

FILED

1  
2 SUPERIOR COURT OF THE STATE OF CALIFORNIA

3 IN AND FOR THE COUNTY OF KINGS

APR 1 2020  
MICHELLE S. MARTINEZ, CLERK OF COURT  
COURT OF THE STATE OF CALIFORNIA  
COUNTY OF KINGS

*Nancy Pizo*  
DEPUTY

4  
5 **GENERAL ORDER RE: IMPLEMENTATION OF EMERGENCY RELIEF AUTHORIZED**  
6 **BY THE CHAIR OF THE JUDICIAL COUNCILS STATE WIDE EMERGENCY ORDER OF**  
7 **MARCH 30, 2020**

8  
9 **WHEREAS** the World Health Organization, The United States Centers for Disease Control  
10 and Prevention and the State Of California Department of Public Health have recognized  
11 that the world, country and state face a life threatening pandemic caused by the COVID-19  
12 virus.  
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15 **WHEREAS** as of March 26, 2020 the World Health Organization has reported 465,915  
16 confirmed cases of COVID-19 worldwide with 21,031 deaths caused by the virus in 200  
17 countries and territories.  
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20 **WHEREAS** as of March 26, 2020 the Center for Disease Control has reported 68,440  
21 confirmed cases of COVID-19 in 50 states and 4 territories of the United States of  
22 America, 994 of which have resulted in deaths.  
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24 **WHEREAS** as of March 26, 2020 the California Department of Public Health has reported  
25 3006 confirmed cases of the COVID-19 virus in the state of California causing 65 deaths.  
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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.  
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6 **WHEREAS** on March 4, 2020 California Governor Gavin Newsom declared a state of  
7 emergency in California because of the COVID-19 virus.  
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10 **WHEREAS** on March 13, 2020 The President of the United States declared a national  
11 emergency because of the COVID-19 virus.  
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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.  
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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.  
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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.  
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**WHEREAS** the California Department of Corrections as of March 26, 2020 has confirmed 12 positive cases of COVID-19 with Staff members at 9 different facilities including the Substance Abuse Treatment Facility in Corcoran located in Kings County and Wasco State Prison in Kern County which is adjacent to Kings County.

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

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

**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.

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2 **WHEREAS** as of April 1<sup>st</sup> 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.  
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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;  
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12 **IT IS HEREBY ORDERED THAT:**

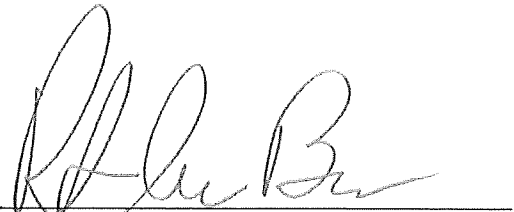
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- 14 1. The time periods in Penal Code section 859b for the holding of a preliminary  
15 examination and the defendant's right to release are extended from 10 court  
16 days to no more than 30 court days;
  - 17 2. The time period provided in Penal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

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

- 7. The Kings County Superior Court is to make use of available technology, when possible, to conduct judicial proceedings and court operations remotely;
- 8. 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: 04-01-, 2020



Robert Shane Burns, Presiding Judge  
Kings County Superior Court