

FILED

SUPERIOR COURT OF THE STATE OF CALIFORNIA

SEP 17 2020

IN AND FOR THE COUNTY OF KINGS

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

*M. S. Martinez*  
DEPUTY

**GENERAL ORDER RE: IMPLEMENTATION OF EMERGENCY RELIEF AUTHORIZED  
BY THE CHAIR OF THE JUDICIAL COUNCIL EMERGENCY ORDER OF  
SEPTEMBER 16<sup>TH</sup>, 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 September 17<sup>th</sup>, 2020, the World Health Organization has reported 29,737,453 confirmed cases of COVID-19 worldwide with 937,391 deaths caused by the virus.

**WHEREAS** as of September 17<sup>th</sup>, 2020 the Center for Disease Control has reported 6,571,867 confirmed cases of COVID-19 in 50 states and 4 territories of the United States of America, 195,053 of which have resulted in deaths.

**WHEREAS** as of September 17<sup>th</sup>, 2020 the California Department of Public Health has reported 762,963 confirmed cases of the COVID-19 virus in the state of California causing 14,615 deaths.

1 **WHEREAS** as of September 17<sup>th</sup> , 2020 the Kings County Department of Public Health  
2 has reported 3,912 confirmed cases of the COVID-19 virus in the community with an  
3 additional 3,074 cases in the State Prisons and 172 cases in the skilled nursing facilities  
4 located in Kings County for a total of 7,158 positive COVID-19 cases in Kings County  
5 causing 77 deaths.  
6

7 **WHEREAS** the World Health organization, the Center for Disease Control ,California  
8 Department of Public Health and the Kings County Department of Public Health have all  
9 recommended social distancing practices of staying at least six feet apart and the  
10 prohibition of gathering in groups as the best method to prevent the contraction and spread  
11 of the COVID-19 virus.  
12

13  
14 **WHEREAS** on March 4, 2020 California Governor Gavin Newsom declared a state of  
15 emergency in California because of the COVID-19 virus.  
16

17  
18 **WHEREAS** on March 13, 2020 The President of the United States declared a national  
19 emergency because of the COVID-19 virus.  
20

21 **WHEREAS** on March 19, 2020 Governor Newsom issued Executive Order N-33-20,  
22 requiring all residents of the State of California to stay home and shelter in place.  
23

24  
25 **WHEREAS** on March 23, 2020 the Chief Justice of the California Supreme Court and  
26 Chair of the Judicial Council, the Honorable Tani G. Cantil-Sakauye, issued a state-wide  
27 order recognizing the Courts in the State of California are ill –equipped to effectively allow  
28

1 social distancing and other recommendations by public health experts required to protect  
2 people involved in court proceedings and to prevent the spread of the COVID-19 virus.

3  
4 **WHEREAS** on March 23, 2020 the Chief Justice of the California Supreme Court and  
5 Chair of the Judicial Council, the Honorable Tani G. Cantil-Sakauye, issued a state wide  
6 order suspending all jury trials for 60 days from the date of her order and the time period  
7 for bringing a case to jury trial for 60 days from the date her order..  
8

9  
10 **WHEREAS** on March 27, 2020 Governor Newsom issued executive order N-38-20  
11 suspending all legal authorities that impede the use of technology in court proceedings and  
12 authorized the Chair of the Judicial Council to extend deadlines for certain court  
13 proceedings until 90 days after the state of emergency related to COVID-19 is lifted.  
14

15  
16 **WHEREAS** in order to protect the health and safety of the public, court employees,  
17 attorney's, litigants, judicial officers, law enforcement officers and the staff and inmates in  
18 detention facilities, on March 30, 2020 the Chief Justice of the California Supreme Court  
19 and Chair of the Judicial Council, the Honorable Tani G. Cantil-Sakauye, issued a state  
20 wide emergency order authorizing trial courts to make orders extending deadlines for  
21 certain court proceedings and for the use of technology to conduct legal proceedings.  
22

23  
24 **WHEREAS** On March 18<sup>th</sup>, April 14<sup>th</sup>, June 15<sup>th</sup>, July 14<sup>th</sup>, August 17<sup>th</sup>, and September 16<sup>th</sup>  
25 2020 The Honorable Tani G. Cantil-Sakauye, Chief Justice of the California Supreme  
26 Court and Chair of the Judicial Council determined that the conditions described in  
27 Government Code section 68115(a) continue to exist in Kings County and therefore she  
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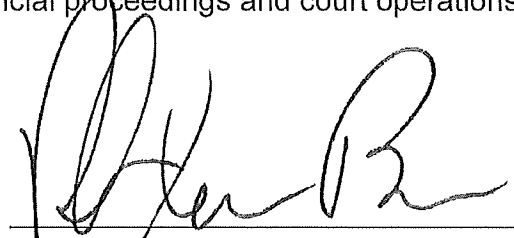
1 authorized this Court to issue an implementation order extending the deadline for jury  
2 trials.

3  
4 **WHEREAS** after balancing the Constitutional due process rights of parties in criminal and  
5 civil cases with the health and safety of these parties, the public, court staff, judicial  
6 officers, attorneys, witnesses, jurors, law enforcement officers, deputy Sheriffs, probation  
7 officers and other persons present during court proceedings;  
8

9  
10 **IT IS HEREBY ORDERED THAT:**

- 11 1. The time period provided in Penal Code section 1382 for the holding of a  
12 criminal trial is extended by no more than 30 days from the last date on which  
13 the statutory deadline otherwise would have expired. This order is applicable  
14 only to cases in which the original or previously extended statutory deadline  
15 otherwise would expire from September 21,2020, to October 21,2020, inclusive  
16 (Gov. Code section 68115(a)(10); Executive Order N-38-20 (03-27-2020).  
17 2. These extensions are in addition to any relief provided pursuant to any specific  
18 emergency order issued under a subdivision of Government Code section 68115  
19 related to any other extension or form of relief.  
20 3. The Kings County Superior Court is to make use of available technology, when  
21 possible, to conduct judicial proceedings and court operations remotely.  
22 4. Any statute, local rule or California Rule of Court which would prevent the court  
23 from using technology to conduct judicial proceedings and court operations  
24 remotely are suspended.

25 Dated: 09/17/, 2020



26 Robert Shane Burns, Presiding Judge  
27 Kings County Superior Court  
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## THE JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA

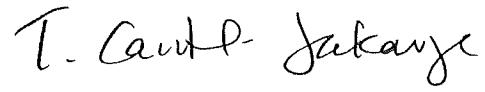
Because of the COVID-19 pandemic, leading to health and safety concerns resulting in substantial operational impediments, and the proclamations of states of emergency by federal, state, and local officials, it was determined on March 18, April 14, June 15, July 14, 2020, and August 17, 2020, that the 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, five 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(c)), 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 September 21, 2020, to October 21, 2020, inclusive (Gov. Code, § 68115(a)(10); Executive Order N-38-20 (03-27-20)).\*

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\* 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, July 14, and August 17, 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: September 16, 2020

Handwritten signature of Tani G. Cantil-Sakauye in black ink.

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