

1 **SUPERIOR COURT**
2 **COUNTY OF SAN BERNARDINO**
3 247 West Third Street, Eleventh Floor
4 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**

}
} **GENERAL ORDER OF THE**
} **PRESIDING JUDGE**
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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 Donald Trump
19 declared a national emergency which continues unabated. Since declaring the state of
20 emergency, Governor Newsom and state and county public health officials have issued
21 additional guidelines targeted at limiting the spread of COVID-19.
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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 have also
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1 prohibited most types of mass gatherings. Federal, state, and local public health
2 officials have mandated that persons gathered with individuals who are not members of
3 the same residence must implement social distancing of at least 6 feet between
4 individuals. They have also determined that people over 65 years old, smokers, people
5 with compromised immune systems, and people who have serious chronic medical
6 conditions are at higher risk of contracting COVID-19. Therefore, they recommend that
7 people at higher risk avoid leaving their homes.
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9 In early May, Governor Newsom and the state Public Health Officer introduced a
10 Pandemic Resilience Roadmap. On May 7, 2020, the State Public Health Officer
11 announced that statewide data supported the gradual movement of the entire state into
12 Stage 2 of the Pandemic Resilience Roadmap. The Governor also outlined a process
13 where counties that met specific criteria could move more quickly than other parts of the
14 state through Stage 2 of the Stay-at-Home order. San Bernardino County availed itself
15 of that process, and on May 23, 2020, the state approved the County's request to
16 reopen businesses in accordance with the Pandemic Resilience Roadmap.
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19 Unfortunately, after the state permitted many counties to resume business
20 operations, the number of confirmed COVID-19 cases and hospitalizations in the state
21 increased significantly. Initially, the state attempted to address the rapidly escalating
22 number of COVID-19 cases on a county-by- county basis. On June 28, 2020, the
23 California Department of Public Health (CDPH) issued guidance setting forth the need
24 to close bars and similar establishments in counties that had been on the County
25 Monitoring List, which included counties that show concerning levels of disease
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1 transmission, hospitalizations, insufficient testing, or other critical epidemiological
2 markers, for 14 days. San Bernardino County was included on that list.

3 On July 1, 2020, CDPH issued guidance specific to counties on the County
4 Monitoring List — including San Bernardino County— requiring closure of the indoor
5 operations of various sectors, including restaurants, wineries, and certain entertainment
6 venues. Despite the state’s efforts to manage the continuing escalation of COVID-19
7 cases on a countywide basis, the numbers continued to rise causing the state Public
8 Health Officer to issue an order on July 13, 2020, mandating statewide closure of some
9 types of businesses, and/or imposing operational restrictions for other types of
10 businesses. Of the four levels of the risk established by the state, San Bernardino is still
11 included in the most concerning category – Widespread. Counties included in the
12 Widespread category have the highest daily rates of new cases and positive tests.
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15 The number of confirmed COVID-19 cases in San Bernardino County has
16 continued to increase at an alarming rate. After Thanksgiving, there was an
17 unprecedented rise in the increase of COVID-19 cases, hospitalizations, and positive
18 test results statewide, prompting the Public Health Officer to issue a Regional Stay at
19 Home Order on December 3, 2020, that required counties located in regions with less
20 than 15% ICU bed capacity to implement varying forms of stay-at-home requirements
21 and modified business operations for local businesses, places of worship, and schools.
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23 The Southern California region, which includes San Bernardino County, has less than
24 0% ICU bed capacity, and therefore San Bernardino County is subject to the new
25 Regional Stay at Home Order. When the court issued its previous general order
26 regarding criminal trials and preliminary examinations, the Southern California region,
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1 which includes San Bernardino County, had less than 0% ICU bed capacity, and
2 therefore San Bernardino County was subject to the Regional Stay Home Order. At that
3 time, the number of confirmed COVID-19 cases had increased from 107,928 to
4 234,871, representing an increase of more than 120% over approximately 30 days.

5 The Public Health Officer rescinded the Regional Stay Home Order on January
6 25, 2021, after projected ICU bed capacity statewide increased to more than 15%.
7 However, counties are still subject to the tier-based restrictions set forth in the State's
8 Blueprint for a Safer Economy and San Bernardino County is still included in the
9 Widespread tier of the Blueprint for a Safer Economy. Further, while ICU bed capacity
10 has increased statewide, it remains below the 15% threshold in Southern California. As
11 of February 11, 2021, ICU bed capacity in Southern California was only 10.6%.
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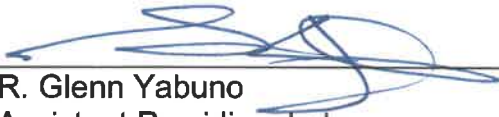
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14 As of February 17, 2021, there are 282,736 confirmed COVID-19 cases and
15 2,457 deaths in San Bernardino County. The continuing escalation in the number of
16 COVID-19 cases in San Bernardino County combined with court's efforts to comply with
17 the ongoing and rapidly escalating guidelines surrounding prevention of the spread of
18 COVID-19 continues to negatively affect the court's ability to provide adequate access
19 to court services and proceedings without substantially compromising the health and
20 safety of judicial officers, court staff, and most importantly, public visitors to our courts.
21 Further, the court is experiencing substantial practical challenges associated with
22 scheduling and managing criminal jury trials and other criminal-related proceedings.
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25 Consequently, after careful deliberation, the Presiding Judge has concluded that
26 extending last-day deadlines for criminal trials and preliminary examinations is
27 necessary under the present circumstances.
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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 February 17, 2021, Emergency Order; and Government Code Section 68115,
7 and HEREBY ORDERS AS FOLLOWS:
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- 9 1. Effective immediately, and in accordance with the Chief Justice's February
10 17, 2021, Order, the time for conducting criminal trials under Penal Code
11 section 1382 is extended up to an additional 30 days, applicable only to
12 cases in which the original or previously extended statutory deadline
13 otherwise would expire from February 19, 2021 through March 20, 2021,
14 inclusive. The court may conduct a trial at an earlier date, upon a finding of
15 good cause shown, or through the uses of remote technology, when
16 appropriate, and if feasible.
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18 2. Effective immediately, and in accordance with the Chief Justice's March 30,
19 2020 Statewide Order, the time period provided in section 859b of the Penal
20 Code for the holding of a preliminary examination is extended from 10 court
21 days to not more than 30 court days.
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25 Dated: February 18, 2021

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