

1 SUPERIOR COURT  
2 COUNTY OF SAN BERNARDINO  
247 West Third Street, Eleventh Floor  
San Bernardino, CA 92415

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7 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
8 **FOR THE COUNTY OF SAN BERNARDINO**  
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10  
11 **IN RE:**

12 **EXTENDING DATES FOR TRIALS**  
13 **AND PRELIMS**

)  
)  
) **GENERAL ORDER OF THE**  
) **PRESIDING JUDGE**  
)

14 **EMER ORDER 44**  
15 )  
16 )

17 On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency in  
18 California as a result of COVID-19. On March 13, 2020, former President Trump  
19 declared a national emergency in the United States due to COVID-19. Since the states  
20 of emergency were declared, State and County public health officials have issued  
21 guidelines and mandates targeted at limiting the spread of COVID-19 and its variants.

22 The State received its first doses of COVID-19 vaccines in mid-December 2020  
23 and the rate of COVID-19 infections and COVID-19-related deaths diminished in the  
24 spring and part of the summer months before increasing starting in July 2021. The  
25 Centers for Disease Control and Prevention (CDC) attributed the dramatic increase in  
26 COVID-19 infections and deaths to the Delta variant of COVID-19. The court has  
27 maintained enhanced sanitization of court facilities since April 2020, but on July 6,  
28 2021, in accordance with Cal/OSHA'S emergency temporary standards, the court

1 eliminated physical distancing and face covering requirements for vaccinated persons.  
2 However, less than three weeks later, due to a rapid increase in COVID-19 infections in  
3 San Bernardino County and among court staff, the court reinstated mandatory face  
4 coverings for all persons while onsite at the court districts.

5 In November 2021, a new variant of COVID-19, Omicron, was identified in  
6 Botswana and South Africa. This new variant, which the CDC has described as more  
7 resistant to existing vaccines and significantly more transmissible than the Delta variant,  
8 was detected in the United States in December 2021, and like last year, there has been  
9 a nationwide spike in COVID-19 infections since Thanksgiving and Christmas, resulting  
10 in high transmission rates and increased hospitalizations. State public health data  
11 related to COVID reveals that as of January 18, 2022, the State has averaged 103,828  
12 new cases during the past week, an increase of 88.3% compared to two weeks ago.  
13 There has also been a 97.7% increase in the number of COVID-related hospitalizations  
14 over the past two weeks. On December 13, 2021, the State reinstated a mandate  
15 requiring masks to be worn in all indoor public settings, regardless of vaccination status,  
16 from December 14, 2021, through January 15, 2022. On January 5, 2022, due to  
17 rampantly increasing COVID cases and hospitalizations, the State extended the indoor  
18 mask mandate to February 15, 2022.

19 Approximately 56% of San Bernardino County's residents are fully vaccinated  
20 but the vaccination rate has remained flat for the past several months. The County has  
21 experienced several spikes in COVID-19 infections and COVID-19-related deaths since  
22 early July 2021 with the most recent increase occurring right after Thanksgiving and  
23 continuing presently. As of January 26, 2022, there were 513,418 confirmed COVID-19  
24 cases and 6,250 deaths attributable to COVID-19 in San Bernardino County. The  
25 recent surge in COVID exposures and confirmed cases has adversely impacted court  
26 operations. Since January 3, 2022, the court has experienced a fluctuating reduction in  
27 judges and staff who are unable to perform their duties due to being quarantined.  
28 Further, the court is experiencing substantial practical challenges associated with

1 scheduling and managing criminal jury trials and other criminal-related proceedings due  
2 to extreme shortages of court reporters and Sheriff's deputies.

3 The court must balance access to justice with protecting the health and safety of  
4 the public, judicial officers, staff, vendors, Sheriff's department staff, and inmates. This  
5 effort is made more complicated by the fact that the court is operating with a reduced  
6 budget and fewer staff and judicial officers due to COVID-related absences. Based on  
7 the burdensome circumstances associated with conducting court operations during this  
8 pandemic, Chief Justice Tani G. Cantil-Sakauye has issued several emergency orders  
9 permitting the court to extend the original or extended dates for criminal trials by no  
10 more than 30 days, and during this timeframe the court has implemented every  
11 reasonable measure to bring criminal cases to trial.

12 Consequently, after careful deliberation, the Presiding Judge has concluded that  
13 extending last-day deadlines for criminal trials and preliminary examinations is  
14 necessary under the present circumstances. For the reasons stated herein, the court  
15 finds good cause to implement the authority granted to it under California Rule of Court,  
16 Rule 10.603; case authority recognizing the court's broad powers to ensure the orderly  
17 administration of justice (*see e.g., Walker v Superior Court* (1991) 53 Cal.3d 257, 266-  
18 267); Chief Justice Tani G. Cantil-Sakauye's March 30, 2020, and April 29, 2020,  
19 statewide Orders; the Chief Justice's January 24, 2022, Emergency Order; and  
20 Government Code Section 68115, and HEREBY ORDERS AS FOLLOWS:

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- 22 1. Effective immediately, and in accordance with the Chief Justice's January 24,  
23 2022, Order, the time for conducting criminal trials under Penal Code section  
24 1382 is extended up to an additional 30 days, applicable only to cases in  
25 which the original or previously extended statutory deadline otherwise would  
26 expire from January 28, 2022, through February 28, 2022, inclusive. The  
27 court may conduct a trial at an earlier date, upon a finding of good cause  
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1 shown, or through the uses of remote technology, when appropriate, and if  
2 feasible.

- 3 2. Effective immediately, and in accordance with the Chief Justice's March 30,  
4 2020, statewide Order, the time period provided in section 859b of the Penal  
5 Code for the holding of a preliminary examination is extended from 10 court  
6 days to not more than 30 court days.

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8 Dated: January 26, 2022

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11 R. Glenn Yabuno  
12 Presiding Judge of the Superior Court  
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