesses, jurors, law enforcement officers, deputy Sheriffs, probation
9 officers and other persons present during court proceedings;
10

11
12 **IT IS HEREBY ORDERED THAT:**

- 13 1. The time periods in Penal Code section 859b for the holding of a preliminary
14 examination and the defendant's right to release are extended from 10 court
15 days to no more than 30 court days;
- 16 2. The time period provided in Penal Code section 825 within which a defendant
17 charged with a felony offense must be taken before a magistrate is extended
18 from 48 hours to no more than 7 days;
- 19 3. The time period provided in Penal Code section 1382 for the holding of a
20 criminal trial is extended by no more than 60 days from the last date on which
21 the statutory deadline otherwise would have expired;
- 22 4. The time periods provided in Code of Civil Procedure sections 583.310 and
23 583.320 to bring an action to trial is extended by no more than 60 days from the
24 last date on which the statutory deadline otherwise would have expired;
- 25 5. These extensions are in addition to any relief provided pursuant to any specific
26 emergency order issued under a subdivision of Government Code section 68115
27 related to any other extension or form of relief;
- 28 6. The 60 day extension of jury trials authorized by the Chief Justice of the
California Supreme Court and Chair of the Judicial Council, the Honorable Tani
G. Cantil-Sakauye in her March 23, 2020 state wide order is to be calculated

1 from the date for which trial was set or extended as provided in paragraph
2 numbers 3 or 4 above, whichever is longer;

- 3 7. The Kings County Superior Court is to make use of available technology, when
4 possible, to conduct judicial proceedings and court operations remotely;
5 8. Any statute, local rule or California Rule of Court which would prevent the court
6 from using technology to conduct judicial proceedings and court operations
7 remotely are suspended;

8 Dated: 04-01-, 2020
9



10 Robert Shane Burns, Presiding Judge
11 Kings County Superior Court
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28