

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF KINGS

FILED

JAN 21 2021

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

3 **GENERAL ORDER RE: IMPLEMENTATION OF EMERGENCY**

4 **RELIEF AUTHORIZED BY THE CHAIR OF THE JUDICIAL COUNCIL**

5 **EMERGENCY ORDER OF JANUARY 21, 2021**

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7
8 **WHEREAS** the World Health Organization, The United States Centers for Disease
9 Control and Prevention and the State of California Department of Public Health have
10 recognized that the world, country, and state face a life-threatening pandemic
11 caused by the COVID-19 virus.
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14 **WHEREAS** as of January 21, 2021, the World Health Organization has reported
15 95,612,831 confirmed cases of COVID-19 worldwide with 2,066,176 deaths caused
16 by the virus.
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18
19 **WHEREAS** as of January 21, 2021 the Center for Disease Control has reported
20 24,323,846 confirmed cases of COVID-19 in 50 states and 4 territories of the United
21 States of America, 404,689 of which have resulted in deaths.
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23 **WHEREAS** as of January 21, 2021 the California Department of Public Health has
24 reported 3,039,044 confirmed cases of the COVID-19 virus in the state of California
25 causing 35,004 deaths.
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1 **WHEREAS** as of January 21, 2021 the Kings County Department of Public Health
2 has reported 12,681 confirmed cases of the COVID-19 virus in the community with
3 an additional 7,022 cases in the State Prisons located in Kings County for a total of
4 19,703 positive COVID-19 cases in Kings County causing 160 deaths.

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6 **WHEREAS** the World Health organization, the Center for Disease Control, California
7 Department of Public Health, and the Kings County Department of Public Health
8 have all recommended social distancing practices of staying at least six feet apart
9 and the prohibition of gathering in groups as the best method to prevent the
10 contraction and spread of the COVID-19 virus.
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13 **WHEREAS** on March 4, 2020 California Governor Gavin Newsom declared a state
14 of emergency in California because of the COVID-19 virus.
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17 **WHEREAS** on March 13, 2020 the President of the United States declared a
18 national emergency because of the COVID-19 virus.
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20 **WHEREAS** on March 19, 2020 Governor Newsom issued Executive Order N-33-20,
21 requiring all residents of the State of California to stay home and shelter in place.
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23
24 **WHEREAS** on March 23, 2020 the Chief Justice of the California Supreme Court
25 and Chair of the Judicial Council, the Honorable Tani G. Cantil-Sakauye, issued a
26 state-wide order recognizing the Courts in the State of California are ill –equipped to
27 effectively allow social distancing and other recommendations by public health
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1 and Chair of the Judicial Council determined that the conditions described in
2 Government Code section 68115(a) continue to exist in Kings County and therefore
3 she authorized this Court to issue an implementation order extending the deadline
4 for jury trials.

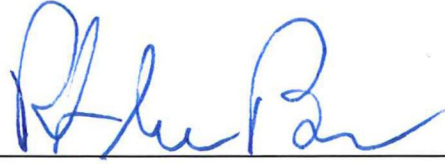
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6 **WHEREAS** after balancing the Constitutional due process rights of parties in
7 criminal and civil cases with the health and safety of these parties, the public, court
8 staff, judicial officers, attorneys, witnesses, jurors, law enforcement officers,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

- 13
- 14 1. The time period provided in Penal Code section 1382 for the holding of a
15 criminal trial is extended by no more than 30 days from the last date on
16 which the statutory deadline otherwise would have expired. This order is
17 applicable only to cases in which the original or previously extended
18 statutory deadline otherwise would expire from January 23, 2021 to
19 February 21, 2021, inclusive (Gov. Code section 68115(a)(10); Executive
20 Order N-38-20 (03-27-2020).
 - 21 2. The time periods provided in sections 583.310 and 583.320 of the Code of
22 Civil Procedure to bring an action to trial are extended by not more than
23 30 days, applicable only to cases in which the deadline otherwise would
24 expire from January 23, 2021, to February 21, 2021, inclusive
25 (Government Code section 68115(a)(6)
 - 26 3. These extensions are in addition to any relief provided pursuant to any
27 specific emergency order issued under a subdivision of Government Code
28 section 68115 related to any other extension or form of relief.
 4. The Kings County Superior Court is to make use of available technology,
when possible, to conduct judicial proceedings and court operations
remotely.

1 5. Any statute, local rule or California Rule of Court which would prevent the
2 court from using technology to conduct judicial proceedings and court
3 operations remotely are suspended.

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5 Dated: 01-21-, 2021



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7 Robert Shane Burns, Presiding Judge
8 Kings County Superior Court
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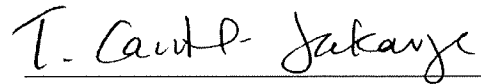
THE JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA

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 nine prior occasions 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 pursuant to the Court's requests, corresponding emergency orders issued authorizing the Court to implement certain relief under Government Code section 68115. Upon the renewed request of Presiding Judge Robert Shane Burns, it now is determined that the conditions described in Government Code section 68115(a) continue to exist (Gov. Code, § 68115(c)), and it is ordered that the Court is authorized to do the following:

- Extend the time periods provided in sections 583.310 and 583.320 of the Code of Civil Procedure to bring an action to trial by not more than 30 days, applicable only to cases in which the deadline otherwise would expire from January 23, 2021, to February 21, 2021, inclusive (Gov. Code, § 68115(a)(6)); and
- 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 January 23, 2021, to February 21, 2021, inclusive (Gov. Code, § 68115(a)(10));*

Date: January 21, 2021



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 granted in the previous 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.