

1 SUPERIOR COURT
2 COUNTY OF SAN BERNARDINO
247 West Third Street, Eleventh Floor
3 San Bernardino, CA 92415-0302
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8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN BERNARDINO**
10

11 IN RE:

12 SECOND IMPLEMENTATION ORDER
13 EXTENDING CRIMINAL TRIALS

14 } GENERAL ORDER OF THE
15 } PRESIDING JUDGE
16 }

17 On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency
18 in California as a result of COVID-19. On March 13, 2020, President Trump declared a
19 national emergency which continues unabated. Since declaring the State of
20 Emergency in California, Governor Newsom and state and county public health
21 officials have issued additional guidelines targeted at limiting the spread of COVID-19.

22 Those instructions include, but are not limited to, instructing all individuals living
23 in the State of California to stay home or at their place of residence. Governor
24 Newsom and state public health officials have also prohibited most types of mass
25 gatherings. State public health officials have mandated that persons gathered with
26 individuals who are not members of the same residence must implement social
27 distancing of at least 6 feet between individuals. Public health officials have
28 determined that people over 65 years old, smokers, people with compromised immune

1 systems, and people who have serious chronic medical conditions are at higher risk of
2 contracting COVID-19. Therefore, they recommend that people at higher risk avoid
3 leaving their homes.

4 In June and July, the State permitted many counties, including the County of
5 San Bernardino, to substantially, if not fully, resume normal business operations
6 (Reopening). After Reopening, the number of confirmed COVID-19 cases and
7 hospitalizations in the State have skyrocketed, causing Governor Newsom and the
8 State public health official to issue an order on July 13, 2020 mandating statewide
9 closure of various types of businesses. Since the court's last request for an emergency
10 order regarding criminal trials, the number of confirmed COVID-19 cases in San
11 Bernardino has more than tripled, increasing from 6,417 confirmed cases as of June 9,
12 2020 to 20,456 cases as of July 14, 2020.

13 On June 11, 2020, the Chief Justice issued an emergency order permitting the
14 court to extend the original or extended dates for criminal trials by no more than 30
15 days for cases in which the original or previously extended statutory deadlines would
16 otherwise expire from June 15, 2020 through September 14, 2020. However, the
17 combined impact of these circumstances as well as the ongoing and rapidly escalating
18 guidelines surrounding prevention of the spread of COVID-19 continues to negatively
19 affect the court's ability to provide adequate access to court services and proceedings
20 without substantially compromising the health and safety of judicial officers, court staff,
21 and most importantly, public visitors to our courts. Further, as explained more fully
22 below, now that the court has begun progressive reopening of court operations, the
23 court is experiencing substantial practical challenges associated with scheduling and
24 managing criminal jury trials and other criminal-related proceedings.

25 Pursuant to the Statewide Order executed by the Chief Justice on April 29,
26 2020, the Emergency Orders issued to the court by the Chief Justice on June 11, 2020
27 and July 16, 2020 and under the authority granted pursuant to Government Code
28 Section 68115 to protect the health and safety of the public, court personnel, and

1 criminal litigants brought before the court, the court HEREBY ORDERS AS
2 FOLLOWS:

3 The time period provided in section 1382 of the Penal Code for the holding of a
4 criminal trial is extended by no more than 30 days, applicable only to cases in which
5 the previously extended statutory deadline otherwise would expire from July 15, 2020,
6 to August 13, 2020, inclusive. The court may conduct such a trial at an earlier date,
7 upon a finding of good cause shown or through the use of remote technology, when
8 appropriate.

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10 THIS ORDER IS EFFECTIVE IMMEDIATELY.

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12 Dated: July 17, 2020

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17 MICHAEL A. SACHS
18 Presiding Judge of the Superior Court
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