

1 SUPERIOR COURT  
2 COUNTY OF SAN BERNARDINO  
247 West Third Street, Eleventh Floor  
3 San Bernardino, CA 92415-0302  
4  
5  
6  
7

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  
17 State of Emergency - Spring 2020

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

23 On March 19, 2020, Governor Newsom issued an Executive Order, and the state  
24 Public Health Officer issued a Public Health Order, instructing all individuals living in the  
25 state to stay home or at their place of residence, except as needed to facilitate  
26 authorized, necessary activities or to maintain the continuity of operations of critical  
27 infrastructure sectors. Governor Newsom and state public health officials also  
28 prohibited most types of mass gatherings, and federal, state, and local public health

1 officials mandated that persons gathered with individuals who were not members of the  
2 same residence implement social distancing of at least 6 feet between individuals. They  
3 also determined that people over 65 years old, smokers, people with compromised  
4 immune systems, and people who have serious chronic medical conditions are at  
5 higher risk of contracting COVID-19. Therefore, they recommended that people at  
6 higher risk avoid leaving their homes.

#### 7 Pandemic Resilience Roadmap/Blueprint for a Safer Economy

8 In early May 2020, Governor Newsom and the state Public Health Officer  
9 introduced a Pandemic Resilience Roadmap that consisted of four steps of statewide  
10 reopening progress starting with Stage 1 (essential businesses only) to Stage 4 (all  
11 businesses open). (These guidelines were later modified and reintroduced as the  
12 Blueprint for a Safer Economy.) The Pandemic Resilience Roadmap outlined a process  
13 where counties that met specific criteria could move more quickly through the various  
14 stages if they met the applicable criteria. San Bernardino county availed itself of that  
15 process, and on May 23, 2020, the state approved the county's request to reopen  
16 under Stage 2 of the Pandemic Resilience Roadmap. (Stage 2 allowed business  
17 sectors that had been identified as having a lower risk of spreading COVID-19 to  
18 reopen.)

#### 19 Regional Stay Home Order

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

1 On July 1, 2020, CDPH issued guidance specific to counties on the County  
2 Monitoring List — including San Bernardino county— requiring closure of the indoor  
3 operations of various sectors, including restaurants, wineries, and certain entertainment  
4 venues. Despite the state’s efforts to manage the continuing escalation of COVID-19  
5 cases on a countywide basis, the numbers continued to rise causing the state Public  
6 Health Officer to issue an order on July 13, 2020, mandating statewide closure of some  
7 types of businesses, and/or imposing operational restrictions for other types of  
8 businesses. Of the four levels of the risk established by the state, San Bernardino was  
9 included in the most concerning category – Widespread. Counties included in the  
10 Widespread category had the highest daily rates of new cases and positive tests.

11 After Thanksgiving, the state experienced another precipitous increase of  
12 COVID-19 cases, hospitalizations, and positive test results statewide, prompting the  
13 Public Health Officer to issue a Regional Stay Home Order on December 3, 2020, that  
14 required counties located in regions with less than 15% ICU bed capacity to implement  
15 varying forms of stay-at-home requirements and modified business operations for local  
16 businesses, places of worship, and schools. The Southern California region, which  
17 includes San Bernardino county, had less than 0% ICU bed capacity, and therefore San  
18 Bernardino county was subject to the Regional Stay Home Order. At that time, the  
19 number of confirmed COVID-19 cases had increased from 107,928 to 234,871,  
20 representing an increase of more than 120% over approximately 30 days.

21 The Public Health Officer rescinded the Regional Stay Home Order on January  
22 25, 2021, after projected ICU bed capacity statewide increased to more than 15%.  
23 However, counties are still subject to the tier-based restrictions set forth in the state’s  
24 Blueprint for a Safer Economy and San Bernardino county was still included in the  
25 Widespread tier of the Blueprint for a Safer Economy.

26 Court Operations Still Constrained Notwithstanding Available Vaccines

27 The state received its first doses of COVID-19 vaccines in mid-December. In  
28 February 2021, the state modified the metrics for tier determinations under the Blueprint

1 for a Safer Economy to include the number of people who had been vaccinated. On  
2 March 14, 2021, the state moved San Bernardino county from the Purple tier, which  
3 represented Widespread COVID-19 spread, to the less restrictive Red tier, which  
4 represents Substantial COVID-19 spread. On April 7, 2021, the state moved San  
5 Bernardino county from the Red tier to the Orange tier. Orange represents a moderate  
6 level of COVID-19 infections and COVID-19-related deaths.

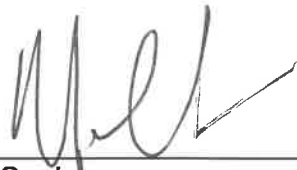
7 Although the rate of COVID-19 infections and COVID-19-related deaths have  
8 diminished, the impact of COVID-19 on court operations still remains substantial due to  
9 continuing social distance, masking, and enhanced sanitization requirements. While the  
10 number of vaccinated San Bernardino county residents is growing, the number of  
11 confirmed COVID-19 cases and COVID-19-related deaths also continues to grow. As of  
12 April 12, 2021, there are 293,835 confirmed COVID-19 cases and 4,237 deaths  
13 attributable to COVID-19 in San Bernardino county. The court must balance access to  
14 justice with protecting the health and safety of the public, judicial officers, staff, vendors,  
15 Sheriff's department staff, and inmates. The court is experiencing substantial practical  
16 challenges associated with scheduling and managing criminal jury trials and other  
17 criminal-related proceedings.

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

21 For the reasons stated herein, the court finds good cause to implement the  
22 authority granted to it under California Rule of Court, Rule 10.603; case authority  
23 recognizing the court's broad powers to ensure the orderly administration of justice (see  
24 *e.g.*, *Walker v Superior Court* (1991) 53 Cal.3d 257, 266-267); Chief Justice Tani G.  
25 Cantil-Sakauye's March 30, 2020, and April 29, 2020, Statewide Orders; the Chief  
26 Justice's March 18, 2021, Emergency Order; and Government Code Section 68115,  
27 and HEREBY ORDERS AS FOLLOWS:

- 1 1. Effective immediately, and in accordance with the Chief Justice's April 15,  
2 2021, Order, the time for conducting criminal trials under Penal Code section  
3 1382 is extended up to an additional 30 days, applicable only to cases in  
4 which the original or previously extended statutory deadline otherwise would  
5 expire from April 21, 2021, through May 20, 2021, inclusive. The court may  
6 conduct a trial at an earlier date, upon a finding of good cause shown, or  
7 through the uses of remote technology, when appropriate, and if feasible.
- 8 2. Effective immediately, and in accordance with the Chief Justice's March 30,  
9 2020 Statewide Order, the time period provided in section 859b of the Penal  
10 Code for the holding of a preliminary examination is extended from 10 court  
11 days to not more than 30 court days.

12  
13 Dated: April 16, 2021



---

14 Michael A. Sachs  
15 Presiding Judge of the Superior Court  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28