

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 EXTENDING DATES FOR CRIMINAL
13 TRIALS AND PRELIMINARY
14 EXAMINATIONS
15

GENERAL ORDER OF THE
PRESIDING JUDGE

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

21 On March 19, 2020, Governor Newsom issued an Executive Order, and the
22 State Public Health Officer issued a Public Health Order, instructing all individuals living
23 in the state to stay home or at their place of residence, except as needed to facilitate
24 authorized, necessary activities or to maintain the continuity of operations of critical
25 infrastructure sectors. Governor Newsom and state public health officials have also
26 prohibited most types of mass gatherings. Federal, state, and local public health
27 officials have mandated that persons gathered with individuals who are not members of
28 the same residence must implement social distancing of at least 6 feet between

1 individuals. They have also determined that people over 65 years old, smokers, people
2 with compromised immune systems, and people who have serious chronic medical
3 conditions are at higher risk of contracting COVID-19. Therefore, they recommend that
4 people at higher risk avoid leaving their homes.

5 In early May Governor Newsom and the State Public Health Officer introduced a
6 Pandemic Resilience Roadmap. On May 7, 2020, the State Public Health Officer
7 announced that statewide data supported the gradual movement of the entire state into
8 Stage 2 of the Pandemic Resilience Roadmap. On May, 2020, the Governor outlined a
9 process where counties that met specific criteria could move more quickly than other
10 parts of the state through Stage 2 of the Stay-at-Home order. San Bernardino County
11 availed itself of that process, and on May 23, 2020, the state approved the county's
12 request to reopen businesses in accordance with the Pandemic Resilience Roadmap.

13 Unfortunately, after the state permitted many counties to resume business
14 operations, the number of confirmed COVID-19 cases and hospitalizations in the state
15 increased significantly. Initially, the state attempted to address the rapidly escalating
16 number of COVID-19 cases on a county-by- county basis. On June 28, 2020, the
17 California Department of Public Health (CDPH) issued guidance setting forth the need
18 to close bars and similar establishments in counties that had been on the County
19 Monitoring List, which included counties that show concerning levels of disease
20 transmission, hospitalizations, insufficient testing, or other critical epidemiological
21 markers, for 14 days. San Bernardino County was included on that list.

22 On July 1, 2020, CDPH issued guidance specific to counties on the County
23 Monitoring List — including San Bernardino County— requiring closure of the indoor
24 operations of various sectors, including restaurants, wineries, and certain entertainment
25 venues. Despite the state's efforts to manage the continuing escalation of COVID-19
26 cases on a countywide basis, the numbers continued to rise causing the state Public
27 Health Officer to issue an order on July 13, 2020, mandating statewide closure of some
28 types of businesses, and/or imposing operational restrictions for other types of

1 businesses. Of the four levels of the risk established by the state, San Bernardino is still
2 included in the most concerning category – Widespread. Counties included in the
3 Widespread category have the highest daily rates of new cases and positive tests.

4 The number of confirmed COVID-19 cases in San Bernardino County has
5 continued to increase at an alarming rate. Since Thanksgiving, there has been an
6 unprecedented rise in the increase of COVID-19 cases, hospitalizations, and positive
7 test results statewide, prompting the Public Health Officer to issue a Regional Stay at
8 Home Order on December 3, 2020, that requires counties located in regions where ICU
9 bed capacity is less than 15% to implement varying forms of stay-at-home requirements
10 and modified business operations for local businesses, places of worship, and schools.
11 The Southern California Region, which includes San Bernardino County, has less than
12 0% ICU bed capacity, and therefore San Bernardino County is subject to the new
13 Regional Stay at Home Order. The previous general order regarding criminal trials and
14 preliminary examinations was issued on December 16, 2020, and at that time there
15 were 135,072 confirmed COVID-19 cases in San Bernardino County. As of January 14,
16 2021, that number has increased by nearly 180% to 241,523 confirmed cases
17 countywide.


18 The continuing escalation in the number of COVID-19 cases in San Bernardino
19 County combined with court's efforts to comply with the ongoing and rapidly escalating
20 guidelines surrounding prevention of the spread of COVID-19 continues to negatively
21 affect the court's ability to provide adequate access to court services and proceedings
22 without substantially compromising the health and safety of judicial officers, court staff,
23 and most importantly, public visitors to our courts. Further, the court is experiencing
24 substantial practical challenges associated with scheduling and managing criminal jury
25 trials and other criminal-related proceedings.

26 Consequently, after careful deliberation, the Presiding Judge has concluded that
27 extending last-day deadlines for criminal trials and preliminary examinations is
28 necessary under the present circumstances.

1 For the reasons stated herein, the court finds good cause to implement the
2 authority granted to it under California Rule of Court, Rule 10.603; case authority
3 recognizing the court's broad powers to ensure the orderly administration of justice (see
4 e.g., *Walker v Superior Court* (1991) 53 Cal.3d 257, 266-267); Chief Justice Tani G.
5 Cantil-Sakauye's March 30, 2020, and April 29, 2020, Statewide Orders; the Chief
6 Justice's December 15, 2020, Emergency Order; and Government Code Section
7 68115, and HEREBY ORDERS AS FOLLOWS:

- 8 1. Effective immediately, and in accordance with the Chief Justice's January 14,
9 2021, Order, the time for conducting criminal trials under Penal Code section
10 1382 is extended up to an additional 30 days, applicable only to cases in
11 which the original or previously extended statutory deadline otherwise would
12 expire from January 17, 2021 through February 18, 2021, inclusive. The court
13 may conduct a trial at an earlier date, upon a finding of good cause shown, or
14 through the uses of remote technology, when appropriate, and if feasible.
- 15 2. Effective immediately, and in accordance with the Chief Justice's March 30,
16 2020 Statewide Order, the time period provided in section 859b of the Penal
17 Code for the holding of a preliminary examination is extended from 10 court
18 days to not more than 30 court days.

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20 Dated: January 15, 2021

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25 R. Glenn Yabuno
26 Assistant Presiding Judge
27 of the Superior Court
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