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

On March 19, 2020, Governor Newsom issued an Executive Order, and the state Public Health Officer issued a Public Health Order, instructing all individuals living in the state to stay home or at their place of residence, except as needed to facilitate authorized, necessary activities or to maintain the continuity of operations of critical infrastructure sectors. Governor Newsom and state public health officials have also prohibited most types of mass gatherings. Federal, state, and local public health officials have mandated that persons gathered with individuals who are not members of the same residence must implement social distancing of at least 6 feet between
individuals. They have also determined that people over 65 years old, smokers, people with compromised immune systems, and people who have serious chronic medical conditions are at higher risk of contracting COVID-19. Therefore, they recommend that people at higher risk avoid leaving their homes.

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

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

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

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

The Public Health Officer rescinded the Regional Stay Home Order on January 25, 2021, after projected ICU bed capacity statewide increased to more than 15%. However, counties are still subject to the tier-based restrictions set forth in the State’s Blueprint for a Safer Economy and San Bernardino County was still included in the Widespread tier of the Blueprint for a Safer Economy. In February 2021, the State modified metrics for tier determinations under the Blueprint for a Safer Economy to include the number of people who had been vaccinated. On March 14, 2021, the State announced that under the new metrics, San Bernardino County would be moved to the less restrictive tier, Red, which represents Substantial COVID-19 spread rather than the previous tier, Purple, which represented Widespread COVID-19 spread.

Despite the reclassification from Widespread to Substantial, the number of confirmed COVID-19 cases in San Bernardino County continues to increase. As of March 18, 2021, there are 289,242 confirmed COVID-19 cases and 3,619 deaths in San Bernardino County. The continuing escalation in the number of COVID-19 cases in San Bernardino County combined with court’s efforts to comply with the ongoing and
rapidly escalating guidelines surrounding prevention of the spread of COVID-19 continues to negatively affect the court’s ability to provide adequate access to court services and proceedings without substantially compromising the health and safety of judicial officers, court staff, and most importantly, public visitors to our courts. Further, the court is experiencing substantial practical challenges associated with scheduling and managing criminal jury trials and other criminal-related proceedings.

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

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

1. Effective immediately, and in accordance with the Chief Justice’s March 18, 2021, Order, the time for conducting criminal trials under Penal Code section 1382 is extended up to an additional 30 days, applicable only to cases in which the original or previously extended statutory deadline otherwise would expire from March 21, 2021, through April 20, 2021, inclusive. The court may conduct a trial at an earlier date, upon a finding of good cause shown, or through the uses of remote technology, when appropriate, and if feasible.

2. Effective immediately, and in accordance with the Chief Justice’s March 30, 2020 Statewide Order, the time period provided in section 859b of the Penal

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GENERAL ORDER: EXTENDING DATES FOR CRIMINAL TRIALS AND PRELIMINARY EXAMINATIONS
Code for the holding of a preliminary examination is extended from 10 court days to not more than 30 court days.

Dated: March 19, 2021

[Signature]

Michael A. Sachs
Presiding Judge of the Superior Court