

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 AND REDUCING
15 CLERK'S OFFICE HOURS

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 state
22 Public Health Officer issued a Public Health Order, instructing all individuals living in the
23 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. The previous general order regarding
6 criminal trials and preliminary examinations was issued on November 13, 2020, and at
7 that time there were 73,001 confirmed COVID-19 cases in San Bernardino County. As
8 of December 15, 2020, that number has increased to 129,522 confirmed cases
9 countywide.

10 Statewide, the number of new cases increased by over 112% since November
11 19, 2020. The number of new hospital admissions increased from 777 on November
12 15, 2020, to 1,651 on December 2, 2020. The current data represent an unprecedented
13 rise in the increase of COVID-19 cases, hospitalizations, and positive test results
14 statewide, prompting the Public Health Officer to issue a Regional Stay at Home Order
15 on December 3, 2020, that requires counties located in regions where ICU bed capacity
16 is less than 15% to implement varying forms of stay-at-home requirements and
17 modified business operations for local businesses, places of worship, and schools until
18 approximately December 25, 2020. The Southern California region, which includes San
19 Bernardino County, has 1.7% ICU bed capacity, and therefore San Bernardino County
20 is subject to the new Regional Stay at Home Order.

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

1 Consequently, after careful deliberation, the Presiding Judge has concluded that
2 extending last-day deadlines for criminal trials and preliminary examinations, and
3 reducing the clerk's office hours is necessary under the present circumstances. As
4 alternatives to in-person clerk's office visits, there are various remote options for
5 conducting court business, as summarized below:

- 6 • Drop boxes – In accordance with California Rule of Court, rule 2.210, each
7 courthouse will have drop boxes for filing papers Monday through Friday from
8 8:00 a.m. until 4 p.m. Any document deposited in a court's drop box by 4:00 p.m.
9 on a court day is deemed to have been deposited for filing on that day. Any
10 document deposited in a court's drop box (1) on a court day after 4:00 p.m. or (2)
11 on a judicial holiday is deemed to have been deposited for filing on the next court
12 day. No cash payments are accepted via drop box.
- 13 • TurboCourt – In accordance with California Rule of Court, rule 2.253, court users
14 may also access the court through TurboCourt which permits court users to
15 prepare and submit documents to the court electronically.
- 16 • Fax filing – In accordance with California Rules of Court, rule 2.300 et seq., court
17 users may file documents by facsimile.
- 18 • Online options – Court users may access case information and make fine or fee
19 payments through the court's online Case Search and Calendar Search portal
20 and payment system (Portal).

21
22 These options are not available for all case types. Specific information on remote
23 options for various case types can be found on the court's website at www.sb-court.org.

24 For the reasons stated herein, the court finds good cause to implement the
25 authority granted to it under California Rule of Court, Rule 10.603; case authority
26 recognizing the court's broad powers to ensure the orderly administration of justice (see
27 e.g., *Walker v Superior Court* (1991) 53 Cal.3d 257, 266-267); Chief Justice Tani G.
28 Cantil-Sakauye's March 30, 2020, and April 29, 2020, Statewide Orders; the Chief

1 Justice's December 15, 2020, Emergency Order; and Government Code Section
2 68115, and HEREBY ORDERS AS FOLLOWS:

- 3 1. Effective immediately, and in accordance with the Chief Justice's December
4 15, 2020, Order, the time for conducting criminal trials under Penal Code
5 section 1382 is extended up to an additional 30 days, applicable only to
6 cases in which the original or previously extended statutory deadline
7 otherwise would expire from December 16, 2020 through January 16, 2021,
8 inclusive. The court may conduct a trial at an earlier date, upon a finding of
9 good cause shown, or through the uses of remote technology, when
10 appropriate, and if feasible.
- 11 2. Effective immediately, and in accordance with the Chief Justice's March 30,
12 2020 Statewide Order, the time period provided in section 859b of the Penal
13 Code for the holding of a preliminary examination is extended from 10 court
14 days to not more than 30 court days.
- 15 3. Effective January 4, 2021, and continuing until further notice, all clerk's
16 offices of the Superior Court of California, County of San Bernardino will
17 reduce public service hours of operation on court days from 8:00 a.m. to 2:00
18 p.m., Monday through Friday, to 8:00 a.m. to Noon, Monday through Friday.
19 This is a temporary reduction in clerk's office public service hours arising from
20 the COVID-19 pandemic and is not subject to California Government Code
21 §68106.

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23 Dated: December 16, 2020

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27 Michael A. Sachs
28 Presiding Judge of the Superior Court