

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

FILED

FEB 19 2021

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

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

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

5 **EMERGENCY ORDER OF FEBRUARY 19TH, 2021**

6
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.
12

13
14 **WHEREAS** as of February 19th, 2021, the World Health Organization has reported
15 109,594,835 confirmed cases of COVID-19 worldwide with 2,424,060 deaths caused
16 by the virus.
17

18
19 **WHEREAS** as of February 18th, 2021 the Center for Disease Control has reported
20 27,669,556 confirmed cases of COVID-19 in 50 states and 4 territories of the United
21 States of America, 489,067 of which have resulted in deaths.
22

23 **WHEREAS** as of February 18th, 2021 the California Department of Public Health has
24 reported 3,421,720 confirmed cases of the COVID-19 virus in the state of California
25 causing 47,924 deaths.
26
27
28

1 **WHEREAS** as of February 18th, 2021 the Kings County Department of Public Health
2 has reported 14,533 confirmed cases of the COVID-19 virus in the community with
3 an additional 7,187 cases in the State Prisons located in Kings County for a total of
4 21,720 positive COVID-19 cases in Kings County causing 213 deaths.

5
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.
11

12
13 **WHEREAS** on March 4, 2020 California Governor Gavin Newsom declared a state
14 of emergency in California because of the COVID-19 virus.
15

16
17 **WHEREAS** on March 13, 2020 the President of the United States declared a
18 national emergency because of the COVID-19 virus.
19

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.
22

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

1 experts required to protect people involved in court proceedings and to prevent the
2 spread of the COVID-19 virus.

3
4 **WHEREAS** on March 23, 2020 the Chief Justice of the California Supreme Court
5 and Chair of the Judicial Council, the Honorable Tani G. Cantil-Sakauye, issued a
6 statewide order suspending all jury trials for 60 days from the date of her order and
7 the time period 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
12 proceedings and authorized the Chair of the Judicial Council to extend deadlines for
13 certain court proceedings until 90 days after the state of emergency related to
14 COVID-19 is lifted.
15

16
17 **WHEREAS** in order to protect the health and safety of the public, court employees,
18 attorney's, litigants, judicial officers, law enforcement officers and the staff and
19 inmates in detention facilities, on March 30, 2020 the Chief Justice of the California
20 Supreme Court and Chair of the Judicial Council, the Honorable Tani G. Cantil-
21 Sakauye, issued a state wide emergency order authorizing trial courts to make
22 orders extending deadlines for certain court proceedings and for the use of
23 technology to conduct legal proceedings.
24

25
26 **WHEREAS** On March 18, April 14, June 15, July 14, August 17, September 16
27 October 21, November 19th, December 17, 2020, January 21, 2021 and February
28 18th, 2021 The Honorable Tani G. Cantil-Sakauye, Chief Justice of the California

1 Supreme Court and Chair of the Judicial Council determined that the conditions
2 described in Government Code section 68115(a) continue to exist in Kings County
3 and therefore she authorized this Court to issue an implementation order extending
4 the deadline for jury trials.

5
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;
10

11
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 February 22nd, 2021 to
19 March 24th, 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 February 22nd, 2021, to March 24th, 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5. 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: 02/19, 2021



Robert Shane Burns, Presiding Judge
Kings County Superior Court

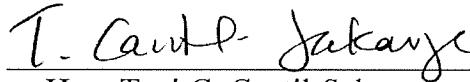
THE JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA

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 ten 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 February 22, 2021, to March 24, 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 February 22, 2021, to March 24, 2021, inclusive (Gov. Code, § 68115(a)(10)).*

Date: February 18, 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 to the Court in prior emergency orders. Accordingly, for any case in which the time to bring a defendant to trial previously was extended under one or more prior emergency order, 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.